

**शैलेन्द्र द. जल्लावार**

बी.कॉम., एलएल.बी.

**अॅडव्होकेट हायकोर्ट**

१०५, विकास हाईट्स, संतोषीमाता रोड, कल्याण (प)  
फोन : २३२२५२६, २३२७४४७  
email : lawmen2011@yahoo.com

**Shailendra D. Jallawar**

B.Com., LL.B.,

**Advocate High Court**

105, Vikas Heights, Santoshimata Road, Kalyan (West)  
Tel. : 2322526, 2327447  
email : lawmen2011@yahoo.com

Date : 12.03.2020

To  
M/s. **Regency Nirman Limited**  
through its Director  
Shri Mahesh Satyanarayan Khairari  
Regency House, Opp. Vishnu Darshan Apt.,  
Near Aman Talkies,  
Ulhasnagar – 421 003

**Certificate on Title**

**Reg.** All those portions of land admeasuring **153102.90** sq. meters together with the beneficiary FSI of the some of the reserved portions handed over to the Ulhasnagar Municipal Corporation to be consumed upon the aforementioned land as sanctioned by the Ulhasnagar Municipal Corporation forming a part of all those pieces and parcels of land lying, being and situate at village Ulhasnagar (Mharal), Taluka Ulhasnagar, District Thane within the limits of the Ulhasnagar Municipal Corporation bearing:

<b>CTS</b>	<b>Area sq.mts</b>
279/1	23793
279/2	2500
279/3	7200
279/4	37917
279/5	2632
279/6	173658
<b>Total →</b>	<b>247700</b>
	deducting 11760 sq. metres from CTS No. 279/6

belonging to Regency Nirman Limited and denoted by Survey Nos. 40/1, 40/2, 40/3, 40/4, 40/5, 40/6, 40/7, 41/1, 41/2P, 41/3, 41/4/1, 41/4/2, 42/1, 42/2, 42/3, 42/4, 43/1, 43/2, 43/3 P, 43/4, 44/1, 44/2, 44/3, 46/1, 46/2, 46/3, 47/- 48/1, 48/2, 48/3, 49/1, 49/2, 49/3, 50/-, 51/1, 51/2, 51/3, 51/4, 51/5, 51/6, 51/7 P, 52/-, 54/-, 55/1, 55/2, 55/3, 55/4 P, 56/1, 56/2, 56/3, 56/4, 56/5, 56/6, 57/P and 58

**Read**

1. Extracts of 7/12
2. Relevant Mutation Entries
3. Extracts of Property Register Cards
4. Agreement for Sale dated 04.08.2008 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under serial No. 6488/2008 between Mharal Sahakari Samudayik Sheti Maryadit as the Owners and Regency Nirman Limited as the Purchaser.
5. Sale Permission granted by the Divisional Commissioner, Konkan Division, Mumbai bearing No. MASHA /KARYA -2/ JAMIN-2/ CR-406 / 2009 on 14.10.2009.
6. Deed of Conveyance dated 29.10.2009 registered at the office of Sub-Registrar of Assurances at Kalyan-3 under serial No. 5281/2009 read with Declaration of Correction dated 03.10.2013 registered at the office of Sub-Registrar of Assurances at Kalyan-1 under serial No.6701/2013 between Mharal Sahakari Samudayik Sheti Sanstha Maryadit as the Owners and Regency Nirman Limited as the Purchaser.

7. Non-Agricultural Permission granted by the Collector, Thane under No.Mahasul / K-1 / T-14 / NAP / SR- (217/09) 151 / 10 dated 22.11.2010.
8. Permission granted by the Collector, Thane under No. Mahasul / K-1 / T-14 / Bakon-F1566206155836 / Bhogvatdar Varg-1 / Rupantar /SR-10 / 2019 dated 03.09.2019 for conversion of land into Class-I.
9. Building Permission granted by the Ulhasnagar Municipal Corporation under No. UMP / BP / 125 / 13 /510 dated 09.11.2015 read with revised permission under No. UMP / BP / 125 / 13 -223 dated 05.12.2019.
10. Search Report from 1961 to 2016 issued by Shri G. H. Jagtap and Search Report from 2009 to 2016 issued by Shri 28.01.2016 issued by Adv. Shri Sushant S. Mhatre and Search Report dated 06.05.2019 and 23.01.2020 issued by Shri Ramesh Dhalpe.

