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Chamber No. C - 24,
New Lawyer's Chambers,
District Court Compound,
Shivajinagar, Pune - 411 005.

SUPPLEMENT-1 TO TITLE REPORT

August 8, 2024

1. Under the instructions from Kamlesh Baldeo Jhavar, as duly designated partner of Merlin Bhingarwala Developers LLP of 502, East Court Building, Phoenix Market City, Vimannagar, Pune 411014 (hereinafter referred to as the said "DEVELOPER"), I furnished the Title Report dated 13.10.2022 relating to all those

Survey No.	Area admeasuring	Remarks
55/1A/1/12	30274.28 sq.mt. assessed at Rs.12,352/-	Non Agriculture, Plot C
55/1A/1/11	2978.39 sq.mt.	Area under 24.00 meter DP road, lying on west
55/1A/1/13	3479.33 sq.mt.	18.00 meter Internal Road-3, running east-west lying somewhat in the middle of Plot No.C
55/1A/1/14	3768.00 sq.mt.	Open space-8, lying on south-east

collectively admeasuring 40500.00 sq.mt. out of old Survey No.56/1 and now bearing New Survey Numbers 55/1A/11 to 55/1A/14 (a part of amalgamation and sub-division layout pertaining to old Survey Nos.55/1, 56/1, 57/1 to 4, vide sanctioned sub-division layout vide BP/ Sub-Division/ Tathawade/ 86/2021, dated 13.10.2021 by the PCMC, and now bearing New Survey Nos.55/1A/1/1 to 55/1A/1/14, as per revised Kami Jast Patrak dated 08.12.2021, as is also seen vide mutation entry no 7416 dated 16/10/2021) situate at village Tathawade of Taluka Mulshi, District Pune, within the limits of the Municipal Corporation of the Pimpri Chinchwad, Registration District of Pune, Sub-Registration Taluka Haveli Pune, and which is bounded by as follows:

On or towards east	On or towards south	On or towards west	On or towards north
Partly by Survey No.55/1 and partly by Survey No.56/2	Survey No.55/3	24.00 meter wide DP Road	Partly by Survey No.56/2 and partly by Survey No.58



together with the rights to avail Floor Space Index (FSI) in *situ* in lieu of transfer of the portion of the land for 24.00 meter wide road or west.

(hereinafter referred to as the said "PROPERTY")

2. I am further instructed by the said Developer to supplement and update the said Title Report. This Supplement-1 therefore, be read together with and as a part the said Title Report.

3. I gathered information found necessary relating to the said Property from the said Developer. The following photocopies of the documents have been entrusted to the undersigned for perusal for furnishing of this Supplement-1 to the said "Title Report".

- Title Report dated 13/10/2022
- Search Report dated 03.05.2024 issued by Advocate Deepali Anil Dudhe (*post marital name, Deepali Amit More*)
- VF 7/7A/12 extracts of Survey No. 55/1A/1/11 to 14 for the year 2024-25
- Supplement to Assignment Deed 20/09/2023, registered with the Sub-Registrar Haveli No.23 at serial No.23428/2023, executed by M/s.Akshar Properties and Akshar Land Developers Private Limited as the Assignors and the owners Navale family in favour of the said Developer; Merlin Bhingarwala Developers LLP
- Supplement to Assignment Deed 20/09/2023, registered with the Sub-Registrar Haveli No.23 at serial No.23429/2023, executed by M/s.Akshar Properties and Akshar Land Developers Private Limited as the Assignors and the owners Navale family in favour the said Developer; Merlin Bhingarwala Developers LLP
- Order dated 11/06/2024 issued by the Hon'ble High Court of Judicature at Bombay in Writ Petition No.11740/2022 filed by Akshar Land Developers Private Limited against the Competent Authority, District Deputy Registrar, Co-operative Societies and others against the deemed conveyance order dated 14/07/2021 passed under section 11 of the Maharashtra Ownership Flats Act 1963
- Order and Certificate dated 10.07.2024 by the Competent Authority and District Deputy Registrar, Co-operative Societies Pune City, Pune *inter alia* against the said Property under section 11(4) of the Maharashtra Ownership Flats Act 1963 on the application under section 11(3) thereof filed by the Elementa Phase-I CHSL against Askhar Land Developers Private Limited, Dattatray Kisan Navale and others



4. The matters pertaining to litigation in respect of the larger land including the said Property have been mentioned in clause-7 of the said Title Report.

(a) As already mentioned in the said Title Report, the said Developer now has been arrayed and added as a party Defendant Nos.65 and 65A in the suit bearing Special Civil Suit No.1403 Of 2016 in the Court of Civil Judge, Senior Division, Pune. The said Developer accordingly appeared in the suit as also filed the written statement dated 14.09.2023, at Exh.260 in the suit. No further proceedings appear to have taken place in this suit.

