

Ref No. *155* /21/D-53

To

Maharashtra Real Estate Regulatory Authority
Mumbai

LEGAL TITLE CERTIFICATE

Sub: Title certificate with respect to:-

- 1. All that the piece and parcel of land being the subdivided plot from and out of Plot J-2 admeasuring 2063.3 square meters or thereabouts bearing CTS No. 97/A/2C/4 and forming part of the larger layout known as Upper Govindnagar of Village Chincholi, Taluka Malad (as per property card) and Village Chincholi, Taluka Borivali (as per 7/12 extract) M.S.D situated at Upper Govind Nagar, Malad (East), Mumbai – 400097,**

- 2. All that the piece and parcel of land being the subdivided plot from and out of Plot J-2 admeasuring 2074.6 square meters or thereabouts bearing CTS No. 97/A/2C/2 and forming part of the larger layout known as Upper Govindnagar of Village Chincholi, Taluka Malad (as per property card) and Village Chincholi, Taluka Borivali (as per 7/12 extract) M.S.D situated at Upper Govind Nagar, Malad (East), Mumbai – 400097.**

A. We have investigated the title of the captioned property ("said property") on the request of Messrs. Upvan Developers, a partnership firm registered under the Partnership Act, 1932 and having its registered office at Dynamix House, General A.K.Vaidya Marg, Goregaon East, Mumbai 400 063 and relied on the following documents i.e.:-

1. Description of the said property.

(a) All that the piece and parcel of land being the sub-divided plot from and out of Plot J-2 admeasuring 2063.3 square meters or thereabouts bearing CTS No. 97/A/2C/4 and forming part of the larger layout known as Upper Govindnagar of Village Chincholi, Taluka Malad (as per property card) and Village Chincholi, Taluka Borivali (as per 7/12 extract) M.S.D situated at Upper Govind Nagar, Malad (East), Mumbai – 400097; and

(b) All that the piece and parcel of land being the sub-divided plot from and out of Plot J-2 admeasuring 2074.6 square meters or thereabouts bearing CTS No. 97/A/2C/2 and forming part of the larger layout known as Upper Govindnagar of Village Chincholi, Taluka Malad (as per property card) and Village Chincholi, Taluka Borivali (as per 7/12 extract) M.S.D situated at Upper Govind Nagar, Malad (East), Mumbai – 400097.

2. Documents relating to development of the said property.

- Conveyance dated 6th September 1949 - M. G. Seksaria to M/s. Estate Investment Company Limited.
- Agreement for Sale dated 22nd February 1951 - Estate Investment to Govindram Bros.
- Conveyance Deed between Estate Investment to Kailaspuri Co-op. Housing Society dated 26th September 1963.
- Letter dated 26th September 1973 issued by the Executive Engineer, Municipal Corporation of Greater Mumbai.
- Agreement dated 18th September 1978 between Seksaria Sugar Mills and Govindram Brothers Private Limited.
- Development Agreement dated 14th July 1980 between Seksaria Sugar and Govindram Brothers Private Limited.

- Deed of Confirmation dated 26th May 1985 between Seksaria Sugar and Govindram Brothers Private Limited.
- Deed of Partnership dated 18th July 1989 between Govindram Brothers Private Limited and Conwood Properties Private Limited.
- Amalgamation Order dated 19th December 1994 in CP No. 386/1994 a/w CA No. 235/1994
- Power of Attorney dated 29th July 1995 by Balrampur Chini Mills Ltd. to Kudilal Govindram Seksaria and/or Rajkumar Seksaria and/or Nandkumar Kudilal Seksaria and Ramchandra Thoma Shetty together with the Notarial Certificate dated 31st July 1995.
- Layout Plan of the larger property as approved by the Kandivali Building Proposal (M.C.G.M) on 10th February 2000.
- Supplemental Deed of Partnership dated 14th December 2001 between Govindram Brothers Private Limited, Eversmile Construction Company Private Limited and Conwood Properties Private Limited.
- Partnership Deed cum Retirement dated 10th December 2003 between Govindram Brothers Private Limited, Conwood Construction Company Private Limited and Eversmile Construction Company Private Limited.
- Power of Attorney dated 18th February 2004 by Balrampur Chini Mills to Rajkumar, Nandkumar and Ramchandra Thoma Shetty together with the Notarial Certificate dated 18th February 2004.
- Partnership Deed dated 3rd April 2008 between Govindram Brothers Private Limited, Conwood Construction & Developers Company Private Limited and Famous Developers Private Limited.
- Order dated 29th February 2016 in S.C. Suit No. 7456/1980 between Akhil Bharat Varshiya Marwari Agarwal Jatiya Kosh & Ors. Vs. Seksaria Mills Ltd. & Ors.
- Title Report dated 10th December 2018
 - (i) Search Report dated 19th November 2018
 - (ii) Title Report dated 8th May 2010.
- Layout plan of larger property approved by Kandivali Building Proposal (M.C.G.M)