At the instructions of Regency Nirman Limited and based on the documents made available to me for investigation, I have perused the said documents of title and other related papers furnished to me relating to the said property. I have also caused searches to be taken at the office of the Sub Registrar of Assurances for the period of last 55 years.

On perusal of the documents submitted to me, it appears that :

- (i) as per mutation entry No. 238 all the above said lands in the records of rights were denoted in the name of "Prantik Sarkar" as the Holder. However, the heirs and representatives of some of the then individual owners of the said entire property formed themselves into a Society popularly known as "Mharal Samudayik Sahakari Sheti Saunsta", an Agricultural Society and got the same registered under section 9 of the Maharashtra Co-operative Society's Act, 1960 under No.F41 on 06.01.1955 (hereinafter referred to as 'the said Society') and upon the application made by the said Society, a lease came to be granted to the Society in respect of 83 Acres and 9 Gunthas land for agricultural purpose by the Collector, Thane under its order No.LND/SR/725 dated 28.09.1954 and since then the said leased property came to be cultivated by the members of the said Society;
- (ii) the lease was given on ck-Sali lease, however, the said Society failed to renew the lease after 1955-56, but continued to pay lease rent every year and also continued the cultivation of the said leased property.
- (iii) upon the Collector, Thane's notification, the Sub-Divisional Officer, vide his notice dated 11.07.1984, contended that the Society members were illegally and un-authorisedly possessing the said leased property and cultivating the same and as such were directed to vacate from the said leased property. Upon the representations made by the members of the said Society regarding aforementioned circumstances and demanding to state them the tenants of the said leased property, the Sub-Divisional Office, Thane, ultimately passed an Order dated 10.04.1987 observing that the said Society had not used the said leased property for cultivation and not brought the lands stated therein under

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- cultivation and the same is contrary to the allocations made in the notice made under Sec.53 of the Maharashtra Land Revenue Code;
- (iv) being aggrieved by the said order of the Sub-Divisional Officer, the said Society filed an appeal against the aforesaid repugnant Order passed by the Sub-Divisional Office, before the Additional Collector but the same was dismissed by the Additional Collector against which the said Society filed second appeal before Hon'ble Divisional Commissioner, Bombay.
- (v) during the pendency of the aforesaid matter before the Hon'ble Divisional Commissioner, the Sub-Divisional Office issued order to the Administrator, Ulhasnagar, asking him to take possession of the agricultural land on 31.05.1988. The Hon'ble Divisional Commissioner, Kokan Division also dismissed the appeal filed by the said Society vide its order being Appeal/Desk/LND-36/88 dated 25.10.1988;
- (vi) meanwhile, the Society, filed a civil suit in the Court of Civil Judge (Senior Division) Thane bearing Regular Civil Suit No.544/1988 against the State of Maharashtra against the said order of the Sub-Divisional Officer, and the Hon'ble Court was pleased to confirm and extend the status quo granted earlier in the said Regular Civil Suit till the decision of the said Suit. Later on, the said Society withdrew the said Suit;
- (vii) being aggrieved by the said impugned order dated 25.10.1988, passed by the Divisional Commissioner, Kokan Division, the said Society filed Revision application before the Hon'ble State Minister of Revenue on 12.02.1993, who, vide his Order bearing No.S.30/Land/2789/No.104/J-4 dated 23/02/1996 cancelled the Order dated 25.10.1988 passed by the Hon'ble Dy. Commissioner, Kokan Division in Appeal/Desk/LND-36/88 & partly accepted revision application filed by the said Society;
- (viii) being aggrieved by the said impugned order bearing No.S.30/Land/2789/No.104/J-4 dated 23.02.1996, passed by the State Minister of Revenue, the said Society filed Review application before State Minister of Revenue u/s. 258 of Maharashtra Land Revenue Code and vide Order dated 03/07/2004 passed by Hon'ble Dr. Shivajirao Patil-Nilangekar, Minister (Revenue), State of Maharashtra partly allowed the said review application;
- (ix) upon payment of occupancy price made by the said Society as well as the survey being carried by the Taluka Inspector of Lands Record, land admeasuring 24 Hectare 77 Are being the said property was granted in occupancy rights by the Collector, Thane to the said Society as Bhogwatdar Class II and on New Impartible Tenure as per section 20 & 31 of Maharashtra Land Revenue Code and as per rule 10, 14 and 15 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules 1971 and upon the terms and conditions mentioned therein vide its Order bearing No. K-1/TE-7/LBP / SR-1/08 dated 22.07.2008, and accordingly the name of the society was entered as Occupant in the records of right as evident by mutation entry No.322.
- (x) under the circumstances as mentioned hereinabove, the said Society became absolutely seized and possessed of and / or otherwise well and sufficiently entitled to the said entire property

