

PANKAJ B. TIWARIBA. LLB.
Advocate High Court

Mobile No.9322004014

01A, ground floor, Dasl

CHS Ltd., Prabhuram Nagar, Kater

, Kalyan (E), Dist. Thane

Ref. No

/2011

Date: 29/08/11


TITLE CERTIFICATE**TO WHOMSOEVER IT MAY CONCERN**

f: ALL THAT PIECE AND PARCEL of open land property bearing Survey no. 33 Hissa no. 4/1, admeasuring ground land area 5510 sq.mtrs. of revenue mouje Katemanevali, Tal. Kalyan, Dist. Thane more particularly within the local limits of Kalyan Dombivili Municipal Corporation, within the registration & sub-registration

Extract of the scheduled property duty issued by Talathi Saja, Katamanevali, Taluka Kalyan, Dist. Thane.

2. Extract of Mutation Entries relating to the above 7/12 extracts duly issued by Talathi Saja, Katemanevai, Taluka Kalyan, Dist. Thane.
3. Search Reports dated 29th day of August, 2011 issued by Advocate Mrs. Kavita S. Shah in respect of the property mentioned in schedule.
4. Copy of the Sale Permission bearing outward no. TD/Te.6/Ku.V/Kalyan/VP/SR/160/2010 dated 3/11/2010 issued by Sub-Divisional Officer Thane in respect of the referred property in the name of Shri Kalpnath R. Barai.
5. The copy of Release Deed dated 25/11/10 registered with the office of the Sub-Registrar Kalyan at vide document serial no. KLN2-11311-2010 dated 29/11/10.

6. The copy of Conveyance Deed dated 24th December, 2010 registered with the office of the Sub-Registrar Kalyan at vide Document No. KLN-2 - 12424 dated 24/12/2010.
7. The copy of the Irrevocable Power of Attorney of Shri Kalpnath Ramanarayan Barai in favour of Shri Amitkumar Deeparayan Barai. The document shows seal and signature of Advocate Notary Shri Sanjeev Kr.C.Mishra dated 15/1/2011.
8. The copy of Development Agreement executed by Shri Amitkumar Deepnarayan Barai for himself and for Shri Kalpanath Ramnarayan Barai to as his attorney in the name of partnership firm M/s. Sai Shakti Developers registered with the office of the Sub-Registrar Kalyan at vide Document No. KLN2 - 01658 dated 14/2/2011 for portion of land property admeasuring are 3152.90 sq.yards equivalent to 2636.25 Sq.mtrs. shown under development plan of the Kalyan Dombivali Municipal Corporation under Residential Zone.
9. The copy of Power of Attorney executed by Shri Amitkumar Deepnarayan Barai for himself and for Shri Kalpanath Ramnarayan Barai to as his attorney in the name of partnership firm M/s. Sai Shakti Developes registered with the office of the Sub-Registrar Kalyan at vide Document No. KLN2 -01659 dated 14/2/2011 for portion of land property admeasuring area 3152.90 sq.yards equivalent to 2636.25 Sq.mtrs. shown under development plan of the Kalyan Dombivali Municipal Corporation under Residential Zone.
10. Public Notice published in News Paper daily 'LOKMAT' dated 21/2/2011 in respect of land property mentioned in schedule i.e. Survey No. 33, Hissa No. 4/1, mouje Katemanevali, Taluka Kalyan, Dist. Thane.
11. Copy of Certificate dated 30/6/2011 issued by Architect Shri D.M. Dalvi of Kalyan proprietor of M/s. Dalvi & Associates to confirm the portions of the land area of the referred property falling under categories or zone as per development plan of Kalyan Dombivali Municipal Corporation.
12. Copy of Coloured Map dated 30/6/2011 drawn by Architect Shri D.M. Dalvi of



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Kalyan proprietor of M/s. Dalvi & Associates showing exact location of various categories of zone of Kalyan Dombivali Municipal Corporation in which the referred property is falling.

