



**KIRAN BADGUJAR**

B.A., LL. B.

Advocate High Court

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Ref. No.: Shil-B-1

Date: 12 APR 2022

To,  
Maha. RERA,  
Bandra Kurla Complex, Mumbai

**LEGAL TITLE REPORT**

**Sub:-** Title clearance certificate with respect to Plot bearing revised Survey 156/3, 181/2/D, 181/2/H, 181/2/G aggregate area 25,370.00 sq. meters, situated at Village Shil, Taluka and District Thane and more particularly described below (hereinafter referred to as "said Plot").

1/- I have investigated the title of said Plot on the request of Chalama Infraproperties Pvt. Ltd., "the Developer", a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at Lawrence & Mayo House, First Floor, 276, Dr. D. N. Road, Fort, Mumbai 400 001, and following documents i.e. :-

**1) Description of the Property:**

All that piece and parcel of Non-Agricultural Plot bearing revised Survey No. Survey No. 156/3 area 180.00 Sq. Mtrs., and Survey No. 181/2/D area 4,160.00 Sq. Mtrs., 181/2/H area 260.00 Sq. Mtrs., 181/2/G area 20,770.00 Sq. Mtrs., aggregating to 25,370.00 sq. meters, "said Plot", lying, being and situate at Village Shil, Taluka and District Thane, within the limits of the Municipal Corporation of the City of Thane and within the Registration and Sub-Registration District of Thane.

**2) The Documents of allotment of said Plot:**

- (i) By and under Development Agreement, registered at Serial No. TNN-5-02804-2008 on 09.05.2008, read with Irrevocable General Power of Attorney, registered at Serial No. 294-2008 on 09.05.2008 read with supplemental and ancillary documents as more particularly mentioned in flow of title in **Annexure "A"**, Smita Sakharam Nakhye, the Owner, and one Nakhye's Everest Estate Pvt. Ltd., assigned and granted the development rights in respect of larger property including the Original Survey No. 156(Pt) area 10,720.00 Sq. Mtrs. and Original Survey No. 181/2Pt, corresponding New Survey No. 181/2/A, area 30,330.00 Sq. Mtrs. for consideration and as per terms and conditions as more particularly set out therein to and in favour of Chalama Infraproperties Pvt. Ltd., the Developer. By virtue of said documents, the charge of said



Chalama Infraproperties Pvt. Ltd. has been recorded on 7/12 extracts. Said Original Survey Nos' have been further sub-divided in different parts on account of reservation for 25.00 meter wide D.P. Road as per the sanctioned Development Plan/Scheme, comprising the sub-divided Survey No. 156/3, 181/2/D, 181/2/H, which are standing in the name of Thane Municipal Corporation against the right/benefit of Development Rights (DR) and /or Transferable Development Rights (TDR) of the Developer, and sub-divided Survey No. 181/2/G standing in the name of Owner/Developer, "said Plot".

3) The 7/12 extracts dated 09.02.2022 issued by Talathi Saza Shil, Taluka and District Thane in respect of the said Plot and respective mutation entries in respect thereof.

4) Search Report for 30 years from 1991 till 2021 and further online search till date in respect of the said Plot taken from the Sub-Registrar Office.

2/- On perusal of above mentioned documents and all other relevant documents relating to the title of said Plot, I am of the opinion that, the title of Owners and Developer is clear and marketable save and except the mortgages as more particularly described in **Annexure "B"**.

**Owners of said land:**

| Sr. No. | Revised Survey/ Hissa No. | Name of Owner and charge of Developer  |
|---------|---------------------------|--|
| 1.      | 181/2/G                   | Smita Sakharam Nakhye (Nakhye's Everest Estate Pvt.)<br>Chalama Infraproperties Pvt. Ltd. - Developer                                  |
|         | 181/2/D                   | Thane Municipal Corporation for 25 meter wide Road-<br>Owner   |
|         | 181/2/H                   | Development Rights of Chalama Infraproperties Pvt.<br>Ltd. - Developer   |
| 2.      | 156/3                     | Thane Municipal Corporation for 25 meter wide Road-<br>Owner<br>Development Rights of Chalama Infraproperties Pvt.<br>Ltd. - Developer |



3/- The report reflecting the flow of the title of Owner and Developer in respect of said plot is enclosed herewith as **Annexure "A"**.

**Encl :** Annexures as above

Date : 11 2 APR 2022



  
KIRAN BADGUJAR  
(Advocate)



**ANNEXURE"A"**

**FLOW OF THE TITLE OF THE SAID PLOT :**

**Ref:** Immovable property being Non-Agricultural lands situated, lying and being at Village Shil, Thane, Taluka and District Thane and within the limits of the Municipal Corporation of the City of Thane as per Revenue Records having following description :-

| Sr. No. | Original Survey/ Hissa No. | New Survey /Hissa No. | Revised Survey/Hissa No. after sub-division | Area (Sq. Mtrs.) | Name of Owner and charge of Developer  |
|---------|----------------------------|-----------------------|---|------------------|--|
| 1.      | 181/2(Pt)                  | 181/2/A               | 181/2/G                                     | 20,770           | Smita Sakharam Nakhye (Nakhye's Everest Estate Pvt.)<br>Chalama Infraproperties Pvt. Ltd. - Developer    |
|         |                            |                       | 181/2/D                                     | 4,160            | TMC for 25 meter wide Road- Owner  |
|         |                            |                       | 181/2/H                                     | 260              | Development Rights of Chalama Infraproperties Pvt. Ltd. - Developer                                      |
| 2.      | 156(Pt)                    | --                    | 156/3                                       | 180              | TMC for 25 meter wide Road- Owner<br>Development Rights of Chalama Infraproperties Pvt. Ltd. - Developer |