being all those pieces and parcels of land admeasuring 24 hectare 77 Are, lying, being and situate at village Ulhasnagar (Mharal), Taluka Ulhasnagar, District Thane within the limits of the Ulhasnagar Municipal Corporation being Class - II Holder in pursuance of the Order bearing No.K-1/TE-7/LBP/SR-1/08 dated 22.07.2008, passed by the Collector, Thane.

- (xi) certain portion of land out of the said entire property is partly reserved for roads, set back area, recreational ground, market, play ground, Integrated School, Primary School, health center, water supply, burial ground, electric sub-station as per the development plans in respect of the City of Ulhasnagar and certain area falls in no development zone;
- (xii) the said Society agreed to sell the said entire property in favour of the Regency Nirman Limited, and in pursuance thereof as well as the resolution dated 10/05/2008, passed at the Special General Body Meeting of the said Society on 10/05/2008, the said Society entered into an Agreement for Sale dated 04/08/2008 (hereinafter referred to as 'the said Agreement') with the said the Regency Nirman Limited in respect thereof at or for the consideration and upon the terms and conditions therein mentioned and the said is registered with the office of Sub-Registrar of Assurances at Kalyan under Sr. No.6488/2008;
- (xiii) by and under the Order bearing No. Govt. of Mah./off.-2/ Land-2/CR-406/2009 dated 14.10.2009, the Divisional Commissioner, Kokan Division, Navi Mumbai, granted permission to the said Society to sell to the said land to Regency Nirman Limited for non-agricultural purpose upon the terms and conditions therein contained;
- (xiv) pursuant to the Resolution dated 21.10.2009, the said Society sold, transferred, assured and conveyed to the said Regency Nirman Limited all their respective right, title, interest and share in respect of the said entire property vide a Deed of Conveyance dated 29.10.2009, registered with the Sub-Registrar of Assurances of Kalyan under Sr. No. 5281/2009 at or for the consideration and upon the terms and conditions therein mentioned;
- (xv) pursuant to the above, the said entire property stands mutated in the name of the Regency Nirman Limited in the records of rights as Bhogwatdar Class II land on New Impartible Tenure and upon the terms and conditions mentioned in the order bearing No. Govt. of Mah./off.-2/Land-2/CR-406/2009 dated 14.10.2009 granted by the Divisional Commissioner, Kokan Division, Navi Mumbai and the same is also reflected vide Mutation Entry No.345;
- (xvi) the said Regency Nirman Limited, through its Architect, prepared and submitted the layout plans in respect of the said entire property to the Ulhasnagar Municipal Corporation, Ulhasnagar and the same was sanctioned by the Corporation vide its order bearing No. UMC/TPD/BP/221/09/1193 dated 18.12.2009 upon the terms and conditions therein mentioned;
- (xvii) a Deed of Declaration dated 03.10.2013 was executed by the said Company in respect of the said property and the same is registered at the office of Sub-Registrar of Assurances at Kalyan- 1

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under serial No. 6701/2013 wherein necessary correction in village stood effectuated.

