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TO WHOMSOEVER IT MAY CONCERN

- I. THIS IS TO CERTIFY that I have investigated the title to an area admeasuring 5703.04 sq. meters forming the portion of land bearing Old Survey No.250, New Survey No.46, Hissa No.3, an area admeasuring 18.12 sq. meters forming the portion of land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 984.39 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10, situate, lying and being at Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane and now within the limits of the Mira Bhayandar Municipal Corporation and have to state as hereunder;
- Shri Manvel Anthon Rodricks was the original owner of the land bearing Old Survey No.249, New Survey No.44, Hissa No.2, admeasuring 1090 sq. meters, Old Survey No.250, New Survey No.46, Hissa No.3, admeasuring 6170 sq. meters and Old Survey No.252, New Survey No.43, Hissa No.10, admeasuring 1470 sq. meters of Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane (for short hereinafter jointly and collectively referred to as the "Larger Property").
- Shri Manvel Anthon Rodricks died in or about the year 1976 leaving behind his two married daughters namely Mrs. Rita Edward Rodricks and Mrs. Lucybai Joseph D'Mello as his heirs and legal representatives entitled to the estate of the deceased including the larger property.
- 3. Mrs. Rita Edward Rodricks died intestate on 21st July, 1994 leaving behind her two sons namely Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Manvel Anthon Rodricks and a married daughter by name Mrs. Cynthia alias Sushila Himmat Shah as her heirs and legal

representatives entitled to the undivided share of the deceased in the larger property .

- 4. By a Mutation Entry No. 378, dated 12th July, 1995, the names of Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Manvel Anthon Rodricks and Mrs. Cynthia alias Sushila Himmat Shah came to be recorded in the 7/12 extract of the larger property as the heirs of late Mrs. Rita Edward Rodricks.
- 5. Mrs. Lucy Joseph D'Mello and others had filed a suit in the Court of Civil Judge (S.D.) Thane against Mr. Manvel Anthon D'Mello for seeking an order of declaration and injunction in respect of the larger property and accordingly, Mrs. Lucy Joseph D'Mello and others had registered a Notice of Lis-pendence in the office of Sub-Registrar of Assurance under Sr. No. TNN-4/2490/1995, dated 16th June, 1995 and Sr. No. TNN-4/2491/1995, dated 16th June, 1995.
- 6. Mrs. Lucybai Joseph D'Mello died intestate on 26th March, 1997 leaving behind her four sons namely Mr. George Joseph D'Mello, Mr. Frank Joseph D'Mello, Mr. Michael Joseph D'Mello, Mr. Basil Joseph D'Mello, three married daughters namely Mrs. Cecil Jimmy Correa, Mrs. Irene Walty Hendriques and Mrs. Elisabeth Baptista as her heirs and legal representatives entitled to the undivided share of the deceased in the larger property.
- 7. By a Mutation Entry No. 516, dated 2nd June, 2003, the names of Mr. George Joseph D'Mello, Mr. Frank Joseph D'Mello, Mr. Michael Joseph D'Mello, Mr. Basil Joseph D'Mello, Mrs. Cecil Jimmy Correa, Mrs. Irene Walty Hendriques and Mrs. Elisabeth Baptista came to be recorded in the 7/12 extract of the larger property as the heirs of late Mrs. Lucybai Joseph D'Mello.

