

M/S. RAJIV PATEL AND ASSOCIATES
ADVOCATES

25, United Apartments, 1st Floor, 2407, Gen. Thimayya Marg, (East Street), PUNE - 411 001.
FORMAT-A

Ref No. : (Circular No.28/2021)

Date :

To,
The Maharashtra Real Estate
Regulatory Authority
("MahaRERA")

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to all that piece and parcel of land or ground admeasuring Hectares 01=60 Ares bearing Pot Hissa No. 3 of Hissa No. 1 of Survey No.25 situate, lying and being at Village Undri within the Registration Sub-District of Taluka Haveli, District Pune and within the extended limits of the Municipal Corporation of Pune and falling in the "Residential" Zone under the Development Plan for the City of Pune currently in force. (hereinafter referred to as the "said Land").

We have investigated the title of SHRI. NITIN DWARKADAS NYATI, Sole Proprietor of M/s Nyati Housing, a proprietary concern having its Office at "Nyati Unitree", Survey Number 103/129, Plot B+C, CTS No. 1995 + CTS No. 1996B, Yerwada, Pune Nagar Road, Pune 411006, to the said Land and our observation in respect thereof are as under:-

1. Description of the said Land

All that piece and parcel of land or ground admeasuring Hectares 01=60 Ares bearing Pot Hissa No. 3 of Hissa No. 1 of Survey No.25 situate, lying and being at Village Undri within the Registration Sub-District of Taluka Haveli, District



Pune and within the extended limits of the Municipal Corporation of Pune and falling in the "Residential" Zone under the Development Plan for the City of Pune currently in force.

2. The document of allotment of the said Land –

(a) Agreement for Sale dated 03.12.2010 (duly registered under Serial No.11936 of 2010 with the Sub-Registrar, Haveli VIII, Pune) executed by and between M/s S.V.R.S Properties and Nitin Dwarkadas Nyati, whereby the said M/s S.V.R.S. Properties agreed to sell, inter-alia, the said Land bearing Survey No.25, Hissa No.1/3, Undri to/in favour of the said Nitin Dwarkadas Nyati at or for the consideration and on the terms and conditions therein contained.

(b) Deed of Conveyance dated 12.07.2011 (duly Registered under Serial No.7021 of 2011 with the Sub-Registrar, Haveli XIV, Pune) whereby the said M/s S.V.R.S Properties assigned, transferred, assured and conveyed the said Land bearing Survey No.25, Hissa No.1/3, Undri to/in favour of the said Nitin Dwarkadas Nyati.

3. VII/XII Extract in respect of land earlier bearing Survey No.24 Hissa No.1 and 1/3 Undri, Pune and presently bearing Survey No.25 Hissa No.1/3, Undri, Pune from the year 1953 to 2022 and Mutation Entries bearing Nos.1374, 1558, 1569, 1649, 1725, 2060, 3085, 3110, 3176, 3179, 6742, 8595 and 9485 in respect thereof.
4. Search Reports in respect of the said Land for the years 1991 to 2020 and 2021 to 2022 by Shri.Deepak R. Hole, Advocate.

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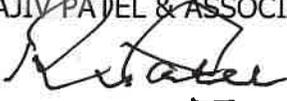
On perusal of the above mentioned documents and all other relevant documents relating to title of the said Land, we are of the opinion that the title of the said SHRI. NITIN DWARKADAS NYATI, Sole Proprietor of M/s Nyati Housing, to the said Land is free, clear and marketable and there are no outstanding encumbrances on or in respect thereof as far as can be diligently ascertained.

Owner of the said Land – SHRI. NITIN DWARKADAS NYATI.

The Report reflecting the flow of the title of the said SHRI. NITIN DWARKADAS NYATI, Sole Proprietor of M/s Nyati Housing, to the said Land is enclosed herewith as **Annexure "A"**.

Dated this 25th day of April, 2022.

M/S RAJIV PATEL & ASSOCIATES


PROPRIETOR

Encl : **Annexure "A"**.



