

Rameshkumar B. Nage
Solapur
ADVOCATE

Add:- S.No.36/1D,Pune-

Road, Manjriform, Pune
Reg. No. MAH/657/1986
Mob. No. 9604974370

FORMAT – A
(Circular No.: 28/2021)

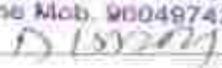
To
MahaRERA
Head Office at Mumbai.

SEARCH AND TITLE INVESTIGATION REPORT

My client M/s. Sharad Mutha Housing Development Ltd. (SMHDL) through managing Director Mr. Nirmal Mutha, R/at 83, Manik Nagar, Ahmednagar Pune Road, Ahmednagar 414001, and Majestique Empire LLP a Partnership firm through its designated partner Majestique Landmarks Pvt. Ltd. through its authorized Director Mr. Manish Dwarkadas Maheshwari having its office at 3, 4, 5 Swayambhu, Sujay Garden, Mukund Nagar, Pune-411037 have jointly instructed me to give the Search & title opinion in respect of the property bearing 42/1 totally admeasuring about 01 H 60R out of that 01 H 30R and Survey no. 42/2/2 admeasuring area 01 H 06.85 R out of which area admeasuring about 0H 70 R, totally admeasuring about 02H 00 R i.e. 20,000 Sq. Mtrs. out of which area adm. about 18181.83 Sq.Mtrs. (Hereinafter referred as the said land) lying and situate at Kharadi Tal. Haveli, Dist. Pune and within the new limits of Pune Municipal Corporation. (Hereinafter referred as the said property/land) Search is taken in the Sub-Registrar Offices Haveli no. 1 to 28 in general for search of 30 year. I am giving this Search and Title opinion in respect of the said property/land. In the present search I have commented on the papers, documents, relevant Government orders, irrespective of having any responsibility about the authenticity of the same.

DESCRIPTION OF THE SAID LAND

All that piece and parcel of land or ground bearing Survey No.42/1 adm about 01H 60R out of that 01H 30R and Survey no. 42/2/2 admeasuring area 01 H 06.85 R out of which area admeasuring about 0H 70 R totally admeasuring about 02H 00 R i.e. 20,000 Sq. Mtrs. situated, lying and being at Village


RAMESHKUMAR. B. NAGE
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Kharadi within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Municipal Corporation of Pune and falling in the "Residential" Zone and reserve under playground, Nata, Air Force Height restriction and 18Mtrs. road under the Development Plan for the City of Pune currently in force and is hereinafter referred to as "the said Land" is previously owned by Takshashila Co-Op. Housing Society Ltd. (herein after referred to as "the said Society") and development rights of area admeasuring about 20,000 Sq.Mtrs assigned by the said Society to M/s. Sharad Mutha Housing Development Ltd. and area adm. about 18181.83 Sq.Mtrs. is subject matter of this Search and Title Report.

I. Instructions:

The search and title report of the said captioned property taken at your instance is as follows:

Due to decentralization from 1st November, 2005 any document can be registered in any of the Sub Registrar offices of Pune. I have caused the search of the Index II registers for the last 30 years (1992 to 2021) in the office of the sub-registrar, Pune of the said captioned property.

Before taking the said search the requisite fee was paid vide e-challan bearing GRN MH001264706202122E dated 17/05/2021.

During the said search, many of the Index II registers were found to be in bad condition and pages of many registers were in loose and torn condition. No entry with respect to the said captioned property except mentioned herein after was found in the available record for the above said period. Except for the following transactions, no other transactions were noticed during the search and on perusal of records.

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In the nutshell from the available record of the Index II registers, no disclosure of any adverse entry with respect to the captioned property was found.

From the available records in the office of the aforesaid Sub Registrar and concern documents and records made available for my inspection and search, the investigation has revealed as under

II. DOCUMENT REFERED:-

- I. Sale Deed at 20/4/1992 registered at the office of Sub-Registrar Haveli No. VII at S. No. 705/92 and 706/92.
- II. 7/12 extract and Mutation Entries of the Property
- III. Registration of the previous Society as PNA/PNA /4/HSG/TC/TC/811/12(2)2004
- IV. M.O.U. dated 29/9/2003 executed by Takashhilla Co-op. Housing Society Ltd. in favour of Sharad Mutha HOUSING Development Ltd.
- V. Individual agreement dt. 16/1/2003 executed by the society member in favour M/s. SharadMuttha Housing Development Ltd.
- VI. Copy of N.O.C. dtd 24/3/2004 by Pradeep Runwal construction Pune to the Sub-Registrar Co-op. Society Pune City (4) Pune as society is competent to do development agreement with SharadMuttha Housing Development Ltd. or to any other Developer.
- VII. Development Agreement dated 18/08/2004 and Power of Attorney dated 18/8/2004 in favour Sharad Mutha HOUSING Development Ltd. executed by the Society registered at the office of the Sub-Registrar Haveli no. VII at Sr. No. 3510 /04 & 3511/04 on 18/8/2004.
- VIII. U. L. C. order dated 30/10/2004 in U.L.C. Case no. 700 Society.