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- 8. By a Development Agreement, dated 21st March, 2005, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/2212/2005, Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Rodricks, Mrs. Cynthia alias Sushila Himmat Shah, Mrs. Cecil Jimmy Correa, Mr. George Joseph D'Mello, Mr. Frank Joseph D'Mello, Mr. Michael Joseph D'Mello, Mr. Basil Joseph D'Mello, Mrs. Irene Walty Hendriques and Mrs. Elisabeth Baptista had agreed to grant the development rights of the larger property to Shri Nandkumar Manilal Papaiya, proprietor of M/s. Shiv Shakti Developers for the consideration mentioned therein.
- 9. In pursuance of Development Agreement, dated 21st March, 2005, Mr. Melville Manvel Anthon Rodricks and others had executed an General Power of Attorney, dated 21st March, 2005 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/2213/2005 in favour of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers conferring upon him several powers inter-alia power to deal with the larger property.
- 10. By a Mutation Entry No. 570, dated 24th March, 2005, the name of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers came to be recorded in the Other Rights Column of the 7/12 extract of the larger property as the owner thereof.
- 11. An area admeasuring 781.70 sq. meters forming the portion of land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 452 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10, situate, lying and being at Village Navghar, Bhayandar, Taluka and District Thane and in the Registration District and Sub-District Thane is reserved for D.P. Road in the Development Plan for the City of Mira Bhayandar (for short hereinafter referred to as the "Reserved Property").

- 12. By an Agreement, dated 22nd June, 2007, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. 5898 of 2007, Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers in the capacity of constitute attorney of the original owners surrendered the reserved property to the Mira Bhayandar Municipal Corporation. By a Mutation Entry No. 933, dated 28th August, 2007, the name of the Mira Bhayandar Municipal Corporation came to be recorded in the 7/12 extract of the larger property corresponding to the reserved property.
- 13. In the 7/12 extract of the larger property, the name of the Estate Investment Co. Pvt. Ltd., was appearing as the superior holder thereof. The Estate Investment Co. Pvt. Ltd., had given its No Objection Certificate No. RE/889, dated 9th April, 2007 to M/s.Shiv Shakti Developers to develop the larger property.
- 14. The Collector of Thane has granted N.A. Permission in respect of the area meant for residence comprising the larger property vide an Order No. Revenue/K-1/T-1/NAP/SR/157/2006, dated 11th June, 2007 and an Order No. Revenue/K-1/T-1/NAP/SR/159/2006, dated 11th June, 2007.
- 15. The Mira Bhayandar Municipal Corporation had sanctioned the layout plan in respect of the area meant for residence comprising the larger property vide its V.P. No. MB/MNP/NR/930/2006-2007, dated 21st June, 2006 read with V.P. No. MB/MNP/NR/1270/2007-2008, dated 5th July, 2007.
- 16. The Mira Bhayandar Municipal Corporation had issued the Commencement Certificate No.MB.MNP/NR/ 394/2009-10, dated 12th May, 2009 to commence with the construction of the buildings on the area meant for residence forming the portion of the larger property.

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The layout plan of the larger property consists of total six buildings 17. i.e. Building No. A, consisting of ground floor, admeasuring 49.89 sq. meters, Building No. D, consisting of part stilt + seven floors, admeasuring 1404 sq. meters, Building No. E, admeasuring stilt + seven floors, admeasuring 1607.48 sq. meters, Building No. F, consisting of stilt + seven floors, admeasuring 1515.15 sq. meters, Building No. G, stilt + seven floors, admeasuring 1362.76 sq. meters and a Hall, consisting of ground + five floors, admeasuring 704.04 sq. meters.

- By a Deed of Assignment, dated 29th December, 2007, registered 18. in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/9321/2011 (for short hereinafter referred to as the "Third Agreement") Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers had granted development rights of Building No. F consisting of stilt + seven upper floors admeasuring 1515.15 sq. meters and Building No. G consisting of stilt + seven upper floors admeasuring 1362.76 sq. meters (for short hereinafter jointly and collectively referred to as the "Said Building") the then to be constructed in Plot No.A comprising the larger property to M/s. Arihant Developers for the consideration mentioned therein.
- In pursuance of the third agreement, Shri Nandkumar Manilal 19. Papaiya, proprietor of M/s.Shiv Shakti Developers had also executed an Irrevocable General Power of Attorney in favour of partners of M/s.Arihant Developers conferring upon them power to construct the said buildings including power to assign the development rights of the said buildings to the person or persons of their choice.
- Mr. Basil Joseph D'Mello died intestate on 1st December, 2011 20. leaving behind his widow Mrs. Shalini Basil D'Mello alias Shalini Basil Gonsalves, a son by name Mr. Felix Basil D'Mello, two daughters namely

Ms. Shamini Basil D'Mello and Mrs. Elizabeth Baptista as his heirs and legal representatives.

