

11/12/12

PRADEEP NAMDEO CHAVAN

B.S.L. LL.B

Advocate High Court

Bldg No. E - 6, Flat No. 5, Marol Police Camp, Andheri(E), Mumbai - 59.

Date: 13.4.2012.

To,

The Asst. General Manager
Corporation Bank
Retail Assets Hub,
Andheri (East), Mumbai.



Dear Sir,

Subject : Legal Opinion

Pursuant to your instructions, I wish to Submit my legal opinion in respect of the below mentioned Flat as under:

I. NAME AND ADDRESS OF THE HOLDER:

Shri.Sandeep Madhukar Salvi, an Adult, Indian Inhabitant residing at 2B, 24, Sai Dham C.H.S. Ltd., Indira Nagar, Opp. Hema Industries, Jogeshwari (East), Mumbai - 400 060.

II. DESCRIPTION OF THE PROPERTY:

Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambernath, Dist. Thane constructed on the piece and parcel of Non Agriculture land bearing Survey Nos.81 Hissa No.1/B/1 & 1/B/2 and 84 Hissa No.5 & 7, of Village - Kharvai, Taluka - Ambernath & Dist. - Thane within the Registration District and Sub District of Ulhasnagar and within the local limits of Kulgaon Badlapur Municipal Council.

III. DOCUMENTS STUDIED:

1. An Agreement for Sale dated 19.3.2012 registered on 19.3.2012 vide Document No. UHN 2 - 02830 - 2012 BETWEEN M/s.Panvelkar Sankul (PROMOTER) AND Shri.Sandeep Madhukar Salvi (Purchaser/s).
2. Registration Receipt No.2885 dated 19.3.2012 issued by the Sub Registrar of Assurances Ulhasnagar - II at Ulhasnagar, Thane.
3. Stamp Duty Receipt No.54151 bearing Franking No.97690 dated 17.3.2012 issued by Ambernath Jaihind Co-op. Bank Ltd.
4. Commencement Certificate bearing No.KBMC/CC/1286-143 dated 27.8.2010 issued by The Chief Executive Officer & Planning Officer of Kulgaon Badlapur Municipal Council.
5. Revised Building Permission No.KBMC/CC/2011-2012/1346-191 dated 08.9.2011 issued by The Chief Executive Officer & Planning Officer of Kulgaon Badlapur Municipal Council.

6. ULC Order dated 16.1.2009 by the Deputy Collector and Competent Authority, Ulhasnagar Agglomeration, Thane, Thane
7. Form No 6 issued by Village Talathi, Kharvai
8. Search Report dated 24.11.2011 issued by Milind Lawde.
9. Search Report dated 06.10.2010 issued by G.H Jagtap
10. Non Agricultural Permission dated 12.9.1989 issued by Tehsildar, Ulhasnagar.
11. N.A. Order bearing No Rev/Dask. 1/1-14/NAP/SR-187/2011 dated 14.12.2011 issued by the Collector of Thane.
12. Property Extract of Survey Nos.81 Hissa No.1/B/1 & 1/B/2 and 84 Hissa No.5 & 7.
13. Copy of approved plan.

IV. TRACING OF TITLE



1) After perusal of Agreement for sale and other documents produced before me, it appears that Smt. Hemlata Bachubhai Hingu & Others (hereinafter referred to as the said original owners) was seized and possessed of or otherwise well and sufficiently entitled to all those piece or parcels of land bearing Survey Nos.81 Hissa No.1/B/1 & 1/B/2 totally adm. 11792 Sq.Mts. (hereinafter referred to as the said Property) of Village - Kharvai, Taluka - Ambernath, District - Thane District and within the Registration District and Sub District of Ulhasnagar and within the local limits of Kulgaon Badlapur Municipal Council.

2) By and under Conveyance Deed dated 21.12.2010 made and entered into Between the said Smt. Hemlata Bachubhai Hingu & Others (therein referred to as the owner) of the One Part AND M/s.Panvelkar Sankul (therein referred to as Promoter) of the Other Part, Smt. Hemlata Bachubhai Hingu & Others sold, conveyed and transferred their rights, titles and interests in respect of the above said property unto M/s.Panvelkar Sankul at or for the price and upon the terms and consideration therein mentioned. The said conveyance deed is duly registered at the office of the Ulhasnagar under serial No.11907/2010. The village talathi on the basis of the conveyance deed has mutated names of Promoter i.e. M/s. Panvelkar Sankul as owners in records of rights as evidenced by mutation entry No.859.

