



ADVOCATE

SUDHIR M. JAGTAP

B.S.L.LB. (Spl.)

(ADVOCATE)

Office: Flat No. B-504, Alpine Aura Co. Op. Housing Society, Borhadewadi, Moshi, Pune-412105.

Mob: 9226731132

DATE: 02/10/2023

FORMAT - A

(Circular No.: 28/2021)

To

MahaRERA

Mumbai, Maharashtra

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to All that piece and parcel of plot of Survey No. 19/3/1 admeasuring total area 00 H. 50 R and Survey No. 19/3/2 admeasuring total area 00 H. 57 R situated at Village Punawale, Taluka Mulshi, District Pune and within the limits of Pimpri Chinchwad Municipal Corporation. (hereinafter referred as the "Said Plot").

I have investigated the title of the said plots on the request of Benchmarrk Realty LLP. and following documents i.e. :-

1) Description of the property.

- a) The piece and parcel of land now identified as Survey No. 19/3/1 admeasuring total area 00 H. 50 R, assessed at 00 Rs. 52 Paisa, situated at the village Punawale, Tal: Mulshi, Dist: Pune within the limits of Pimpri-Chinchwad Municipal Corporation.
- b) The piece and parcel of land now identified as Survey No. 19/3/2 admeasuring total area 00 H. 57 R, assessed at 00 Rs. 58 Paisa, situated at the village Punawale, Tal: Mulshi, Dist: Pune within the limits of Pimpri-Chinchwad Municipal Corporation.

2) The documents of Allotment of Plot:

- a) A Copy of development agreement executed by 1) Farheez Eruch Aga, 2) Monaz Farheez Aga in favour of M/s. Benchmark Realty Pvt. Ltd. registered at Sr. No. 7665/2011 on dt. 03/08/2011 at Haveli No. 18 in respect of the Survey No. 19/3/1.
- b) A Copy of Power of attorney executed by 1) Farheez Eruch Aga, 2) Monaz Farheez Aga in favour of M/s. Benchmark Realty LLP registered at Sr. No. 12578/2016 on dt. 08/12/2016 at Haveli No. 25 in respect of the Survey No. 19/3/1.





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- c) A Copy of development agreement executed by Farheez Eruch Aga in favour of M/s. Benchmark Realty LLP. registered at Sr. No. 9093/2018 on dt. 20/06/2018 at Haveli No. 25 in respect of the **Survey No. 19/3/2**.
- d) A Copy of power of attorney executed by Farheez Eruch Aga in favour of M/s. Benchmark Realty LLP. registered at Sr. No. 9094/2018 on dt. 20/06/2018 at Haveli No. 25 in respect of the **Survey No. 19/3/2**.

3) 7/12 Extract or Property Card:

- a. Photocopy of 7/12 of Village Form 7, 7A and 12 in respect of Survey Number 17/2 for the period 1990-2023, issued by Tahasildar Pune.
- b. Mutation Entry No. 248, 528, 720, 933, 2028, 2248, 2258, 2582, 2700, 2721, 2755, 2858, 2861, 2874, 2914, 3053, 3315, 4821, 4858, 6001.

4) Search Report :-

- a) Search Report for 30 years from 1985 to 01/12/2014 of the **Survey No. 19/3/1** admeasuring area 00H 50 R situated at Village Punawale, Taluka Mulshi, District Pune.
- b) Search Report for 30 years from 1990 to 20/03/2019 of the **Survey No. 19/3/2** admeasuring area 00H 57 R situated at Village Punawale, Taluka Mulshi, District Pune.
- c) Supplementary Search Report December 2014 to 08/07/2020, Supplementary Search Report 09/07/2020 to 18/08/2021 and 19-8-2021 to 30-09-2023.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property, I am of the opinion that the title of (following owner/promoter/developer/company) is clear, marketable subject to encumbrance of Total Rs. 275,00,00,000/- (Mortgage Deeds)-

- i) Mortgage Deed of Rs. 175,00,00,000/- executed between Benchmark Realty LLP & others and Altico Capital India Ltd. having document registration No. 13349/2016 at Haveli 25 on 22/12/2016.
- ii) Mortgage Deed of Rs. 100,00,00,000/- executed between Benchmark Realty LLP & others and Altico Capital India Ltd. with consenting party Vitthal Kashinath Bhujbal & others through Power of Attorney Benchmark Realty LLP having document registration No. 14122/2018 at Haveli 19 on 09/10/2018.

Owners of the land:





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1. S. No. 19/3/1:-

- a) **Owner:** Farheez Eruch Aga and Monaz Farheez Aga are the owners of the said Plot.
- b) **Developer of the Land-** Benchmarrk Realty LLP.

