



**KIRAN BADGUJAR**

B.A., LL. B.

Advocate High Court

4/576, "Matruchaya", Suryodaya C.H.S. Ltd.,  
Kher Section, Ambarnath (E), Thane - 421 501.  
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Ref. No.: KB/DD/1094

Date : 18 JUL 2017

**CERTIFICATE OF TITLE**

Re. :- The immovable property being land situated, lying and being at Village Kolshet, Thane, Taluka & District Thane and within the limits of the Municipal Corporation of the City of Thane and having following description as per Revenue Records :-

Sr. No.	Survey No.	Area (Sq. Mtrs.)
1.	87/17C	13810.00
		13810.00
		=====

(hereinafter referred to as the "SAID LAND").

**M/s. D.D. Associates (Association of Persons) - Owners**

1. M/s Thana Industrial Development Corporation (Partnership Firm) -- **(Predecessors in title No. 1)**
2. M/s. Darshan Enterprises (Partnership Firm) as Constituted Attorney of :
  - 2(i) Shri Basudeo Hanumanprasad Pasari and Shri Anilkumar Basudeo Pasari
  - 2(ii) M/s National Engineering and Electroplating Works
  - 2(iii) M/s Zenith Paper Products
  - 2(iv) M/s Steel Products of India
  - 2(v) M/s Arun Engineering Industries) **-(Predecessors in title No.2).**



**TO WHOMSOEVER IT MAY CONCERN**

**THIS IS TO CONFIRM THAT,** I have investigated the title of Owners to the said Land and on the basis of search caused to be taken with the office of the Sub-Registrar of Assurances, Thane; perusal of Revenue Records and documents submitted, I have observed as under :-

1. On perusal of 7/12 extract of the said Land it appears that the said Land has not been declared as "Forest" Land, under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.
2. Under the Consent Decrees dated 3rd September, 1998 passed by the Hon'ble High Court of the Bombay in its Original Civil Jurisdiction in 5 Suits bearing Nos. 121 to 125 of 1975 & which are registered with Sub-Registrar of Assurances, Thane at Thane at Serial No. TNN5/5549 dated 26th June, 2012 and Serial No. TNN5/5575 to TNN5/5578 dated 27th June, 2012, M/s. Thana Industrial Development Corporation (TIDC), the Predecessors in title No. 1 became entitled to 62% undivided right, title, interest and claim in lands referred to in all the 5 Suits totally admeasuring 1,52,234 Sq. Yards (hereinafter referred to as "the entire land") which includes the said Land and the balance 38% undivided right, title, interest and claim in the entire lands including the said Land came to the share of No. 2 (i) to (v), the Predecessors in title No. 2, i.e. Plaintiffs in the said 5 Suits in proportion as stated herein below.



3. As per said Decrees, the Predecessors in title No. 2, (i.e. the Plaintiffs in each of the said 5 Suits) had agreed to distribute their said share of 38%, in the following manner :

- 53.50% Shri Basudeo Hanumanprasad Pasari and Shri Anilkumar Basudeo Pasari, Plaintiffs in Suit No.121 of 1975.
- 09.00% M/s National Engineering and Electroplating Works, Plaintiffs in Suit No.122 of 1975
- 10.00% M/s Zenith Paper Products, Plaintiffs in Suit No.123 of 1975
- 08.10% M/s Steel Products of India, Plaintiffs in Suit No 124 of 1975
- 19.40% M/s Arun Engineering Industries, Plaintiffs in Suit No. 125 of 1975.

