

## TITLE REPORT TO WHOMSOEVER IT MAY CONCERN

**Name of Owner** : **SMT. SHAKUNTALA BEHARI PHERWANI.**  
Residing at: Jiwan Laxmi Estate, Plot No.133,  
Ghodbunder Road, Owala, Thane 400 607.

**Name of Promoters** : **M/S. SAGAR ENTERPRISE**  
Office address: 1305, Dev Corpora, Near Eastern  
Express Highway, Opp. Cadbury Junction, Thane  
(West) 400602, through partners **1) Mr. Tejas D. Jain** and **2) Mr. Nishit J. Mehta.**

### 1. DESCRIPTION OF THE SAID PROPERTY:

All that pieces and parcels of land bearing Survey No. 20 (Old Survey No. 133) admeasuring 3870 square meters, (corresponding RA number also known as Chalta No. 24A admeasuring 3896.4 square meters from and out Graph No. 2 for City Survey of Village Owala) lying, being and situate at Village Owala, Taluka and District Thane, within the Registration Sub-District and District - Thane, within the limits of Thane Municipal Corporation.

### 2. LIST OF DOCUMENTS PERUSED:

- a. Current 7/12 extracts.
- b. 7/12 extracts from 1951 onwards
- c. All relevant Mutation Entries.
- d. Enquiry Register of Village Owala.
- e. Search Report.
- f. Owners and Antecedents Title Deeds.

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g. Promoters' Title Deeds.

h. Permissions and Orders.

i. Public Notice dated 15/11/2016 published in Marathi newspaper namely Thane Vaibhav.

**3. OBSERVATIONS IN RESPECT OF REVENUE RECORD:**

**3.1 In respect of 7/12 extract:**

It appears from perusal of recent 7/12 extract that, the Said Property is owned by Mrs. Shakuntala Behari Pherwani. It appears from the perusal of 7/12 extracts from 1951 onwards that, the Said Property was originally owned by Ratanshi Premji Charitable Trust.

**3.2 In respect of 6 D mutation entries:**

**3.2.1** It appears from the perusal of revenue records that **mutation entry no. 70** is not available with the revenue authorities.

**3.2.2** It appears from the **mutation entry no. 464 dated 07/07/1951** that the Said Property and several other properties were declared as 'Tukda' (Fragment) in accordance with the provisions of Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

**3.2.3** It appears from the **mutation entry no. 674 dated 29/06/1957** that the name of Chintu Sakhya was recorded as Protected Tenant in the record of rights of the Said Property. His name was deleted from the record of rights as he was not cultivating the Said Property.

**3.2.4** It appears from the **mutation entry no. 817 dated 20/07/1958** that Mr. Dwarkadas Ratanshi executed Trust Deed dated January 24, 1958 in respect of Said Property and several other properties



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and thereby created trust in the name and style of "Late Ratanshi Premji Dharmday Trust". 1) Mr. Rasiklal Karsandas, 2) Mr. Narottam Keshavji, 3) Mr. Mohanlal Vishram, 4) Mr. Govardhandas Govindji and 5) Mr. Manik Vinayak Pathare were appointed as trustees for the said Trust. Accordingly their names were recorded as Trustees in the 7/12 extract.

**3.2.5** It appears from the **mutation entry no. 1286 dated 20/10/1967** that resolution was passed in the meeting held by the Trust on January 12, 1967, whereby names of previous Trustees 1) Mr. Rasiklal Karsandas, 2) Mr. Narottam Keshavji and 3) Mr. Vasantji Purshottam were deleted and the names of new trustees 1) Smt. Yesumati Dwarkadas, 2) Mr. Vasantji Govardhandas and 3) Mr. Chandrakant Manik were recorded in the 7/12 extract in respect of the Said Property and several other properties. The said entry was passed based on the application given by the Managing Trustee viz. Manik Vinayak Pathare.

**3.2.6** It appears from the **mutation entry no. 1323 dated 21/02/1970** that Marya Undrya Dandekar demised in or around the year 1966 leaving behind him his legal heirs two sons 1) Gangaram Marya Dandekar and 2) Yashwant Marya Dandekar.

**3.2.7** It appears from the **mutation entry no. 1326 dated 02/08/1970** that area and assessment of the Said Property and several other properties were converted into decimal system in accordance with provision of Bombay Weights and Measures (Enforcement) Act, 1958 and Indian Coinage Act, 1955.



