

# **M/S. RAJIV PATEL AND ASSOCIATES**

**ADVOCATES**

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

Ref No. :

Date :

## **CERTIFICATE OF TITLE**

**Re: All that piece and parcel of land or ground admeasuring Hectares 01=13 Ares bearing Survey No.68 Hissa No.3/3 [formerly bearing Hissa No.3/2 (Part)] situate, 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 and the same is bounded as follows, that is to say:-**

On or towards the East : By land out of Survey No.68/3, Kharadi.

On or towards the South: By Mulla-Mutha River.

On or towards the West : By land bearing Survey No.69, Kharadi.

On or towards the North: By lands bearing Survey No.68/1 and 68/2, Kharadi.

We have been instructed by PHL FINVEST PRIVATE LIMITED, a company limited by shares incorporated under the provisions of the Companies Act, 1956 having its Registered Office at Piramal Tower, A Wing, Ground Floor, Peninsula Corporate Park, G. K. Marg, Lower Parel, Mumbai 400013, to investigate the title of M/S.SHREE BALAJI ASSOCIATES, a partnership firm duly Registered under the provisions of the Indian Partnership Act, 1932 having its Registered Office at San-Mahu Commercial Complex, 5, Bund Garden Road, Pune 411001, to the above captioned land. We have carried out such investigation and our observations in respect thereof are as under:-



1. One Govind Maruti Pathare was the holder of land then admeasuring 10 Acres 30 Gunthas bearing Survey No.68 Hissa No.3, Village Kharadi, Taluka Haveli, District Pune.
2. The provisions of the Maharashtra Weights and Measures Act, 1958 and of the Indian Colnage Act, 1953 were made applicable to Village Kharadi vide Mutation Entry No.865 dated 05.12.1968 and, consequently, the area of the said land bearing Survey No.68 Hissa No.3, Kharadi, Pune was shown to admeasure Hectares 04=35 Ares.
3. The said Govind Maruti Pathare died intestate on 13.11.1968, leaving behind him as his only heirs and next- of-kin his widow namely, Gaubai Govind Pathare, his two sons namely, Raghunath and Baban Govind Pathare, the heirs of his pre-deceased son, Ramu Govind Pathare, i.e. his two sons namely, Tukaram Ramu Pathare and Sopan Ramu Pathare, the heir of his another pre-deceased son, Kalu Govind Pathare, i.e. his son namely, Arjun Kalu Pathare and his brother namely, Vithoba Maruti Pathare. The name of the said Raghunath Govind Pathare was entered (in his capacity as the Karta and Manager of the Hindu Undivided Family of the said Govind Maruti Pathare) on the VII/XII Extract pertaining to the said land bearing Survey No.68 Hissa No.3, Kharadi, Pune as the holder thereof vide Mutation Entry No.883 dated 16.11.1969.
4. The said land admeasuring Hectares 04=35 Ares was partitioned by metes and bounds between the said holders thereof and, on such partition, a portion admeasuring 2 Acres and 16 Gunthas equivalent to Hectares 00=96 Ares came to the share of Vithoba Maruti Pathare and which portion admeasuring Hectares 00=96 Ares was assigned Pot Hissa No.1 of Hissa No.3 of Survey No.68, Kharadi, Pune while the remaining portion admeasuring 8 Acres and 14 Gunthas equivalent to Hectares 03=39 Ares out of the said land earlier bearing Survey No.68 Hissa

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No.3, Kharadi was assigned Pot Hissa No.2 of Hissa No.3 of Survey No.68, Kharadi, Pune. The name of the said Vithoba Maruti Pathare was entered on the Revenue Record as the holder of the said land admeasuring Hectares 00=96 Ares bearing Survey No.68 Hissa No.3/1, Kharadi while the names of the said Vithoba Maruti Pathare, Raghunath Govinda Pathare and Arjun Kalu Pathare were entered as the holders of the land admeasuring Hectares 03=39 Ares bearing Survey No.68 Hissa No.3/2, Kharadi, Pune vide Mutation Entry No.1022 dated 10.12.1971.

