

G.S.SRINIVAS AJS ADVOCATES

No.8, 2nd MAIN, 9th CROSS, INDIRANAGAR 1st STAGE, Bengaluru – 560 038. INDIA
Tel.: +91 80 2528 5898, 2528226, E-mail: srinivas.gs@ajc-ca.com.

Date: 04/08/2022

To

**PURAVANKARA LIMITED,
Bengaluru.**

REPORT :-

Sub: Property being all that piece and parcel of Converted undeveloped immoveable land bearing survey No.52/1-A, old survey No.52/1, measuring 1 acre 2 guntas including 1 gunta of karab land, situated at Haralkunte Village, Begur Hobli, Bangalore South Taluk.

Now known as BBMP Katha No.235/6/1/139/52/1A, measuring 1 acre and 1 gunta, which is equivalent to 44,649 Square feet, situated at Haralkunte Village, Begur Hobli, Bangalore South Taluk, BBMP Ward No.190, Bangalore.

1. **DESCRIPTION OF THE PROPERTY:**

Property being all that piece and parcel of Converted undeveloped immoveable land bearing survey No.52/1-A, old survey No.52/1, measuring 1 acre 1 gunta exclusive of 1 gunta of karab land, out of situated at Haralukunte Village, Begur Hobli, Bangalore South Taluk, now known as BBMP Katha No.235/6/1/139/52/1A, measuring 1 acre 1 gunta, which is equivalent to 44,649 Square feet, situated at Haralukunte Village, Begur Hobli, Bangalore South Taluk, BBMP Ward No.190, Bangalore and bounded on the:-

East by : 40 feet Road;

West by : Tank Katte and Road;

North by : Land of Patel Chikka Gundappa;

South by : Land of Narayan Reddy and Thirumalappa.

(hereinafter referred to as "Said Property").



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A. LIST OF DOCUMENTS PERUSED/ SCRUTINISED (PHOTOCOPIES):

Sr. No.	Name of the Document	Date of Document
1.)	Sale Deed executed by Sri.Annaiah Reddy alias Sri.Muniswamy in favour of Sri.Riyaz Ahmed Sharief, duly represented by his Power of Attorney Holder, Sri. Maaz Ahmed Sharief, in said property, registered as Document No. 1057/1990-91, of Book I in Volume 3275 at Pages 18 to 22 in the office of Sub Registrar Bangalore South Taluk.	26/06/1990
2.)	Mutation Register in M.R.No.2/1990-91 issued by the Village Accountant of Bommanahalli to Sri.Riya Ahmed with respect to said property.	
3.)	Intimation Notice in No.ALN.SR.(N)126/2001-02 issued by the Deputy Commissioner, Bangalore District; towards payment of conversion fine and penalty charges in respect of said property.	28/08/2001
4.)	Challan cum receipt for having paid the conversion fine and penalty charges in respect of said property.	28/08/2001
5.)	Official Memorandum bearing No. BDSALN.SR(S):136/2001-02, issued by the office of the Deputy Commissioner, Bangalore District; in respect of said property, from the agricultural use to non-agricultural use i.e. for industrial purpose.	05/03/2003
6.)	RTC for the period 1974-75 to 1978-79; 1979-80 to 1983-84, 1985-86 to 1989-90, 1990-91 to 1994-95, 1997-98 to 2000-01, 2001-02, 2006-07, issued by the jurisdictional revenue authority.	
7.)	Survey sketch, Settlement Akarbandh, Hissa Tippani issued by the jurisdictional revenue authority.	
8.)	Endorsement bearing No.LFR-NTC-CR:/04/07-08 issued by the Special Tahsildar of Bangalore South Sub- Division, Bangalore.	07/04/2007
9.)	Endorsement in No.LRF-79(A) (B)/55/2002-03, issued by the Assistant Commissioner of Bangalore South Davison with respect to said property.	07/02/2003
10.)	Endorsement in No.640/2002-03 issued by the Land Acquisition Officer, Bangalore Development Authority, Bangalore, with respect to said property.	06/09/2002

