



DATE- 24<sup>TH</sup> JUNE 2017

**TITLE OPINION**

**NAME OF CLIENT-**

M/s. Sukumar Township Development Pvt. Ltd., a registered company, having its office at - 2413, East Street, Kumar Capital, Camp, Pune-411001, through its Director Mr. Kewalkumar Kesarimal Jain.

**DESCRIPTION OF THE SAID PROPERTY :-**

The land bearing New Survey No. 45/1A/46/13A/2 [ bearing old Survey No. 45/1+2, admeasuring 2 Hectar 36 R.(23600 sq.mtrs) and S. No. 46/13A/2, admeasuring 02 Hectar 42 R (24200 sq.mtrs)] Totally admeasuring about 04 Hectors 78 Ares, ie. 47,800 sq. mtrs. situate, lying and being at Village - Kondhwa Khurd and the same is hereinafter referred to or called as "**the said property**".

**INSTRUCTIONS -**

Mr. Kewalkumar Kesarimal Jain, Director of **M/s. Sukumar Township Development Pvt. Ltd.** a company, registered under The Companies Act 1956 having its office at -2413, East Street, Camp, Pune- 411001 instructed me to investigate the title of the Said Property and has provided from time to time the photo copies of the following documents pertaining to the Said Property.

**LIST OF DOCUMENTS PROVIDED TO ME FOR PERUSAL**

1. Revenue records / record of rights, 7/12 extracts and relevant mutation entries since 1987 onwards in respect of the said lands.
2. Photo Copies of the Sale Deeds dtd. 31/1/1989, dtd.9/2/1989 and dtd.15/2/1989 executed by Shri. Maruti Shankar Bibve as Manager of undivided family in favour of Mr. Achalchand Valchand Jain having registration nos. 1829/89, 2390/89 and 2787/1989 respectively.
3. Photo Copies of the Sale Deeds dtd. 4/7/1988, dtd.- 5/7/1988 and dtd.-6/7/1988 having registration nos. 9709/88, 9765/88 and 9826/1988 respectively executed by Shri. Namdev Rambhau Lonkar as Manager of undivided family through power of attorney holder Shri. Ram Eknath Beldare in favour of Shri. Achalchand Valchand Jain.
4. Photo Copy of the Registration Certificate Issued by the Asst. Registrar, Co-Operative Societies in the name of Achalnagar Sahakari Gruh Rachna Sahakari Sanstha Maryadit, Pune bearing registration number PNA/PNH/HSG/(TC)/3295/1995-96 dtd.-17/8/1995.
5. Photo Copy of the Development Agreement dtd. 12/12/2003 which is duly registered in the office of the Sub-Registrar Haveli No. XII



- vide document No. 5392/2003 executed by the Achalnagar Sahakari Gruh Rachna Sahakari Sanstha Maryadit, Pune unto and in favour of M/s. Sukumar Township development Pvt. Ltd., Pune.
6. Photo Copy of the registered Power of Attorney dtd. 12/12/2003 having registration No.5393/2003 executed by Achalnagar Sahakari Gruh Rachna Sahakari Sanstha Maryadit, Pune in favour of the nominees of the Developers i.e. M/s. Sukumar Township development Pvt. Ltd.
  7. Photo Copy of permission granted by Collector, Pune vide Order No. PRH/NA/SR/524/96 Dtd. 03/01/1997 for non agricultural use of the said property / N.A. permission.
  8. Photo Copy of the Deed of Correction dtd. 27/06/2007 executed between the Achalnagar Sahakari Gruh Rachana Sanstha maryadit and M/s. Sukumar Township Developers Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No. 5845/2007.
  9. Photo Copy of the Deed of Confirmation dtd. 04/03/2014 executed by Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune in favour of Sukumar Township Development Pvt. Ltd. which is registered in the office of Sub-Registrar Haveli at Serial No. 1926/2014
  10. Photo Copy of the Power of Attorney dtd. 04/03/2014 executed by Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune in favour of nominees of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No.1927/2014.
  11. Photo Copy of the Articles of Agreement dtd. 04/03/2014 executed by Achalchand Jain in favour of Sukumar Township Development Pvt. Ltd. in which is registered in the Office of Sub-Registrar Haveli Pune at Serial No.1929/2014.
  12. Photo Copy of the Power of Attorney dtd. 04/03/2014 executed by Achalchand Jain in favour of nominees of Sukumar township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No. 1930/2014.
  13. Photo Copy of the Articles of Agreement dtd. 04/03/2014 Between Sukumar Township and Achalchand Jain and Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune which is registered in the Office of Sub - Registrar Haveli Pune at Serial No. 1931/ 2014
  14. Photo Copy of the Gift Deed dtd. 14/03/2014 executed by Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune in favour of the Vasupujya Swami Jain Temple Trust with the consent of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli Pune at Serial No. 2265 / 2014.
  15. Photo Copy of the Transfer Deed dtd. 04/09/2013 executed by Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune in favour of the Pune Municipal Corporation which is registered in the Office of