3) AND WHEREAS Smt. Hemlata Bachubhai Hingu & Others (hereinafter referred to as the said original owners) was seized and possessed of or otherwise well and sufficiently entitled to all those piece or parcels of land bearing Survey Nos.84 Hissa No.7 totally adm. 2940 Sq.Mts. (hereinafter referred to as the said Property) of Village - Kharvai, Taluka - Ambernath, District - Thane District and within the Registration District and Sub District of Ulhasnagar and within the local limits of Kulgaon Badlapur Municipal Council.

4) By and under Conveyance Deed dated 11.3.2010 made and entered into Between the said Smt. Hemlata Bachubhai Hingu & Others (therein referred to as the owner) of the One Part AND M/s.Panvelkar Sankul (therein referred to as Promoter) of the Other Part, Smt. Hemlata Bachubhai Hingu & Others sold, conveyed and transferred their rights, titles and interests in respect of the above said property unto

M/s.Panvelkar Sankul at or for the price and upon the terms and consideration therein mentioned. The said conveyance deed is duly registered at the office of the Ulhasnagar under serial No.2279/2010. The village talathi on the basis of the conveyance deed has mutated names of Promoter i.e. M/s. Panvelkar Sankul as owners in records of rights as evidenced by mutation entry No.836.



- 5) AND WHEREAS Smt. Parvatibai Dattu Jamdare & Others (hereinafter referred to as the said original owners) was seized and possessed of or otherwise well and sufficiently entitled to all those piece or parcels of land bearing Survey Nos.84 Hissa No.5 totally adm. 1820 Sq.Mts. (hereinafter referred to as the said Property) of Village - Kharvai, Taluka - Ambarnath, District - Thane District and within the Registration District and Sub District of Ulhasnagar and within the local limits of Kulgaon Badlapur Municipal Council.
- 6) By and under Conveyance Deed dated 21.12.2010 made and entered into Between the said Smt. Parvatibai Dattu Jamdare & Others (therein referred to as the owner) of the One Part AND M/s.Panvelkar Sankul (therein referred to as Promoter) of the Other Part, Smt. Parvatibai Dattu Jamdare & Others sold, conveyed and transferred their rights, titles and interests in respect of the above said property unto M/s.Panvelkar Sankul at or for the price and upon the terms and consideration therein mentioned. The said conveyance deed is duly registered at the office of the Ulhasnagar under serial No.11910/2010. The village talathi on the basis of the conveyance deed has mutated names of Promoter i.e. M/s. Panvelkar Sankul as owners in records of rights as evidenced by mutation entry No.891.
- 7) In pursuance to the aforesaid Conveyance Deeds, the said Smt. Hemlata Bachubhai Hingu & Others and Smt. Parvatibai Dattu Jamdare & Others have put M/s.Panvelkar Sankul into peaceful and vacant possession of the said property.
- 8) After Perusal of N.A. Order bearing No.Rev./Desk.-1/T-14/NAP/SR-187/2011 dated 14.12.2011 it appears that the said owners had applied for grant of Non Agricultural permission in respect of the said land. In exercise of Powers conferred under section 44(1) of the Maharashtra Land Revenue Code granted permission to the owners to use the land for Non Agricultural purposes by constructing building/s as per approved plans subject to the conditions therein mentioned.
- 9) After perusal of ULC Order, dated 16.3.2009 issued by the Deputy Collector and Competent Authority (ULC) under Urban lands (Ceilings and Regulations Act, 1976) it appears that the said land does not fall within the limits of Ulhasnagar Agglomeration.
- 10) After perusal of Commencement Certificate bearing No.KBMC/CC/1286-143 dated 27.8.2010 issued by The Chief Executive Officer & Planning Officer, it appears that PROMOTER had applied for development permission and same was granted under section 45 of the Maharashtra Regional and Town Planning Act, 1966, to carry out development and permission under section 189 of the Maharashtra Municipal Councils Act, 1965 to erect building.
- 11) By virtue of the said Conveyance Deeds and the permission granted by the Local Authorities, M/s.Panvelkar Sankul herein are thus

absolutely seized and possessed of and/or otherwise well and sufficiently entitled to the said property and are entitled to develop the said property ant to construct the buildings thereon and alone have sole & exclusive right to sell the Flats, shops in the said building to be constructed on the said property and to enter into Agreements with the prospective purchasers and to receive full sale price in respect of the said Flats.