5. In or around the year 1975, the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune [and certain other lands in the said Village] were earmarked for acquisition for the Maharashtra Industrial Development Corporation. However, as the Maharashtra Industrial Development Corporation did not require the said lands, such acquisition proposal was dropped. Such proposed acquisition and the deletion thereof was given effect to in the Revenue Record of such lands in Village Kharadi vide Mutation Entry No.1172 dated 19.02.1975 and Mutation Entry No.3576 dated 04.07.1991 respectively.
6. The said Vithoba Maruti Pathare died intestate on 16.04.1973, leaving behind him as his only heir and next-of-kin his son namely, Popat Vithoba Pathare. The name of the said Popat Vithoba Pathare was duly entered on the VII/XII Extract pertaining to the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune as the holder of the share earlier held by the said Late Vithoba Maruti Pathare therein vide Mutation Entry No.1213 dated 23.10.1975.
7. Vide an Agreement dated 29.07.1981 executed by the between the said Arjun Kalu Pathare of the One Part and Sopan Baburao Gaikwad of the Other Part, the said Arjun Kalu Pathare agreed to sell to the said Sopan Baburao Gaikwad and the said Sopan Baburao Gaikwad agreed to purchase from the said Arjun Kalu Pathare his holding admeasuring Hectares 01=13 Ares out of the said land bearing Survey



No.68 Hissa No.3/2, Kharadi, Pune at or for the consideration and on the terms and conditions therein contained.

8. The said Arjun Kalu Pathare died intestate on 20.02.1982, leaving behind him as his only heirs and next-of-kin his widow namely, Kalabai Arjun Pathare, and his two married daughters namely, Dwarkabai Popat Chaudhary and Malanbai Sampat Walhekar. The names of the said heirs of the said Late Arjun Kalu Pathare were duly entered on the VII/XII Extract pertaining to the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune as the holders of the share earlier held by the said Late Arjun Kalu Pathare therein vide Mutation Entry No.1541 dated 12.03.1982.
9. Vide an Agreement for Development dated 24.04.2006 [duly Registered under Serial No.2807 of 2006 with the Sub-Registrar, Haveli VII, Pune], the said Sopan Baburao Gaikwad assigned and transferred his beneficial right, title and interest in respect of the said holding of the said Arjun Kalu Pathare admeasuring in the aggregate Hectares 01=13 Ares out of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune and the benefit factor of the said Agreement dated 29.07.1981 to/in favour of M/s.S.K. Developers at or for the consideration and on the terms and conditions therein contained.

9(a) The said Sopan Baburao Gaikwad died and his heirs, Sundarabai Sopan Gaikwad and Others, filed Regular Civil Suit No.1402 of 2006 in the Court of the Civil Judge, Senior Division, Pune at Pune against the heirs of the late Arjun Kalu Pathare seeking specific performance of the said Agreement for Sale dated 29.07.1981 earlier executed between the said Arjun Kalu Pathare and the said Sopan Baburao Gaikwad and for incidental reliefs. The said Suit was dismissed as regards the said claim for specific performance by the said Hon'ble Court vide its Judgement dated 17.03.2008. No Appeal was filed by the said heirs of the late

Sopan Baburao Gaikwad against the said Judgement dated 17.03.2008 as a result whereof the same became final.

10. Vide an Agreement for Sale dated 18.12.2007 followed by a Deed of Sale dated 04.09.2009 [duly Registered under Serial No.5005 of 2009 with the Sub-Registrar, Haveli VII, Pune], the said heirs of the said Late Arjun Kalu Pathare and the members of their respective families assigned, transferred, assured and conveyed their respective holdings admeasuring in the aggregate Hectares 01=13 Ares out of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune to/in favour of the said M/s.Shree Balaji Associates. The name of the said M/s.Shree Balaji Associates was duly entered on the VII/XII Extract pertaining to the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune as the holder of the said portion admeasuring Hectares 01=13 Ares therein vide Mutation Entry No.18612 dated 16.09.2009.

