

ENGLISH TRANSLATION OF
COLLECTOR ORDER Dt. 25/04/2012.

COLLECTOR, MUMBAI SUBURBAN DISTRICT

No. C/Kaarya-7B/Kaavi-780/Ka - O- Va/2012

Date:- 25/04/2012.

Subject:-

Land Mumbai Suburban District

Permission for the sale of Gala/s to be constructed on the said leased property bearing C.T.S. Nos. 349, 349/1, 350, 350/1, 351, 351/1, 352 and 352/1, Plot Nos.138 ABCD, 139 ABCD, 140 ABCD & 141 ABCD of Kandivali Industrial Estate.

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Read:-

1. Applicant's Application dated 02/04/2012 in respect of the captioned matter.
2. Order bearing No. G.A.Bhu.A/Na.Bhu.S. 3B/Shre.Du/S R 1995/2011/3175 dated 20/08/2011 passed by The Collector, MSD.
3. Order bearing No.C/Karya-7B/Kaavi-28765/Ka-O-Va/Metallica/2012 dated 24th April 2012 passed by The Collector, MSD.
4. Government Order bearing No. LBL 11002/Pra.Kra.154/J 2 dated 24/08/2004.

ORDER:-

The Applicant, M/s. Metallica Industries Ltd., vide application dated 02/04/2012 has informed that the applicant is desirous of constructing Gala/s for industrial purpose and have requested the permission for the construction and sale of the Industrial Gala/s on the said property



bearing C.T.S. Nos. 349, 349/1, 350, 350/1, 351, 351/1, 352 and 352/1 which was leased to the applicant and that the applicant is ready to make the payment of the necessary premium for the same.

This office has vide Lease Deed dated 20th November, 1976 leased the said property bearing CTS Nos. 349, 349/1, 350, 350/1, 351, 351/1, 352 and 352/1 and Plot No.138 to 141 ABCD to M/s. Metallica Works Pvt. Ltd. for a period of 30 years. Thereafter, vide Government Notification dated 27/12/1982, the Occupancy rights of all the plots situated at Kandivali Industrial Estate were given at the rate of Rs.66/- per sq. mtrs. On 16/01/1987, the name of M/s. Metallica Works Pvt. Ltd. was changed to Metallica Industries Ltd. And the aforesaid has been approved vide ~~order~~ - 9/ captioned Ref. No. 3 i.e. Order bearing No. C/Karya-7B/Kaav-28765/Ka-O-Va/Metallica/2012 dated 24/04/2012.

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And as per the request of the applicant, in reference to the said property bearing CTS Nos. 349, 349/1, 350, 350/1, 351, 351/1, 352 and 352/1 situate at Village Kandivali Taluka Borivali which was given on the Permanent Occupancy basis vide Order mentioned in Ref No. 2 above the area of the said property i.e. Plot No. 138, 139, 140 and 141 has been fixed at 6645.1 sq. mtrs. and the balance area of 555.0 sq. mtrs. was allotted for road widening. The applicant can avail the benefit of FSI in respect of the said area nominated/ allotted for road widening by making necessary application to Mumbai Mahanagarpalika. In the above circumstances, as per the Government Order bearing No. LBL 11002/Pra.Kra.154/J2 dated 24/08/2004, the permission is hereby granted for sale/transfer of Gala/s to be constructed on the area of 6645.1 sq. mtrs. only subject to the following terms and conditions:-



TERMS AND CONDITIONS:-

1. A sum of Rs.3,57,50,635/- (Rupees Three Crore Fifty Seven Lac Fifty Thousand Six Hundred and Thirty Five Only) calculated at the rate of Rs.500/- per sq. ft. (6645.1 sq. mtrs. i.e. 71501.27 sq. ft.) shall be payable as transfer fees towards transfer of said Galas for the Industrial purposes. The Demand Draft/Pay Order in favour of "Collector, Mumbai Suburban District" for the aforesaid amount shall be deposited within a period of 30 days.

