

Memo

To	Rohan Builders and Developers Private Limited
From	DSK Legal
Date	November 30, 2019
Subject	Memo on title in respect of the properties situate at Village Somatane, Taluka Maval, District Pune.

Mumbai

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Tower 2, Floor 12 B
841, Senapati Bapat Marg
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India

Tel 022 6658 8000
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Upon your instructions, we have investigated the rights of Rohan Builders and Developers Private Limited ("**Rohan**"), in respect of the properties more particularly described in this Memo based on the documents provided by the representatives of Rohan and have to state as follows:

For the purposes of this Memo:

- A. We have perused the title documents as set out in **Annexure "A"** hereto and have relied upon the mutation entries and 7/12 extracts of the captioned properties. We have not perused the original documents.
- B. We have caused searches to be conducted in respect of the captioned properties mentioned hereinabove and have relied upon the Search Report dated February 7, 2019 issued by Mrudula Sohoni Advocate. She has certified that there are no *lis pendens* registered in respect of the captioned properties.
- C. Since our scope of work does not include considering aspects within the domain of an architect and surveyor, we have not carried out any physical inspection of the captioned properties nor have commented the development aspects zoning, etc., of the captioned properties. This aspect needs to be verified, independently.
- D. We have issued a Public Notice in Maharashtra Times (Marathi), dated January 22, 2019 and The Economic Times (English), dated January 22, 2019 having circulation in Pune, for inviting objections / claims in respect of the captioned properties. Pursuant to the issuance of the aforesaid public notices, we have not received any objections thereto.

Mumbai Office: (Litigation Group) C-16, Dhanraj Mahal, Chhatrapati Shivaji Marg, Apollo Bunder, Mumbai 400 001

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Delhi Office: ESC House 155, First and Second Floor, Okhla Industrial Area, Phase 3, New Delhi 110 020

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- E. Since verifying pending litigations in respect of properties becomes difficult due to various reasons including (i) litigations can be filed/instituted in various fora depending upon the relief claimed; and/or (ii) records of litigations maintained by courts and other authorities (judicial or otherwise) are not updated nor maintained descriptively and not easily available/accessible; and/or (iii) there are no registers maintained in respect of matters referred to arbitration, we have not conducted any searches before any court of law or before any other authority (judicial or otherwise) to verify whether the properties are subject matter of any litigation. However, we have relied upon letters dated February 12, 2019 from (i) Pavana Poultry and Constructions Private Limited (formerly known as Pavana Poultry Private Limited) and (ii) Standard Compositors Private Limited that there are no litigation, pending or threatened, which affects the captioned properties and/or the rights of Rohan in respect thereof.
- F. We have not conducted any investigation / enquired into the total holdings of the respective owners of the properties to ascertain whether they exceed the holding limit specified under The Urban Lands (Ceiling and Regulation) Act, 1976 and Maharashtra Agricultural Land and Ceiling Act 1961.
- G. We have not conducted any investigation / enquired into the pending direct/indirect tax liability of the current owners (or their predecessors in title) and/or in respect of the captioned properties. This aspect needs to be independently verified by Chartered Accountant or tax consultant.
- H. We have relied upon the revenue records commencing from the implementation of the consolidation scheme around the year 1975 in the Village Somatane under the provisions of the The Maharashtra Prevention of the Fragmentation and Consolidation of Holdings Act, 1947 ("**said Act**") and have traced the route of the title therefrom.
- I. We have assumed that:
- the mutation entries provided to us accurately reflect the transactions contained therein and have presumed the correctness of the contents thereof in accordance with Section 157 of the Maharashtra Land Revenue Code, 1966;



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- the mutation entries and other revenue records, which are not available do not have any adverse effect on the title of the captioned properties;
- the revenue records provided for our perusal are updated and have not been modified/revised;
- the persons executing the documents have the necessary authority to execute the same;
- all documents/records submitted to us as photocopies conform to the originals and all such originals are authentic and complete;
- the applicable stamp duty and registration charges in respect of the title deeds and documents, including antecedent documents, have been properly paid and there are no arrears and/or demand for payment in respect thereof;
- the applicable property tax, water tax, electricity tax payment etc., have been properly paid and there are no arrears and/or demand for payment in respect thereof;
- all signatures and seals on any documents/records submitted to us are genuine;
- wherever any minors' rights are involved the same have been dealt with by their rights / natural guardian for legal necessity and the same have not been challenged by such minors upon their attaining majority; and
- the legal capacity of all natural persons are as they purport it to be.