2. S. No. 19/3/2:-

- c) **Owner:** Farheez Eruch Aga is the owner of the said Plot.
- d) **Developer of the Land-** Benchmarrk Realty LLP.

3. **Qualifying comments/remarks if any:** a) Loan of Rs. 275,00,00,000/- on project land "Kairosa" along with other projects raised by Benchmarrk Realty LLP. b) Spl. Civ. Suit No. 1939/2008 pending before Civil Judge Senior Division Pune for partition, separate possession, declaration and injunction in respect of Survey No. 19/3/2.

The report reflecting the flow of the title of the Benchmarrk Realty LLP on the said land is enclosed herewith as annexure.

Encl : Annexure.

Date: 02/10/2023


Sudhir M. Jagtap
Advocate, B.S.L.LB.
ADVOCATE





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FLOW OF THE TITLE OF THE SAID LAND

A) With respect to All that piece and parcel of plot of Survey No. 19/3/1 admeasuring total area **00 H. 50 R** situated at Village Punawale, Taluka Mulshi, District Pune and within the limits of Pimpri Chinchwad Municipal Corporation.

a) Mutation Entry No. 528 Certified dated 14/3/1958 shows that Mr. Shankar Nana Borge have given the application to Talathi dated 29/11/1967 and stated that to delete the name of Mr. Khivraj Kisandas Marvadi which is recorded the baseless, without ownership and possession i.e. Pokalist and further stated that he is the owner and possessor of land which mentioned in mutation where include the said land record the same and on the basis of application, statement and local inquiry Talathi had deleted the name Mr. Khivraj Kisandas Marvadi of recorded the name of Mr. Shankar Nana Borge at the owners and possessor column of the said land i.e. Survey No 19/3/1.

b) Mutation Entry No. 720 Certified in the year 1970 shows that, the Maharashtra Weights and Measurement Act 1958 and Indian Coins Act 1955 and Aakarband alongwith Hissa Form No.12 issued by Special District Inspector Land Record (Dashman) Ahmednagar, the area and assessment for revenue record is converted and Survey No.19/3/1 total area admeasuring about 01 Acre 09 Gunthas and assessed at 00 Rs. 08 Anne 06 Pai converted and shown as Survey No 19/3/1 total admeasuring 00 Hectare 50 Ares assessment 00 Rs. 52 Paise in revenue record.

c) Mutation Entry No.933, Certified dated 21/3/1979 shows that, Mr. Shankar Nana Borge had obtained the loan for the purpose of sand development Punawale and that banding encumbrance of the same has been marked on the other right's column of the 7/12 Extract of the Said Land i.e. Survey No 19/3/1. Subsequently Mutation Entry No. 4065 shows that, Tahsildar Mulshi given order no. Land/Tagal/Kavi/104/89 Paud dated 12/4/1989 and as per this order the encumbrance of banding was deleted from other right column of the Land Survey No. 1 to 54 where include the said Land.





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d) Mutation Entry No. 2582, certified dated 2/12/2004, shows that the as per order of Collector office Mulshi issued order by letter no. PM/PS/Kavi/1080/03 dated 1/10/2003 and 7/10/2003 on order of Civil Judge Pune Regular Case No. 276/98 as per final order Tahasildar Mulshi order no Bhu/TLG/Kavi/162/04 Paud dated 23/8/2004 Village Punawale which Land mentioned in mutation have partition and Survey No. 19/3/1 total area admeasuring 00 Hectar 50 Ares, assessed at 00 Rs. 52 Paise allotted to Smt. Savitribai Sayaji Borge and Mrs. Mandaba) Dattoba Bingude.

e) Mutation Entry No 2858 certified dated 21/9/2006 shows that, Mrs. Mandabai Dattoba Bingude given application to talathi her mother Smt. Savitribai Sayaji Borge died on 16/2/2006 leaving behind her one daughter heir namely Mrs. Mandabai Dattoba Bingude and said legal heir name receded on owner and possessor column on 7/12 extract of the said land i.e. Survey No.19/3/1.

f) Mutation Entry No. 2874, certified dated 20/1/2007, shows that Development Agreement dated 27/04/2006 which is duly registered in the office of Sub-Registrar Paud at Serial No. 2728/06 shows that, the same was executed by Mrs. Mandabai Dattoba Bingude, Mr. Dattoba Pandurang Bingude, Mr. Rohidas Dattoba Bingude, Mr. Kiran Dattoba Bingude, Mr. Sachin Dattoba Bingude in favour of Mr. Shrikant Chandrakant Shitole and against the receipt of full consideration, agreed to sell along with development rights for the Survey No. 19/3/1 total area admeasuring 00 Hectares 50 Ares assessment Rs. 00.52 Paise on the terms and conditions in pursuance of aforesaid transaction above mentioned land executing General Power of Attorney dated 27/04/2006 is duly registered in the office of Sub-Registrar Paud at Serial No. 2729/06 appointing to Mr. Shrikant Chandrakant Shitole as their constituted attorney to complete the transaction in all respects.