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11.)	Memorandum of Understanding between Mr. RIYAZ AHMED SHARIEF in favour of M/s. PURAVANKARA PROJECTS LIMITED, represented by its Director, Mr.NANI R. CHOKSEY	24/02/2003
12.)	<p>LITIGATIONS DETAILS:-</p> <p>(1.) AA No.52/2004 filed by PURAVANKARA PROJECTS LIMITED, represented its Managing Director, Mr.NANI R. CHOKSEY against RIYAZ AHMED SHARIEF on the file of the Principal City Civil & Session Judge, Bangalore.</p> <p>(2.) CMP No.83/2006 filed by PURAVANKARA PROJECTS LIMITED, represented its Managing Director, Mr.NANI R. CHOKSEY against RIYAZ AHMED SHARIEF, represented by its Power of Attorney Holder, Mr.Maaz Ahmed Sherif, on the file of the Arbitral Tribunal of Mr.JUSTICE G. PATRI BASVANAGOUD (Retd.).</p> <p>(3.) AWARD passed by Mr. JUSTICE G. PATRI BASVANAGOUD (Retd.) in CMP No.83/2006.</p> <p>(4.) Judgment passed in Commercial AS No.149/2018 by the Hon'ble LXXXVII Addl. City Civil & Sessions Judge, Commercial Court, Bengaluru, (CCH-88), has passed its Judgment on 01/07/2021.</p> <p>(5.) Execution Petition No.1764/2013 filed by PURAVANKARA PROJECTS LIMITED, represented its Managing Director, Mr.NANI R. CHOKSEY against RIYAZ AHMED SHARIEF, represented by its Power of Attorney Holder, Mr.Maaz Ahmed Sherif on the file of the LIX Additional City Civil Judge, (CCH 60), Bangalore.</p> <p>(6.) COM AP. No.251/2021 filed by MAAZ AHMED SHARIEF against M/s. PURAVANKARA PROJECTS LIMITED and RIYAZ AHMED SHARIEF before the Hon'ble High Court of Karnataka, Bengaluru.</p>	
13.)	COURT SALE DEED executed by LIX ADDITIONAL CITY CIVIL & SESSION JUDGE, (CCH – 60), Bangalore, for and on behalf of Judgment Debtors, in Execution Petition No.1764 of 2013, i.e., Mr.Riyaz Ahmed Sharief, represented by his Power of Attorney Holder, Mr. Maaz Ahmed Shareif, in favour of PURAVANKARA LIMITED, registered on 23/02/2021 in	23/02/2021

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	No.BMH-1-06914/2020-21 of Book I and stored C.D.No.BMHD1351, in the office of the Sub-Registrar of Bommanahalli, Bangalore.	
14.)	Katha Endorsement vide No.KTR/488/21-22, issued by the Assistant Revenue Officer of H.S.R. Sub-Division, Bruhat Bangalore Mahanagara Palike, Bangalore in respect of said property, wherein assigned katha number as 235/6/A/139/52/1A, and registered in the name of PURAVANKARA LIMITED.	22/03/2022
15.)	Katha Certificate vide No. KTR/488/21-22 issued by the Assistant Revenue Officer of H.S.R. Sub-Division, Bruhat Bangalore Mahanagara Palike, Bangalore, wherein the katha of the said property registered in the name of PURAVANKARA LIMITED.	22/03/2022
16.)	Katha Extract vide No. Sl.No.235, issued by the Assistant Revenue Officer of H.S.R. Sub-Division, Bruhat Bangalore Mahanagara Palike, Bangalore, wherein said property has been assessed for municipal tax to the extent of 1 acre 1 gunta which is equivalent to 44,640 Square feet,	22/03/2022
17.)	Property tax paid receipt for the period 2022-23 issued by the Bruhat Bangalore Mahanagara Palike, BBMP Ward No.190 and BBMP Ward Name: Managanmanapalya, Bangalore In respect of said property vide 235/6A/180/52/1A.	18/04/2022
18.)	Encumbrance Certificates issued by the jurisdictional Sub-Registrar, Bangalore for the period :- (i.) 01/04/1969 to 31/03/1984 (ii.) 01/04/1989 to 02/02/1999 (iii.) 01/01/1999 to 03/10/2000 (iv.) 03/10/2000 to 30/07/2001; (v.) 31/07/2001 to 15/07/2002; (vi.) 16/07/2002 to 06/02/2003; (vii.) 01/04/2002 to 31/03/2004; (viii.) 01/04/2004 to 07/04/2022;	

B. TRACING OF TITLE:

- 1.) It is observed that one Sri.Annaiah Reddy alias Muniswamy was the absolute owner of the land bearing survey No.52/1A, measuring 1 acre 1 gunta and 1 gunta of karab land, situated at Haralakunte Village, Begur

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Hobli, Bangalore South Taluk, and the said Sri.Annaiah Reddy alias Muniswamy sold the same to Sri.Riyaz Ahmed Sheriff, represented by his Power of Attonrey Holder, Sri.Maaz Ahmed Sheriff under a Sale Deed dated 26/06/1980, registered as Document No.1057/1990-91 of Book I in Volume 3275 at pages 18 to 22, in the office of the sub-Registrar of Bangalore South Taluk. On the basis of the Sale Deed dated 26/06/1980 the katha of the same mutated in the name of the said Sri.Riyaz Ahmed Sheriff in the records of the jurisdictional revenue authority vide M.R.No.3/1990-91.