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2. The implementation of the aforesaid permission shall not be made until the said transfer fee is deposited with the Government.
3. After the said permission, the approved plans shall be submitted to the said Office. The Applicant shall pay the difference transfer fee if the area exceeds the approved area as mentioned in Term No. 1 hereinabove.
4. The said property has been approved for industrial purposes. The Applicant shall be required to obtain the prior permission of the Collector for the use of the said property for any purpose other than specified.
5. After this permission, there shall be no transfer fee payable by the Purchasers for first transfer of the Galas in the proposed building to be constructed on the said property. However for any transfer thereof, in future, transfer fees shall be recovered in respect of any further sale/transfer of the Gala/s as per the Government Resolution dated 24/08/2004. If the said property is required by the government then it shall be obligatory to handover the unconditional possession of the



said property/plot without any payment of compensation from the Government.

6. This office shall neither be responsible in way nor shall be liable to pay any compensation in the event of any dispute of any nature existing/arising between the Seller and the Purchasers with reference to the said plot in question. The entire responsibility of the same shall be of the Applicants.

7. That Transfer Development Rights (TDR) cannot be used on the said property without the prior permission of the concerned authority.

And for that purpose it is necessary to obtain the prior permission of the Collector as per the prevailing regulations of the Government. Similarly, the prior permission shall be essential to make said use for the approved purpose as per Corporation's requirements.

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8. No gift deed, mortgage Deed, Sale Deed, Lease deed, etc shall be executed in respect of the said property without the prior permission of the Collector, Mumbai Suburban District. Similarly, transfer of the said property cannot be effected with any third party.

9. In the event of any mistake is found in the calculation of the transfer fees, the excess amount payable shall be paid to the government alongwith interest thereon after the rectification of such mistake.

10. In the event of any breach of the terms and condition mentioned hereinabove, the said property along with any construction thereon shall be taken over by the government without grant of any compensation for the same.



11. The applicant shall be bound by any other terms and conditions that may be levied in future by the government other than terms and conditions mentioned hereinabove.

12. This permission is granted purely on the basis of the documents submitted by the applicants' company. Thus the applicants' company shall be solely responsible for any court matter that may arise in future.

13. A copy of the agreement to be executed between the Seller and the Purchasers shall be filed in this office.

14. An Affidavit/Declaration on stamp paper of Rs.220/- stating that above terms and conditions are acceptable to be submitted to this office.

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Sd/-

Collector
Mumbai Suburban
District

To,
MR. JITENDRA R. JAIN
C.A. To Metallica Industries Ltd.
Plot No. 138 to 141 ABCD,
Kandivali Industrial Estate,
Charkop, Kandivali (W),
Mumbai 400 097.



Annexure - O-1



KAMLA CORPORATE PARK

LETTER OF CONSENT

Date:- 31/03/2011.

To, _____

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Sub: Gala No. _____ on the _____ Floor in the building "Kamla Industrial Park" situate at Plot No.138 to 141 ABCD of Government Industrial Estates, Kandivali Co-operative Industrial Estates, Charkop, Kandivali (West), Mumbai - 400 067.

Sir/Madam,

This has reference to earlier Allotment Letter issued by us to you wherein you have been allotted the said Gala under reference in that regard we have to further inform you that we and Metallica Industries Limited have mutually cancelled the Development Agreement dated 27th October, 2007 and lieu thereof Metallica Industries Limited has taken over redevelopment of the said property. We have transferred a sum of Rs. _____/- (Rupees _____ Only) to Metallica Industries Limited, which you have paid to us till date. Therefore, henceforth all future payments shall be made directly to "Metallica Industries Limited" and Metallica Industries Limited shall be executing an Agreement for sale of the said Gala with you.

Thanking you,

Yours truly,
Kamla Corporate Park


Authorized Signatory

I/We hereby accept & confirm the aforesaid.

We hereby accept the aforesaid.

Metallica Industries Ltd.
Authorized Signatory



KAMLA CORPORATE PARK Sitait - Vinal, Ground Floor, Pherozshah Mehta Road, Mumbai - 400 067. FAX: 26172658

