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## TITLE CERTIFICATE

5TH JUNE 2014.

DESCRIPTION OF THE PROPERTY:

All that piece and parcel of plot of land bearing Survey no.365 Hissa no.6 [part] and Survey no.366 Hissa no.1 [part] totally admeasuring 1195.6 sq. meters and corresponding to Tika no.15, CTS no. 28-C, whereupon at present existing Kamdhenu Prasad old Building is in existence, for the construction of which building the FSI of the said larger land admeasuring 1407.19 square meters has been consumed, which land and building together is referred as 'said property' and which is lying being and situate at village Panch Pakhadi, Ghantali, Naupada, Taluka and District Thane within the municipal limits of the Municipal Corporation for the City of Thane and registration District and Sub District of Thane, and is bounded as under:-

On or towards East : Priyadharshini Society Building.
On or towards West : Kulkarni Building.
On or towards South : Ram Ganesh Gadkari Path
On or towards North : Sushan Bungalow

As per the instructions of my client, M/s. Mahesh Borkar Civil Engineers and Contractors, having its office at- 3/4, Kamdhenu Prasad, Ram Ganesh Gadkari Road, Ghantali, Thane (W), through its proprietor Shri Mahesh Shriram Borkar, (hereinafter referred to as 'SAID DEVELOPER') I have investigated the title of

the aforesaid property. During the course of investigation, I had an occasion to inspect the copies of following documents.

1. Copy of Agreement dated 19/09/1971 executed by and between Smt. Tarabai Ganesh Paranjpe and M/s. D.H. Pendse.
2. Copy of the Permit No.26 dated 16/4/1971 issued by erstwhile Thane Municipal Council.
3. Copy of the Occupation Certificate no.332/1021 dated 10/6/1972 issued by erstwhile Thane Municipal Council.
4. Copy of the Registration Certificate of the Kamdhenu Prasad Co-operative Housing Society Limited.
5. Copy of Deed of Conveyance dated 30th September 1972 executed between said Tarabai Paranjpe and Kamdhenu Prasad Co-operative Housing Society Limited.
6. Copy of Property Card extract showing Kamdhenu Prasad Co-operative Housing Society as the owner/holder of the said property.
7. Copy of the 7/12 Extracts of the said property.
8. TILR Survey Report dated 30/04/2014.
9. Photocopy Minutes of meeting of the Kamdhenu Prasad Co-operative Housing Society dated 26.4.2014.
10. Development Agreement dated 05/05/2014 registered under serial no.TNN-05-4562/2014 executed by & between Kamdhenu Prasad Co-operative Housing Society, as the owner Society of one part & M/s. Mahesh Borkar Civil Engineers and Contractors i.e. the Developers of the second part and all the members of the Society as the Confirming party of the Third Part.

11. Power of Attorney dated 5/5/2014 registered under serial no.4563/2014 executed by Chairman & Secretary of Kamdhenu Prasad Co-operative Housing Society, on behalf of all members of the society, infavour of Shri Mahesh Borkar.
12. Public notices published in daily Sakal on 16/5/2014 & in daily Thane Vaibhav on 15/05/2014.
13. Search report dated 18/05/2014 by Sanjay Shinde.

After perusal of the abovementioned documents and after considering the representations made in the concerned documents by the concerned persons, I express my opinion about the title of the said property as under:-

1) It appears that at the relevant time one Smt. Tarabai Ganesh Paranjpe, since deceased, hereinafter referred to as 'deceased Tarabai' was seized and possessed of and/or the owner and/or well and sufficiently entitled to all that pieces and parcels of plots of land bearing survey no.365, Hissa no.6[part] and survey no.366, Hissa no.1 [part] together admeasuring 1683 sq. yards equivalent to 1407.19 sq. meters lying, being and situate at village Panchpakhadi, Ghantali, Naupada, Taluka and District Thane, hereinafter referred to as the 'Said Larger Land". It further appears that deceased Tarabai vide an Agreement dated 19th September, 1971 agreed to sale the said larger land together with the development right thereof to and in favour of M/s. D.H. Pendse, a registered firm, having its office at- Paranjpe building, Brahman

society, Thane, hereinafter referred to as the "Said previous Builder". The deceased Tarabai pursuant to the said agreement put the said previous builder in possession of the said larger land with all rights of development thereof. Pursuant to the said agreement and the rights acquired therein, the said previous builder in the name of deceased Tarabai through Architect M.K. Natu and company submitted the plans for development of the said larger land, which was at that time admeasuring 1683 sq. yards, equivalent to 1407.19 sq. meters to the erstwhile Thane Municipal Council inter-alia seeking its approval for the construction of the proposed building which was to be consisting of ground plus four upper floors and comprising of 22 self contained flats. The said Council sanctioned the building plans vide permit no.26 dated 16th April, 1971 and issued a commencement certificate. The previous builder then pursuant to the said sanctioned plan carried out construction of then proposed building and completed the same and obtained occupation certificate from the said Council vide certificate no.332/1021 dated 10/06/1972. The said building which was then constructed by the said previous builder is since then popularly known as 'KAMADHENU PRASAD'. It comprises of 22 self contained flats. It appears that the said previous builder under diverse agreements for sale, sold and transferred the ownership of the said 22 flats to the respective flat purchasers under the provisions of M.O.F. Act and put them respectively in possession of their respective flats.

