

**Sachin J. Katkar**

**Advocate, MAH 1231/2000**

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**To,  
MahaRERA,  
Mumbai**

**LEGAL TITLE REPORT**

**Sub :** Title clearance certificate with respect to 1) Survey No. 100 (Old Survey No. 197) Hissa No. 14/B/1 admeasuring area 3260 sq. mtrs., 2) Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/2 admeasuring area 170 sq. mtrs., and Hissa No. 15/B/3 admeasuring area 11910 sq. mtrs., 3) Survey 100 (Old Survey No. 197) Hissa No. 18 admeasuring area 2000 sq. mtrs., 4) Survey No. 100 (Old Survey No. 197) Hissa No. 24 admeasuring area 2800 sq. mtrs., 5) Survey No. 100 (Old Survey No. 197) Hissa No. 20 admeasuring area 1000 sq. mtrs., 6) Survey No. Old 197, New 100, Hissa No. 23 admeasuring 2300 sq. mtrs, 7) Survey No. 101 (Old Survey No. 202) Hissa No. 5 admeasuring area 4050 sq. mtrs., 8) Survey No. 109 (Old Survey No. 217) Hissa No. 30/3 (Old 30 Part) admeasuring area 6000 sq. mtrs., 9) Survey No. 100 (Old Survey No. 197) Hissa No. 21 admeasuring area 300 sq. mtrs., 10) Survey No. 100 (Old Survey No. 197) Hissa No. 21 admeasuring area 300 sq. mtrs., 11) Survey No. 100 (Old Survey No. 197) Hissa No. 19 admeasuring area 2000 sq. mtrs., 12) Survey No. 100 (Old Survey No. 197) Hissa No. 22 admeasuring area 900 sq. mtrs., 13) Survey No. 100 (Old Survey No. 197) Hissa No. 13 admeasuring area 400 sq. mtrs., 14) Survey No. 100 (Old Survey No. 197) Hissa No. 11/1/A/2 admeasuring area 4400 sq. mtrs., 15) Survey No. 98 (Old Survey No. 198) Hissa No. 1/A/1 admeasuring area 1150 sq. mtrs., 16) Survey No. 98 (Old Survey No. 198) Hissa No. 3/A admeasuring area 1340 sq. mtrs., lying being and situate Village Bhainderpada, Taluka & District Thane. **(hereinafter referred as Said Larger Property)**

I have investigated the title of the said larger property on the request of Puranik Builders Ltd **(Developer)**, having its office at : Puranik's One, Kanchan Pushp, Opp. Suraj Water Park, G.B. Road, Thane (W).

**A. Description of the property :**

1) Survey No. 100 (Old Survey No. 197) Hissa No. 14/B/1 admeasuring area 3260 sq. mtrs., 2) Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/2 admeasuring area 170 sq. mtrs., and Hissa No. 15/B/3 admeasuring area 11910 sq. mtrs., 3) Survey 100 (Old Survey No. 197) Hissa no. 18 admeasuring area 2000 sq. mtrs., 4) Survey No. 100 (Old Survey No. 197) Hissa No. 24 admeasuring area 2800 sq. mtrs., 5) Survey No. 100 (Old Survey No. 197) Hissa No. 20 admeasuring area 1000 sq. mtrs., 6) Survey No. Old 197, New 100, Hissa No. 23 admeasuring 2300 sq. mtrs, 7) Survey No. 101 (Old Survey No. 202) Hissa No. 5 admeasuring area 4050 sq. mtrs., 8) Survey No. 109 (Old Survey No. 217) Hissa No. 30/3 (Old 30 Part) admeasuring area 6000 sq. mtrs., 9) Survey No. 100 (Old Survey No. 197) Hissa No. 21 admeasuring area 300 sq. mtrs., 10) Survey No. 100 (Old Survey No. 197) Hissa No. 21 admeasuring area 300 sq. mtrs., 11) Survey No. 100 (Old Survey No. 197) Hissa No. 19 admeasuring area 2000 sq. mtrs., 12) Survey No. 100 (Old Survey No. 197) Hissa No. 22 admeasuring area 900 sq. mtrs., 13) Survey No. 100 (Old Survey No. 197) Hissa No. 22 admeasuring area 900 sq. mtrs., 14) Survey No. 100 (Old Survey No. 197) Hissa No. 11/1/A/2 admeasuring area 4400 sq. mtrs., 15) Survey No. 98 (Old Survey No. 198) Hissa No. 1/A/1 admeasuring area 1150 sq. mtrs., 16) Survey No. 98 (Old Survey No. 198) Hissa No. 3/A admeasuring area 1340 sq. mtrs., lying being and situate Village Bhainderpada, Taluka & District Thane.

**B. The documents of allotment**

<b>Sr. No.</b>	<b>Survey No.</b>	<b>Documents</b>
<b>1</b>	<b>(197)100/14/B/1</b>	1. Development Agreement dated 24/10/2005, Registered at Sr. No. 8249/2005
<b>2</b>	<b>(197)100/15/B/2 and 15/B/3</b>	2. Agreement for Sale dated 29/1/2008, registered at Sr. No. 890/2008.
<b>3</b>	<b>(197)100/18</b>	1. Development Agreement dated 11/4/2005, registered at at Sr. No. 3167/2005. 2. Agreement for Sale dated 17/9/2007 registered at Sr. No. 6922/2007
<b>4</b>	<b>(197)100/24</b>	1. Development Agreement dated 6/8/2004 registered at Sr. No. 5724/2004. 2. Agreement for Sale dated 23/11/2010, registered at Sr. No. 12011/2010.
<b>5</b>	<b>(197)100/20</b>	1. Development Agreement dated 22/12/2004 registerd Sr. No. 9166/2004. 2. Agreement for Sale dated 3/10/2008 registered at Sr. No. 7785/2008
<b>6</b>	<b>(197)100/23</b>	1. Development Agreement dated 22/12/2004 registered at Sr. No. 9166/2004. 2. Agreement for Sale dated 3/10/2008 registered at Sr. No. 7785/2008
<b>7</b>	<b>(202)101/5</b>	1. Development Agreement dated 8/11/2004 registered at Sr. No. 8078/2004
<b>8</b>	<b>(217)109/30/3</b>	2. Confirmation Deed dated 8/12/2005 registered Sr. No. 1281/2006 on 27/2/2006 to Development Agreement dated 8/11/2004 3. Agreement for Sale dated 26/2/2007 registered Sr. No. 1595/2007 4. Confirmation Deed dated 24/4/2007 registered Sr. No. 3214/2007 to Agreement dated 26/2/2007 5. Supplementary Agreement dated 23/1/2012 registered at Sr. No. 723/2012
<b>9</b>	<b>(197)100/21</b>	1. Agreement dated 13/6/2007 registered vide Sr. No. 4487/2007. 2. Supplementary Agreement dated 26/4/2011 registered at Sr. No. 3847/2011.
<b>10</b>	<b>(197)100/17/B</b>	Development Agreement dated 4/1/2005 registered at Sr. No. 61/2005.
<b>11</b>	<b>(197)100/19</b>	1. Development Agreement dated 17/2/2003 registered Sr. No. 1036/2003.
<b>12</b>	<b>(197)100/22</b>	2. Confirmation Deed dated 16/7/2003 registered Sr. No. 4504/2003 to Development Agreement dated 17/2/2003 3. Conveyance Deed dated 3/10/2011 registerd at Sr. No. 8959/2011 4. Deed of Settlement dated 23/2/2018 registered Sr. No. TNN9-1806/2018
<b>13</b>	<b>(197)100/13</b>	1. Agreement dated 6/12/2012 registered TNN-

		5/10226/2012. 2. Deed of Settlement dated 23/2/2018 registered Sr. No. TNN9-1806/2018
14	(197)100/11/1/A/2	1. Development cum Sale Agreement dated 3/2/2014 registered at Sr. No. TNN-9/751/2014. 2. Indemnity Bond dated 3/2/2014 registered Sr. No. TNN-9/754/2014.
15	(198)98/1/A/1	
16	(198)98/3/A	3. Indemnity Bond dated 3/2/2014 registered Sr. No. TNN-9/755/2014.

C. 7/12 extract of said larger property is issued by Talathi Owale, Taluka and District Thane dated 26<sup>th</sup> April, 2022.

i. The Mutation Entries of the said larger Property:

- 1) **Survey No. 100 (Old Survey No. 197) Hissa No. 14/B/1 - Mutation Entry Nos. :** 115, 224, 464, 591, 817, 1189, 1326, 1804, 2341, 161, 138, 485, 574, 593, 637, 833, 970, 971, 1028, 1299, 1303.
- 2) **Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/2 and Hissa No. 15/B/3 - Mutation Entry Nos. :** 70, 585, 606, 817, 1286, 1326, 1431, 1857, 1873, 1940, 2076, 138, 485, 573, 574, 593, 637, 833, 970, 972, 1028 and 1303.
- 3) **Survey 100 (Old Survey No. 197) Hissa no. 18 - Mutation Entry Nos. :** 69, 224, 240, 241, 242, 377, 464, 487, 1326, 272, 406, 523, 833, 1065
- 4) **Survey No. 100 (Old Survey No. 197) Hissa No. 24 - Mutation Entry Nos. :** 226, 591, 1154, 1157, 1319, 1326, 1852, 417, 434, 593, 833, 515, 1028, 1158
- 5) **Survey No. 100 (Old Survey No. 197) Hissa No. 20 - Mutation Entry Nos. :** 224, 464, 1326, 1613, 1, 199, 379, 833, 1228
- 6) **Survey No. Old 197, New 100, Hissa No. 23 - Mutation Entry Nos. :** 224, 464, 1326, 1613, 199, 379, 833, 1028 and 1228.
- 7) **Survey No. 101 (Old Survey No. 202) Hissa No. 5 - Mutation Entry Nos. :** 70, 591, 817, 1164, 1326, 2365, 28, 159, 463, 593, 833, 1126 and 1280.
- 8) **Survey No. 109 (Old Survey No. 217) Hissa No. 30/3 (Old 30 Part) - Mutation Entry Nos. :** 817, 1286, 1431, 1873, 43, 366, 529, 601, 807, 808 and 1010.
- 9) **Survey No. 100 (Old Survey No. 197) Hissa No. 21 - Mutation Entry Nos. :** 464, 591, 1326, 13, 158, 223, 517, 617, 618, 803, 804, 913, 1028, 1168 and 1228.
- 10) **Survey No. 100 (Old Survey No. 197) Hissa No. 17/B - Mutation Entry Nos. :** 224, 464, 1326, 1759, 282, 380, 833, 1028, 1104, 1299 and 1320.
- 11) **Survey No. 100 (Old Survey No. 197) Hissa No. 19 - Mutation Entry Nos. :** 144, 224, 305, 464, 873, 1326, 1648, 45, 269, 614, 689, 833, 925, 938, 1028 and 1393.
- 12) **Survey No. 100 (Old Survey No. 197) Hissa No. 22 - Mutation Entry Nos. :** 162, 224, 464, 550, 561, 1326, 1648, 45, 614, 689, 833, 925, 938, 1028 and 1393.
- 13) **Survey No. 100 (Old Survey No. 197) Hissa No. 13 - Mutation Entry Nos. :** 144, 224, 305, 464, 873, 1326, 1648, 45, 269, 593, 614, 689, 925, 938, 1028 and 1393.
- 14) **Survey No. 100 (Old Survey No. 197) Hissa No. 11/1/A/2 - Mutation Entry Nos. :** 84, 464, 792, 1326, 248, 249, 931, 1144, 1145, 1169 and 1229.

**15) Survey No. 98 (Old Survey No. 198) Hissa No. 1/A/1 - Mutation Entry Nos. : 792, 1326, 1146 and 1169.**

**16) Survey No. 98 (Old Survey No. 198) Hissa No. 3/A - Mutation Entry Nos. : 464, 792, 1326, 1143, 1169**

D. **Search Report** : Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

E. On Perusal of the above-mentioned documents and all other relevant documents relating to title of the said property. The Said Larger Property is clear, marketable and Developer has absolute rights to develop the Said Larger Property. The Said Larger Property is mortgaged to Catalyst Trusteeship Ltd

**Owners of the said property :**

1. Survey No. 100 (Old Survey No. 197) Hissa No. 14/B/1 - Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur
2. Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/2 and Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/3 - Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur
3. Survey 100 (Old Survey No. 197) Hissa no. 18 - 1) Rohidas Narayan Vaity 2) Kusum Narayan Vaity, 3) Sulochana Kashinath Bhagat, 4) Sharda Kishor Vaity, 5) Vanita Ashok Bhagat, 6) Janardan Ganpat Vaity
4. Survey No. 100 (Old Survey No. 197) Hissa No. 24 - Bhaskar Undir Vaity, Indirabai Pandurang and Barkubai Ramchandra
5. Survey No. 100 (Old Survey No. 197) Hissa No. 20 - Chandrakala Bhaskar Bhise, Shailaja Bhaskar Bhise, Ramchandra Bhaskar Bhise, Sadanand Bhaskar Bhise, Meena Manohar Kulkarni, Subha Subhash Tamhane and Pushpalata Bhaskar Bhise
6. Survey No. 100 (Old Survey No. 197) Hissa No. 23 - 1) Chandrakala Bhaskar Bhise, 2) Pushpalata Bhaskar Bhise, 3) Meena Manohar Kulkarni, 4) Ramchandra Bhaskar Bhise, 5) Subha Subhash Tamhane, 6) Shailaja Bhaskar Bhise, 7) Sadanand Bhaskar Bhise and 6) Hemlata Bhaskar Bhise
7. Survey No. 101 (Old Survey No. 202) Hissa No. 5 - Changuna Jayram Bhoir, Shyam Jayram Bhoir, Vishnu Jayram Bhoir, Bebi Kaluram Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge, Bharati Jayram Bhoir, Manoj Dhruv Thakur, Mukesh Dhruv Thakur
8. Survey No. 109 (Old Survey No. 217) Hissa No. 30/3 (Old 30 Part) - Shyam alias Ghanshyam Jayram Bhoir and Vishnu Jayram Bhoir
9. Survey No. 100 (Old Survey No. 197) Hissa No. 21 - Eknath Gajanan Thakur, Suman Dnyaneshwar Fake, Mankibai Arjun Bhoir, Pushpabai Chintaman Bhoir, Mukta Maruti Patil, Ratnibai Subhash Patil, Jamanabai Naresh Patil, Dwarkabai Gajanan Thakur and Hemant Ganpat Thakur
10. Survey No. 100 (Old Survey No. 197) Hissa No. 17/B - 1) Bharat Rajaram Thakur 2) Kantilal Rajaram Thakur, 3) Vijay Rajaram Thakur, 4) Vilas Rajaram Thakur, 5) Ramakant Rajaram Thakur, 6) Gulabbai Gangaram Shinge, 7) Latabai Shantaram Ture and 8) Parvatabai Sandip Bhoir
11. Survey No. 100 (Old Survey No. 197) Hissa No. 19 – Bhimabai Shankar Thakur

12. Survey No. 100 (Old Survey No. 197) Hissa No. 22 – Bhimabai Shankar Thakur
13. Survey No. 100 (Old Survey No. 197) Hissa No. 13 – Bhimabai Shankar Thakur
14. Survey No. 100 (Old Survey No. 197) Hissa No. 11/1/A/2 – Chandrabhaga Pandurang Patil
15. Survey No. 98 (Old Survey No. 198) Hissa No. 1/A/1 – Chandrabhaga Pandurang Patil
16. Survey No. 98 (Old Survey No. 198) Hissa No. 3/A – Chandrabhaga Pandurang Patil

**Qualifying remarks of Said Property :**

- a. I have presumed that the documents as shown to me are final and have not been amended or modified in any manner.
- b. I presume that in relation to the documents provided to me such documents are within the capacity and powers of and have been or shall be duly authorized, executed and delivered by and are binding on the parties thereto.
- c. This opinion does not extend to any oral amendments of any term of the aforementioned documents, which may be amended orally by the parties and substantiated by their conduct despite provisions in the aforementioned documents to the contrary;
- d. I have not taken search in the court for litigation regarding the said property. This opinion does not cover any litigation, suits etc. filed in any court in respect of the said property except the details of litigation disclosed in the report which is provided by the developer.
- e. All information including documents that has been supplied to me has been accepted as being correct unless otherwise stated.
- f. It may be pertinent to note that searches at the office of the Sub-Registrar of Assurances are subject to availability of records and also to records being torn and mutilated. We therefore disclaim any responsibility for the consequences which may arise on account of such non-availability of records or on account of records being torn and mutilated.
- g. I have not invited objection for issue of Title Certificate in the news paper.
- h. I have taken utmost care and made due diligence before issuance of this title certificate.

**The Report reflecting the flow of the title of the Owner and Developer on the said property is enclosed herewith as annexure.**

Dated this 28<sup>th</sup> day of April, 2022



**Sachin J. Katkar**  
**Advocate**



**FORMAT A**

**FLOW THE TITLE OF THE SAID FIRST PROPERTY**

**Property :** Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 14/B/1 admeasuring area 3260 sq. mtrs. lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner :** Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur as per 7/12 extract

**A. In respect of 7/12 extracts**

1. **Latest 7/12 extracts** : It appears from current 7/12 Extract dated 26/4/2022 that, the said property is owned by Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur and in other rights column charge of Development Agreement of Shailesh Gopal Puranik and Shrikant Govind Puranik Directors of Puranik Builders Pvt. Ltd. and construction of flats admeasuring upto 80 sq. mtrs
2. **In respect of 50 years old 7/12 extracts** : It appears from 50 years old 7/12 extract that the said property was owned by Dwarkadas Ratanshi Sheth and Sitaram Kamalya Thakur was the tenant of the said Property.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 115** dated 25/03/1928 that the revenue order no. RTS 283 dated 29/02/1928 was passed in respect of difference chart and the occupancy of the said Property was transferred in record of rights in favour of Dwarkadas Ratanshi Seth from Ganpat Gangadhar as per the possessory (usufructuary) mortgage deed.
2. It appears from **mutation entry no. 224** dated 15/01/1932 that the assessment of the said Property as well as some other lands was revised as per the supplementary assessment division order dated 06/01/1932.
3. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said Property being of lesser area than the standard area was declared as tukda land.
4. It appears from **mutation entry no. 591** dated 8/8/1956 that Sitaram Kamalya Thakur was declared as Simple Tenant in the said property by the tenancy order no. 8113 dated 14/01/1956 and accordingly his name was recorded in the record of rights of the said property.
5. It appears from the **mutation entry no. 817** dated 20/7/1958 that as per the trust deed executed by Dwarkadas Ratanshi and appointed Rasiklal Karsandas, Narottam Keshavji, Mohanlal Mishra, Goverdhandas Govindji and Manik Vinayak Pathare as a trustee. The name of Trust is Kailaswasi Ratanshi Premji Dharmday Trust.
6. It appears from **mutation entry no. 1189** dated 21/5/1966 that Additional Tahsildar and Agricultural Lands Tribunal pleased to pass order u/s 32 G on 11/12/1964 and determine the purchase price of the said Property for the tenants. The charge of the purchase price was reflected in other rights column and tenants were replaced in place of occupants.
7. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
8. It appears from **mutation entry no. 1804** dated 1/10/1984 that Sitaram Kamalya Thakur died on December 1983 leaving behind his legal heirs 1) Chandrabai Sitaram Thakur (wife) 2) Mankibai Sitaram Thakur (Wife) 3) Vishwanath Sitaram Thakur, (son) 4) Suryakant Sitaram Thakur, (Son) 5) Suman Parashuram Patil (daughter) and 6) Sulochana Anant Patil (daughter).