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TITLE CERTIFICATE

TO WHOMSOEVER IT MAY CONCERN

DESCRIPTION OF THE PROPERTY

ALL THAT PIECE OR PARCEL of land or ground together with structures standing thereon situated lying and being Plot Nos.138 to 141 ABCD of Government Industrial Estate (corresponding C.T.S. Nos.~~349~~, ~~349/T, 350~~, ~~350/T, 351~~, ~~351/T, 352~~ and ~~352/T~~) of Revenue Village Kandivali Takula Borivali, Kandivali Co-operative Industrial Estate, Charkop, Kandivali (West), Mumbai 400 067, ("the said property") admeasuring 6785 sq.mtrs or thereabouts as per the Lease Deed dated 20th November 1976 and admeasuring 7200.1 sq.mtrs or thereabouts as per the property Card of the said property in the Registration Sub District of Bandra, Mumbai Suburban District and bounded as follows:-

On or towards the North by : Existing road and beyond that CTS Nos.353 & 348 of the said Estate;
 On or towards the South by : CTS Nos.353 and 348 (Plot Nos.140 &139) of the said Estate;
 On or towards the West by : CTS Nos.359 & 358 of the said Estate;
 On or towards the East by : Existing Road and beyond that CTS Nos. 342 and 353 of the said Estate.

As per instructions received from Metallica Industries Limited., I have carried out search of the records relating to the abovementioned property.



OFFICE : ANAND KANCHAN, II FLOOR, PHEVADSHANKAR MARG, ROAD, VILE PARLE (E), MUMBAI-400 067. • TEL.: 2617 2844, 2617 9438, 2617 9438, 2617 2853.
 RESIDENCE: E-23, SHANTI SADAN, OCEAN VIEW SOCIETY LTD, 101, JUMBAI-400 067, VILE PARLE (E), MUMBAI-400 067. • MOBILE : 93690 75324, 98675 99579 • E-mail: anandkanchan@rediffmail.com

SEARCH REPORT:

✓ Government was absolutely seized, possessed and entitle to various pieces and parcels of land at Kandivali (West), Charkop and with a view to develop the same as an Industrial Zone, the Government established an Industrial Estate ("Government Industrial Estate"). #

By a Lease Deed dated 20th November, 1976 ("Lease Deed") Government through Additional Collector of Bombay Suburban District granted lease of the said property to One Metallica Works Pvt. Ltd., (a Company duly registered under the provisions of the Indian Companies Act 1913) therein referred to as "the Lessee" for 30 years on the terms and conditions more particularly mentioned therein.

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In or about 16th January, 1987, Metallica Works Pvt. Ltd. converted itself into a Public Limited Company and is now known as "Metallica Industries Limited".

As it was not possible for the Government to deal with all the lessees of the Government Industrial Estate for collection of Lease rentals, administrative charges, management of the Industrial Estate, etc. and therefore, in the year, 2002 got incorporated a Society named as "Kandivali Co-operative Industrial Estate Limited" ("said Society") for the purpose of collection of rents, management and administration of the Industrial Estate.

The Government allotted the entire land of the Government Industrial Estate to the said Society, however, the Government has never executed any transfer documents in favour of the said society and has kept the ownership of the entire Industrial Estate with it and all the Lessees of the Government Industrial Estate became members of Kandivali Co-operative Industrial Estate Limited. The said Society issued to Metallica Works Pvt. Ltd. a Share



Certificate bearing Nos.771 to 780 (both inclusive) represented by Share Certificate No.248.

By a Memorandum bearing No. Land 2687/1875/ Pra.Kra2914/(Part-2)/J-3 dated 25th April, 2003 issued by the Revenue & Forest Department, the Government decided to transfer the Government Industrial Estate at Mauje Kandivali in favour of Maharashtra Industrial Development Corporation (MIDC) through the Industry Energy and Labour Department on the terms and conditions mentioned in the Memorandum and to give its management to Maharashtra Industrial Development Corporation. A Copy of the Memorandum alongwith the translated copy is hereto annexed and as Annexure "A".

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By an Order dated 2nd July, 2003 bearing No.C/Karya-7B/62.K.I.E./Kavi-121/02, the Collector of Mumbai Suburban District transferred the entire industrial estate to the Maharashtra Industrial Development Corporation (MIDC) through Industry Energy and Labour Department for industrial purposes and public purpose and with encroachment as existing with liabilities of recovery of all government dues. A Copy of the said Order dated 2nd July, 2003 issued by the Office of the Collector, Mumbai Suburban District, alongwith the translated copy is hereto annexed and marked as Annexure "B".