ANNEXURE "A"
(FLOW OF TITLE OF THE SAID LAND)

Re : Land admeasuring Hectares 01=60 Ares bearing Pot Hissa No. 3 of Hissa No. 1 of Survey No.25 situate, lying and being at Village Undri within the Registration Sub-District of Taluka Haveli, District Pune and within the extended limits of the Municipal Corporation of Pune and falling in the "Residential" Zone under the Development Plan for the City of Pune currently in force and which is bounded as follows, that is to say:-

On or towards the East	:By land bearing Survey No.25 Hissa No.1, Undri, Pune.
On or towards the South	:By land bearing Survey No.25 Hissa No.4 and Survey No.29, Undri, Pune.
On or towards the West	:By land bearing Survey No. 29, Undri and by Road.
On or towards the North	:By land out of Survey No.25 Hissa No. 1, Undri, Pune.

- 1) One Pandharinath Kalu Mulik was the holder of land then admeasuring 11 Acres and 6 Gunthas bearing Survey No.24 Hissa No.1, Village Undri, Taluka Haveli, District Pune.
- 2) The said Pandharinath Kalu Mulik availed of a Loan from the Undri Vikas Co-operative Society Limited and, as security for due repayment of such loan, a Charge on the said land bearing Survey No.24 Hissa No.1, Undri was created in favour of the said Society and reflected in the "Other Rights" Column of the VII/XII Extract in respect of the said land vide Mutation Entry No.1374 dated 06.11.1960.
- 3) The provisions of the Maharashtra Weights & Measures Act, 1958 and of the Indian Coinage Act, 1955, were made applicable to Village Undri vide Mutation Entry No.1558 dated 03.03.1969 and, accordingly, the area of the said land bearing Survey No.24 Hissa No.1, Undri was shown to admeasure Hectares 04 = 51 Ares.



- 4) The said Pandharinath Kalu Mulik availed of a loan from the Government for purchase of Bullocks and as security for due repayment of such loan, a Charge on account of "Bael Tagai" was created on the said land bearing Survey No.24 Hissa No.1, Undri and reflected in the "Other Rights" Column of the VII/XII Extract in respect of the said land vide Mutation Entry No.1569 dated 11.12.1969.
- 5) The said Pandharinath Kalu Mulik availed of a Loan from the Undri Vikas Co-operative Society Limited and, as security for due repayment of such loan, a Charge on the said land bearing Survey No.24 Hissa No.1, Undri was created in favour of the said Society and reflected in the "Other Rights" Column of the VII/XII Extract in respect of the said land vide Mutation Entry No.1649 dated 20.12.1971.
- 6) The said Pandharinath Kalu Mulik availed of a Loan from the Undri Vikas Co-operative Society Limited and, as security for due repayment of such loan, a Charge on the said land bearing Survey No.24 Hissa No.1, Undri was created in favour of the said Society and reflected in the "Other Rights" Column of the VII/XII Extract in respect of the said land vide Mutation Entry No.1725 dated 24.08.1973.
- 7) On the said Pandharinath Kalu Mulik repaying all the dues of the said Undri Vikas Co-operative Society Limited, the said Charges held by the said Society on land bearing Survey No.24 Hissa No.1, Undri were released and such release was given effect to in the relevant Revenue Record vide Mutation Entry No.2060 dated 02.02.1983.
- 8) The said Pandharinath Kalu Mulik died on 06.08.1984 leaving behind him as his only heirs and next-of-kin, his son, Maruti Pandharinath Mulik. Accordingly, the name of the said Maruti Pandharinath Mulik was entered on the Revenue Record pertaining to the said land bearing Survey No.24 Hissa No.1, Undri as the holder thereof vide Mutation Entry No.3085 dated 10.08.1985.
- 9) Vide a Deed of Sale dated 19.05.1986 [duly Registered under Serial No.5123 of 1986 with the Sub-Registrar Haveli I, Pune], the said Maruti Pandharinath Mulik assigned, transferred, assured and conveyed a portion admeasuring Hectares 00=60 Ares out of land then bearing Survey No.24 Hissa No.1, Village Undri to Keshav Shankar Devale. The said portion admeasuring Hectares 00=60 Ares so conveyed in favour of the said Keshav Shankar Devale was assigned Pot Hissa No.1 of Hissa No.1 of Survey No.24 while the remaining portion admeasuring Hectares 03=91 Ares continued to be held by Maruti Pandharinath Mulik and continued to be assigned Hissa No.1 of Survey No.24, Village Undri. This was done vide Mutation Entry No.3110 dated 11.06.1986.