11. Vide a Deed of Release dated 04.02.2011 (duly registered under Serial No.2236 of 2011 with the Sub-Registrar Haveli X, Pune), the said heirs of the said Sopan Baburao Pathare namely, Sundarabai Sopan Gaikwad, Somnath Sopan Gaikwad, Kusum Shivaji Navle, Asha Maruti Adhav, Nanda Govind Shinde, Subhash Dattoba Nevale, Balasaheb Sopan Gaikwad, Navnath Subhash Nevale, Sameer Subhash Nevale, Ujwala Gulab Ingle and Varsha Sachin Ghule released all and whatsoever their beneficial right, title and interest in the said holding of the said Late Arjun Kalu Pathare in the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune to/in favour of the said M/s.Shree Balaji Associates.

12. The said Popat Vithoba Pathare and Gulab Popat Pathare had filed a Suit [bearing Civil Suit No.617 of 2012] in the Court of Civil Judge, Senior Division, Pune at Pune against the said M/s.Shree Balaji Associates and the said heirs of the said Late



Arjun Kalu Pathare seeking partition of the said land by metes and bound and certain other reliefs. The said parties to the said Suit arrived at an amicable settlement of all such disputes between them. In view of such amicable settlement arrived at by and between the said parties to the said Suit, the said Popat Vithoba Pathare withdrew the said Suit unconditionally and confirmed the sale of the said portion admeasuring Hectares 01=13 Ares out of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune by the said heirs of the said Late Arjun Kalu Pathare to/in favour of the said M/s.Shree Balaji Associates vide a Deed of Confirmation dated 07.04.2018 (duly registered under Serial No.6650 of 2018 with the Sub-Registrar, Haveli X, Pune).

13. The Municipal Corporation of Pune (vide its Commencement Certificate dated 31.03.2018 bearing No.CC/3755/17) sanctioned the building plans (revised) in respect of construction of building/s containing Commercial Premises/Flat/Units and other structures on the above captioned Land.
14. The Collector of Pune has permitted conversion of user of a portion admeasuring 6331.78 sq.mtrs [after excluding a portion admeasuring 3335.24 sq.mtrs falling under Green Belt and a portion admeasuring 1632.98 sq.mtrs falling under Road Widening] out of the said portion admeasuring Hectares 01=13 Ares out of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune to "residential" under the provisions of Section 44 of the Maharashtra Land Revenue Code, 1966 vide his Order dated 17.04.2013 bearing No.PMH/NA/SR/53/13.
15. On the holdings in Village Kharadi being re-measured or re-assessed to Land Revenue under the provisions of Maharashtra Land Revenue (Revenue Surveys and Sub-Divisions of Survey Number) Rules, 1969 the area of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune was reduce by Hectares 01=13 Ares

from the original area admeasuring Hectares 03=39 Ares and, such reduced area admeasuring Hectares 01=13 Ares out of the said land bearing Survey No.68 Hissa No.3/2, Kharadi, Pune was assigned "Pot Hissa No.3" of Hissa No.3 of Survey No.68, Kharadi, Pune vide Mutation Entry No.23805 dated 28.04.2017.

16. As part of investigation of title of the said M/s.Shree Balaji Associates to the above captioned Land, we have inspected the Revenue Record pertaining to the land earlier bearing Hissa No.3/2 and presently bearing Hissa No.3/3 of Survey No.68, Kharadi, Pune from the year 1953 onwards. The name of the said M/s.Shree Balaji Associates has been entered on the VII/XII Extract pertaining to the said land presently bearing Survey No.68/3/3, Kharadi, Pune as the holder thereof.
  
17. As part of investigation of title of the said M/s.Shree Balaji Associates to the said land earlier bearing Hissa No.3/2 of Survey No.68, Kharadi, Pune, we had notices in the usual form published in the daily newspapers, "Indian Express" and "Prabhat" and which notices appeared on 14.07.2010 and 16.07.2010 respective. We have not received any tenable claim from any person or party in response to our said Public Notices. Because of the time which has elapsed since publication of the said Notices, we are reissuing the Public Notices. On expiry of the Notice period, we shall issue an Addendum to this Certificate of Title.
  