- 21. By a Development Agreement, dated 31st December, 2012, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/3373/2013, executed by Mr. Melville Anthon Rodricks and others with the consent and confirmation of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers had granted the development rights of Building No. 'D', admeasuring 1404 sq. meters & Building No. 'E' admeasuring 1607.498 sq. meters the then to be constructed on the residential area of the larger property in favour of M/s. Geeta Space Realtors at the price and on the terms and conditions stipulated therein.
- 22. By a Deed of Release, dated 11th March, 2013, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/1904/2013, the Estate Investment Co. Pvt. Ltd., had released, relinquished and given up its right, title and interest in the larger property in favour of Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers.
- 23. On the basis of unregistered Deed of Conveyance, dated 26th March, 2013 purported to have been executed by the heirs of late Mr.Basil Joseph D'Mello namely Mrs. Shalini Basil D'Mello alias Shalini Basil Gonsalves, Mr. Felix Basil D'Mello, Ms. Shamini Basil D'Mello and Mrs. Elizabeth Baptista, one Shri Hitesh K. Purohit was claiming his right in respect of the larger property.
- 24. Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers had settled the claim of Shri Hitesh K.Purohit and accordingly, Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers had purchased the land bearing Old Survey No.250, New Survey No.46, Hissa No.3, admeasuring 6170 sq. meters, an area admeasuring 308.30 sq.

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meters forming the portion of land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 1018 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10 of Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane (for short hereinafter jointly and collectively referred to as the "First Property") from Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Rodricks, Mrs. Cynthia alias Sushila Himmat Shah, Mrs. Cecil Jimmy Correa, Mr. George Joseph D'Mello, Mr.Frank Joseph D'Mello, Mr. Michael Joseph D'Mello, Mrs. Irene Walty Hendriques, Mrs. Elisabeth Baptista Mrs. Shalini Basil D'Mello alias Shalini Basil Gonsalves, Mr. Felix Basil D'Mello, Ms. Shamini Basil D'Mello, Mrs. Elizabeth Baptista and Shri Hitesh K. Purohit vide a Deed of Conveyance, dated 6th April, 2013 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/2726/2013, dated 9th April, 2013 for the consideration mentioned therein.

- 25. By a Mutation Entry No. 1903, dated 17th April, 2013, the name of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers came to be recorded in the 7/12 extract of the first property as the owner thereof.
- 26. By a Deed of Rectification, dated 21st August, 2013, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/5542/2013, the Estate Investment Co. Pvt. Ltd., and Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers had rectified the error committed in Release Deed, dated 11th March, 2013 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/1904/2013.

- 27. By an Agreement, dated 25th August, 2015, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-10/12486/2015, M/s. Arihant Developers with the consent and confirmation of M/s. Geeta Space Realtors had granted the development rights of Building No. 2, admeasuring 2978.59 sq. meters the then to be constructed on the portion of the residential area comprising the larger property to Shri Nandkumar Mahadev Patil at the price and on the terms and conditions stipulated therein.
- 28. By a Deed of Rectification, dated 22nd January, 2016, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-10/1329/2016 Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers and M/s. Geeta Space Realtors had rectified the error committed in the Development Agreement, dated 31st December, 2012 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/3373/2013 executed by and between them in respect of Building No. D and Building No. E.
- 29. By a Deed of Conveyance, dated 20th March, 2017 registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/1062/2017, Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers had sold, transferred and conveyed an area admeasuring 33.61 sq. meters forming the portion of land bearing Old Survey No. 252, New Survey No. 43, Hissa No. 10 of Village Navghar, Bhayandar (East), Taluka and District Thane to M/s.Karma Construction for the consideration mentioned therein.
- 30. By an Agreement for Sale, dated 7th April, 2017 registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No.TNN-7/4468/2017, Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers had surrendered an area admeasuring 290.18 sq. meters out of total area admeasuring 1090 sq. meters forming the portion of land bearing Old

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Survey No. 249, New Survey No. 44, Hissa No. 2 and an area admeasuring 466.96 sq. meters out of total area admeasuring 6170 sq. meters forming the portion of land bearing Old Survey No. 250, New Survey No. 46, Hissa No. 3, situate at Village Navghar, Bhayandar (East), Taluka and District Thane to the Mira Bhayandar Municipal Corporation.