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- 10) Vide a Deed of Sale dated 11.05.1987 [duly Registered under Serial No.5861 of 1987 with the Sub-Registrar Haveli I, Pune], the said Maruti Pandharinath Mulik assigned, transferred, assured and conveyed a portion admeasuring Hectares 00=40 Ares out of the said land admeasuring Hectares 03=91 Ares bearing Survey No.24 Hissa No.1, Village Undri to the said Keshav Shankar Devale. The said portion admeasuring Hectares 00=40 Ares so conveyed in favour of the said Keshav Shankar Devale was assigned Pot Hissa No.2 of Hissa No.1 of Survey No.24, Undri vide Mutation Entry No.3176 and the name of the said Keshav Shankar Devale was entered on the Revenue Record pertaining to the land bearing Survey No.24 Hissa No.1/2, Undri as the holder thereof vide the said Mutation Entry.
- 11) Vide a Deed of Sale dated 14.08.1987 [duly Registered under Serial No.10769 of 1987 with the Sub-Registrar Haveli I, Pune], the said Maruti Pandharinath Mulik assigned, transferred, assured and conveyed a portion admeasuring Hectares 01=60 Ares out of the said land admeasuring Hectares 03=51 Ares bearing Survey No.24 Hissa No.1, Village Undri to the said Keshav Shankar Devale. The said portion admeasuring Hectares 01=60 Ares so conveyed in favour of the said Keshav Shankar Devale was assigned Pot Hissa No.3 of Hissa No.1 of Survey No.24, Undri vide Mutation Entry No.3179 dated 14.09.1987 and the name of the said Keshav Shankar Devale was entered on the Revenue Record pertaining to the land bearing Survey No.24 Hissa No.1/3, Undri as the holder thereof vide the said Mutation Entry.
- 12) Vide two Agreements for Sale both dated 11.05.1990 [duly Registered under Serial Nos. 573 and 574 of 1992 with the Sub-Registrar Haveli II, Pune], the said Keshav Shankar Devale agreed to sale/transfer the said land bearing Survey No.24 Hissa No.1/3, Village Undri to/in favour of Nirmiti Co-operative Housing Society Limited (Proposed) through its Chairman, Bhagwan Shankar Mainkar.
- 13) In pursuance of the said Agreements for Sale, vide two Deeds of Sale both dated 3.09.1990 [duly Registered under Serial Nos. 576 and 577 of 1992 with the Sub-Registrar Haveli II, Pune], the said Keshav Shankar Devale assigned, transferred, assured and conveyed the said land bearing Survey No.24 Hissa No.1/3, Village Undri to/in favour of Nirmiti Co-operative Housing Society Limited (Proposed) through its Chairman, Bhagwan Shankar Mainkar.
- 14) On account of the fact that a separate Revenue Village known as "Wadachiwadi" was carved out of the original Village Undri, the lands remaining in Village Undri were re-assigned new Survey Numbers. Accordingly, the land earlier bearing Survey No.24, Undri was assigned Survey No.25 of that Village vide Mutation Entry No.3792 dated 5.12.1990.



