



DINESH K. RAAKH

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ADVOCATE

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TITLE REPORT
To whomsoever it may concern

1) **Description of Property:-**

That piece and parcel of N.A. landed property total admg.1H.49R. bearing (A) Survey No.113/A/3-2 (CTS No.4444,4450,4453) admg. 88 R., (B) Survey No.113/A/1A/6 (CTS No.4444 (P), admg. 35 R, (C) Survey No.113/B (CTS No.4448,4449,4451A,4452) admg. 26 R, situate within the limit of Deolali village also within the limits of Nashik Municipal Corporation, Tal. Registration Sub District & District Nashik bounded as follows.

A) Survey No.113/A/3-2 (CTS No.4444,4450,4453) :

East	:	Road out of CTS No.4444 South-North from Nashik Poona Road.
West	:	Property of Birla Hospital out of CTS No.4444 & 4447
South	:	Nashik-Poona Road
North	:	Birla Property out of CTS No.4444

B) Survey No.113/A/1A/6 (CTS No.4444 (P) :

East	:	D.P. Road.
West	:	Road out of CTS No.4444 (P) from Nashik-Poona Road.
South	:	S.No.113-A/1-A/7 (Durgesh Socty.), Part of CTS No.4444
North	:	S.No.113/A/1A/4 and Birla property.

C) Survey No.113/B (CTS No.4448,4449,4451A,4452) :

East	:	Private Road from Nashik-Poona Road, CTS No.4444, West side portion
West	:	CTS No.4447 & 4424 (P) Birla Hospital Building
South	:	CTS No.4443 & 4440
North	:	CTS No.4443 & 4440 of Birla property..

Owners:-

1. Shri Anil Sukhlal Bedmutha.
 2. Shri.Jayant Keshav Rajegaonkar
 3. Shri.Sanjay Bhavarlal Burad
 4. Shri.Sumatilal Bhavarlal Burad
 5. Shri.Dadaji Shankar Ahire
 6. Shri.Chandrashekhar Ramchandra Borale.
- All R/o.Nashik.

Developers -

Sun Infrastructures Pvt.Ltd., Nashik.

At the instructions of the above Developers (through their Director Shri Anant Keshav Rajegaonkar & Anil Bhavarlal Jain, Both R/o.Nashik), I have investigated title of the subject properties on the basis of the following documents and papers produced by them before me and my report is as under.

Documents and Papers produced :

1. Copy of Title Report dtd.25/10/2007 issued by Mr.Hemant P.Kedar, Advocate, Nashik.
2. Copy of Legal Scrutiny Report dtd.21/03/2009 issued by Indrayani Patani, Advocate, Nashik alongwith Search Fee paid receipt dtd.19/03/2009.
3. Copy of Title Report dtd.22/02/2011 issued by Mr.U.L. Deshpande, Advocate, Nashik.
4. Copy of Title Search Report dtd.27/04/2013 issued by Mr.S.L. Deshpande, Advocate, Nashik with Search report of Mr.D.K.Raakh, Advocate, dtd.19/04/2013 alongwith Search Fee paid receipt dtd.17/04/2013 & copies of paper notices.
5. 7/12 Extracts for last 30 years.
6. M.E.No.1654,17624,3595,7763,19642,10278, 20384,20798,20800,20801,22175, 29311, 25394, 29165.
7. GPA & Development Agreement in favor of Mr. Suresh Bhanushali & Jas Developers executed by Mr. Sanjeev alias Laxmikant Khandray, both dt. 06/05/2006.
8. Development Agreement in favor of Jas Developers by Mr. Suresh Bhanushali registered at Serial No.2265/2006 on 06/05/2006.
9. ULC order from Deputy Collector, its order bearing No. ULC/A-2/ 2536/507,dated 08/12/2006 & Order No. A-2-2/26 (1)1457/ 2007dated 16/07/2007. (Encl. of sale Deed dt. 18/07/2007).
10. Sale Deed in favor of Anil Bedmutha & Others 5 executed by Mr. Sanjeev Khandray & Others 11 & Jas Developers as Consenting Party, registered at Serial No.6076/2007, dated 18/07/2007.
11. GPA in favor of Sun Infrastructures Pvt. Ltd., by Nikita Varade dated 06/07/2007.
12. Development Agreement in favor of Sun Infrastructures Pvt. Ltd. executed by Anil Bedmutha & Others 5, dated 19/07/2007.

