

Mehul Pagare

BLS. LLB

Advocate, Bombay High

Mob: +91 9819547185

Court

C-709, SEA QUEEN PARADISE, Plot no. 261 & 262, Sector 10, Kharghar, Navi Mumbai - 410

210

Date: -2ND May, 2017.

TITLE REPORT

This is to certify that I have pursued the properties mentioned below in the name of respective owners in 7/12 Extracts, 6/12 Extract, Mutation Entries, and the Xerox Copies of Conveyance deed, Index II and other documents available for my inspection reveals that property is Lands described in Schedules described herein below.

Whereas late Shri. Gopal Deu Katkari was the protected tenant i.e. deemed purchaser under the provisions of Section 32 (G) of the B.T. & A.L. Act, 1948 of land bearing survey no. 139 situated at Village Chikhholi, Taluka Ambernath and District Thane and Smt. Muktabai Gopal Katkari was the protected tenant i.e. deemed purchaser under the provisions of Section 32 (G) of the B.T. & A.L. Act, 1948 of land bearing survey no. 140/7, 151/1 and 151/6 situated at Village Chikhholi, Taluka Ambernath and District Thane (hereinafter referred as said Lands).

Whereas late Shri. Gopal Deu Katkari (Mukane) and Smt. Muktabai Gopal Katkari (Mukane) paid the price of the said lands; fixed by the Tenancy Authority and accordingly certificate



U/s. 32 M was issued in the name of Shri. Gopal Deu Katkari (Mukane) and Smt. Muktabai Gopal Katkari, and thereafter there name was duly mutated in the revenue records as the lawful owner & occupant of the said Lands.

Whereas after the death of Shri. Gopal Deu Katkari (Mukane), the name of his legal heirs viz. late 1) Shri Hari Gopal Katkari (Mukane), 2) late Shri Pandharinath Gopal Katkari (Mukane), 3) late Shri Muktabai Gopal Katkari (Mukane), 4) late Shri Sitabai Rajaram Pawar, 5) Shri Kalubai Gopal Waghe, late Shri Lila Jethu Pawar were duly mutated vide M.E. No 568 in the record of rights.

Whereas after the death of Shri. Hari Gopal Katkari (Mukane), the name of his legal heirs were duly mutated vide M.E. No. 982, after the death of Muktabai Gopal Katkari (Mukane), the name of her legal heirs was duly mutated vide M.E. No. 984, after the death of Shri. Pandharinath Gopal Katkari (Mukane), the names of his legal heirs were duly mutated vide M.E. no. 1054, after the death of Sitabai Raja Pawar name of her legal heirs was duly mutated vide M.E. 1073 in respect of said Lands.

Whereas with effect of above mentioned Mutation Entries, Shri Mohan Hari Mukane and 10 Others viz. 1) Smt. Sitabai Raja Pawar, 2) Smt. Kalubai Gopal Waghe, 3) Smt. Lila Jethu Pawar, 4) Smt. Kesubai Maruti Waghe, 5) Smt. Sitabai Pandharinath Mukane, 6) Smt. Nanda Vasant Pawar, 7) Smt. Manda Gangaram Dive, 8) Smt. Kunda Amruta Pawar, 9) Smt. Vandana Chandrakant Mukane 10) Smt. Deepa Nandu Helum became Owners and absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel



of Lands bearing Survey No 139 admeasuring about 1-01-2 (H-R-P), Survey No 140/7 admeasuring about 1-38-0 (H-R-P), Survey No 151/1, admeasuring about 1-48-0 (H-R-P), and Survey No 151/6 admeasuring about 1-27-0 (H-R-P), situated at Village Chikhholi, Taluka Ambarnath and District Thane more particularly described in the Schedule-I hereunder written.

Whereas 1) Smt. Sitabai Raja Pawar, 2) Smt. Kalubai Gopal Waghe, 3) Smt. Lila Jethu Pawar, 4) Smt. Kesubai Maruti Waghe, 5) Smt. Sitabai Pandharinath Mukane, 6) Smt. Nanda Vasant Pawar, 7) Smt. Manda Gangaram Dive, 8) Smt. Kunda Amruta Pawar, 9) Smt. Vandana

Chandrakant Mukane 10) Smt. Deepa Nandu Helum executed General Power of Attorney in favour of Shri. Mohan Hari Mukane for the sale of Lands bearing Survey No 139 admeasuring about 1-01-2 (H-R-P), Survey No 140/7 admeasuring about 1-38-0 (H-R-P), Survey No 151/1, admeasuring about 1-48-0 (H-R-P), and Survey No 151/6 admeasuring about 1-27-0 (H-R-P), situated at Village Chikhholi, Taluka Ambarnath and District Thane and the said General Power of attorney has been registered with the Sub Registrar Assurance Ulhasnagar, under serial no. ULN3-02555-2009 DATED 03-07-2009.