- which is registered at the office of Sub-registrar Haveli No. 11 at Sr. No. 6924/13.
16. Photo Copy of Zone Certificate/s issued by Pune Municipal Corporation.
  17. Photocopies of Commencement certificate/s bearing No. DPO/3395/F/KK/61 dated 18/07/2002, bearing No. 1128 dtd. 31/08/2002, No. CC/3950/06 dtd. 9/2/2007, No. CC/2540/13 dtd/ 01-11-2013 issued by Pune Municipal Corporation, Pune.
  18. Photocopies of title opinion / report by Adv. Sangita Yernale dated 12-01-2005, Adv. Rameshwar Gambhire dated 10-10-2006, 22-11-2006. Adv. Monica Phanse dated -04-12-2009.
  19. Search Report by Adv. Rajashree Gaikwad dated 18-12-2013.
  20. Completion certificate/s bearing No. OCC /0566/11 dtd. 17/8/2011, No. OCC/0564/11 dtd. 17/08/2011, OCC No.1066/13 dtd. 19/10/2013, OCC/0915/13 dtd. 26/0/2013, OCC/0567/11 dtd. 17/08/2011, OCC/1066/13 dtd. 19/10/2013,
  21. Photo Copy of Mortgage Deed dtd. 17/02/2017 executed in favour of HDFC Ltd. by Sukumar Development Pvt. Ltd. which is registered in the office of Sub-Registrar Haveli at Serial No. 3156/2017.

**AS TO THE DEVOLUTION OF TITLE / HISTORY OF THE SAID PROPERTY :-**

**A1 AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE LAND BEARING SURVEY NO. 45/1 AND 45/2**

A perusal of the 7/12 extract of the property bearing Survey No. 45/1 and Survey No 45/2 for the year 1969 shows that name of Smt. Bhagu Kom Shankar Bibve is appearing in the owner / kabjedar column.

Thereafter Smt. Bhagubai Shankar Bibve died on dtd. 11/08/1973 and the name of her son Shri. Maruti Shankar Bibve was entered on revenue record, 7/12 extract by Mutation entry No.1607 dtd.10/8/1974 as her legal heir and as owner of the Lands bearing Survey No. 45/1 and 45/2 of Village-Kondhwa Khurd.

Mutation Entry No.1378 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Kondhwa and therefore area was converted from Acre-Gunthas to Hectare -Ares and accordingly the revenue record shows the area of the lands bearing Survey No. 45/1 admeasuring 03 Hectare 01 Ares and area of the land bearing Survey No. 45/2 admeasuring 01 Hectare 96 Ares.



It is seen from the copy of the Sale Deed dtd. 31/01/1989 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 80 Ares from Mr. Maruti Shankar Bibve and others through their attorney Mr. Sakharam Ajrunrao Ghadge out of the land bearing Survey No.45/2. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 1829 of 1989.

It is seen from the copy of the Sale Deed dtd. 09/02/1989 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 40 Ares out of the land bearing Survey No.45/1 and area admeasuring 00 Hectare 40 Ares out of the land bearing Survey No.45/2 from Mr. Maruti Shankar Bibve and others through their attorney Mr. Sakharam Ajrunrao Ghadge. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 2390 of 1989.

It is seen from the copy of the Sale Deed dtd. 15/02/1989 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 80 Ares from Mr. Maruti Shankar Bibve and others through their attorney Mr. Sakharam Ajrunrao Ghadge out of the land bearing Survey No.45/1. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 2788 of 1989.

Accordingly mutation entries were made to that effect and Mr. Achalchand Valchand Jains name was entered on 7/12 extract by mutation Entry No. 5516 to 5521, and 5696 on the record of rights.

Thereafter Mr. Achalchand Jain has sold various plots out of the aforesaid land/s purchased by him to various purchasers. The details are as under-

1.	BASANTIBAI RIKHABDAS PALESHA	500
2.	SHARAD MANILAL SANGHAVI	300
3.	RAMAGAURI KANTILAL BHAYANI	300
4.	RAJMAL RATANCHAND OSWAL	600
5.	JAYANT TARACHAND BAFNA	300
6.	SARLA S. PARMAR	500
7.	HASMUKH KESARICHAND RATHOD	600
8.	KALPANA JITENDRA JOSHI	400
9.	DHANPAL KHEMCHAND JAIN	600
10.	BHAGYAWATI ACHALDAS PALESHA	350
11.	VASANTLAL NIHALCHAND POKHARNA	300
12.	SUNITA DEEPAK SHAH & DEEPAK S. SHAH	300
13.	NARENDRA MOTILAL PALESHA	1500
14.	LALITA MOHAN PALESHA	300