13. GPA in favor of Sun Infrastructures Pvt. Ltd. executed by Anil Bedmutha & Others 5, dated 19/07/2007.
14. N.A. Permission granted by Collector, Nashik, No.MAHA/KAKSHA-3/ Bi.She.Pra.Kra./39/2008, dated 29/05/2008.
15. Building Permit & Commencement Certificate No.LND/BP/123/2007, dated 01/10/2007 & revised Building Permit & Commencement Certificate No.LND/BP/C-3/81, dt. 23/07/2010
16. Sale Deed of TDR in favor of Sun Infrastructures Pvt. Ltd. executed by Mr. Dinesh Shah & Others 16 registered at Serial No.5531/2010, dated 14/06/2010.
17. Sale Deed of TDR in favor of Sun Infrastructures Pvt. Ltd. executed by Happy Home Developers registered at Serial No.5532/2010, dated 14/06/2010.
18. S.C.No. 372/2009, filed in The Court of Civil Judge (S.D.) Nashik against Mr. Anil Bedmutha & 5 Others.
19. Order of City Survey Officer No.1, Nashik No. न.मु./फेरफार नोंद नं. ३२२/२०१०, नाशिक, दि. २८/०४/२०१०.
20. Order of Dist. Supt. Land Record Nashik No. न.मु./अपील अर्ज नं. १०२३/नाशिक/२०१२, नाशिक, दि. ०२/०६/२०१२.
21. Copy of SICOM Mortgage Deed dated 08/06/2013, with Form No. 8 and online ROC search report. & Reconveyance Deed dt. 24/04/2017.
22. Copy of C.M.A. No. 34/2013 of Mr. Pranjal Khandray and online search report thereof dated 03/08/2016.
23. Land Revenue paid Receipt dt. 21/01/2016.
24. Copy Developer's Declaration dated 14/10/2013.
25. Copy of Central Bank's Nashik Letters dated 11/10/2013 to Talathi, Deolali and to the Developers regarding removal of charge of its loan from the ROC & Revenue Record.

HISTORY OF TITLE :

1. The properties under investigation were of agricultural tenure (except Survey No.113B, admg.26 G) belonging to Mr.Madhavrao Mahadev Khandre who died on 14/07/1928 and said properties came in the hands of his two sons namely Balkrishna & Rajaram **(M.E.No.1654, dtd.27/01/1934).**
2. Balkrishana died on 04/01/1953 leaving behind four sons namely Ramakant, DilipKumar, Anilkumar & Subhashchandra. As Ramkant was major and Kara of HUF of Late Balkrishna, his name was entered on 7/12 extract as such and also as guardian of his above minor brothers

(M.E.No.3595, dtd.30/01/1955). It is revealed from other RoRs hereinafter commented that Late Balkrishana had three daughters also namely, Smt.Rohini Kankate, Miss.Lalita Khandray & Smt.Pramila Warade.