**3.2.8** It appears from the **mutation entry no. 1431 dated 06/03/1974** that as per order no. 129/1974 dated February 28, 1974 passed by Charity Commissioner, the names of previous Trustees of Late Ratanshi Premaji Dwarkadas Trust i.e. 1) Mr. Rasiklal Karsandas Makhecha, 2) Mr. Narottam Keshavji, 3) Mr. Mohanlal Vishwas, 4) Mr. Govardhandas Govindji, 5) Mr. Manik Vinayak Pathare, 6) Mrs. Yesumati Dwarkadas, 7) Mr. Vasantji Govardhandas and 8) Mr. Chandrakant Manik Pathare were removed and the names of 1) Mr. Rasiklal Karsandas Makhecha, 2) Mr. Arvind Govardhandas Thakur, 3) Mr. Chandrakant Manik Owalekar, 4) Mrs. Kantaben Rasiklal Makhecha were recorded as Trustees in the 7/12 extract in respect of the Said Property and several other properties.

**3.2.9** It appears from the **mutation entry no. 1713 dated 09/09/1979** that Tahasildar and Agricultural Land Tribunal Thane have passed an order bearing no. VR 429 dated October 29, 1971 and thereby declared that Gangaram Marya Dandekar and Yashwant Marya Dandekar are not tenants of the Said Property. Accordingly, their names were removed from the record of rights.

**3.2.10** It appears from the **mutation entry no. 1790 dated 25/12/1983** that Ratanshi Premaji Charitable Trust through their Trustees, 1) Mr. Rasiklal Karsandas Makhecha, 2) Mr. Arvind Govardhandas Thakkar, 3) Mr. Chandrakant Manik Owalekar and 4) Smt. Kantaben Rasiklal Makhecha have conveyed and transferred the Said Property in favour of Smt. Kunjikav Menon on 25/12/1983.

**3.2.11** It appears from the **mutation entry no. 1813 dated 25/05/1985** that Smt. Shakuntla B. Pherwani purchased the Said Property from



Smt. Kunjikav Menon by executing Conveyance Deed dated March 14, 1985, which is duly registered with the Sub registrar of Assurances, Thane at serial number TNN1/868/1985.

**3.2.12** It appears from the **mutation entry no. 2921 dated 02/06/2009** that as per the letter bearing no. ULC/TA/ATP/Sec. 20/21 dated March 25, 2009 of Addl. Collector and Competent Authority, Thane Urban Agglomeration and the order bearing no. MAHSUL Kaksh-1/Te-3/SR605/2009 dated May 27, 2009 of Tahsildar, Thane, the portion admeasuring about 2825.12 Sq. Meters out of the Said Property has been declared as an excess land under the provisions of Urban Land (Ceiling and Regulation) Act 1976 and Special Land Dispensation Scheme has been sanctioned by the competent authority, Thane, Urban Agglomeration.

**4. IN RESPECT OF EXTRACT FROM ENQUIRY REGISTER:**

It appears from the perusal of extract from the Enquiry Register of Graph No. 2 of Village Owala that land bearing Old Survey No. 133 has been surveyed by department of Land Records and Said Property forms part of Owala City Survey.

**5. IN RESPECT OF SEARCH REPORT:**

- a) Search Report issued by Mr. Pradip Patil, Searcher, is based on search carried out in the office of Sub-Registrar of Assurances at Thane I, II and V, for the period of year 1961 to 2010 (16/10/2010) was placed before me.
- I) Record for the year 1978 to 1982, 1984, 1987, 1992, 1993 and 1997 is unavailable as the pages in the register are torn. Record for

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the year 1999 to 2001 is sent to Data Entry. No entries are recorded for the Years 1961 to 1977, 1986, 1988 to 1991, 1994 to 1996, 1998, 2002, 2003 and 2005 to 2009. Index is not ready for the year 2010.

- II) Relevant transactions were recorded for the Years 1983 and 1985.
- III) Apart from the documents referred in the present title report, no other transactions are traced for rest of the years from 1961 to 2010 (16/10/2010).
- b) Search Report issued by Mr. Vishal Gaikwad, Searcher, is based on search carried out in the office of The Sub-Registrar of Assurances at Thane, Old Custom I, II, V, VII, VIII, IX, X, XI, XII and XIII, for the period of year 1997 to 2017 was placed before me. No entries are traced for the Years 1997 to 2017 (31/10/2017) apart from the Agreement mentioned in the present report.

**6. IN RESPECT OF TITLE DEEDS:**

**6.1 Promoters Title Deeds:**

**a) Agreement to Sell:**

Smt. Shakuntala B. Pherwani in confirmation with 1) Mr. Behari J. Pherwani and 2) Mr. Kishor Behari Pherwani have agreed to sell the Said property in favour of Promoters by executing Agreement to Sell dated October 26, 2017, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/12457/2017.



**b) Power of Attorney:**

Smt. Shakuntala B. Pherwani in confirmation with 1) Mr. Behari J. Pherwani and 2) Mr. Kishor Behari Pherwani have executed Power of Attorney dated October 26, 2017 in favour of Promoters. The said Power of Attorney is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/12458/2017.