13. The copy of Agreement for Sale executed by Shri Amitkumar Deepnarayan Barai and Shri Kalpnath Ramnarayan Barai in the name of Vision Education & Charitable Trust (registered public trust bearing PTR No. E-27925(Mumbai) registered with the office of the Sub-Registrar Kalyan at vide Document No. KLN2 - 07096-2011 dated 1st July, 2011 for portion of reserved School Plot area admeasuring 17944 sq.ft.
14. The copy of the Irrevocable Power of Attorney executed by Shri Amitkumar Deepnarayan Barai and Shri Kalpnath Ramnarayan Barai in the name of Vision Education & Charitable Trust (registered public trust bearing PTR No. E-27925(Mumbai) with the office of the Sub-Registrar Kalyan at vide Document No. KLN2 - 07097-2011 dated 1st July, 2011 in respect of the schedule property.
15. The copy of Deed of Trust Deed of Vision Charitable Trust dated 30th November, 2011. This document notarized before Shri Harkishan B. Sharma.

WHEREAS, Vision Education & Charitable Trust (registered public trust) trustees and Partner of M/s. Sai Shakti Developers separately approached me to verify and examine the marketability of the referred land property mentioned here above in schedule. They furnished and provided the copies of the relevant documents to the title of the referred land property for my perusal mentioned here above 1 to 16. I have gone through and perused carefully the above mentioned documents and I have collected information and details from the trustees of Vision Education and Charitable Trust about the function and objects of the trust and the trustees stated before me that they have agreed to purchase a part of land from the schedule property for the purpose of construction of the school/college building on the reserved portion of the land as per plan, design and specification to be sanctioned by the Kalyan Dombivali Municipal Corporation.


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AND WHEREAS, the partner of M/s. Sai Shakti Developers informed to me that they have acquired development right a portion of land which are under residential zone of the Kalyan Dombivali Municipal Corporation and they have undertaken to develop the said portion of land in accordance to the law and prevailing development control rules of the Kalyan Dombivali Municipal Corporation.

AND WHEREAS, after collecting the material information from the above named parties who require jointly certificate of marketability of the referred property from me. I have also read and perused the Search Reports issued by Mrs. Kavita S. Shah Advocate High Court. The Search Reports of Mrs. Kavita S. Shah depict that, she has personally taken search of registers and records maintained by the Sub-Registrar of Assurances Kalyan before issuing the Search Reports for comprising period more than 30 years. The Search Reports depict some of the transactions about the referred properties. The copies of transactions reported in the Search Reports are produced before me for my perusal.

AND WHEREAS, the documents which are mentioned here above, are relevant to the title of the referred property and therefore I am dealing with relevancy of each documents for the purpose of title. I have perused 7/12 extract of the referred property. The referred property is as at present agricultural open land and the said extract clearly shows that the property stand in possession and occupation of Shri Kalpnath Ramnarayan Barai and Shri Amitkumar Deepnarayan Barai.

AND WHEREAS, said Shri Shaniwar Gopal Pawshe obtained permission to get relaxed the condition imposed under section 43 of Bombay Tenancy & Agricultural Land Act, 1948 from

Sub-Divisional Officer Thane as required under section 43 of the said Act and accordingly the revenue authority relaxed the said condition by making mutation in the register and records of the referred property more particularly by mutation entry no. 2754 of revenue mouje Katemanivali, Taluka Kalyan, Dist. Thane.

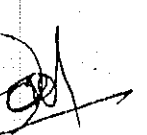

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AND WHEREAS, the mutation entry no. 2760 of revenue mouje Katemanevali, Taluka Kalyan, Dist. Thane depicts that by Deed of Release dated 29/11/2010 Smt. Anibai Pandurang Bhandari, Shri Abhijit Pandit Pawshe, Smt. Gunjibai Jagannath Lokhande, Smt. Alka Pandit Pawshe, Smt. Varsha Pandit Pawshe, Shri Sagar Pandit Pawshe, Smt. Parvati Gopal Pawshe alias Parvati Sakharam Madvi, Smt. Meena Murli Joshi, Smt. Suman Namdeo Gaikwad, Smt. Vithabai Gajanan Pawshe and Sou, Kalpna Gajanan Pawshe released, transferred and relinquished their undivided rights vested and demised in the referred property to one of the coparcener namely Shri Shaniwar Gopal Pawshe without consideration. Accordingly, by effect of the mutation entry no. 2760 and Release Deed dated 29/11/2010 said Shri Shaniwar Gopal Pawshe became absolute owner of the referred property.