- Extracts of Property Register Cards relating to 97/A/2C/1, 97/A/2C/2, 97/A/2C/3, 97/A/2C/4, 97/A/2C/5, 97/A/2C/6 and 97/A/2C/7.
- Lis Pendens Notices dated 22nd December 1980 and 31st May 2003.

3. The relevant 7/12 extracts pertaining to the said property and the extract of the property register card pertaining to the said property are annexed hereto and marked **Annexure B**.

4. Search report for 70 years from 1951 till 25th March 2021.

B. On perusal of the above mentioned documents and all other relevant documents relating to title of the said property we are of the opinion that, subject to the outcome of the pending appeal filed by Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh (First Appeal Stamp No. 25461 of 2016 in the Hon'ble Bombay High Court) against the judgment dated 29th February 2016 passed by the Hon'ble City Civil Court at Mumbai dismissing the Suit filed by Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh for specific performance for purchase of original Plot J-2, Messrs. Upvan Developers are, by and under their Supplemental Deed of Partnership dated 14th December 2001 entered by and amongst Govindram Brothers of the first part, Eversmile Construction Company Private Limited of the second part and Conwood Properties Private Limited of the third part (reconstituted from time to time as mentioned in the flow of title), entitled to develop the said property and market the developed portions thereon.

C. Owners of the said property- Balrampur Chini Mills Limited are owners of the said property comprising the plot of land bearing CTS No. 97/A/2C/2 and the plot of land bearing CTS No. 97/A/2C/4. Balrampur Chini Mills Limited (that at the relevant time was Seksaria Sugar Mills Private Limited) purchased the larger land (of which the property forms a part) vide an Indenture of Conveyance dated 26th September 1963 executed with Kailaspuri Co-operative Housing Society Limited and Estate Investment Company Limited.

D. The report reflecting the flow of the title of the development rights of Messrs. Upvan Developers to the said property is annexed hereto and marked **Annexure A.**

Dated this 30th day of September 2021.

Yours truly,
For Pradhan & Rao



A handwritten signature in blue ink, appearing to read "Pradhan & Rao".

Partner

Encl: a/a

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Annexure A**FLOW OF TITLE OF MESSRS. UPVAN DEVELOPERS**

Based on a review of documents furnished to us, we observe as follows:

- (i) By and under an Indenture of Conveyance dated 6th September 1949 made by and between Makhanlal Gordhandas Seksaria, residing at Marine Drive, Mumbai (therein referred to as 'the Transferor') of the one part and the Estate Investment Company Limited, a company incorporated under the Companies Act, 1913 and existing and operating under the Companies Act, 1956 and the Companies Act 2013 and having its registered office at Seksaria Chambers, Meadows Street, Fort, Mumbai (therein referred to as 'the Transferee') of the other part and registered with the office of the Sub-Registrar at Bombay under Serial No. BOM/4131/1949, the Transferor therein sold, conveyed and transferred to the Transferee therein all the leasehold village Chinchavli admeasuring around 154 acres and situate in the Bombay Suburban District, Registration Sub-District Bandra now Registered Sub-District Borivali and District of Thane (hereinafter referred to as the "**larger land**"). For the purpose of this Report, we are taking this Indenture of Conveyance dated 6th September 1949 as the root of title.
- (ii) By and under an Agreement dated 22nd February 1951 made by and between the Estate Investment Company Limited (therein referred to as 'the Vendor') of the one part and Kailashpuri Co-operative Housing Society Limited, a society registered under Bombay Co-operative Society's Act, 1925 (therein referred to as 'the Purchaser'), the Vendor therein agreed to sell to the Purchaser therein all those pieces and parcels of land situated in village Chinchavli admeasuring around 21 acres (1,01,640 sq. yards) or thereabouts and situate in the Bombay Suburban District, Registration Sub-District Bandra now Registered Sub-District Borivali and District of Thane (hereinafter referred to as the "**said land**").
- (iii) As mentioned in this Agreement dated 22nd February 1951, since the Vendor's (i.e. Estate Investment Company Limited) title to the said land was accepted by the Purchaser (i.e. Kailashpuri Co-operative Housing Society Limited), the