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*Advocate, MAH 1231/2000*

9. It appears from **mutation entry no. 2341** dated 4/3/1996 that the Agricultural Lands Tribunal issued certificate u/s 32 M of Bombay Tenancy and Agricultural Lands Act 1948 (BTAL Act), in favour of the tenants in respect of said property and one other property as the Tenants purchaser had paid total purchase price determined u/s 32 G (BTAL Act) The said mutation entry was certified on 22/03/1996 as per certificate no. 673 dated 30/11/1968.
10. It appears from **mutation entry no. 161** dated 17/7/2002 that the Sub Divisional officer Thane has passed order no. TD/6/KV/VP/SR/215/2000 dated 19/11/2001 under (BTAL Act). And thereby granted permission for development/sale of the said property.
11. It appears from **mutation entry no. 138** dated 1/1/2002 that one of the co-owner Chandrabai Sitaram Thakur was demised on 24/01/2001 and leaving behind her legal heirs 1) Vishwanath Sitaram Thakur, 2) Mankibai Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parashuram Patil and 5) Sulochana Anant Patil were recorded as per the said mutation entry.
12. It appears from the **mutation entry no. 485** dated 24/12/2007 that the Manikibai Sitaram Thakur demised on 15/10/2007 leaving behind her two sons 1) Vishwanath Sitaram Thakur, 2) Suryakant Sitaram Thakur, and two married daughters 1) Suman Parshuram Patil and 2) Sulochana Anant Patil as her only legal heirs.
13. It appears from the **mutation entry No. 574** dated 6/2/2009 that, 1) Vishwanath Sitaram Thakur, 2) Sunanda Vishwanath Thakur, 3) Kanchan Vishwanath Thakur, 4) Vishali Vinod Umratkar, 5) Mita Vishwanath Thakur, 6) Kavita Vishwanath Thakur, 7) Nisha Vishwanath Thakur, 8) Mayuri Vishwanath Thakur, 9) Suryakant Sitaram Thakur, 9-a) Tejas Suryakant Thakur, (last named being minor under the age of 18 through natural guardian and father Mr. Suryakant Sitaram Thakur) 10) Archana Suryakant Thakur, 11) Suman Parshuram Patil, 12) Sulochana Anant Patil executed Development Agreement in favour of Puranik Builders Private Limited (Developer) and which is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 890/2008 dated 29/1/2008.
14. It appears from **mutation entry No. 593** dated 5/6/2009 that, as per the order No. K-1/Table-3/SR-605/09/H.N./KV- 3778 dated 27/5/2009 of Tahasildar 1055 sq. mtrs area of the said property comes u/s 20/21 of ULC Scheme.
15. It appears from the **mutation entry no. 637** dated 12/4/2010 that Suman Parshuram Patil and Sulochana Anant Patil the sister of Vishwanath Thakur and Suryakant Thakur, by Release Deed released and relinquished their right in the said property along with other properties in favour of their brothers Vishwanath Thakur and Suryakant Thakur. The said Release Deed is registered with Sub Registrar of Assurances Thane vide sr. no. 2603/2010 dated 12/3/2010.
16. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/ /SR-59/2010 the permission to use the said property for Non-Agricultural purpose is granted.
17. It appears from the **mutation entry no. 970** dated 27/4/2015 that the some portion of the said property along with other properties come under the 60 mtrs wide road under DC rule of Thane Municipal corporation (TMC) therefore, Owner has executed declaration and transfer the said portion to TMC by Deed of Cancellation. The said Deed of Declaration is registered with the Sub Registrar of Assurances Thane vide Sr. No. 489/2014 dated 23/1/2014.
18. It appears from the **mutation entry No. 971** dated 27/4/2015 that as per the letter of Tahsildar Thane vide No. Mahsul/Kaksh-1/H. N.1/T-3 /Kavi/17562/14 dated 22/4/2015 and the letter of Deputy Supretendant Land Record vide No. Du.li/Ka. Vi/PoH. Mojani Number 1463/14 Du. R/ No. 1038/14/2002 Mogharpada/Thane as per the Hissa Form No. 12 effect is given to the record of rights and Survey No. 100(197)/14 is subdivided

alongwith other Survey Nos. and name of land owner is recorded of said Property Owner and the other part i.e. survey No. 100(197)/14A records in the name of TMC for 60 Meter wide Road.

19. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order to rectify the computerized 7/12 extract.
20. Tahsildar passed an order dated 29/1/2020 vide no. Mahasul/K-1/Hakkanond-1/T-3/KV-1945/2019/336/2020 for Partition of Survey Number/Gut Number. Old 7/12 extract are closed and New Pot Hissa Numbers are created. The effect of said order recorded in the record of rights by Mutation Entry No. 1299 dated 15/2/2020.
21. The said property was exempted under section 20 and 21 of The Urban Land (Ceiling and Regulation) Act, 1976 (“ULC Act”). However, as per the Government Resolution dated August 1, 2019 on payment of the amount as stated in the said Government Resolution, the property released from the terms and conditions of the exemption order, but subject to construction of flats admeasuring upto 80 sq. mtrs. According in the present case, Owner/Developer made application for release of the said property and said property is released from the application of ULC Act, but Owner/Developer are required to construct flats admeasuring upto 80 sq.mtr. The effect of order passed by Additional Collector and Competent Authority, Urban Area, Thane recorded in the record of rights by Mutation Entry No. 1303 dated 9/3/2020.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and regulation Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-241+161 dated 23/05/2001 by Competent Authority Thane Urban Agglomeration that 2500 sq. meters out of the said property was declared as retention land, 1055 sq. meters out of the said property was declared as excess land and the balance part was declared as non vacant land.
2. In respect of order u/s 20 (1) (a) Urban Land Ceiling and regulation Act : It appears from the ULC Order no. ULC/TA/W.S.H.S.20/Special Dispensation Scheme/S.R/ 1193 dated 15/04/2002 that the Competent Authority has passed scheme u/s 20 (1) (a) and also obtained order bearing No. : ULC/TA/ATP/Sec.20/SR/1571 dated 30/7/2002 for amalgamation of plots and subsequently obtained amendment order No. ULC/TA/W.S.H.S.20/Special Dispensation Scheme/SR-1193 dated 19/9/2009 under Urban Land Ceiling and Regulation Act and thereby permitted the development of the said Property. The developer shall be required to comply with the terms and conditions of said order.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
4. In respect of permission u/s 43 of Bombay Tenancy and Agricultural Lands Act : The Permission u/s 43 of Bombay Tenancy and Agricultural Lands Act for 2500 sq meters only by order no. TD/6/KV/VP/SR/215/2000 dated 19/11/2001. The developer shall be required to obtain permission for the balance area u/s 43 of Bombay Tenancy and Agricultural Lands Act for the development and sale of the said property or premises constructed thereon.

5. In respect of Non Agriculture permission: The permission to use said property for Non Agriculture purpose under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 alongwith other properties is granted.
6. The TMC has approved and sanctioned plans vide V.P. No.2006/168/TMC/TDD/227 dated 25/10/2011, further amended by V.P. No.2006/168/TMC/ TDD/ 260 dated 4<sup>th</sup> January, 2014, Old VP No. 2006/168 New VP No. S06/0200/14 TMC/TDD/1323/15 dated 9<sup>th</sup> January, 2015 and Old VP No. 2006/168 New VP No. S06/0200/14 TMC/TDD/1636/16 dated 1<sup>st</sup> January, 2016 and further revised by Old VP No. 2006/168 New VP No. S06/0200/14 TMC/TDD/2049/17 dated 27<sup>th</sup> January, 2017.
7. Thereafter TMC granted Occupation Certificate for Building A1, A2 and B1 vide. V.P. No. New S06/200/14 New 2006/168 TMC/TDD/OCC/320/17 dated 27<sup>th</sup> January 2017.
8. The TMC has further granted permission / commencement certificate vide VP No. S06/0200/14/2006/168/TMC /TDD/2533/18, dated 12<sup>th</sup> March, 2018 for further construction of buildings being Building Type C - Wing A, consisting of Basement + Ground + Mezzanine + 1st Floor / 1st Level Podium + 2nd Floor / 2 Level Podium + 3rd Floor/3 Level Podium + 4 to 19 floors and Building Type C - Wing B consisting of Basement + Ground + Mezzanine + 1st Floor / 1st Level Podium + 2nd Floor / 2 Level Podium + 3rd Floor/3 Level Podium + 4 to 16 floors on said property alongwith other properties.

**E. In respect of Title Deeds:**

1. Agricultural Lands Tribunal and Additional Tahasildar issued certificate of purchase u/s 32 M of B T and A L Act to the -said property. By order dated 18/02/1989 vide order no. LSP II-II-170 which is duly registered with Sub Registrar of Assurances, Thane at Sr. No. 1048/1989 on 01/03/1989.
2. 1) Mankibai Sitaram Thakur, 2) Vishwanath Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parshuram Patil and 5) Sulochana Anant Patil have entered into Development Agreement for the said property as well as some others properties of the same owner on 24/10/2005. The said agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 8249/2005.
3. Sulochana Anant Patil has entered into Agreement in favour of Swapnil Dattatray Vartak Partner of Amey properties, which is duly registered with the Sub-registrar of Assurances thane vide Sr. No. 5736/2007 on 3/8/2007. However, the said agreement being subsequent to the development Agreement of the Developers and during the subsistence of aforesaid agreement, therefore shall not be binding upon the Developers. The concerned owners shall be bound to refund the consideration amount received on account of agreement with said Amey Properties.
4. 1) Vishwanath Sitaram Thakur, 2) Sunanda Vishwanath Thakur, 3) Kanchan Vishwanath Thakur, 4) Vishali Vinod Umrathkar, 5) Mita Vishwanath Thakur, 6) Kavita Vishwanath Thakur, 7) Nisha Vishwanath Thakur, 8) Mayuri Vishwanath Thakur, 9) Suryakant Sitaram Thakur, 9-a) Tejas Suryakant Thakur, (last named being minor under the age of 18 through natural guardian and father Mr. Suryakant Sitaram Thakur) 10) Archana Suryakant Thakur, 11) Suman Parshuram Patil, 12) Sulochana Anant Patil have entered into Agreement for Sale in favour of (Developer), which is registered with the Sub-Registrar of Assurances Thane on 29/1/2008 at Sr. No. 890/2008.
5. The Developer had taken credit facility of State Bank of India (**SBI**), to secure the payment lent under the said credit facility, Developer by Indenture of Mortgage dated 23<sup>rd</sup> March 2011 mortgaged the said property alongwith other properties to SBI. The said Indenture of Mortgage is duly registered with the Sub Registrar of Assurances Thane vide Sr. No. 2656/2011 on 23/3/2011.

**6. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**i. FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 (in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. NO. TNN9/5542/2017.

**ii. AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00

**Sachin J. Katkar**  
**Advocate, MAH 1231/2000**

4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. Prakash Harishchandra Raut and Prasad Prabhakar Raut have filed Special Civil Suit No. 227/2011 for specific performance of agreement dated 20/2/1996 declaration and injunction in respect of the said Property alongwith other properties from the owner and also the declaration that Agreement dated 28/12/2007 executed between land owner and developer is illegal void and not subsisting. The suit is pending before the Civil Judge Senior Division Thane. No any interim relief is granted in favor of Harishchandra Raut and there are no any prohibitory order passed against the Developer and Land owner.
2. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID SECOND PROPERTY**

**Property :** Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 15/B/2 admeasuring area 170 sq. mtrs., and Hissa No. 15/B/3 admeasuring area 11910 sq. mtrs., lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner :** Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur as per 7/12 extract.

**A. In respect of 7/12 extracts**

3. **Latest 7/12 extracts** : It appears from current 7/12 Extract dated 26/4/2022 that, the said Property is owned by Vishwanath Sitaram Thakur and Suryakant Sitaram Thakur and in other rights column charge of Development Agreement of Shailesh Gopal Puranik and Shrikant Govind Puranik Directors of Developer and construction of flats admeasuring upto 80 sq. mtrs.
4. **In respect of 50 years old 7/12 extracts** : It appears from 50 years old 7/12 extract that the said property was owned by Ratanshi Premji Dharmaday Trust was the tenant of the said Property.

**B. In respect of 6 D Mutation Entries :**

1. The Letter given by Talathi that **mutation entry no. 70** is not available in the record.
2. It appears from the **mutation entry no. 585** dated 24/4/1956 that the revenue authorities had passed order under provisions of Bombay Personal Inam abolition Act, said property alongwith other properties shown as Government land.
3. It appears from the **mutation entry no. 606** dated 21/12/1956 that the revenue Authorities have passed an order after enquiry and declared the said land along with some other land as Private Property of Dwarkadas Ratanshi the then owner and the mutation entry was entered and certified as per the order no. WTN 1878 dated 29/11/1956.
4. It appears from the **mutation entry no. 817** dated 20/7/1958 that as per the trust deed executed by Dwarkadas Ratanshi and appointed Rasiklal Karsandas, Narottam Keshavji, Mohanlal Mishra, Goverdhandas Govindji and Manik Vinayak Pathare as a trustee. The name of Trust is Kailaswasi Ratanshi Premji Dharmday Trust.
5. It appears from **mutation entry no. 1286** dated 20/10/1967 that names of the trustees were changed as per the resolution passed by the Board of Trustees and mutation entry was passed accordingly.
6. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
7. It appears from **mutation entry no. 1431** dated 6/3/1974 that as per the order of charity commissioner dated 28/02/1974 the name of the trustees were changed in the record of rights.
8. It appears from **mutation entry no. 1857** dated 1/7/1986 that as per the order no 232/85 passed by Agricultural Lands Tribunal and Deputy Tahsildar dated 30/06/1986 the name of 1) Mankibai Sitaram Thakur, 2) Chandrabai Sitaram Thakur 2) Vishwanath Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parshuram Patil andn 5) Sulochana Anant Patil were declared as protected tenant. Their names were entered into record of rights of said property.
9. It appears from **mutation entry no 1873** dated 1/7/1986 that the name of one of the trustee Arvindkumar Thakkar was removed from the record of rights as per his resignation and statement to that respect before the authorities.
10. It appears from **mutation entry no. 1940** dated 2/12/1987 that Deputy Tahsildar and Agricultural Lands Tribunal was pleased to pass an order u/s 32 G on 13/10/1987 and determine the purchase price of the said Property. The charge of the purchase price was reflected in other rights column and tenants were replaced in place of occupants.

11. It appears from **mutation entry no. 2076** dated 25/10/1989 that the Agricultural Lands Tribunal issued certificate of Purchase u/s 32 M of Bombay Tenancy and Agricultural Lands Act, 1948 in favour of the tenants in respect of said property and one other property as the Tenants purchaser had paid total purchase price as determined u/s 32 G. The said mutation entry was certified on 25/10/1989 as per certificate no. LSPII-170-4027 dated 18/02/1989.
12. It appears from **mutation entry no. 138** dated 1/1/2002 that one of the co-owner Chandrabai Sitaram Thakur was died on 24/01/2001 and leaving behind her legal heirs 1) Vishwanath Sitaram Thakur, 2) Mankibai Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parashuram Patil and 5) Sulochana Anant Patil were recorded as per the said mutation entry.
13. It appears from the **mutation entry no. 485** dated 24/12/2007 that the Manikibai Sitaram Thakur died on 15/10/2007 leaving behind her two sons 1) Vishwanath Sitaram Thakur, 2) Suryakant Sitaram Thakur, and two married daughters 1) Suman Parshuram Patil and 2) Sulochana Anant Patil as her only legal heirs.
14. It appears from the **mutation entry no. 573** dated 6/2/2009 the Sub Divisional Officer Thane has passed an order no. TD/T-6/KV/VP/SR 58/2006 dated 6/2/2009 and thereby granted permission u/s. 43 for obtaining TDR by surrendering the said property to Thane Municipal Corporation.
15. It appears from the **mutation entry No. 574** dated 6/2/2009 that, Vishwanath Sitaram Thakur & others executed Development Agreement in favour of Puranik Builders Private Limited (Developer) and which is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 890/2008 dated 29/1/2008.
16. It appears from **mutation entry No. 593** dated 5/6/2009 that, as per the order No. K-1/Table-3/SR-605/09/H.N./KV- 3778 dated 27/5/2009 of Tahasildar 42 sq. mtrs area of the said property comes u/s 20/21 of ULC Scheme.
17. It appears from the **mutation entry No. 637** dated 12/4/2010 that Suman Parshuram Patil and Sulochana Anant Patil the sister of VishwanathThakur and Suryakant Thakur release and relinquished their right in the said property along with other property in faour of their brothers Vishwanath Thakur and Suryakant Thakur. The said release deed is registered with sub register of assurance Thane vide sr. no. 2603/2010 dated 12/3/2010
18. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/ /SR-59/2010 the Permission to use said property for Non-Agricultural purpose is granted of the said property.
19. It appears from the **mutation entry No. 970** dated 27/4/2015 that the some portion of the said property along with other properties come under the 60 mtrs wide road under DC rule of Thane Municipal corporation, therefore, Owner has executed declaration and transfer the said portion Thane Municipal Corporation by Deed of Cancellation. The said Deed of Declaration is registered with the Sub Registrar of Assurances Thane vide Sr. No. 489/2014 dated 23/1/2014.
20. It appears from the **mutation entry No. 972** dated 27/4/2015 that as per the letter of Tahsildar Thane vide No. Mahsul/Kaksh-1/H. N.1/T-3/Kavi/17565/14 dated 22/4/2015 and the letter of Deputy Supretendant Land Record vide No. Du.li/Ka. Vi/PoH. Mojani Number 1463/14 Du. R/ No. 1038/14/2002 Mogharpada/Thane as per the Hissa Form No. 12 effect is given to the record of rights and Survey No. 100(197)/15 is subdivided alongwith other Survey Nos. and name of land owner is recorded of said Property and the other part i.e. Survey No. 100(197)/15A records in the name of Thane Municipal Corporation for 60 Meter vide Road.

21. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
22. The said property was exempted under section 20 and 21 of The Urban Land (Ceiling and Regulation) Act, 1976 (“ULC Act”). However, as per the Government Resolution dated August 1, 2019 on payment of the amount as stated in the said Government Resolution, the property released from the terms and conditions of the exemption order, but subject to construction of flats admeasuring upto 80 sq. mtrs. According in the present case, Owner/Developer made application for release of the said property and said property is released from the application of ULC Act, but Owner/Developer are required to construct flats admeasuring upto 80 sq.mtr. The effect of order passed by Additional Collector and Competent Authority, Urban Area, Thane recorded in the record of rights by **Mutation Entry No. 1303** dated 9/3/2020.

**C. In respect of Search Report with the Sub Registrar of Assurances:**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and Regulation Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-241+161 dated 23/05/2001 by Competent Authority Thane Urban Agglomeration that said property was declared as excess land.
2. In respect of order u/s 20 (1) (a) Urban Land Ceiling and regulation Act: It appears from the ULC Order no. ULC/TA/ W.S.H.S.20/Special Dispensation Scheme/S.R/ 1193 dated 15/04/2002 that the Competent Authority has passed scheme u/s 20 (1) (a) and also obtained order bearing No. ULC/TA/ATP/Sec.20/SR/1571 dated 30/7/2002 for amalgamation of plots and subsequently obtained amendment order No. ULC/TA/W.S.H.S.20/Special Dispensation Scheme/SR-1193 dated 19/9/2009 under Urban Land Ceiling and Regulation Act and thereby permitted the development of the said Property. The developer shall be required to comply with the terms and conditions of said order.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
4. In respect of permission u/s 43 of Bombay Tenancy and Agricultural Lands Act: The Permission u/s 43 of Bombay Tenancy and Agricultural Lands Act for the development and sale of the Said Property to granted vide Order no. TD/T-6/KV/VP/SR 58/2006 dated 6/2/2009.
5. In respect of Non Agriculture permission: The permission to use said property for Non Agriculture purpose under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 alongwith other properties is granted.

**E. In respect of Title Deeds**

1. Agricultural Lands Tribunal and Additional Tahasildar issued certificate of purchase u/s 32 M of B T and A L Act to the said property from 18/02/1989 vide order no. LSP-II-II-170 which is duly registered with Sub Registrar of Assurances, Thane at Sr. No. 1048/1989 on 01/03/1989.
2. 1) Mankibai Sitaram Thakur, 2) Vishwanath Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parshuram Patil andn 5) Sulochana Anant Patil entered into

Development Agreement in favour of Developer for the area 10020 sq. meters out of 13870 sq. mtrs., which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 1462/2004 on 27/2/2004.

3. 1) Mankibai Sitaram Thakur, 2) Vishwanath Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parshuram Patil andn 5) Sulochana Anant Patil (Owners)and 1) Dwarkanath Dama Patil, 2) Bharati Dwarkanath patil, 3) Kanchan Dwarkanath Patil, 4) Rohan Dwarkanath Patil , (the last named a minor being under the age of 18 years by his father and natural guardian the said Dwakanath Dama Patil) (Confirming Party) were entered into Development Agreement in favour of Developer for the area 300 sq. meters out of 13870 sq. mtrs. which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 4016/2004 on 27/5/2004.
4. 1) Mankibai Sitaram Thakur, 2) Vishwanath Sitaram Thakur, 3) Suryakant Sitaram Thakur, 4) Suman Parshuram Patil andn 5) Sulochana Anant Patil have entered into Development Agreement for the said property as well as some others properties of the same owner on 24/10/2005. The said agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 8249/2005.
5. Sulochana Anant Patil has entered into Agreement in favour of Swapnil Dattatray Vartak Partner of Amey properties, which is duly registered with the Sub-registrar of Assurances thane vide Sr. No. 5736/2007 on 3/8/2007. However, the said agreement being subsequent to the development Agreement of the Developers and during the subsistence of aforesaid agreement, therefore shall not be binding upon the Developers. The concerned owners shall be bound to refund the consideration amount received on account of agreement with said Amey Properties.
6. 1) Vishwanath Sitaram Thakur, 2) Sunanda Vishwanth Thakur, 3) Kanchan Vishwanth Thakur, 4) Vishali Vinod Umrathkar, 5) Mita Vishwanath Thakur, 6) Kavita Vishwanath Thakur, 7) Nisha Vishwanath Thakur, 8) Mayuri Vishwanath Thakur, 9) Suryakant Sitaram Thakur, 9-a) Tejas Suryakant Thakur, (last named being minor under the age of 18 through natural guardian and father Mr. Suryakant Sitaram Thakur) 10) Archana Suryakant Thakur, 11) Suman Parshuram Patil, 12) Sulochana Anant Patil have entered into Agreement for Sale in favour of Developer, which is registered with the Sub-Registrar of Assurances Thane on 29/1/2008 at Sr. No. 890/2008.
7. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
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2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. Prakash Harishchandra Raut and Prasad Prabhakar Raut have filed Special Civil Suit No. 227/2011 for specific performance of agreement dated 20/2/1996 declaration and injunction in respect of the said Property alongwith other properties from the owner and also the declaration that Agreement dated 28/12/2007 executed between land owner and developer is illegal void and not subsisting. The suit is pending before the Civil Judge Senior Division Thane. No any interim relief is granted in favor of Harishchandra Raut and there are no any prohibitory order passed against the Developer and Owner.

2. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others :  
-

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

4. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID THIRD PROPERTY**

**Property :** Piece & parcel of land being Survey 100 (Old Survey No. 197) Hissa no. 18 admeasuring area 2000 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner :** 1) Rohidas Narayan Vaity 2) Kusum Narayan Vaity, 3) Sulochana Kashinath Bhagat, 4) Sharda Kishor Vaity, 5) Vanita Ashok Bhagat, 6) Janardan Ganpat Vaity as per 7/12 extract.

**A. In respect of 7/12 extracts**

1. **Latest 7/12 extracts** : It appears from current 7/12 Extract dated 26/4/2022 that, the said Property is owned by 1) Rohidas Narayan Vaity 2) Kusum Narayan Vaity, 3) Sulochana Kashinath Bhagat, 4) Sharda Kishor Vaity, 5) Vanita Ashok Bhagat, 6) Janardan Ganpat Vaity and in other rights column charge of Development Agreement of Shailesh Gopal Puranik and Shrikant Govind Puranik Directors of Puranik Builders Pvt. Ltd is mentioned.
2. **In respect of 50 years old 7/12 extracts** : It appears from 50 years old 7/12 extract that the said property was owned by Ganpat Vithu Vaity.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 69** that as per the letter of Talathi Owale mutation is not available.
2. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands was revised as per the supplementary assessment division order dated 06/01/1932.
3. It appears from the **mutation entry no. 240** dated 20/5/1933 that Khanderao Pandurang Mathure Reconveyed the said property along with other properties in favour of Undrya Ragho Vaity.
4. It appears from **mutation entry no. 241** dated 20/5/1933 that Undarya Ragho Vaity and Hashibai Ragho Vaity executed Conveyance Deed in favour of Ganpat Yetu (Vithu) Vaity on 22/04/1933.
5. It appears from **mutation entry no. 242** dated 20/5/1933 that Ganpat Yetu (Vithu) Vaity executed mortgage deed in favour of Khanderao Pandurang Mathure on 22/07/1933.
6. It appears from **mutation entry no. 377** dated 10/2/1944 that from the said mutation entry is regarding S. No. 36/10/2 but wrongly appears in the 7/12 extracts of said property. Therefore I didn't find any reason to go into the details of the said mutation entry.
7. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
8. It appears from **mutation entry no. 487** dated 13/2/1953 that Ganpat Yetu (Vithu) Vaity died in the year 1952 leaving behind him his legal heir two sons Ramchandra Ganpat Vaity and Narayan Ganpat Vaity and wife Nagibai Ganpat Vaity.

9. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
10. It appears from **mutation entry no. 272** dated 3/12/2004 that Ramchandra Ganpat Vaity/Koli died on 10/01/2002 leaving behind him legal heirs Kusum Narayan Vaity (sister-in-law), Rohidas Narayan Vaity, (nephew) Sulochana Kashinath Bhagat (niece), Sharda Kishor Vaity (niece), Vanita Ashok Bhagat (niece) and Janardan Ganpat Vaity (brother).
11. It appears from **mutation entry no. 406** dated 20/1/2007 that Narayan Ganpat Vaity died on or about year 1977, leaving behind him legal heirs Kusum Narayan Vaity (wife), Rohidas Narayan Vaity (Son), Sulochana Kashinath Bhagat (Daughter), Sharda Kishor Vaity (Daughter) and Vanita Ashok Bhagat (Daughter).
12. It appears from **mutation entry no. 523** dated 21/5/2008 that Kusum Narayan Vaity & 9 others, Jyotsna Sanjay Tandel and Manasi Sanjay Tandel executed Agreement for sale in favour of Developer which is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 6922/2007 dated 17/9/2007.
13. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 granted permission to use said property for the Non-Agricultural use alongwith other properties.
14. It appears from **mutation entry no. 1065** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and Regulation Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-235 dated 11/07/05 by Competent Authority Thane Urban Agglomeration that 500 sq meters of said property was declared as retention land and the balance 1520 sq meters as excess land.
2. In respect of order u/s 20 (1) (a) Urban Land Ceiling and regulation Act: It appears from the ULC Order no. ULC/TAW.S.H.S.20/Special Dispensation Scheme/S.R/1570 dated 16/08/2005 that the Competent Authority has passed scheme u/s 20 (1) (a) and also obtained order bearing No. : ULC/TA/ATP/Sec.20/SR/1570 dated 31/8/2005 for amalgamation of plots and subsequently obtained amendment order No. ULC/TAW.S.H.S.20/SR-1570 dated 15/11/2007 under Urban Land Ceiling and Regulation Act and thereby permitted the development of the said Property. The developer shall be required to comply with the terms and conditions of said order.
3. In respect of Non Agriculture permission: The developer has obtained on behalf of owner Non Agriculture permission under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 for said property alongwith other properties.
4. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.

**E. In respect of Title Deeds :**

1. By Development Agreement dated 11/4/2005 1) Janardan Ganpat Vaity, 1-a) Prashant Janardan Vaity, 1-b) Prafulla Janardan Vaity (last named 2 being minor under the age of 18 through their natural guardian and father Mr. Janardan Ganpat Vaity, 2) Kamalibai Janardan Vaity, 3) Meena Ramesh Bhure, 4) Pramod Janardan Vaity, 5) Sharmila Janardan Vaity, 6) Girijabai Gopinath Tandel, 7) Sitabai Bhiku Choudhari, and 8) Gulabbai Damodar Mukadam granted development right of said property to Developer for consideration and on terms and condition therein contained. The said Development Agreement is duly registered with the Sub Registrar of Assurances at Sr. No. 3167/2005.
2. By Agreement for Sale dated 17/9/2007 1) Kusum Narayan Vaity 2) Rohidas Narayan Vaity, 2-a) Hemangi Rohidas Vaity, 2-b) Priyanka Rohidas Vaity, 2-c) Vasanti Rohidas Vaity, 2-d) Uddesh Rohidas Vaity, 2-e) Pavan Rohidas Vaity, (last named 2-a to 2-e are being minor under the age of 18 through their natural guardian and father Rohidas Narayan Vaity, 3) Mrs. Bharati Rohidas Vaity, 4) Sulochana Kashinath Bhagat, 5) Sharada Kishor Vaity, 6) Vanita Ashok Bhagat agreed to sale and develop the said property to Developer. The said Agreement for Sale is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 6922/2007
3. Mr. Diwakar Mohan Nadkarni, Power of Attorney Holder of 1) Chirag Ashok Shah, 2) Kuntal Niranjn Shah, Partners of New India Construction Company, Diwakar Mohan Nadkarni, Manager of HUF executed Confirmation Deed in favour of Developer, which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 4175/2009 on 16/5/2009 and thereby Confirmed the registered Development Agreement dated 11/4/2005 which is duly registered in the office of Sub Registrar of Assurance Thane vide Sr. No. 3167/2005 and registered Agreement for sale dated 17/9/2007 which is duly registered in the office of Sub Registrar of Assurance Thane vide Sr. No. 6922/2007 as stated hereinabove.
4. Due to Change in layout, the area of the Apartment was changed, therefore by Supplementary Agreement dated 25/10/2016 between 1) Pramod Janardhan Vaity, 2) Prashant Janardan Vaity and 3) Prafulla Janardan Vaity (Pramod Vaity and Others) and Developer, Developer agreed to give revised allotment of area admeasuring 2100 sq.ft saleable built up area to Pramod Vaity & others. The said Supplementary Agreement is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 1937/2016 dated 25/10/2016.

**5. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 (in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. NO. TNN9/5542/2017

**AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018. The said property is excluded from the amenity space.

**Litigation :-**

1. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

2. Tahsildar filed an application for review his own order dated 11/10/2018 regarding the excavation. The Review Appeal No. SR 10008/19 :-

Developer filed the Writ Petition No. 312/2019 before the Hon'ble High Court challenging the order of Tahsildar dated 11/10/2018. The Hon'ble High Court passing order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules.

Thereafter Tahsildar send the report to Sub Divisional Officer, Thane for review his order dated 11/10/2018 according to that SDO thane issued the notice to Puranik Builders Limited u/s 258 of Maharashtra Land Revenue Code.

3. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID FOURTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 24 admeasuring area 2800 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Bhaskar Undir Vaity, Indirabai Pandurang and Barkubai Ramchandra as per 7/12 extract.

**B. In respect of 7/12 extracts**

1. **Current 7/12 extract** : As per the Current 7/12 extract dated 26/4/2022, the said property are owned by Bhaskar Undir Vaity, Indirabai Pandurang and Barkubai Ramchandra and in the other rights column area for construction of flats within the area of 80 square meters.
2. **It appears from 50 years 7/12 extract** : It appears from 50 years 7/12 extract of said property that the land was originally owned by Shankar Aatmaram Purohit and Vasant Aatmaram Purohit and was in possession of Undir Divadya Vaity as tenant.

**C. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 226** dated 10/5/1932 that Aatmaram Trimbak Purohit died on 08/02/1932 his legal heirs Son Shankar Aatmaram Purohit and Vasant Aatmaram Purohit through guardian Mother Sitabai Aatmaram Purohit made application to record their name as legal heirs by revenue order no. RTS 582 dated 03/05/1932, the name of legal heirs were recorded on said property alongwith other properties.
2. It appears from **mutation entry no. 591** dated 8/8/1956 that as per Taluka Order No TNC 8113 dated 14/1/56 the name of Undir Divadya Vaity was declared as a simple tenant.
3. It appears from **mutation entry no. 1154** dated 28/2/1966 that Additional Tahasildar and Agricultural Lands Tribunal(**Tribunal**) passed an order u/s 32 G of Bombay Tenancy and Agricultural Land Act,1948 (**BTAL Act**) vide order no. IPL-VIII-121 date 24/1/1963 and thereby directed the tenant Undir Divadya Vaity to pay the purchase price. Accordingly tenant was placed in the Occupants column and charge was created in the other rights column for the purchase price.
4. It appears from **mutation entry no. 1157** dated 28/2/1966 that Tribunal passed an order u/s 32 G of BTAL Act vide order no. IPL-VII-125 date 24/1/1963 and thereby directed the tenant Krushna Laxman to pay the purchase price of the Survey No. 95/3 & 88/3 determined under the aforesaid provision. Accordingly tenant was placed in the Occupants column and charge was created in the other rights column for the purchase price. The said mutation entry is not relevant to the said property.
5. It appears from **Mutation entry no. 1319** dated 28/9/1969 that, Undir Divadya Vaity, Tenants purchaser had paid total amount determined u/s 32 G of BTAL Act for the said property alongwith other properties and therefore charge in the other rights column was removed accordingly.
6. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
7. It appears from **mutation entry no. 1852** dated 5/4/1986 that Undir Divadya Vaity died intestate in the year 1982 leaving behind him legal heirs namely Son Bhaskar Undir Vaity, Wife Taibai Undir Vaity, two married daughter Indira Pandurang Mastan & Barkubai Ramchandra Madhavi as per Hindu Succession Act, 1956 by which he governed at the time of his death. The name of legal heirs were recorded for said property alongwith other properties.

8. It appears from **mutation entry No. 417** dated 28/3/2007 that Taibai Undir Vaity died intestate on 26/1/1985 leaving behind her legal heirs namely 1) Bhaskar Undir Vaity 2) Barkubai Ramchandra Madhavi and 3) Indira Pandurang Mastan as per Hindu Succession Act, 1956 by which he governed at the time of his death. The name of legal heirs were recorded for said property alongwith other properties.
9. It appears from **mutation entry no. 434** dated 30/6/2007 that the Sub Divisional Officer Thane has passed an order no. TD/T-6/KV/VP/SR – 133/2007 dated 29/06/2007 and thereby relaxed the condition u/s 43 of BT & AL Act for the development of the said property.
10. It appears from **mutation entry No. 593** dated 5/6/2009 that, as per the order No. K-1/Table-3/SR-605/09/H.N./KV- 3778 dated 27/5/2009 of Tahasildar & order of Additional Collector & Competent Authority ULC vide no. ULC/TA/ATP/Section 20 & 21 dated 25/3/2009, Scheme u/s 20/21 of ULC was granted for part of the said property admeasuring 1830 sq. mtrs.
11. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 permission to use said property for Non-Agricultural use is granted, alongwith other properties.
12. The **mutation entry no. 515** is not relevant to the said property.
13. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
14. It appears from **mutation entry no. 1158** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.

**D. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**E. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) ULC Act : It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-236 dated 21/7/2005 by Competent Authority Thane Urban Agglomeration that part of said property is declared as excess land.
2. In respect of order u/s 20 (1) (a) ULC Act: It appears from the ULC Order no. ULC/TA/W.S.H.S.20/Special Dispensation Scheme/S.R/ 1571 dated 16/8/2005 that the Competent Authority has passed scheme u/s 20 (1) (a) and also order bearing No. : ULC/TA/ATP/Land Development Scheme/Sec.20/SR-1571 dated 21/7/2007 for amalgamation of plots and subsequently obtained amendment order No. ULC/TA/W.S.H.S.20/SR-1571 dated 19/9/2009 under ULC Act and thereby permitted the development of the said Property. The terms and conditions of said order will have to be complied with on developing the said property.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
4. In respect of permission u/s 43 of BTAL Act: The permission u/s 43 of BTAL Act for the development of the said property is granted on 29/6/2007 vide order no. TD/T-6/KV/VP/SR 137/2007

5. In respect of Non Agriculture permission: The Permission to use said property for Non Agriculture permission under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 is granted alongwith other properties.

**F. In respect of Title Deeds :**

1. Agricultural Lands Tribunal and Additional Tahsildar issued certificate of purchase No. 622 of said property on 19/9/1968 vide order no. IPL-VII-1221 which is duly registered with Sub Registrar of Assurances at Sr. No. 1027/1968. The Agricultural Lands Tribunal and Additional Tahsildar issued certificate of purchase of said property on 19/9/1968 vide order no. IPL-VII-1221 which is duly registered with Sub Registrar of Assurances at Sr. No. 1027/1968.
2. By Agreement for Sale dated 4/11/1988, (**First Agreement**) Bhaskar Undir Vaity & Indirabai Pandurang Mastan agreed to sell said property for consideration and on terms to New India Construction co. The said First Agreement is presented a Sub Registrar of Assurance, Thane vide No. 6619/1988 dated.
3. By Deed of confirmation dated 4/11/1988 Bhaskar Undir Vaity confirmed Agreement for sale of New India Construction which is duly registered at Sr. No. 2922 on 03/05/1990. And thereby confirmed the said First Agreement. The said Deed of Confirmation is registered with Sub Registrar of Assurance, Thane vide No. 6619/1988 dated.
4. By Development Agreement dated 6/8/2004 (**Development Agreement**) between Bhaskar Undir Vaity, Indubai Bhaskar Vaity, Mahendra Bhaskar Vaity, Yogesh Bhaskar Vaity, Sunil Bhaskar Vaity, Indirabai Pandurang Mhastan and Barkubai Ramchandra Madhavi and Puranik Builders Private Limited. Owners granted development right of said property to Developer for consideration and on terms and condition therein contained. The said Development Agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 5724/2004.
5. By Confirmation Deed dated 16/5/2009 (**Second Confirmation Deed**) Mr. Diwakar Mohan Nadkarni, Power of Attorney Holder of 1) Chirag Ashok Shah, 2) Kuntal Niranjana Shah, Partners of New India Construction Company, Diwakar Mohan Nadkarni, Manager of HUF confirmed Developers development right to develop the said property as per Development Agreement. The Second Confirmation Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 4175/2009 on 16/5/2009.
6. Agreement for Sale dated 23/11/2010 (**Second Agreement**) between Bhaskar Undir Vaity, Indirabai Pandurang Mastan and Barkubai Ramchandra Madhavi through their Constituted Attorney Bhaskar Undir Vaity, Indubai Bhaskar Vaity, Hemali Bhaskar Vaity, Sunil Bhaskar Vaity, Mahendra alias Mahesh Bhaskar Vaity & natural guardian and father of Lavina Mahendra Vaity, Yogesh Bhaskar Vaity and Chhaya alias Manisha Mahendra Vaity and Developer, owners confirmed development right of Developer and agreed to sell said property for consideration and on terms and condition therein contained. The said Second Agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 12011/2010.
7. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa

Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

**Sachin J. Katkar**  
**Advocate, MAH 1231/2000**

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :-**

The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others :-

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID FIFTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 20 admeasuring area 1000 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Chandrakala Bhaskar Bhise, Shailaja Bhaskar Bhise, Ramchandra Bhaskar Bhise, Sadanand Bhaskar Bhise, Meena Manohar Kulkarni, Subha Subhash Tamhane and Pushpalata Bhaskar Bhise as per 7/12 extract.

**A. In respect of 7/12 extracts:**

1. **Latest 7/12 extract** : As per current 7/12 extract dated 26/4/2022 the said property was owned by Chandrakala Bhaskar Bhise, Shailaja Bhaskar Bhise, Ramchandra Bhaskar Bhise, Sadanand Bhaskar Bhise, Meena Manohar Kulkarni, Subha Subhash Tamhane and Pushpalata Bhaskar Bhise. The charge of Development Agreement kept on other rights column of Shailesh Gopal Puranik and Shirkant Govind Puranik Directors of Puranik Builders Pvt. Ltd.
2. **In respect of 50 years 7/12 extracts** : It appears from 50 years 7/12 extract of said property that the land was originally owned Prabhavati Bhaskar Bhise later succeeded by his legal heirs.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands was revised as per the supplementary assessment division order dated 06/01/1932.
2. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
3. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
4. It appears from **mutation entry no. 1613** dated 18/2/1977 that the Annapurnabai Atmaram Bhise and her legal heir Bhaskar Manohar Bhise died leaving behind him his legal heirs Prabhavati Bhaskar Bhise, Ramchandra Bhaskar Bhise and Sadanand Bhaskar Bhise, Meena Bhaskar Bhise, Shubha Subhash Tamhane, Pushplata Bhaskar Bhise, Hemlata Bhaskar Bhise. Their names were entered into record of rights of said property as per the order No. R/S/R/I – 76 dated 17/2/1977 of Appar Thasildar Thane.
5. It appears from **mutation entry no. 1** dated 23/8/1996 that, the Bhainderpada which was the part of village owale is converted into new village therefore Taluka Order No. Mahasul/K-1/T-3/VS 8886 dated 23/8/1996 and order of TILR No. TSO/Aakarbandh Owale/96 dated 21/8/1996. The old survey numbers changes into new survey numbers.
6. It appears from **mutation entry no. 199** dated 20/8/2003 that the Prabhavati Bhaskar Bhise died on 10/05/1994 leaving behind her two sons Ramchandra Bhaskar Bhise and Sadanand Bhaskar Bhise and six daughters Meena Manohar Kulkarni, Shubha Subhash Tamhane, Pushplata Bhaskar Bhise, Hemlata Bhaskar Bhise, Chandrakala Bhaskar Bhise, Shailaja Bhaskar Bhise. The names of her legal heirs were recorded in the record of rights of the said property.
7. It appears from **mutation entry no. 379** dated 17/10/2006 that M/s Developers through it's Directors 1) Shailesh Gopal Puranik 2) Shrikant Govind Puranik obtained development rights of the said property from Ramchandra Bhaskar Bhise and others. Their names were entered other rights column of record of rights of said property.
8. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 the Non-Agricultural Permission is granted to said property alongwith other properties.
9. The **mutation entry no. 1228** is contains schedule in respect of Correction of entries in computerized records.

**C. In respect of Search Report with the sub registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and Regulation Act: It appears from the ULC Order no. ULC/TA/Tabl no. 7/Ovala/SR-300 dated 12/05/2006 by Competent Authority Thane Urban Agglomeration that said property was declared as retention land.
2. In respect of Non Agriculture permission: Permission for use of said property for Non Agriculture purpose under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 was obtained alongwith other properties.

3. In respect of Zonal Certificate: It appears from Zonal certificate issued by Thane Municipal Corporation (TMC) that the said land is in residential zone as per TMC Development Plan.

**E. In respect of Title Deeds**

1. By Development Agreement dated 22/12/2004 1) Ramchandra Bhaskar Bhise, 2) Sadanand Bhaskar Bhise, 3) Meena Manohar Kulkarni, 4) Shobha Subhash Tamhane, 5) Pushpalata Bhaskar Bhise, 6) Chandrakala Bhaskar Bhise, 7) Shailaja Bhaskar Bhise and 8) Hemalata Bhaskar Bhise granted development right of said property to Developer for consideration and terms and conditions therein stated. The said agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 9166/2004.
2. By Agreement for Sale dated 3/10/2008 1) Mr. Sadanand Bhaskar Bhise 2) Ramchandra Bhaskar Bhise, 3) Mrs. Vandana Sadanand Bhise, 4) Shekhar Sadanand Bhise, 5) Suprita Sachin Vaishampayan, 6) Meena Manohar Kulkarni, 7) Sonali Manohar Kulkarni 8) Shailesh Manohar Kulkarni, 9) Shubha Subhash Tamhane, 10) Sucheta Subhash Tamhane, 11) Pranav Subhash Tamhane, 12) Pushplata Bhaskar Bhise, 13) Hemlata Bhaskar Bhise, 14) Chandrakala Bhaskar Bhise, and 15) Shailaja Bhaskar Bhise confirmed the Development Right of Developer and agreed to sell for consideration and terms and condition therein stated. The Agreement for Sale is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 7785/2008 on 3/10/2008.
3. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017.