- IX. Correction Deed regarding deletion of the name of the Tejas Construction Co. Ltd. and Power of Attorney dated 19/09/2005 in favour of Sharad Mutha Housing Development Ltd. and its M. D. and executive Director executing by the Society registered at the office of the Sub-Registrar Haveli no. VII at Sr. No.8038/2005.
- X. LsPendancy Agreement dated 16/06/2006 registeed at Sr. NO. 4374/2006 in the office of Sub-Registrar Haveli No 9 w.r.t. Sp. C. S No. 877/2006 in the Civil Judge Senior Division, Pune by Prashant M. Sharma, Shailesh M. Mutha, Rahul V. Lodha, and Tejas Construction Company against Takshashila Co-op. HSG. Ltd.
- XI. Demarcation 23/07/2013.
- XII. Tax paid receipt of P.M.C.
- XIII. N. A. order from collector of Pune.
- XIV. Bifurcation of the Society and Registration of the Society as PNA/PNA/4/HSG/TC/11288/2011-2012 dt. 14/6/2011& 21/03/2016.
- XV. Consent dated 20/1/2011 filed a R.C.S. No. 1879/07 in the Court of Civil Judge Senior Division, Pune
- XVI. Building layout plan dated 4/02/2014 & commencement certificate.
- XVII. Takashhila A Co-op. Housing Society Ltd. Resolution dated 29/09/2017
- XVIII. Death Certificate of Sharad Mutha expired on 25/03/2019
- XIX. Zone Certificate 16/11/2019
- XX. Public Notice through Adv. Sandeep Dayma published in daily newspaper Prabhat on 11/10/2019.
- XXI. Authority Letter :- SMHDL has authorized Mr.Nirmal Muttha to sign, represent the said company and to sign development agreement and power of attorney vide resolution dated 25/11/2019.

XXII. Development Agreement dated 28/01/2020 in favour Majestique Empire LLP executed by the M/s. Sharad Mutha Housing Development Ltd. Registrar Havell no. X at Sr. No. 2011/2020.

XXIII. Confirmation Deed for the Agreement of dated 28/01/2020 registered at Sr. No. 2029/2020, Havell No. X, Pune executed between M/s. Sharad Mutha Housing Development Ltd. Star Constructions, Takashhila C Co-op. Housing Society Ltd. & Mr.Shashikant Patil and Majestique Empire LLP.

XXIV. Power of Attorney dated 28/01/2020 registered at Sr. No. 2030/2020, Havell No. X, Pune executed by the M/s. Sharad Mutha Housing Development Ltd., Star Constructions, Takashhila C Co-op. Housing Society Ltd. and Mr.Shashikant Patil in favour present Majestique Empire LLP.

XXV. Confirmation Deed dated 28/01/2020 registered at Sr. No. 2028/2020

XXVI. Regular Civil Suit filed by Takashhila A Co-Op Society against M/s. Sharad Mutha Housing Development Ltd. bearing RCS No. 389/2020& WS filed by Defendant No.1.

XXVII. Photocopy of Registration Certificate issued by MahaRERA authority bearing no. P52100025697 dated 03/07/2020.

XXVIII. Supplementary Cum Allotment Deed dated 16/10/2020 registered at Sr. No. 14071/2020 at Havell No. X, Pune

XXIX. Correction Deed dated 12/11/2020 registered at Sr. No. 16775/2020 at Havell No. X, Pune.

XXX. Mortgage Deed dated 5/02/2021 executed between State Bank of India, Small Industrial Branch, Pune and Majestique Empire LLP and Consenting party Takashhila "C" Co-op. Housing Society Ltd. and M/s. Sharad Mutha Housing Development Ltd. and Mutation Entry No. 26527 to that effect.

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XXXI. Letter dated 27/01/2021 by Recovery Officer of Samata Nagari Sahakari Patsanstha Maryadit Kopergaon Branch to Respective KamgarTalathi, Kharadi, Pune.