Based on the aforesaid, we have to report as under:

First Property

Re: All that piece and parcel of land bearing Gat No. 110, admeasuring 1 Hectare 42 Ares out of the total area admeasuring 3 Hectare 43 Ares (including 11 Ares potkharab) situate at Village Somatane, Taluka Maval, District Pune.



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Background:

Prior to the implementation of the consolidation scheme, the Property bearing old Survey No. 14/2, admeasuring 3 Hectares 81 Ares including 11 Ares *potkharab* was owned by one Tukaram Bapu Murhe. Pursuant to the implementation of the consolidation scheme, as set out in the consolidation scheme form 9 (3) and 9 (4), the old Property bearing Survey No. 14/2 came to be recorded as Gat No. 110, totally admeasuring 3 Hectares 81 Ares including 11 Ares *potkharab*.

1. Mutation Entry No. 1 dated January 16, 1975 records the implementation of the consolidation scheme under the provision of the said Act in the village Somatane.
2. Mutation Entry No. 716 dated June 6, 1978 records that Vaghu Murhe obtained a loan from Talegaon Multipurpose Co-operative Society for Rs. 23,060/- (Rupees Twenty Three Thousand and Sixty only) and hence an encumbrance of the society came to be recorded in other rights column of the property bearing Gat No. 110.

Comment:

Though it is not clear as to how Vaghu Murhe created the aforesaid mortgage, however, the encumbrance came to be deleted in the year 2018.

3. By and under a Sale Deed dated March 26, 1981 registered at Serial No. 656 of 1981 Tukaram Bapu Murhe sold, transferred, conveyed and assigned his rights, title and interest in the property bearing Gat No. 110 totally admeasuring 3 Hectares 81 Ares (including 11 Ares *potkharab*), in favour of Pavana Poultry Private Limited (through its director Indumati Ganpatrao Dere). Mutation Entry No. 814 dated June 4, 1981 confirms the same.
4. By and under a Deed of Confirmation dated May 30, 1981 registered at Serial No. 1128 of 1981 Jijabai Namdeo Murhe confirmed the Sale Deed dated March 26, 1981 registered at Serial No. 656 of 1981 executed in favour of Pavana Poultry Private Limited (through its director Indumati Ganpatrao Dhere) for the consideration and upon the terms and conditions contained therein.
5. Mutation Entry No. 1362 dated August 5, 1997 records that pursuant to the order of the Tehsildar, Maval dated July 26, 1997 an area admeasuring 38 Ares out of the property bearing

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Gat No. 110 came to be acquired for the purpose of construction/extension of a National Highway.

Comment:

Accordingly, the extent of an area of the Porperty bearing Gat No. 110 reduced to 3 Hectares 43 Ares.

6. Mutation Entry No. 1691 dated February 7, 2001 records that pursuant to the acquisition of land for the purpose of National Highway, the areas of various Gat Numbers came to be revised. Accordingly, the area of the property bearing Gat No. 110 came to be recorded as 3 Hectares 43 Ares (including 11 Ares *potkharab*).
7. By and under a Deed of Grant of Right of Way dated June 6, 2015 registered at Serial No. 3852 of 2015 (i) Shrikant Ganpatrao Dere (as the owner of Gat No. 110); (ii) Ratan Rambabu Agarwal; (iii) Bindia Ratan Agarwal; (iv) Rupesh Ratan Agarwal; (v) Rahul Ratan Agarwal; (vi) Nilesh Mansukhlal Doshi; (vii) Heena Nilesh Doshi; (viii) Ishita Nilesh Doshi; (ix) Harsheel Nilesh Doshi (through his constituted attorney Ramesh Yugraj Kavediya); (No. (ii) to (ix) as the owners of Gat No. 108); and (x) M/s Shree Sambhav Developers (through its authorised partner Ramesh Yugraj Kavediya) (as the owners of Gat No. 115); the parties herein executed an Agreement by mutually agreeing to grant a right of way as a necessity, from their respective properties in favour of each other upon the terms and conditions contained therein.

