

## FORMAT - A

(Circular No.:- 28 /2021)

To

MahaRERA

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## LEGAL TITLE REPORT

**Sub:** Title Clearance Certificate with respect to land lying being and situate at village: Kolshet, Taluka and District: Thane, within the limits of Thane Municipal Corporation, bearing following description:-

S. No.	Old Survey/ Hissa No.	New Survey/Hissa No.	Area (sq.mtrs.)
1	120/3	120/3/B	4230
2	140/6	140/6	1520
3	141/5	141/5/B	1930
4	141/6	141/6/2	910
5	140/7	140/7/B	1650
6	140/9	140/9	330
7	140/11A	140/11/A	290

(hereinafter collectively referred to as the 'said Plot').

1/- I have investigated the title of the said Land on request of **M/S. CONCORDE BUILDER**, a partnership firm, having office at: Cosmos House, Center Point, Sant Dnyaneshwar Marg, Panchpakhadi, Thane (west) (hereinafter referred to as the 'said Promoter'); and relying on following documents i.e. :-

- I. **Description of the Property:-** The property being the land described in the Subject written above i.e. land lying being and situate at village: Kolshet, Taluka and District: Thane, within the limits of Thane Municipal Corporation (hereinafter referred to as the 'said Corporation'), bearing following description:-



S. No.	OldSurvey/ Hissa No.	New Survey/Hissa No.	Area (sq.mtrs.)
1	120/3	120/3/B	4230
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3	141/5	141/5/B	1930
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5	140/7	140/7/B	1650
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7	140/11A	140/11A	290

**II. Documents of allotment of the said Plot:-**

- i. 7/12 Extracts
- ii. Mutation Entries no. 2837, 2848, 2849, 3164
- iii. Deed of Conveyance dated 15/2/2012 (in respect of survey no. 120/3, 140/6)
- iv. Deed of Conveyance dated 27/06/2012 (in respect of survey no. 141/5B)
- v. Agreement for Sale dated 15/02/2012 (in respect of survey no. 141/6 (2))
- vi. Power of Attorney dated 15/02/2012 (in respect of survey no. 141/6 (2))
- vii. Deed of Conveyance dated 18/8/2021 (in respect of survey no. 141/6 (2))
- viii. Power of Attorney dated 18/8/2021 (in respect of survey no. 141/6 (2))
- ix. Agreement for Sale dated 15/02/2012 (in respect of survey no. 140/7, 140/9)
- x. Power of Attorney dated 15/02/2012 (in respect of survey no. 140/7, 140/9)
- xi. Deed of Conveyance dated 15/2/2012 (in respect of survey no. 140/11)
- xii. Deed of Transfer of Transferable Development Rights (TDR) dated 21/12/2013
- xiii. Deed of Transfer of Transferable Development Rights (TDR) dated 28/4/2014
- xiv. Order bearing No. SEAC-2212/CR-368/TC-2 dated 16/07/2015 issued by the Environment Department of the Government of Maharashtra.
- xv. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1283/14 dated 19/9/2014.
- xvi. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1784/16 dated 30/4/2016.
- xvii. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1893/16 dated 16/8/2016.



- xviii. Amended Sanction of Development Permission/Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/2195/17 dated 24/5/2017.
- xix. Order bearing O/w No. ULC/TA/ATP/Sec 20/ Extn/SR/ 1461/488 dated 22/7/2016 issued by the Additional Collector and Competent Authority, Thane Urban Agglomeration.
- xx. Order bearing O/w No. ULC/TA/ATP/Sec 20/ Demand Notice SR-390 dated February 2020 and ULC/TA/ATP/Sec 20/ Demand Notice SR-1461/131 dated 14<sup>th</sup> February 2020 issued by the Additional Collector and Competent Authority, Thane Urban Agglomeration.
- xxi. Title Certificate dated 30/10/2012 issued by Advocate Shri. Pradeep S. Pillai.
- xxii. Certificate of Registration bearing no. P51700004457 dated 9/8/2017 issued by Real Estate Regulatory Authority.
- xxiii. Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0274/16 dated 16/8/2016
- xxiv. Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0470/18 dated 08/03/2018
- xxv. Occupancy Certificate bearing Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0715/19 dated 10/07/2019
- xxvi. Paper Notice published in a local News Paper "Thane Vaibhav" Thane on 13/10/2018
- xxvii. Search Report dated 4/12/2020 prepared by Mr. Sachin Patil, Search Clerk.