15.	MAHENDRA MOTILAL PALESHA	1700
16.	DHEERAJ MAHENDRAKUMAR SAMDADIYA	550
17.	MAHENDRA JAYANTILAL SHAH	550
18.	KAMLABAI KRUPALAL SAMDADIYA	300
19.	NAVinchandra B. SHAH & RAJENDRA B.SHAH	300
20.	SUBHASHCHANDRA R. AGARWAL	500
21.	CHINUBHAI TRIMBAKLAL SHAH	500
22.	BHARTIDEVI H. RUPANI	300
23.	SUDHA YATIN RUPANI	300
24.	BALWANTRAI K. MEHTA	300
25.	SAMPATLAL KISANDAS SETHIA	300
26.	SHASHIKALA HUKUMCHAND CHOPADE	300
27.	MAHENDRA CHAMPALAL JAIN	500
28.	MANIK RAMCHANDRA JAIN	300
29.	K.C. CHAWDA	300
30.	YOGESH CHUNILAL JAIN	850
31.	SHILPA ACHALCHAND JAIN	400

**B1 AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE LAND BEARING SURVEY NO. 46/13A**

A perusal of the 7/12 extract of the property S.No. 46/13A for the year 1954 shows the entry of the name of Shri. Ramu Gopala Lonkar. The land bearing Survey No. 46/13A was allotted to the share of Shri. Ramu Gopala Lonkar as owner thereof as per the partition effected vide mutation entry no. 991 dtd. 11/03/1954.

Shri. Ramu Gopala Lonkar expired on 10/11/1972 and names of his legal heirs namely Namdeo Rambhau Lonkar, Sadashiv Rambhau Lonkar and Kisan Rambhau Lonkar (Sons) and Smt. Kondabai Rambhau Lonkar (Widow) were entered on 7/12 extract of the land bearing Survey Number- 46/13A by mutation entry no. 1606 dtd.- 20/8/1974. The name of Namdev Rambhau Lonkar was entered as a "Manager of Hindu Undivided Family" on 7/12 extract of S.No. 46/13A.

Mutation Entry No.1378 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Kondhwa and therefore area was converted from Acre-Gunthas to Hectare -Ares and accordingly the revenue record shows the area of the lands bearing Survey No. 46/13A as admeasuring 02 Hectare 40 Ares.

*Signature*



It is seen from the copy of the Sale Deed dtd. 4/7/1988 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 80 Ares out of the land bearing Survey No. S.No.46/13A from Shri. Namdev Rambhau Lonkar, as Manger of undivided family, through power of attorney holder Shri. Ram Eknath Beldare. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 9709 of 1988.

It is seen from the copy of the Sale Deed dtd. dtd. 4/7/1988 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 80 Ares out of the land bearing Survey No. S.No.46/13A from Shri. Namdev Rambhau Lonkar, as Manger of Undivided Family, through power of attorney holder Shri. Ram Eknath Beldare. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 9765 of 1988 on 05/07/1988.

It is seen from the copy of the Sale Deed dtd. 4/7/1988 that, Mr. Achalchand Jain has purchased land admeasuring 00 Hectare 80 Ares out of the land bearing Survey No. S.No.46/13A from Shri. Namdev Rambhau Lonkar, as Manger of Undivided Family, through power of attorney holder Shri. Ram Eknath Beldare. The said Sale Deed is registered in the office of Sub-Registrar Haveli at Serial No. 9826 of 1988 on 06/07/1988.

Accordingly mutation entries were made to that effect and Mr. Achalchand Valchand Jains name was entered on 7/12 extract by following mutation entries.

Sr. No.	Mutation Entry Number/Date	Name of Purchaser	Area Hect. - Ares.
1	4707 dtd. 6/07/1988	Achalchand Walchand Jain	00-80
2	4716 dtd. 6/07/1988	Achalchand Walchand Jain	00-80
3	4717 dtd. 6/07/1988	Achalchand Walchand Jain	00-80

Thus Mr. Achalchand Walchand Jain has purchased entire area of the land bearing Survey No.46/13A. It is informed to me by my client that, the aforesaid Mutation Entries are till date unchallenged.

Thereafter Shri. Achalchand Valchand Jain sold different plots out of the said land to various purchasers and accordingly executed diverse and separate sale deeds in favour of the different individual plot purchasers.