(b) The said Title Report also carries the comments relating to the suit bearing Special Civil Suit No.21 Of 2019, the Court of Civil Judge, Senior Division, Pune filed by Shrikant Sitaram Pathak and 30 others pertaining to the land bearing Survey No.57/1. However, as already mentioned, this land bearing Survey No.57/1 was amalgamated with other pieces of land bearing Survey Nos.55/1, 56/1, 57/1, 57/2, 57/3 and 57/4, and further initially sub-divided into 12 divisions and now 14 divisions. It is also seen that by mutation entry No.7416, dated 16.10.2021, new and separate 'survey numbers' have been given to these 14 divisions. This is with the approval and sanction of the PCMC. The identity of these pieces of land stands merged with each other and stand changed. Unless therefore, the claims of the plaintiff in the suit shows where the land claimed to be Survey No.57/1 lies or is located, the suit can hardly proceed. It is further informed that the said Property lies outside old Survey No.57/1. The said Developer does not have anything to do with this old Survey No.57/1 and nothing thereon, is being done by the said Developer thereon.

(c) Against the claims of the Income Tax department, said Navale Family has filed in all 5 writ petitions in the High Court of Judicature at Bombay, as listed in the said Title Report. Pursuant thereto, as mentioned therein, an amount of Rs.4,25,00,000/- have been deposited by Navale Family. Presently, the said writ petitions are pending.

(d) In the meanwhile, M/s.Akshar Properties, Akshar Land Developers Private Limited and Navale family by 2 instruments, both styled as the Supplement to Assignment, both dated 20.09.2023, registered with the Sub-Registrar, Haveli-23 at serial Nos.23428/2023 and 23429/2023 on the same day, with the said Developer, particulars of allotment of units to M/s.Akshar Properties, Akshar Land Developers Private Limited and Navale family have been



enumerated as also they have agreed that in the event of either of them failing to discharge the obligations towards payment of the tax-liabilities/ claims, and if the said Developer is constrained to pay such liability, the Developer will be entitled to appropriate the amount against the units allotted to them by the Developer.

- (e) Akshar Land Developers Private Limited had filed the Writ Petition No.11740/ 2022 dated 30.08.2022 against the Competent Authority, District Deputy Registrar, Co-operative Societies and others challenging the order dated 14.07.2021 *inter alia* relating to the said Property, praying for setting aside of the order and the certificate issued under section 11(4) of MOFA against Elementa Phase-I CHSL. The said writ petition however, has been disposed of on 11/06/2024 by remanding the matter back to the DDR for fresh enquiry. The DDR accordingly, by its order dated 10.07.2024 held the Elementa Phase-I CHSL entitled for conveyance of only 64,300.00 sq.mt. bearing Plot-A out of Survey No.55/1A/1/1 to 7, and not any other portion. The said Property thus, is seen not to be the subject matter of conveyance in favour of said Elementa Phase-I CHSL.

- (f) The said Title Report also refers to the suit bearing Special Civil Suit No.1543/2022 filed by the Elementa Phase-I CHSL against M/s Akshar Properties, Akshar Land Developers Private Limited and Navale family in the Court of Civil Judge, Senior Division, Pune. This was a claim of the Elementa Phase-I CHSL that they are entitled to the conveyance of the entire larger land. However, in view of the remand order passed in the Writ Petition No.11740/2022, followed by order dated 10.07.2024 of DDR Pune in Deemed Conveyance Case No.1006794/ 2019 on remand, the Elementa Phase-I CHSL is entitled to conveyance of the area admeasuring 64,500.00 sq.mt. bearing Plot-A out of Survey No.55/1A/1/1 to 7, which in any case is separate from the said Property. Therefore, the said suit now is confined to the said Plot-A out of the said larger land. Thus, there does not appear to be any impediment pertaining to the development of the said Property.

5. No other incidents could be noticed either in the search taken or otherwise encumbering the said Property or any portion thereof, by mortgage or otherwise.

6. On the basis of perusal of the documents, search, information gathered and *subject to otherwise mentioned above*, I reiterate the opinion given that,



- (a) the said Property (described in clause 1 herein above) is owned by the persons enumerated below:

- (1a) Dattatraya Kisan Alias Krushna Navale, a Manager of Kisan Navale, HUF,
- (1b) Murlidhar Kisan Alias Krushna Navale, a Member of Kisan Navale HUF,
- (1c) Balasaheb Kisan Alias Krushna Navale, a member of Kisan Navale HUF,
- (2a) Gulab Govind Navale HUF, as member of Govind Vithoba Navale HUF,
- (2b) Namdev Govind Navale, as member of Govind Vithoba Navale, HUF
- (2c) Ashok Govind Navale, as member of Govind Vithoba Navale, HUF
- (2d) Kailas Govind Navale, as member of Govind Vithoba Navale, HUF
- (3a) Nivrutti Sudamrao Navale HUF as Manager and as "Karta" of Nivrutti Sudamrao Navale, HUF,
- (3b) Jalinder Sudam Navale, as a member of Nivrutti Sudamrao Navale, HUF
- (4) Vidura Vithoba Navale HUF, as Manager of Vidura Vithoba Navale, HUF
- (5a) Bhiku Narayan Navale HUF as a Karta And Manager of Bhiku Narayan Navale, HUF
- (5b) Pandurang Narayan Navale, as a member of Bhiku Narayan Navale HUF

- (b) the said Owners and (i) M/s.Akshar Properties, and (ii) Akshar Land Developers Private Limited assigned the development rights pertaining to the said Property (described in clause-1 above) to the said Developer; Merlin Bhingarwala Developers LLP;
- (c) the said Property is free from encumbrances,
- (d) the said Property has been in occupation and possession of the said Developer.



Kiran Kothadiya
Advocate