- II. I have also considered the Search Report, dated 9th August, 2017 taken by Shri P. Nikam in the office of Sub-Registrar of Assurance at Thane-1,2,4,5, 7 and 10 from the year 1988 to 2017 in respect of the said property and during the course of the searches, Shri P. Nikam came across the following documents pertaining to the said property.
 - Notice of Lis-pendence registered in the office of Sub-Registrar of Assurance under Sr. No. TNN-4/2490/1995, dated 16th June, 1995 and Sr. No. TNN-4/2491/1995, dated 16th June, 1995 filed by Mrs. Lucy Joseph D'Mello and others.
 - ii. Development Agreement, dated 21st March, 2005, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/2212/2005 executed by Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Rodricks, Mrs. Cynthia alias Sushila Himmat Shah, Mrs. Cecil Jimmy Correa, Mr.George Joseph D'Mello, Mr. Frank Joseph D'Mello, Mr.Michael Joseph D'Mello, Mr. Basil Joseph D'Mello, Mrs.Irene Walty Hendriques and Mrs.Elisabeth Baptista in favour of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers in respect of the development rights of the larger property.

- iii. General Power of Attorney, dated 21st March, 2005 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/2213/2005 executed by Mr. Melville Manvel Anthon Rodricks and others in favour of Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers to deal with the larger property.
- iv. Agreement, dated 22nd June, 2007, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. 5898 of 2007 executed by Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers in the capacity of constitute attorney of the original owners in favour of Mira Bhayandar Municipal Corporation in respect of the reserved property.
- v. Deed of Assignment, dated 29th December, 2007, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/9321/2011 executed by Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers in favour of M/s. Arihant Developers in respect of development rights of Building No. F consisting of stilt + seven upper floors admeasuring 1515.15 sq. meters and Building No.G consisting of stilt + seven upper floors admeasuring 1362.76 sq. meters the then to be constructed in Plot No.A to comprising the larger property.
- vi. Development Agreement, dated 31st December, 2012, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/3373/2013, executed by Mr. Melville Anthon Rodricks and others with the consent and confirmation of Shri Nandkumar Manilal Papaiya, proprietor

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of M/s. Shiv Shakti Developers in favour of M/s. Geeta Space Realtors in respect of development rights of Building No. 'D', admeasuring 1404 sq. meters & Building No. 'E' admeasuring 1607.498 sq. meters the then to be constructed on the residential area of the larger property.

vii. Deed of Release, dated 11th March, 2013, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/1904/2013executed by the Estate Investment Co. Pvt. Ltd., in favour of Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers in the larger property.

Deed of Conveyance, dated 6th April, 2013 registered in the viii. office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/2726/2013, dated 9th April, 2013 executed by Mr. Melville Manvel Anthon Rodricks, Mr. Nester Jerome Rodricks, Mrs. Cynthia alias Sushila Himmat Shah, Mrs. Cecil Jimmy Correa, Mr. George Joseph D'Mello, Mr. Frank Joseph D'Mello, Mr. Michael Joseph D'Mello, Mrs. Irene Walty Hendriques, Mrs. Elisabeth Baptista Mrs. Shalini Basil D'Mello alias Shalini Basil Gonsalves, Mr. Felix Basil D'Mello, Ms. Shamini Basil D'Mello, Mrs. Elizabeth Baptista and Shri Hitesh K. Purohit in favour of Shri Nandkumar Manilal Papaiya proprietor of M/s.Shiv Shakti Developers in respect of land bearing Old Survey No.250, New Survey No.46, Hissa No.3, admeasuring 6170 sq. meters, an area admeasuring 308.30 sq. meters forming the portion of land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 1018 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10

of Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane.