Vendor therein, prior to execution of this Agreement, handed over possession of the land in favour of the Purchaser therein. However, the said land being a part of the larger land owned by the Vendor, title documents concerning the said land agreed to be conveyed were retained by the Vendor. The parties thereto agreed that sale of the said land would be completed by 31st December, 1953 for which purpose the parties would duly execute the necessary deed of conveyance.

(iv) However it appears that the Purchaser therein i.e. Kailaspuri Co-operative Housing Society Limited (hereinafter referred to as "**the Society**") failed to pay to Estate Investment Company Limited the purchase price in terms of the Agreement dated 22nd February 1951. By an order dated 1st December 1956, the Assistant Registrar, Co-operative Societies ordered the affairs of the Society to be wound up. By an Agreement dated 6th September 1961, it was agreed between Estate Investment Company Limited, Seksaria Sugar Mills Private Limited and the Joint Liquidators on behalf of the Society that Seksaria Sugar Mills Private Limited will pay off all the debts and liabilities of the Society against which all the assets of the Society (including the said land proposed to be purchased by the Society under the Agreement dated 22nd February 1951) would be sold transferred and conveyed in favour of Seksaria Sugar Mills Private Limited. For this purpose, the Divisional Joint Registrar Co-operative Societies Bombay accorded his sanction for sale of the said land to Seksaria Sugar Mills Private Limited (a company incorporated under the Companies Act 1913 and having its registered office at Seksaria Chambers, 139, Nagindas Master Road, Fort, Mumbai – 400 023). It appears that Seksaria Sugar Mills Private Limited paid off all the debts and liabilities for and on behalf of the Society and thus became entitled to all the assets of the Society.

(v) Accordingly, by and under the Indenture of Conveyance dated 26th September 1963 executed between Kailaspuri Co-operative Housing Society Limited (therein referred to as 'the Society') of the first part, Mr. A. H. Kulkarni and two others (therein referred to as 'the Liquidators') of the second part, Estate Investment Company Limited (therein referred to as 'the Company') of the third part and Seksaria Sugar Mills Private Limited (therein referred to as 'the

Purchaser') of the fourth part and registered with the office of the Sub-Registrar at Bandra under Serial No. BND/2256/1963, the Society acting through its Liquidators, along with the Company, granted, released, conveyed and transferred the said land being a part of Survey No. 47 located at village Chinchavli (Malad) in favour of the Purchaser therein i.e. Seksaria Sugar Mills Private Limited for the consideration mentioned therein and paid by Seksaria Sugar Mills Private Limited. Seksaria Sugar Mills Private Limited were put in possession of the said land as owners thereof.

- (vi) By and under an Agreement dated 20th July 1972 executed by and between Seksaria Sugar Mills Private Limited (therein referred to as 'the Vendor') of the one part and Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh (therein referred to as 'the Purchaser') of the other part, the Vendor therein agreed to sell to the Purchaser therein a part of the said land being all that piece and parcel of land admeasuring 25,000 square yards bearing Survey No. 47(part) situate lying and being at village Chinchavli.
- (vii) It appears that thereafter upon an application made by Seksaria Sugar Mills Private Limited, the Executive Engineer, Municipal Corporation of Greater Mumbai vide its letter dated 26th September 1973 sanctioned sub-division of the said land owned by Seksaria Sugar Mills Private Limited whereby the smaller sub-divided plot agreed to be sold in favour of Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh was ascertained. We are given to understand that for purposes of easy referencing and convenience, this said sub-divided plot bearing Survey No. 47(part) (City Survey No. 97 (part)) and agreed to be sold in favour of Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh was referred to as "Plot J", which referencing has been followed in subsequent documents relating to the said property, as will become evident from the narration hereinafter.
- (viii) However, due to certain reasons, Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh requested to purchase and Seksaria Sugar Mills Private Limited agreed to sell a part of Plot J admeasuring 11,719 sq. yards (hereinafter referred to as the "**Kosh plot**"). It was further agreed between the parties that the balance portion of Plot J will be purchased by Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh

within a time agreed between the parties. Accordingly, by under and pursuant to an Indenture of Conveyance dated 30th October 1974 executed by and between Seksaria Sugar Mills Private Limited (therein referred to as 'the Vendor') of the one part and Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh (therein referred to as 'the Purchaser') of the other part, Seksaria Mills sold transferred and conveyed the Kosh plot in favour of Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh for the consideration and on terms and conditions as mentioned in the Indenture of Conveyance dated 30th October 1974;

- (ix) We have been informed that subsequent to the Conveyance dated 30th October 1974, Plot J was further sub-divided into sub-plots being Plot J-1 and Plot J-2. The part of Plot J conveyed to Kosh under Indenture of Conveyance dated 30th October 1974 was Plot J-1 and Plot J-2 was retained with Seksaria Sugar Mills. These facts have been mentioned as well in the earlier Certificate of Title dated 8th May 2010 issued by Advocate M. L. Chaturvedi and in the Report of Title dated 10th December, 2018 of Advocate Mahendra R. Yadav. Although we have been given to understand that the referencing of the plots as J, J-1 and J-2 has been done for convenience initially, the same reference has been reflected in the Layout Plan of the larger property as approved by the Kandivali Building Proposal (M.C.G.M) on 10th February 2000.
- (x) It also appears that Seksaria Sugar Mills Private Limited was converted into a public company i.e. Seksaria Sugar Mills Limited.
- (xi) By and under the Articles of Agreement dated 18th September 1978 made between Seksaria Sugar Mills Limited (therein referred to as 'the Owners') of the one part and Govindram Brothers Private Limited, a company incorporated under the Companies Act 1913 and having its registered office at Seksaria Chambers, 139, Nagindas Master Road, Fort, Mumbai – 400 023 (therein referred to as 'the Developers') of the other part, the Owners therein agreed to grant in favour of the Developers therein, the right to develop all that piece and parcel of land admeasuring 12,429 sq. yards (10,393 square meters), that we understand that on actual subdivision and measurements in 2001 was found to be 11,365.10 square meters, being a portion of Plot J (i.e. Plot J-2), for

consideration mentioned in the said Agreement. This Agreement provides that the grant in favour of Developers therein would be operative in the event Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh fails to purchase Plot J-2 (as had been agreed in the Agreement dated 20th July 1972 mentioned in paragraph (vi) hereinabove) and if to that extent the Agreement dated 20th July 1972 is terminated by Seksaria Sugar Mills Limited ("**Seksaria Sugar Mills**"). From a perusal of this Agreement dated 18th September 1978, it appears that Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh was delaying purchase of Plot J-2 despite efforts from Seksaria Sugar Mills to complete conveyance of such balance portion.

(xii) By and under the Articles of Agreement dated 14th July 1980 made between Seksaria Sugar Mills Limited (therein referred to as 'the Owners') of the one part and Govindram Brothers Private Limited (therein referred to as 'the Developers') of the other part, the Owners therein granted in favour of the Developers therein, the right to develop Plot J-2 owned by Seksaria Mills Limited. This was the balance portion of Plot J that Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh had failed to purchase from Seksaria Sugar Mills. In this Agreement dated 14th July 1980, it was clarified that since Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh was unable to purchase this land, Seksaria Sugar Mills had terminated the Agreement dated 20th July 1972 entered into with Akhil Bharat Varsha Marwari Agarwal Jatiya Kosh in that regard. The development rights granted in favour of Govindram Brothers Private Limited ("**Govindram Brothers**") included the rights to allot and sell the constructed premises in their sole discretion. Govindram Brothers was put in possession of Plot J-2. In furtherance of this Agreement, Seksaria Sugar Mills vide a Power of Attorney dated 27th March 1984 granted Govindram Brothers the authority to carry out all acts necessary to develop Plot J-2, including the power to appoint any substitutes as well as to exercise all powers akin and available to Seksaria Sugar Mills. The said Agreement dated 14th July 1980 and the said Power of Attorney dated 27th March 1984 were registered by a Deed of Confirmation dated 26th May 1986 executed by and between Seksaria Sugar Mills and Govindram Brothers;