TRACE OF TITLE /HISTORY OF PASSING OF TITLE

I. On perusal of 7/12 Extracts alongwith Mutation Entries and other documents, I am giving title report as under –

1. On perusal of Mutation Entry no. 1807 it appears that vide Court Order 29/09/1978 by Civil Suit No. 126/1973 and byTahsildar Order, the lands are partitioned and thereby land bearing S.No.42/1 came in the name of Tulsiram, Ramchandra, Dnyaneshwar Narayan Kodre, Smt. Laxmibai Narayan Kodre, Sindubai Umaji Kedari and Mrs.Kamlabai Amritrao Gore. By the same mutation Entry the land bearing S.No. 42/2 came in the name of Nivrutti, Yashwant, Balkrishna Pandharinath Rajaram Kodre, Shantabai Panduraga Kodre and Sou. Changunabai Keshavrao Choure and accordingly their names wererecorded on 7/12 Extract of the land bearing S. no. 42/1 & 42/2 of village Kharadi Tal-Haveli, Dist-Pune. As the said land was acquired by Maharashtra Industrial Development Corporation, the charge of the same was mentioned in the said survey number in the other rights column.
2. On perusal of Mutation entry no. 1938 it informs that the charge of the Maharashtra Industrial Development Corporation was deleted from the other rights column of the 7/12 Extract of S. No.42 Kharadi.
3. On perusal of Mutation Entry no. 2651 dated9/08/1989 it appears that the Sale Deed was executed by Nivrutti, Balkrishna, Pandharinath, Yashwannt Rajaram Kodre, Shantabai Panduraga Kodre and Sou. Changunabai Keshavrao Choure through POA holder in favour of

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Eknath Pathare and others out of S.No.42/2 area admeasuring 01H 20R
in respect of the Said Land which is registered at Sr.No. 15929/1988 in
Sub-Registrar Haveli on 30/12/1988

4. On perusal of Mutation Entry no. 4364 dated 8/10/1992 it appears that the Sale Deed was executed by Tulsiram, Ramchandra, Dnyaneshwar Narayan Kodre, Sindubai Umaji Kedari and Mrs.Kamlabai Amrutrao Gore (and consenting party Shri. D. S. Khavale, Shri. B. T. Pathare for self and Power of Attorney Holder of owners) in favour of Takshashila Co-Op Housing Society out of S.No.42/1 area admeasuring 01H 30R in respect of the Said Land. As per this Mutation Entry purchase area's Survey No. was mentioned as 42/1/2.
5. On perusal of Mutation Entry no. 4365 dated 8/10/1992 it appears that the Sale Deed was executed by Eknath Narayan Pathare, Prakash Shrihari Pathare, Sadashiv Balasaheb Pathare and Baban Ankush Pathare in favour of Takshashila Co-operative Society for area admeasuring 00 H 70 R in respect of the Said Land. As per this Mutation Entry the purchase area's Survey No. was mentioned as 42/2/2/7.
6. On perusal of Mutation Entry no. 4655 dated 16/10/1993 it appears that the Sale Deed was executed by Tulsiram, Ramchandra, Dnyaneshwar Narayan Kodre, Sindubai Umaji Kedari and Mrs.Kamlabai Amrutrao Gore (and consenting party Shri. D. S. Khavale, Shri. B. T. Pathare for self and Power of Attorney Holder of S. No. 1 to 5) in favour of proposed Takshashila Co-Op Housing Society out of S.No.42/1 area admeasuring 01H 30R in respect of the Said Land which is registered at Sr.No. 705/1992 in Sub-Registrar Haveli no. 7 on 20/04/92.

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01/02/21

7. On perusal of Mutation Entry no. 4656 dated 16/10/1993 it appears that the Sale Deed was executed by Eknath Narayan Pathare, Prakash Shrihari Pathare, Sadashiv Balasaheb Pathare and Baban Ankush Pathare in favour of proposed Takshashila Co-Op Housing Society out of S.No.42/2 area admeasuring 00H 70R in respect of the Said Land which is registered at Sr.No. 706/1992 in Sub-Registrar Haveli no. 7 on 20/04/92.
8. On perusal of Mutation Entry no. 5015 dated 11/09 /1995 it appears that Name of VasantDinkarBhalerao was deleted from 7/12 extract on the Application of Takshashila Co-Op Housing Society with its resolution No. 11.
9. On perusal of Mutation Entry no. 10619 dated as per Resolution No. 4 dated 27/08/1998 & 9/08/1998 vide Tahasildar Haveli HNo./KaVi/4686/2000 dated 3/03/2000 the Society Promoter i.e. Mr.Arun Kondiba Sarode and Mr.Vasant Dinkar Bhalerao name was deleted and name of Takshashila Co-op Housing Society was retained on the revenue record of 7/12.
10. On perusal of Mutation Entry no. 26097 it appears that SamataNagariSahakari Co-Op Bank, Kopargaon branch have initiated the proceedings U/s 101 of Maharashtra Co-op Housing Society Act for recovery of dues vide immovable property attachment Order bearing No. SRO/Immovable Attachment/3114/2019-20 dated 06/03/2020 against Takshashila CHS and SMHDL and the said charge & encumbrance is reflected on the 7/12 Extract other rights column of the said land vide this mutation entry.
11. On perusal of Mutation Entry no. 26142 it appears that SamataNagariSahakari Co-Op Bank, Kopargaon branch have initiated the proceedings U/s 101 of Maharashtra Co-op Housing Society Act for