The Details of such portions sold by Mr. Achalchand Jain are as follows-

No.	Name	Area Sq. mtrs.
1.	MOHANLAL HIMMATLAL KATARIA (PRAKASH MOHANLAL KATARIA)	500
2.	ATUL R. DAVE	300
3.	USHA HIRALAL DATA	500
4.	DR.RAMESH S. KAVEDIA	500
5.	DR.NEELIMA SUDHAKAR GHODEKAR	300
6.	SHANTIBAI DALICHAND RATHOD	500
7.	PUSHPARAJ MADANRAJ KAVEDIA	500
8.	JEETENDRA FULCHANDJI SHAH	500
9.	MADANLAL DAHYALAL JAIN	300
10.	DAKSESH ASAR	300
11.	REKHABEN PANKAJKUMAR SHAH	300
12.	BHARTI P SHAH, INDIRA C. SHAH, M.M.SHAH	300
13.	PREMAVATI SRINIWAS GUPTA	300
14.	KANCHAN P. SHAH & CHETAN P. SHAH	300
15.	KIRTI JAYANT SHAH	500
16.	SUSHILA KIRTIKUMAR SHAH	300
17.	MOHINI GIRISHKUMAR SHAH	300
18.	ARVIND M. LALWANI	300
19.	JITENDRA N SHAH	300
20.	VIMALA D. BHANDARI	300
21.	BHANUMATI R. BHATIA & JYOTI J. BHATIA	500
22.	JAYESH B. CHIKHAL	300
23.	MANISH M. KAVEDIYA & DHANPATRAJ F. MEHTA	500
24.	CHANDRAKALA VIJAYKUMAR KANKRIYA	300
25.	JAISING NAILNBHAI SAMPAT	500
26.	NILESHKUMAR MANGALDAS SHAH	300
27.	SURAJ RANJEETMAL MEHTA	300
28.	JAYANTILAL L. JAIN	300
29.	FIROZ DARA SURTIYA	500
30.	JAGDISH S. SHARMA AND SURESH SHARMA	300
31.	ASHOK MANILAL JAIN (SANGHAVI)	500
32.	RAMESH KUNDANDAS SUKHIYA	500
33.	LAXMIBAI WALCHAND OSWAL	300



34.	SUDHIR I. SHAH	500
35.	DAHVALAL MANILAL JAIN	300
36.	ANJAN MURLIDHAR BARWE	300
37.	KAMLA MAGANLAL BAFNA	500
38.	HEERA DALICHAND GUNDESHA	300
39.	KIRTIKUMAR S. DAVE & ILA K. DAVE	300
40.	CHANDRAKALA BHOGILAL SHAH	300
41.	KAPOORCHAND R. AGARWAL	300
42.	RAJANIDEVI H. AGARWAL	300
43.	JYOTI RAJAN KOTHARI	500
44.	ANIL MOTICHAND GANDHI	500
45.	SANDEEP RAMNIWAS GUPTA	500
46.	RAMESHWAR RAMNIWAS GUPTA	500
47.	DNYANDEO LAXMAN KADAM	300
48.	VIMALABAI S. CHOPADE	300
49.	KETAN RAMESHCHAND DAVE (SHAH)	300
50.	SURYAKANT NEMCHAND SHAH	300
51.	SUSHILABEN BABULAL SHAH	300
52.	MEENA MADHUSUDAN KOTHARI	500
53.	VAISHALI RATILAL OSWAL	500
54.	RAJESH CHAMPALAL JAIN	450
55.	RAMLAL VIRCHANJI OSWAL	300
56.	CHUNILAL V. JAIN	900
57.	JAYA H. OSWAL	300
58.	NILESH ACHALCHAND JAIN	900
59.	LEELA A OSWAL	500
60.	MANGILALJI SANKLA	300

Accordingly the names of the aforesaid purchasers were recorded on the revenue record by opening new 7/12 extract for the respective area in the name of each plot purchaser viz. 46/13A/1/1 TO 46/13A/1/19 , 46/13A/1 to 46/13A/23 and 46/13A/2/1 to 46/13A/2/8.

Thus Mr. Achalchand Walchand Jain has sold an area admeasuring about 31550 sq. mtrs out of the total area of the 45/1, 45/2 and 46/13A to different plot purchasers as aforesaid and an area admeasuring about 16250 sq. mtrs. stands in the name of Shri. Achalchand Walchand Jain.

Thereafter all the aforesaid individual plot purchasers of Survey No. 45/1, 45/2 and 46/13A formed a registered Co- Operative Housing Society of all the plot purchasers alongwith Mr. Achalchand Jain under the name –





"Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune" which is registered under the provisions of Maharashtra Co-operative Societies Act having its registration number PNA/PNH/HSG/(TC)/3295/1995-96 dtd.-17/8/1995.

It is seen from the Mutation Entry No. 8752 dtd. 21/12/1996 that, in pursuance of the formation and registration of Co-operative Society by the Purchasers of the various plots purchased by them from the Survey No. 45/1 and 45/2 and S.No. 46/13A the name of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune was entered on the 7/12 extract / revenue record by preparing new Survey Number 45/1+2 and Survey No. 46/13A+2 Vide Order No. Tenancy/ No./ 425/96 dated 19/12/1996 issued by the tenancy branch, Pune regarding portion of lands bearing S. No. 45/1/7 to 45/2/9 and 46/13A/1/1 TO 46/13A/1/19 , 46/13A/1 to 46/13A/23 and 46/13A/2/1 to 46/13A/2/8

Accordingly name of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune was entered and mutated on the new 7/12 extract bearing Survey No. 45/1+2 admeasuring 02 Hectare 36 Ares by cancelling the 7/12 extracts previously existing bearing S.No.45/1/7 to 45/2/9.

