

OFFICE: Flat No. 9, Sagar "A" Co.op. Hsg. Soc. Ltd., A Lane Behind Abhishek Hotel,  
Erandwane, Pune: 411004. Mobile: 09145642114. Email: [swanand23@gmail.com](mailto:swanand23@gmail.com)

**FORMAT- A**  
**(Circular No.: 28 / 2021)**

To,

**MahaRERA,**

**LEGAL TITLE REPORT**

**Sub:** Title clearance certificate with respect to Survey No. 16  
Hissa No. 2A situated at Village Kharadi, Taluka Haveli, District  
Pune (hereinafter referred as the "said plot").

1) I have investigated the title of the said plot on the request  
of Duville Estates Pvt. Ltd. and observed following  
documents i.e' :-

a) All that piece and parcel of land admeasuring  
about 02 H 34 R (inclusive of pot kharaba)  
bearing Survey No. 16 Hissa No. 2A having  
assessment Rs. 13 Paise 25, situated at village  
Kharadi, Taluka: Haveli, District: Pune within the  
jurisdiction of Sub Registrar Haveli and within the  
limits of Panchayat Samiti Taluka Haveli,  
Grampanchayat Kharadi & bounded as follows:-

**On or towards -**

**East :** S. no. 16/2B;

**South :** River;

**West :** S. no. 16/1;

**North :** S. no. 14/1/2, 17/1 & 17/3 (Part);

b) Various Documents viz. 7/12 extracts, Mutation  
Entries, Development Agreement, Power of  
Attorney, Conveyance Deed and other documents.



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- c) Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd. appears to be name of the Owners as per the attached report.
- d) Search Report of Adv. Swanand Kulkarni, from year 1992 to 2021 is given.
- e) On perusal of the above-mentioned documents and all other relevant documents relating to title of the said Plot, I am of the opinion that the title of Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd. appears to be clear, marketable and without any encumbrances.
- f) Owner of the said Plot appears to be Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd.
- g) The Report Reflecting flow of the title of Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd. over the said plot is enclosed herewith as Annexure.

Pune,

Date : 29/03/2021

  
SWANAND C. KULKARNI  
MAH 2660 2009  
Advocate

SWANAND KULKARNI  
ADVOCATE

Enclosure : Annexure

**ANNEXURE  
LEGAL TITLE REPORT**

**Sub:** Title clearance certificate with respect to Survey No. 16  
Hissa No. 2A situated at Village Kharadi, Taluka Haveli, District  
Pune. (hereinafter referred as the said plot")

1) I have investigated the title of the said plot on the request  
of Duville Estates Pvt. Ltd. and observed following  
documents i.e. :-

a) All that piece and parcel of land admeasuring  
about 02 H 34 R (inclusive of pot kharaba) bearing  
Survey No. 16 Hissa No. 2A having assessment Rs. 13  
Paise 25, situated at village Kharadi, Taluka: Haveli,  
District: Pune within the jurisdiction of Sub Registrar  
Haveli and within the limits of Panchayat Samiti  
Taluka Haveli, Grampanchayat Kharadi & bounded  
as follows:-

**On or towards -**

**East :** S. no. 16/2B

**South :** River

**West :** S. no. 16/1

**North :** S. no. 14/1/2, 17/1 & 17/3 (Part



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b) List of Documents Observed :-

- i) Mutation Entry Nos. 409, 546, 634, 865, 1071, 1172, 1372, 1687, 1766, 3576, 4897, 4898, 14940, 15739, 16276, 17627, 17628, 17660 & 20290.
- ii) 7/12 extracts of Survey No. 16 Hissa No. 2A from the year 1930 to 2021.
- iii) Sale Deed Dated 8/04/1996, registered in the office of Sub Registrar Haveli No. 7 at serial no. 1060/96,
- iv) Sale Deed Dated 8/04/1996, registered in the office of Sub Registrar Haveli No. 7 at serial no. 1062/96,
- v) Development Agreement & Power of Attorney Dated 8/04/1996 & 11/04/1996, registered in the office of Sub Registrar Haveli No. 7 at serial no. 1065/96 and 23/96, respectively,
- vi) Sale Deed Dt. 21/08/2012, registered before Sub Registrar Haveli No. II at serial no. 7015/12,
- vii) Deed of Exchange dated 26/10/2018,
- viii) Certificate of Assistant Registrar of Companies, At Pune Dt. 10/07/2014,
- ix) Zone Certificate dated 7/08/2014.
- x) Search & Title Opinion Dt. 16/10/2006, issued by M/s. Harijan & Co., Advocates & Solicitors and the title investigation report dated 10th October, 2013



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and 26<sup>th</sup> April 2016 issued by Advocate Mr.  
Rajendra Jaigude.