- (xviii) the said Regency Nirman Limited with a view to develop the said property, applied to the Collector, Thane and has obtained the non-agricultural permission passed by the Collector vide Order bearing No.Revenue/K-1/T-14/NAP/ SR- (217/09) 151/10 dated 22.11.2010 in respect of 2,39,700 sq. mtrs. for residential & commercial purpose out of the total area of 2,47,700 sq. mtrs. of the said entire property i.e. save and except 8,000 sq. mtrs. of the land bearing S. No.58 out of the said property (being denoted as Burial Ground) upon the terms and conditions therein mentioned and at the time of such scrutiny of plans certain objections were filed and after due hearing and verification of the objections, the Commissioner Ulhasnagar Municipal Corporation has issued certain guidelines and directions vide its order bearing No. UMP/A.K./538/2014 on 17.04.2014 and in pursuance thereof a legal opinion is obtained from Advocate Kishore M. Hemrajani dated 13.11.2014.
- (xix) subsequently, Regency Nirman Limited revised the layout plan in respect of the said property and submitted the same to the Corporation for its sanction and approval and the same has been sanctioned by the Corporation vide order bearing V. P. No. UMC /TPD /BP /221 /09 /252/125/13 dated 30.12.2014;
- (xx) the said Regency Nirman Limited obtained Commencement Certificate from the Corporation under No. UMC/TPD/BP/ 125/13/338 dated 12.03.2015 in respect of the said entire property upon the terms and conditions therein contained and further also got the same revised from the Corporation under its Building Commencement Certificate bearing No.UMP/BP/ 125/13/510 dated 09.11.2015 upon the terms and conditions therein contained;
- (xxi) as per the aforesaid Sanction cum Commencement Certificate, the said Company is entitled to develop and construct Basement, Stilt, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor and Fifth Floor for residential use, Podium and assembly building upon the said property. However, the said Regency Nirman Limited after obtaining the clearance from the Technical Advisory Committee for High Rise Buildings appointed by the Government shall be entitled to commence and construct the work from 6th floor to 24th upper floors upon the said property;
- (xxii) further revised building commencement certificate stood granted by the Corporation under No. UMP / BP / 125 / 13 -223 dated 05.12.2019 upon the terms and conditions therein contained;
- (xxiii) as per the Revised Building Commencement Certificate the area of the entire property as per the extract of village form No. VII & XII is 2,47,700 sq. meters and out of that an area admeasuring 23700 sq. metres falls under No Development Zone and the area of the Plot stands at 224000 sq. metres and after deducting the area under reservation admeasuring 75108.10 sq. metres and further adding an area admeasuring 4211 sq. metres being market reservation land as accommodation policy the Corporation has accorded the permission for construction of buildings on the land

admeasuring **153102.90 sq. meters** being the developable land together with the beneficiary floor space index of some of the reserved portions handed over to the Corporation being / to be consumed upon the developable land hereinafter called and referred to as the "said property" for the sake of brevity;

- (xxiv) the said Regency Nirman Limited has handed over the portions of land admeasuring 8000 sq. metres as well as 3670 sq. metres from the land bearing CTS No. 279/6 bearing corresponding Survey No.58 to the Ulhasnagar Municipal Corporation and the necessary mutation to that effect stands effectuated in City Survey Records, however, there appears no mutations in revenue records to that effect.
- (xxv) in pursuance to the aforesaid orders, the said Company followed the due process of law and has obtained the clearance from the High Rise Committee (Technical advisory committee for High Rise Buildings) being permission bearing No.UMC/TPD/BP/S-281/15 dated 03.11.2015 for carrying out the developmental and construction activities as well as the sale of flats and units to the intending purchaser with an intention to promote and regulate the construction on the said property under the provisions of Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the Rules framed thereunder with an intention to form co-operative housing society or condominium of apartment owners or any corporate body under the provisions of law and ultimately transfer the same to such legal entity.
- (xxvi) vide revised Building Commencement Certificate bearing No. No.UMC/TPD/BP/125/13/510 dated 09.11.2015 and further revised under No.UMC/TPD/BP/125/13/223 dated 05.12.2019, the Corporation granted revised Commencement Certificate in respect of the development of the said property.
- (xxvii) as recited hereinabove and as per the above sanctions, permissions, approvals and clearances, the said Regency Nirman Limited is entitled to commence, carry out and complete the scheme of construction on the said property with further and future expansion of buildings as may be permitted by the Corporation from time to time with additions, modifications and alterations in plans of the sanctioned buildings as well as further expansions therein from time to time.
- (xxviii) Regency Nirman Limited and brought to the knowledge that there are suits and litigations pending in respect of the said property viz.
- (a) Writ Petition No. 5578/2008 filed in the High Court of Judicature Mumbai by Shri Pandharinath Taware and Others and the same is pending for hearing and final disposal and further the Said Pandharinath Taware also filed Appeal against the Order converting the land to non-agricultural tenure bearing Appeal No. Appeal / LNA / 199/2013. In the said Writ Petition No 5578/2008 Regency Nirman Limited is neither a Party nor there are any adverse and / or prohibitory orders in the said suit and other proceedings and the same is pending for hearing and final disposal and further in the Appeal / LNA / 199/2013, the Additional Commissioner, Konkan Division has