Comment:

The Property bearing Gat No. 110 was owned by Pavana Poultry Private Limited. However, erroneously in the aforesaid Deed, it was recorded that the Porperty is owned by Shrikant Ganpatrao Dere who was infact a director of the company. In view to rectify the aforesaid error, a Deed of Correction dated December 19, 2017 came to be executed and registered subsequently.

On perusal of the aforesaid Deed it appears that the right of way has been granted for a 30 feet wide road on the southern side of the Property. It is advisable to ascertain the location of the same.



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8. Mutation Entry No. 3066 dated May 7, 2017 records that pursuant to the order of the Tahsildar, Maval, all the computerized revenue records came to be aligned with the erstwhile revenue records.
9. By and under a Deed of Correction dated December 19, 2017 registered at Serial No. 8145 of 2017 (i) Shrikant Ganpatrao Dere; (ii) Ratan Rambabu Agarwal; (iii) Bindia Ratan Agarwal; (iv) Rupesh Ratan Agarwal; (v) Rahul Ratan Agarwal; (vi) Nilesh Mansukhlal Doshi; (vii) Heena Nilesh Doshi; (viii) Ishita Nilesh Doshi; (ix) Harsheel Nilesh Doshi (through his constituted attorney Ramesh Yugraj Kavediya); and (x) M/s Shree Sambhav Developers (through its authorised partner Ramesh Yugraj Kavediya) made corrections to the Deed of Grant of Right of Way dated June 6, 2015, registered at Serial No. 3852 of 2015 upon the terms and conditions contained therein.

Comment:

It records that the Deed of Grant of Right of Way dated June 6, 2015 registered at Serial No. 3852 of 2015 was executed by Shrikant Ganpatrao Dere in his individual capacity instead of Pavana Poultry Private Limited.

It further records that the extension of Right to Way i.e. 30 feet wide road came to be revised as 40 feet i.e., 12 meters wide road and same shall be made available to the adjoining holdings i.e., Gat No. 115 and other adjacent properties.

10. By and under a Joint Development Agreement dated January 3, 2018 registered at Serial No. 79 of 2018 (i) Standard Capacitor Private limited (through its director Shrikant Ganpatrao Dere); and (ii) Pavana Poultry Private Limited (through its director Shrikant Ganpatrao Dere); granted development rights in respect of an area admeasuring 1 Hectare 42 Ares out of the total area admeasuring 3 Hectares 43 Ares out of the property bearing Gat No. 110 and an area admeasuring 58 Ares out of 1 Hectare 12 Ares bearing Gat No. 112 owned by Standard Capacitors Private Limited (through its director Shrikant Ganpatrao Dere) in favour of Rohan for consideration and upon the terms and conditions contained therein.