- xi) Search & Title Opinion Dt. 6/06/2016, issued by M/s.  
Mulla & Mulla and Craigie Blunt & caroe,  
Advocates & Solicitors.
- xii) Search Report by Adv. Swanand Kulkarni.

- 2) I have carried out search for last 30 years (i.e. from the year 1992 to 2021) in respect of the said plot. In the said available records except the above entries, I did not find any other entry of registration of any document affecting title of owner in the said plot.
- 3) On the basis of my observations in the present report particularly annexed herewith as Annexure A and subject to publication of Public Notice I conclude that Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd. appears to have got the absolute and exclusive right, interest and title over the said plot and also their title over the said plot appears to be clear, marketable and Duville Estates Pvt. Ltd. shall also be entitled to develop the said plot and commercially exploit the same, subject however to obtaining all required permissions.
- 4) The report reflecting the flow of the title of the Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of



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TBD Trust and RBD Trust and Duville Estate Pvt. Ltd. on the  
said Plot is enclosed herewith as "**Annexure -A**" and report  
reflecting Search Report is enclosed herewith as "**Annexure  
- B**".

Pune

Date : 29/03/2021

  
  
SWANAND C. KULKARNI  
Advocate  
MAH  
2560  
2009

SWANAND KULKARNI

ADVOCATE

Enclosure : Annexure A & Annexure B

Annexure -A

**TITLE FLOW REPORT**

**Date: 29/03/2021**

**To,**

**Duville Estate Pvt. Ltd.,  
Mumbai – 400001.**

**Sub.: Title Flow Report** in respect of land admeasuring about 02 H 34 R (inclusive of pot kharaba) bearing Survey No. 16 Hissa No. 2A having assessment Rs. 13 Paise 25, situated at village Kharadi, Taluka: Haveli, District: Pune within the jurisdiction of Sub Registrar Haveli and within the limits of Panchayat Samiti Taluka Haveli, Grampanchayat Kharadi & bounded as follows:-

**On or towards -**

**East : S. no. 16/2B**

**South : River**

**West : S. no. 16/1**

**North : S. no. 14/1/2, 17/1 & 17/3 (Part**

(hereinafter referred as the said plot")

- a) It appears from mutation entry no. 513 that the Said plot was ancestral land of Ganesh Sadashiv Dandawate and



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Ganesh Sadashiv Dandawate expired leaving behind his son namely Narayan Ganesh Dandawate.

- b) It appears from mutation entry no. 546 that name of Maruti Shripati Chaudhari has been mutated on revenue records of the referred land as protected tenant as per S. 3 of B.T.&A.L. Act, 1948. Entry of the same, made in other rights column of 7/12 extract of said plot.
- c) It appears from mutation entry no. 634 that said plot was earlier Inam Land but after going through the alienation register we did not find any entry supporting this. Neither it has been reflected in earlier mutation entry. Since the Inam Lands were declared KHALSA, the Additional Mammadar has issued the order by No. ws/II/30401/53 Dt. 21/10/1953, to mutate necessary correction in the Inam Register and revenue record.
- d) It appears from mutation entry no. 1172 that the said plot was acquired for M.I.D.C. as per Section 1(3) of Maharashtra Industrial Development Act. Name of M. I. D. C. was mutated in the other rights column of 7/12 extract of the said plot.
- e) It appears from mutation entry no. 1687 that Tukaram Shripati Chaudhari expired on 15/07/1983 leaving behind his legal heirs namely S1- Shivaji, S2- Sambhaji, S3- Vaman, S4- Nathu, D1- Thakubai Baburao Pathare, D2- Sagunabai Popat Rahane. Deceased donot have wife living behind him. The said names were mutated on 7/12



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extract of the said plot by above referred mutation entry.