18. As part of investigation of title of the said M/s.Shree Balaji Associates to the above captioned Land, we have had search of the available, unmutilated and relevant Index II Record in the Offices of the concerned Sub-Registrar of Assurances, Taluka Haveli, Pune carried out for the past thirty years in respect of the above captioned Land. Such search of the said Index II Record has not disclosed any outstanding encumbrance on or in respect of the above captioned Land or any entry adverse to the title of the said M/s.Shree Balaji Associates to the same.



19. We have inspected the original of the deeds/documents which are in possession/power of the said M/s. Shree Balaji Associates in respect of the above captioned Land.

On the basis of such investigation carried out by us, we are of the opinion that, the title of the said M/s. Shree Balaji Associates to the above captioned Land is free, clear and marketable and there are no outstanding encumbrances on or in respect thereof as can be diligently ascertained.

Dated this 22<sup>nd</sup> day of July, 2020.

M/S. RAJIV PATEL & ASSOCIATES

PROPRIETOR : 





**CHALLAN**  
**MTR Form Number-6**



GRN	MH007297854202122P	BARCODE			Date	09/10/2021-10:50:31	Form ID				
Department Inspector General Of Registration				Payer Details							
Search Fee				TAX ID / TAN (If Any)							
Type of Payment Other Items				PAN No.(If Applicable)							
Office Name HVL10_HAVELI 10 JOINT SUB REGISTRAR				Full Name		ADV KISHOR JOSHI					
Location	PUNE										
Year	2021-2022 One Time			Flat/Block No.							
Account Head Details			Amount In Rs.	Premises/Building							
0030072201 SEARCH FEE			300.00	Road/Street							
				Area/Locality	PUNE						
				Town/City/District							
				PIN		4	1	1	0	0	1
				Remarks (If Any)							
				SURVEY NO. 68/3/3 KHARADI PUNE							
				Amount In	Three Hundred Rupees Only						
Total			300.00	Words							
Payment Details SBIEPAY PAYMENT GATEWAY				FOR USE IN RECEIVING BANK							
Cheque-DD Details				Bank CIN	Ref. No.	10000502021100900223	7434316702025				
Cheque/DD No.				Bank Date	RBI Date	09/10/2021-10:51:17	Not Verified with RBI				
Name of Bank				Bank-Branch		SBIEPAY PAYMENT GATEWAY					
Name of Branch				Scroll No. , Date		Not Verified with Scroll					

Department ID :

Mobile No. : 8605002078

NOTE:- This challan is valid for reason mentioned in Type of payment only. Not valid for other reasons or unregistered document

संदर्भ नाम "सेबी एपीएपी" ग्राही नगद वार्तानामात्रात्मक दाख आहे. इतर कार्यालयातील किंवा निवासी नावाची न काढल्याच्या दस्तावेजी दाख आहे.

ADVOCATE

**KISHOR JOSHI**

B.A.L.L.B.

Flat No. 712, Gangotri, The Hillside Society, Bavdhan Khurd, Pune 411021

Mobile: 9370075656; Whatsapp: 8956194574; Email: adv.kishorjoshi@gmail.com

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To,

MAHA RERA

Pune.

### **CONTINUATION LEGAL TITLE REPORT**

**SUB:** Continuation Title clearance certificate with respect to land or ground admeasuring Hectares 01 = 13 Ares i.e. 11,300 Sq. Meters, bearing Survey No. 68, Hissa No. 3/3 [formerly bearing Survey No. 68, Hissa No. 3/2 (Part)], situate, lying and being at Village Kharadi, within the registration Sub-District of Taluka Haveli, District Pune and within the limits of Municipal Corporation of Pune, (for short, "the said Land"), is bounded as follows, that is to say,

- On or towards the East - By land out of Survey No. 68/3, Kharadi.
- On or towards the South - By Mulla-Mutha River.
- On or towards the West - By land bearing Survey No. 69, Kharadi.
- On or towards the North - By lands bearing Survey No. 68/1 & 68/2, Kharadi.