The City Survey Officer, Borivali by a Possession Receipt dated 23rd January 2004, handed over the documentary possession of the Kandivali Industrial Estate to MIDC, Regional Officer. A copy of the Possession Receipt dated 23rd January 2004, alongwith the translated copy is hereto marked and annexed as Annexure "C".

By an Order dated 30th April, 2004, Government granted approval for transferring Government Industrial Estate, Kandivali by Maharashtra Industrial Development Corporation in favour of Kandivali Co-operative Industrial Estate Limited on the terms and conditions mentioned in the

MIDC



2. # #

circular dated 30th April, 2004 issued by Government. A copy of the Order dated 30th April, 2004 alongwith the translated copy is hereto marked and annexed as Annexure "D".

Maharashtra Industrial Development Corporation (MIDC) by an Order dated 10th May 2004, bearing No. MIDC/Mubhuvapua/ Kandivali I.E./ Transfer/531, directed the Regional Officer, MIDC, Thane to handover the possession of the said property and the entire industrial estate to the Society. A copy of the Order dated 10th May 2004, alongwith the translated copy hereto marked and annexed as Annexure "E".

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Maharashtra Industrial Development Corporation on 12th May 2004, handed over possession of the Kandivali Industrial Estate to the Society. A copy of the letter dated 12th May 2004, alongwith the translated copy is hereto marked and annexed as Annexure "F".

The said Society has also by their letter dated 20th June, 2007 addressed to Metallica Industries Limited granted NOC for reconstruction of the said property. A copy of the said Letter dated 20th June, 2007 is hereto annexed and marked as Annexure "G";

I have taken search at various Sub Registrar Offices for the years between 1948 to 2007 (60 years) for the "the said Property". While inspecting records at Registrar of Companies at Mumbai it is revealed that Metallica Industries Limited has mortgaged the Company's property in favour of Canara Bank by creating a first Charge on factory building and Canara Bank have vide their letter bearing No.CB/ARM/CR-173/5661/METALLICA/2007/SML dated 23rd April 2007 issued a No Dues Certificate in favour of Metallica Industries Ltd. A copy of the Letter dated 23rd April 2007 is hereto annexed and marked as Annexure "H".

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PUBLIC NOTICE:


Public Notice dated 5th April 2007, was issued in Navshakti and Free Press Journal on 9th April, 2007 inviting claims/objections in respect of the said property from members of public and no objection/claim was received in respect of the said property.

TITLE:

In view of what is stated above, I am of the opinion that Mentha - 9/ Industries Limited has a clear and marketable title to the said property.

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Dated this 13th day of September, 2007.


Advocate



महाराष्ट्र औद्योगिक विकास महामंडळ (अड्डे रकमा) जमा झाल्यानंतर सर्व रकमा आपआप्या निवृत्तीच्या वेळी वसूल करावी. इतर कोणत्याही कारणाने रकमा अड्ड्यात राहिल्याने घरीही आसता. अड्ड्यात राहिल्याने वसुलीसहीत नसल्याने महाराष्ट्र औद्योगिक विकास महामंडळाकडे वसुलीसहीत नसल्याने.

३. प्रस्तुत राखण उद्योग विभागाच्या व विस विभागाच्या सहमतीने, विस विभागाने दि. २०/०३/२००३ ला अड्ड्याच्या निमित्त प्रत्येकी ३०० /०३/व्याच-९, दि. २९.३.२००३ ला अड्ड्याच्या निमित्त कट्ट्यात घेतले आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नाकाने,

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(विभागीय अधिकारी)
 कर्मचारी अधिकारी
 महसूल व जन विभाग

स्थान :
 मिहळ, मिहळ, मुंबई, महाराष्ट्र जिल्हा,
 प्रयागपूर रवारा, जवळ (पूर्व), मुंबई

- निर्देशिका :
१. शिवाजी, कर्मचारी विभाग, कोकण, मुंबई, विभागीय अधिकारी
 २. यामना, कर्मचारी विभाग, कोकण, मुंबई, विभागीय अधिकारी
 ३. महाराष्ट्र राज्य, महाराष्ट्र राज्य, कोकण, मुंबई, विभागीय अधिकारी
 ४. महाराष्ट्र राज्य, महाराष्ट्र राज्य, कोकण, मुंबई, विभागीय अधिकारी
 ५. महाराष्ट्र राज्य, महाराष्ट्र राज्य, कोकण, मुंबई, विभागीय अधिकारी
 ६. महाराष्ट्र राज्य, महाराष्ट्र राज्य, कोकण, मुंबई, विभागीय अधिकारी



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No Land 2687/1875/Pra.Kra.29 14/(Part-2)/I

Revenue and Forest Department,

Mantralaya, Mumbai 32.

