

M. Tripathi & Co.

ANNEXURE

Advocates High Court

237-238, 2nd Floor, Big Splash, Sector-17, Vashi, Navi Mumbai 400705

Phone : 2723 1253, 2513 1161 & Fax : 2797 2023

E-mail : tripathim@rediffmail.com

Mrs. Mansa A. Tripathi

B. Com., C.A.

Services

Devendra Tripathi B. Com., C.A.

Chartered Accountants of India

Mitter & Mitter Co.

Advocates, Supreme Court

21, Langar, Chandra, Supreme Court

New Delhi 110 001. Phone : 2212 212

TO WHOMSOEVER IT MAY CONCERN

Ref All that pieces and parcels of lands bearing Survey No. 19 Hissa No. 1, 3, 8, 9, 11 to 13, 16 to 24, 26 to 31, 15, Survey No. 20 Hissa No. 4, 9, 3, 5 & 7, Survey No. 21 Hissa No. 20, 21, 10, 12, 14, 16, 19, Survey No. 22 Hissa No. 7, 1, Survey No. 23 Hissa No. 2A, 3A, 4 all lying being and situate at Mauje Vadavil, Taluka - Thane, District - Thane containing by admeasurement an area of around 23 acres.

M/S. HAWARE ENGINEERS AND BUILDERS PRIVATE LIMITED

a company duly incorporated under the Indian Companies Act, 1956 and having its registered office at 413-416, Varadhanan Market, Sector-17, Vashi, Navi Mumbai (hereinafter called "THE PROMOTERS") have placed in our hands, the papers pertaining to the aforesaid properties. On the basis of the said papers, we have to state as under:

- (a) One Shri. Janardhan Atmaram Patil, was seized and possessed off and/or otherwise well and sufficiently entitled to the various contiguous pieces and parcels of lands admeasuring in all 104878/98 sq. mtrs., lying being and situated at Mauje Kasarvadavil, Taluka and District - Thane more

Annexure to No. 265,

Legal Notice, 200 (10th Floor), Big Splash, Sector-17, Vashi, Navi Mumbai - 400705

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237-238, BIG SPLASH, SECTOR - 17,

VASHI, NAVI MUMBAI - 400 705

particularly described in the First Schedule hereunder written and briefly detailed in the descriptions of the property. The said properties are hereinafter referred to as the "SAID LANDS".

- (b) By Oral Agreement 14th December, 2005 Shri Janardhan Atmaram Patil agreed to sell the said lands to the Promoters where after the disputes and differences arose between the said Shri. Janardhan Atmaram Patil and the Promoters herein leading to the filing of the suit by the Promoters bearing Suit No. 244 of 2006 before the Hon'ble Civil Judge, Senior Division, Thane for the specific performance of the said Oral Agreement.
- (c) Pending the hearing of the said suit, the said Shri. Janardhan Atmaram Patil and the Promoters herein reached out of court settlement and consequently filed a Consent Terms dated the 9th October, 2006 in the said suit whereupon the Hon'ble Court passed the decree dated the 9th October, 2006.
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- (d) Under Cl. (10) of the said Consent Terms the said Shri Janardhan Atmaram Patil and ors undertook to the Hon'ble Court to convey the said lands to the Promoters or to this nominee/s on the terms and conditions and for the consideration as set out therein.
- (e) Pursuant to Cl.12 of the said Consent Decree, the said said Shri. Janardhan Atmaram Patil and his other family members i.e. Shri. Bhushan Janardhan Patil, Smt. Sulochana Janardhan Patil, Smt. Rukmini Janardhan Patil, Shri. Pradep Janardhan Patil and Pratibha Janardhan Patil executed the Development Agreement dated 10th July, 2006 in favour of the Promoters authorizing them to develop the said plot and agreeing to ultimately transfer the said land in favour of the Cooperating Housing Society or the Company that may be formed by the Promoters under the Provision of Maharashtra Ownership Flats Act.
- (f) Pursuant to Cl.9 of the said Consent Decree, the said Shri. Janardhan Atmaram Patil and his family members executed Power of Attorney dated 23rd June, 2006 in favour of the Promoters empowering them to do all acts, deeds, and things that they are required to be done for developing the said lands and selling the flats/shops their under Maharashtra Ownership of Flats Act.