- (xiii) Govindram Brothers thus became entitled to develop Plot J-2 and sell constructed premises to third parties on terms as per their own discretion;
- (xiv) By under and pursuant to a Deed of Partnership dated 18th July 1989 executed between Govindram Brothers of the one part and Conwood Properties Private Limited, a company registered under the Companies Act, 1956 and having its office at 106, Shreyas Industrial Estate, Off Western Express Highway, Goregaon (East), Mumbai – 400 063 of the other part, the parties entered into a partnership and agreed to carry on business of development/re-development of lands and to dispose of the same on ownership basis or leasehold basis or on any other basis as the partners of the partnership firm may decide from time to time. By and under this Deed of Partnership, the parties agreed to carry on business in the name and style of 'Messrs. Upvan Developers'.
- (xv) Pursuant to an application made by Seksaria Sugar Mills and vide an order dated 14th June 1991 of the Company Law Board, the name of Seksaria Sugar Mills was changed to Babhan Sugar Mills Limited. The registered office of Babhan Sugar Mills has changed from the State of Maharashtra to the State of West Bengal as evidenced by the Certificate of Registration of Order of Court Confirming Transfer of the Registered Office dated 29th July 1991.
- (xvi) By and under an Order dated 19th December, 1994 passed in the Company Petition No. 386 of 1994 along with Company Application No. 235 of 1994 by the Hon'ble High Court of Calcutta and pursuant to a Scheme of Amalgamation of Babhan Sugar Mills Limited (therein referred to as 'the Transferor Company') and Balrampur Chini Mills Limited (therein referred to as 'the Transferee Company'), the entire undertaking of the Transferor Company was transferred to and vested in the Transferee Company pursuant to section 394 of the Companies Act, 1956. Resultantly, all assets and properties, including Plot J-2 vested with Balrampur Chini Mills Limited with the rights of development to Plot J-2 vesting in Govindram Brothers;
- (xvii) Since Plot J-2 was affected by reservations designated as per the Development Plan for Greater Mumbai, Balrampur Chini Mills Limited made an application for sub-division, in respect of which a layout plan dated 29/8/2000 was submitted.

Vide his order dated 19th September 2001, the Collector, Mumbai Suburban sanctioned sub-division of Plot J-2 bearing CTS No. 97/A/5/1(p) in the following manner:

Sub Division

Sr. No.	Plot No.	Description	Area (sq. mtrs.)
1	A	Garden	6289.30
2	B	Play Ground	2063.70
3	C	Secondary School	2070.10
4	D	Balance Area	941.00
		Total	11,365.10

Pursuant to this order dated 19th September, 2001, the aforesaid plots were given revised plot numbers (and accordingly separate property register cards were issued) in the following manner:-

Sr. No.	CTS No.	Description	Area (sq. mtrs.)
1	97A/5/1/A	Garden	6289.30
2	97A/5/1/B	Play Ground	2063.70
3	97A/5/1/C	Secondary School	2070.10
4	97A/5/1/D	Balance Area	941.00
		Total	11,365.10

(xviii) By and under the Supplemental Deed of Partnership dated 14th December 2001 there was a change of partnership of Messrs. Upvan Developers. A Supplemental Deed of Partnership was entered by and amongst Govindram Brothers of the first part, Eversmile Construction Company Private Limited of the second part and Conwood Properties Private Limited of the third part. By and under this Supplemental Deed of Partnership, Govindram Brothers introduced the development rights with respect to Plot No. J-2, then bearing CTS No. 97A/5/1/A to 97A/5/1/D admeasuring in all 11,365.10 square meters, into the partnership firm on 'as is where is' basis and put the partnership firm in possession of Plot No. J-2. Accordingly, the partnership firm had the exclusive authority and power to possess, deal with, develop and dispose off Plot No. J-2 or any part thereof, including any developed part or portions with absolute

authority to receive and appropriate revenues / proceeds for the use and benefit of the partnership firm;

(xix) Pursuant to a scheme of Amalgamation sanctioned by the Hon'ble Bombay High Court by its order dated 9th January 2003, Conwood Properties Private Limited, a wholly owned subsidiary company of Eversmile Construction Private Limited (along with certain other wholly owned companies) amalgamated with and merged into Eversmile Construction Private Limited in its entirety.