By Conveyance deed dated 30th December, 2009 between Mohan Hari Mukane and 10 Others therein described as Vendors and 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav, therein described as Purchasers acquired right, title and interest in respect of Lands bearing Survey No 139 admeasuring about 1-01-2 (H-R-P), Survey No 140/7 admeasuring about 1-38-0 (H-R-P), Survey No 151/1,



admeasuring about 1-48-0 (H-R-P), and Survey No 151/6 admeasuring about 1-27-0 (H-R-P), situated at Village Chikhloli, Taluka Ambarnath and District Thane more particularly described in Schedule I hereunder written and the said Conveyance deed has been registered with the Sub Registrar Assurance Ulhasnagar, under serial No. ULN3-00450-2010 DATED 22-01-2010 and Index II has been issued for the same. Accordingly, the name of Purchasers viz. 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav was duly mutated in the Records of Rights vide Mutation Entry No. 1100 dated 23-02-2010.

Whereas 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav desired and parted the said Lands under mutation entries no 1130 dated 4-09-2010, The below mention properties belong to names mention as herein.

- 1) Land bearing Survey No 139 (Part) admeasuring about 0-15-35 (H-R-P) Village Chikhloli, Taluka Ambarnath and District Thane belong to Shri Ketan Babulal Patel.
- 2) Land bearing Survey No 139 (Part) admeasuring about 0-79-75 (H-R-P) Pot Kharaba 0-06-1 (H-R-P) Village Chikhloli, Taluka Ambarnath and District Thane belong to 1) Shri Ramchandra Bajirao Kale 2) Shri Ramakanth Subhash Jadhav.
- 3) Land bearing Survey No 151/1 (Part) admeasuring about 0-76-44 (H-R-P) Pot Kharaba 0-29-0 (H-R-P) Village Chikhloli, Taluka Ambarnath and District Thane belong to Shri Ketan Babulal Patel.



- 4) Land bearing Survey No 151/1 (Part) admeasuring about 0-42-56 (H-R-P) Village Chikhloli, Taluka Ambernath and District Thane belong to 1) Shri Ramchandra Bajirao Kale 2) Shri Ramakanth Subhash Jadhav.
- 5) Land bearing Survey No 140/7 (Part) admeasuring about 1-29-0 (H-R-P) Pot Kharaba 0-09-0 (H-R-P) Village Chikhloli, Taluka Ambernath and District Thane 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav.
- 6) Land bearing Survey No 151/6 admeasuring about 1-24-0 (H-R-P) Pot Kharaba 0-03-0 (H-R-P) Village Chikhloli, Taluka Ambernath and District Thane belong to 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav

Whereas thereafter 1) Shri Ramchandra Bajirao Kale 2) Shri Ketan Babulal Patel and 3) Shri Ramakanth Subhash Jadhav desired to separate their properties and they have parted their properties under mutation entries no 1326 and 1327 dated 11-06-2012. The below mention land belong to names mention as herein.

- 1) a) Land bearing Survey No 139/2 admeasuring about 0-15-35 (H-R-P) b) Survey No 140/7C admeasuring about 0-43-0 (H-R-P) Pot Kharaba 0-03-0 (H-R-P) c) Survey No 151/1A admeasuring about 0-76-44 (H-R-P) Pot Kharaba 0-29-0 (H-R-P) and d) Survey No



151/6B admeasuring about 0-41-33 (H-R-P) Pot Kharaba 0-01-0 (H-R-P) Situated at Village Chikhloli, Taluka Ambernath and District Thane belong to Shri Ketan Babulal Patel.

2) a) Land bearing Survey No 139/3 admeasuring about 0-39-93 H-R-P Pot Kharaba 0-03-0 H-R-P b) Survey No 151/1C admeasuring about 0-21-28 H-R-P c) Survey No 151/6C admeasuring about 0-41-34 H-R-P Pot Kharaba 0-01-0 H-R-P and d) Survey No 140/7D admeasuring about 0-43-0 H-R-P Pot Kharaba 0-03-0 H-R-P Situated at Village Chikhloli, Taluka Ambernath and District Thane belong to Shri Ramakanth Subhash Jadhav.

