

# VISHAL. V. JAJU

(Advocate, High Court, Bombay)

B. Com., LL.B.

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## TITLE CUM SEARCH REPORT

### TO WHOMSOEVER IT MAY CONCERN

Ref.: In respect of Plot No. 36/1,  
Sector – 8A, Airoli, Navi Mumbai,  
hereinafter referred to as the “SAID  
PLOT”.

I, under the instructions of my client, MIRZA HOMES PVT. LTD., a Company registered under the Companies Act, having its registered office at Shop No. 2, Mirza Valley, Plot No. 61/5, Sector – 23, Seawoods, Nerul, Navi Mumbai – 400706, through its Director and Authorised Signatory MR. BHASKAR SINGAYYA MATLAPURKAR, investigated the title of Plot bearing No. 36/1, admeasuring about 249.550 Sq. Mtrs., situated at Sector – 8A, Village- Owe, Airoli, Navi Mumbai, hereinafter referred to as the “SAID PLOT” and the said Plot is more particularly described in the Schedule written hereunder.

1. The said Plot is in the limits of area of the City and Industrial Development Corporation of Maharashtra Ltd., (hereinafter referred to as the “CIDCO”), a company within the meaning of the Companies Act, 1956 having its registered office at 2<sup>nd</sup> Floor, Nirmal, Nariman Point, Mumbai and in the limits of revenue district of Thane and within the municipal area of Panvel Municipal Corporation.
2. The CIDCO has been declared as a New Town Development Authority under the provisions of sub-Section 3-A of section 113 of Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act No. XXXVIII of 1966 (hereinafter referred



to as the said Act) for the New Town of New Bombay by Government of Maharashtra in exercise of its powers for the area designated as site for the New Town under Sub- Section (i) of Section 113 of the said Act.

3. By virtue of being the Development Authority, the CIDCO has been empowered under Section 118 of the said Act to dispose off any land acquired by it or vested in it in accordance with the proposal approved by the State Government under the said Act.

The following documents are produced before me by MIRZA HOMES PVT. LTD. for my inspection.

- a. Copy of an Agreement to Lease dated 13<sup>th</sup> December, 2011.
- b. Copy of Tripartite Agreement dated 7<sup>th</sup> November, 2011.
- c. Copy of Tripartite Agreement dated 1<sup>st</sup> March, 2013.
- d. Copy of Commencement Certificate dated 21<sup>st</sup> August, 2018 bearing No. NMMC / TPD / BP / Online No. 20181CNMMC13763 / 3425 / 2018.

Except the above mentioned documents, no other documents are produced before me by MIRZA HOMES PVT. LTD..

My observations and remarks in respect of the document made available to me for my inspection in respect of properties under Search are as under:-

1. It is revealed from an Agreement to Lease dated 13<sup>th</sup> December, 2011 that the same is executed between the City and Industrial Development Corporation of Maharashtra Ltd. (CIDCO) & 1) Shri. Kamlakar Ganpat Patil, 2) Shri. Subhadra Raghunath Patil, 3) Pandurang Shripat Patil, 4) Walmik Shripat Patil, 5) Vishnu Shripat Patil, 6) Vilas Shripat Patil, 7) Ramnath Ramchandra Patil, 8) Laxman Ramchandra Patil, 9) Sunanda Tukaram Patil 10) Smt. Janabai Vasudeo Patil (hereinafter referred to as the "Original Lessees"), under which the said CIDCO has granted to the said Original Lessees a license to enter on Plot bearing no. 36/1, admeasuring about 249.55 Sq. Mtrs. at Sector -8A, Airoli, Navi Mumbai (hereinafter referred to as the "said Plot") with a right and purpose of erecting



residential & commercial building on the said plot the same as permissible under General Development Control Regulations for New Bombay, 1975. The said Agreement to Lease made and executed between the parties is duly stamped and registered before the Joint Sub Registrar of Assurances, Thane - 9 at Serial No. 4722 - 2011 dated 15.12.2011.

2. It is revealed from the said Tripartite Agreement dated 7<sup>th</sup> November 2011 that the same is executed by and between the CIDCO as the First Part and Original Lessees of the Second part & M/s. Rainbow Constructions as the New Licensee of the Third Part. Under the said Agreement the CIDCO has granted approval and license to the M/s. Rainbow Constructions (hereinafter referred to as the "Promoter") the right to enter on the said Plot for a period of 60 years with a right to develop the same as permissible under General Development Control Rules for Navi Mumbai, 1975. The said Tripartite Agreement was duly registered with the Joint Sub Registrar of Assurances, Thane - 8 at Serial No. 08275 - 2012 on 07/11/2012.
3. It is revealed from the said Tripartite Agreement dated 1<sup>st</sup> March, 2013 that the same is executed by and between the CIDCO as the First Part and the said M/s. Rainbow Constructions of the Second part & M/s. Mirza Homes Pvt. Ltd. as the New Licensee of the Third Part. And under the said Agreement, the CIDCO has granted approval and license to the said M/s. Mirza Homes Pvt. Ltd. (hereinafter referred to as the 'Owner") the right to enter on the said Plot for a period of 60 years with a right to develop the same as permissible under General Development Control Rules for Navi Mumbai, 1975. The said Tripartite Agreement was duly registered with the Sub Registrar of Assurances, Thane - 6 at Serial No. 01030 - 2013 on 01/03/2013.
4. It is revealed from the said Commencement Certificate dated 21<sup>st</sup> August, 2018 bearing No. NMMC / TPD / BP / Online No. 20181CNMMC13763 / 3425 / 2018 that the Navi Mumbai Municipal Corporation has approved the plans and specifications of the building to be constructed on the said Plot and granted Commencement Certificate dated 21<sup>st</sup> August, 2018 bearing No. NMMC/TPD/BP/Online No. 20181CNMMC13763/ 3425 / 2018 for development