III. After perusal of above-referred documents/agreements and after going through the contents therein, I hereby submit my report about the Title of the said Promoter to the said Plot as under-

- i. It appears that the Title of the Promoter's right to the said Plot is investigated and certified by Advocate Shri. Pradeep S. Pillai by Certificate of Title dated 30/10/2012.



- ii. It appears that by a Deed of Conveyance dated 15/2/2012 registered at Sr. No. TNN-5/1434/2012 with the Sub-registrar of Assurances, Thane the said Promoter (Purchasers therein) has purchased and acquired the land bearing Survey No. 120/3/B (old survey no. 120/3) (hereinafter referred to as the '**said First Plot**') and land bearing Survey No. 140/6 (hereinafter referred to as the '**said Second Plot**') from Mr. Digambar Raghunath Sukhi & Mr. Anish Jitendra Shah (Owners therein) with confirmation of M/s. Nikhil Construction Company (Confirming Party therein) for the consideration and on the terms contained therein.
- iii. It appears that by and under a Deed of Conveyance dated 27/06/2012 registered at S. No. TNN-5/5815/2012 on 05/07/2012, Mr. Naresh Sudama Khetwani (Owner therein) has with confirmation of M/s. Darshan Enterprises (Confirming Party therein), sold and transferred the land bearing Survey No. 141/5/B (old survey no. 141/5) (hereinafter referred to as the '**said Third Plot**') to the said Promoter (Purchasers therein), for the consideration and on the terms therein.
- iv. It appears that:
- a. Under an Agreement for Sale dated 15.02.2012 registered with the Sub-registrar of Assurances, Thane at Sr. No. TNN-5/01437/2012 on 15/02/2012 the Owners viz. Mrs. Meena Motiram Gharat and others (Gharat Family) through their Constituted Attorney – Naresh Sudama Khetwani, Partner of M/s. Darshan Enterprises, have agreed to sell and transfer to the said Promoter (Purchasers therein), the land bearing Survey No. 141/6/2 (old survey no. 141/6) (hereinafter referred to as the '**said Fourth Plot**') together with its development rights for the consideration and on the terms and conditions contained therein.
- b. Naresh Sudama Khetwani & Suresh Devichand Jain have for themselves, as partners of M/s. Darshan Enterprises and as constituted attorney of the owners viz. the Gharat family also executed an Irrevocable Power of Attorney which is registered before the Sub-registrar of Assurances, Thane-5 at Serial No. 158 on 15.02.2012 and Irrevocable Power of Attorney registered before the Sub-registrar of Assurances, Thane-5 at Serial No. 11817 on 20/11/2015 thereby granting,



substituting and assigning in favour of partners of the said Promoter, all powers with regard to development of the said Fourth Plot

c. The said Promoter has allotted/handed over the possession of the constructed premises i.e. flats in the buildings constructed on the said Plot to the Owners of the said Fourth Plot and the previous developers of the said Fourth Plot.

d. Meantime, after the demise of Shobhabai Khandu Bhoir (one of the members of the Gharat family), name of her legal heirs viz. Nilesh Khandu Bhoir and others came to be recorded on 7/12 extract of the said Fourth Plot and accordingly Mutation Entry no. 3164 has been certified.

e. By a Deed of Conveyance dated 18/8/2021 registered at Sr. No. TNN-2/15993/2021 with the Sub-registrar of Assurances, Thane the said Fourth Plot has been conveyed and transferred in favour of the said Promoter for the consideration and on the terms contained therein.

f. Khandu Pandurang Bhoir and others, the legal heirs of Shobhabai Khandu Bhoir (one of the members of the Gharat family) have granted various powers in respect of the said Fourth Plot by executing Power of Attorney dated 18/8/2021 registered at Sr. No. TNN-2/15994/2021 with the Sub-registrar of Assurances, Thane.

v. It appears that:

a. Under an Agreement for Sale dated 15/02/2012 registered with the Sub-registrar of Assurances, Thane at Sr. No. TNN-5/01436/2012 on 15/02/2012, the Owners, Unnati (Kolshet) Co-operative Housing Society Ltd., with confirmation from M/s. Darshan Enterprises (Confirming Party therein), has agreed to sell and transfer to the said Promoter (Purchasers therein), the land bearing Survey No. 140/7 (hereinafter referred to as the '**said Fifth Plot**') and the land bearing 140/9 (hereinafter referred to as the '**said Sixth Plot**') together with the development



rights thereof, for the consideration and on the terms and conditions contained therein.