12) M/s.Panvelkar Sankul have constructed the building and sold the Flats in the said Building to various persons on what is popularly known as ownership basis under the provisions of MOF Act, 1963 with an ultimate view to form and register a Co- Operative Housing Society under the provisions of MCS Act, 1960 and ultimately to convey the land in favor of the said registered Co -Operative Society through the owner.

13) By an Agreement for Sale dated 19.3.2012 registered on 19.3.2012 vide Document No. UHN 2 - 02830 - 2012 BETWEEN M/s.Panvelkar Sankul (PROMOTER) AND Shri.Sandeep Madhukar Salvi (Purchaser/s), The purchaser herein has purchased Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambernath, Dist. Thane for full and final consideration of Rs.18,27,250/-. The Holder has paid Rs.1,00,000/- towards earnest money and same is admitted and acknowledged by PROMOTER in Receipt in that regard.

14) The purchaser has paid Registration Fees of Rs.18,290/- and the Sub Registrar of Assurances has issued the Registration Receipt No.2885 dated 19.3.2012 in that regard.

15) The holder has paid Stamp Duty of Rs.92,250/- by depositing the same in Ambernath Jaihind Co-op. Bank Ltd. vide Stamp Duty Receipt No.54151 bearing Franking No.97690 dated 17.3.2012.

V. TAX / LAND REVENUE RECEIPTS

Since the said building is recently constructed therefore question of Up to date Tax paid receipts does not arise at this stage.

VI. CEILING AND LAND REFORMS ACT:

The property is not affected by the Urban Land (ceiling and Regulations) Act.

VII. MINOR'S INTEREST:

In the present case minor's interests are not involved.

VIII. WHETHER RECORD OF RIGHTS / PATTA ARE MAINTAINED AND IF SO, WHETHER FOR THE LATEST PERIOD HAS BEEN PRODUCED. N.A.

IX. ENCUMBRANCES:

I have caused the search of the property through my search clerks Rajendra Tungatkar & Jitendra P. Tungatkar have Submitted a search report to me.

Therefore on the strength of that search report, I can say that there are no encumbrances of whatsoever nature in respect of the said property and the same is free from encumbrances.

X. APPLICATION OF ANY SPECIAL ENACTMENT, IF ANY WHICH IS APPLICABLE TO PROPERTY AND AFFECTING THE TITLE : N.A.

XI. ADDITIONAL DOCUMENTS:



1. Upon payment of the entire consideration the Holder should be asked to take possession of the said Flat.
2. After formation of Society the Bank should ask the holder to deposit original Share Certificate without fail with the Bank as and when the holder receives Share Certificate. The mortgage should be noted in the records of the Society by obtaining a letter to that effect from the Society as and when formed.

XII. ANY OTHER POINTS / ISSUES WHICH IN THE OPINION OF THE ADVOCATE ARE RELEVANT:

The said property is governed under the provisions of Maharashtra Flat Ownership Act, 1963 and that Provisions of the said Act have been complied with.

XIII. FINAL CERTIFICATE:

On scrutiny of the documents Submitted to me, I am of the opinion that the title of Shri.Sandeep Madhukar Salvi, in respect of Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambernath, Dist. Thane is clear, marketable and free from encumbrances. I have also verified the original Agreement for sale and it appears to be genuine.

In my opinion the holders/purchasers herein can create an equitable mortgage in favor of the Bank by depositing the following documents and compliances.

XIV. THE DOCUMENTS WHICH ARE REQUIRED TO BE DEPOSITED WITH THE BANK BY THE TITLE HOLDER /S FOR CREATION OF EQUITABLE MORTGAGE OF THE SAID FLAT AT THE NOTIFIED TOWN :

1. Original Agreement for Sale dated 19.3.2012 registered on 19.3.2012 vide Document No. UHN 2 - 02830 - 2012 BETWEEN M/s.Panvelkar Sankul (Promoter) AND Shri.Sandeep Madhukar Salvi (Purchaser/s).
2. Original Registration Receipt No.2885 dated 19.3.2012 issued by the Sub Registrar of Assurances Ulhasnagar - II at Ulhasnagar, Thane.
3. Original Stamp Duty Receipt No.54151 bearing Franking No.97690 dated 17.3.2012 issued by Ambernath Jaihind Co-op. Bank Ltd.