3) a) Land bearing Survey No 139/1 admeasuring about 0-39-82 H-R-P Pot Kharaba 0-03-1 H-R-P b) Survey No 140/7A admeasuring about 0-43-0 H-R-P Pot Kharaba 0-03-0 H-R-P c) Survey No 151/1B admeasuring about 0-21-28 H-R-P and d) Survey No 151/6A admeasuring about 0-41-33 H-R-P Pot Kharaba 0-01-0 H-R-P Situated at Village Chikhloli, Taluka Ambernath and District Thane belong to Shri Ranichandra Bajirao Kale.

In the circumstances aforesaid:-

- 1) Shri Ketan Babulal Patel was absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of Land bearing Survey Nos i.e Survey No 139/2 admeasuring about 0-15-35 (H-R-P) b) Survey No 140/7C admeasuring about 0-43-0 (H-R-P) Pot Kharaba 0-03-0 (H-R-P) c) Survey No 151/1A admeasuring about 0-76-44 (H-R-P) Pot Kharaba 0-29-0 (H-R-P) d) Survey No 151/6B admeasuring about 0-41-33 (H-R-P) Pot Kharaba 0-01-0 (H-R-P) situated at Village Chikhloli, Taluka Ambernath and District Thane.



2) Shri. Ramchandra Bajirao Kale was absolutely seized and possess of or otherwise well and sufficiently entitled to all that piece and parcel of Land bearing Survey No 139/1 admeasuring about 0-39-82 (H-R-P) Pot Kharaba 0-03-1 (H-R-P) b) Survey No 140/7A admeasuring about 0-43-0 (H-R-P) Pot Kharaba 0-03-0 (H-R-P) c) Survey No 151/1B admeasuring about 0-21-28 (H-R-P) and d) Survey No 151/6A admeasuring about 0-41-33 (H-R-P) Pot Kharaba 0-01-0 (H-R-P) Situated at Village Chikhholi, Taluka Ambarnath and District Thane

3) Shri. Ramakanth Subhash Jadhav was absolutely seized and possess of or otherwise well and sufficiently entitled to all that piece and parcel of Land bearing Survey No 139/3 admeasuring about 0-39-93 (H-R-P) Pot Kharaba 0-03-0 (H-R-P) b) Survey No 151/1C admeasuring about 0-21-28 (H-R-P) c) Survey No 151/6C admeasuring about 0-41-34 (H-R-P) Pot Kharaba 0-01-0 (H-R-P) and d) Survey No 140/7D admeasuring about 0-43-0 (H-R-P) Pot Kharaba 0-03-0 H-R-P Situated at Village Chikhholi, Taluka Ambarnath and District Thane.

Whereas by Agreement for Sale dated 24th July, 2012, executed by Shri. Ketan B. Patel and Shri. Ramchandra B Kale have surrendered and handed over the properties bearing survey no. 139/1, 140/7A, 151/6A, 151/6B and 151/1B total admeasuring 19,486 sq. meters lying and being situated at Village Chikhholi, Taluka Ambarnath, Dist. Thane to Ambarnath Municipal Council and the said Agreement for Sale was registered with the Sub Registrar Assurance Ulhasnagar, under serial No. ULN3-3830-2012 DATED 24-07-2012 and Index II has been



Mej

issued for the same. In lieu of said surrender and handover of the properties; the Ambernath Municipal Council has issued Transfer of Development Rights (TDR) Certificate no. AMC/NRV/425/2012 dated 31st July, 2012 admeasuring 19,486.00 sq. meters.

Whereas by Sale Deed dated 4th October, 2012 Shri. Ramakanth Subhash Jadhav have surrendered and handed over the properties bearing Survey No 139/3, 151/1C, 151/6C and 140/7D total admeasuring 15255.00 sq. meters to Ambernath Municipal Council and the said Sale Deed has been registered with the Sub Registrar Assurance Ulhasnagar, under serial No. ULN3-5108-2012 DATED 04-10-2012 and Index II has been issued for the same. In lieu of said surrender and handover of the properties; the Ambernath Municipal Council has issued Transfer of Development Rights (TDR) Certificate no. AMC/NRV/833/2012 dated 31st October, 2012 admeasuring about 15255.00 sq. meters.

Whereas Shri. Ramakanth Subhash Jadhav has sold the above mentioned Transfer of Development Rights (TDR) Certificate No AMC/NRV/833/2012 dated 31st October, 2012 admeasuring 15255.00 sq. meters to Shri. Ketan Babulal Patel through Deed of Transfer of Development Right (TDR) dated 9th November, 2012 and said Deed of Transfer of Development Right (TDR) has been registered with the Sub Registrar Assurance Ulhasnagar, under serial no. ULN3-5867-2012 DATED 09-11-2012.