g) Mutation Entry No. 2914, certified dated 7/4/2007 shows that Development Agreement dated 20/03/2007 which is duly registered in the office of Sub-Registrar Paud at Serial No. 6990/07 shows that, the same was executed by Mrs. Mandabai Dattoba Bingude, Mr. Dattoba Pandurang Bingude, Mr. Rohidas Dattoba Bingude, Mr. Kiran Dattoba Bingude, Mr. Sachin Dattoba Bingude through Power of Attorney Holder Mr. Shrikant Chandrakant Shitole in favour of Mr. Farheez Eruch Aga and against the receipt of full consideration, agreed to sell along with development rights for the Survey No.





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19/3/1 total area admeasuring 00 Hectares 50 Ares assessment Rs. 00.52 Paise on the terms and conditions in pursuance of aforesaid transaction above mentioned land executing General Power of Attorney dated 20/03/2007 is duly registered in the office of Sub-Registrar Paud at Serial No. 6991/07 appointing to Mr. Farheez Eruch Aga as their constituted attorney to complete the transaction in all respects.

- h) Mutation Entry No. 3315 as per that Mr. Farheez Eruch Aga and Mrs. Monat Farheez Aga have purchased Survey No. 19/3/1 total area admeasuring 00 Hectares 50 Ares assessment Rs. 00.52 Paise Village Punawale from Mrs. Mandabai Dattoba Bingude, Mr. Dattoba Pandurang Bingude, Mr. Rohidas Dattoba Bingude, Mr. Kiran Dattoba Bingude, Mr. Sachin Dattoba Bingude through Power of Attorney Holder Mr. Shrikant Chandrakant Shitole through their Power of Attorney Holder Mr. Farheez Eruch Aga and accordingly name of the Purchaser Mr. Farheez Eruch Aga and Mrs. Monat Farheez Aga is recorded in revenue record for the aforesaid purchased area by deleting the names of the above mentioned owners.
- i) Thereafter Development Agreement dated 03/08/2011 which is duly registered in the office of Sub-Registrar Haveli No.18 at Serial No.7665 on 03/08/2011 shows that, the same was executed by Mr. Farheez Eruch Aga and Mrs. Monat Farheez Aga in favour of M/S Benchmark Realty Private Limited a private limited company incorporated under the provisions of Companies Act 1956 having its registered office at 98/2, Tarangan, Guruvihar, Pune-Nashik Road, Bhosari, Pune through its director Mr. Anil Jayram Pharande and against the receipt of deposit, agreed to sell along with development rights for the Survey No. 19/3/1 total area admeasuring 00 Hectares 50 Ares assessment Rs.00.52 Paise on the terms and conditions in pursuance of aforesaid transaction above mentioned land owners executing Power of Attorney dated 03/08/2011 is duly registered in the office of Sub-Registrar Haveli No 18 at Serial No.7666 on 03/08/2011 appointing M/S Benchmark Realty Private Limited, a private limited company incorporated through its director Mr. Anil Jayram Pharande as their constituted attorney to complete the transaction in all respects.
- j) Thereafter M/S BENCHMARRK REALTY PVT. LTD. has obtained the Certificate dated 4/4/2014 from Government of Maharashtra Ministry of Corporate affairs Register R.O.C Pune that they have conversion the Company of M/S BENCHMARRK REALTY PVT. LTD. to BENCHMARRK





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REALTY LLP with all their assets converted under Rule 32(1) of the LLP Rules 2009 and registered U/s. 58 of the aforesaid act having LLP Identity No.AAC-2410. So that the name of M/S BENCHMARRK REALTY PVT. LTD has changed and restored the name of BENCHMARRK REALTY LLP.