The 7/12 extract/s of the portions of lands bearing Survey No. 46/13A/1/1 TO 46/13A/1/19, 46/13A/1 to 46/13A/23 and 46/13A/2/1 to 46/13A/2/8 are cancelled and new 7/12 extract has been made and given new Survey No. 46/13A+2 admeasuring 02 Hectare 42 Ares.

Accordingly name of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune is entered and mutated alongwith the names of the plot purchasers on the lands bearing New Survey Nos. 45/1+2 admeasuring 2 Hect. 36 Ares and 46/13A+2 admeasuring 2 hectare 42 Ares. It is observed that the area of the land bearing Survey No. 46/13A+2 is mentioned as 02 Hectares 42 Ares.

It is observed that Mr. Achalchand Valchand Jain has purchased area of land from S.No.45/1 and 45/2 admeasuring about 2 Hectare 40 Ares and land admeasuring 02 Hectare 40 Ares from S.No. 46/13A. In fact as per revenue record the name of Achalchand Jain and purchaser/s recorded on the land admeasuring 02 Hectare 36 Ares bearing S.No. 45/1+2 and for the area of land admeasuring 02 Hectare 40 Ares bearing S.No. 46/13A+2.

It is seen from the copy of the Mutation Entry No. 18540 dtd. 27/01/2014 that, the lands bearing Survey No. 45/1+2 and 46/13A+2 are amalgamated as per the Letter of Tahasilidar, Haveli, Pune bearing Letter



No.Binsheti/Kavi/41/2014 dtd. 09/01/2014 and accordingly new amalgamated 7/12 extract has been opened and given new Survey Number 45/1+2+46/13A+2 admeasuring 04 Hectare 78 Ares and accordingly the revenue record is updated. The name of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune is entered alongwith the names of the plot purchasers on such new revenue record / 7/12 extract.

It is revealed from the Mutation Entry No. 19344 dtd. 05/11/2015 that, as per the order of Tahasildar, Pune bearing No. RTS/64/3A/18/2015 dtd. 3/10/2015 that the effect of corrected Survey Numbers in respect of the various incorrect survey numbers allotted to the lands / plots has been done and accordingly the revenue record has been updated in respect of about 500 lands / survey nos. situated at Village- Kondhwa Khurd, Pune. Thus in such updation the land bearing Survey No. 45/1+2+46/13A+2 admeasuring 04 Hectare 78 Ares is updated and given new Survey No. 45/1A/46/13A/2 admeasuring about 04 Hectors 78 Ares.

**AS TO THE AGREEMENT FOR DEVELOPMENT –**

From the perusal of the Development Agreement dtd. 12/12/2003 which is duly registered in the office of the Sub-Registrar Haveli No. XII vide document No. 5392/2003 executed by the Achalnagar Sahakari Gruh Rachna Sahakari Sanstha Maryadit, Pune it is seen that the said Co- Operative Society have assigned, transferred and granted the development rights in respect of the said property unto and in favour of M/s. Sukumar Township Developers ( development ) Pvt. Ltd., Pune. And also the aforesaid Society has executed the registered Power of Attorney dtd. 12/12/2003 having registration No.5393/2003 in favour of the nominees of the Developers i.e. M/s. Sukumar Township Development Pvt. Ltd.

Thus by virtue of the aforesaid documents executed by the Society regarding the said property, Sukumar Township Development Pvt. Ltd. ["Developer" / "Promoter"] became very well entitled to the development rights in respect of the said property.

It is observed that while executing the Said Development Agreement and Power of Attorney the name of the Developer Company is mentioned as Sukumar Township Developers Pvt. Ltd. which needs to be mentioned as Sukumar Township Development Pvt. Ltd. as appearing in the certificate of incorporation issued by the Registrar of Companies. This needs to be corrected.





It is seen from the copy of the of the Deed of Correction dtd. 27/06/2007 executed between the Achalnagar Sahakari Gruh Rachana Sanstha Maryadit and M/s.Sukumar Township Developers Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No. 5845/2007 that, the Survey Number 46/13A was wrongly mentioned instead of correctly mentioning as Survey No. 46/13A+2 in the Development Agreement and Power of Attorney dtd. 12/12/2003 which are registered in the office of Sub-registrar at Serial No. 5392/2003 and 5393/2003.

In pursuance of the Development Agreement dtd. 12/12/2003, Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune executed Deed of Confirmation Dtd. 04/03/2014 in favour of Sukumar Township Development Pvt. Ltd. which is registered in the office of Sub-Registrar Haveli at Serial No. 1926/2014. By the said Confirmation Deed the Said Society has confirmed that all the terms of the Development Agreement dtd. 12/12/2003 are fulfilled by the Sukumar Township Development Pvt. Ltd./ Developer. The Developer / Promoter Sukumar Township Development Pvt. Ltd. constructing the building project namely "Kumar Prithvi" previously known as "Padmavati Park" on the said property and the Developer has allotted the flats as agreed to the members of the society.

The Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune has also executed Power of Attorney dtd. 04/03/2014 in favour of nominees of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No. 1927/2014.

Mr. Achalchand Jain has executed Articles of Agreement dtd. 04/03/2014 in favour of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli Pune at Serial No. 1929/2014 for assigning, transferring and granting all the rights, title and interest in respect of a portion of land admeasuring 9750 Sq. mtrs. (Nine thousand Seven Hundred and Fifty Square Meters) which is comprised of land admeasuring 8500 sq. mtrs. from and out of S.No. 45/1+2 and portion of land admeasuring 1250 sq. mtrs. from and out of S.No. 46/13A/2 owned and possessed by Mr. Achalchand Jain in the form of plots out of the Said Property upon the terms and for the consideration mentioned therein.

Mr. Achalchand Jain has also executed Power of Attorney dtd. 04/03/2014 in favour of nominees of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli at Serial No. 1930/2014.



Vide Articles of Agreement dtd. 04/03/2014 executed by Sukumar Township Development Pvt. Ltd. in favour of Achalchand Jain which is registered in the Office of Sub – Registrar Haveli Pune at Serial No. 1931/2014, Sukumar township Development Pvt. Ltd., the developer / Sukumar Township Development Pvt. Ltd. has allotted flats as per the terms of the Articles of Agreement dtd. 4/03/2014 to Mr. Achalchand Jain.

It is seen from the Copy of the Gift Deed dtd. 14/03/2014 executed by Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune in favour of the Vasupujya Swami Jain Temple Trust with the consent of Sukumar Township Development Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli Pune at Serial No. 2265 / 2014 that, portion of land admeasuring 681.91 sqmtrs. (Six Hundred and Eighty One Decimal Ninety One Square Meters) together with the Community Hall / (Vasupujya Swamy Temple) constructed thereon having a built up area admeasuring 134.66 sq. mtrs. being portion carved out of and from the sanctioned layout plan of the lands bearing Survey S.No.45 Hissa No.1+2 admeasuring 02 Hectare -36 Ares and S.No.46 Hissa No.13A+2 admeasuring 02 Hectare 42 Ares totally admeasuring 04 Hect. 78 Ares situated at revenue Village –Kondhawa Khurd, Pune has been transferred to the Vasupujya Swami Jain Temple Trust by way of gift.

#### **AS TO THE NON AGRICULTURAL PERMISSION-**

The Collector, Pune has granted requisite non-agriculture permission for the purpose of using the said land for non agricultural use vide Order bearing No. PRH/NA/SR/524/96 Dtd. 03/01/1997.

#### **AS TO THE ZONE OF THE SAID PROPERTY-**

It is seen from the copy of the zone certificate issued by Pune Municipal Corporation vide outward No. Zone2/4006 dtd. 12/10/2015 that, the land bearing Survey No. 46 of Village- Kondhwa Khurd is falling under residential Zone and is affected by 12 M D.P. Road, 18 M. D.P. Road and portion out of the said land is reserved for Maternity Home (M.H.25), Ota Market (O.M.54) and Police Chowky (P.C.29).

It is also seen from the copy of the zone certificate issued by Pune Municipal Corporation vide outward No. D.P.O./1122 dtd. 3/10/2001 that, the land bearing Survey No. 45 of Village- Kondhwa Khurd is falling under residential Zone and is affected as per the regional plan of Pune by one 18 M. and two 12 M regional Roads.





**AS TO THE BUILDING PERMISSION / SANCTION OF PLANS -**

Pune Municipal Corporation has sanctioned Layout and Building Plans in respect of the said property bearing Survey No. 45/1+2 and S.No. 46/13A+2 of Village- Kondhwa Khurd, Pune vide Commencement Certificate No. DPO/3395/F/KK/61 dated 18/07/2002, C.C. No. 1128 dtd. 31/08/2002, C. C. No. CC/3950/06 dtd. 9/2/2007, C. C. No. CC/2540/13 dtd/ 01-11-2013.

It is clarified that the technical issue or verification related to the sanction, building plans, access to the road etc. are not done by me and the opinion is given subject to the correctness of the same.

I am informed that M/s. Sukumar Township Development Pvt. Ltd. as Developer / Promoter has commenced the development of the said property and proposed to develop the said property by carrying out construction of multi-storied building project on the Said Property under the name and style known as "Kumar Prithvi" (previously known as Padmavati Park) on the Said Property. The Developer has constructed building Nos. B1, B2 and C1, C2, C3, C4, C5 and C6 consisting of total 264 (Two Hundred and Sixty Four) Flats on a portion of land out of the total area of the Said Property. The Developer has proposed to construct Building No. H1, H2 and H3 on the portion out of the said property.