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recovery of dues vide immovable property attachment Order bearing No. SRO/Immovable Attachment/805/2020-21 dated 06/08/2020 against Takshashila CHS and SMHDL and the said charge & encumbrance is reflected on the 7/12 Extract other rights column of the said land vide this mutation entry.

The Property's sale deed dated 20/4/1992 which has been registered at the office of Sub-Registrar Haveli No. VII at S. No. 705/92, 706/92 (printed No. as 903 & 902 respectively) seller had also handed over the vacant and peaceful possession of the said property to Takshashila Co-op. Housing Society Ltd., and the said society is exclusive owner of the said land. By virtue of the above said Sale Deed, Takshashila Co-op. Housing Society Ltd. a society registered under the provisions of Maharashtra Co-op. Society Act 1960. Herein after referred to as "THE SAID SOCIETY" became absolute owner of the above mentioned property.

III. DEVELOPMENT RIGHTS OF M/s. Sharad Mutha Housing Development Ltd:-

It is informed that the said society executed M. O. U. on 29/09/2003 in favour of M/s. Sharad Mutha Housing Development Ltd. (herein after referred to as SMHDL) and the members also executed individual agreement with the said SMHDL. The SMHDL has agreed to allot 102 flats on ownership basis to its 102 member along with 102 parking spaces for two wheelers.

Further the said Society agreed to assign development rights of the said land to SMHDL to effect construction on the said property and to sell the units as may be constructed therein to prospective buyers and to evolve ownership scheme and receive consideration thereof on the terms and

conditions mentioned therein. The said Society executed a Development Agreement dated 18/8/2004 in favour of the developer M/s. Sharad Mutha Housing Development Ltd., and the said Agreement is registered at the office of the Sub-Registrar Haveli no. VII at Sr. No. 3510/2004 and a power of Attorney in favour of the executive Director of the said developer herein which has been registered at the office of the Sub Registrar Haveli no. VII at Sr. No. 3511/2004 on 18/8/2004.

Thereafter it is observed that the society has agreed to grant to SMHDL the development rights and executed a correction deed on the terms and conditions dated 19/9/2005 in their favour except Tejas Construction, a Partnership firm and deleted Tejas construction's name from the Development Agreement. This Correction Deed dated 19/9/2005 registered at the office of the Sub-Registrar Haveli no. VII at Sr. No. 8038/05. The society have also executed a General Power of which is registered in the office of Sub-Registrar Haveli no. VII at Sr. No. 8039/05 on 19/09/2005.

AS the said Society has insisted to delete the name of Tejas Construction from the Development Agreement, Mr. Prashant M. Sharma, Shalesh M. Mutha, Rahul V. Lodha, and Tejas Construction Company has filed Sp. C. S No. 877/2006 in the Civil Judge Senior Division, Pune and registered LsPendancy Agreement dated 16/06/2006 which was registered at Sr. NO. 4374/2006 in the office of Sub-Registrar Haveli No 9 against Takshashila Co-op. HSG. Ltd. and the said suit was disposed on 24/09/2010.

As such by virtue of the above and Development agreement& Power of Attorney dated 18/08/2004, Correction deed and power of attorney dated 19/09/2005, SMHDL is entitled to develop the said entire land and

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to sell the tenements therein to the prospective purchase and receive consideration thereof as per terms and conditions mentioned therein.

The said society i.eTakshashila Co-op. Housing Society Ltd. was initially consisted of total 102 members. As there was some dispute between the members and SMHDL, out of the total members 54 members of the said society have entered into separate Development Agreements and Power of Attorneys in favour of Star Constructions, a partnership firm thereby granting development rights of their respective portions from the said land in favour of Star Constructions.

It was agreed that in consideration of granting development rights to the Star Constructions, Star Constructions has agreed to allot certain built-up areas out of the project to be implemented on the said land to the said 54 members.