- A) As said Ramakant, Dilipkumar, Anilkumar & Subhashchandra became major their names were subsequently entered on 7/12 extracts of the subject properties for relevant period. **(M.E.No. 10278)**
 - B) Subhash died on 06/10/1996 leaving behind his wife-Rajshree whose name was brought on 7/12 extracts of the subject properties in his place. **(M.E.No.20384, dtd.28/11/2006).**
 - C) Smt.Gulab, wife of Late Ramakant died on 22/06/1993. Thereafter, Ramakant also died on 24/12/1996 leaving behind two sons namely Parag & Nilesh and one married daughter - Mrs. Ashlesha Ravindra Gawade whose names were entered on 7/12 extracts of the subject properties in place of Late Ramakant. **(M.E.No.17624, dtd.24/04 /2002).**
 - D) Anilkumar died unmarried on 14/02/2002, and hence his share in the subject properties devolved on his legal heirs i.e.Dilip (brother) and Smt.Rajshree (sister-in-law), Mrs.Ashlesha Gawade (niece), Parag & Nilesh -nephews, **(M.E.No.20798-19/07/2007).** The particulars of their respective shares are given in the Sale Deed dated 18/07/2007 hereafter commented.
 - E) Lalita, unmarried daughter of Late Balkrishna Khandre also died as mentioned in the Sale Deed dtd.18/07/2007 executed by the Khandre family in favour of the owners herein which is commented hereinafter.
 - F) Smt. Pramila Warade (the married daughter of late Balakrishana) expired and her interest in the subject properties devolved on her son Rajendra who also expired subsequently. Consequently, the said share (amdg.2.5R) further devolved on his son Mr. Vishal and two unmarried daughters viz. Miss. Mangala & Miss. Nikhita.
3. Rajaram Khandre died on 02/01/1970 leaving behind wife Smt. Kamal & three minor sons namely Laxmikant alias Sanjeev, Satish & Arvind. The name of Smt. Kamal was recorded on 7/12 extracts of the subject properties as natural guardian of aforesaid minors **(M.E.No. 7763).**

Subsequently, Smt. Kamal Khandray expired on 11/04/1993 leaving behind aforesaid three sons as her legal heirs which is noted by revenue authority on relevant land records. **(M.E.No. 19642)**

4. Mr. Sanjeev alias Laxmikant executed Development Agreement & GPA in favour of Mr. Suresh Ratilal Bhanushali on 11/10/2000 (on which full stamp duty was paid on 23/02/2006 as per adjudication) and thereby transferred his 1/6th share in the subject properties admg. 36.66R. Under the authority of these documents, said Mr. Suresh Bhanushali (alongwith Mr. Sanjeev alias Laxmikant Khandray) transferred his development rights in the subject properties in favour of M/s. Jas Developers, Nashik by executing Development Agreement and GPA both dated 06/05/2006 registered with the office Sub-Registrar of Assurances Nashik-2, under Serial No. 2263 & 2264 respectively. This Development Agreement contains recitals about the previous Development Agreement & GPA in favour of Mr. Bhanushali. The aforesaid adjudicated and stamped Development Agreement & GPA are enclosed to these registered documents.
5. Prior to this, Mr. Arvind Khandray and Mrs. Sangita Khandray executed GPA in favour of Mr. Suresh Bhanushali & Development Agreement in favour of M/s. Jas Developers both dated 17/07/1997 in respect of their 1/6th share admg. 36.66R. Adequate stamp duty was paid on these documents on 6/11/2004 & 30/12/2004 as per adjudication. Thereafter said Mr. Arvind & Mrs. Sangita Khandray (through their GPA - Mr. Suresh Bhanushali) transferred their rights in the subject properties in favour of M/s. Jas Developers, Nashik by executing GPA on 06/05/2006 which is registered with the office of Sub-Registrar of Assurances, Nashik - 2, Under Serial No. 2265. The aforesaid adjudicated and stamped Development Agreement & GPA are enclosed to this registered GPA.
6. Thereafter the said land owners Mr. Sanjiv/Laxmikant, Satish, Arvind, Dilipkumar, Parag, Nilesh Khandray, Mrs. Rajshree Khandray, Mrs. Ashlesha Gawade, Smt. Mangal, Vishal, Nikita Warade & Mrs. Rohini Kankate sold the aforesaid properties to Mr. Anil Bedmutha, Mr. Jayant Rajegaonkar, Mr. Sanjay Burad, Mr. Sumatilal Burad, Mr. Dadaji Ahire & Mr. Chandrashekhar Borale by Sale Deed dated 18/07/2007, registered with the office of Sub-Registrar of Assurances Nashik -3, under Serial **No. 06076, dated 18/07/2007**. The said transaction is duly noted by Revenue Department. **(M.E.No. 20800)**. The City Survey Office has also recorded the said transaction on the Property Cards of the subject properties (**Entry No. 370, dt. 18/02/2008**). One of the vendors - Miss. Nikita Warade had earlier executed GPA in favour of Sun Infrastructures Pvt. Ltd., on 06/07/2007, which is registered with

the office of the Sub-Registrar of Assurances Nashik-3, on **06/07/2007**, under Serial No. **05717**. By this GPA Miss. Nikita had given Power to the said attorney to execute the aforesaid sale deed and other documents for and on her behalf in respect of the aforesaid properties. However, she has herself executed the said sale deed.