- f) It appears from mutation entry no. 4897 that Narayan Ganesh Dandawate expired on 26/08/1994, leaving behind his legal heirs namely S1 - Shrikrushna, S2 - Vasudev, D1 - Lila Kamalakar Moghe. The said names were mutated on 7/12 extract of the said plot by above referred mutation entry.
- g) It appears from mutation entry no. 4898 that Lila Kamalakar Moghe executed Released Deed Dt. 5/10/1994 in respect of her undivided share, equally, in favour of her brothers namely Shrikrushna & Vasudev Narayan Dandawate, which was registered before Sub Registrar Haveli No. 1 at Sr.No. 5127/94. Hence, her name was removed from other rights column of said plot.
- h) It appears from mutation entry no. 14940 that Ganpat Maruti Chaudhari expired on 12/09/2003 leaving behind his heirs namely S1- Popat, S2- Dattatray, S3- Subhash, S4- Suresh, D1 - Dwaraka Bharat Taras. The said names were mutated on 7/12 extract of the said plot by above referred mutation entry.
- i) It appears from mutation entry no. 15739 that as per compromise purshis filed in Civil Appeal No. 240/1958, at High Court, Mumbai, it was agreed by and between the parties to the appeal that Nagesh Ganesh Dandawate, Janardan Ganesh Dandawate & Satyabhamabai



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Purushottam Dandawate possess equal share in the referred land.

- j) It appears from mutation entry no. 16276 that Janardan Ganesh Dandwate expired on 5/08/1974 leaving behind his only son namely Avinash Janardan Dandwate who also expired on 11/03/1993 leaving behind his legal heirs namely, W- Shailaja, S- Kishor, D- Anjali Hemant Kulkarni. The said names were mutated on 7/12 extract of the said plot by above referred mutation entry.
- k) It appears from mutation entry no. 17628 that Satyabhama Purushottam Dandwate expired at Badodara on 2/03/1978 leaving behind her legal heirs died issueless and hence name of heirs of her brother in law were entered as under, Kishor Avinash Dandwate (Chulat Natu), Anjali Hemant Kulkarni (chulat Nat), Shailaja Avinash Dandwate (Chulat Sun) Aarati Arvind Harpure (Chulat Nat). The said names were mutated on 7/12 extract of the said plot by above referred mutation entry.
- l) It appears from mutation entry no. 17660 that as per order of Tahasildar Dt. 4/01/1996, no. Tenancy/SR/47/95 name of tenants were removed from other rights column of the referred land and name of owners were entered as "KHUDD" in VAHVATDAR Column.
- m) It appears that, Shrikrushna Narayan Dandawate, Bharat Shrikrushna Dandawate & Vasudev Narayan Dandawate, executed Sale Deed Dated 8/04/1996 in



favour of Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash in respect of the land admeasuring 00 H 63 R out of said plot. The said Sale Deed is registered in the office of Sub Registrar Haveli No. 7 at serial no. 1060/96. The consent for the said Sale Deed was given by Sohali Dinku Chinay. The possession of the land admeasuring 00 H 63 R out of said plot was handed over to Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash at the time of said Sale Deed. In this background, Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash became absolute owner and possessor of the land admeasuring 00 H 63 R out of said plot.

n) It appears that, Shrikrushna Narayan Dandawate, Bharat Shrikrushna Dandawate & Vasudev Narayan Dandawate, executed Sale Deed Dated 8/04/1996 in favour of Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash in respect of the land admeasuring 01 H 23 R out of said plot. The said Sale Deed is registered in the office of Sub Registrar Haveli No. 7 at serial no. 1062/96. The consent for the said Sale Deed was given by Sohali Dinku Chinay. The possession of the land admeasuring 01 H 23 R out of said plot was handed over to Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash at the time of said Sale Deed. In this background, Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash became absolute owner



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and possessor of the land admeasuring 01 H 23 R out of said plot.