(xx) By and under a Deed of Partnership-cum-Retirement Deed dated 10th December 2003, Eversmile Construction Company Private Limited retired from partnership of Messrs. Upvan Developers and Conwood Constructions and Developers Company Private Limited was admitted as the Incoming Partner of Messrs. Upvan Developers on the terms and conditions as stated therein. Govindram Brothers in this Deed has confirmed that the assets contributed by Govindram Brothers to the partnership (including the Plot No. J-2) shall be the assets of the partnership firm with full rights to deal with, develop and / or dispose off the same or any constructed part thereof;

(xxi) We have been furnished with an order dated 1st September, 2005 passed by the Collector, Mumbai Suburban. The said order states that all those pieces and parcels of land being Plot J-2 (comprising CTS Nos.97A/5/1A to 97A/5/1D), CTS No.97A/2C, CTS No.97A/32/2, CTS No.97A/33/2, CTS No.97A/35/2 admeasuring 15,128.20 sq. mtrs. ("revised Plot J-2") along with certain other properties mentioned therein are owned by Balrampur Chini Mills Limited. Upon the application of Balrampur Chini Mills Limited, the Collector, Mumbai Suburban by this order has permitted amalgamation and sub-division of these properties (only those relevant to this Report are mentioned) in the manner stated below:-

Amalgamation

Plot No.	Area (sq. mtrs.)
97A/2C	3487.20
97A/5/1A	6221.90

97A/5/1B	2126.20
97A/5/1C	2078.10
97A/5/1D	938.90
97A/32/2	110.00
97A/33/2	118.10
97A/35/2	47.80
Total	15,128.20

Sub Division

Sr. No.	Plot No.	Area (sq. mtrs.)	Description
1	A	6289.30	Garden
2	B	2071.10	Secondary School
3	C	2063.70	P.G
4	D	1809.00	Residential
5	E	2875.40	D.P. Road
6	F	4.00	Residential
7	G	15.70	Residential
	Total	15,128.20	

(xxii) Thereafter, pursuant to and on implementation of the Collector's order dated 1st September, 2005, the sub-divided plots comprising the revised Plot J-2 got the following city survey numbers that are mentioned with the corresponding areas/admeasurements as under (as evidenced by extracts of the property register cards with respect to each of the sub-plots furnished for our perusal):

Sr.	Earlier Survey Number	Revised CTS Number	Area (sq.mtrs.)
1.	97A/2C (Plot E)	97/A/2C/1	2876.60
2.	97A/5/1/B (J2) (Plot B)	97/A/2C/2 (Secondary School)	2074.60
3.	97A/5/1/A (J2) (Plot A)	97/A/2C/3 (Garden)	6285.30
4.	97A/5/1/C (J2) (Plot C)	97/A/2C/4 (Play Ground)	2063.30
5.	97A/5/1/D (J2) (Plot D)	97/A/2C/5 (Residential Use)	1807.20

6.	97A/35/2 (Plot G)	97/A/2C/6	15.70
7.	97A/32/2 (Plot F)	97/A/2C/7	5.50
		Total	15,128.20

(xxiii) Thereafter by, under and pursuant to Partnership Deed dated 3rd April 2008 executed between Govindram Brothers, Conwood Constructions and Developers Company Private Limited as Continuing Partners and Famous Developers Private Limited as the Incoming Partner, the Incoming Partner was admitted to partnership of Messrs. Upvan Developers on terms and conditions as mentioned in this Partnership Deed;

(xxiv) As a consequence of change of layout plans and the following amalgamation and sub-division of land owned by Balrampur Chini Mills Limited, including those in possession of Messrs. Upvan Developers, the physical area/admeasurements of these plots of land stood revised/changed, as reflected in the extracts of the concerned property register cards. As a result, details of the said property being subject matter of this Report are as follows:-

Sr.	Earlier Survey Number	Revised CTS Number	Area (sq. mtrs.)
1.	97A/5/1/B (J2)	97/A/2C/2 (Secondary School)	2074.60 sq. mtrs.
2.	97A/5/1/C (J2)	97/A/2C/4 (Play Ground)	2063.30 q. mtrs.