Dated 25.4.2003.

Subject: Land-Mumbai Suburban District

For transferring Government

Industrial Estate at Kandivli to

Maharashtra Industrial Development

Corporation through Industry

Department.

Read: Government Memorandum of even number

Dt. 6.12.2002.

Memorandum:-

It is hereby informed to the Collector, Mumbai Suburban District that Government has taken decision to transfer Government Industrial Estate at Manje Kandivli which in possession of Revenue Department, to Industry Department through Collector subject to



returning documents to Maharashtra Industrial Development Corporation and thereafter to make cooperativeness of the said Estate in due course through Maharashtra Industrial Development Corporation.

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Term:-1) Collector to fully recover from plot-holder an amount of all arrears in respect of revenue of questioned land and government dues.

2) Control and management of Kandivli Industrial Estate shall be with Maharashtra Industrial Development Corporation till its cooperativeness.

2. Since dues are not being recovered as per the aforesaid terms, till date no action has been taken by Collector for transferring Government Industrial Estate through Industry Department to the Maharashtra Industrial Development Corporation. Therefore, demand of Kandivli Industrial Estate Association for relaxing



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term at Serial No.1 out of the above terms, was under Government's consideration. In this regard, now Government has taken decision to make amendment as follows in term No.1 of original Memorandum.

Term No.1): By collecting all confirmed information with regard to all arrears and other government dues, Collector to transfer liability of land of all arrears amount to Industry, Energy and Labour Department by co-ordinating with Industry, Energy and Labour Department. Thereafter responsibility of recovery will be of Industry, Energy and Labour Department. It would be possible to make recovery through Maharashtra Industrial Development Corporation.

After depositing amounts with Maharashtra Industrial Development Corporation, all amounts be



give no objection to that also, there should be no objection for transferring Estate to Maharashtra Industrial Development Corporation."

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This Memorandum has been issued with consent of Industry department and Finance Department with reference to Informal Reference No Pra.Kra.300/03/ Vjay-9 dt.29.3.2003 of Finance Department.

By the name and in pursuance of Order of Governor of Maharashtra,

Sd/-

(Shivaji Patankar)

Desk Officer,

Revenue & Forest Department

Collector, Mumbai Suburban District,

Administrative Building, Bandra(East), Mumbai 51.

Copy to:-

1. The Commissioner, Kankan Division, Kankan
Bhavan, Navi Mumbai.



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2. The Settlement Commissioner and Director, Land Record, Maharashtra State, Pune.
3. The Accountant General, Maharashtra State, Mumbai/Nagpur.
4. The Accountant General, Maharashtra State, Mumbai/Nagpur (Accounts & Entitlement).
5. The Assistant Director, Town Planning and Valuation, Mumbai.
6. Section Officer, Finance Department, Mantralaya, Mumbai-32.
7. The Section Officer, Industry, Energy and Labour Department, Mantralaya, Mumbai 32.
8. Nivad Nasti, 1-3 Desk, Revenue & Forest Department.



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OFFICE OF THE COLLECTOR, MUMBAI
SUBURBAN DISTRICT

Administrative Building, 10th Floor, Government Colony,
Bandra(E), Mumbai-51.

No. C/Kavya-7H/62/Ki.I.E./Kavi-121/02

Dated: 27/12/03

- Read 1) Letter No Land-2687/1875/Pra.Kra.2914/
Part-2/I-3 dated 6/12/2002 of the
Government Revenue & Forest Department.
- 2) Letter No Land-2687/1875/Pra.Kra.2914/
Part-2/I-3 dated 25/4/2003 of the
Government Revenue & Forest Department
- 3) Meeting held on 13/6/2003 in the presence
of Development Commissioner Industry.