- o) It appears that, Ganpat Maruti Chaudhari, Shivaji Tukaram Chaudhari & Tanaji Sakharam Chaudhari, executed Development Agreement & Power of Attorney Dated 8/04/1996 & 11/04/1996, respectively, in favour of Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash in respect of the land admeasuring 00 H 40 R out of said plot. The said Development Agreement & Power of Attorney is registered in the office of Sub Registrar Haveli No. 7 at serial no. 1065/96 and 23/96. As per said D.A. & P.A. Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash as POA holder executed Sale Deed Dt. 21/08/2012 in their favour, which is registered before Sub Registrar Haveli No. II at serial no. 7015/12. The possession of the land admeasuring 00 H 40 R out of said plot was handed over to Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash at the time of said D.A. & P.A. In this background, Behram Bamanaji Dubash and Mrs. Bakhtavar Behram Dubash became absolute owner and possessor of the land admeasuring 00 H 40 R out of said plot.
- p) It is informed to me by Duville Estates Pvt. Ltd. that to protect possession Mr. Behram Bomanji Dubash, Mrs. Bakhtawar Behram Dubash, Tushad Behram Dubash Trust, Ria Behram Dubash Trust & Calypso Premises Pvt. Ltd. filed a Regular Civil Suit No. 397/2007 before Civil



Judge Senior Division, At Pune against Smt. Shailaja Avinash Dandwate, Anjali Hemant Kulkarni, Mr. Kishore Avinash Dandwate, Mr. Umesh Ramakant Thakur, Mr. Dattatraya Bhausaheb Bhandale, Mr. Rajendra Vasantrao Ghadge, Mr. Yuvraj Anant Sawant, Mr. Ramesh Dattatray Adhav, M/s Pentagaon Shrimangal Ramdev Developers, Shrikrishna Narayan Dandwate, Bharat Shrikrishna Dandwate, Vasudev Narayan Dandwate & Mrs. Nandita Nulkar for Permanent Injunction. The said suit was compromised and as per the consent terms & the decree in the said suit it was decided that all the rights in the said plot is hold by M/s Calypso Premises Pvt. Ltd. The parties are under obligation to execute necessary Deeds & Documents to clear the title of M/s Calypso Premises Pvt. Ltd. But it is informed to me that the said Decree is not registered. I am of the opinion that the said decree need to be registered, as to give effect to the said decree & to make title of Duville Estates Pvt. Ltd. clear over the said plot.

q) It appears that thereafter, Mrs. Arti Arvind Gharpure, daughter of Mr. Sadashiv Janardan Dandwate, released her undivided share in the said plot to her cousin brother Mr. Kishor Avinash Dandwate by Released Deed & Power of Attorney Dt. 29/09/20072. The said Release Deed & Power of Attorney is registered in the office of Sub Registrar Haveli No. X at registration no. 9305/07 &



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9306/07, respectively. The effect of which is given on revenue record of the said plot vide mutation no. 20917.

- r) It appears that thereafter, Mr. Ramesh Dattatray Adhav purchased share of Mrs. Arti Arvind Gharpure from Mr. Kishor Avinash Dandwate by Sale Deed Dt. 17/05/2012. The said Sale Deed is registered in the office of Sub Registrar Haveli No. VIII at serial no. 5293/12. In this background, Mr. Ramesh Dattatray Adhav became absolute owner and possessor of an area admeasuring 78 Are out of said plot. Consequently, names of Mr. Ramesh Dattatray Adhav was mutated on 7/12 extract of said plot as per mutation entry no. 20950.
- s) It appears that there was a dispute between Mr. Dattatray Adhav & Duville Estates Pvt. Ltd. in respect of share of Mrs. Arti Gharpure & ownership entitlement of Mr. Ramesh Adhav. But thereafter compromise took place between Mr. Ramesh Adhav & Duville Estates Pvt. Ltd. and Mr. Ramesh Adhav executed Development Agreement & Power of Attorney Dated 24/09/2014, in favour of Duville Estates Pvt. Ltd. in respect of the land admeasuring 00 H 78 R out of said plot. The said Development Agreement & Power of Attorney is registered in the office of Sub Registrar Haveli No. 22 at serial no. 4312/14 and 4313/14. As per said D.A. & P.A. The possession of the land admeasuring 00 H 78 R out of said plot is with Duville Estates Pvt. Ltd. is hereby



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confirmed by Mr. Ramesh Adhav at the time of said D.A.  
& P.A.