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11. By and under a Power of Attorney dated January 3, 2018 registered at Serial No. 80 of 2018 (i) Standard Capacitor Private Limited (through its director Shrikant Ganpatrao Dere) and (ii) Pavana Poultry Private Limited (through its director Shrikant Ganpatrao Dere) appointed Rohan as their constituted attorney in respect of the said property upon the terms and conditions contained therein.
12. By and under a Certificate of Incorporation pursuant to change of name dated January 17, 2018, issued by the office of Registrar of Companies, the name of "Pavana Poultry Private Limited" came to be changed to "Pavana Poultry and Constructions Private Limited".
13. Mutation Entry No. 3151 dated February 23, 2018 records the deletion of an encumbrance created by Vaghu Murhe in favour of Talegaon Multipurpose Co-operative Society Limited.
14. By and under a Deed of Correction dated November 30, 2019 registered at Serial No. 7613 of 2019, (i) Standard Capacitor Private limited (through its director Shrikant Ganpatrao Dere); (ii) Pavana Poultry and Constructions Private Limited (formerly known as Pavana Poultry Private Limited); and Rohan made certain corrections in Joint Development Agreement dated January 3, 2018 registered at Serial No. 79 of 2018 and Power of Attorney dated January 3, 2018 registered at Serial No. 80 of 2018 on the terms and conditions therein.

Opinion:

Subject to the aforesaid, in our view Pavana Poultry and Constructions Private Limited (formerly known as Pavana Poultry Private Limited) has the ownership rights to the extent of an area admeasuring 3 Hectares 43 Ares (including 11 Ares *potkharab*) and Rohan has the development rights to the extent of an area admeasuring 1 Hectare 42 Ares in respect of the subject property.

Second Property

Re: All that piece and parcel of land bearing Gat No. 112, admeasuring 58 Ares out of the total area admeasuring 1 Hectare 40 Ares (including 5 Ares *potkharab*) situate at Village Somatane, Taluka Maval, District Pune

Background:



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Prior to the implementation of the consolidation scheme, the Property bearing old Survey No. 14/4, admeasuring 2 Hectares 35 Ares including 5 Ares *potkharab* was purchased by Standard Capacitor Private Limited from its erstwhile owners. Pursuant to the implementation of the consolidation scheme, as set out in the consolidation scheme form 9 ⁽³⁾ and 9 ⁽⁴⁾, the old Property bearing Survey No. 14/4 came to be recorded as Gat No. 112.

1. Mutation Entry No. 1 dated January 16, 1975 records the implementation of the consolidation scheme under the provision of the said Act in the village Somatane. Accordingly, the property bearing Survey No. 14 Hissa No. 4 came to be recorded at Gat No. 112.
2. Mutation Entry No. 1362 dated August 5, 1997 records that pursuant to the order of the Tehsildar, Maval dated July 26, 1997 an area admeasuring 65 Ares out of the property bearing Gat No. 112 came to be acquired for the purpose of construction/extension of a National Highway.

Comment:

Accordingly, the extent of an area of the Property bearing gat No. 112 reduced to 1 Hectares 70 Ares.

3. Mutation Entry No. 1674 dated December 21, 2000 records that pursuant to the order of the Land Acquisition Officer, Maval dated December 21, 2000 portions of various properties came to be reserved for the purpose of constructing a flyover. Pursuant thereto, an area admeasuring 28 Ares from Gat No. 112 came to be acquired.

Comment:

It appears that pursuant to the aforesaid, the name of the Executive Engineer, Mumbai Road Development Department No. 1 came to be recorded in the occupant's column for an area admesuring 28 Ares.

4. Mutation Entry No. 1691 dated February 7, 2001 records that in accordance with the *Kami Jasti Patrak* issued by the Tehsildar, Maval dated December 31, 2000 and order of the TILR, Maval dated December 18, 2000 the extent of areas recorded in the revenue records in Village Somatane came to be reduced for the purpose of acquiring land for construction of the Express



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Highway. Accordingly, the area of property bearing Gat No. 112 came to be revised as 1 Hectare 40 Ares (including 5 Ares *potkharab*), as an area admeasuring 30 Ares came to be acquired for the construction of National Highway.

5. Mutation Entry No. 1811 dated October 21, 2002 records that in accordance with the *Kami Jasti Patrak* issued by the Tehsildar, Maval dated October 8, 2002 and order of the TILR, Maval dated September 30, 2002 the extent of areas recorded in the revenue records in Village Somatane came to be reduced for the purpose of acquiring land for construction of the Express Highway. Accordingly, the area of property bearing Gat No. 112 came to be revised as 1 Hectare 12 Ares (including 5 Ares *potkharab*), as an area admeasuring 28 Ares came to be acquired for the construction of National Highway.