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100.00%

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4. By and under 8 (Eight) duly registered Irrevocable Power of Attorneys, said Predecessors in title No. 2, for consideration, appointed and entitled M/s. Darshan Enterprises through its Partners, to deal with their 38% undivided right, title, interest and claim in the entire lands including the said Land as referred to in each of the said irrevocable Power of Attorneys. The details of the said registered irrevocable Power of Attorneys are as follows:

Sr No	Name of the Grantor	Names of the Grantee	Date of Execution	Registration No.
1.	M/s. National engineering and Electroplating works through its partner	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani &	6.12.2005	TNN-5/8064/2005



	Mr. Shashikant Basudeo Pasari	2.Mr. Suresh Jain		
2.	Mrs. Usha A. Pasari Mr. Aditya A. Pasari Mrs. Smita More through her brother Aditya Pasari	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	17.12.20 04	TNN- 5/09041/2004
3.	Mrs. Usha A. Pasari Aditya A. Pasari Smita More through her brother Aditya Pasari	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	17.12.20 04	TNN- 5/09040/2004
4.	Basudeo H. Pasari	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	8.12.200 4	TNN5/08794/20 04
5.	Basudeo H. Pasari	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	8.12.200 4	TNN5/08795/20 04
6.	M/s. Zenith paper Products Pvt Ltd through its Director Mr. Sanjay Goyanka	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	17.02.20 05	TNN5/01368/20 05
7.	M/s. Arun	M/s. Darshan	20.01.20	TNN5/00572/20



	Engineering Industries through its proprietor Mr. Arunkumar Pasari son of Radheshyam Pasari	Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	05	05
8.	Mr. Giridharilal Modi, Partner of M/s Steel Products of India	M/s. Darshan Enterprises through its Partners 1.Mr. Naresh Khetwani & 2.Mr. Suresh Jain	17.02.2005	TNN-5/01367/2005

5. By and under Consent Decrees, passed by the 4th Jt. Civil Judge, Senior Division, Thane in five Special Civil Suits bearing Nos. 534 to 537 of 2008 and 1 of 2009, M/s Thana Industrial Development Corporation (TIDC), the Predecessors in title No. 1, for consideration, transferred and assigned its said entire 62% undivided right, title, interest and claim in the entire lands, including the said Land, acquired under the earlier Consent Decree dated 3rd September, 1998, to and in favour of M/s. D. D. Associates, an Association of Persons consisting of M/s. Darshan Enterprises and M/s. Friends Development Corporation as members thereof. The said five Consent Decrees in said five Special Civil Suits bearing Nos. 534 to 537 of 2008 and 1 of 2009 have been registered with the Sub- Registrar of Assurances, Thane at Thane at Serial No. TNN/5/6923 to TNN/5/6927 respectively on 14th August, 2012.



6. Pursuant to said Consent Decrees passed by the 4th Jt. Civil Judge, Senior Division, Thane in five Special Civil Suits bearing Nos. 534 to 537 of 2008 and 1 of 2009 Mrs. Bakhtawar Bezan Chenoy for self and as the Partner of M/s. Thana Industrial Development Corporation (TIDC), the Predecessors in title No. 1, executed an Irrevocable General Power of Attorney for Conveyance of lands, which is registered with the Sub-Registrar of Assurances, Thane under Sr. No. TNN5/ 647 of 2012 on 14/08/2012, has appointed (1) Mr. Deepak Kishan Goradia, (2) Mr. Rajul Vrajlal Vora, Partners of Friends Development Corporation and (3) Mr. Suresh Devichand Mehta alias Suresh Devichand Jain, the partner of M/s Darshan Enterprises the constituents of M/s D. D. Associates (AOP), jointly and each of them severally and individually to be true and lawful Attorneys for herself and TIDC for and on their behalf and in their names to do and execute all or any of the acts, deeds, matters and things for the lands as mentioned in the said Power of Attorney including the said Land.
7. By and under Agreement for Development and Sale dated 23rd March, 2013 registered with the Sub-Registrar of Assurances, Thane under Sr. No TNN5-7153/2013 on 8th July, 2013, both the Predecessors in title No. 1 and 2 have granted development rights, interalia of the said Land to M/s D D. Associates, Thus, the Owners M/s. D. D. Associates become entitled to 100% share in the said land.