- 15) The said Keshav Shankar Devale died intestate on 07.01.1997 leaving behind him as his only heirs and next-of-kin, his widow, Sharda, his son, Prakash, his married daughters, Sunanda Pandurang Kavitkar, Pratibha Vasudeo Karanjkar and Kalpana Milind Kavitkar. The said Sharda Keshav Devale died intestate on 21.10.2000 leaving behind her as her only heirs and next-of-kin, her said son and her said married daughters. The names of the said heirs of the late Keshav Shankar Devale and the late Sharda Keshav Devale were duly entered on the Revenue Record pertaining to the said land bearing Survey No.25 Hissa No.1/3, Undri as the holders thereof vide Mutation Entry No.6742 dated 19.03.2003.
- 16) Certain disputes arose between the said Bhagwan Shankar Mainkar, Chief Promoter of the Nirmitee Co-operative Housing Society Limited [Proposed] and the said heirs of the late Keshav Devle resulting in a Suit [bearing Civil Suit No.72 of 2004] filed by the said Bhagwan Mainkar against the said Prakash Keshavrao Devale and Others in the Court of the Civil Judge, Junior Division, Pune.
- 17) The parties to the said Regular Civil Suit No.72 of 2004 arrived at an amicable settlement of all such disputes by and between them whereby it was agreed that, inter-alia, the land bearing Survey No.25 Hissa No.1/3, Undri be jointly disposed off by the said Bhagwan Shankar Mainkar [as Chief Promoter] of the said Society [Proposed] and the said heirs of the late Keshav Shankar Devale.
- 18) Vide an Agreement for Development dated 29.03.2004 (duly registered under Serial Nos.1214 of 2004 with the Sub-Registrar, Haveli XII, Pune), the said Bhagwan Mainkar [as Chief Promoter of the said Society (Proposed)] the said heirs of the said Keshav Shankar Devale granted rights of development of, inter-alia, the said land bearing Survey No.25, Hissa No.1/3 Undri to Prahlad Mahadev Kad and Kusum Prahlad Kad at or for the consideration and on the terms and conditions therein contained.
- 19) Vide an Agreement for Development dated 31.01.2005 (duly registered under Serial No.598 of 2005 with the Sub-Registrar, Haveli XII, Pune), the said Prahlad Mahadev Kad and Kusum Prahlad Kad & the said legal heirs of Keshav Shankar Devale, and Bhagwan S. Mainkar assigned and transferred rights of development of inter-alia the said land bearing Survey No.25, Hissa No. 1/3 Undri to Girsh K. Gadia, Sohan M. Jhuria, Vijay K. Lalwani and Naushad Zoeb Contractor at or for the consideration and on the terms and conditions therein contained.
- 20) Vide an Agreement for Development dated 13.09.2005 (duly registered under Serial No.5685 of 2005 with the Sub-Registrar, Haveli XII, Pune), the said legal heirs of Keshav Shankar Devale, and Bhagwan S. Mainkar with the consent of Prahlad Mahadeo Kad and Kusum Prahlad Kad and Girish

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Khivraj Gadiya and Three Others granted rights of development of, inter-alia, the said land admeasuring Hectares 00=40 Ares bearing Survey No.25, Hissa No.1/3 Undri to/in favour of the said M/s S.V.R.S Properties at or for the consideration and on the terms and conditions therein contained.

- 21) Vide a Deed of Sale dated 20.06.2008 (duly registered under Serial No.5497 of 2008 with the Sub-Registrar, Haveli XX, Pune), the said heirs of the late Shri.Keshav Shankar Devale and the said Shri.Bhagwan Shankar Mainkar conveyed, inter-alia, the said land bearing Survey No.25, Hissa No.1/3, Undri, to/in favour of the said M/s S.V.R.S Properties with the said Pralhad Mahadev Kad and Kusum Prahlad Kad and the said Girish Gadiya and Three Others as Confirming Parties thereto. The name of the said M/s S.V.R.S Properties was duly entered on the Revenue Record pertaining to the said land bearing Survey No.24 Hissa No.1/3, Undri as the holder thereof vide Mutation Entry No.8595 dated 01.07.2008.
- 22) Vide an Agreement for Sale dated 03.12.2010 (duly registered under Serial No.11936 of 2010 with the Sub-Registrar, Haveli VIII, Pune) made by and between the said M/s S.V.R.S Properties and the said Nitin Dwarkadas Nyati, the said M/s S.V.R.S. Properties agreed to sell, inter-alia, the said land bearing Survey No.25, Hissa No.1/3, Undri to/in favour of the said Nitin Dwarkadas Nyati at or for the consideration and on the terms and conditions therein contained;
- 23) Pursuant to the said Agreement for Sale dated 03.12.2010, the said M/s S.V.R.S. Properties assigned, transferred, assured and conveyed, inter-alia, the said land bearing Survey No.25 Hissa No.1/3, Undri to/in favour of the said Nitin Dwarkadas Nyati vide a Deed of Conveyance dated 12.07.2011 which was duly Registered under Serial No. 7021 of 2011 with the Sub-Registrar, Haveli XIV, Pune. The name of the said Nitin Dwarkadas Nyati was duly entered in the Revenue Record pertaining to the said land bearing Survey No.25 Hissa No.1/3, Undri as the holder thereof vide Mutation Entry No.9485 dated 18.07.2011.
- 24) The provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the above captioned Land.
- 25) Vide his Order dated 28.06.2013 bearing No.PNH / NA / SR / 150 / 2013, the Collector, District Pune permitted conversion of the user of the above captioned Land [excluding the area thereof falling under road] to "non-agricultural" under the provisions of Section 44 of the Maharashtra Land Revenue Code, 1966.
- 26) The said Shri. Nitin Dwarkadas Nyati, sole Proprietor of Nyati Housing created a mortgage without possession, inter-alia, of the above captioned Land in favour of the Housing Development Finance Corporation Limited, a