M/s. Sukumar Township Development Pvt. Ltd. and Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune has sold various flats/units/tenements constructed in the said buildings to various purchasers and also allotted the flats to the members of the Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune.

**AS TO THE COMPLETION CERTIFICATE/S -**

Pune Municipal Corporation has issued completion certificates in respect of the various units / flats/ buildings constructed on the said property by the Sukumar Development Pvt. Ltd. / Developer vide OCC /0566/11 dtd. 17/8/2011, No. OCC/0564/11 dtd. 17/08/2011, OCC No.1066/13 dtd. 19/10/2013, OCC/0915/13 dtd. 26/0/2013, OCC/0567/11, dtd. 17/08/2011, OCC/1066/13 dtd. 19/10/2013.

**AS TO THE TRANSFER OF AMENITY SPACE AND ROAD AREA TO PUNE MUNICIPAL CORPORATION-**

It is observed that out of the total area of the Said Property a portion of land admeasuring 5392.343 sq. mtrs is affected by reservation and



acquisition for 12 M and 18 M. wide D.P. Road and the said portion of land has been acquired by the Pune Municipal Corporation for the purpose of the D.P. Road and a portion of land admeasuring 6249.11 sq. mtrs is also handed over to the Pune Municipal Corporation towards the area under the Amenity Space-A2 and Amenity Space A3 as per the sanction layout plan of the said property approved by the Pune Municipal Corporation vide permission bearing No. CC/3328/12 dated 31/01/2013.

It is also revealed that, by Transfer Deed dtd. 04/09/2013, Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune has transferred and conveyed all the rights, title and interests in respect of the land acquired by the Pune Municipal Corporation i.e. totally admeasuring 11641.45 sq. mtrs (i.e. 5392.34 sq. mtrs. towards the reservation for DP Road and 6249.11 sq. mtrs. towards the amenity space) unto and in favour of the Pune Municipal Corporation which is registered in the Office of Sub-registrar Haveli No. XI at Serial No. 6924 of 2013. The Developer / Promoter has constructed building project on the remaining portion of land admeasuring 36158.55 of Village Kondhwa Khurd, Pune.

Accordingly name of Pune Municipal Corporation was entered and mutated on the revenue record / 7/12 extract of the land bearing new Survey No. 45/1/2+46/13A/2 vide mutation entry No. 18541 dtd. 27/01/2014.

**AS TO THE FULFILLMENT OF TERMS OF DEVELOPMENT AGREEMENT-**

I am informed that, as per the terms and conditions of the Development Agreement dated 12/12/2003 and the Deed of Confirmation dtd. 04/03/2014 executed between the Sukumar Township Development Pvt. Ltd. / Developer and Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune / Owner, the Developer has allotted the flats agreed to be allotted to the members of the said society. Save and except the flats allotted to the members of the said society, the Developer has sold the remaining flats in the building Nos. B1, B2 and C1 to C6 to various purchasers thereof and has entered into agreements with such purchasers for the sale of the flats.

The development / construction of the remaining buildings i.e. Building Nos. H1, H2 and H3 on the portion of land admeasuring 16509.04 (Sixteen Thousand Five Hundred and Nine) sq. mtrs. is in progress and the developer is entitled to construct the said Building Nos. H1, H2 and H3 and to sell the flats constructed therein to any prospective purchasers thereof and to receive the sale proceeds there from for the sole benefit of the developers.





**AS TO THE INFORMATION PROVIDED BY SUKUMAR TOWNSHIP  
DEVELOPMENT PVT. LTD.**

M/s. Sukumar Township Development Pvt. Ltd. through its Director Mr. Kewalkumar K. Jain has informed to me vide letter dtd. 24<sup>th</sup> June 2017 that,

Sukumar Township Development Pvt. Ltd. has obtained Environmental Clearance Certificate for the said building project "Prithvi" vide SEAC-2011/CR.616/TC.2 dtd.19/11/2011 from State Environment Impact Assessment Authority (SEIAA) of Government of Maharashtra State.

Sukumar Township Development Pvt. Ltd. also informed that, there is certain perceived violation of Provisions of Environmental Act while constructing the said building project. Sukumar Township Development filed proposal bearing No. IA/MH/NCP/65921/2017 on dtd. 04/07/2017 to Ministry of Environment Forest and Climate Change (MOEF and CC) New Delhi for resolving any such perceived violation in the said building project namely "Prithvi".

The said proposal is pending for disposal with the Ministry of Environment. Also it is informed to me that, except the aforesaid, there is no suit, litigation, objection pending before any court of law or revenue authorities in respect of the project properties against the owners or developers.