b. The partners of M/s. Darshan Enterprises for themselves, as partners of M/s. Darshan Enterprises and as constituted attorney of the Owners, Unnati (Kolshet) Co-operative Housing Society Ltd., executed an Irrevocable Power of Attorney dated registered before the Sub-Registrar of Assurances, Thane-5 at Sr. No. 157 on 15/02/2012 and Power of Attorney dated registered before the Sub-registrar of Assurances, Thane-5 at Sr. No. 11816 on 20/11/2015 thereby granting, substituting and assigning in favour of the partners of the said Promoter, all powers in respect of the said Fifth and Sixth Plot.

vi. It also appears that under a Deed of Conveyance dated 15/02/2012 registered with the Sub-registrar of Assurances, Thane at Sr. No. TNN - 5/01439/2012 on 15/02/2012, M/s. Darshan Enterprises (Owners therein), have sold and transferred the land bearing Survey No. 140/11A (hereinafter referred to as the 'said Seventh Plot') to the said Promoter (Purchasers therein), for the consideration and on the terms contained therein.

vii. It seems that the Collector, Thane issued following permissions for non-agricultural use of the said Plot:

a. Non-Agricultural Permission bearing No. Rev/K-1/T-1/NAP/ SR/06/2011 dated 19.04.2011 in respect of the said First, Second, Third, Fourth and Seventh Plot.

b. Sanad bearing no. Mahsul/Ke-1/Te-1/Kolshet-Thane/Sanad/SR-33/2021 in respect of the said Fifth and Sixth Plot.

viii. It further appears that there were some reservations on some portion out of the said Plot according to the Development Plan of the said Corporation. The Sub-Divisional Officer, Thane Division, Thane issued Letter bearing D. R. No. 793/2013 dated 10/1/2013, Letter bearing D. R. No. 834/2013 dated 17/6/2013, Letter bearing D. R. No. 835/2013 dated 17/6/2013 in respect of sub-division of the said Plot. Mutation entries no. 2837, 2848, 2849 have been certified to that effect.



According to the said sub-division separate 7/12 extracts of the reserved portion out of the said Plot are came to be recorded in the name of the said Corporation having following description:

Sr. No.	Old Survey/Hissa No.	New Survey/Hissa No.	Area (sq. Mtrs.)
1	120/3	120/3A	150
2	120/3	120/3C	800
3	140/11	140/11B	330
4	140/7	140/7A	220
5	140/7	140/7C	10
6	140/7	140/7D	20

- ix. It appears that the said Promoter has purchased Transferable Development Right (TDR) by executing following agreements and utilized the said TDR in development of the said Plot:
- a. Deed of Transfer of Transferable Development Rights (TDR) dated 21/12/2013 registered before the Sub-Registrar, Thane under Sr. No. TNN-5/12722/13 in respect of TDR admeasuring 570.10 sq. mtrs. of Development Right Certificate bearing Folio no. TDR/S04/Road-20 mtr/0070/11 Sector IV Certificate no. Road 180 dated 1/7/2011 and in respect of TDR admeasuring 960 sq. mtrs. of Development Right Certificate bearing Folio no. TDR/S04/Res. Add. RG/0073/11, Sector IV Certificate no. Reservation 138 dated 1/7/2011.
- b. Deed of Transfer of Transferable Development Rights (TDR) dated 28/4/2014 registered before the Sub-Registrar, Thane under Sr. No. TNN-5/4260/14 in respect of TDR admeasuring 2290 sq. mtrs. out of Development Right Certificate bearing Folio no. TDR/S08/Road-20 mtr/0217/14 TDR Sector VIII Certificate no. Road 225 dated 27/3/2014.
- x. The Additional Collector and Competent Authority, Thane Urban Agglomeration issued
- a. Order bearing no. ULC/TA/ATP/Sec 20/SR 390/331/20 dated 30/7/2020 thereby released from all the conditions which were imposed in Order bearing no.