All such flat purchasers then formed a Co-operative Housing Society under the Maharashtra Co-operative Society Act, which is popularly known as 'Kamadhenu Prasad Co-operative Housing Society Ltd' bearing Registration No.TNA/HSG/501/1972, hereinafter referred to as "Said Society".

2) It appears that the said previous builder then caused to be executed registered Deed of Conveyance from the said deceased Tarabai in favour of the said society of the land area admeasuring 1205 sq meters out of the said larger land (which land admeasuring 1205 sq. metes is hereinafter referred to as 'SAID LAND') together with the said Kamadhenu Prasad building consisting of 22 flats on 30th September, 1972, which deed of conveyance was duly registered with the office of the Sub Registrar of Assurance, Thane under serial no.563 of 30th September, 1972. Pursuant to the said Deed of conveyance, the said society became the absolute and exclusive owner of the said land together with the said Kamadhenu Prasad building consisting of 22 self contained fats. The said land together with the said building is hereinafter referred to as the 'SAID PROPERTY', which said property is more particularly described hereinabove.

3) It appears that during passage of time, the said larger land came to be included in the limits of city survey office, Thane and as such same was allotted new City Survey Number, and the City Survey Office issued PR Card in respect of the said land conveyed in favour of the said

society however, while issuing the P.R. Card said land is shown to be of an area admeasuring 1195.6 sq. meters instead of showing as 1205 sq. meters as shown in the said Deed of Conveyance. In the city survey record now said land conveyed to the owner society herein came to be allotted Tika no.15, CTS no.28-C. In the P.R. card said land came to be recorded in the name of the said society on the basis of said registered deed of conveyance and the Index-II issued by the Sub Registrar. I have seen the original copy of the said deed of conveyance, certified copy of the Index II and certified copy of the PR Card. From the said copies it is evident that the name of said society is duly recorded in the office of the City Survey Office as the Holder/owner of the said land. In my opinion, said society has become owner of the said property vide said registered deed of conveyance.

4) The Developer caused to be carried out TILR Survey of the said property on 02/04/2014 and there under ascertained the boundaries of the said land. I have seen the TILR Survey map issued by the TILR Office based on the said survey. In the said survey map the boundaries of the said property are duly demarcated.

5) It is evident from the contents of the said registered development Agreement dated 5/5/2014 that the said society has after passing unanimous resolution in its general body resolved to undertake the redevelopment of the said property of the said property and with unanimous consent of all the members of the said society appointed

said developer viz M/s. Mahesh Borkar Civil Engineers and Contractors, sole proprietor Shri Mahesh Borkar as the developer, for the redevelopment project of the said society. Based on such unanimous resolution, said registered Agreement dated 5/5/2014 together with the general Power of Attorney of the even date appointed the said developer as the developer of the said property and conferred upon him all powers of development as stated therein, including the power to approach the Thane Municipal Corporation and other govt. agencies inter alia for seeking development permissions and other approvals. I have inspected the original copy of the resolutions passed by the said society so also the original copies of the said registered development Agreement together with the said general Power of Attorney. In my opinion said development Agreement and Power of Attorney both have been duly registered as required under the registration act with the Sub registrar Thane and the said development Agreement is duly indexed as is evident from the Index II issued by the Sub registrar. To the said development Agreement all the existing members of the said society are confirming parties. Thus, in my opinion the owner of the said property i.e. the said society with unanimous consent and confirmation of all its members duly appointed the said developer as the developer of the said property in terms of the said development Agreement and accordingly said developer has acquired all relevant rights of the development including the right of sale and alienation of the available new commercial and

or residential premises in the new building to be constructed on the said property as the promoter under the relevant provisions of law.

6) With a view to investigate the title of the said society upon the said property I have caused to be published the public notices dated 15/05/2014 and 16/05/2014 in daily Thane Vaibhav and Daily Sakal for the purpose of investigation of the title of the said property and called for the objections for the certification of the title of the said property, however, till date I have not received any objection of any nature from any person/s.

7) I have also caused to be taken search in the office of the Sub Registrar for the last 60 years through Search Clerk Sanjay Shinde who issued search report to that effect. I did not notice any adverse entries in the said report, which would show existence of any charge or encumbrances under any registered instruments of any other third parties upon the said property.

8) In view of above stated circumstances in my opinion the title of the said society i.e. Kamdhenu Prasad Co-operative Housing Society, upon the said property appears to be clear, marketable and free from any encumbrances. Said Developer has acquired the rights of development of the said property in terms of said registered Development Agreement dated 05/05/2014 read with said General Power of Attorney and has become entitled to develop the said property in terms of said Agreement with due approvals from the Competent

Authorities and to allot and alienate the available flats, shops, premises of the new building to prospective purchasers.

Hence this Title Certificate.

Manish Krishnaji Chippalkatti
Advocate