Whereas Shri. Ketan Babulal Patel has obtained development or construction sanction/ permission from Ambernath Municipal Council for the Development of Land bearing survey no. 139/2 & 151/1A admeasuring about 12079.00 sq. meters plus 8213.72. sq. meters TDR



through letter bearing No. ANP/TDP/CP/12-13/982/2198/87 dated 18/12/2012 and Shri. Ketan Babulal Patel has also obtained development or construction permission from Ambernath Municipal Council for the Development of Land bearing survey no. 140/7C admeasuring about 4600.00 sq. meters plus 1353.92 sq. meters TDR through letter bearing No. ANP/TDP/CP/12-13/984/2199/88 dated 18/12/2012.

In the circumstances aforesaid, Shri. Ketan Babulal Patel, is absolutely seized and possessed of or otherwise well and sufficiently entitled to piece of lands or ground bearing Survey No. 139/2, 140/7C and 151/1A admeasuring about 16679 sq. meters lying, being and situated at Village Chikhholi, Taluka Ambernath, District Thane and TDR Certificate No AMC/NRV/833/2012 dated 31st October, 2012 admeasuring 15255.00 sq. meters, the said properties are more particularly described in **Second Schedule**.

AND WHEREAS Shri. Ketan Babulal Patel has obtained development and construction permission from Ambernath Municipal Council for the Development of Land bearing survey no. 139/2 and 151/1A admeasuring about 12,079 sq. meters lying and being situated at Village Chikhholi, Taluka Ambernath, Dist. Thane along with TDR admeasuring 8,213.72 sq. meters through letter bearing No. ANP/TDP/CP/12-13/982/2198/87 Dt. 18/12/2012.

AND WHEREAS Shri. Ketan Babulal Patel has also obtained development and construction permission from Ambernath Municipal Council for the Development of Land bearing survey no. 140/7C admeasuring about 4600.00 sq. meter lying and being situated at Village



Chikhholi, Taluka Ambernath, Dist. Thane along with TDR admeasuring 1353.92 sq. meters through letter bearing No. ANP/TDP/CP/12-13/984/2199/88 Dt. 18/12/2012.

Whereas Shri Ketan Babulal Patel has also obtained Commencement Certificate (CC) upto plinth of Land bearing Survey no. 140/7C and Survey no. 139/2 & 151/1A from the Ambernath Municipal Council through letter bearing no. ANP/TDP/CP/12-13/1031 and ANP/TDP/CP/12-13/1032 both dated 29/12/2012.

Whereas Shri. Ketan Babulal Patel has executed Development Agreement dated 18th February, 2013 with the M/s. Karm Infrastructure Private Limited and given development rights in respect of Land bearing Survey No. 139/2, 140/7C and 151/1A admeasuring about 16679 sq. meters lying, being and situated at Village Chikhholi, Taluka Ambernath, District Thane along with Transfer of Development Rights (TDR) admeasuring about 9567.64 sq. meter; total development area admeasuring about 26246.64 sq. meters and the said Development Agreement dated 18th February, 2013 has been registered with the Sub Registrar Assurance Ulhasnagar, under serial no. ULN3 1091/2013 DATED 20/02/2013. The said properties are more particularly described in **Third Schedule** hereunder

AND WHEREAS Shri. Ketan Babulal Patel has also obtained Two separate N.A. Order for the said Larger Property from the Collectorate Office, Thane through letter no. Mahsul/No.1/T -14/NAP/SR (238/12) 121/13 dated 28th May, 2013 and letter no. Mahsul/1/T -14/NAP/SR (239/2012) 123/2013 dated 28th May, 2013.



AND WHEREAS Shri. Ketan Babulal Patel has also obtained Further Commencement Certificate (CC) for the said Larger Property from the Ambernath Municipal Council through letter bearing no. ANP/NRV/2013-2014/285 dated 05-06-2013 and ANP/NRV/2013-2014/286 dated 05-06-2013.

Whereas Shri. Ketan Babulal Patel has executed Power of Attorney dated 7th June, 2013 to the M/s. Karm Infrastructure Private Limited for Development Rights in respect of said Properties more particularly described in Second Schedule hereunder and the said Power of Attorney dated 7th June, 2013 was registered with the Sub Registrar Assurance Ulhasnagar, under serial no. ULN3/3446//2013 DATED 07/06/2013.