- 4. Original NOC cum Mortgage noting letter from M/s.Panvelkar Sankul, in the format annexed herewith or if society is formed then NOC from Society.

XV. FOLLOWING DOCUMENTS SHOULD BE HELD WITH THE BANK FOR RECORDS



- 1. Xerox copies of all other documents, which are mentioned in the column documents studied be retained with the Bank for records.
- 2. Undertaking, Affidavit and Power of Attorney executed by the Holder / borrower in the format prescribed by Bank.

II. The Memorandum of EMDTD should be executed on appropriate stamp duty as per Article 40 (b) of the Bombay Stamp Act, 1958, depending upon the loan sanctioned / to be sanctioned to the Holder.

To avoid any cheating, fraud, or forgery you are requested to hand over the letter requesting the mortgage noting in the hands of responsible person from M/s.Panvelkar Sankul and also immediately ensure the lien is noted in the registers maintained by them.

Thanking you,

Your's Truly

Pradeep N. Chavan
Advocate, High Court

PRADEEP N. CHAVAN
ADVOCATE HIGH COURT
E-6, MAROL POLICE CAMP,
ANDHERI (E), MUMBAI - 59.
(M.): 9870428543, 32577989 (R.)

Rajendra Tungatkar
& Jitendra P. Tungatkar
Search clerks

To,
Chavan & Associates
Advocates High Court.



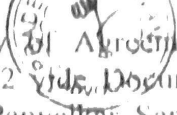
Sub- Search of the records of the property at Sub Registrars office at Ulhasnagar in respect of Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambarnath, Dist. Thane constructed on the piece and parcel of Non Agriculture land bearing Survey Nos.81 Hissa No.1/B/1 & 1/B/2 and 84 Hissa No.5 & 7, of Village - Kharvai, Taluka - Ambarnath & Dist. - Thane within the Registration District and Sub District of Ulhasnagar and within the local limits of Kulgaon Badlapur Municipal Council as under:-

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- 1) Owner - Shri.Sandeep Madhukar Salvi.
 - 2) Property - details of Flat as mentioned above.
 - 3) Area - area of 515 Sq. Ft. (Carpet area).
 - 4) Survey Nos.81 Hissa No.1/B/1 & 1/B/2 and 84 Hissa No.5 & 7.
 - 5) Village - Kharvai.
 - 6) Taluka - Ambarnath.
 - 7) District - Thane District.

Under the instructions, I have taken search of the above property in the office of Sub Registrar of Assurances at Ulhasnagar from 2000 to 2012.

SEARCH FROM 2000 TO 2012

2000 - Nil
2001 - Nil
2002 - Nil
2003 - Nil
2004 - Nil
2005 - Nil
2006 - Nil
2007 - Nil
2008 - Nil
2009 - Nil
2010 - Nil
2011 - Nil

2012 I have found an entry of Agreement for Sale dated 19.3.2012 registered on 19.3.2012  Document No. UHN 2 - 02830 - 2012 BETWEEN M/s.Panvelkar Sankul (PROMOTER) AND Shri.Sandeep Madhukar Salvi (Purchaser/s), the purchaser herein has purchased Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambarnath, Dist. Thane for full and final consideration of Rs.18,27,250/-. The purchaser has paid Registration Fees of Rs.18,290/- and the Sub Registrar of Assurances Ambarnath - has issued Registration Receipt No.2885 dated 19.3.2012 in that respect. **the said entry is verified from day book as records are not ready yet.**

Books of 2012 are not bound yet/Properly. All the Records are in loose conditions.

Note: - In the register office most of records (computer as well as manual) found in torn and mutilated condition so there is chance of manual mistake. All nil remarks are subject to available records.

Yours Faithfully



Rajendra Tungatkar
& Jitendra P. Tungatkar
(Search Clerks)

Shri.Sandeep Madhukar Salvi

Sub :- Search of the records of the property at Sub Registrars office at Ulhasnagar in respect of Flat bearing No.C 1 - 203, adm. area of 515 Sq. Ft. (Carpet area), situated on 2nd Floor, in "C 1" Wing of the Project Known as "PANVELKAR SANKUL" situated at Kulgaon Badlapur Municipal Council, Tal - Ambernath, Dist. Thane.

Village - Kharvai.

Taluka - Ambernath.

Dist. - Thane.

SEARCH FROM 2000 to 2012