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

#### Litigation :-

The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others :-

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID SIXTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. Old 197, New 100, Hissa No. 23 admeasuring 2300 sq. mtrs lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : 1) Chandrakala Bhaskar Bhise, 2) Pushpalata Bhaskar Bhise, 3) Meena Manohar Kulkarni, 4) Ramchandra Bhaskar Bhise, 5) Subha Subhash Tamhane, 6) Shailaja Bhaskar Bhise, 7) Sadanand Bhaskar Bhise and 6) Hemlata Bhaskar Bhise as per 7/12 extract.

**A. In respect of 7/12 extracts:**

1. **Latest 7/12 extract** : As per current 7/12 extract dated 26/4/2022 the said property was owned by 1) Chandrakala Bhaskar Bhise, 2) Pushpalata Bhaskar Bhise, 3) Meena Manohar Kulkarni, 4) Ramchandra Bhaskar Bhise, 5) Subha Subhash Tamhane, 6) Shailaja Bhaskar Bhise, 7) Sadanand Bhaskar Bhise and 6) Hemlata Bhaskar Bhise as per 7/12 extract. The charge of Development Agreement kept on other rights column of Shailesh Gopal Puranik and Shirkant Govind Puranik Directors of Puranik Builders Pvt. Ltd.

2. **In respect of 50 years 7/12 extracts** : It appears from 50 years 7/12 extract of said property that the land was originally owned by Prabhavati Bhaskar Bhise later succeeded by his legal heirs.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands was revised as per the supplementary assessment division order dated 06/01/1932.
2. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
3. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
4. It appears from **mutation entry no. 1613** dated 18/2/1977 that the Annapurnabai Atmaram Bhise and her legal heir Bhaskar Manohar Bhise died leaving behind him legal heirs Prabhavati Bhaskar Bhise, Ramchandra Bhaskar Bhise, Sadanand Bhaskar Bhise, Meena Bhaskar Bhise, Shubha Subhash Tamhane, Pushplata Bhaskar Bhise, Hemlata Bhaskar Bhise. Their names were entered into record of rights of said property as per the order No. R/S/R/I – 76 dated 17/2/1977 of Appar Thasildar Thane.
5. It appears from **mutation entry no. 199** dated 20/8/2003 that the Prabhavati Bhaskar Bhise died on 10/05/1994 leaving behind her two sons Ramchandra Bhaskar Bhise and Sadanand Bhaskar Bhise and six daughters Meena Manohar Kulkarni, Shubha Subhash Tamhane, Pushplata Bhaskar Bhise, Hemlata Bhaskar Bhise, Chandrakala Bhaskar Bhise, Shailaja Bhaskar Bhise. The names of her legal heirs were recorded in the record of rights of the said property.

6. It appears from **mutation entry no. 379** dated 17/10/2006 that Developers through it's Directors 1) Shailesh Gopal Puranik 2) Shrikant Govind Puranik obtained development rights of the said property from Ramchandra Bhaskar Bhise and others. Their names were entered other rights column of record of rights of said property.
7. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 the Non-Agricultural Permission is granted to said property alongwith other properties.
8. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
9. The **mutation entry no. 1228** is contains schedule in respect of Correction of entries in computerized records.

**C. In respect of Search Report with the sub registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and Regulation Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-300 dated 12/05/2006 by Competent Authority Thane Urban Agglomeration that said property was declared as retention land.
2. In respect of Non Agriculture permission: Permission for use of said property for Non Agriculture purpose under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 was obtained alongwith other properties.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan

**E. In respect of Title Deeds**

1. By Development Agreement dated 22/12/2004 1) Ramchandra Bhaskar Bhise, 2) Sadanand Bhaskar Bhise, 3) Meena Manohar Kulkarni, 4) Shobha Subhash Tamhane, 5) Pushpalata Bhaskar Bhise, 6) Chandrakala Bhaskar Bhise, 7) Shailaja Bhaskar Bhise and 8) Hemalata Bhaskar Bhise granted development right of said property to Developer for consideration and terms and conations therein stated. The said agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 9166/2004.
2. By Agreement for Sale dated 3/10/2008 1) Mr. Sadanand Bhaskar Bhise 2) Ramchandra Bhaskar Bhise, 3) Mrs. Vandana Sadanand Bhise, 4) Shekhar Sadanand Bhise, 5) Suprita Sachin Vaishampayan, 6) Meena Manohar Kulkarni, 7) Sonali Manohar Kulkarni 8) Shailesh Manohar Kulkarni, 9) Shubha Subhash Tamhane, 10) Sucheta Subhash Tamhane, 11) Pranav Subhash Tamhane, 12) Pushplata Bhaskar Bhise, 13) Hemlata Bhaskar Bhise, 14) Chandrakala Bhaskar Bhise, and 15) Shailaja Bhaskar Bhise confirmed the Development Right of Developer and agreed to sell for consideration and terms and condition therein stated. The Agreement for Sale is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 7785/2008 on 3/10/2008.
3. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide

**Sachin J. Katkar**  
**Advocate, MAH 1231/2000**

Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017.

#### **AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

#### **Litigation :-**

1. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

2. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID SEVENTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 101 (Old Survey No. 202) Hissa No. 5 admeasuring area 4050 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Changuna Jayram Bhoir, Shyam Jayram Bhoir, Vishnu Jayram Bhoir, Bebi Kaluram Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge, Bharati Jayram Bhoir, Manoj Dhruv Thakur, Mukesh Dhruv Thakur as per 7/12 extract.

**A. In respect of 7/12 extracts:**

1. **Latest 7/12 extract** : As per Current 7/12 extract dated 26/4/2022, the said property is owned by Changuna Jayram Bhoir, Shyam Jayram Bhoir, Vishnu Jayram Bhoir, Bebi Kaluram Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge, Bharati Jayram Bhoir, Manoj Dhruv Thakur, Mukesh Dhruv Thakur and construction of flats admeasuring upto 80 sq. mtrs.
2. **It appears from 50 years 7/12 extract** : It appears from 50 years old 7/12 extract of said property that the said property was originally owned by Ratanshi Premji Dharmday Trust and is occupation and possession of Amrut Ganu Bhoir.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 70** that as per the letter of Talathi Owale mutation is not available.
2. It appears from **mutation entry no. 591** dated 8/8/1956 that the name of the tenant Amrut Ganu Bhoir was entered in record of rights as per the Taluka Order no. TNC-8113 dated 14/01/1956. Mutation entry was entered and certified as per the aforesaid order.
3. It appears from the **mutation entry no. 817** dated 20/7/1958 that as per the trust deed dated 21/01/1958 registered at sr. no 141/1964 Mr. Dwarkadas Ratanshi has created Public Charitable Trust in respect of said property alongwith some other properties accordingly the mutation entry was entered and certified.
4. It appears from the **mutation entry no. 1164** dated 28/2/1966 that the Agricultural Lands Tribunal and Additional Tahsildar(**Tribunal**) determined purchase price to be paid by Amrut Ganu Bhoir passed an order u/s 32 G of Bombay Tenancy and Agricultural Lands Act, 1948(**BTAL Act**) vide order no. IPLVIII-P-97 dated 12/10/1963 in name of Amrut Ganu Bhoir was recorded in occupation column and charge of unpaid purchase was recorded in other rights column of 7/12 extract.
5. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act, 1985 the land record was converted into decimal system.
6. It appears from **mutation entry no. 2365** dated 20/5/1996 that the Amrut Ganu Bhoir died on 29/05/1994 and name of his legal heirs 1) Mahadev Amrut Bhoir (Son), 2) Anant Amrut Bhoir, (Son) 3) Haribhajan Amrut Bhoir, (Son) 4) Kamlakar Amrut Bhoir, (Son) 5) Tukaram Amrut Bhoir, (Son) 1) Parvati Gangadhar Patil (Daughter), 2) Jainubai Krushna Thakur, (Daughter) 3) Leela Narayan Pavashe, (Daughter) 4) Damyanti Jaywant Patil (Daughter) was recorded in 7/12 extract.

7. It appears from **mutation entry no. 28** dated 17/10/1997 that the as per the partition deed between the Bhoir family the family property were divided among its members and the said property was granted to Jayram Ganu Bhoir.
8. It appears from **mutation entry no. 159** dated 1/7/2002 that Jayram Ganu Bhoir died in 18/01/2001, leaving behind him legal heirs Changuna Jayram Bhoir (Wife), Shyam Jayram Bhoir (Son), Vikas Jayram Bhoir (Son), Bebi Thakur, Anusaya Dhruv Thakur, Sharda Nandkumar Patil, Shobha Krushna Shinge Bharati Jayram Bhoir was recorded in 7/12 extract.
9. It appears from **mutation entry no. 463** dated 29/9/2007 that the Sub Divisional Officer Thane granted permission for development and sale of the said property u/s 43 of BTAL by an order no. TD/T-6/KV/VP/SR 260/2007 dated 28/09/2007.
10. It appears from **mutation entry No. 593** dated 5/6/2009 that, as per the order No. K-1/Table-3/SR-605/09/H.N./KV- 3778 dated 27/5/2009 of Tahasildar 1390 sq. mtrs area of the said property comes u/s 20/21 of ULC Scheme.
11. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 to use said property for Non-Agricultural purpose was granted.
12. Anusaya Dhruv Thakur died and leaving behind her legal heirs 1) Manoj Dhruv Thakur and 2) Mukesh Dhruv Thakur. The name of legal heirs recorded in the record of rights by Mutation Entry No. 1126.
13. The said property was exempted under section 20 and 21 of The Urban Land (Ceiling and Regulation) Act, 1976 ("ULC Act"). However, as per the Government Resolution dated August 1, 2019 on payment of the amount as stated in the said Government Resolution, the property released from the terms and conditions of the exemption order, but subject to construction of flats admeasuring upto 80 sq. mtrs. According in the present case, Owner/Developer made application for release of the said property and said property is released from the application of ULC Act, but Owner/Developer are required to construct flats admeasuring upto 80 sq.mtr. The effect of order passed by Additional Collector and Competent Authority, Urban Area, Thane recorded in the record of rights by Mutation Entry No. 1280 dated 18/1/2020.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) of ULC Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-242 dated 03/08/1998 by Competent Authority Thane Urban Agglomeration that the 1390 sq meters of the said property was declared as excess land.
2. In respect of order u/s 20 (1) (a) of ULC Act : It appears from the ULC Order no. ULC/TA/ATP/W.S.H.S.20 /S.R/1595 dated 16/11/2005 that the Competent Authority has passed scheme u/s 20 (1) (a) of ULC Act and thereby permitted the development of the said property, on term and condition therein contained.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
4. In respect of permission u/s 43 of BTAL Act : Sub Divisional Officer granted permission for the development and sale of the said property the condition u/s 43 of Bombay

Tenancy and Agricultural Lands Act by order no. TD/T-6/KV/VP/SR 260/2007 dated 28/09/2007

5. In respect of Non Agriculture permission: The permission use of said property for Non Agriculture purpose under land revenue code was vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 alongwith other properties.

**E. In respect of Title Deeds**

1. By Development Agreement dated 8/11/2004(**Development Agreement**) Changuna Jayram Bhoir, Shyam Jayram Bhoir (for himself and natural guardian of Rahul Shyam Bhoir), Vinod Shyam Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir, Nilima Vishnu Bhoir, Anusaya Dhruv Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge and Bharati Jayram Bhoir granted development right of said property to Developer for consideration and on terms and condition therein contained. The said Development Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 8078/2004.
2. By Confirmation Deed dated 8/12/2005 (**First Confirmation Deed**), Bebibai Kaluram Thakur confirmed the development right of Developer under said Development Agreement. The said First Confirmation Deed is registered with the Sub-Registrar of Assurance Thane vide Sr. No. 1281/2006 on 27/2/2006.
3. By Agreement for Sale dated 26/2/2007(**Agreement**) Changuna Jayram Bhoir, Ghanshyam Jayram Bhoir (for himself and natural guardian of Rahul Ghanshyam Bhoir), Vinod Ghanshyam Bhoir, Nilesh Ghanshyam Bhoir, Anandi Ghanshyam Bhoir, Kadambari Ghanshyam Bhoir, Vishnu Jayram Bhoir (for himself and natural guardian of Rohit and Ravina), Bebi Vishnu Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir, Nilima Vishnu Bhoir, Bebi Kaluram Thakur, Anusaya Dhruv Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge and Bharati Jayram Bhoir and Developer. Owners confirmed development right of Developer and agreed to sale said property, for consideration and terms and condition therein contained. First Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 1595/2007 on 26/2/2007.
4. By Confirmation Deed dated 24/4/2007(**Second Confirmation Deed**) Anandi Ghanashyam (Shyam) Bhoir and Shobha Krushna Shinge confirmed the development right of Developer and also said Agreement. The said Second Confirmation Deed is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 3214/2007.
5. By Supplementary Agreement dated 23/1/2012 (**Supplementary Agreement**) Ghanashyam Jayram Bhoir, Rahul Ghanshyam Bhoir, Vinod Ghanshyam Bhoir, Nilesh Ghanshyam Bhoir, Aanadi Ghanshyam Bhoir, Kadambari Ghanshyam Bhoir, Vishnu Jayram Bhoir for himself and father of Ravina Vishnu Bhoir, Rohit Vishnu Bhoir, Bebi Vishnu Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir, Shobha Krushna Shinge, Nilima Vishnu Bhoir, Anusaya Dhruv Thakur, Sharad Nandkumar Patil and Bharati Jayram Bhoir confirmed Development Agreement and Agreement and modified the terms and condition of Agreement agreed to sell said property alongwith other properties for consideration and terms and condition therein contained. The said Supplementary Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 723/2012 on 23/1/2012.

**6. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January,

2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012.

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017.

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. The suit was filed by Babybai Kaluram Thakur for cancellation of Agreement dated 8/11/2004, 26/2/2006 and 23/1/2012 and Confirmation Deed dated 8/12/2005, for partition, separate possession and other ancillary reliefs including injunction in the said Suit. The Developer i.e. Defendant No.1 filed an Application under section 8 of the Arbitration and Conciliation Act, 1996 for referring the dispute to the Arbitrator. First such application was rejected by the Hon'ble Court, Thane against that rejection the PBPL filed Civil Revision Application No. 122/2015 before the Hon'ble High Court, Bombay. The Hon'ble High Court Bombay after hearing the parties directed to Hon'ble Court, Thane to rehear the matter and remanded application back to the Hon'ble Court of Thane. The Hon'ble Court of Thane after hearing the parties allowed the application under section 8 and referred the dispute to the Arbitration on 2/7/2015. The said Babybai Kaluram Thakur being dissatisfied with the order and has filed the Writ Petition No. 12341/2015 before the Hon'ble High Court, Bombay. There are no prohibitory order by any courts.
2. Shobha Shinge has filed Regular Civil Suit No. 466/2016 for recovery of Rs.9,00,000/- along with interest thereon @18% per annum from 2016. The Shobha Shinge by Agreement dated November 8, 2004 along with the Defendant No.2 had agreed to sell the property bearing Old Survey No. 202, New Survey No. 101, Hissa No.5 admeasuring 4050 sq. mtrs. and bearing Old Survey No. 217, New Survey No. 109, Hissa No. 30 (pt) total admeasuring 6000 sq. mtrs. situated at Village Bhainderpada, Taluka and District Thane (Hereinafter referred to as the "Suit Property") to the Defendant No. 1 i.e. Puranik Builders Ltd. After execution of the above referred agreement the Defendant No.2 had executed Supplementary Agreement and have taken further taken amount from the Defendant No.1.
3. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -  
The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

4. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

#### **FLOW THE TITLE OF THE SAID EIGHTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 109 (Old Survey No. 217) Hissa No. 30/3 (Old 30 Part) admeasuring area 6000 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Shyam alias Ghanshyam Jayram Bhoir and Vishnu Jayram Bhoir as per 7/12 extract.

**A. In respect of Current 7/12 extracts:**

1. **Current 7/12 extracts** : It appears from current 7/12 extract dated 26/4/2022 that the said property is owned by Shyam alias Ghanshyam Jayram Bhoir and Vishnu Jayram Bhoir.
2. **It appears from 50 years 7/12 extract** : It appears from 50 years old 7/12 extract of said property that the land was originally owned by Ratanshi Premji Dharmday Trust.

**B. In respect of 6 D Mutation Entries :**

1. It appears from the **mutation entry no. 817** dated 20/7/1958 that as per the trust deed dated 21/01/1958 registered at sr. no 141/1964 Mr. Dwarkadas Ratanshi has created Public Charitable Trust in respect of said property alongwith some other properties accordingly the mutation entry was entered and certified.
2. It appears from **mutation entry no. 1286** dated 20/10/1967 that names of the trustees were changed as per the resolution passed by the Board of Trustees and mutation entry was passed accordingly.
3. It appears from **mutation entry no. 1431** dated 6/3/1974 that as per the order of charity commissioner dated 28/02/1974 the name of the trustees were changed in the record of rights.
4. It appears from **mutation entry no. 1873** dated 1/7/1986 that the name of one of the trustee Arvindkumar Thakkar was removed from the record of rights as per his resignation and statement to that respect before the authorities.
5. It appears from the perusal of **mutation entry no. 43** dated 21/08/1998 that as per the resolution passed in the meeting dated 08/12/1997 it was decided that 5 members

should be there, therefore the names of 1) Sandeep Rasiklal Makhecha 2) Sandhya Rasiklal Makhecha are entered as members.

6. It appears from the **mutation entry no. 366** dated 26/6/2006 that the Agricultural Lands Tribunal and Additional Tahsildar(Tribunal) passed an order u/s 70B of Bombay Tenancy and Agricultural Lands Act, 1948 vide Order No. Ku.Ka.K70B/Bhainderpada/21/2005 dated 31/3/2006 and declared Ghanshyam Jayram Bhoir as a tenant and name of the tenant was recorded in the other rights column.
7. It appears from **mutation entry no. 529** dated 29/7/2008 that, as per Tenancy Order No. Mahasul 1/T-3/KV2443/08 dated 7/7/2008 that Trustee of Ratanshi Premaji Charitable Trust 1) Raskilal Karsandas Makhecha demised on 27/10/1998 2) Chandrakant Manik Ovalekar demised on 26/12/2001 3) Sandhya Rasiklal Makhecha died on 4/11/2003 4) Kanta Rasiklal Makhecha demised on 5/2/2005. Name of the deceased were removed from the 7/12 extract and names of the new trustees were entered into record of rights as follows: 1) Nikhil Raskilal Makhecha (Managing Trustee) 2) Sneha Nikhil Makhecha 3) Aniruddha Nikhil Makhecha 4) Kishor M. Adhiya 5) Harish M. Panchal.
8. It appears from **mutation entry no. 601** dated 13/8/2009 that as per the Letter No. PotHissa/Mouje Bhainderpada/Du.R.No.55/09 dated 12/8/2009 of Taluka Inspector of Land Record changes were carried out as per the form No. 12 in 7/12 extract of said Property.
9. It appears from the **mutation entry no. 807** dated 7/5/2012 that the Agricultural Lands Tribunal and Additional Tahasildar passed an order u/s 32 G of Bombay Tenancy and Agricultural Lands Act, vide order no. 32G/Bhainderpada/14/2012 dated 9/4/2012 in favour of Shyam alias Ghanshyam Jayram Bhoir and Vishnu Jayram Bhoir and name of the tenant was replaced by previous occupant and charge of unpaid purchase amount was created and entered accordingly in other rights column.
10. It appears from the **mutation entry no. 808** dated 14/5/2012 that as per the order of the Agricultural Lands Tribunal and Additional Tahasildar u/s 32 G of Bombay Tenancy and Agricultural Lands Act, tenant has paid the purchase price therefore, Agricultural Lands Tribunal and Additional Tahasildar has issued the certificate u/s 32 M bearing No. LSP-II-III-P-160 dated 10/5/2012 in favour of Shyam alias Ghanshyam Jayram Bhoir and Vishnu Jayram Bhoir and therefore charge of the tenant was removed from the other rights column.
11. It appears from the **mutation entry no. 1010** dated 5/1/2016, that as per the order of Sub Divisional Officer, Thane No. TD/T-6/KV/VP/SR 96/2015 J.No. 1691 dated 4/1/2016 relaxed the condition u/s 43 of BT & ALT Act for development of the said property.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
2. In respect of permission u/s 43 of Bombay Tenancy and Agricultural Lands Act : The Sub Divisional Officer relaxed the condition u/s 43 of Bombay Tenancy and Agricultural Lands Act by order no. TD/T-6/KV/VP/SR 96/ 2015 dated 4/1/2016 for the development and sale of the said property or premises constructed thereon.

3. In respect of Non Agriculture permission: The permission to use said property for Non Agriculture purpose under land revenue code, is granted vide order No. Mahasul/K-1/L-1/NAP/Mouje Bhainderpada-Thane/SR-(21/14) 04/16 dated 20/12/2016.