7. The said Mr. Anil Bedmutha & five others have executed Development Agreement & General Power of Attorney on **18/07/2007** in favour of Sun Infrastructures Pvt.Ltd., Nashik, in respect of the subject properties and thereby transferred the same to the Developers with right to develop and sale of the said properties on the terms & conditions stipulated therein these documents are registered with the office of Sub-Registrar of Assurances, Nashik 3, on **19/07/2007**, under **Serial No. 6060 & 6091** respectively. This transaction is noted by Revenue Department on relevant 7/12 extracts of the subject properties (**M.E.20801**). It is revealed from the said Development Agreement that the consideration amount of Rs. 7,60,00,000/- has been paid & received by the parties as per Agreement.
8. The Competent Authority under the Urban land (Ceiling and Regulation Act. 1976), Nashik has by its order bearing No. ULC/A-2/2536/507, dated 08/12/2006 declared that the above properties are retention lands of the original owners. The above ULC authority has granted permission under section 26 of ULC Act, bearing No. A-2-2/26-(1)1457/2007 dated 16/07/2007 for purchase of 10785 Sq.mtrs area from properties mentioned in the description of properties under 1A & B which is declared as vacant land.
9. The Collector of Nashik has, by his order bearing No. Maha/Kasha-3/4/B,She. Pra.Kra/39/2008, dated 29/05/2008 granted permission for making non agricultural use of 13869.50Sq.mtrs.area out of the subject properties for commercial purpose on the terms and conditions mentioned therein.
10. The Nashik Municipal Corporation has, initially granted Building Permit & Commencement Certificate to the developers for carrying out construction on the subject properties for commercial purpose under its Building Permit & Commencement Certificate No. LND/BP/123/2007, dated 01/10/2007. This permission was subsequently cancelled and fresh Building Permit & Commencement Certificate **bearing No.LND/BP/C-3/81, dt. 23/07/2010** has been granted by the Nashik Municipal Corporation to the Developers for carrying out construction on the subject properties for Residential + Commercial purpose. The said Commencement Certificate and Building Permit shows that it is given on the strength of DRC No. 271, 273 & 350 and the respective TDR areas

by Collector, Nashik is in progress as declared by the Developers in their Declaration **dated 14/10/2013.**

11. Mr. Dinesh Kantilal Shah and others have executed TDR Sale Deed (DRC No. 273) in favour of the Developers for 3520 Sq.mtrs TDR area sold there under. The said sale deed is registered in the office of Sub-Registrar of Assurances, Nashik - 3, under Sr.No.5531, on 14/06/2010.
12. Happy Home Developers have executed TDR Sale Deed (DRC No. 271) in favour of the Developers for 58.00Sq.mtrs TDR area sold there under. The said sale deed is registered in the office of Sub-Registrar of Assurances, Nashik -3, under Sr.No.5532, on 14/06/2010.
13. Miss. Nikita Varade had filed S.C.No. 372/2009 in the Court of Civil Judge (S.D.) Nashik against Mr. Anil Bedmutha & others in respect of the subject properties which has been compromised and decree has been drawn accordingly as per Exh. 33. It appears that subsequently, mutations in CTS extracts were effected by entries no. 369, 370, 372, 318, 318A & 319 for carrying out changes on account of noting the names of Mr. Laxmikant Khandray & other legal heirs as also Mr. Anil Bedmutha & others which were canceled by City Survey Officer No. 1, Nashik by his order no. न.पु./फैरफार नोंद नं. ३२२/२०१०, नाशिक, दि. २८/०४/२०१० for the reasons stated therein. Said Mr. Anil Bedmutha & others preferred appeal before District Superintendent Land Records Nashik who has, by his order No. न.पु./अपील अर्ज नं. १०२३/नाशिक/२०१२, नाशिक, दि. ०२/०६/२०१२, allowed the said appeal and ordered to take action for effecting fresh entries of Record of Rights as per rules.
14. The developers availed term loan of Rs. 4.90 Cr. from Central Bank of India against Equitable Mortgage of aforesaid properties, bearing dated 31st March 2009. The said mortgage charge is recorded in other rights column of subject properties (**M.E.No. 22175**) as well as with office of Registrar of Companies Mumbai. The Developers had given Declaration to said bank regarding their un-encumbered interest and rights in the subject properties which is registered in the office of Sub-Registrar of Assurances, Nashik-3 on **24/04/2009**, under serial No. 2628. The developers have repaid the said loan as is evident from Letter of Central Bank of India bearing **No. NSK/CM/2013-14, dt. 11/06/2013**. The said bank has confirmed through these letters that it has no right/ title or interest in the subject properties and that the same have been released from its charge. The said bank has, by its letter dt. 11/10/2013 informed the Talathi of Deolali to remove its charge from Revenue Record on the basis of which the said charge is removed vide M.E. 29311 certified on 11/08/2014.