AND WHEREAS, Shri Shaniwar Gopal Pawshe sold and conveyed the referred property for consideration to Shri Kalpnath R. Barai and Shri Amitkumar D. Barai by Conveyance Deed Dated 24/12/2010. The mutation entry no. 2770 of revenue mouje Katemanevali, Taluka Kalyan, Dist. Thane depicts that the effect of the said Conveyance Deed dated 24/12/2010 has been brought in the revenue records of right and by said mutation Shri Kalpnath R. Barai and Shri Amitkumar D. Barai Shri Shaniwar Gopal Pawshe become owners of the said referred property.

AND WHEREAS, Shri Kalpnath R. Barai executed Power of attorney in the name of his co-sharer Shri Amitkumar D. Barai for the referred property and by the said power of attorney empowered to act on his behalf of also. Accordingly, Shri Amitkumar D. Barai got information from Architect that part of the referred property is under residential Zone of Kalyan Dombivali Municipal Corporation and part of the property are under reservation. Accordingly, Shri Amitkumar D. Barai handed over and granted development right of portion of land which is falling under residential Zone of the Kalyan Dombivali Municipal Corporation to M/s. Sai Shakti Developers and further power of attorney also came to be executed in the name of the said M/s. Sai Shakti Developers. The documents for the same are referred


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above. The said documents are duly registered as per the provisions of the Registration Act and due stamp duty are also paid on the said instruments as required under the provisions of Bombay Stamps Act.

AND WHEREAS, the owners of the referred property Shri Kalpnath R. Barai and Shri Amitkumar D. Barai decided to hand over the reserved portion of the land to a Educational Institution and accordingly a public notice in Daily News Paper 'Lokmat' came to be published on 21/2/2011 and by the said notice objections if any to the title of the said referred property is called upon. However, no one made any claim and or objection to the title of said property and right of the said owners.

AND WHEREAS, after public notice, the trustees of Vision Education & Charitable Trust approached to the owners above named for purchasing the portion of open land area reserved for school under development plan of the Kalyan Dombivali Municipal Corporation. The Architect Shri D.M. Dalvi proprietor of D.M. Dalvi & Associates issued certificate on 30/6/2011 after perusal of the development plan of the Kalyan Dombivali Municipal Corporation and by the certificate it has been revealed that area admeasuring area 1667.40 sq.mtrs. is reserved for school under draft development plan of the Kalyan Dombivali Municipal Corporation. Accordingly, the owners executed agreement for sale for the said area of the school purposes to Vision Education & Charitable Trust on 1st July, 2011 and pursuance thereof irrevocable power of attorney also came to be executed in the name of the trust. The copy of the plan showing the school reservation is also annexed with the said agreement for sale. Therefore, the portion of the land, which are shown under residential zone is given to M/s. Sai Shakti Developers for development as per Town Planning Rules and Regulation of the Kalyan Dombivali Municipal Corporation and the portion of the land which are shown under school reservation is given to Vision Education & Charitable Trust.

AND WHEREAS, the owners and developers of the referred property jointly stated before me on oath that the said property is not subject matter of any dispute and or litigation and the owners and developers have not been restrained to develop the referred land property in accordance to the law. The owners and



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developers above named of [redacted] property have stated before me that there is [redacted] and or any outstanding pending and the said property [redacted] subject matter of any lien, charge or security. They jointly stated that, the referred subject land is free from charge, lien, dispute, litigation and or any encumbrances. I have also not found any encumbrances over the said land.

On aforesaid disclosures, I have no hesitation to give my opinion that the Property mentioned in schedule hereinabove are having clear and marketable title and the developer M/s. Sai Shakti Developers have right to develop the portion of land situated under residential zone of the draft development plan of the Kalyan Dombivali Municipal Corporation as per Rules and Regulations and further I have no hesitation to give my opinion that the referred portion of the land for school reservation is validly transferred for consideration to Vision Education & Charitable Trust and Vision Education & Charitable Trust paid the consideration to the owners and the owners have accepted and admitted the same and thereby Vision Education & Charitable Trust is competent in law to use the said portion of the land for running and conducting school and school activities for which the same is reserved by the Kalyan Dombivali Municipal Corporation under their Draft Development Plan. The above named parties are required to follow and obey the procedures of the Development Control Rules and Regulation and other allied Rules and Regulations for the purposes which they have acquired the right under the documents mentioned here above.

Hence this Title Certificate issued under my seal and signature on 29th day of August, 2011.


29/08/11

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Advocate High Court
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