ORDER:-

By their Memorandum dated 25/4/2003 mentioned
in foreword, Government Revenue & Forest Department

has passed revised order for transferring Government
Industrial Estate at Manikeshwar



Department to Maharashtra Industrial Development Corporation

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By Order dated 6/12/2002, Government Revenue & Forest Department had passed order for transferring the estate to Industry Department after fully recovering by Collector all arrears amount in respect of revenue of questioned land from plot-holders and the government dues. However, now by Memorandum dated 25/4/2003, Government has granted approval for transferring the estate by transferring liability of recovery of all arrears amount in Estate, to Maharashtra Industrial Development Corporation through Industry, Energy and Labour department.

Therefore, subject to the approval granted by aforesaid Memorandum dated 25/4/2003 by Government Revenue and Forest Department and terms/conditions therein, as per the terms and conditions in Government Circular No LND-1093/631/Pra.Kra.57/1-1 dated



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1/11/1993, the land admeasuring area of about 1.16 acres 20 guntle of S.No:67 pt., 68, 69, 70 pt., 161 pt., 159 157 pt., S.No 41 pt. at Manje Kaudivi and entire industrial colony thereon is hereby transferred to the Maharashtra Industrial Development Corporation through Industry Energy and Labour Department for industrial purposes and public purposes as shown in layout, with plot thereon and with encroachment as existing in the said Estate, as it is, with liability of recovery of all government arrears amount and with court cases filed in that connection.

City Survey Officer, Borivli to make available to the Maharashtra Industrial Development Corporation, information of demarcation of Estate and necessary city survey record such as copy of Estate layout, CTS plans etc.

Note:- 1) List of plot-holders in the said Estate and files concerned with the plots, information of plot-

holders in, arrears and information of unauthorized



2) With a view to complete destination given by Government, recovery of arrears due till 31/4/2004 in Estate shall be made by Tahsildar, Borivli, under the control of Collector and thereafter the said responsibility shall be passed to the Mah. Industrial Development Corporation.

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Copy for information and necessary action to:

- 1) The Section Officer, Revenue & Forest Department, Mantralaya, Mumbai 400 032.
- 2) The Section Officer, Industry, Energy and Labour Department, Mantralaya, Mumbai 400 032.
- 3) The Chief Executive Officer, Mah. Industrial Development Corporation, Andheri, for information and further appropriate action.
- 4) Copy to the Tahsildar, Borivli, for information and necessary action..

2/- He is informed that those plot-holders of plot-holders in arrears sent by this Office have paid amount of arrears, list of such plot-holders be submitted



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in this Office within 15 days from the day of this Order with details of amount paid by them.

3/- List of plot-holders in arrears with this Office is annexed hereto.

- 4/- Those plot-holders who have transferred their plots unauthorisedly, those who have made changes in use on plot from industrial purpose to commercial or other use, list of such plot-holders be submitted to this Office immediately. The said information is to be given to Maharashtra Industrial Development Corporation.
- 5) Copy to the City Survey officer, Borivli, for necessary action in view of directions given in order.
- 6) Copy to the Chairman, Kandivli Co-operative Industrial Estate Ltd., through P.No.97-CD Government Industrial Estate, Charkop, Kandivli, for information.
- 7) Copy to Nivad Nasti

Sd-

Office copy bears signature For Collector

Of Collector.

Mumbai Suburban District.



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OFFICE OF THE CITY SURVEY OFFICER

BORIVLI

Address: Ground Floor, Magadhane Bus Depot, Near
Western Express Highway, Borivli(East), Mumbai
400066. Telephone No.022-28846391.

POSSESSION RECEIPT

By Memorandum No.Land-2687/1875/Pa.Kra.
2914/Part-2/J-3 dt.25.4.2003 of the Government Revenue
& Forest Department, order of transferring Government
Industrial Estate at Manje Kandivli, Tal. Borivli, through
Industry Department, to the Maharashtra Industrial
Development Corporation, has been passed.

In that connection, by the Order No.C/Karya-
7B/62/K.I.E./Kavi 121/02 dt.2/7/2003 and by letter
dt.31/7/2003 of the Collector, M.S.D., it has been
directed to transfer the land admeasuring area of about
116 acres 20 gumbas of S.No.67 pt., 68, 69, 70 pt., 161-
pt., 159 pt., 157 pt., S.No.41 pt. and the approval
entire industrial colony thereon.