As though there were subsisting development rights in favour of SMHDL, the said Society members again assigned development rights in favour of Star Constructions and due to various other disputes & differences between said society and Star Constructions with SMHDL, the SMHDL has filed a R.C.S. No. 1879/07 in the Court of Civil Judge Senior Division, Pune against Star Constructions along with said Society and its members.

After meetings and negotiations between the parties they have decided to settle their dispute and therefore jointly filed a Consent Term in LokAdalat in the said suit on 20/01/2011.

IV. Accordingly Star Constructions has constructed building on the adjoining land bearing S.NO.42/2/1 Kharadi,Pune for 54 members for Takshashila "B"

Co-Op. Housing Society Ltd. The SMHDL has constructed building on the Plot B of the said land admeasuring about 1600 Sq.Mtrs. for 48 members of Takshashila "A" Co-Op. Housing Society Ltd. and thus they have settled total 102 members of Takshashila Co-Op. Housing Society Ltd.

V. It is observed from the documents for perusal that the society has subdivided in 3 societies namely Takshashila Co-op. Housing Society Ltd. A, B, C by order of the Sub Registrar Co-op. Society Pune City (4) Pune U/s. 21 of Maharashtra Co-operative Society Act 1960 on 14/06/2011. The Order dated 14/06/2011 is reconfirmed on 21/03/2016 and registration no. of societies after division are as under.

1. TakshashilaA Co-op. Housing Society Ltd.
Reg. no. PNA/PNA/4/HSG/TC/11286/2011-2012 dt. 14.6.2011
2. TakshashilaB Co-op. Housing Society Ltd.
Reg. no. PNA/PNA/4/HSG/TC/11287/2011-2012 dt. 14.6.2011
3. TakshashilaC Co-op. Housing Society Ltd.
Reg. no. PNA/PNA/4/HSG/TC/11288/2011-2012 dt. 14.6.2011

As per resolution before bifurcation and after bifurcation Takshashila Co-op. Housing Society A. B. C has amicably resolved that, the original Development Agreement and Power of Attorney already registered in favour of Sharad Mutha Housing Development Ltd., and its representative Shri. Sharad M. Mutha&Shashikant V. Patil is binding on above bifurcated society and there is no dispute with Sharad Mutha Housing Ltd. and said Society.

The effect of this bifurcation of the societies are not yet given on the revenue record of 7/12 extract and SMHDL have assured to comply the procedure of the same.

VI. U.L.C: - it is observed from the documents for perusal that the owner society of the said land has filed an application under the provision of the Urban Land (Ceiling and Regulation) Act. 1976 to which the Hon'ble Competent Authority Pune vide its order bearing case No. 700 society, dated 30/10/2004 held that the said property does not fall with the ambit of the said Act and society and its members therein does not hold any surplus vacant land in the survey no. 42/1 and 42/2/2 of village Kharadi and declared that the Takashashila Co-op. Housing Society Ltd. is exempted from the provisions of the said Act and also declared that the said Society does not hold any vacant land.

VII. N.O. C.dt. 24.03.2004 the letter PradeepRunwal Construction to the Deputy Registrar Co. Op. Pune City (4)
It is observed that society approached to the said Runwal Construction for its N. O. C. and considered the request of the said society the said Runwal Construction promoter Shri. PradeepRunwal address to the Deputy Registrar of Co-op. Pune City (4) on 24/03/2004 mentioning that the said society can transfer the development rights to SMHDL.

VIII. Non-Agricultural Permission:
The permission for the Non agriculture of the said land for the area adm. about 16722.54sq.Mtrs. (excluding road widening area adm. about 3277.46 Sq.Mtrs.) was obtain from the Collector of the Pune on 3/09/2007 vide Order bearing No. PRH/NA/SR/540/2007.

IX. Receipt of Challan& Demarcation Map
It is observed that the SMHDL has applied for the said property demarcation to the respective DLR Office, Tal. Haveli, Dist. Pune and its M. R. No. is 101/2013

X. Open Land Municipal Tax Pay Receipt :-

It is observed that the open land Municipal tax paid by the society to the P. M. C. upto 31/03/2019 and no dues certificates is issued by the P. M. C. to the said property owner.

XI. Zone Certificate Photocopy of Zone Certificate issued by PMC bearing outward no. Zone-1/3744 dated 16/11/2019, it appears that the said Survey No. 42 of village Kharadi Comes under the Residential Zone, 18 MtrsDp Road, Playground, Nala and Air Force Height Restriction category

XII. Building Layout Plan And Commencement Certificate:

It is observed from the documents for perusal that the society Takshashila Co-op. Housing Society Ltd. through Power of Attorney holder and its Architect filed the building layout plan to Pune Municipal Corporation and the competent authority i. e. P.M.C. sanctioned the same and issued the commencement certificate vide no. CC/3674/13 dated 14/02/2014 revised No. CC/0047/20 dated 4/06/2020 for the said land/property.