- i) Thereafter, there was some dispute between Duville Estates Pvt. Ltd. and Mr. Ramesh Adhav. In view of full and final settlement of the disputes, Mr. Ramesh Adhav has transferred his rights, title and interest in the captioned property in exchange of an agreed constructed area as agreed in the Deed of Exchange dated 26/10/2018. The said Deed of Exchange dated 26/10/2018 is registered in the office of Sub Registrar Haveli No. 8 at serial no. 7839/2018. As per said deed of exchange Mr. Ramesh Adhav has transferred all his rights, title and interest in the captioned property to Duville Estate Pvt. Ltd.
- ii) It is informed to me that name of M/s Calypso Premises Pvt. Ltd. is changed to Duville Estates Pvt. Ltd. and is been certified by Assistant Registrar of Companies, At Pune on 10/07/2014. Thus, now wherever in the present report Calypso Premises Pvt. Ltd. is mentioned kindly read it as Duville Estates Pvt. Ltd.
- iii) In this background, Duville Estates Pvt. Ltd. became entitle to develop the said plot.
- iv) It appears from the Zone Certificate No. Zone – 1/858 Dt. 7/08/2014 issued by Pune Municipal Corporation, Development & Planning Department, that the Said plot is coming under residential zone. It also appears from the



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said Zone Certificate that the said plot is affected by 9, 12, 24 & 30 Mtrs. wide road.

- x) Mr. Behram Dubash and Mrs. Bakhtawar Dubash have made a Declaration dated 1st April, 1998 inter-alia recording that the entire property bearing survey no. 16/2A amongst other properties was acquired by them for and on behalf of Tushad Behram Dubash Trust ("TBD") and Ria Behram Dubash Trust ("RBD").
- y) The aforesaid two trusts namely "Tushad Behram Dubash Trust" and "Ria Behram Dubash Trust" through their trustees Mr. Behram Bomanji Dubash and Mrs. Bakhtawar Behram Dubash entered into a Memorandum of Understanding dated 31<sup>st</sup> August 2006 with Duville Estates Private Limited (formerly known as Calypso Premises Private Limited) [hereinafter referred to as "Duville and Vascon Engineers Private Limited in respect of the said plot wherein the aforesaid trusts agreed to assign, transfer and allot the exclusive development rights in respect of the said plot amongst other properties, in favour of the Duville, on certain terms and conditions as mentioned therein.
- z) Further, with respect to the aforesaid Memorandum of the Understanding dated 31<sup>st</sup> August, 2006, the aforesaid two trusts executed a Development Agreement dated 26th December, 2007 in favour of Duville as the "Developer" in respect of the said plot amongst other properties on the terms and conditions



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mentioned therein. Vascon Engineers Private Limited has given its consent to the aforesaid transaction as "Confirming Party". The said Development Agreement is duly registered at the office of Sub-Registrar Haveli No. VII at Serial No. 11178/2007.

- aa) Furthermore, with respect to the aforesaid Development Agreement dated 26th December, 2007, the aforesaid two trusts have executed an irrevocable power of attorney dated 26th December, 2007 in favour of Duville. The said irrevocable power of attorney is duly registered at the office of Sub-Registrar Haveli No. VII at Serial No. 11179/2007. The possession of the said entire plot was handed over to Duville simultaneously with the execution of the said Development Agreement & Irrevocable Power of Attorney.
- bb) From the contents of the report dated 17th July, 2010 of M/s. Hariani & Co., it appears that Mr. Kishore A. Dandawate had given an Irrevocable Power of Attorney dated 14th January, 2003 in favour of Mr. Umesh R. Thakur and three others. The said document is registered at the office of Sub-Registrar Haveli No. I Pune at registration serial No.299/2003. I have however not seen a copy of the said document
- cc) By a Deed of Assignment of Development Rights dated 31<sup>st</sup> December, 2007 (duly registered with the office of the Sub-Registrar, Haveli -VII (Vagholi) under serial no. 508 / 2008, made between Pentagon of the



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First Part and Duville of the Second Part, Pentagon did thereby transfer, grant, allot and confirm the exclusive development rights in favour of Duville in respect of land admeasuring 23,400 sq. mtrs. bearing survey no. 16/2A in consideration of Duville agreeing to grant, allot and transfer the exclusive development rights and authority to develop the property admeasuring 19700 sq. mtrs. bearing survey no. 16/4A. Pentagon also executed an irrevocable power of attorney dated 31st December, 2007 (duly registered with the Sub-Registrar Haveli 7 under serial no. 509/ 2008), in favour of Duville in respect of the land admeasuring 23,400 sq. mtrs. bearing survey no. 16/2A.

