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*Advocates High Court*

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**TO WHOMSOEVER IT MAY CONCERN**

Ref All that pieces and parcels of lands bearing Survey No. 47 Hissa No. 1 admeasuring 4090 sq. yrds equivalent to 3420 sq. mtrs. Survey No. 49 Hissa No. 3B admeasuring 3025 sq. yrds equivalent to 2530 sq. mtrs. Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B containing by admeasurement an area of 4400 sq. mtrs all lying being and situated at Mauje Kasarvadavli, Taluka and District - Thane.

**M/S. HAWARE ENGINEERS AND BUILDERS PRIVATE LIMITED**

a company duly incorporated under the Indian Companies Act, 1956 and having its registered office at 413-416, Vardhaman Market, Sector-17, Vashi, Navi Mumbai (hereinafter called "THE PROMOTERS") have placed in our hands, the papers pertaining to the aforesaid properties. On the basis of the said papers, we have to state as under:

1. One Shri. Janardhan Atmaram Patil, Shri. Bhushan Janardhan Patil, Smt. Sulochana Janardhan Patil, Smt. Rukmini Janardhan Patil, Shri. Pradeep Janardhan Patil and Pratibha Janardhan Patil were seized and possessed off and well and sufficiently entitled to the pieces and parcels of lands bearing Survey No. 47 Hissa No. 1 admeasuring 4090 sq. yrds and the lands bearing Survey No. 49 Hissa No. 3B admeasuring 3025 sq. yrds lying

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**TRUE COPY**

*[Signature]*  
**M. TRIPATHI & CO.**

being and situated at Mauje Kasarvadvali, Taluka and District – Thane more particularly described in the First and Second Schedule hereunder written.

2. By a Development Agreement dated the 10<sup>th</sup> July, 2006 executed by and between the Promoters of the one Part and the said Shri. Janardhan Atmaram Patil, Sh-i. Bhushan Janardhan Patil, Smt. Sulochana Janardhan Patil, Smt. Rukmini Janardhan Patil, Shri. Pradeep Janardhan Patil and Pratibha Janardhan Patil of the Second Part, the said parties of the second part granted the development rights to the Promoters of the said pieces and parcels of land bearing Survey No. 47 Hissa No. 1 admeasuring 4090 sq. yrds. equivalent to 3420 sq. mtrs. and the lands bearing Survey No. 49 Hissa No. 3B admeasuring 3025 sq. yrds equivalent to 2530 sq. mtrs. lying being and situated at Mauje Kasarvadvali, Taluka and District – Thane within the limits of Thane Municipal Corporation on the terms and conditions more particularly set out in the Development Agreement dated the 10<sup>th</sup> July, 2006.

3. One Shri. Vithal Padmakar Patil, Shri. Narendra Padmakar Patil, Shri. Manohar Padmakar Patil, Smt. Yamuna Dwarkanath Gondhle, Smt. Vidya Ashok Shinge, Smt. Gauri Vithal Patil, Shri. Randhir Vithal Patil, Shri. Satish Vithal Patil, Smt. Sunanda Narendra Patil, Shri. Parag Narendra Patil and Smt. Sarita Manohar Patil were seized and possessed and well and sufficiently entitled to all the pieces and parcels of lands bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B containing by admeasurement an area of 6600 sq. mtrs lying being and situated at Mauje Kasarvadavli, Taluka and District -- Thane more particularly described in the Third Schedule hereunder written.
4. That the said Vithal Padmakar Patil and others had initially by a Development Agreement dated the 13<sup>th</sup> June, 2003 agreed to grant the development rights in respect of the said lands bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B to the extent 44 gunthas equivalent to 4400 sq. mtrs lying being and situated at Mauje Kasarvadavli, Taluka and District - Thane in favour of the Promoters on the terms and conditions more specifically set out in the Development Agreement dated the 13<sup>th</sup>

*M. Tripathi*

June, 2003 and retained the balance 22 gunthas equivalent to 2200 sq. mtrs with themselves.