#### **E. Title Deeds**

1. By Development Agreement dated 8/11/2004 (**Development Agreement**) Changuna Jayram Bhoir, Shyam Jayram Bhoir (for himself and natural guardian of Rahul Shyam Bhoir), Vinod Shyam Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir, Nilima Vishnu Bhoir, Anusaya Dhruv Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge and Bharati Jayram Bhoir granted right of said property to Developer for consideration and on terms and condition therein contained. The Development Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 8078/2004 on 8/11/2004.
2. By Confirmation Deed dated 8/12/2005 (**First Confirmation Deed**), Bebibai Kaluram Thakur confirmed the development right of Developer under said Development Agreement. The said First Confirmation Deed is registered with the Sub-Registrar of Assurance Thane vide Sr. No. 1281/2006 on 27/2/2006.
3. By Agreement for Sale dated 26/2/2007 (**First Agreement**) between Changuna Jayram Bhoir, Ghanshyam Jayram Bhoir (for himself and natural guardian of Rahul Ghanshyam Bhoir), Vinod Ghanshyam Bhoir, Nilesh Ghanshyam Bhoir, Anandi Ghanshyam Bhoir, Kadambari Ghanshyam Bhoir, Vishnu Jayram Bhoir (for himself and natural guardian of Rohit and Ravina), Bebi Vishnu Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir, Nilima Vishnu Bhoir, Bebi Kaluram Thakur, Anusaya Dhruv Thakur, Sharada Nandkumar Patil, Shobha Krushna Shinge and Bharati Jayram Bhoir agreed to sell said property to Developer for consideration and on terms and condition therein contained. First Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 1595/2007.
4. By Confirmation Deed dated 24/4/2007, Anandi Ghanashyam (Shyam) Bhoir and Shobha Krushna Shinge confirmed the said First Agreement and also development right of Developer. The said Confirmation Deed is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 3214/2007.
5. By Agreement dated 23/1/2012 Ghanashyam Jayram Bhoir, Rahul Ghanshyam Bhoir, Vinod Ghanshyam Bhoir, Nilesh Ghanshyam Bhoir, Aandani Ghanshyam Bhoir, Kadambari Ghanshyam Bhoir, Vishnu Jayram Bhoir (for himself and father of Ravina Vishnu Bhoir, Rohit Vishnu Bhoir, Bebi Vishnu Bhoir, Kishori Vishnu Bhoir, Dipti Vishnu Bhoir), Shobha Krushna Shinge, Nilima Vishnu Bhoir, Anusaya Dhruv Thakur, Sharad Nandkumar Patil and Bharati Jayram Bhoir granted development right and also agreed to sell said property to Developer, for consideration and on terms and condition therein contained. The said Agreement is duly registered with the Sub-Registrar of Assurance Thane vide Sr. No. 723/2012.
6. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

#### **FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00

3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. Babybai Kaluram Thakur filed suit for cancellation of Agreement dated 8/11/2004, 26/2/2006 and 23/1/2012 and Confirmation Deed dated 8/12/2005, for partition, separate possession and other ancillary reliefs including injunction in the said Suit. The Developer i.e. Defendant No.1 filed an Application under section 8 of the Arbitration and Conciliation Act, 1996 for referring the dispute to the Arbitrator. First such application was rejected by the Hon'ble Court, Thane against that rejection the Developer filed Civil Revision Application No. 122/2015 before the Hon'ble High Court, Bombay. The Hon'ble High Court Bombay after hearing the parties directed the Hon'ble Court, Thane to rehear the matter and remanded application back to the Hon'ble Court of Thane. The Hon'ble Court of Thane after hearing the parties allowed the application under section 8 and referred the dispute to the Arbitration on 2/7/2015. The said Babybai Kaluram Thakur being dissatisfied with the order, has filed the Writ Petition No. 12341/2015 before the Hon'ble High Court, Bombay. The said Writ Petition is pending and no order has passed in the said Writ Petition.
2. Shobha Shinge has filed Regular Civil Suit No. 466/2016 for recovery of Rs.9,00,000/- along with interest thereon @18% per annum from 2016. The Shobha Shinge by Agreement dated November 8, 2004 along with the Defendant No.2 had agreed to sell the property bearing Old Survey No. 202, New Survey No. 101, Hissa No.5 admeasuring 4050 sq. mtrs. and bearing Old Survey No. 217, New Survey No. 109, Hissa No. 30 (pt) total admeasuring 6000 sq. mtrs. situated at Village Bhainderpada, Taluka and District Thane (Hereinafter referred to as the "Suit Property") to the Defendant No. 1 i.e. Puranik Builders Ltd. After execution of the above referred agreement the Defendant No.2 had executed Supplementary Agreement and have taken further taken amount from the Defendant No.1.
3. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -  
The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsilder is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

**FLOW THE TITLE OF THE SAID NINETH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 21 admeasuring area 300 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Eknath Gajanan Thakur, Suman Dnyaneshwar Fake, Mankibai Arjun Bhoir, Pushpabai Chintaman Bhoir, Mukta Maruti Patil, Ratnibai Subhash Patil, Jamanabai Naresh Patil, Dwarkabai Gajanan Thakur and Hemant Ganpat Thakur as per 7/12 extract.

**A. In respect of 7/12 extracts**

1. **Latest 7/12 extract** : As per the current 7/12 extract dated 26/4/2022, the name shown of Eknath Gajanan Thakur, Suman Dnyaneshwar Fake, Mankibai Arjun Bhoir, Pushpabai Chintaman Bhoir, Mukta Maruti Patil, Ratnibai Subhash Patil, Jamanabai Naresh Patil, Dwarkabai Gajanan Thakur and Hemant Ganpat Thakur. And in other rights column charge of Development Agreement of Shailesh Gopal Puranik and Shrikant Govind Puranik Directors of Developer.
2. **It appears from 50 years old 7/12 extract** : The said property that the land was originally owned by Poonamchand Nathaji and was in possession of Gajanan Gana Thakur as simple tenant.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
2. It appears from **mutation entry no. 591** dated 8/8/1956 that Gajanan Gana Thakur was declared as Simple Tenant of the said property by the tenancy order no. 8113 dated 14/01/1956 and accordingly his name was recorded in the record of rights of the said property.
3. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
4. It appears from the **mutation entry no. 13** dated 1/4/1997 that Punamchand Nathaji Jain died on or around 1925 leaving behind him legal heirs Hajarimal Punamchand Jain as only legal heir. The said Hajarimal Punamchand Jain died in the year 1970 leaving behind him legal heir Pukharaj Hajarimal Jain as only legal heir.
5. It appears from the **mutation entry no. 158** dated 17/6/2002 that the Gajanan Gana Thakur died on 31/12/2000 leaving behind him his legal heirs Chimabai Gajanan Thakur (wife), Eknath Gajanan Thakur (Son), Ganpat Gajanan Thakur (Son), Mankibai Arjun Bhoir (Daughter), Pushpa Chintaman Patil (Daughter), Mukta Maruti Patil (Daughter), Ratnabai Subhash Patil (Daughter), and Jamanabai Naresh Patil, (Daughter) as his legal heirs. The said Ganpat Gajanan Thakur died on or around 1972 leaving behind him his legal heirs namely Dwarkabai Ganpat Thakur, (wife), Hemant Ganpat Thakur, (Son) and Suman Dnyaneshwar Fakir (Daughter) as his legal heirs.
6. It appears from the **mutation entry no. 223** dated 26/12/2003 that Pukharaj Hajarimal Jain died on 8/04/2003 leaving behind him Vasantibai Pukharaj Jain (wife), Bharat Pukharaj Jain and Rekha, Vandana Pukharaj Jain, (Daughter) and Jyotsna Pukharaj Jain, (Daughter) as his legal heirs.
7. It appears from the **mutation entry no. 517** dated 24/3/2008 that, Pukharaj Hajarimal Jain, Jyotsna Pukharaj Jain, Bharat Pukharaj Jain, Rekha Pukharaj Jain and Vandana

Pukharaj Jain conveyed the said property alongwith other properties to Kapil Mahendra Sharma, Gaurav Kapil Sharma and Kiritidaksh Rajhans Sharma dated 17/11/2007.

8. It appears from the **mutation entry No. 617** dated 22/12/2009 that, the Eknath Gajanan Thakur, Dwarkabai Gajanan Thakur, Hemant Ganpat Thakur, Suman Dnyaneshwar Fake, Mankubai Arjun Bhoir, Pushpa Chintaman Patil, Mukta Maruti Patil, Ratnibai Subhash Patil and Jamunabai Naresh Patil applied u/s 32G of Bombay Tenancy and Agricultural Lands Act against Vasanti Pukharaj Jain & her family members alongwith Kapil Mahendra Sharma Gaurav Kapil Sharma and Kiritidaksh Rajhans Sharma. Additional Tahsildar and Agricultural Lands Tribunal passed an order u/s 32G of Bombay Tenancy and Agricultural Lands Act and thereby directed the tenant Eknath Gajanan Thakur to pay the purchase price determined as per the said order to the land owners. Therefore name of the tenant was removed from other rights column to the occupier's column in 7/12 extract.
9. It appears from the **mutation entry no. 618** dated 29/12/2009 that Additional Tahsildar and agricultural lands tribunal issued Purchase Certificate under section 32 M of Bombay Tenancy and Agricultural Lands Act as the tenant paid purchase price as determined under section 32 G of said Act.
10. It appears from the perusal of **mutation entry no. 803** dated 26/4/2012 that, for the development of said property condition of Section 43 of Bombay Tenancy Act is relaxed by an order of SDM Thane vide no. TD/T-6/KV/VP/Thane/SR.131/2011 dated 24/2/2012.
11. It appears from the perusal of **mutation entry no. 804** dated 26/4/2012 that, Eknath Gajanan Thakur, Dwarkabai Ganpat, Hemant Ganpat Thakur, Suman Shankar Fake alias Suman Dnyaneshwar Fake, Pushpa Chintaman Patil, Mukta Maruti Patil, Ratnibai Subhas Patil, Jamunabai Naresh Patil through Power of Attorney Holder Eknath Gajanan Thakur and Mankubai Arjun Bhoir executed Development Agreement dated 26/4/2011 in favour of Developer.
12. It appears from the **mutation entry no. 913** dated 1/11/2013 that, Rajendra Bhavarlal Jain & others filed the Civil Suit No. 1351/2012, Special Civil Suit No. 491/2005 and Regular Civil Suit No. 323/2005. In the said suit the Hon'ble Court has passed the order and directed not to create third party interest in the suit property. Therefore the effect of Court order is taken on 7/12 extract of the said property alongwith other properties.
13. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
14. It appears from the **mutation entry no. 1168** dated 11/6/2018, the Eknath Gajanan Thakur & others filed the RTS Appeal No. 77/2018 against Tahsildar and others by which challenged the Mutation Entry No. 913. As per the Mutation Entry No. 913 lis pendency of the suit recorded in the other rights column. The said Appeal is allowed and mutation entry no. 913 is cancelled and the remark of lis pendency is removed from the other rights column.
15. The **mutation entry no. 1228** is contains schedule in respect of Correction of entries in computerized records.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions**

1. In respect of order u/s 8(4) Urban Land Ceiling and regulation Act : It appears that the Developers and tenants/owners have not obtained any permission under Urban Land Ceiling and regulation Act.
2. In respect of Bombay Tenancy and Agricultural Lands Act : It appears from the record that the tenants have initiated proceeding u/s 32G of Bombay Tenancy and Agricultural Lands Act which are still pending before the Tahsildar and Agricultural land Tribunal Thane.
3. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
4. In respect of permission u/s 43 of Bombay Tenancy and Agricultural Lands Act: Sub Divisional Officer relaxed the condition u/s 43 of Bombay Tenancy and Agricultural Lands Act for the development and sale of the Said Property vide Order of the Sub-Divisional Officer Thane bearing Order No. TD/T-6/KV/VP/Thane/SR.131/2011 dated 24/2/2012.
5. In respect of Non Agriculture permission: The developer has obtained on behalf of owner Non Agriculture permission under land revenue code vide order No. Mahasul/K-1/T-1/NAP/Bhainderpada-Thane/SR-02/2012 dated 5/5/2012 for said property alongwith other properties.

**E. In respect of Title Deeds**

1. By Agreement dated 13/6/2007 Ekanath Gajanan Thakur, Dwarkabai Ganpat Thakur, Hemant Ganpat Thakur, Suman Shankar Fake, Pushpa Chintaman Patil, Mukta Maruti Patil, Ratnibai Subhash Patil and Jamunabai Naresh Patil agreed to sale and develop the said property to Developer. The said Agreement is duly registered with the Sub Registrar of Assurances Thane vide Sr. No. 4487/2007.
2. Agricultural Lands Tribunal and Additional Tahsildar issued certificate of purchase of said Property on 26/11/2009 vide order no. LSP/II/III-P-92 which is duly registered with Sub Registrar of Assurances at Sr. No. 10676/2009.
3. By Supplementary Agreement dated 26/4/2011 Eknath Gajanan Thakur, Dwarkabai Ganpat, Hemant Ganpat Thakur, Suman Shankar Fake alias Suman Dnyaneshwar Fake, Pushpa Chintaman Patil, Mukta Maruti Patil, Ratnibai Subhas Patil, Jamunabai Naresh Patil agreed to sale and develop the said property to Developer. The said Supplementary Agreement is duly registered with the Sub Registrar of Assurances Thane vide Sr. No. 3847/2011.

**4. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond

dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. NO. TNN9/5542/2017

### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

2. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID TENTH PROPERTY**

**Property :** Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 17/B admeasuring area 800 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner :** 1) Bharat Rajaram Thakur 2) Kantilal Rajaram Thakur, 3) Vijay Rajaram Thakur, 4) Vilas Rajaram Thakur, 5) Ramakant Rajaram Thakur, 6) Gulabbai Gangaram Shinge, 7) Latabai Shantaram Ture and 8) Parvatabai Sandip Bhoir as per 7/12 extract.

**A. In respect of 7/12 extracts**

1. **Latest 7/12 extracts** : : It appears from current 7/12 Extract dated 26/4/2022 that, the said property is owned by 1) Bharat Rajaram Thakur 2) Kantilal Rajaram Thakur, 3) Vijay Rajaram Thakur, 4) Vilas Rajaram Thakur, 5) Ramakant Rajaram Thakur, 6) Gulabbai

Gangaram Shinge, 7) Latabai Shantaram Ture and 8) Parvatabai Sandip Bhoir in other rights column charge of Development Agreement of Shailesh Gopal Puranik and Shrikant Govind Puranik Directors of Puranik Builders Pvt. Ltd.

2. **In respect of 50 years old 7/12 extracts** : It appears from 50 years old 7/12 extract that the said property was owned by Hendar Dhvatya Thakur.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands was revised as per the supplementary assessment division order dated 06/01/1932.
2. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
3. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
4. It appears from **mutation entry no. 1759** dated 20/2/1982 that Hender Thakarya Thakur died on 15/07/1981 leaving behind him legal heir Rajaram Hender Thakur (son) as his only legal heir.
5. It appears from **mutation entry no. 282** dated 3/3/2005 that Rajaram Hender Thakur demised on 13/09/2003 leaving behind him legal heirs Radhabai Rajaram Thakur (died) (wife) and 1) Bharat Rajaram Thakur (son), 2) Kantilal Rajaram Thakur, (son) 3) Vijay Rajaram Thakur, (son) 4) Vilas Rajaram Thakur, (son) 5) Ramakant Rajaram Thakur (son) and 1) Gulabbai Gangaram Shinge, (Daughter) 2) Latabai Shantaram Ture, (Daughter) and 3) Parvatibai Sandip Bhoir (Daughter).
6. It appears from **mutation entry no. 380** dated 17/10/2006 that Bharat Rajaram Thakur and seven others executed Development Agreement in favour of Puranik Builders Private limited (Developer), which is duly registered with Sub Registrar of Assurances of Thane at Sr. No. 61/2005 dated 04/01/2005.
7. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 permission to use said property for the Non-Agricultural use is granted alongwith other properties.
8. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
9. The **mutation entry no. 1104** is contains schedule in respect of Correction of entries in computerized records.
10. It appears from the **Mutation Entry No. 1299** dated 15/2/2020 that, by an Order No. Mahasul/K-1/Hakkanond-1/T-3/KV 1945/2019/336/2020 dated 29/1/2020 passed by Tahsildar, Thane and Letter for subdivision from Deputy Superidentant of Land Record vide no. D.L./K.V./P.H.M.R.No. 1939/2018 Village Bhainderpada/D.R.No. 2317/2018/4251 dated 30/11/2018 on the basis of hissa form no. 12 the effect is given to the record of rights to the said property is as follows :-
  - 1) Old Survey No. 197 New Survey No. 100 Hissa No. 17/A admeasuring area 20 sq. mtrs. in the name of Thane Municipal Corporation and
  - 2) Old Survey No. 197 New Survey No. 100 Hissa No. 17/B admeasuring area 800 sq. mtrs. in the name of Bharat Rajaram Thakur & others.
11. The **Mutation Entry No. 1320** is not relevant to said property.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) Urban Land Ceiling and Regulation Act: It appears from the ULC Order no. ULC/TA/Table no. 7/Ovala/SR-233 dated 18/03/2006 by Competent Authority Thane Urban Agglomeration that said property is declared as retention land.
2. In respect of Zonal Certificate: It appears from Zonal certificate issued by TMC that the said land is within the limits of residential zone as per TMC Development Plan.
3. In respect of Non Agriculture permission: The developer has obtained on behalf of owner Non Agriculture permission under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 for said property alongwith other properties.

**E. In respect of Title Deeds :**

1. By Development Agreement dated 4/1/2005 1) Bharat Rajaram Thakur 2) Kantilal Rajaram Thakur, 3) Vijay Rajaram Thakur, 4) Vilas Rajaram Thakur, 5) Ramakant Rajaram Thakur, 6) Gulabbai Gangaram Shinge, 7) Latabai Shantaram Ture and 8) Parvatabai Sandip Bhoir granted development right of said property to Developer for consideration and on terms and condition therein contained. The said Development Agreement is duly registered with the Sub Registrar of Assurances, Thane at Sr. No. 61/2005.
2. Mr. Diwakar Mohan Nadkarni, Power of Attorney Holder of 1) Chirag Ashok Shah, 2) Kuntal Niranjani Shah, Partners of New India Construction Company, Diwakar Mohan Nadkarni, Manager of HUF executed Confirmation Deed in favour of Developer, which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 4175/2009 on 16/5/2009 and thereby Confirmed the Development Agreement executed between Developer and Bharat Rajaram Thakur, Vijay Rajaram Thakur, Vilas Rajaram Thakur, Ramakant Rajaram Thakur, Gulab Gangaram Shinge, Lata Shantaram Ture and Parvati Sandeep Bhoir which is duly registered in the office of Sub Registrar of Assurance Thane vide registration no. 061/2005 dated 4/1/2005.
3. The Developer had taken credit facility of State Bank of India(SBI), to secure the payment lent under the said credit facility, Developer by Indenture of Mortgage dated 23<sup>rd</sup> March 2011 mortgaged the said property alongwith other properties to SBI. The said Indenture of Mortgage is duly registered with the Sub Registrar of Assurances Thane vide Sr. No. 2656/2011 on 23/3/2011.

**4. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as

Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 (in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
<b>Total</b>			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. NO. TNN9/5542/2017.

### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :-**

1. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

2. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID ELEVENTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 19 admeasuring area 2000 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane.

**Owner** : Puranik Builders Ltd

**A. In respect of 7/12 extracts :**

1. **Latest 7/12 extract** : It appears from Current 7/12 Extract dated 26/4/2022 that, the name of Bhimabai Shankar Thakur shown in the owners column.

2. **In respect of 50 years old 7/12 extracts** : It appears from 50 years old 7/12 extract of said property that the said property was owned by Kashibai Datta Thakur and Bhimabai Shankar Thakur.

**B. In respect of 6 D Mutation Entries :**

1. It appears from the **mutation entry no. 144** dated 15/7/1929 that Mahadev Sitaram Thakur, Bhaskar Mahadev Thakur, Dattu Mahadev Thakur, Tukaram Mahadu Thakur through guardian Mahadev Sitaram Thakur, Kashibai Aayal, Balu Kamlya Bhagat had executed Mortgage Deed (Mortgage without transferring the Possession to the Mortgagor) in favour of Dhana Bhudhaji and Kapurchand Budhaji Sheth.
2. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said property as well as some other properties were revised as per the supplementary assessment division order dated 06/01/1932.
3. It appears from the **mutation entry no. 305** dated 29/4/1939 that Madhav Sitaram Thakur died on 17/9/1937 and his legal heir 1) Datta Mahadev Thakur (Son) and 2) Tuka Mahadev Thakur (Son) were brought on record, as per RTS Order No. 19 dated 6/4/1939.
4. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
5. It appears from the **mutation entry no. 873** dated 10/12/1961 that Tuka Madhav Died on around 1941, leaving behind him his legal heir brother Dattu Madhav Thakur as his only legal heir, Mutation entry was entered into and certified as per succession register.
6. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and measurement Enforcement act the land record was converted into decimal system.
7. It appears from the **mutation entry no. 1648** dated 15/10/1977 that Datta Madhav Thakur died in the year 1976 leaving behind him wife Kashibai and Daughter Bhimabai as his only legal heirs.
8. It appears from the **mutation entry no. 45** dated 18/9/1998 that Kashibai Dattu Thakur died on 10/7/1997 leaving behind her Bhimabai Shankar Thakur as her only legal heir.
9. It appears from the **mutation entry no. 269** dated 29/11/2004 that the mortgage deed dated 13/2/1929 was fully repaid by the owners to the Dhana Bhudhaji. The said charge of Mortgage deed was deleted after perusal of certificate of repayment in other rights column and after serving notice to the concerned persons.
10. It appears from the **mutation entry no. 614** dated 26/11/2009 that, as per order no. Mahasul/SR-2457/09/K-1/T-3/Hakkanond/KV 10574 dated 25/11/2009 of Tahasildar and order of Civil Judge Sr. Division Thane in regular civil suit no. 524/2007 dated 5/5/2009 Prabhavati Jagdish Patil having One half share on the share property along with other property. Therefore, her name is recorded in record of rights.
11. It appears from the **mutation entry no. 689** dated 26/4/2011 that, as per the order RTS appeal No. 117/2009 dated 18/3/2011 of Sub Divisional Officer, Thane mutation entry no. 614 is cancelled.
12. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 the Non-Agricultural Permission is granted to said property alongwith other properties.
13. It appears from the **mutation entry no. 925** dated 29/5/2014 that, the Additional Commissioner, Konkan Division, Mumbai passed order no. Appeal/Desk/RTS/Rev./359/2012 and confirm the Order of Deputy Collector (Appeal)

and Order of SDO in RTS Appeal No. 117/2009 dated 18/3/2011 is set-aside & mutation entry no. 614 is restored subject to the stay order passed by the Civil Judge Senior Division, Thane in Misc. Application 374/2009.