- ix. Deed of Rectification, dated 21st August, 2013, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/5542/2013 executed by the Estate Investment Co. Pvt. Ltd., and Shri Nandkumar Manilal Papaiya, proprietor of M/s. Shiv Shakti Developers to rectify the error committed in Release Deed, dated 11th March, 2013 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/1904/2013.
- x. Agreement, dated 25th August, 2015, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-10/12486/2015 executed by M/s. Arihant Developers with the consent and confirmation of M/s. Geeta Space Realtors in favour of Shri Nandkumar Mahadev Patil in respect of the development rights of Building No. 2, admeasuring 2978.59 sq. meters the then to be constructed on the portion of the residential area comprising the larger property.
- xi. Deed of Rectification, dated 22nd January, 2016, registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-10/1329/2016 executed by Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers and M/s. Geeta Space Realtors to rectify the error committed in the Development Agreement, dated 31st December, 2012 registered in the office of Sub-Registrar of Assurance at Thane under Sr. No. TNN-7/3373/2013 executed by and between them in respect of Building No. D and Building No. E.

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xii. Deed of Conveyance, dated 20th March, 2017 registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/1062/2017 executed by Shri Nandkumar Manilal Papaiya, proprietor of M/s. Shiv Shakti Developers in favour of M/s. Karma Construction in respect of an area admeasuring 33.61 sq. meters forming the portion of land bearing Old Survey No. 252, New Survey No. 43, Hissa No. 10 of Village Navghar, Bhayandar (East), Taluka and District Thane.

xiii. Agreement for Sale, dated 7th April, 2017 registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No.TNN-7/4468/2017 executed by Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers in favour of Mira Bhayandar Municipal Corporation in respect of an area admeasuring 290.18 sq. meters out of total area admeasuring 1090 sq. meters forming the portion of land bearing Old Survey No. 249, New Survey No. 44, Hissa No. 2 and an area admeasuring 466.96 sq. meters out of total area admeasuring 6170 sq. meters forming the portion of land bearing Old Survey No. 250, New Survey No. 46, Hissa No. 3, situate at Village Navghar, Bhayandar (East), Taluka and District Thane.

III. On the whole from the Search Report, dated 16th February, 2017 taken by Shri S. Pawar in the office of Sub- Registry of Thane-1,2,4,5, 7 and 10 from the year 1988 to 2017 and also on the basis of documents furnished to me as well as on the basis of information provided to me, I state and certify that title to an area admeasuring 5703.04 sq. meters forming the portion of land bearing Old Survey No.250, New Survey No.46, Hissa No.3, an area admeasuring 18.12 sq. meters forming the portion of

land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 984.39 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10, situate, lying and being at Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane and now within the limits of the Mira Bhayandar Municipal Corporation owned by Shri Nandkumar Manilal Papaiya, proprietor of M/s.Shiv Shakti Developers is clear, marketable and free from all encumbrances.

IV. I further state and certify that Shri Nandkumar Mahadeo Patil is entitled to construct Building No. 2, admeasuring 2978.59 sq. meters on the portion of the residential area of Plot No.A comprising an area admeasuring 5703.04 sq. meters forming the portion of land bearing Old Survey No.250, New Survey No.46, Hissa No.3, an area admeasuring 18.12 sq. meters forming the portion of land bearing Old Survey No.249, New Survey No.44, Hissa No.2 and an area admeasuring 984.39 sq. meters forming the portion of land bearing Old Survey No.252, New Survey No.43, Hissa No.10, situate, lying and being at Village Navghar, Bhayandar, Taluka and District Thane, in the Registration District and Sub-District Thane and now within the limits of the Mira Bhayandar Municipal Corporation as per the permissions and sanctions granted by the authorities concerned.

Date: 18th August, 2017.

Advocate