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rejected the appeal filed by Shri Pandharinath Taware by and under the order dated 18.07.2014. The Status Report in the said writ petition is issued by Advocate Shri Dushant S. Pagare on 21.01.2016 stating that there is no injunction order, prohibitory or restrictive order passed in the said matter.

- (b) Regular Civil Suit No. 55/2010 filed by the Regency Nirman Limited in the Court of Civil Judge (Junior Divisions) at Ulhasnagar against Shri Madhukar Hari Deshmukh and Others and necessary order dated 18.03.2010 is passed by the Hon'ble Court therein restraining all the defendants from disturbing the possession, ownership and work of M/s. Regency Nirman Limited and further there are no adverse and / or prohibitory orders against the Promoters herein in the said suit and other proceedings and the said suit is pending for hearing and final disposal; The Status Report in the said Civil Suit is issued by Advocate Shri Ashok N. Advani on 11.03.2020 stating that no prohibitory order is running against M/s. Regency Nirman Limited and the next date is on 18.03.2020.
- (c) Special Civil Suit No. 376/2010 filed by Shivaji Yashwant Deshmukh and 6 others in the Court of Civil Judge (Senior Division) Kalyan at Kalyan for seeking declaration, injunction and possession in respect of Survey Nos. 49/1, 51/6 and 52 and in the said suit the Hon'ble Judge has rejected / dismissed the injunction application by and under the order dated 20.11.2013 as of date there are no adverse and / or prohibitory orders against Regency Nirman Limited in the said suit and other proceedings and the said suit is pending for hearing and final disposal; The Status Report in the said Civil Suit is issued by Advocate Shri Satish M. Supal on 11.03.2020 stating that no prohibitory order is running against M/s. Regency Nirman Limited and the next date is on 27.04.2020.
- (d) RCS No.27/2010 in the Court of Civil Judge (Junior Division) Ulhasnagar at Ulhasnagar filed Shri Ananta S. Mhatre against Regency Nirman Limited seeking declaration and injunction in respect of Survey Nos. 40/1, 40/6, 41/1, 41/3 and 51/4. The Status Report in the said Civil Suit is issued by Advocate Shri Ashok N. Advani on 11.03.2020 stating that no prohibitory order is running against M/s. Regency Nirman Limited and the next date is on 19.03.2020.

and even though the said litigations are pending for hearing and final disposal, there are no stay orders, restrictive orders and / or prohibitory orders as of date, restraining the Regency Nirman Limited to commence, carryout the scheme of construction on the said property and / or to create any third party interest in the scheme of development to be undertaken by them on the said property subject to the outcome of the said pending litigations.

I have also gone through the Title Certificate dated 07.10.2013 issued by Advocate Ashok Advani in respect of the aforesaid property certifying that M/s Regency Nirman Ltd. has a clear, marketable title over the said property.