**6.2 Owner's Title Deed:**

**Conveyance Deed:**

Smt. Kunjikav Menon has conveyed and transferred the said Property in favour of Smt. Shakuntala B. Pherwani by executing Conveyance Deed dated March 14, 1985, which is duly registered with the Sub Registrar of Assurances, Thane at serial number TNN1/868/1985.

**6.3 Antecedents Title Deed:**

**Conveyance Deed:**

Ratanshi Premaji Charitable Trust through its trustees sold and transferred the Said Property in favour of Smt. Kunjikav Menon by executing Deed of Conveyance dated December 25, 1983, which is duly registered with the Sub Registrar of Assurances, Thane at serial number TNN1/2494/1983.

**7. IN RESPECT OF VARIOUS PERMISSIONS AND SANCTIONS:**

**7.1 In respect of Permission U/s 20(1) (a) of ULC Act:**

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The Addl. Collector and Competent Authority Thane Urban Agglomeration, Thane passed necessary scheme in respect of Said Property under the provisions of Section 20(1)(a) of ULC Act on November 28, 2003 vide Order No. ULC/TA/W.S.H.S./20/ Special Dispensation Scheme/SR-1367, subject to the terms and conditions provided therein. The Additional Collector and Competent Authority Thane Urban Agglomeration, Thane passed an order for amendment of abovementioned scheme on May 17, 2010 vide no. ULC/TA/WSHS/20/SR-1367 and thereby directed the Owner to surrender 5% of built up area to be constructed on total area under scheme admeasuring 2825.12 square meters to the Government Nominees. The Owner shall be required to obtain necessary extension from the Government for implementation of abovementioned scheme.

**7.2 In respect of permission for Non-Agricultural use:**

The Additional Tahasildar (N.A.) Thane-1 passed an Order under Section 45 and 114 of Maharashtra Land Revenue Code, 1966 on January 17, 1989 and thereby permitted non-agricultural use of the Said Property for the terms and conditions contained therein.

**7.3 In respect of Development Permission:**

Thane Municipal Corporation has granted Development Permission vide V.P. No. S06/0130/12 TMC/TDD/2495/18 dated January 25, 2018 in respect of Said Property for construction of 2 buildings viz. Building No. A consisting of Stilt + 1<sup>st</sup> Floor, Building No. B



consisting of Stilt + 1<sup>st</sup> to 14<sup>th</sup> Floor and Club House consisting of Gr. Floor + 1<sup>st</sup> Floor.

**7.4 In respect of Commencement Certificate:**

- a. Thane Municipal Corporation has issued amended Development Permission/Commencement Certificate vide V.P. No. S06/0130/12 TMC/TDD/3032/19 dated March 29, 2019 in respect of Said Property for construction of 2 buildings viz. Building No. A consisting of Stilt + Podium + 1<sup>st</sup> Floor, Building No. B consisting of Stilt + Podium + 1<sup>st</sup> to 14<sup>th</sup> Floor and Club House consisting of Gr. Floor + 1<sup>st</sup> Floor.
- b. Thane Municipal Corporation has granted Commencement Certificate vide V.P. No. S06/0130/12 TMC/TDD/3057/19 on April 30, 2019 for carrying construction on the Said Property in respect of Building A consisting of Stilt + Podium + 1<sup>st</sup> floor, Building No. B consisting of Stilt + Podium + 1<sup>st</sup> floor to 14<sup>th</sup> floor, Club House consisting of Ground floor + 1<sup>st</sup> floor.

**8. PAPER NOTICE:**

As a part of due diligence we had caused to be published Notice inviting claims on November 15, 2016 in respect of Said Property in local Marathi newspaper namely Thane Vaibhav. We have not received any objection in respect of the said Public Notice till date.

**9. CONCLUSION:**

- 9.1 On behalf of the Owner and Promoters we have verified the title of the Owner and rights of the Promoters to the Said Property on



request of the Promoters to ascertain the status of the Said Property.

- 9.2** We have perused the certified copies and plain copies of document of title relating to the property which are known to us to be relevant for the purpose of this Certificate.
- 9.3** We have been provided search reports with the Sub Régistrar of Assurances for the period of 1961 to 2017 (up to 31/10/2017). Therefore opinions and observations shall be qualified and restricted to the said period and also to the extent of availability of record only, as it appears that in some of the cases record is unavailable.
- 9.4** The opinion with respect to the title is formed on basis of examination of the searches and inquiries to the extent of documents provided for perusal which are attached herewith.
- 9.5** It appears from the perusal of available record that Owner has clear title to the Said Property and Promoters are well and sufficiently entitled to carry out construction of building in the Said Property and to sell and transfer the premises constructed therein subject to the compliances mentioned in the present report.

Date: 02/05/2019

Place: Thane



**For Prasanna Mate & Associates**

*Supriya*  
**Adv. Supriya Shinde Somoshi**