dd) It appears from the contents of the aforesaid Deed of Assignment of Development Rights dated 31th December, 2007 that by another Deed of Assignment of Development Rights dated 31<sup>st</sup> December, 2007 executed between Duville of the First Part and Pentagon of the Second Part, Duville did thereby transfer, grant, allot and confirm the exclusive development rights in favour of Pentagon in respect of land admeasuring 19700 sq. mtrs. bearing survey no. 16/4A and that Duville also executed an irrevocable power of attorney dated 31<sup>st</sup> December, 2007 in favour of Pentagon in respect of the land admeasuring 19700 sq. mtrs. bearing survey no. 16/4A. I have however not seen copies of the said Deed of assignment of Development Rights and Irrevocable



power of attorney executed by Duville in favour of Pentagon.

ee) By a Deed of Exchange of Development Rights dated 31<sup>st</sup> December, 2007 made between Duville of the First Part and Pentagon of the Second Part, Duville assigned, allotted and transferred development rights of the land admeasuring 7,400 sq. mtrs. bearing survey no. 16/4A (earlier belonging to Mr. Sohli Chenoy and acquired by Duville by two separate Deed of Assignment of Development Agreements and two separate Irrevocable powers of attorney all dated 15th May, 2007 and duly registered with sub-registrar Haveli VII under serial nos. 3589/2007, 3591/ 2007, 3590/2007 and 3592/2007 respectively) in addition to Rs. 25,00,000/- in exchange of Pentagon releasing relinquishing and waiving all its rights in the land admeasuring 4,005 sq. mtrs. bearing survey no. 16/3 allotted to Pentagon by the said Consent Terms. We have however not seen any of the said 2 (two) Deed of Assignment of Development Rights and the 2 (two) Irrevocable powers of attorney dated 15th May, 2007 executed by Mr. Sohli Chenoy.

ff) Accordingly, Duville Estates Pvt. Ltd. became entitled to the development rights in respect of land admeasuring 23,400 sq. mtrs of survey no. 16/2A. Similarly, Pentagon became entitled to the development rights in respect of land admeasuring 27,100 sq. mtrs of survey no. 16/4A by



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virtue of various registered documents mentioned above.

gg) It further transpires from the perusal of the documents that on the basis of the said Consent order Duville and Pentagon executed the aforesaid Deed of Exchange of Development Rights dated 31st December, 2007 duly registered with the Sub- Registrar, Haveli-VII, Pune at serial no. 503/2008. The said consent order forms part of the abovementioned Deed of Exchange of Development Rights which has been duly registered. Thus though not registered, the said consent order is on record with the said Sub-Registrar, Haveli VII.

hh) From the contents of the report dated 17th July, 2010 of M/s. Hariani & Co., it appears that Mr. Kishore Avinash Dandawate, Mrs. Anjali Hemant Kulkarni and Mrs. Shailaja Avinash Dandawate, whose names have been incorporated in Village Form Nos. 7, 7A and 12 as mentioned above have already executed Development Agreement in favour of Pentagon. We have however not seen any such Development Agreements. The said Mr. Kishore Avinash Dandwate and two others were also parties to the aforementioned Civil Suit bearing No 397/2007 and Consent Terms filed therein.

ii) The name of Mrs. Arti Arvind Gharpure who was not a party to the Civil Suit bearing No. 397/2007 and Consent Terms filed therein was entered in village Form Nos. 7, 7A



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and 12 of the said plot subsequent to the aforesaid Consent Terms and Assignment of Development Rights by Pentagon in favour of Duville.