XIII. Authority Letter :- SMHDL has authorized Mr.Nirmal Sharad Muttha to sign, represent the said company and to sign development agreement and power of attorney vide resolution dated 25/11/2019.

XIV. Joint Development :

It is observed from the Development Agreement and Power of Attorney between SMHDL through Mr.Nirmal Sharad Muttha and Majestique Empire LLP a LLP Partnership firm through its designated partner Majestique Landmarks Pvt. Ltd. through its authorized Director Mr. Manish Dwarkadas Maheshwari having its office at 3, 4, 5 Swayambhu, Sujay Garden, Mukund Nagar, Pune-411037 both are authorized to develop the land Survey No.42/1

adm about 01H 60R out of that 01H 30R and Survey no. 42/2/2 adm. about 00H 70R totally admeasuring about 02H 00 R i.e. 20,000 Sq. Mtrs. excluding the plot B area admeasuring about 1600 sq.Mtrs. which is already constructed by SMHDL a building for Takshashila A Co-op. Housing Society Ltd. Thereby Majestique Empire LLP is also authorized to develop the said balance area (excluding the area of Takshashila A Co-op. Housing Society Ltd.)for area adm. about 18400 Sq.Mtrs. The said Development Agreement is registered at Sr.No. 2011/2020 of Haveli No. 10 on dated 28/01/2020.

XV. On perusal of Confirmation Deed executed by Takshashila C Co-op. Housing Society Ltd. and Star Constructions for confirming the Development Agreement on dated 28/01/2020 which is registered at Sr. No. 2029/2020 which is registered in the office of Sub-Registrar Haveli no. 10.

XVI. On perusal of Power of attorney executed by SMHDL and others in favour of MajestiqueEmpire LLP which is registered at Sr.No. 2030/2020 in the office of Sub-Registrar Haveli no. 10 dated 28/01/2020, It appears that in pursuance of the aforesaid Development Agreement SMHDL and in consent with others had executed Power Attorney. nominating Majestique Empire LLP as their attorney to do various acts, deedt, matters, things etc. in relation to the development of the said land.

XVII. On perusal ofConfirmation Deed dated 28/01/2020 registered at Sr. No. 2028/2020, Haveli No. 10, Pune it appears that M/s. S.G. Lanke Construction Company through its proprietor Mr.SopanLanke and M/s. Sharad Mutha Housing Development Ltd. have given their No objection for the execution of joint development with Majestique Empire LLP alongwith other terms mentioned therein.

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XVIII. On perusal of Photocopy of Registration Certificate issued by MahaRERA authority bearing no. P52100025697 dated 03/07/2020, it appears that as per section 5 of the Real Estate (Regulation and Development) Act 2016, the said Developers have got registered his project as 'MajestiqueMarbela Phase I' for building 'E and F' upon the said land as per RERA act.

XIX. On perusal ofSupplementary Cum Allotment Deed dated 16/10/2020 registered at Sr. No. 14071/2020 at Haveli No. 10, Pune is executed between Majestique Empire LLP and SMHDL through Mr.NirmalSharadMutha to record the partial allotment of flats in the Building No. D,E and F to be constructed on the said land.

XX. On perusal ofLetter dated 27/01/2021 by Recovery Officer of SamataNagariSahakariPatsanisthaMaryaditKopergaon Branch to Respective KamgarTalathi, Kharadi, Pune. It appears that the Recovery Officer has requested to muted the loan encumbrance charge on the said land and the said encumbrance shall be deleted from the 7/12 Extract of the land bearing 42/1 admeasuring about 01 H 30R, Survey no. 42/2/2 admeasuring about 00 H 70R and 42/2/2 admeasuring about 00 H 6.85 R (which is not subject of this title opinion.)

XXI. On perusal ofCorrection Deed is executed between SMHDL through Mr.NirmalSharadMutha and Majestique Empire LLP dated 12/11/2020 registered at Sr. No. 16775/2020 at Haveli No. 10, Pune, it appears that the said correction deed is executed to correct the area distribution of said land between Takshashila A Co-op. Housing Society Ltd. and Takshashila C Co-op. Housing Society Ltd. As per revised sanction plan vide CC/0443/20 dated 28/08/2020 by Pune Municipal Corporation it is revealed by the

parties that area of the Said Land mentioned in the Development Agreement, Confirmation Agreement and Power of Attorney dated 28/01/2020 along with Supplementary Cum Allotment Deed dated 16/10/2020 registered in the office of Sub-Registrar Haveli no. X at Sr. No. 14071/2020 is wrongly mentioned.