and construction of Residential Building consisting Ground + 3 Floors comprising of 6 units on the said plot with FSI 1.

I had also taken the search of Index-II Register from 2011 to till date (8 Years) in the office of Sub – Registrar Saheb, Thane –III, VI, VIII, IX and XI, through my search clerk Mr. Vijay Kalantre and detailed Search Notes are as under :

**NOTES:-**

**THANE -3, VASHI**

**REPORT**

2011 to 2014 : Available Index-II are checked  
2015 to 2017 : Some Index-II Not Ready  
January 2018 till date : Index-II Not Ready

**THANE -6, CBD Belapur**

**REPORT**

2011 to 2012 : Available Index-II are checked  
2013 : Available Index-II are checked-Entry  
2014 : Available Index-II are checked  
2015 to 2017 : Some Index-II Not Ready  
January 2018 till date : Index-II Not Ready

**THANE-8, KoparKhairane**

**REPORT**

2011 : Available Index-II are checked-Entry  
2012 to 2014 : Available Index-II are checked  
2015 to 2017 : Some Index-II Not Ready  
January 2018 till date : Index-II Not Ready

**THANE -9, Kalwa**

**REPORT**

2011 : Available Index-II are checked-Entry  
2012 to 2014 : Available Index-II are checked  
2015 to 2017 : Some Index-II Not Ready  
January 2018 till date : Index-II Not Ready



**THANE -11, Nerul****REPORT**

2011 to 2014	:	Available Index-II are checked
2015 to 2017	:	Some Index-II Not Ready
January 2018 till date	:	Index-II Not Ready

The transaction details which found in the Search are mentioned as under :

1. Document No. 4722/2011 registered on 15/12/2011 is an Agreement to Lease for Plot No. 36/1, Sector No.8A, admeasuring 249.55 Sq. Mtrs. is recorded in the name of Shri. Kamlakar Ganpat Patil & others in records of Sub Registrar Thane-9. The Seller is CIDCO Ltd. The Value is Rs. 17,500/- and the stamp duty paid is Rs.1,200/-.
2. Document No.8275/2011 registered on 07/11/2011 is a Tripartite Agreement for Plot No.36/1, Sector No.8A, admeasuring 249.55 Sq. Mtrs. is recorded in the name of M/s. Rainbow Constructions through its partners in records of Sub Registrar Thane-8. The Sellers are Shri. Kamlakar Ganpat Patil & others and CIDCO Ltd. The Value is Rs. 1,01,82,000/- and the stamp duty paid is Rs.5,09,100/-.
3. Document No.1030/2013 registered on 01/03/2013 is a Tripartite Agreement for Plot No.36/1, Sector No.8A, for admeasuring 249.55 Sq. Mtrs. is recorded in the name of M/s. Mirza Homes Pvt. Ltd. through its director Abdul Khalid Beg Warsi in records of Sub Registrar Thane - 6. The Seller is M/s. Rainbow Constructions and CIDCO Ltd. The Value is Rs. 1,33,00,000/- and the stamp duty paid is Rs.6,66,500/.

We have taken search of Index-II Register in respect of the said Plot pertaining to the period of last 8 years from 2011 to 2018 (till date) lying in the offices of Sub-Registrar Saheb of Assurances at Thane III, VI, VIII, IX and XI and after perusal of all relevant title, records available on "As as is where is basis", I have not found any entry recording any transaction of sale, gift, exchange, lease, assignment, Mortgage, Charge or otherwise in respect of the said Plot as mentioned hereinabove. This search is subject to available records provided at respective Sub Registrar's office.

Therefore, in my opinion, the title of the present Owner M/s. Mirza Homes Pvt. Ltd. in respect of the Plot bearing No. 36/1, admeasuring about 249.550 Sq. Mtrs., situated at Sector - 8A, Airoli, Navi Mumbai, is free from all encumbrances & Charges, beyond reasonable doubts and the said M/s. Mirza Homes Pvt. Ltd. is well and sufficiently entitled to the said Plot, subject to the terms and conditions laid in the said Agreement to Lease.

Date :- 18<sup>th</sup> December, 2018

Place : Vashi



*Vishal*  
18.12.18

**Adv. Vishal V. Jaju**  
(Advocate, High Court, Bombay)