- 2.) Further the aforesaid owner, Sri.Riyaz Ahmed Sheriff, filed an application for change of land use from agricultural use to non-agricultural use i.e. for residential purpose and the Special Deputy Commissioner for Bangalore District, upon receipt of conversion charges and phodi charges has accorded the said property from agricultural use to non-agriculture use i.e. for residential purposes, vide Official Memorandum dated 05/03/2013 in No.BDS.ALN.SR(S):126/01-02.
- 3.) That in view of an entry having been effected in the name of Sri.Riyaz Ahmed Sheriff in the R.T.C.'s, I would have no hesitation to opine / arrive at a conclusion that the said person has acquired the property in terms of the above. That apart Section 133 of the Karnataka Land Revenue Act, 1964 presumes that an entry in the Record of rights and a Certified entry in the register of mutation or in the Patta Book shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. That in view of the presumption in law the RTC and Mutation can be accepted as reflecting the true state of events.
- 4.) Further Survey Map in respect of the property bearing Survey No.52/1A issued by the Department of survey Settlement and Land Records. This



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is a Survey of the Schedule property, which is subject, matter of this opinion, which shows the portion of land, area and assessment and sub-divisions under an indicative number under the Survey Number. It is also called a Hissa Number. That the said property are also not subject to any tenancy claims under the provisions of Sec.48 A of the Karnataka Land Reforms Act as made out from the endorsement, Dated: 07/04/2007 issued by the Special Tahsildar, Bangalore South Taluk. Likewise, the Endorsement, Dated: 07/02/2003 issued by the Asst. Commissioner, Bangalore North Taluk evidences that there are no violation of Sec.79A & 79B of the Karnataka Land Reforms Act, in respect of said property.

- 5.) That the aforesaid owner, Mr. RIYAZ AHMED SHARIEF has entered into an Memorandum of Understanding dated 24/02/2003 with the company, PURAVANKARA PROJECTS LIMITED, represented by its Director, Mr. NANI R. CHOKSEY for sale of said property and under the said Memorandum of Understanding dated 24/02/2003 the said Company, has paid a sum of Rs.12,50,000/- by Cheque and a sum of Rs.3,25,000/- by Cheque to the owner, Mr. RIYAZ AHMED SHARIEF. It was agreed that the balance sale consideration of Rs.1,22,66,190/ to be paid at the time of registration of Sale Deed. Since the aforesaid owner, Mr. RIYAZ AHMED SHARIEF has failed to perform his part of the obligations in terms of the aforesaid Memorandum of Understanding dated 24/02/2003, the aforesaid company, PURAVANKARA PROJECTS LIMITED, has filed a Claim Petition before the Sole Arbitrator for specific performance of the Agreement dated 24/02/2003 and also for other reliefs. The Arbitrator has passed its Award dated 17/12/2012, wherein ordered that the Complainant i.e. PURAVANKARA PROJECTS LIMITED was entitled for specific performance of the Agreement dated 24/02/2003 and Sale Deed was required to be executed by the Respondents, i.e. RIYAZ AHMED SHARIEF & MAAZ



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AHMED SHARIF, in favour of the Claimant, as also to deliver original title deeds and put the Claimant in possession on receipt of the balance sale consideration from the Claimant at the rate of Rs.310 per Square feet. The Respondents, Mr. RIYAZ AHMED SHARIEF AND & MAAZ AHMED SHARIF being aggrieved by the above said Arbitral Award filed a Commercial AS No.149/2018 before the Commercial Court. The Commercial Court, LXXXVII Addl. City Civil & Sessions Judge, Bengaluru, (CCH-88), has passed its Judgment on 01/07/2021 and the operative portion of the judgment dated 01/07/2021 is: - "The suit/petition filed by the plaintiff U/S. 34 of Arbitration & Conciliation Act, 1996 is dismissed with costs".