5. Thereafter due and disputes and differences, a Special Civil Suit was filed by the Promoters in the Hon'ble Court of Civil Judge (S.D), Thane against the said Vithal Padmakar Patil and others for specific performance and other reliefs;
6. An out of court settlement was arrived at between the parties and Consent Terms was proposed to be filed in the said suit.
7. In compliance of the terms of the oral settlement, by a Deed of Conveyance dated the 6<sup>th</sup> November, 2007 executed by and between 1) Shri. Vithal Padmakar Patil, 2) Shri. Narendra Padmakar Patil, 3) Shri. Manohar Padmakar Patil, 4) Smt. Yamuna Dwarkanath Gondhle, 5) Smt. Vidya Ashok Shinge, 6) Smt. Gauri Vithal Patil, 7) Shri. Randhir Vithal Patil, 8) Shri. Satish Vithal Patil, 9) Smt. Sunanda Narendra Patil, 10) Shri. Parag Narendra Patil, 11) Smt. Sarita Manohar Patil of First Part and the Promoters on the other part, the parties of the first part sold, granted, assigned, conveyed and transferred unto the Promoters, all that pieces and parcel of lands bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B

Continuation Sheet No.....

containing by admeasurement an area of 4400 sq. mtrs lying being and situate at Mauje Kasarvadavli, Taluka and District – Thane within the limits of Thane Municipal Corporation on the terms and conditions more specifically set out in the said Deed of Conveyance dated the 6<sup>th</sup> November, 2007.

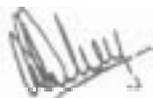
8. Thereafter the Promoters and the said Shri. Vithal Patil and others filed the Consent Terms which were taken on record and a Consent Decree was granted by the Hon'ble Court.
9. In the said Deed of Conveyance and the Consent Terms executed by and between the parties, it was agreed that the Promoters shall grant the access to the said Vithal Patil and Ors. in respect of the said balance plot of 22 gunthas equivalent to 2200 sq. mtrs. retained by them.
10. The office of the Additional Collector and Competent Authority, Thane, Thane Urban Agglomeration, by its order dated 7<sup>th</sup> May, 2005 bearing No. ULC/TA/TN/VADAVALI/SR-90+142 has granted the exemption under Section – 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the property bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3 and other lands on the terms and conditions most specifically set out in the said letter dated the 7<sup>th</sup> May, 2005.



11. The office of the Additional Collector and Competent Authority, Thane, Thane Urban Agglomeration, by its order dated the 7<sup>th</sup> May, 2005 bearing No. ULC/TA/TN/VADVALI/SR-13-140 has granted the exemption under Section – 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the property bearing Survey No. 48 Hissa No. 6A(P) and other lands on the terms and conditions most specifically set out in the said letter dated the 7<sup>th</sup> May, 2005.
12. The office of the Additional Collector and Competent Authority, Thane, Thane Urban Agglomeration, by its order dated 7<sup>th</sup> May, 2005 bearing No. ULC/TA/TN/VADAVALI/SR-91+141 has granted the exemption under Section – 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the property bearing Survey No. 48 Hissa No. 6A(P) and other lands on the terms and conditions most specifically set out in the said letter dated the 7<sup>th</sup> May, 2005
13. The office of the Additional Collector and Competent Authority, Thane, Thane Urban Agglomeration, by its order dated 27<sup>th</sup> October, 2005 bearing No. ULC/TA/ATP/WSHS-20-SR-1590 has granted the exemption under Section – 20 of the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the property bearing Survey No. 48 Hissa No. 6B on the terms

and conditions most specifically set out in the said letter dated the 27<sup>th</sup> October, 2005.

14. The office of the Additional Collector, Thane by its order dated 14<sup>th</sup> June, 2006 bearing No. MHASUL/K-1/T-1/NAP/SR-11/2006 has granted the NA permission in respect of the lands bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A and Survey No. 48 Hissa No. 6B on the terms and conditions most specifically set out in the said letter dated the 14<sup>th</sup> June, 2006.
15. The office of the Additional Collector, Thane by its order dated 27<sup>th</sup> November, 2006 bearing No. TD/T-6/KU/VP/SR-215/2006 has granted the NA permission in respect of the lands bearing Survey No. 47 Hissa No. 1, Survey No. 49 Hissa No. 3B, on the terms and conditions most specifically set out in the said letter dated the 27<sup>th</sup> November, 2006.
16. By virtue of the aforesaid Development Agreements dated the 10<sup>th</sup> July, 2006 and the Deed of Conveyance dated 6<sup>th</sup> November, 2007 the Promoters are seized and possessed of and well and sufficiently entitled to the aforesaid lands bearing Survey No. 47 Hissa No. 1 admeasuring 4090 sq. yrds equivalent to 3420 sq. mtrs, Survey No. 49 Hissa No. 3B admeasuring 3025 sq. yrds equivalent to 2530 sq. mtrs., Survey No. 48



Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B containing by admeasurement an area of 4400 sq. mtrs all lying being and situated at Mauje Kasarvadavli, Taluka and District – Thane (hereinafter referred to as ‘the said properties

17. The Promoters are fully entitled to develop the said properties and construct building/s thereon in accordance with the plans sanctioned by the Thane Municipal Corporation. The Promoters have got approved from the concerned local authority, the plans, the specification, elevations, sections and details of the said buildings to be constructed on the said properties. The Promoters have also obtained Development Permission under Section – 45 & 69 of the MRTP Act, 1966 from Thane Mahanagarpalika in respect of the said properties bearing Survey Nos. 47/1, 48/2, 48/3, 48/6A, 48/6B and 49/3B.
18. In accordance with the plans sanctioned by the Thane Municipal Corporation, the Promoters are developing the said properties described in the First and Second Schedule hereto and are constructing thereon complex to be known as “HAWARE ESTATE”.
19. By virtue of the Developments Agreements dated the 10<sup>th</sup> July, 2006 and Deed of Conveyance dated the 6<sup>th</sup> November, 2007, the Promoters are seized and possessed of and well sufficiently entitled to the said properties

and the Promoters as the developers alone have the sole and exclusive right to sell the premises in the said buildings to be constructed on the said properties and to enter into agreement/s with the purchaser/s of premises in the said buildings under the Maharashtra Ownership of Flats Act.

We are therefore of the opinion that the title of **M/S. HAWARE ENGINEERS AND BUILDERS PVT. LTD.**, the Promoters herein in respect of the above properties is clear and marketable, and free from any encumbrances subject to their complying with all the terms and conditions of the Development Agreement dated the 10<sup>th</sup> July, 2006 and the Deed of Conveyance dated the 6<sup>th</sup> November, 2007. The aforesaid opinion is solely based on the papers produced before us.

#### SCHEDULE-I

All the pieces and parcels of land bearing Survey No. 47 Hissa No. 1 admeasuring 4090 sq. yds equivalent to 3420 sq. mtrs lying being and situated at Mauje Kasarvadvali, Taluka and District – Thane within the limits of Thane Municipal Corporation and bounded as follows:.

On or towards the North : Property of Suresh Bhoir and Others

On or towards the South : Complex Krishna Green Land Park

On or towards the East : Property of Shri. Yshwant Raut & Ors

On or towards the West : Property of Haware Engineers & Builder Pvt. Ltd.




**SCHEDULE-II**

All the pieces and parcels of land bearing Survey No. 49 Hissa No. 3B admeasuring 3025 sq. yrds equivalent to 2530 sq. mtrs. lying being and situated at Mauje Kasarvadvali, Taluka and District – Thane within the limits of Thane Municipal Corporation and bounded as follows:

On or towards the North : Property of Haware Engineers & Builder Pvt. Ltd  
 On or towards the South : Property of Haware Engineers & Builder Pvt. Ltd  
 On or towards the East : Property of Shri. Yshwant Raut & Puranik Builders  
 On or towards the West : Property of Hinder Chandalkar and Ors.

**SCHEDULE-III**

All that piece and parcel of lands bearing Survey No. 48 Hissa No. 2, Survey No. 48 Hissa No. 3, Survey No. 48 Hissa No. 6A(P), Survey No. 48 Hissa No. 6B containing by admeasurement an area of 6600 sq. mtrs lying being and situated at Mauje Kasarvadavli, Taluka and District – Thane within the limits of thane Municipal Corporation and bounded as follows:

Towards East : Property of Shri. Janardan A Patil  
 Towards West : Road and Plot of Shri. Zuber Sushe  
 Towards South : Property of Shri. Adam Sheikh and Shri. Bhoir  
 Towards North : Property of Shri. Valkya Shinge and Shri. Yeswant Raut

Dated this 5<sup>th</sup> day of August, 2008.

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**M. TRIPATHI & CO.**  
 Advocates High Court Ghodbandar TITLE certificate.doc  
 237-238, BIG SPLASH, SECTOR - 17,  
 VASHI, NAVI MUMBAI - 400 705

for M. Tripathi & Co.,

  
 (Advocate)