(Hereinafter referred to as the "**said Larger Land**")

I have investigated the title of the said Larger Land as per the instruction of **SHREE BALAJI ASSOCIATES PUNE LLP**, a limited liability partnership firm registered under Limited Liability Partnership Act, 2008 having its registered office at: San-Mahu Complex, 5, Opposite Poona Club, Bund Garden Road, Pune-411001 through its partner Mr. Subhash Sitaram Goel and also perused the following document provided by the said Firm, that is to say,

- 1) 7/12 extract for the year of 2021
- 2) Copy of Certificate of Title dated 22/07/2020 issued by M/s Rajiv Patel and Associates.

3) Copy of Deed of Mortgage dated 22/09/2020 [duly registered under Serial No. 12148/2020 with the Office of Sub-Registrar, Haveli No.10, Pune.

4) Copy of Supplemental Indenture of Mortgage dated 22/09/2020, duly registered under Serial No. 12149/2020 with the Office of Sub-Registrar, Haveli No.10, Pune.

On the Perusal of above mentioned documents and all the relevant documents with respect to said Larger Land, I am of the opinion that the title of **SHREE BALAJI ASSOCIATES PUNE LLP** to the said Larger land is clean, clear and marketable and without any encumbrances.

The report reflecting the flow of the title of the **SHREE BALAJI ASSOCIATES PUNE LLP** on the said Larger Land is enclosed herewith as annexure.

Date: 11/10/2021

Place: Pune



A handwritten signature in black ink, appearing to read "Kishor Joshi".

**KISHOR JOSHI  
(ADVOCATE)**

1. This Title and Search Report is in continuation of Certificate of Title dated 22/07/2020 issued by M/s Rajiv Patel and Associates shall be read with the same and not otherwise.
2. It appears that Vide Deed of Mortgage dated 22/09/2020 [duly registered under Serial No. 12148/2020 with the Office of Sub-Registrar, Haveli No.10, Pune) Shree Balaji Associates Pune LLP has created mortgage of the said larger land in favour of IDBI Trusteeship Services Pvt. Ltd. as security for

due re-payment of loan availed by the said Shree Balaji Associates Pune LLP from the Lender, that is to say, PHL Fininvest Private Limited.

3. It appears that Vide Supplemental Indenture of Mortgage dated 22/09/2020 [duly registered under Serial No. 12149/2020 with the Office of Sub-Regiatar, Haveli No.10, Pune] Shree Balaji Associates Pune LLP has created additional charge on the said larger land in favour of IDBI Trusteeship Services Pvt. Ltd. as security for due re-payment of loan availed by the said Shree Balaji Associates Pune LLP under the Deed of Mortgage dated 29/08/2016 (duly registered under Serial No. 12348/2016 with the Office of Sub-Registrar, Haveli No. 10, Pune) from the Lender, that is to say, PHL Fininvest Private Limited.
  
4. In continuation of Index-II Search of the said Larger Land carried out by by M/s Rajiv Patel and Associates, I have carried out further E-Search of Index-II registers from on the website of [www.igrmahrashtra.gov.in](http://www.igrmahrashtra.gov.in), Department of Registration and Stamps, Government of Maharashtra, Pune and have paid Search Fee vide GRN No. MH007297854202122P dated 09/10/2021. In the Search of Index-II record carried out by me has not disclosed any adverse entry, outstanding encumbrance, charge, doubts or claim in respect to said Larger Land save and except the Deed of Mortgage dated 22/09/2020, duly registered under Serial No. 12148/2020 with the Office of Sub-Regiatar, Haveli No.10, Pune and Supplemental Indenture of Mortgage dated 22/09/2020, duly registered under Serial No. 12149/2020 with the Office of Sub-Regiatar, Haveli No.10, Pune.

5. Upon the foregoing and findings based on the scrutiny of the documents given for my perusal and having regard to the legal consideration, in continuation of certificate of Title dated 22/07/2020 issued by M/s. Rajiv Patel and Associates, Advocates, I am of the opinion that subject to charge of IDBI Trusteeship Services Pvt. Ltd. / PHL Fininvest Private Limited., the title of Shree Balaji Associates Pune LLP with respect to the said property is clean, clear and marketable.

Dated this 11/10/2021



*11/10/2021*  
KISHOR JOSHI  
(ADVOCATE)