(hereinafter referred to as "said Lands")

The flow of title of said lands is as under :

1. By and under Deed of Conveyance, registered at Sr. No. 146/1988 on 08.01.1988 one Sakharam Shripad Nakhye purchased land bearing original Survey No. 181/2 (Pt) new Survey No. 181/2/A for consideration from one Balu Bama Vaskar. Accordingly, the name of said Sakharam Sripad Nakhye was recorded on 7/12 extract vide Mutation No. 1132 dated 21/03/1990. Accordingly, the name of said Sakharam Sripad Nakhye was recorded on 7/12 extract vide Mutation No. 1132 dated 21/03/1990.
2. By and under Deed of Conveyance, dated 07.01.1988, read with Deed of Confirmation, registered at Sr. No. 3837/1990 on 21.06.1990, one Sakharam



Shripad Nakhye purchased land bearing original Survey No. 156(Pt) for consideration from Shankar Ambo Bhoir and Jaibai Bhagirath Patil. Accordingly, the name of said Sakharam Sripad Nakhye was recorded on 7/12 extract vide Mutation No. 1134 dated 04/04/1990.

3. Said Sakharam Shripad Nakhye expired intestate on 01.08.2001, leaving behind his wife Smita Sakharam Nakhye as his only legal heir, accordingly her name was recorded on 7/12 extract as Owner in respect of said lands vide Mutation No. 1323, (hereinafter referred to as "**said Smita Sakharam Nakhye**").
4. By and under Development Agreement, registered at Sr. No. TNN-1-1877-2008 on 29<sup>th</sup> March, 2008, said Smita Sakharam Nakhye had granted the development rights in respect of said lands for consideration and on terms and conditions as more particularly set out therein to and in favour of Nakhye's Everest Estate Pvt. Ltd. (hereinafter referred to as "**said Nakhye's Everest Estate Pvt. Ltd.**").
5. By and under Development Agreement, registered at Serial No. TNN-5-02804-2008 on 09.05.2008, read with Irrevocable General Power of Attorney, registered at Serial No. 294-2008 on 09.05.2008, and Supplemental Development Agreement, registered at Serial No. TNN-5-05082-2009 on 12<sup>th</sup> June, 2009, read with Irrevocable Additional Power of Attorney, registered at Serial No. 192-2009 on 12.06.2009, and Supplemental Development Agreement, registered at Serial No. TNN-5-11482-2011 on 22.12.2011, read with Irrevocable Power of Attorney, registered at Serial No. 1064-2011 on 22.12.2011, and Agreement for Sale, registered at Sr. No. TNN-5-1080-2019 on 22.01.2019, read with Irrevocable General Power of Attorney, registered at Sr. No. TNN-5-1081-2019 on 22.01.2019, Smita Sakharam Nakhye, the Owner, and one Nakhye's Everest Estate Pvt. Ltd., assigned and granted the development rights in respect of said lands bearing Original Survey No. 156(Pt) area 10,720.00 Sq. Mtrs. and Original Survey No. 181/2Pt, corresponding New Survey No. 181/2/A, area 30,330.00 Sq. Mtrs. for consideration and as per terms and conditions as more particularly set out therein to and in favour of Chalama Infraproperties Pvt. Ltd., the Developer. By virtue of said documents, the charge of said Chalama Infraproperties Pvt. Ltd. has been recorded on 7/12 extracts. Said Original Survey Nos' have been further sub-divided in different parts on account of reservation for 25.00 meter wide D.P. Road as per the sanctioned Development Plan/Scheme, comprising the said Plot bearing sub-divided Survey No. 156/3, 181/2/D, 181/2/H, which have been transferred and standing in the name of Thane Municipal Corporation in lieu of the right/benefit of Development Rights





(DR) and /or Transferable Development Rights (TDR) of the Developer, and sub-divided Survey No. 181/2/G standing in the name of Owner/Developer.

6. On perusal of 7/12 extracts of the said lands, prima-facie it appears that the said lands has not been declared as "Forest" under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.
7. Further on perusal of 7/12 extracts of the said lands, prima-facie it appears that the said lands are not "Adivasi" lands.

Date : 12 APR 2022



  
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(Advocate)

**ANNEXURE –"B"**  
**(Details of encumbrances)**

Vide Deed of Mortgage registered at Sr. No. TNN-5/4313/2017 on 17<sup>th</sup> April, 2017 read with Supplementary Agreement registered at Sr. No. TNN-5/1532/2019 on 29<sup>th</sup> January, 2019 read with Deed of Declaration cum Confirmation of Mortgage registered at Sr. No. TNN-2/9859/2020 on 31<sup>st</sup> August, 2020, and Mortgage Deed registered at Sr. No. TNN-2/19888/2020 on 24<sup>th</sup> December, 2020 read with Deed of Rectification registered at Sr. No. TNN-5/5991/2021 on 26<sup>th</sup> March, 2021 and Deed of Mortgage registered at Sr. No. TNN-5/15694/2021 on 27<sup>th</sup> October, 2021, said Plot or portion thereof has been mortgaged with Kotak Mahindra Investment Ltd. on the terms and conditions as more particularly contained therein. And vide Mortgage Deed, registered at Sr. No. BVD-1/1935/2022 on 11.02.2022, said Plot or portion thereof has been mortgaged with Kotak Mahindra Bank Ltd. on the terms and conditions as more particularly contained therein.

Date : 12 APR 2022  
KIRAN BADGUJAR  
(Advocate)