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- (g) The Collector, Thane Municipal Corporation under Urban Land (Ceiling and Regulation) Act, 1976 by orders dated the 31st July, 2006, 11th September, 2006, 16th November, 2006 and 24th January, 2007 granted exemption under the said Act for the development of the said land as per the scheme approved..
- (h) The Thane Municipal Corporation granted the development permission, issued three Commencement Certificates all dated the 12th October, 2009 and approved the plans for the construction under Section 45 of Maharashtra Regional Town Planning Act,
- (i) The Director of Sanjay Gandhi National Park by his letter dated the 9th May, 2007 informed the Promoters that the said lands are not forming the part of the forest area.
- (j) That the Collector Thane granted the permission under Section - 44 of Maharashtra Land Revenue Code for the non agricultural use of the said lands.
- (k) In view of whatever has been stated hereinabove the Promoters are entitled to the conveyance of the said lands in their favour or in favour of their nominees as per the Consent Decree dated the 9th October, 2006. The Promoters are presently developing the said lands by the constructing building thereon as per the development permission, commencement

certificate and approved plans for selling the flats/shops to the prospective purchasers under the provisions of Maharashtra Ownership of Flats Act.

- (1) One Shri. Mahendra Deepchand Jain filed a Suit being Special Civil Suit No. 468 of 2007 before the Hon'ble Civil Judge (S.D), Thane claiming that his father late Shri. Deepchand Jain and three others had agreed to purchase the said land in the year 1969 by Agreement dated the 26th May, 1969 and prayed for certain declarations and injunction against the promoters from proceeding with the construction and/or selling flats or creating third party rights.
- (1-i.) The Hon'ble Trial Court by order dated the 10th November, 2008 rejected the injunction application of the Plaintiff, Shri. Mahendra Deepchand Jain.
- (1-ii.) Mr. Mahendra Deepchand Jain then impugned the order of the Trial Court dated the 10th November, 2008 before the Hon'ble High Court in Appeal from Order No. 186 of 2009 which also came to be dismissed by Order dated the 4th May, 2009.
- (1-iii.) Mr. Mahendra Deepchand Jain then impugned the order of the Hon'ble High Court before the Hon'ble Supreme Court of India in SLP No. CC 12442 of 2009 which came to be dismissed as withdrawn.

(1-4-11) The Promoters, therefore, have rights to carry out the construction of all the flats/shops/tenements so constructed without any let or hindrance.

(m) In accordance with the plans sanctioned by the Thane Municipal Corporation, the Promoters are developing the said properties described in the First and Second Schedule hereto and are constructing thereon complex to be known as "HAWARE CITY".

(n) By virtue of the Consent Terms dated the 9th October, 2006 mentioned supra, Developments Agreement dated the 10th July, 2006 and the Power of Attorney dated the 23rd June, 2006, the Promoters are seized and possessed of and well and sufficiently entitled to the said properties and the Promoters as the developers alone have the sole and exclusive right to sell the premises in the said buildings to be constructed on the said properties and to enter into agreement/s with the purchaser/s of premises in the said buildings under the Maharashtra Ownership of Flats Act.

We are therefore of the opinion that the title of M/S. HAWARE ENGINEERS AND BUILDERS PVT. LTD., the Promoters herein in respect of the above properties is clear and marketable, and free from any encumbrances subject to their complying with all the terms and conditions of the order of exemption u/s 20 of the ULC Act, NA Order dated the 28th March, 2007 and three Commencement Certificates all dated the 12th October, 2009. The aforesaid opinion is solely based on the papers produced before us.

SCHEDULE.

All the pieces and parcels of land bearing Survey No. 19 Hissa No. 1, 3, 8, 9, 11 to 13, 16 to 24, 26 to 31, 15, Survey No. 20 Hissa No. 4, 9, 3, 5 & 7, Survey No. 21 Hissa No. 20, 21, 10, 12, 14, 16, 19, Survey No. 22 Hissa No. 7, 1, Survey No. 23 Hissa No. 2A, 3A, 4 all lying being and situate at Mauje Vadavli, Taluka - Thane, District - Thane containing by admeasurement an area of around 22 acres and bounded as follows:.

Towards East	: By property belonging to New Shri Swami Samarth Developers and boundary of Mauje Borivade
Towards West	: By Survey No. 121, Forest Department and boundary of Mauje Owale.
Towards South	: By Property belonging to New Shri Swami Samarth Developers and boundary of Mauje Borivade.
Towards North	: By Property belonging to M/s. Unifi Developers and boundary of Mauje Owale

Dated this 4th day of January, 2010.

for M. Tripathi & Co.,

M. Tripathi
(Advocate)

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