Comment:

It appears that the effect of an area admeasuring 28 Ares mentioned hereinabove does not reflect in the revenue records.

6. Mutation Entry No. 3066 dated May 7, 2017 records that pursuant to the order of the Tahsildar, all the computerized revenue records came to be aligned with the erstwhile revenue records.
7. By and under Joint Development Agreement dated January 3, 2018 registered at Serial No. 79 of 2018 (i) Standard Capacitor Private limited (through its director Shrikant Ganpatrao Dere); and (ii) Pavana Poultry Private Limited (through its director Shrikant Ganpatrao Dere); granted development rights in respect of an area admeasuring 1 Hectare 42 Ares out of the total area admeasuring 3 Hectares 43 Ares bearing Gat No. 110 owned by Pavana Poultry Private Limited (through its director Shrikant Ganpatrao Dere) and an area admeasuring 58 Ares out of 1 Hectare 12 Ares bearing Gat No. 112 owned by Standard Capacitors Private Limited (through its director Shrikant Ganpatrao Dere) in favour of Rohan for consideration and upon the terms and conditions contained therein.
8. By and under a Power of Attorney dated January 3, 2018 registered at Serial No. 80 of 2018 (i) Standard Capacitor Private Limited (through its director Shrikant Ganpatrao Dere) and (ii) Pavana Poultry Private Limited (through its director Shrikant Ganpatrao Dere) appointed Rohan as their constituted attorney in respect of the said property upon the terms and conditions contained therein.



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9. By and under a Certificate of Incorporation pursuant to change of name dated January 17, 2018, issued by the office of Registrar of Companies, the name of "Pavana Poultry Private Limited" came to be changed to "Pavana Poultry and Constructions Private Limited".
10. By and under a Deed of Correction dated November 30, 2019 registered at Serial No. 7613 of 2019, (i) Standard Capacitor Private limited (through its director Shrikant Ganpatrao Dere); (ii) Pavana Poultry and Constructions Private Limited (formerly known as Pavana Poultry Private Limited); and Rohan made certain corrections in Joint Development Agreement dated January 3, 2018 registered at Serial No. 79 of 2018 and Power of Attorney dated January 3, 2018 registered at Serial No. 80 of 2018 on the terms and conditions therein.

Opinion:

Subject to the aforesaid, in our view Standard Capacitors Private Limited has the ownership rights to the extent of an area admeasuring 1 Hectare 12 Ares (including 5 Ares *potkharab*) and Rohan has the development rights to the extent of an area admeasuring 58 Ares in respect of the subject proeprty.

Our Memo is based on the provisions of applicable law, prevailing at the present time and the facts of the matter, as we understand them to be. Our understanding is based upon and limited to the information provided to us. Any variance of facts or of law may cause a corresponding change in our Memo.

This Memo is addressed to and is solely for your benefit. We would be pleased to discuss the contents of this Memo and provide you with any additional information/clarifications that you may require. In case you have any specific queries relating to this Memo, please do not hesitate to contact us.


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Annexure "A"
List of title documents

1. Sale Deed dated March 26, 1981 registered at Serial No. 656 of 1981;
2. Deed of Confirmation dated May 30, 1981 registered at Serial No. 1128 of 1981;
3. Deed of Grant of Right of Way dated June 6, 2015 registered at Serial No. 3852 of 2015;
4. Deed of Correction dated December 19, 2017 registered at Serial No. 8145 of 2017;
5. Joint Development Agreement dated January 3, 2018 registered at Serial No. 79 of 2018; and
6. Power of Attorney dated January 3, 2018 registered at Serial No. 80 of 2018;
7. Deed of Correction dated November 30, 2019 registered at Serial No. 7613 of 2019.



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