- k) After perusal of mutation entry no. 4858 dated 12/02/2017 it appears that, handwritten and computerized record of the 7/12 extract exactly matched under the E-Ferfar Project by using Re-Edit module as per guidelines of Government Circular bearing No. RA.BHU.A./PRA.No.180/L-1, dated 07/05/2016 and as per direction of Tahsildar Dist. Pune, and correction is made in the record of the 7/12 extract.
- l) After perusal of mutation entry no. 4821 dated 15/10/2016 it appears that, possession deed dated 03/10/2016 it appears that, Piloo Eruch Aga, Farheez Eruch Aga Monaz Eruch Aga through POA Benchmarrk Realty LLP through partner Anil Jayram Pharande handed over the affected area by DP road admeasuring 136.50 sq. mtrs. Out of S. No. 19/3/1 alongwith other land area to Pimpri Chinchwad Municipal Corporation vide registered possession deed dt. 03/10/2016 having registration no. 8149/2016 which is registered in the Sub-registrar Haveli No. 5.

B) With respect to All that piece and parcel of plot of Survey No. 19/3/2 admeasuring total area 00 H. 57 R situated at Village Punawale, Taluka Mulshi, District Pune and within the limits of Pimpri Chinchwad Municipal Corporation.

- a) On perusal of Mutation Entry No. 248 dated 28/06/1938 it appears that, Ganpat Ramji Borage died on 13/9/1938 and after his demise name of his son Namdev Ganpat Borage as HUF is mutated into the owners column of 7/12 extract.
- b) On perusal of Mutation Entry No. 933 it appears that, the Bunding Boja of Rs.137=30 mutated into the other rights column of the 7/12.
- c) On perusal of Mutation Entry No. 2028 dated 22/2/2000 it appears that, the name of all heirs of Ganpat Rawaji Borge added. to the 7/12 along with Namdev Ganpat Borage as his name in 7/12 was mutated as HUF. Vide this mutation entry name of Namdev Ganpat Borage, Hashaba Ganpat Borage,





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Laxman Ganpat Borage, Kashinath Ganpat Borage, Jijabai Laxman Borage mutated to the owner's column of the 7/12.

- d) On perusal of Mutation Entry No. 2248 dated 9/4/2002 it appears that, Namdev Ganpat Borage died on 20/12/96. After his death name of his legal heirs Sahebrao Namdev Borage, Kamlabai Shankar Dhore, Kausabai Changdev Baldhare, Housabai Shivram Sutar, Bhamabai Jaganath Dangale mutated into the owners column of 7/12 on 9/4/2002.
- e) On perusal of Mutation Entry No. 2258 dated 16/10/2001 it appears that, Kashinath Ganpat Borge died on 19/10/1979. After his death name of his legal heirs Sampat Kashinath Borage, Kailas Kashinath Borage, Kalawati Kashinath Sopan Sakhare, Anusaya Kashinath Borage mutated into the owners column of 7/12 on 16/10/2001.
- f) On perusal of Mutation Entry No. 2700 dated 04/08/2005 it appears that Hashaba Ganpat Borage died on 7/9/1968. After his death name of his legal heirs Vimal Dattu Sutar, Wechala Sopan Gundagul, Suman Gulab Padale, Zama Balu Jadhav mutate into the owners column of the 7/12 on 4/8/2001.
- g) On perusal of Mutation Entry No. 2721 dated 9/6/2006 it appears that, on 28/4/1994 Farheez Eruch Aga purchased said land from Namdev Ganpat Borge and Laxman Ganpat Borage for consideration of Rs. 1,30,000/- and his name mutated into the owners column of 7/12 on 9/6/2006 to the extent of 00H 34.2 R. vide Order passed by Circle officer in Takrar case No. 183/2005 dated 24/8/2005. After perusal of this order it appears that name of Farheez Aga mutated to the extent of share of Namdev Borage, Kashinath Borage and Laxman Borage i.e. 34.2R.
- h) On perusal of Mutation Entry No. 2755 dated 27/3/2006 it appears that, consent deed executed regarding sale transaction dated 29/7/1994 having registration no. 1995/94 by Sampat Kashinath Borage, Kailas Kashinath Borage, Kalawati Sopan Sakhare, Anusaya Kashinath Borage in favour of Farheez Eruch Aga having consent deed registration no.6459/2005. Vide this mutation entry name of Sampat Kashinath Borage, Kailas Kashinath Borage, Kalawati Sopan Sakhare, Anusaya Kashinath Borage deleted from owners column of 7/12.
- i) On perusal of Mutation Entry No. 2861 dated 20/1/2007 it appears that, consent deed regarding sale transaction dated 29/7/1994 having registration





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no. 1995/94 executed by Jijabai Laxman Sasar in favour of Farheez Eruch Aga having Consent deed registration no.6105/2006. Vide this consent deed name of Jijabai Laxman Sasar deleted from owner's column of 7/12.