company incorporated under the provisions of the Indian Companies Act, 1956 having its Registered Office at Ramon House, H.T. Parekh Marg, 169, Backbay Reclamation, Churchgate, Mumbai 400020, vide a Deed of Simple Mortgage dated 08.05.2014 [duly registered under Serial No. 2546 of 2014 with the Sub-Registrar, Haveli XXVI, Pune], as security for re-payment of a Loan Facility of Rs. 70,00,00,000/- (Rupees Seventy Crores Only) granted by the said Housing Development Finance Corporation Limited to the said Shri. Nitin Dwarkadas Nyati, sole Proprietor of Nyati Housing together with interest accrued thereon. The said Loan facility availed from the said Housing Development Finance Corporation Limited together with the interest accrued thereon was entirely repaid by the said Shri.Nitin Dwarkadas Nyati, sole Proprietor of Nyati Housing and consequently, vide a Deed of Release dated 17.07.2017 [duly registered under Serial No. 6972 of 2017 with the Sub-Registrar, Haveli VIII, Pune], the said Housing Development Finance Corporation Limited released its charge that was created on the above captioned Land vide said Deed of Simple Mortgage dated 08.05.2014.

- 27) Vide Notification dated 04.10.2017 bearing No. PMC-3014/C.R.64/UD-22 issued by Urban Development Department, Government of Maharashtra under the provisions of the Maharashtra Municipal Corporations Act, 1949, the entire area of Revenue Village Undri has been included in the Revised/Extended Limits of the Municipal Corporation of Pune.
- 28) An Application [bearing No.105/2019 (WZ)] is pending before the National Green Tribunal, Western Zone, alleging certain violation under the Environmental Protection Act on the part of M/s Nyati Housing. M/s Nyati Housing has rebutted such averments and the matter is sub-judice before the said Tribunal and No Interim Adverse Order in such proceeding has been passed by the said Tribunal as on the date hereof.
- 29) As part of investigation of title of the said Shri.Nitin Dwarkadas Nyati to the above captioned Land, we had Notices in the usual form published in the daily newspapers "Indian Express" and "Prabhat" and which Notices appeared on 21.03.2013. We have received no claim, objection or other communication from any person or party in response to our said Public Notices.
- 30) We have had search of the available, unmutilated and relevant Index II Record in the Offices of the concerned Sub-Registrars, Taluka Haveli, Pune carried out for the last Thirty Years in respect of the above captioned Land and such search has also not disclosed any fact or circumstance prejudicial to the title of the said Shri.Nitin Dwarkadas Nyati to the above captioned Land.

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- 31) We have inspected the Revenue Record in respect of the above captioned land from the year 1953 onwards. Such inspection does not reveal any fact or circumstance pertaining to the title of the said Shri.Nitin Dwarkadas Nyati to the above captioned land.
- 32) We have inspected the original documents of title and other documents referred to in Paragraphs 22 and 23 hereinabove which are in the possession or power of the said Shri.Nitin Dwarkadas Nyati.

As a result of such investigation of title carried out by us, we are of the opinion that the title of the said SHRI.NITIN.DWARKADAS NYATI to the above captioned Land is free, clear and marketable and that there are no outstanding encumbrances, charges, doubts or claims on or in respect thereof as far as can be diligently ascertained.

Dated this 25th day of April, 2022.

M/S.RAJIV PATEL & ASSOCIATES



PROPRIETOR