As per Correction Deed Net Plot area of Takshashila "A" Co-op. Housing Society Ltd. is 1340.28 Sq.mtrs and open space area 477.89 sq.mtrs thereby total area comes to 1818.17 Sq.Mtrs (Mentioned as Part B on sanctioned plan) which was previously mentioned as 1600 Sq.mtrs, and the net plot area of Takshashila "C" Co-op. Housing Society Ltd. is adm. about 10972.19 Sq.Mtrs. area under 2 Open spaces as shown in the layout is 1259.76 sq.mtrs which is totally adm about 12231.95 Sq.Mtrs. The area under amenity space is 2606.46 sq.mtrs, area under 18M road is 2623.57 sq.mtrs, area under 9M road is 653.89 sq.mtrs and area under Nala reservation is 65.96 sq.mtrs comes to total area is 5949.88 Sq.Mtrs. and therefore Plot area + Open spaces+ other area comes to adm. about 18181.83 Sq.Mtrs for Takshashila "C" Co-op. Housing Society Ltd. which was previously mentioned as area adm about 18400 sq.mtrs and accordingly those areas were rectified by the Correction Deed dated 12/11/2020 and Takshashila "C" Co-op. Housing Society Ltd. has added as a confirming party to confirmed the said area correction.

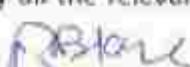
XXII. On perusal of Mortgage Deed executed between Majestique Empire LLP and others in favour of State Bank of India, Small Industrial Branch, Pune of It is observed from the Mortgage Deed registered at Sr. No. 3638/2021 in the office of Sub-Registrar Haveli no. 10 Pune dated 5/02/2021. it appears that Majestique Empire LLP alongwith Consenting party Takshashila "C" Co-op. Housing Society Ltd. and M/s. Sharad Mutha Housing Development Ltd. had

obtained loan from State Bank of India by mortgaging the Building constructed on land bearing Survey No.42/1 adm about 01H 60R out of that 01H 30R and Survey no. 42/2/2 adm, about 00H 70R totally admeasuring about 02H 00 R i.e. 20,000 Sq. Mtrs. excluding area of Plot B. under Road Widening i.e. 2623.57 Square Meters, Amenity Space admeasuring 2606.46 Square Meters. Hence net area mortgaged is adm 12951 Sq. Mtrs. but excluding building to be constructed thereon namely A, B, C, D& E on the said land. It is also mentioned in the Mortgage Deed dated 5/02/2021 that Building 'F' of Project "Majestique Marbella-Phase-I" being constructed on the property described in schedule-I in the Mortgage Deed and units allotted as per the Development Agreement. upfront NOC will be provided by State Bank of India.

Further, on perusal of Mutation Entry No. 26527, it appears that charge of State Bank of India is mutated on the 7/12 extract for Mortgage Deed dated 05/02/2021.

IN VIEW OF THE DISCUSSION MADE IN PARAS ABOVE I CONCLUDE THAT

1. **Encumbrances:** No entry showing any encumbrance such as sale, transfer, mortgage, charge or otherwise in respect of the said Land was found during the search subject to 1) Regular Civil Suit bearing RCS No. 389/2020 against M/s. SharadMutha Housing Development Ltd. Further, M/s. Sharad Mutha Housing Development Ltd. have instructed me that the claims raised in the said suit by Takshashila A Co-Op Society is responsibility of M/s. Sharad Mutha Housing Development Ltd. and they had already constructed a building and handed over flats along with completion certificate to them and SMHDL shall comply all the claims & demands raised by said A Society and ready to indemnify all the relevant


RAMESHKUMAR B. NAGE

Advocate (Hon.), LL.B
ADVOCATE'S MULTRY
Manjri Farm, Tal. Haveli,
Dist. Pune Mob. 9604974370

parties and prospective purchaser of units in the propose project for the same. 2) Mortgage Deed registered at Sr. No. 3638/2021 in the office of Sub-Registrar Haveli no. 10 Pune dated 5/02/2021.

2. **Remarks:** In the office of Sub-registrar Haveli 1, 2, 10, 11, 12 of Pune, search is taken from the available records for my inspection. However from the available records for my inspection, there was no adverse entry showing any transaction in respect of the said Land.

It was also noted and found in e-search that Developer / Promoter have executed various agreements for sale of its Flats / Units with various purchasers, which are duly constructed upon the said land.