(xxv) We have caused searches for encumbrances on the said property to be taken in the relevant offices of the Sub-Registrar of Assurances from the year 1951 till date. The search report of Mr. Shriniwas Chipkar dated 30th March 2021 reflects execution of the Indenture of Conveyance dated 26th September 1963 executed between Kailaspuri Co-operative Housing Society Limited (therein referred to as 'the Society') of the first part, Mr. A. H. Kulkarni and two others

(therein referred to as 'the Liquidators') of the second part, Estate Investment Company Limited (therein referred to as 'the Company') of the third part and Seksaria Sugar Mills Private Limited (therein referred to as 'the Purchaser') of the fourth part and registered with the office of the Sub-Registrar at Bandra under Serial No. BND/2256/1963, by which, the Society acting through its Liquidators, along with the Company, granted, released, conveyed and transferred the said land [i.e. all those pieces and parcels of land admeasuring around 21 acres equivalent to 1,01,640 sq. yards and being a part of Survey No. 47 located at village Chinchavli (Malad)] in favour of the Purchaser therein i.e. Seksaria Sugar Mills Private Limited (now Balrampur Chini Mills Limited). The search report does not reflect any transaction carried out with respect to the said property after its transfer in favour of Seksaria Sugar Mills Private Limited (now Balrampur Chini Mills Limited). On a perusal of the search report of Mr. Shriniwas Chipkar dated 30th March 2021 it is observed that no document creating any encumbrances on the said property or any part thereof has been registered. We have not caused any notices to be issued in any newspapers.

NOTE ON LITIGATION

1. It appears that Akhil Bharat Varshiya Marwari Agarwal Jatiya Kosh had filed a suit for specific performance in the Hon'ble Bombay High Court (Suit No.2014 of 1980) for purchase of balance land (i.e. Plot J-2). I am informed that though the said Suit was filed in 1980 against Seksaria Sugar Mills Pvt. Ltd. & Ors (including Messrs. Upvan Developers who was subsequently impleaded) no ad-interim or interim relief is granted by the Hon'ble Bombay High Court in the said matter.
2. The said Suit No 2014 of 1980 was transferred to the Hon'ble City Civil Court at Mumbai and upon completion of final hearing, the Hon'ble City Civil Court at Mumbai vide order and judgment dated 29th February 2016 dismissed the said Suit. Akhil Bharat Varshiya Marwari Agarwal Jatiya Kosh has challenged the said order and judgment dated 29th February 2016 by way of First Appeal Stamp No.25461 of 2016 filed in the Hon'ble Bombay High Court. We are given to understand that the said Appeal is pending

before the Hon'ble Bombay High Court and no reliefs, interim or otherwise, have been granted. Akhil Bharat Varshiya Marwari Agarwal Jatiya Kosh has also preferred Civil Application No.4610 of 2016 in the said Appeal seeking condonation of delay that is pending before the Hon'ble Bombay High Court.

3. As mentioned in the earlier Certificate of Title dated 8th May 2010 that refers to a Lis Pendens Notice dated 31st May 2003 (registered on 13th June 2003) and the subsequent Report on Title dated 10th December 2018 that refers to two Lis Pendens Notices dated 22nd December 1980 and 31st May 2003, we have been furnished with copies of these two Lis Pendens Notices dated 22nd December 1980 and 31st May 2003. Both these Notices have been filed by Akhil Bharat Varshiya Marwari Agarwal Jatiya Kosh and pertain to Suit No. 2014 of 1980, that as mentioned earlier has been dismissed and in respect of which the First Appeal Stamp No.25461 of 2016 is pending in the Hon'ble Bombay High Court.

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