ULC/TA/ATP/WSHS 20/S.R.-39016/4/1993 and amended order dated 14/6/2012 and thereby granted permission for development of the said Fourth Plot on payment made by the said Promoter as per Government Resolution dated 1/8/2019.

b. Order bearing no. ULC/TA/ATP/Sec 20/SR 1461/330/20 dated 30/7/2020 thereby released from all the conditions which were imposed in Order bearing no. ULC/TA/ATP/WSHS 20/S.R.-1461 dated 19/8/2004 and thereby granted permission for development of the said Fifth Plot on payment made by the said Promoter as per Government Resolution dated 1/8/2019.

xi. The said Promoter has obtained following permissions/certificates from the said Corporation for construction of buildings on the said Plot:

a. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1283/14 dated 19/9/2014.

b. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1784/16 dated 30/4/2016.

c. Amended Sanction of Development Permission /Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/1893/16 dated 16/8/2016.

d. Amended Sanction of Development Permission/Commencement Certificate bearing V. P. No. S05/0033/10 TMC/TDD/2195/17 dated 24/5/2017.

xii. By order bearing No. SEAC-2212/CR-368/TC-2 dated 16/07/2015, the Environment Department of the Government of Maharashtra granted its permission for the development project of the said Plot.

xiii. It further appears that the said Promoter has registered the Project of the said Plot by name 'Cosmos Classique' under the provisions of the Real Estate (Regulation and Development) Act 2016 with the Real Estate Regulatory Authority. The Authority under RERA provided Registration no. P51700004457 vide Certificate dated 9/8/2017.





xiv. It appears that the said Promoter has completed the construction of 4 buildings i.e. A1, A2, B1 and B2 on the said Plot and accordingly the said Corporation has issued following Occupancy Certificates:

a. Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0274/16 dated 16/8/2016

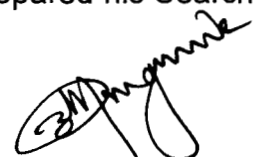
b. Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0470/18 dated 08/03/2018

c. Occupancy Certificate bearing Occupancy Certificate bearing V. P. No. S05/0033/10 TMC/TDD/OCC/0715/19 dated 10/07/2019

xv. I have caused notice to be published in a local News Paper "Thane Vaibhav" on 27/11/2020 inviting claims/objections, if any. I have received one objection dated 02/12/2020 from Shri Hanoz Aspandiar Irani having address at: ½, Katty Nagar, Dahanu Station, Dahanu (West), District Thane through his Advocate Shri Yajuvendra S. Singh in respect of the said Fifth and Sixth Plot i.e. Survey No. 140/7/B and 140/9. The said objection has not supported with any documentary proof regarding his claim. However, to ascertain the facts I have gone through all the deeds, documents and record of rights in respect of the said Fifth and Sixth Plot i.e. Survey No. 140/7/B and 140/9. On perusal of various documents provided and upon instructions given by my client, I hereby state as under:-

Objection dated 02/12/2020 is not supported with any documentary evidence and hence the same could not be considered. Under the circumstances, in my opinion and as apparent from all the documents, the said Promoter is legally entitled to the said land bearing Survey No. 140/7 and 140/9 situate at village Kolshet, Taluka and District Thane and Shri Hanoz Aspandiar Irani does not have any right, title to the said fifth and the sixth Plot. All the revenue record, deeds and documents shows the entitlement of the said Promoter upon the said land bearing Survey No. 140/7 and 140/9. I have, by Letter dated 13/1/2021 sent reply on behalf of the said Promoter to Advocate Shri Yajuvendra S. Singh.

xvi. The Search Clerk, Mr. Sachin Patil has taken search of the record in the office of the Sub-Registrar at Thane in respect of the said Plot and prepared his Search



Report. I have gone through this Search Report and there is no any adverse entry found in it.

xvii. This Title Certificate is in continuation of previous Title Certificate dated 30/12/2012.

2/- On perusal of the above mentioned documents and all other relevant documents relating to the title of the said Land, I am of the opinion that the title of the Promoter i.e. **M/S. CONCORDE BUILDER** in respect of the said Land is clear, marketable and without any encumbrances.

3/- The report reflecting the flow of the title of the Promoter i.e. **M/S. CONCORDE BUILDER** with respect on the said land is enclosed herewith as annexure.

Enclosed: Annexure

Date: 30/11/2021

**Advocate**



**Asmita R. Mungurwade**