14. It appears from the **mutation entry no. 938** dated 8/9/2014 that, As per the order of Revenue Minister, State of Maharashtra in RTS Appeal No. 27/14 P.K.291/J-4 dated 27/8/2014. The order of Additional Commissioner, Konkan Division, Mumbai vide order no. Appeal/Desk/RTS/Rev./359/2012 is a set-aside & mutation entry no. 614 is cancelled.
15. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
16. By an order no. Appeal/Desk/RTS/Rev/359/2012 passed by the Additional Commisioner Konkan Division, Mumbai, in the other rights column of the said property by Mutation Entry No. 925 it was recorded that, in the Application No. 374/2009 Civil Judge Senior Division, Thane stay order is passed and final order in the said matter is binding on the all parties. The final order is passed in the said application and decree passed in the RCS No. 524/2007 is setaside and the RCS No. 524/2007 is restored. Therefore remark taken in the other rights clumn is removed by Mutation Entry No. 1393 dated 11/2/2022.

**C. In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

1. In respect of order u/s 8(4) : Urban Land Ceiling and regulation act: It appears from the ULC Order no. ULC/TA/Table no. 4/Ovala/SR-258 dated 30/5/2003 by Competent Authority Thane Urban Agglomeration that part of said property was declared as retention land.
2. In respect of Zone Certificate: It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
3. In respect of Non Agriculture permission: The Puranik Builders Private Limited (Developer) has obtained on behalf of owner Non Agriculture permission under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 for said property alongwith other properties.

**E. In respect of Title Deeds :**

1. By Development Agreement dated 17/2/2003 1) Bhimabai Shankar Thakur 2) Pundlik Shankar Thakur, 3) Moreshwar Shankar Thakur, 4) Bhaskar Shankar Thakur, 5) Arun Shankar Thakur, 6) Vilas Shankar Thakur, 7) Laxmi Gopinath Shivari, 8) Smt Lila Satish Patil, 9) Smt. Anita Subhash Patil, 10) Smt. Reshma Madhukar Thakur, 11) Rekha Kailash Patil and 12) Dipali Krushna Bhoir (confirming Party) granted Development Rights to Ketan Shashikant Dongare Partner of M/s. Avadhoot Developers in respect of said property. The said Development Agreement is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 1036/2003.
2. By Confirmation Deed dated 16/7/2003 1) Savita Bhaskar Thakur, 2) Harshal Bhaskar Thakur, 3) Pranali Bhaskar Thakur, 4) Nikhil Bhaskar Thakur, (last named 2 to 4 being minor under the age of 18 through their natural guardian and mother Savita Bhaskar Thakur) confirmed the development right of Developer under said Development Agreement. The said Confirmation Deed is duly registered with the sub-Registrar of

Assurances Thane vide Sr. No. 4504/2003 And thereby confirm the Development Agreement dated 17/2/2003 vide sr. no. 1036/2003.

3. M/s. Avadhoot Developers along with Bhimabai Shankar Thakur (Owner) and 1) Pundalik Shankar Thakur, 2) Moreshwar Shankar Thakur, 3) Bhaskar Shankar Thakur, 4) Arun Shankar Thakur, 5) Vilas Shankar Thakur, 6) Laxmi Gopinath Shivari, 7) Smt Lila Satish Patil, 8) Smt. Anita Subhash Patil, 9) Smt. Reshma Madhukar Thakur, 10) Rekha Kailash Patil, 11) Dipali Krushna Bhoir (confirming Party) have executed Sub-Development Agreement in favour of Developer, which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No.2825/2005 on 31/3/2005.
4. 1) Vishwanath Sitaram Thakur, 2) Sunanda Vishwanath Thakur, 3) Kanchan Vishwanath Thakur, 4) Vaishali Vinod Umarathkar, 5) Mita Vishwanath Thakur, 6) Kavita Vishwanath Thakur, 7) Nisha Vishwanath Thakur, 8) Mayuri Vishwanath Thakur, 9) Suryakant Sitaram Thakur, 9-a) Tejas Suryakant Thakur, (last named being minor under the age of 18 through natural guardian and father Suryakant Sitaram Thakur) 10) Archana Suryakant Thakur, 11) Suman Parshuram Patil, 12) Sulochana Anant Patil have executed Confirmation Deed in favour of Developer in respect of said Property. The said Confirmation Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 2078/2008 on 7/3/2008.
5. 1) Bhimabai Shankar Thakur, 2) Pundlik Shankar Thakur, 3) Moreshwar Shankar Thakur, 4) Savita Bhaskar Thakur, 4-a) Harshal Bhaskar Thakur, 4-b) Pranali Bhaskar Thakur, 4-c) Nikhil Bhaskar Thakur, (last named being minor under the age of 18 through their natural guardian and mother Savita Bhaskar Thakur) 5) Arun Shankar Thakur, 6) Vilas Shankar Thakur, 7) Laxmi Gopinath Shivari, 8) Lila Satish Patil, 9) Anita Subhash Patil, 10) Reshma Madhukar Thakur, 11) Rekha Kailas Patil, 12) Dipali Krushna Bhoir and M/s. Avadhoot Developers a Partnership Firm, Registered under the Partnership Act 1932 by Conveyance Deed conveyed the said property to Developer. The said Conveyance Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 8959/2011 on 3/10/2011.
6. Prabhavati Jagdish Patil was claiming right in the said property and she has filed the suit being Regular Civil Suit No. 524 of 2007 before the Hon'ble Civil Judge, Senior Division, Thane for partition against the Bhimabai Shankar Thakur and Others. Since Prabhavati Jagdish Patil was claiming right in the said property as an owner. By Deed of Settlement dated 23/2/2018 settled the claim of Prabhavati Jagdish Patil for consideration as stated in the said Deed of Settlement. The said Deed of Settlement is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018.

7. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012.

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

**AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00

5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. Prabhavati Jagdish Patil has filed Regular Civil Suit No. 524/2007 against Bhimabai Shankar Thakur before Civil Judge Senior Division, Thane for partition, possession and permanent injunction. Initially the said suit was decreed ex-parte on 8/4/2009. The MCA No. 374/2009 was filed by the Bhimabai Shankar Thakur for setting aside the said ex-parte decree. The MCA. 374/2009 is allowed on 15/2/2016 and original suit no. 524/2007 is restored. The said suit is pending before the Civil Judge Senior Division, Thane. No any interim and prohibitory order passed against the Bhimabai Shankar Thakur. Developer are not party to the said Civil Suit No. 524/2007. The Plaintiff made an application for amending the plaint to add the developer as a defendant. The plaintiff has settle the dispute and the claim with developer therefore executed Deed of Settlement. The said Deed of Settlement registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018 dated 23/2/2018 settled the claim.

2. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

3. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

**FLOW THE TITLE OF THE SAID TWELTH PROPERTY**

**Property :** Piece & parcel of land being Survey No. 100 (Old Survey No. 197) Hissa No. 22 admeasuring area 900 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane.

**Owner :** Puranik Builders Ltd.

**A. In respect of 7/12 extracts**

3. **Latest 7/12 Extract :** As per the Current 7/12 extract dated 26/4/2022 the name of Bhimabai Shankar Thakur shown in the owners column.
4. **In respect of 50 years old 7/12 extracts :** It appears from 50 years old 7/12 extract of said property that the land was owned by Janki Khandya.

**3. In respect of 6 D Mutation Entries :**

1. It appears from the **mutation entry no. 162** dated 30/9/1926 that Khandya Bendya Inamdar died 10 years ago leaving behind him legal heir Janki Khandya Inamdar (wife) Revenue entry was entered and certified as per the RTS Order.
2. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands were revised as per the supplementary assessment division order dated 06/01/1932.
3. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
4. It appears from the **mutation entry no. 550** dated 3/11/1955 that Janki Khandya Inamdar died in the year 1945 leaving behind her legal heirs namely Bhagi Bhau Thakur, Dattu Madhav Thakur and Sitaram Kamlya Thakur.
5. It appears from the **mutation entry no. 561** dated 3/11/1955 that name of Sitaram Bhau Patil was removed from the record of rights of the said property as per his statement.
6. It appears from **mutation entry no 1326** dated 2/8/1970 that as per the Standards Weights and measurement Enforcement act the land record was converted into decimal system.
7. It appears from the **mutation entry no. 1648** dated 15/10/1977 that Datta Madhav Thakur died in the year 1976 leaving behind him wife Kashibai and Daughter Bhimabai as his only legal heirs.
8. It appears from the **mutation entry no. 45** dated 18/9/1998 that Kashibai Dattu Thakur died on 10/7/1997 leaving behind her Bhimabai Shankar Thakur as her only legal heir.
9. It appears from the **mutation entry no. 614** dated 26/11/2009 that, as per order no. Mahasul/SR-2457/09/K-1/T-3/Hakkanond/KV 10574 dated 25/11/2009 of Tahasildar as per order of Civil Judge Sr. Division Thane in regular civil suit no. 524/2007 dated 5/5/2009, Prabhavti Jagdish Patil who was claiming one half share in the said property along with other property. Therefore, her name is recorded in record of rights.
10. It appears from the **mutation entry no. 689** dated 26/4/2011 that, as per the order RTS appeal No. 117/2009 dated 18/3/2011 of Sub Divisional Officer, Thane mutation entry no. 614 is cancelled.
11. It appears from **mutation entry no. 833** dated 7/8/2012 that, as per the order of Collector Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 permission for Non-Agricultural use of said property alongwith other properties is granted.

12. It appears from the **mutation entry no. 925** dated 29/5/2014 that, the order of Additional Commissioner, Konkan Division, Mumbai vide order no. Appeal/Desk/RTS/Rev./359/2012. The order of Deputy Collector (Appeal) is confirmed & order of SDO in RTS Appeal No. 117/2009 dated 18/3/2011 is set-aside & mutation entry no. 614 is restored subject to the stay order passed by the Civil Judge Senior Division, Thane in Misc. Application 374/2009.
13. It appears from the **mutation entry no. 938** dated 8/9/2014 that, As per the order of Revenue Minister, State of Maharashtra in RTS Appeal No. 27/14 P.K.291/J-4 dated 27/8/2014. The order of Additional Commissioner, Konkan Division, Mumbai vide order no. Appeal/Desk/RTS/Rev./359/2012 is a set-aside & mutation entry no. 614 is cancelled.
14. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
15. By an order no. Appeal/Desk/RTS/Rev/359/2012 passed by the Additional Commissioner Konkan Division, Mumbai, in the other rights column of the said property by Mutation Entry No. 925 it was recorded that, in the Application No. 374/2009 Civil Judge Senior Division, Thane stay order is passed and final order in the said matter is binding on the all parties. The final order is passed in the said application and decree passed in the RCS No. 524/2007 is setaside and the RCS No. 524/2007 is restored. Therefore remark taken in the other rights column is removed by Mutation Entry No. 1393 dated 11/2/2022.

4. **In respect of Search Report with the Sub Registrar of Assurances :**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

5. **In respect of various permissions and sanctions :**

1. **In respect of order u/s 8(4) Urban Land Ceiling and regulation act:** It appears from the ULC Order no. ULC/TA/Table no. 4/Ovala/SR-258 dated 30/5/2003 by Competent Authority Thane Urban Agglomeration that part of said property was declared as retention land.
2. **In respect of Zone Certificate:** It appears from Zone certificate issued by TMC that the said Property is in residential zone as per TMC Development Plan.
3. **In respect of Non Agriculture permission:** Permission to use said property alongwith other property for Non Agriculture purpose is granted under land revenue code vide order No. Mahasul/K-1/T-1/NAP/SR-59/2010 dated 18/11/2010 is granted.

6. **In respect of Title Deeds :**

1. By Development Agreement dated 17/2/2003(**First Development Agreement**) Bhimabai Shankar Thakur, 1) Pundlik Shankar Thakur, 2) Moreshwar Shankar Thakur, 3) Bhaskar Shankar Thakur, 4) Arun Shankar Thakur, 5) Vilas Shankar Thakur, 6) Laxmi Gopinath Shivari, 7) Smt Lila Satish Patil, 8) Smt. Anita Subhash Patil, 9) Smt. Reshma Madhukar Thakur, 10) Rekha Kailash Patil, 11) Dipali Krushna Bhoir (**confirming Party**), granted development right of said property to Ketan Shashikant Dongare Partner of M/s. Avadhoot Developers. The said Development Agreement is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 1036/2003 on 17/2/2003.
2. By Confirmation Deed dated 16/7/2003(**First Confirmation Deed**) 1) Savita Bhaskar Thakur, 2) Harshal Bhaskar Thakur, 3) Pranali Bhaskar Thakur, 4) Nikhil Bhaskar Thakur, (last named 2 to 4 being minor under the age of 18 through their natural guardian and mother Savita Bhaskar Thakur) have confirmed development right of

Avadhoot Developers under First Development Agreement. The said First Confirmation Deed is duly registered with the sub-Registrar of Assurances Thane vide Sr. No. 4504/2003 on 16/7/2003.

3. By Sub-Development Agreement dated 31/5/2005 (**Second Development Agreement**) M/s. Avadhoot Developers along with Bhimabai Shankar Thakur (Owner) and 1) Pundlik Shankar Thakur, 2) Moreshwar Shankar Thakur, 3) Bhaskar Shankar Thakur, 4) Arun Shankar Thakur, 5) Vilas Shankar Thakur, 6) Laxmi Gopinath Shivari, 7) Smt Lila Satish Patil, 8) Smt. Anita Subhash Patil, 9) Smt. Reshma Madhukar Thakur, 10) Rekha Kailash Patil, 11) Dipali Krushna Bhoir (confirming Party) assigned development right to Developer. The Second Development Agreement is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 2825/2005 on 31/3/2005.
4. By Confirmation Deed dated 7/3/2008(**Second Confirmation Deed**) 1) Vishwanath Sitaram Thakur, 2) Sunanda Vishwanath Thakur, 3) Kanchan Vishwanath Thakur, 4) Vaishali Vinod Umarathkar, 5) Mita Vishwanath Thakur, 6) Kavita Vishwanath Thakur, 7) Nisha Vishwanath Thakur, 8) Mayuri Vishwanath Thakur, 9) Suryakant Sitaram Thakur, 9-a) Tejas Suryakant Thakur, (last named being minor under the age of 18 through natural guardian and father Suryakant Sitaram Thakur) 10) Archana Suryakant Thakur, 11) Suman Parshuram Patil, 12) Sulochana Anant Patil confirmed the development right of Developer to develop said property. The said Second Confirmation Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 2078/2008 on 7/3/2008.
5. The Developer had taken credit facility of State Bank of India(**SBI**), to secure the payment lent under the said credit facility, Developer by Indenture of Mortgage dated 23<sup>rd</sup> March 2011 mortgaged the said property alongwith other properties to SBI. The said Indenture of Mortgage is duly registered with the Sub Registrar of Assurances Thane vide Sr. No. 2656/2011 on 23/3/2011.
6. By Conveyance Deed dated 3/10/2011 1) Bhimabai Shankar Thakur, 2) Pundlik Shankar Thakur, 3) Moreshwar Shankar Thakur, 4) Savita Bhaskar Thakur, 4-a) Harshal Bhaskar Thakur, 4-b) Pranali Bhaskar Thakur, 4-c) Nikhil Bhaskar Thakur, (last named being minor under the age of 18 through their natural guardian and mother Savita Bhaskar Thakur)5) Arun Shankar Thakur, 6) Vilas Shankar Thakur, 7) Laxmi Gopinath Shivari, 8) Lila Satish Patil, 9) Anita Subhash Patil, 10) Reshma Madhukar Thakur, 11) Rekha Kailas Patil, 12) Dipali Krushna Bhoir(Collectively as Owners) and M/s. Avadhoot Developers as Confirming Party, Owners conveyed and transferred the said property to Developer. The said Conveyance Deed which is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. 8959/2011 on 3/10/2011.
7. Prabhavati Jagdish Patil was claiming right in the said property and she has filed the suit being Regular Civil Suit No. 524 of 2007 before the Hon'ble Civil Judge, Senior Division, Thane for partition against the Bhimabai Shankar Thakur and Others. Since Prabhavati Jagdish Patil was claiming right in the said property as an owner. By Deed of Settlement dated 23/2/2018 settled the claim of Prabhavati Jagdish Patil for consideration as stated in the said Deed of Settlement. The said Deed of Settlement is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018.
8. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-

Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of Survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
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3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					<b>25470.00</b>	<b>2290.40</b>

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

1. Prabhavati Jagdish Patil has filed Regular Civil Suit No. 524/2007 against Bhimabai Shankar Thakur before Civil Judge Senior Division, Thane for partition, possession and permanent injunction. Initially the said suit was decreed ex-parte on 8/4/2009. The MCA No. 374/2009 was filed by the Bhimabai Shankar Thakur for setting aside the said ex-parte decree. The MCA. 374/2009 is allowed on 15/2/2016 and original suit no. 524/2007 is restored. The said suit is pending before the Civil Judge Senior Division, Thane. No any interim and prohibitory order passed against the Bhimabai Shankar Thakur. Developer are not party to the said Civil Suit No. 524/2007. The Plaintiff made an application for amending the plaint to add the developer as a defendant. The plaintiff has settle the dispute and the claim with developer therefore executed Deed of Settlement. The said Deed of Settlement registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018 dated 23/2/2018 settled the claim.

2. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsilder is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

3. The Developer filed the Writ Petition Stamp No. WPST/6411/2019 against State of Maharashtra & others : -

The Tahsildar, Thane issued notice dated 4/10/2017 to the Puranik Builders regarding the 12556 brass soil excavated from the new Survey no. 100/12, 100/14, 100/15, 100/17, 100/18, 100/19, 100/20, 100/22, 100/23, 100/24, 101/5 and 109/21 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 20/12/2017 and submitted the permission of 12556 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site the Tahsildar directed Puraniks to pay the fine sum of Rs. 8,03,57,400/- of 12556 brass by passing and order dated 23/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition.

### **FLOW THE TITLE OF THE SAID THIRTEENTH PROPERTY**

**Property :** Piece & parcel of land bearing Survey No. 100 (Old Survey No. 197) Hissa No. 13 admeasuring area 400 sq meters lying being and situate at Village Bhainderpada, Taluka & District Thane.

**Owner :** Bhimabai Shankar Thakur

#### **B. In respect of current 7/12 extracts :**

It appears from current 7/12 extract dated 26/4/2022 that, the name of Bhimabai Shankar Thakur shown in the owner's column.

#### **C. In respect of 25 years 7/12 extracts :**

It appears from 25 years 7/12 extract that the name of Bhimabai Shankar Thakur shown in the owner's column.

#### **D. In respect of 6 D Mutation Entries :**

1. It appears from the **mutation entry no. 144** dated 15/7/1929 that Mahadev Sitaram Thakur, Bhaskar Mahadev Thakur, Dattu Mahadev Thakur, Tukaram Mahadu Thakur, through guardian Mahadev Sitaram Thakur, Kashibai Aayal, Balu Kamlya Bhagat had executed Mortgage Deed (Mortgage without transferring the Possession to the Mortgagor) in favour of Dhana Bhudhaji and Kapurchand Budhaji Sheth.
2. It appears from **mutation entry no. 224** dated 15/1/1932 that the assessment of the said land as well as some other lands were revised as per the supplementary assessment division order dated 06/01/1932.
3. It appears from the **mutation entry no. 305** dated 29/4/1939 that Madhav Sitaram Thakur demised on 17/9/1937 and his legal heir 1) Datta Mahadev Thakur (Son) and 2) Tuka Mahadev Thakur (Son) were brought on record, as per RTS Order 19 dated 6/4/1939.
4. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
5. It appears from the **mutation entry no. 873** dated 10/12/1961 that Tuka Madhav Died on around 1941, leaving behind him his legal heir brother Dattu Madhav Thakur as his only legal heir, Mutation entry was entered into and certified as per succession register.
6. It appears from **mutation entry no 1326** dated 2/8/1970 that as per the Standards Weights and measurement Enforcement act the land record was converted into decimal system.
7. It appears from the **mutation entry no. 1648** dated 15/10/1977 that Datta Madhav Thakur died in the year 1976 leaving behind him wife Kashibai and Daughter Bhimabai as his only legal heirs.
8. It appears from the **mutation entry no. 45** dated 18/9/1998 that Kashibai Dattu Thakur died on 10/7/1997 leaving behind her Bhimabai Shankar Thakur as her only legal heir.