- jj) However, we understand that as on date the names of Mr. Behram Dubash and Mrs. Bakhtawar Dubash appear on the Form Village 7, 7A and 12 by virtue of mutation entries 22348, 22349 and 22362. We have seen the abovementioned mutation entries, and also verified the recent 7/12 extract. The said mutation entries refer to the letter dated 30th May, 2014 of the Tahsildar, Haveli with reference to an order of the Hon'ble Court in Civil suit No. 397/2007 in the Civil Judge, Senior Division, Pune. We have however not perused copy of the said letter no. 475 of 2014 dated 30th May, 2014 of the Tahsildar.
- kk) By a Deed of Mortgage dated 31<sup>st</sup> November, 2008 executed, inter alia, by M/s. Duville, as one of the Mortgagors in favour of Housing Development Finance Corporation Limited, as the Mortgagee Duville mortgaged inter alia the said plot as security for a loan granted by Housing Development Finance Corporation Ltd. to Vascon Engineers Ltd. and another. The said Deed of Mortgage is registered with the Sub-Registrar of Assurances at Haveli -11, Pune under No.11302/2008.
- ll) Subsequently, by a Deed of Release dated 24th August, 2009 executed by Housing Development Finance Corporation Ltd and Duville Estates Pvt. Ltd. Housing Development Finance Corporation Ltd has released free



from mortgage inter alia the said plot. The said Deed of Release is registered with the Registrar of Assurances at Haveli - 1 Pune under No.5770 of 2009.

mm) By a Memorandum of Settlement (in Marathi language) dated 15<sup>th</sup> April, 2015 which is duly registered with Sub-Registrar, Haveli- 23 at Serial No. 2998/2015, executed by and between (i) Mr. Kishore Avinash Dandawate, ii) Mrs. Shailaja Avinash Dandawate and iii) Mrs. Anjali Hemant Kulkarni ("the Dandawates"), parties of the First Part; Mr. Behram Bomanji Dubash and Mrs. Bakhtawar Behram Dubash ("the Dubashes"), parties of the Second Part and; Duville, party of the Third Part in full and final settlement of all the claims of the Dandawates in respect of the said plot, the Dandawates irrevocably and unconditionally gave up, waived and relinquished all their claims of every nature in and in relation to the said plot on the terms and conditions set out in the said Memorandum of Settlement and accepted the Dubashes acting as trustees for and on behalf of the aforesaid two Trusts to be the absolute owners of the said plot and every part thereof and Duville to be the holder of irrevocable development rights in respect of the said plot. The Dandawates also fully accepted the validity and legality of all the documents annexed to the Memorandum of Settlement which are already mentioned above. A Power of Attorney in Marathi language dated 15<sup>th</sup> April, 2015 was executed and duly



registered with Sub- Registrar Haveli-23, Pune at serial no. 2999/2015 by the Dandwates in favour of (i) the Dubash, (ii) Duville and; (iii) Mr. Tushad Behram Dubash, Director of Duville and a Declaration also dated 15th April, 2015 was also executed by the Dandwates declaring and confirming that they unconditionally gave up, waived and relinquished all their claims of every nature in and in relation to the said plot and with respect to the said relinquishment a Memorandum of Settlement of even date is also executed between the aforesaid parties.

nn) From the contents of the report dated 17th July, 2010 of M/s. Hariani & Co., it appears that, no order under The Urban Land (Ceiling and Regulation) Act for the said plot had been obtained prior to repeal of said Act. We have however not made independent enquiries about the same.

oo) We have been informed that the said plot is fully in possession of Duville Estates Pvt. Ltd under the Development Agreement dated 26th December, 2007 and the same is free from any charge and encumbrances save and except as set out in this Title Certificate. We have obtained a declaration of Mr. Tushad Dubash, the Director of Duville interalia, stating that the said plot is in possession of Duville Estates Private Limited and save and except as set out in this title certificate, the same is free from of all charges and encumbrances.



pp) MORTGAGE:

By and under 2 (two) separate Mortgage Deeds dated 6th May, 2015 and 29th May, 2015 registered under serial numbers 3578/2015 and 8057/2015 with the sub-registrar Haveli — 23 with a Deed of Declaration dated 6th May, 2015 registered with the said sub-registrar under serial no. 3577/2015 Mr. Behram Dubash and Mrs. Bakhtawar Dubash acting for and on behalf of the said two Trusts with Duville Estates Pvt Ltd have created a charge in favour of Tata Capital Finance Services Limited. The 7/12 extract reflects the name of Tata Capital Finance Services Limited under nutation entry no. 23997. Title Investigation Report of Mr. Rajendra Jaigude also reflects the said charges registered with the sub registrar Haveli 23.