8. The said land, admeasuring 13810 sq. mtrs and bearing Survey No.87/17/C is the remaining part or portion of land admeasuring 15500 sq. Mtrs bearing Old Survey No. 87/17, out of which 340 sq. mtrs. was affected by "Park Reservation No 5" and 1350 sq. mtrs which is under HCMTR reservation as per the sanctioned development plan under Government of Maharashtra G. R. No. TPS/1297/1319/CR-148/97/UD-12 and therefore the said area was surrendered by the Owners to the Thane Municipal Corporation (TMC) against the benefit of TDR, vide Declaration cum Indemnity Bond dated 9th December, 2013 registered with the Sub-Registrar of Assurances, Thane under Sr. No. TNN5-12245/2013 on 10th December, 2013. Therefore, the Original Survey No. 87/17 admeasuring 15500 sq. Mtrs was split into three parts, one part or portion thereof admeasuring 340 sq. Mtrs., second part or portion thereof admeasuring 1350 sq. Mtrs., which are surrendered to TMC, are renumbered as 87/17/A and 87/17/B respectively and the third part or portion admeasuring 13810 sq. Mtrs i.e. the said Land, which is retained by the Owners is renumbered as Survey No.87/17/C.
9. By and under Conveyance Deed, registered at the office of Sub-Registrar, Thane-9, at Sr. No. 2118/2014, on 01/04/2014, said Predecessors in title No. 1 and 2 through their respective Partners and Power of Attorney holders, in pursuance of Consent Decrees, registered at Serial No. TNN5/5549 dated 26th June, 2012 and Serial No. TNN5/5575 to TNN5/5578 dated 27th June, 2012, and Serial No. TNN/5/6923 to TNN/5/6927 respectively on 14th August, 2012, have sold, conveyed and



transferred said Land to and in favour of M/s D. D. Associates, for consideration and terms and conditions as contained therein, and delivered the legal and physical possession of said Land to said M/s D. D. Associates, and accordingly said M/s D. D. Associates become the absolute owner of said Land, and by virtue of said Conveyance Deed the name of M/s D. D. Associates is recorded on 7/12 extract of said Land vide Mutation No. 2887, dated 09/04/2014, certified on 25/04/2014.

10. Vide Deed of Mortgage, registered at Sr. No. TNN-5/12352 of 2016 on 03/11/2016, the Owners have availed the loan facility by mortgaging their larger portion of property including the said land with Aditya Birla Finance Ltd. & Aditya Birla Housing Finance Ltd. (the portion of land area mortgaged and detail terms and conditions are more particularly described in the said Deed of Mortgage).
11. Vide Vinishiti No. Mahasul/K-1/T2/zaminbab/KV-8920/SR-Taha-93/2016, dated 30/05/2016 issued by the Tahasildar, Thane and letter No. Mahasul/K-1/T2/zaminbab/KV-10048/SR-93/2016, dated 02/06/2016 issued by the Tahasildar, Thane, the Owners have paid Conversion and N.A. Tax in respect of their larger property including the said land vide Challan No. MH 00 1508943, dated 02/06/2016.
12. The Thane Municipal Corporation has sanctioned the plans submitted by the Developers and has issued Development permission/Commencement Certificate (Amended) vide V.P. No.



S05/0079/14, TMC/TDD/2152/17, dated 19/04/2017 on the terms and conditions as contained therein.

13. That five Notice of Motions bearing Nos. 2501, 2075, 2494, 2495 and 2016 of 2016 have been filed before Hon'ble Bombay High Court, Mumbai in Original five Suits bearing No. 121 to 125 of 1975, by one Niranjana Kanchan Nanavati against Dhan Sorabji Kharas and 6 others for reliefs as prayed therein. In said Notice of Motions no adverse orders has been passed so as to affect the title of the Owners.

14. In view of above, in my opinion, the title of the Owners to the said Land is clear, marketable and free from all encumbrances and reasonable doubts.

Date : 18 JUL 2017

  
(KIRAN BADGUJAR)  
ADVOCATE