**AS TO THE SEARCH OF INDEX-II REGISTERS-**

The Search of Index -II registers is taken in respect of the Said Property by depositing requisite amount vide Challan No. MH002399499201718E dtd. 16/06/2017 for the year 1988 to 2017. The receipt is enclosed herewith.

The Search of the Index-II registers is made available online through e-search method by the IGR Department. Hence I have taken Search of the data / records maintained by way of E-search by IGR Department. The registration of the documents for Pune City and Haveli Taluka is made irrespective of the jurisdiction and the registration of the Documents can be done in any of the Sub-Registrar Offices i.e. at any office of Sub-Registrar Haveli No.1 to Haveli No.26.

Subject to this during my search, perusing all the concerned and available documents / entries found in E-search, on the date of inspection, during search of Index-II records, I have not come across any adverse entry of encumbrance, mortgage except the charge of HDFC created vide Mortgage Deed dtd.02/05/2017 in respect of the portion of land admeasuring 16509 sq. mtrs. out of the land bearing New Survey No. 45/1A/46/13A/2 totally admeasuring about 04 Hectors 78 Ares, of Village- Kondhwa Khurd, Pune and sales receivables from the sale of flats in the building No. H1, H2 and H3



being constructed on the portion of land admeasuring 16509 sq. mtrs. It is also seen that as per the title opinions submitted to Sukumar Development Pvt. Ltd. by Adv. Sangita Yernale dated- 12-01-2005, Adv. Rameshwar Gambhire dated -10-10-2006, 22-11-2006 and Adv. Monica Phanse dated -04-12-2009, Supplementary Title Opinion by Adv. Swati Oza dtd. 18/12/2013 alongwith Search Report of Adv. Rajashree Gaikwad dated 18-12-2013, wherein they have also mentioned that, they have conducted the search of the various Index - II registers kept in the office of the Haveli No. I, II and III for the period of respective 30 years and have submitted that no cross entries pertaining to the said property were located during the search of the Index - II registers.

The Developer has allotted various flats to the members of the Said Society by executing diverse and separate Agreements in their favour. It is also observed that some of the plot purchasers have also sold their plots to third person / parties.

#### **AS TO THE ENCUMBRANCE -**

It is seen from the Copy of the Mortgage Deed dtd. 02/05/2017 executed in favour of HDFC Ltd. by Sukumar Development Pvt. Ltd. with the consent of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune which is registered in the office of Sub-Registrar Haveli No.11 at Serial No. 3156 of 2017 that, Sukumar Development Pvt. Ltd. / Developer with the consent of Achalnagar Sahakari Gruh Rachna Sanstha Maryadit, Pune / owners has availed loan by mortgaging the portion of land admeasuring 16509 sq. mtrs. out of the land bearing New Survey No. 45/1A/46/13A/2 [ bearing old Survey No. 45/1+2, admeasuring 2 Hectar 36 Ares and S.No. 46/13A/2, admeasuring 02 Hectar 42 R (24200 sq.mtrs)] Totally admeasuring about 04 Hectors 78 Ares, i.e. 47,800 sq. mtrs. of Village- Kondhwa Khurd, Pune and sales receivables from the sale of flats in the building No. H1, H2 and H3 being constructed on the portion of land admeasuring 16509 sq. mtrs.

#### **CONCLUSION-**

On the basis of the aforesaid documents produced before me and subject to additional information orally provided to me by my client and subject to observations and whatever stated above I am of the opinion that-

The Achalnagar Sahakari Gruh Rachna Sahakari Sanstha Maryadit, Pune have a clean, clear and marketable title in respect of the portion of land admeasuring 36158.55 sq. mtrs. out of the land bearing New Survey No. 45/1A/46/13A/2 [ bearing old Survey No. 45/1+2, admeasuring 2 Hectar 36 Ares and S. No. 46/13A/2, admeasuring 02 Hectar 42 Ares ] totally






admeasuring about 04 Hectors 78 Ares, ie. 47,800 sq. mtrs. situate, lying and being at Village -Kondhwa Khurd, Pune excluding the area of land admeasuring 11641.45 sq. mtrs ( which includes 5392.34 sq. mtrs. towards the reservation for DP Road and 6249.11 sq. mtrs. towards the amenity space) acquired by Pune Municipal Corporation.

Also M/s. Sukumar Township Development Pvt. Ltd. are entitled to valid and subsisting Development Rights in respect of the said property acquired by Development Agreement dtd. 12/12/2003 and Deed of Confirmation dtd. 04/03/2014 subject to the charge /mortgage of HDFC Ltd.

I further state that all information including photocopies of documents that have been supplied to me have been accepted as being correct unless otherwise stated. It is also presumed that executants of the particular Instrument/s are fully empowered to execute it with the contents mentioned therein. I further state that I restrict my opinion on the aforesaid photocopies of documents and information only.

Pune  
Dated :- 24<sup>th</sup> JUNE 2017.

  
**Maheshkumar V. Pawar**  
(Advocate)