I have gone through the Search Report dated 20.01.2016 issued by Shri G. H. Jagtap for a period of 1961 to 2016 as well as updated search report issued by Ramesh Dhalpe 06.05.2019 and the same reveals entries of notice of lis-pendens

- i) notice of lis-pendens bearing registration No. 4286/2009 filed by Shri Pandharinath Keshav Taware and others which reflects the pending litigation being Writ Petition No. 5578/2008 filed in the High Court of Judicature Mumbai.
- ii) notice of lis-pendens bearing registration No. 2082/2014 filed by Mr. Jeetpratap Singh Son of Satyanarayan. As regards the said notice of lis-pendens further the said Jeetpratap Singh filed the Consent Terms filed in the said suit and the said suit stood disposed off and accordingly the said Jeetpratap Singh also executed Declaration of Deed of Cancellation of Lease on 23.12.2015 registered at the office of Sub-Registrar-1 under serial No.10719/2015 and accordingly, the said pending litigation bearing Special Civil Suit No.482/2009 filed in the Court of Civil Judge (Senior Division) Kalyan at Kalyan stood settled.

and except the above two notices of lis-pendens there appears no other entries affecting the title of Regency Nirman Limited to the said property.

I have gone through the Search Report dated 28.01.2016 issued by Adv. Shri Sushant S. Mhatre for a period of 2009 to 2016 and the same reveals that a portion of land admeasuring 8000 sq. metres out of City Survey No. 279/6 forming part of corresponding Survey No. 58 stand vested in Ulhasnagar Municipal Corporation in terms of Agreement dated 27.01.2015 registered at the office of Sub-Registrar of Assurances at Ulhasnagar-1 under Serial No.163/2015 on 27.01.2015 and further a portion of land admeasuring 3670 sq. metres out of City Survey No. 279/6 forming part of corresponding Survey No. 58 stand vested in Ulhasnagar Municipal Corporation in terms of Agreement dated 27.01.2015 registered at the office of Sub-Registrar of Assurances at Ulhasnagar-1 under Serial No.164/2015 on 27.01.2015

I have also perused the Search Report dated 06.05.2019 issued by Shri Ramesh Dhalpe taken at the office Sub-Registrar of Assurances Ulhasnagar for a period of 2016 to May 2019 and the search report reveals an entry of Lease Deed of area admeasuring 650 sq. metres forming a part of the foresaid property in favour of Maharashtra State Electricity Distribution Company Limited and except that there are no other entries falling in the category of encumbrances on the said property.

I have also perused the Search Report dated 23.01.2020 issued by Shri Ramesh Dhalpe taken at the office Sub-Registrar of Assurances Ulhasnagar for the year 2019 and till 23.01.2020 and the search report reveals an entry of Release Deed of area admeasuring 40900 sq. metres forming a part of the foresaid property in favour of Ulhasnagar Municipal Corporation and there are no other entries falling in the category of encumbrances on the said property.

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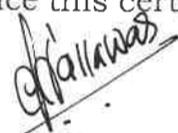
email : lawmen2011@yahoo.com

I have also perused the permission granted by the Collector, Thane under No. Mahasul / K-1 / T-14 / Bakon-F1566206155836 / Bhogvatdar Varg-1 / Rupantar /SR-10 / 2019 dated 03.09.2019 for conversion of land to Occupancy Class-I.

I have also perused the letter issued by the Town Planning Officer, Ulhasnagar under No. N.B.A. Ulhasnagar/Duheri Adhikar Abhilekh Nond/2017/Ja.Kr.8531 dated 08.09.2017 to the Tahsildar Ulhasnagar stating non issuance of Extract of 7/12 in respect of the aforesaid lands which stands recorded by City Survey No. 279/1 to 279/6

On the basis of my aforesaid investigation on title and subject to what is stated in the above paragraphs and in terms of the conditions as inter-alia envisaged in the Order of the Collector Thane, bearing No. Mahasul / K-1 / T-14 / Bakon-F1566206155836 / Bhogvatdar Varg-1 / Rupantar /SR-10 / 2019 dated 03.09.2019, I hereby certify that the title of Regency Nirman Limited to the said property is clear and marketable and further Regency Nirman Limited is well and sufficiently entitled to develop the said lands in accordance with the sanctioned building plans, permissions and clearances obtained from the concerned municipal, government and semi government authorities.

Hence this certificate.

  
S. D. Jallawar  
Advocate

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