AND WHEREAS Shri. Ketan Babulal Patel has also obtained Two separate Final Commencement Certificate (CC) for the said Larger Property from the Ambernath Municipal Council through letter bearing no. ANP/NRV/2013-2014/426 dated 03-07-2013 and ANP/NRV/2013-2014/427 dated 03-07-2013.

- A. M/s. Karm Buildcon (previously known as "M/s. Ekta Buildcon) and M/s. Karm Infrastructure Pvt. Ltd executed Deed of Mortgage dated 27th November, 2014 with Dewan Housing Finance Corporation Ltd for PROJECT FINANCE of Karm Residency project and have mortgage land bearing Survey No 166/1/1, 166/1/2, 166/2, 167/1, 167/2, 169/2, 170, 172/1, 172/2/1(Part), 172/2/2 (Part), 172/2/3, 172/2/4, 172/2/5, 172/2/6, 172/2/7, 172/2/8, 173/1/1, 173/1/2, 178/15, and 179/5, admeasuring total area 46 Acres 30 Gunthas and Karm Gardens Project being constructed on land bearing survey no. 139/2, 140/7C & 151/A area admeasuring about 16,679 Sq.mtrs and unsold Flats/Units to be constructed on the said Project. The said Deed of Mortgage was duly registered at the Sub Registrar office



Shahapur bearing registration no. SHP/6510/2014 dated 27th November, 2014. Further the M/s Karm Infrastructure Pvt Ltd has extended the charge on the said Project by registering the Deed of Mortgage bearing reg no. SHP/3888/2017 dated 29th April 2017.

A. Following are the litigation on part of the project land.

Sr.no	Case no.	Suit Survey no	Parties name	Court
1	Special Civil Court Suit- Case no. 161/2012	Survey no.139,140 & 151	Murlidhar Pichad & one other V/S Janikibai Mukane & 21 others	Kalyan Civil court (Civil Judge (S.D))
2	Regular Civil Suit no.88/2014	Survey no.139,140 & 151	Waman Mhatre V/s 1) Ramchandra Kale & 13 others 2) Ketan Babulal Patel 3) Ramakanth Jadhav & ors	At Ulhasnagar, Court.

However till date no adverse order have been passed which would in any manner affect and/or prejudice the rights of the Developer to the Project Land.

Under the said Development Agreement and Power of Attorney the Land Owner Shri. Ketan B Patel hereby permitted the Developers i.e. M/s. Karm Infrastructure Private Limited to Allot, Sell and Transfer on Ownership basis, the Flats, Units, Premises in the buildings constructed by the Developers at its own cost on the Larger Property for such consideration and on such other terms, conditions, covenants, stipulations and provisions as may be decided and deemed fit by the Developers and for this purpose to sign and execute the necessary agreements, deeds documents and writing with the Purchasers/Transferee of the same.



In view of what is stated aforesaid and subject to whatever is stated herein, I am of the opinion that Karm Infrastructure Pvt. Ltd., are well and sufficiently entitled to develop the Properties, subject to 1) Mortgage created in favour of Dewan Housing Finance Corporation Ltd as mentioned hereinabove and 2) litigations mentioned hereinabove 3) compliance of the permissions and sanctions granted in its favour by the competent authorities.

FIRST SCHEDULE

All that piece and parcel of Land bearing Survey Nos i.e. Survey No 139 admeasuring about 1-01-2 (H-R-P), Survey No 140/7 admeasuring about 1-38-0 (H-R-P), Survey No 151/1, admeasuring about 1-48-0 (H-R-P), and Survey No 151/6 admeasuring about 1-27-0 (H-R-P) Situated at Village Chikhholi, Taluka Ambernath and District Thane.

SECOND SCHEDULE

All that piece and parcel of Land Survey No. 139/2, 140/7C and 151/1A admeasuring about 16,679 sq. meters lying, being and situated at Village Chikhholi, Taluka Ambernath, District Thane and TDR Certificate No AMC/NRV/833/2012 dated 31st October, 2012 admeasuring 15255.00 sq. meters.



THIRD SCHEDULE

All that piece and parcel of Land bearing Survey No. 139/2, 140/7C and 151/1A admeasuring about 16679 sq. meters lying, being and situated at Village Chikhloli, Taluka Ambemath, District Thane along with Transfer of Development Rights (TDR) admeasuring about 9567.64 sq. meter, total development area admeasuring about 26246.64 sq. Meters.

ADV. MEHUL PAGARE

C-709, Sea Queen Paradise,
Plot No. 261 & 262, Sector 10,
Kharghar, Navi Mumbai- 410 210

Wsp