- 6.) Further the said MAAZ AHMED SHARIF filed a Comp AP No.251/2022 before the Hon'ble High Court of Karnataka, Bangalore against PURAVANKARA PROJECTS LIMITED and RIYAZ AHMED SHARIEF and the Hon'ble High Court Judge, by its Judgment dated 30/06/2022 dismissed since the dismissal of the appeal IA 3/2021 does not survive for consideration and is accordingly disposed of
- 7.) Subsequently the company, PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED), represented by its Vice Chairman, Mr. NANI K. CHOKSEY, represented by his Special Power of Attorney Holder, Mr. R.VEERABHADRA SWAMY filed a Execution Petition in No.1764/2013 on the file of the LIX ADDITIONAL CITY CIVIL & SESSION JUDGE, (CCH – 60), Bangalore, Even after filing the aforesaid Execution Petition in No. 1764/2013 the aforesaid owner, RIYAZ AHMED SHARIEF failed to come forward to execute the Sale Deed as per the terms of the Award passed in CMP No.83/2006. Therefore the Hon'ble Civil Judge in exercise of the powers conferred upon him under Order XXI Rule 34 of Code of Civil Procedure 1908 and in pursuance of the Award dated



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17/12/2012 passed in CMP No.83/2006 by the Hon'ble Arbitrator acting on behalf of Mr. RIYAZ AHMED SHARIEF AND & MAAZ AHMED SHARIF transferred the said property in favour of Decree Holder, PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED), represented by its Vice Chairman, Mr. NANI K. CHOKSEY, represented by his Special Power of Attorney Holder, Mr. R.VEERABHADRA SWAMY through a COURT SALE DEED and same is registered on 23/02/2021 in No.BMH-1-06914/2020-21 of Book I and stored C.D.No.BMHD1351, in the office of the Sub-Registrar of Bommanahalli, Bangalore. From the aforesaid Sale Deed it clearly discloses that the company, PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED) has deposited the balance sale consideration of Rs.1,22,66,190/- before the Hon'ble Court through a Demand Draft No.817761, dated 25/01/2019, drawn on Dhanalaxmi Bank, Gandhinagar, Bengaluru, vide R.O.No.2877. Further the aforesaid Sale Deed also discloses that the possession of the said property has been handed over to PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED).

- 8.) Further it is observed that since the subject property comes within the jurisdiction of the Bruhat Bangalore Mahanagara Palike (BBMP), Bangalore, the company, PURAVNKARA LIMITED has applied for transfer of katha in its name before the BBMP, Bangalore and the Assistant Revenue Officer of H.S.R. Sub-Division, BBMP, Bangalore has assessed the said property for municipal tax and also registered / effected katha of the said property, measuring to an extent of 1 acre 1 gunta which is equivalent to 44,649 Square feet, in the name of PURAVNKARA LIMITED, vide Katha Endorsement dated 22/03/2022, Katha Certificate dated 22/03/2022 and Katha Extract dated 22/03/2022.



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- 9.) The Tax paid receipt for the year 2022-23 issued in respect of said property by the Bruhat Bangalore Mahanagara Palike, Bangalore, makes out that the taxes have been paid up to the period of 2022-23.
- 10.) Thus it clearly shows and establishes that the PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED) is the absolute owner in possession of the said property, measuring to an extent of 1 acre 1 gunta, which is equivalent to 44,649 square feet.
- 11.) The encumbrance certificates issued by the jurisdictional Sub-Registrar of Bengaluru for the period:-
- (i.) 01/04/1969 to 31/03/1984
 - (ii.) 01/04/1989 to 02/02/1999
 - (iii.) 01/01/1999 to 03/10/2000
 - (iv.) 03/10/2000 to 30/07/2001;
 - (v.) 31/07/2001 to 15/07/2002;
 - (vi.) 16/07/2002 to 06/02/2003;
 - (vii.) 01/04/2002 to 31/03/2004;
 - (viii.) 01/04/2004 to 07/04/2022;

From the aforesaid encumbrance certificates, wherein it is found that the said property is free from all encumbrances during the aforesaid period.

C.) CONCLUSION:-

On perusal of the above documents, we are of the opinion that:-

- 1.) PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED), is the absolute owner in possession of the said property, measuring 1 acre and 1 gunta, which is equivalent to 44,649 Square feet, and it is competent to deal or transact with the said property either in part or full.
- 2.) To obtain the encumbrance certificate from 08/04/2022 till date.
- 3.) The cases which are/were filed / pending before the Court of law all frivolous and same will not be effecting the title of the company, PURAVNKARA LIMITED (formerly known as PURAVANKARA PROJECTS LIMITED).

D.) QUALIFICATIONS AND ASSUMPTIONS:-

This Report is given subject to the following qualifications:-



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- i. We have presumed that the documents as shown to us are final and have not been amended or modified in any manner;
- ii. All information including documents that has been supplied to us by the client or client's representatives has been accepted as being correct unless otherwise stated.

This opinion is solely for the benefit of the addressee and without our consent it is not to be referred to and relied upon by any other person whatsoever.

- iii. Physical verification of the said property and the area of the said property as well as verification of the Approvals is outside our scope of work.

Thanking you,


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