15. The developers availed term loan of Rs. 25 Cr. from SICOM Ltd., for which unsold constructed commercial area admg.31550 Sq.ft. from and out of the developed premises of the subject properties has been mortgaged as collateral security under Mortgage Deed dated 08/06/2013, registered under serial no. 7232, dt. 11/06/2013, with the office of Sub-Registrar of Assurances, Nashik - 5. The said loan has been fully repaid by the developers and hence the SICOM Ltd, has on 24/04/2017 executed Reconveyance Deed in favour of the Developers which is registered with the office of Sub-Registrar of Assurances, Nashik - 1, on 25/04/2017 under Document Sr.No. NSN-1-2813/2017. The Developer has given written undertaking to get the said charge vacated from ROC record.
16. M.E. No. 25394 is about Flat no. 404 on fourth floor of the building constructed on the said premises, which is sold by the Developers to Mr. Ashok Patliputra and another who have availed loan against it from Cosmos Co-op. Bank Ltd.
17. M.E. No. 29165 dated 05/06/2014 is about mortgage charge of Swapnapurti Trading Company Pvt. Ltd against Office No. F-5, located in the building constructed on the said premises, created by Mr. Sanjay B. Nagare whom we have sold the same.
18. Land Revenue in respect of the aforesaid properties has been paid for 2012-13 as can be seen from receipt dated 21/01/2016 issued by Talathi Deolali, Nashik Road.
19. R.C.S. No. 58/2014, filed by one of the erstwhile owners Mr. Nilesh Ramakant Khandre against the Developer and others in the court of Civil Judge (JD) Nashik Road, to praying for declaration that the defendants have no right to obstruct the plaintiff from using the 12 mtrs. North-south Road towards S.No. 113A/1A/3, passing through CTS No. 4444(p). The case is fixed on 24/07/2017 for hearing on Exh. 5. No prohibitory orders are passed against the Developer and others.
20. Current year's 7/12 extracts reveal no other charges affecting the title to the subject properties.
21. Title of the subject properties has already been investigated by Advocate Mr. Hemant Kedar, Ms. Indrayani Patni, U.L. Deshpande & Mr. S.L.Deshpande vide their respective reports dated 20.10.2007, 21.3.2009, 22/02/2011 & 27/04/2013. The title reports of Advocate Patni & Advocate Mr. U.L.Deshpande are also based on the Index-II searches for last 30 years. Search reports and search fee paid receipts are enclosures of their title reports. Moreover, before issuing title

searches for last 30 years. Search reports and search fee paid receipts are enclosures of their title reports. Moreover, before issuing title certificates, public notices were given by Advocate Deshpande inviting claims and objections from general public copies of which are enclosed to his reports.

On the basis of above, I am of the opinion that the right title & interest of the land owners and the development rights of the developers to properties under investigation are clear and marketable subject to what is stated in the body of this report.

Hence, the Title Report.

Place: Nashik

Date : 20/07/2017



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