Apart from manual search I have also taken e-search on official web site of Department of Registration & stamp, Government of Maharashtra.

3. On the basis of all the above facts, records, documents perused by me which are provided by client and relying on them, I have no hesitation to opine that I hereby of the opinion that the owners "C" Society as referred above is appearing to be lawful owners of the said land and Majestique Empire LLP and SMHDL's right to develop the said land are clean, clear and marketable, except 1) Regular Civil Suit bearing RCS No. 389/2020 which is pending before the Hon'ble CJD, Pune at Pune 2) Mortgage Deed registered at Sr. No. 3638/2021 in the office of Sub-Registrar Haveli no. 10 Pune dated 5/02/2021, in respect of said land.

Note :- This Search and Title Report is based upon the information and documents made available to me. All the copies of the documents given for my inspection are returned herewith

Pune

Date: 17/05/2021

Advocate

Rameshkumar B. Nage

R. B. Nage
RAMESHKUMAR B. NAGE
Advocate & Notary
Manjri Farm, Tel. Haveli,
Dist. Pune Mob. 9604974370

Rameshkumar B. Nage
ADVOCATE

Add:- S.No.36/1D,Pune-Solapur
Road, Manjriform, Pune
Reg. No. MAH/657/1986
Mob. No. 9604974370

TITLE OPINION

My client M/s. Sharad Mutha Housing Development Ltd. (SMHDL) and Majestique Empire LLP have instructed me to give the Search & title opinion in respect of the propertybearing Survey No.42/1 adm about 01H 60R out of that 01H 30R and Survey no. 42/2/2 adm. about 00H 70R totally admeasuring about 02H 00 R i.e. 20.000 Sq. Mtrs. excluding the area already constructed for Takshashila A Co-op. Housing Society Ltd. for area adm about 1818.17Sq.Mtrs (Mentioned as Part B on sanctioned plan which was previously mentioned as 1600 Sq.mtrs.). lying and situate at Kharadi Tal. Haveli, Dist. Pune and within the limits of Pune Municipal Corporation.

My client's right to develop the said Property is clear and marketable except the charge of 1) RCS. 389/2020 which is pending before in CIDD of Pune, at Pune and 2) Mortgage Deed registered at Sr. No. 3638/2021 in the office of Sub-Registrar Haveli no. 10 Pune dated 5/02/2021, in respect of said land.

DESCRIPTION OF THE PROPERTY

All that piece and parcel of the land bearing Survey No.42/1 adm about 01H 60R out of that 01H 30R and Survey no. 42/2/2 adm. about 00H 70R totally admeasuring about 02H 00 R i.e. 20.000 Sq. Mtrs. out of which area adm about 1818.183 Sq.Mtrs. situated. lying and being at Village Kharadi within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Municipal Corporation of Pune together with present, unutilized and future F.S.I. T.D.R. of land, all rights, pertaining to easement and together with all appurteances thereto is bounded as follows :

RBN
RAMESHKUMAR B. NAGE
S.A. (Hon), LL.B.
ADVOCATE & NOTARY
Manjri Farm, Tal. Haveli,
Dist. Pune Mob. 9604974370
13/2/21

Rameshkumar B. Nage
ADVOCATE

Add:- S.No.36/1D,Pune-Solapur
Road, Manjriform, Pune
Reg. No. MAH/657/1986
Mob. No. 9604974370

On or towards the East : By S. No. 42
On or towards the South : By 9Mtrs. Road
On or towards the West : By 18 Mtrs. Road.
On or towards the North : By Takshashila A Society
Together with appurtenances thereon.

Date- 17/05/2021

Pune

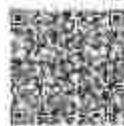
Advocate

Rameshkumar B. Nage

R. Nage
RAMESHKUMAR B. NAGE
(Hon.), LL.B
ADVOCATE & NOTARY
Manjri Farm, Tal. Havell,
Dist. Pune Mob. 9604974370
R. Nage



CHALLAN
MTR Form Number-6



Department ID : 6380037496
Mobile No. :
NOTE:- This challan is valid for reason mentioned in Type of payment only. Not valid for other reasons or unregistered document
सदर चालान 'टाइप ऑफ पेमेंट' नामी नव्यु कारणातातील टायप आहे. सदर कारणातातील चिन्ह नोंदवणी न करावाऱ्या दरवारातातील टायप नाही.

RAMESHKUMAR. B. NAGE
B.A. (Hons.), LL.B.
ADVOCATE & NOTARY
Manjari Farm, Tal. Haveli,
Dist. Pune Mob. 96049 74370

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