9. It appears from the **mutation entry no. 269** dated 29/11/2004 that the mortgage deed dated 13/2/1929 was fully repaid by the owners to the Dhana Bhudhaji and Company. The said charge of Mortgage deed was deleted after perusal of certificate of repayment in other rights column and after serving notice to the concerned persons.
10. It appears from the **mutation entry no. 593** dated 5/6/2009 that order No. Mahasul/K-1/Table-3/SR 605/09/H.No./KV 3778 dated 27/5/2006 of Tahasildar and Additional Collector & Competent Authority, Thane Urban Agglomerations letter No. ULC/TA/ATP/ Section 20/21 dated 27/3/2009, 100 sq. mtrs area of the said property comes u/s 20/21 of ULC Scheme.
11. It appears from the **mutation entry no. 614** dated 26/11/2009 that, as per order no. Mahasul/SR 2457/09/K-1/T-3/H.N./KV 10574 dated 25/11/2009 of Tahasildar and order of Civil Judge Sr. Division Thane in regular Civil Suit No. 524/2007 dated 5/5/2009 Prabhavati Jagdish Patil having One half share on the said property along with other property. Therefore, her name is recorded in record of rights.
12. It appears from the **mutation entry no. 689** dated 26/4/2011 that, as per the order RTS appeal No. 117/2009 dated 18/3/2011 of Sub Divisional Officer, Thane mutation entry no. 614 is cancelled.
13. It appears from the **mutation entry no. 925** dated 29/5/2014 that, the order of Additional Commissioner, Konkan Division, Mumbai vide order no. Appeal/Desk/RTS/Rev./359/2012. The order of Deputy Collector (Appeal) is confirmed & order of SDO in RTS Appeal No. 117/2009 dated 18/3/2011 is set-aside & mutation entry no. 614 is restored subject to the stay order passed by the Civil Judge Senior Division, Thane in Misc. Application 374/2009.
14. It appears from the **mutation entry no. 938** dated 8/9/2014 that, As per the order of Revenue Minister, State of Maharashtra in RTS Appeal No. 27/14 P.K.291/J-4 dated 27/8/2014. The order of Additional Commissioner, Konkan Division, Mumbai vide order no. Appeal/Desk/RTS/Rev./359/2012 is a set-aside & mutation entry no. 614 is cancelled.
15. It appears from the **mutation entry no. 1028** that, under the project of E- Mutation Entry by using the edit module to match the handwritten and computerized record as per the Circular of Government – No. R.Bhu.A./P.No. 180/L-1 dated 7/5/2016 the Tahasildar passed an order dated 11/7/2016 to rectify the computerized 7/12 extract.
16. By an order no. Appeal/Desk/RTS/Rev/359/2012 passed by the Additional Commisionor Konkan Division, Mumbai, in the other rights column of the said property by Mutation Entry No. 925 it was recorded that, in the Application No. 374/2009 Civil Judge Senior Division, Thane stay order is passed and final order in the said matter is binding on the all parties. The final order is passed in the said application and decree passed in the RCS No. 524/2007 is setaside and the RCS No. 524/2007 is restored. Therefore remark taken in the other rights clumn is removed by Mutation Entry No. 1393 dated 11/2/2022.

**E. In respect of Search Report with the Sub Registrar of Assurances:**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**F. In respect of various permissions and sanctions:**

1. **In respect of order u/s 8(4) Urban Land Ceiling and regulation act:** It appears from the ULC Order no. ULC/TA/Table no. 4/Ovala/SR-258 dated 30/5/2003 by Competent Authority Thane Urban Agglomeration that part of said property was declared as retention land.

2. **In respect of order u/s 20 (1) (a) Urban Land Ceiling and regulation act:** It appears from the ULC Order no. ULC/TAW.S.H.S./20/1585A Dated 5/9/2005 by Competent Authority Thane Urban Agglomeration that part of said property was declared as retention land.

**G. In respect of Title Deeds :**

1. By Agreement dated 6/12/2012 Bhimabai Shankar Thakur, Pundalik Shankar Thakur, Tara Pundalik Thakur, Rupesh Pundalik Thakur, Kailash Pundalik Thakur, Jagruti Ganesh Patil, Moreshwar Shankar Thakur, Gulab Moreshwar Thakur, Nita Ganesh Mhatre, Sujata Kumar Patil, Karun Moreshwar Thakur, Chandani Moreshwar Thakur alias Chandani Devanand Patil, Rohan Moreshwar Thakur, Savita Bhaskar Thakur, Nikhil Bhaskar Thakur, Harshal Bhaskar Thakur, Pranali Bhaskar Thakur alias Pranali Sunil Patil, Arun Shankar Thakur, Himali Arun Thakur, Sachita alias Ruchita Arun Thakur (last two names natural guardian and father of Arun Shankar Thakur) Kumudini Arun Thakur, Vilas Shankar Thakur, Sonali Vilas Thakur, Laxmi Gopinath Shivari, Leela Satish Patil, Anita Subhash Patil, Monica Madhukar Thakur, Akshay Madhukar Thakur, Rekha Kailash Patil and Dipali Krushna Bhoir agreed to sale said property to Developer. The said Agreement is registered with Sub Registrar Assurance, Thane vide sr. no. TNN-5/10226/2012.
2. Prabhavati Jagdish Patil was claiming right in the said property and she has filed the suit being Regular Civil Suit No. 524 of 2007 before the Hon'ble Civil Judge, Senior Division, Thane for partition against the Bhimabai Shankar Thakur and Others. Since Prabhavati Jagdish Patil was claiming right in the said property as an owner. By Deed of Settlement dated 23/2/2018 settled the claim of Prabhavati Jagdish Patil for consideration as stated in the said Deed of Settlement. The said Deed of Settlement is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018.

**H. Litigation**

Prabhavati Jagdish Patil has filed Regular Civil Suit No. 524/2007 against Bhimabai Shankar Thakur before Civil Judge Senior Division, Thane for partition, possession and permanent injunction. Initially the said suit was decreed ex-parte on 8/4/2009. The MCA No. 374/2009 was filed by the Bhimabai Shankar Thakur for setting aside the said ex-parte decree. The MCA. 374/2009 is allowed on 15/2/2016 and original suit no. 524/2007 is restored. The said suit is pending before the Civil Judge Senior Division, Thane. No any interim and prohibitory order passed against the Bhimabai Shankar Thakur. Developer are not party to the said Civil Suit No. 524/2007. The Plaintiff made an application for amending the plaint to add the developer as a defendant. The plaintiff has settle the dispute and the claim with developer therefore executed Deed of Settlement. The said Deed of Settlement registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9-1806/2018 dated 23/2/2018 settled the claim.

**FLOW THE TITLE OF THE SAID FOURTEENTH PROPERTY**

**Property :** Piece & parcel of land lying being Survey No. 100 (Old Survey No. 197) Hissa No. 11/1/A/2 admeasuring area 4400 sq meters situated at Village Bhainderpada, Taluka & District Thane.

**Owner :** Chandrabhaga Pandurang Patil

**B. In respect of 7/12 extracts :**

1. **Latest 7/12 extracts :** As per the current 7/12 extract dated 26/4/2022 that the said property is owned by Chandrabhaga Pandurang Patil.
2. **In respect of 7/12 extracts for last 50 years :** It appears from the perusal of 7/12 extract of 50 years that, originally the said property was owned by Ganpat Balu Chenekar.

**B. In respect of 6 D Mutation Entries :**

1. It appears from the perusal of **mutation entry no. 84** dated 25/2/1927 that Balkrushna Mukunda & others Conveyed the said property alongwith other property on 8/1/1927 in favour of Ganpat Balu Chenekar.
2. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
3. It appears from **mutation entry no. 792** dated **18/7/1957** that as per the statement given by Ganpat Balu Chenekar then his name was removed & the name of Chandrabhaga Pandurang Patil is recorded in the said property.
4. It appears from **mutation entry no. 1326** 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
5. It appears from **mutation entry no. 248** dated 29/6/2004 that Chandrabhaga Pandurang Patil through POA Holder J.P. Thakkar executed Declaration & transferred 1000 sq. meters area to the Thane Municipal Corporation, therefore the Survey No. Old Survey No. 197 New Survey No. 100 Hissa No. 11 sub-divided into Old Survey No. 197 New Survey No. 100 Hissa No. 11A admeasuring 6800 sq.mtrs is in the name of Chandrabhaga Pandurang Patil & Old Survey No. 197 New Survey No. 100 Hissa No. 11B admeasuring 1000 sq.mtrs is in the name of Thane Municipal Corporation.
6. It appears from **mutation entry no. 249** dated 29/6/2004 is not relevant. The said mutation entry is regarding the Old Survey No. 191 New Survey No. 97 Hissa No. 7.
7. It appears from **mutation entry no. 931** dated 13/8/2014 that in pursuance of order passed by Taluka Inspector of Land Records and subsequent order of Hon. Tahsildar in pursuance of subdivision forms number 4 and 11 prepared by Taluka Inspector of Land Records, land bearing survey number 100/11A admeasuring 6800 sq.mtrs and survey number 100/11B admeasuring 1000 sq.mtrs, were amalgamated and then subdivided in 4 parts being survey No. 100 Hissa No. 11/1 admeasuring 5300 sq.mtrs, Survey No. 100 Hissa No. 11/2 admeasuring 800 sq.mtrs, Survey No. 100 Hissa No. 11/3 admeasuring 1000 sq.mtrs and Survey No. 100 Hissa No. 11/4 admeasuring 700 sq.mtrs. The said Mutation entry No. 931 was necessitated due to road passing through the said Survey No. 100/11A and 100/11B. As per the zone plan, Ghodbunder Road seems to be passing through the part of the original Survey No. 100/11A and 100/11B. As per the Sub-division of the said Survey No.100, Hissa No. 11/2 admeasuring 800 sq.mtrs and Survey No. 100 Hissa No. 11/3 admeasuring 1000 sq.mtrs becomes part of Ghodbunder Road. Out of the same Survey No.100 Hissa No. 11/3 is already surrendered to Thane Municipal Corporation by Declaration dated 7/4/2004, which is registered at office of Sub-Registrar of Assurance, Thane at Sr. No. 2605/2004 as can be seen from the search report of Adv. Vaibhavi Ulkande apart from the said Declaration dated 7/4/2004, I do not find any part of property is surrendered to TMC. However, Mutation entry no. 931 show that Survey No. 100 Hissa No. 11/3 to be of TMC, however as per the search report other than declaration dated 7/4/2004 no other document or Declaration or Deed of Surrender is shown whereby said Survey No. 100 Hissa No. 11/3 is surrendered or transferred to TMC. Therefore Mutation Entry No. 931 seems to be wrongly mentioned that of TMC, which requires to be corrected. Even on 7/12 extract of Survey No. 100 Hissa No. 11/3 name of the Owner appears in the column of Owner. I am therefore of the opinion that the said Mutation Entry No. 931 requires to be corrected.
8. It appears from the **mutation entry no. 1144** dated 8/2/2018 regarding the Survey No. 100/11/1 that, as per the resolution dated 5/1/2017 of Maharashtra Government, the amendment carried out in Section 42 of Maharashtra Land Revenue Code and Section 42B and 42C are incorporated. As per the Government Resolution, the said property

within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax. Non-agricultural Tax and conversion tax of Rs. 3,29,130/- is paid on 9/1/2018 vide Challan No. MH009241922 201718M is received. Therefore the remark of Non-Agricultural is recorded on the 7/12 extract.

9. It appears from the **mutation entry no. 1145** dated 8/2/2018 regarding the Survey No. 100/11/2 that, as per the resolution dated 5/1/2017 of Maharashtra Government, the amendment carried out in Section 42 of Maharashtra Land Revenue Code and Section 42B and 42C are incorporated. As per the Government Resolution, the said property within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax. Non-agricultural Tax and conversion tax of Rs. 49,680/- is paid on 9/1/2018 vide Challan No. MH009242023 201718M is received. Therefore the remark of Non-Agricultural is recorded on the 7/12 extract.

10. It appears from the **mutation entry no. 1169** dated 4/7/2018 that, the name of Chandrabhaga Pandurang Patil. But, as per the Development Plan of the Thane Municipal Corporation, the land is affected by 60 mtrs wide road and Chandrabhaga Pandurang Patil executed and registered the Transfer Deed on 5/8/2017 vide sr. no. 5542/2017 and on the basis of Possession Receipt of the Thane Municipal Corporation and as per the order of Tahsildar vide letter no. Mahsul/K-1/Hakkanond-1/T-3/KV-7318/2018 dated 20/6/2018 and Letter of Deputy Superintendent of Land Record vide no. D.L./KV/A.T.P.H.M.R.N. 1879/2017/Village Bhainderpada/D.R. No. 2275/2018/Thane dated 21/4/2018 and from the Hissa Form No. 12 the effect is given to the record of rights of the said property is as follows :-

Survey No. (197)100/11/1 admeasuring area 5300 sq. mtrs subdivided into two parts: 1) Survey No. (197)100/11/1A admeasuring area 4610 sq. mtrs in the name of Chandrabhaga Pandurang Patil and 2) Survey No. (197)100/11/1B admeasuring area 690 sq. mtrs in the name of Thane Municipal Corporation 60 mtrs wide Road.

Survey No. (197)100/11/2 admeasuring area 800 sq. mtrs in the name of Thane Municipal Corporation 60 mtrs wide Road.

11. It appears from the **Mutation Entry No. 1229** dated 5/8/2019 that, by an Order No. Mahasul/K-1/Hakkanond-1/T-3/KV 1943/2019/2279/2019 dated 20/7/2019 passed by Tahsildar, Thane and Letter for subdivision from Deputy Superintendent of Land Record vide no. D.L./K.V./P.H.M.R.No. 1938/2018 Village Bhainderpada/D.R.No. 2318 dated 10/11/2018 on the basis of hissa form no. 12 the effect is given to the record of rights to the said property is as follows :-

1) Old Survey No. 197 New Survey No. 100 Hissa No. 11/1/A/1 admeasuring area 210 sq. mtrs. in the name of Thane Municipal Corporation and 2) Old Survey No. 197 New Survey No. 100 Hissa No. 11/1/A/2 admeasuring area 4400 sq. mtrs. in the name of Bharat Rajaram Thakur & others.

**C. In respect of Search Report with the Sub Registrar of Assurances.**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**E. In respect of various permissions and sanctions :**

1. Since the said property is within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town Planning Act (**MRTPA Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax and wherever applicable Najarana and Premium and other government dues. To comply with the said section 42B of MLRC the Tahsildar by its letter dated 4<sup>th</sup> January, 2018 demanded Non-agricultural Tax (**NA Tax**) and conversion tax as stated in the said letter. Pursuant to the said letter Non-agricultural Tax and conversion tax is paid on 9/1/2018 and Challan is received. Under section 42 B of MLRC Challan or receipts of payment of conversion non-agricultural assessment tax is regarded as proof of conversion to Non-Agricultural.

**F. In respect of Title Deeds :**

1. By Deed of Release and Compromise dated 1<sup>st</sup> February, 2014 Janabai Ankush Chenekar, Lilabai Vasudev Thakur, Sapana Vasudev Thakur, Tarjan Vasudev Thakur, Bhavana Mukund gharat, Prema Devram Patil, Mukesh Devram Patil, Nitesh Devram Patil, Vicky Devram Patil, Rukmini Sainath Thakur, Jaydeep Sainath Thakur, Sarita Mukesh Thakur, Gauri Anant Mhatre, Vandana Rupesh Gaikar, Pournima Rupesh Gaikar release and relinquished interalia there right, title and interest in said property in favour of Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil, Milind Pandurang Patil, Bharati Dilip Patil and Kanta Anant Patil. The said Deed of Release and Compromise is duly registered with Sub Registrar Assurance, Thane vide sr. no. 719/2014 on 1<sup>st</sup> February, 2014.
2. By Development cum Sale Agreement dated 3<sup>rd</sup> February, 2014 Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil granted development right of said property alongwith property bearing Old Survey No. 197 New Survey No. 100 Hissa No. 1A admeasuring 5020 sq. mtrs and area admeasuring 570 out of 1370 of Old Survey No. 198 New Survey No. 98 Hissa No. 3 M/s Puranik Builders Private Limited (**Developer**) for consideration and terms and condition as stated therein. As per said Development Agreement as a part of consideration PBPL has agreed to allot 50% of the constructed premises to Chandrabhaga Pandurang Patil & others. The said Development cum Sale Agreement is duly registered on 3<sup>rd</sup> February, 2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/751/2014.
3. By Indemnity Bond dated 3/2/2014 Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil (Owners) to Developer, Owners indemnified Developer against non-deduction of TDS. The said Indemnity Bond is duly registered on 3<sup>rd</sup> February, 2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/754/2014.
4. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil,

Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil(Owners), the Owners indemnified Developer against any loss and damages that Developer may suffer due to Civil Suit No. 146/2011 in Thane Court filled by Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar against Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Praful Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The said Indemnity Bond is duly registered on 3<sup>rd</sup> February, 2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/755/2014.

5. Chandrabhaga Pandurang Patil entered into Conveyance Deed dated 5<sup>th</sup> March, 2014 with Manisha Mopalvar in respect of 500 sq. meters out of said Property on the terms and conditions stated therein. The aforesaid Conveyance Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. TNN5/2331/2014 on 5/3/2014.

**6. SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. 533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 (in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017.

**AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

- i. Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar has filed the RCS No. 146/2011 before Civil Judge Senior Division, Thane for Injunction and Declaration for Ownership of the suit property against the Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Prafful Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The Plaintiff has filed the suit for many other properties. The Developer is not the party to the suit but, PBPL has an agreement regarding the Survey No. (197)100/11, (198)98/1 & 3 with the land owner. The Plaintiff asked the relief regarding the said property that the plaintiff be declared as a legal heirs

to the said property and claiming 1/2 share in the said property by way of partition. There is no prohibitory order against the land owner and developer.

- ii. The Developer filed the Writ Petition No. 312/2019 against State of Maharashtra & others :-

The Tahsildar, Thane issued notice dated 23/2/2018 to the Puranik Builders regarding the 4922 brass soil excavated from the Old Survey No. 197 New Survey No. 100 Hissa No. 11/1, 15/B, 17, 18, 19, 21, 22, 23, Old Survey No. 202 New Survey No. 101 Hissa No. 5 and Old Survey No. 217 New Survey No. 109 Hissa No. 30/3 situated at village Bhainderpada, Taluka and District Thane and asked for the Permission for excavation, Challan for payment of Royalty and Permission for transfer of mines and minerals.

Puraniks submitted their say on 7/3/2018 and submitted the permission of 12566 brass for excavation.

Though the Puraniks have the permission and transportation was being done outside the project site, the Tahsildar directed Puraniks to pay the sum of Rs. 19,68,800/- as a Royalty for excavation and penalty three times market value of Rs. 2,95,32,000/- aggregating of Rs. 3,15,00,800/- of 4922 brass and Rs. 26,81,600/- as a royalty for refilling and penalty being three times market value being Rs. 4,02,24,000/- aggregating to Rs. 7,44,06,400/- of 6704 brass by passing and order dated 11/10/2018.

The order of Tahsildar is challenged before Hon'ble High Court by filing the said Writ Petition. During the hearing of the said petition, the Hon'ble High Court passed an order and call upon Tahsildar to show cause as to why appropriate action should not be taken against him for intentionally committing breach of the orders of the Hon'ble Supreme Court as well as statutory provision incorporated in Rule 46 proviso of 2013 Rules. The matter is pending before the Hon'ble High Court for admission.

#### **FLOW THE TITLE OF THE SAID FIFTEENTH PROPERTY**

**Property** : Piece & parcel of land being Survey No. 98 (Old Survey No. 198) Hissa No. 1/A/1 admeasuring area 1150 sq. mtrs. lying being and situate Village Bhainderpada, Taluka & District Thane

**Owner** : Chandrabhaga Pandurang Patil.

#### **A. In respect of 7/12 extracts :**

##### **1. In respect of 7/12 extracts :**

As per the current 7/12 extract dated 26/4/2022, the said property is owned by Chandrabhaga Pandurang Patil.

##### **2. In respect of 7/12 extracts for last 50 years :**

As per the letter of Tahasildar the record regarding the said property is very old, tattered and torned.

#### **B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 792** dated 18/7/1957 that as per the statement given by Ganpat Balu Chenekar, his name was removed & the name of Chandrabhaga Pandurang Patil is recorded in the said property.
2. It appears from **mutation entry no. 1326** 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
3. It appears from the **mutation entry no. 1146** dated 8/2/2018 that, as per the resolution dated 5/1/2017 of Maharashtra Government, the amendment carried out in Section 42 of Maharashtra Land Revenue Code and Section 42B and 42C are incorporated. As per the Government Resolution, the said property within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town

Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax. Non-agricultural Tax and conversion tax of Rs. 2,63,304/- is paid on 9/1/2018 vide Challan No. MH009242094 201718M is received. Therefore the remark of Non-Agricultural is recorded on the 7/12 extract.