2) It appears that Duville Estates Pvt. Ltd. have appointed Mr. Dinesh Vasant Chandratre architect for sanctioning plans at Pune Municipal Corporation. It is informed to me that while preparing and sanctioning the plan Survey No. 16/1, 16/2A, 16/2B, 16/3, 17/1, 17/3, 17/5, 17/4 and 14/1/2 were amalgamated and further process will be initiated to give its effect on the revenue records of respective survey numbers as mentioned above.



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3) The Tahsildar, Alibag has by his certificate dated 28th January, 1986 certified that "1. Shri Behram B. Dubash 2. Bakhtawar B. Dubash 3. Tushad B. Dubash and 4. Ria B. Dubash M. G. of No. 3 and 4 of Shri Behram B. Dubash has own property situate at Satirje at S. No. 48 that is an agricultural land and is subject to agricultural Tax i.e. Land Revenue. This certificate is issued limn the Talathi Saza Zirads report dated 27-1-1986."

Subject to what is stated hereinabove the title of Mr. Behram Dubash & Mrs. Bakhtawar Dubash acting as trustees of TBD Trust and RBD Trust and Duville Estate Pvt. Ltd., to the said plot appears to be clear and marketable and Duville Estates Pvt. Ltd. appears to be entitled to irrevocable development rights in the said Property along with the irrevocable power of attorney to develop the said plot and commercial exploitation thereof subject however to obtaining various governmental revenue and planning authority permissions including the non-agricultural permission

Pune

Date : 29/03/2021

  
SWANAND C. KULKARNI  
MAH 2660 2009  
\* Advocate \*  
SWANAND KULKARNI  
ADVOCATE

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**ANNEXURE B**

**SEARCH NOTE CUM INSPECTION REPORT**

Date: 29/03/2021

To,  
Duville Estate Pvt. Ltd.,  
Mumbai – 400001,

**Sub.: Search Note - Cum - Inspection Report in respect of land**  
admeasuring about 02 H 34 R (inclusive of pot kharaba) bearing  
Survey No. 16 Hissa No. 2A having assessment Rs. 13 Paise 25,  
situated at village Kharadi, Taluka: Haveli, District: Pune within the  
jurisdiction of Sub Registrar Haveli and within the limits of  
Panchayat Samiti Taluka Haveli, Grampanchayat Kharadi &  
bounded as follows:-

On or towards -  
East : S. no. 16/2B  
South : River  
West : S. no. 16/1  
North : S. no. 14/1/2, 17/1 & 17/3 (Part)

Sir,

1. As per your instructions, I have carried out and conducted search of the subject property for last 30 years i.e. 1992 to 2021 in the offices of the Sub-Registrar, Haveli Nos. I to XXVIII



from the available Index II record; comprising of registers and loose sheets thereof, in whatsoever condition in the said offices. That I have also carried out and conducted search from <https://esearchigr.maharashtra.gov.in>, is the official website of the Department of Registration & Stamps, Government of Maharashtra, from the available Index II in the e-record maintained at the abovementioned address. It is assured by the Department of Registration & Stamps that they have maintained all the entries updated of registered documents from year 2002 – 2021.

2. Accordingly, I am submitting my Search Note cum Inspection Report in the following manner:-
3. I have taken search in respect of the subject property in the above referred offices from the available Index-II registers, loose sheets of Index-II record, however the registers were available in part, in torn and poor condition and certain pages from the said registers were missing. That certain Index II were available in the form of loose sheets &/ or in the form of Photocopy.
4. During my search, from the available records, available in whatsoever condition as mentioned hereinbefore in the respective Offices of the Sub-Registrar and on <https://esearchigr.maharashtra.gov.in> I came across various entries in respect of the subject property. However, I don't came across any entry affecting title of Mr. Behram Dubash & Mrs. Bakhtawar Dubash and rights of the Duville Estates Pvt. Ltd.



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5. I have paid the requisite search fee of Rs. 300/- in respect of the said property on date 16/03/2021, vide my Search Challan GNR No. MH014247404202021E and Search Receipt date 29/03/2021 No. 1112006447. Photocopy of the said Challan & Receipt is attached herewith for your record and the same is part and parcel of this 'Search Note cum Inspection Report'.

Thanking you,

Yours Faithfully,

  
ADVOCATE