- j) On perusal of Mutation Entry No. 3053 dated 29/7/1994 it appears that, consent deed regarding sale transaction dated 29/7/1994 having registration no. 1995/94 executed by Ramdas Hashaba Borage, Vimal Dattu Sasar, Wacchala Sopan Gundgal, Suman Gulab Padale, Zama Balu Jadhav in favor Eruch Aga having Consent deed registration no. 109. ee id 5/11 this mutation entry name of Ramdas Hashaba Borage, Vimal Dattu Sasar, Wacchala Sopan Gundgal, Suman Gulab Padale, Zama Balu Jadhav deleted from owner's column of 7/12.
- k) On perusal of Sale deed dated 28/4/1994 having registration no.1995/1994 executed between Farheez Aga and Namdev Borage, Laxman Borage it appears that, Namdev Borage, Laxman Borage sold said land to Farheez Eruch Aga. However consent of other co- owners not taken at the time of execution of sale deed. Therefor Farheez Aga has taken consent to this sale deed of other co-owners vide Consent deed dated 29/10/2007 having registration no. 10498/2007, Consent deed dated 20/9/2005 having registration no. 6459/2005, Consent deed dated 28/7/2006 having registration no.6105/2006.
- l) After perusal of consent deed dated 29/10/2007 it appears that Ramdas Hashaba Borage, Vimal Dattu Sasar, Wacchala Sopan Gundgal, Suman Gulab Padale, Zama Balu Jadhav, through power of attorney holder Bandu Laxman Phatak & Anil Sakharam Kalekar executed consent deed in favour of Farheez Eruch Aga and given consent to the sale transaction executed by Namdev Borage and Laxman Borage vide sale deed dated 28/4/1994 having registration no.1995/1994.
- m) After perusal of consent deed dated 20/9/2005 it appears that Anusaya Kashinath Borage, Kalwati Sopan Sakhare, Sampat Kashinath Borage, Kailas Kashinath Borage executed consent deed in favour of Farheez Eruch Aga and given consent to the sale transaction executed by Namdev Borage and Laxman Borage vide sale deed dated 28/4/1994 having registration no. 1995/1994.
- n) After perusal of consent deed dated 28/7/206 it appears that Jijabai Laxman Sasar executed consent deed in favour of Farheez Eruch Aga and given





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consent to the sale transaction executed by Namdev Borage and Laxman Borage vide sale deed dated 28/4/1994 having registration no.1995/1994.

- o) Therefore from available records and documents it appears that initially Farheez Eruch Aga purchased said land from Namdev Ganpat Borage and Laxman Ganpat Borage thereafter he has taken consent of heirs of other co-sharers to the said sale transaction and became the owner of said land.
- p) After perusal of 7/12 extract dated 11/4/2018 name of the Farheez Eruch Aga appears in the owner's column of the said land and there is Bunding Boja of Rs. 167=30 in the other rights column.
- q) After perusal of mutation entry no. 4858 dated 12/02/2017 it appears that, handwritten and computerized record of the 7/12 extract exactly matched under the E-Ferfar Project by using Re-Edit module as per guidelines of Government Circular bearing No. RA.BHU.A./PRA.No.180/L-1, dated 07/05/2016 and as per direction of Tahsildar Dist. Pune, and correction is made in the record of the 7/12 extract.
- m) After perusal of mutation entry no. 6001 dated 25/04/2023 it appears that, possession deed dated 06/02/2023 it appears that, Farheez Eruch Aga through POA Benchmarrk Realty LLP through partner Anil Jayram Pharande handed over the affected area by 30.00 mtr. DP road admeasuring 234 sq. mtrs. out of S. No. 19/3/2 to Pimpri Chinchwad Municipal Corporation vide registered possession deed dt. 06/02/2023 having registration no. 2340/2023 which is registered in the Sub-registrar Haveli No. 5.

Sr. No.

- 1) 7 / 12 extract dated 22/09/2023.
- 2) Mutation Entry No. 248, 528, 720, 933, 2028, 2248, 2258, 2582, 2700, 2721, 2755, 2858, 2861, 2874, 2914, 3053, 3315, 4821, 4858, 6001.

Search and Title Report for 30 years of S. No. 19/3/1 from 1985 to 2014 and S. No. 19/3/2 from 1990 to 2019, Supplementary Search Report from 2015 to 09/07/2020, Supplementary Search Report from 09/07/2020 to 18/08/2021; Supplementary Search Report from 19/08/2021 to 30/09/2023

- 3) Any other relevant title- N. A.





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4) Litigations if any- Spl. Civ. Suit No. 1939/2008 pending before Civil Judge Senior Division Pune for partition, separate possession, declaration and injunction in respect of Survey No. 19/3/2.

Date: 02/10/2023


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Advocate. B.S.L.LB.
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