4. It appears from the **mutation entry no. 1169** dated 4/7/2018 that, the name of Chandrabhaga Pandurang Patil. But, as per the Development Plan of the Thane Municipal Corporation, the land is affected by 60 mtrs wide road and Chandrabhaga Pandurang Patil executed and registered the Transfer Deed on 5/8/2017 vide sr. no. 5542/2017 and on the basis of Possession Receipt of the Thane Municipal Corporation and as per the order of Tahsildar vide letter no. Mahsul/K-1/Hakkanond-1/T-3/KV-7318/2018 dated 20/6/2018 and Letter of Deputy Superintendent of Land Record vide no. D.L./KV/A.T.P.H.M.R.N. 1879/2017/Village Bhainderpada/D.R. No. 2275/2018/Thane dated 21/4/2018 and from the Hissa Form No. 12 the effect is given to the record of rights of the said property is as follows :-

Survey No. (198)98/1A admeasuring area 4240 sq. mtrs subdivided into two parts: 1) Survey No. (198)98/1/A/1 admeasuring area 1150 sq. mtrs in the name of Chandrabhaga Pandurang Patil and 2) Survey No. (198)98/1/A/2 admeasuring area 3090 sq. mtrs in the name of Thane Municipal Corporation 60 mtrs wide Road.

**C. In respect of Search Report with the Sub Registrar of Assurances.**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

Since the said property within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax and wherever applicable Najarana and Premium and other government dues. To comply with the said section 42B of MLRC the Tahsildar by its letter dated 4<sup>th</sup> January, 2018 demanded Non-agricultural Tax (**NA Tax**) and conversion tax as stated in the said letter. Pursuant to the said letter Non-agricultural Tax and conversion tax is paid on 9/1/2018 and Challan is received. Under section 42 B of MLRC Challan or receipts of payment of conversion non-agricultural assessment tax is regarded as proof of conversion to Non-Agricultural.

**E. In respect of Title Deeds :**

1. By Deed of Release and Compromise dated 1<sup>st</sup> February, 2014 Janabai Ankush Chenekar, Lilabai Vasudev Thakur, Sapana Vasudev Thakur, Tarjan Vasudev Thakur, Bhavana Mukund gharat, Prema Devram Patil, Mukesh Devram Patil, Nitesh Devram Patil, Vicky Devram Patil, Rukmini Sainath Thakur, Jaydeep Sainath Thakur, Sarita Mukesh Thakur, Gauri Anant Mhatre, Vandana Rupesh Gaikar, Pournima Rupesh Gaikar released and relinquished their right, title and interest interalia in said property in favour of Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil, Milind Pandurang Patil, Bharati Dilip Patil and Kanta Anant Patil. The said Deed of Release and Compromise is duly registered with Sub Registrar Assurance, Thane vide sr. no. 719/2014 on 1/2/2014
2. By Development cum Sale Agreement dated 3<sup>rd</sup> February, 2014 Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of

Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil granted development right of said property alongwith property bearing Old Survey No. 197 New Survey No. 100 Hissa No. 11A admeasuring 6800 sq. mtrs and area admeasuring 570 out of 1370 of Old Survey No. 198 New Survey No. 98 Hissa No. 3 to M/s Puranik Builders Private Limited (**Developer**) for consideration and terms and condition as stated therein. As per said Development Agreement as a part of consideration PBPL has agreed to allot 50% of the constructed premises to Chandrabhaga Pandurang Patil & others. The said Development cum Sale Agreement is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/751/2014.

3. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil executed Indemnity Bond in favour of PBPL, indemnifying PBPL for non-deduction of TDS. The said Indemnity Bond is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/754/2014.
4. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil executed Indemnity Bond in favour of PBPL, indemnifying PBPL against any loss and damages that PBPL may suffer due to Civil Suit No. 146/2011 in Thane Court filled by Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar against Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Prafful Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The said Indemnity Bond is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/755/2014.

5. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of Survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

**Sachin J. Katkar**  
*Advocate, MAH 1231/2000*

There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 ( in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
<b>Total</b>			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017

**AMENITY SPACE**

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00

4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					<b>25470.00</b>	<b>2290.40</b>

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

**Litigation :**

Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar has filed the RCS No. 146/2011 before Civil Judge Senior Division, Thane for Injunction and Declaration for Ownership of the suit property against the Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Prafful Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The Plaintiff has filed the suit for many other properties. The Developer is not the party to the suit but, PBPL has an agreement regarding the Survey No. (197)100/11, (198)98/1 & 3 with the land owner. The Plaintiff asked the relief regarding the said property that the plaintiff be declared as a legal heirs to the said property and claiming 1/2 share in the said property by way of partition. There is no prohibitory order against the land owner and developer.

**FLOW THE TITLE OF THE SAID SIXTEENTH PROPERTY**

**Property :** Piece & parcel of land being Survey No. 98 (Old Survey No. 198) Hissa No. 3/A admeasuring area 1340 sq meters lying being and situate Village Bhainderpada, Taluka & District Thane.

**Owner :** Chandrabhaga Pandurang Patil as per 7/12 extract.

**B. In respect of 7/12 extracts :**

**1. Current 7/12 extracts :**

As per the current 7/12 extract dated 26/4/2022 that, the said property is owned by Chandrabhaga Pandurang Patil.

**2. In respect of 7/12 extracts for last 50 years**

As per the letter of Tahasildar the record regarding the said property is very old, tattered and torned.

**B. In respect of 6 D Mutation Entries :**

1. It appears from **mutation entry no. 464** dated 7/7/1951 that as per the order of the State Government of Bombay standard area was implemented for various types of land and the said land being of lesser area than the standard area was declared as tukda land.
2. It appears from **mutation entry no. 792** dated 18/7/1957 that as per the statement given by Ganpat Balu Chenekar, his name was removed & the name of Chandrabhaga Pandurang Patil is recorded in the said property.
3. It appears from **mutation entry no. 1326** dated 2/8/1970 that as per the Standards Weights and Measurement Enforcement Act the land record was converted into decimal system.
4. It appears from the **mutation entry no. 1143** dated 8/2/2018 that, as per the resolution dated 5/1/2017 of Maharashtra Government, the amendment carried out in Section 42 of Maharashtra Land Revenue Code and Section 42B and 42C are incorporated. As per the Government Resolution, the said property within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town

Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax. Non-agricultural Tax and conversion tax of Rs. 85,080/- is paid on 9/1/2018 vide Challan No. MH009242269 201718M is received. Therefore the remark of Non-Agricultural is recorded on the 7/12 extract.

5. It appears from the **mutation entry no. 1169** dated 4/7/2018 that, the name of Chandrabhaga Pandurang Patil. But, as per the Development Plan of the Thane Municipal Corporation, the land is affected by 60 mtrs wide road and Chandrabhaga Pandurang Patil executed and registered the Transfer Deed on 5/8/2017 vide sr. no. 5542/2017 and on the basis of Possession Receipt of the Thane Municipal Corporation and as per the order of Tahsildar vide letter no. Mahsul/K-1/Hakkanond-1/T-3/KV-7318/2018 dated 20/6/2018 and Letter of Deputy Superintendent of Land Record vide no. D.L./KV/A.T.P. H.M.R.N. 1879/2017/Village Bhainderpada/D.R. No. 2275/2018/Thane dated 21/4/2018 and from the Hissa Form No. 12 the effect is given to the record of rights of the said property is as follows :-

Survey No. (198)98/3 admeasuring area 1370 sq. mtrs subdivided into two parts: 1) Survey No. (198)98/3A admeasuring area 1340 sq. mtrs in the name of Chandrabhaga Pandurang Patil and 2) Survey No. (198)98/3B admeasuring area 30 sq. mtrs in the name of Thane Municipal Corporation 60 mtrs wide Road.

**C. In respect of Search Report with the Sub Registrar of Assurances.**

I have perused Search Report issued by Adv. Vaibhavi Ulkande for the period of year 1959 to 2010 (4/2/2010) and Mr. Akshay Kinjale for the period 4/2/2010 to 27/5/2019 on 27/5/2019 and for period 27/5/2019 to 3/9/2021 on 3/9/2021 and 3/9/2021 to 23/11/2021 and 23/11/2021 to 25/01/2022 and 25/1/2022 to 28/4/2022.

**D. In respect of various permissions and sanctions :**

Since the said property within Thane Municipal Corporation (TMC) and final development plan is published under The Maharashtra Regional Town Planning Act (**MRTP Act**). Under section 42B of The Maharashtra Land Revenue Code (MLRC) the property is deemed to have been converted to non-agricultural purpose on payment of conversion tax and wherever applicable Najarana and Premium and other government dues. To comply with the said section 42B of MLRC the Tahsildar by its letter dated 4<sup>th</sup> January, 2018 demanded Non-agricultural Tax (**NA Tax**) and conversion tax as stated in the said letter. Pursuant to the said letter Non-agricultural Tax and conversion tax is paid on 9/1/2018 and Challan is received. Under section 42 B of MLRC Challan or receipts of payment of conversion non-agricultural assessment tax is regarded as proof of conversion to Non-Agricultural.

**E. In respect of Title Deeds :**

1. By Deed of Release and Compromise dated 1<sup>st</sup> February, 2014 Janabai Ankush Chenekar, Lilabai Vasudev Thakur, Sapana Vasudev Thakur, Tarjan Vasudev Thakur, Bhavana Mukund gharat, Prema Devram Patil, Mukesh Devram Patil, Nitesh Devram Patil, Vicky Devram Patil, Rukmini Sainath Thakur, Jaydeep Sainath Thakur, Sarita Mukesh Thakur, Gauri Anant Mhatre, Vandana Rupesh Gaikar, Pournima Rupesh Gaikar release and relinquished interalia there right, title and interest in said property in favour of Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil, Milind Pandurang Patil, Bharati Dilip Patil and Kanta Anant Patil. The said Deed of Release and Compromise is duly registered with Sub Registrar Assurance, Thane vide sr. no. 719/2014 on 1/2/2014.
2. By Development cum Sale Agreement dated 3<sup>rd</sup> February, 2014 Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of

Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil granted development right of said property alongwith property bearing Old Survey No. 197 New Survey No. 100 Hissa No. 11A admeasuring 6800 sq. mtrs and Old Survey No. 198 New Survey No. 98 Hissa No. 1A admeasuring 5020 sq. mtrs M/s Puranik Builders Private Limited (**Developer**) for consideration and terms and condition as stated therein. As per said Development Agreement as a part of consideration PBPL has agreed to allot 50% of the constructed premises to Chandrabhaga Pandurang Patil & others. The said Development cum Sale Agreement is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/751/2014.

3. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil executed Indemnity Bond in favour of PBPL, indemnifying PBPL for non-deduction of TDS. The said Indemnity Bond is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/754/2014.
4. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Samir Devidas Patil, Akshay Devidas Patil, Hemangi Devidas Patil, Vishnu Pandurang Patil (for himself and natural guardian & father of Prajwal Vishnu Patil and Sachit Vishnu Patil), Bharati Vishnu Patil, Jaywant Pandurang Patil, Prafulla Pandurang Patil (for himself and natural guardian & father of Pranay Prafulla Patil and Vaishnavi Prafulla Patil), Kalpana Prafulla Patil, Milind Pandurang Patil (for himself and natural guardian & father of Shrushti Milind Patil and Shrey Milind Patil), Dipti Milind Patil, Kanta Anant Patil and Bharati Dilip Patil executed Indemnity Bond in favour of PBPL, indemnifying PBPL against any loss and damages that PBPL may suffer due to Civil Suit No. 146/2011 in Thane Court filled by Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar against Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Prafulla Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The said Indemnity Bond is duly registered on 3/2/2014 with the Sub Registrar of Assurances Thane at Sr. No. TNN-9/755/2014.

5. **SURRENDER OF AREA FOR 60 METER ROAD GHODBUNDER ROAD AND AMENITY SPACE**

**FOR 60 METER WIDE ROAD**

The Developer is developing a project known as "Rumah Bali" on said property along with other properties (Project Land). The said Project Land being near to 60 meters wide Ghodbunder Road, part of the said project land has been handed over to Thane Municipal Corporation (TMC) by Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.533/2007. Under the said Declaration-cum-Indemnity Bond an area admeasuring 1497.91 sq. mtrs. out of survey No.100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada, Thane was surrendered to TMC.

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There was mismatch regarding the areas surrendered to TMC under Declaration dated 18/1/2007 and actual area surrendered to TMC, therefore Shrikant Govind Puranik as Constituted Attorney of the said Owners by Revised Declaration cum Indemnity Bond dated 16/6/2012 corrected the area surrendered to TMC. The said Revised Declaration cum Indemnity Bond is registered on 16/6/2012 with the Office of Sub-Registrar of Assurances Thane vide Sr. No. 5321/2012

Thereafter Developer by Deed of Transfer dated 5<sup>th</sup> August 2017 as surrender an area admeasuring approximately an area 4607.42 sq. mtrs. out of

Sr. Nos.	Village	Survey Nos.	Area as per 7/12 (in sq. mtrs.)	Area under 60 Meter wide G. B. Road (in sq. mtrs.)
1.	Bhainderpada	(198)98/1A	4240.00	3089.00
2.	Bhainderpada	(198)98/3	1370.00 (as per POA 570)	28.42
3.	Bhainderpada	(197)100/11/1	5300.00	690.00
4.	Bhainderpada	(197)100/11/2	800.00	800.00
Total			10910.00	4607.42

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5542/2017.

#### AMENITY SPACE

As per the Development Control Regulation for Municipal Corporation City of Thane 1994 (**DC Regulation**), 5% of the plot is required to be handed over and surrendered to TMC. As per the said DC Regulation the Developer by Deed of Declaration-cum-Indemnity Bond dated 18<sup>th</sup> January, 2007 had surrendered and handed over the possession of land admeasuring 1546.42 sq. mtrs. out of piece and parcel of land bearing Survey Nos. 100, Hissa Nos. 12, 14, 15 (P), 15 (P), 17, 18, 19, 20, 22, 23, 24 and Survey No.101, Hissa No. 5 at Village Bhainderpada. The said Declaration-cum-Indemnity Bond is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No.532/2007. The Developer has thereafter amended the said plan and by Deed of Transfer dated 5<sup>th</sup> August, 2017 in lieu of said 1546.42 sq.mtr has surrendered 2289.29 sq. mtrs. out of following survey numbers.

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	325.00
3.	Bhainderpada	100	197	15B	13850.00	1725.00
4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	18	2000.00	10.00
6.	Bhainderpada	100	197	11/1	5300.00	154.29
<b>Total</b>					25470.00	2289.29

The said Deed of Transfer is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/5541/2017.

Due to the clerical error the Rectification of Transfer Deed executed regarding the Amenity Space as below :

Sr. Nos.	Village	New Survey Nos.	Old Survey Nos.	Hissa Nos.	Area as per 7/12 Extract (in sq. mtrs)	5% amenity space area in sq. mtrs.
1.	Bhainderpada	100	197	12B	60.00	60.00
2.	Bhainderpada	100	197	14B	3440.00	230.00
3.	Bhainderpada	100	197	15B	13850.00	1774.00

4.	Bhainderpada	100	197	17	820.00	15.00
5.	Bhainderpada	100	197	11/1	5300.00	211.40
<b>Total</b>					25470.00	2290.40

The said Rectification of Transfer Deed duly registered with Sub-Registrar Assurance Thane at Sr. No. TNN-9/5894/2018 dated 24/5/2018.

#### **Litigation :**

Manohar Hender Chenekar, Jayawant Hender Chenekar, Ramakant Hender Chenekar, Arun Hender Chenekar, Rupesh Hender Chenekar has filed the RCS No. 146/2011 before Civil Judge Senior Division, Thane for Injunction and Declaration for Ownership of the suit property against the Smt. Chandrabhaga Pandurang Patil, Devidas Pandurang Patil, Vishnu Pandurang Patil, Jayawant Pandurang Patil, Prafful Pandurang Patil, Milind Pandurang Patil, Kantabai Anant Patil, Bharatibai Pandurang Patil, Gulabbai Namdev Patil, Rukhminibai Pandurang Thakur, Yamunabai Ramchandra Thakur, Vishwanath Sitaram Thakur, Suryakant Sitaram Thakur, Savalaram Lakdya Thakur, Tahsildar, Thane and Government of Maharashtra. The Plaintiff has filed the suit for many other properties. The Developer is not the party to the suit but, PBPL has an agreement regarding the Survey No. (197)100/11, (198)98/1 & 3 with the land owner.

The Plaintiff asked the relief regarding the said property that the plaintiff be declared as a legal heirs to the said property and claiming 1/2 share in the said property by way of partition. There is no prohibitory order against the land owner and developer.

#### **MORTGAGE**

- i. The Developer repaid the amount lent by SBI, therefore SBI by Deed of Reconveyance dated 22/5/2013 reconveyed and released the said property alongwith other properties to the Developer. The said Deed of Reconveyance is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. 4056/2013.
- ii. The Developer had issued Senior Secured redeemable non-convertible debenture(**NCD**) and to secure the interest and repayment of NCD Holder, the Developer by Debenture Trust Deed dated 25<sup>th</sup> March 2013(**Trust Deed**) mortgaged the said property alongwith other properties as more particularly described in the Schedule 1 of the said Trust Deed to IL&FS TRUST COMPANY LIMITED(**ILFS**) the trustee for the Debenture Holder. The said Trust Deed is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/2444/2013.
- iii. As per the terms and condition of said Trust Deed, on receiving the approval for Rumah Bali Project, ILFS had agreed to release and reconvey some of properties on which Developer was developing project known as Puranik City Phase IV. On Developer receiving the approval of Rumah Bali Project, the ILFS by Deed Partial Reconveyance dated 22<sup>nd</sup> September, 2014 (**First Partial Reconveyance**) reconveyed and released the properties of project known as Puranik City Phase IV, mortgaged under Trust Deed. The said property, being part of Rumahbali Project continued to be mortgaged to the ILFS. The said First Partial Reconveyance is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/6055/2014.
- iv. The Developer has thereafter redeemed the NCD, secured under the said Trust Deed, the ILFS therefore released and reconveyed the said property along with other properties to the Developer by Deed of Partial Reconveyance dated 2<sup>nd</sup> January, 2015 (**Second Partial Reconveyance**). The said Second Partial Reconveyance is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/52/2015.
- v. Thereafter by Term Loan Agreement dated 26<sup>th</sup> December 2014(**Term Loan Agreement**) with IFCI Ltd(**IFCI**), Developer availed the loan from IFCI Ltd on the terms and condition therein mentioned. To secure the said loan Developer by Indenture of

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Mortgage dated 3<sup>rd</sup> January 2015(**Mortgage**) mortgaged the said property along with other properties to IFCI. The said Mortgage is duly registered before Sub-Registrar of Assurance, Thane at Sr. TNN-9-92/2015. The Developer has repaid the said loan availed under Term Loan Agreement to IFCI and IFCI has released and reconveyed the said property alongwith other Properties by Deed of Reconveyance dated 11<sup>th</sup> April 2016(**Deed of Reconveyance**). The said Deed of Reconveyance is duly registered before Sub Registrar of Assurance, Thane at Sr. TNN9-4058/2016.

- vi. The Developer has thereafter again issued Senior Secured redeemable non-convertible debenture(**NCD**) and to secure the interest of NCD Holder. Developer by Debenture Trust Deed cum Indenture of Mortgage dated 14<sup>th</sup> January 2016 (**Debenture Trust Deed**) mortgaged the said property alongwith other properties to IL&FS TRUST COMPANY LIMITED(**ILFS**). The said Debenture Trust Deed dated 14<sup>th</sup> January 2016 is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9-657/2016. The Developer has redeemed said NCD by payment to Debenture holder and said ILFS by Deed of Reconveyance dated 23<sup>rd</sup> January, 2017 has released and reconveyed the said property alongwith other properties to the Developer. The said Deed of Reconveyance is duly registered with Sub-Registrar of Assurance, Thane at Sr. No. TNN9/488/2017.
- vii. The Developer has thereafter issued the Senior Secured Redeemable Non-convertible Debenture(**NCD**) and to secure repayment to the Debenture Holder by Debenture Trust-cum- Mortgage Deed dated 17<sup>th</sup> November, 2016 (**Trust Deed**) has mortgage the said property alongwith other properties to Catalyst Trusteeship Ltd (formally known as GDA Trusteeship Ltd.). The said Trust Deed is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. TNN9/10039/2016 on 17<sup>th</sup> November, 2016.
- viii. By Supplementary Deed dated 19<sup>th</sup> September, 2017, the Catalyst Trusteeship Ltd (formally known as GDA Trusteeship Ltd.) as per requirement of Real Estate (Regulation and Development) Act, 2016 (**RERA**) revised the terms of the Debenture Trust-cum-Mortgage Deed dated 17<sup>th</sup> November, 2016 executed between the Catalyst Trusteeship Ltd (formally known as GDA Trusteeship Ltd.) and Developer. The said Supplementary Deed is duly registered with the Sub-Registrar of Assurances Thane vide Sr. No. TNN9/6497/2017.
- ix. The said property with other properties is further mortgaged as a security for loan granted to the Puranik Builders Limited and Sai Pushp Enterprises to Catalyst Trusteeship Ltd (formally known as GDA Trusteeship Ltd.) under Mortgage Deed dated November 22, 2018. The said Mortgage Deed is duly registered before the Sub-Registrar of Assurance, Thane at Sr. No. TNN-5/16159/2018. Thus under the said Mortgage Deed the second charge is created on the said property in addition to the mortgage created under Trust Deed.
- x. By Debenture Trust Cum Mortgage Deed dated 2/3/2020, the said larger property mortgaged to Catalyst Trusteeship Ltd. The said Debenture Trust Cum Mortgage Deed is duly registered with the Sub-Registrar Assurance, Thane vide Sr. No. TNN-1/1548/2020 on 3/3/2020.

Dated this 28<sup>th</sup> day of April, 2022



A handwritten signature in black ink, appearing to read "Sachin J. Katkar".

**Sachin J. Katkar**  
**Advocate**