

Ref. No. C.4921

Date : 12/02/2021

Tulsi Estate Developers Partnership firm-

- (1) Mukesh Bhagvandas Kukdeja**
- (2) Manojkumar Devrajbhai Kukdeja**
- (3) Dilipkumar Shobhrajbhai Kukdeja**
- (4) Ritesh Tulsidas Kukdeja**

Office Address :

F.F.29, First floor,
Business center,
Bhavnagar

RE:- Investigation of title – Open Lease hold plot no. 1770/B admeasuring 640.80 sq.mtrs. as per municipal records and 648.50 sq.mtrs. as per City survey records and 599.76 sq.mtrs. as per site situated at Sarvodaya Co-Operative Housing Society Ltd. , Sardarnagar, Bhavnagar and recorded at city survey ward no.6, Sheet no. 321, Survey no. 3984.

1. At your instruction we have examined your title to captioned free hold plot no. 1770/B, at Sarvodaya Co-Operative Housing Society Ltd., Sardarnagar, Bhavnagar and list of documents examined by us is hereto annexed.
2. Your firm is partnership firm having partners –
1.Mukesh Bhagvandas Kukdeja 2.Manojkumar



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Devrajbhai Kukdeja 3.Dilipkumar Shobhrajbhai Kukdeja 4.Ritesh Tulsidas Kukdeja. The captioned lease hold no. 1770/B was purchased by your firm on 22/4/2014 vide registered sale deed no. 1493/2014.

3. The various pieces of lands were allotted by Standing Committee, Bhavnagar Nagarpalika to nine different societies as per their demands which were allotted by resolution no.8 and accordingly plots no. 1770, 1772, 1773, 1731, 1739, 1730, 1738 were allotted to Sarvodaya Co-Operative Housing Society Ltd. Copy of resolution is in the file.
4. The Sarvodaya Co-Operative Housing Society Ltd. was formulated and registered under the Saurashtra Co-Operative Societies Act of the Saurashtra state vide registration no. B-93 on 30/12/1995. Copy of the said registration certificate issued by the Registrar Co-Operative Societies, Saurashtra State and rules and regulations of the society are in the file.
5. It appears that Dr. Vamanrai Prabhashankar Upadhyay was one of the members of the Sarvodaya



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Co-Operative Housing Society Ltd. and society issued share no. 145 and 146 on 21/6/1960 to him. Copy of the share certificate is in the file. The society further issued share no. 257 to 260 on 21/12/1962 to Dr. Vamanrai Prabhashankar Upadhyay. Copy of the same is in the file.

6. Smt. Dayagauri Narmadashankar Bhatt has paid share transfer fees etc. on 24/1/1966 and became the member of the society and the society carried out transfer endorsements in share certificates dated 21/6/1960 and 21/12/1962. The society also issued allotment letter to her on 24/1/1966 and also issued certificate on 17/2/1966 showing that the plot no. 1770/B owned by Dr. Vamanrai was transferred in the name of Smt. Dayagauri Narmadashankar Bhatt. Copy of receipt no. 168, allotment letter and certificate are in the file. She has carried out construction over the said plot as per the approved lay out plan and Bhavnaar Nagarpalika issued Completion certificate on 24/4/1972. The society issued certificate on 10/3/1970 that Dayagauri Narmdashankar Bhatt was member of the society and she has constructed



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building over plot no. 1770/B. Copy of completion and copy of the certificate of the society are in the file.

7. With the introduction of city survey in Bhavnagar; City Survey Department issued sanad for ward no. 6, sheet no. 321, survey no. 3984 admeasuring 648.50 sq.mtrs. in the name of Smt. Dayagauri Narmdashankar Bhatt - member of Sarvodaya Co-Operative Housing Society Ltd. It appears that City Survey Inquiry officer issued inspection sheet on 10/2/1971 that gali land is excluded from plot no. 1770/B. Copy of inspection sheet is in the file. Copy of property card for ward no. 6, sheet no. 321, Sur. No. 3984 in the name of Dayagauri Narmadashankar Bhatt is in the file.

8. The said plot is lease hold plot and lease deed was executed between Bhavnagar Nagarpalika and Sarvodaya Co-Operative Society on 30/8/1976 starting from the year 1958. The said lease agreement is not registered.



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9. It appears that the plot no.1770 was sub-divided into plot no. 1770/A and 1770/B since allotment of the plot by the society but the approval for the same was obtained from Bhavnagar Mahanagarpalika on 15/10/1990. Copy of approved layout plan showing sub-plot 1770/A admeasuring 650.65 sq.mtrs and 1770/B admeasuring 640.80 sq.mtrs. is in the file.
10. Smt. Dayagauri Narmdashankar Bhatt entered into registered sale agreement on 11/5/2005 with Butani Kalidas Amarshibhai, Jay Kalidas Butani for sale of plot no. 1770/B. The society issued no objection certificated to Dayagauri Narmdashankar Bhatt for sale of property and no dues are outstanding from her on 2/4/2005. Copy of registered sale agreement no. 1414/2005 and certificate are in the file.
11. The Sarvodaya Co-Operative Housing Society Ltd. issued certificate that as per the sale agreement if the plot no.1770/B is sold to Kalidas Butani and Jaybhai Kalidasbhai Butani than the society does not have any objection. The copy of the certificate dated 20/5/2005 is in the file. Subsequently, Smt. Dayagauri



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Narmdashankar Bhatt executed Registered Sale Deed no.1986/2005 dt. 7/7/2005 in favour of Kalidas Butani and Jaybhai Kalidasbhai Butani. The property was ranted property as mentioned in the sale deed. The property was recorded in the names of Kalidas Butani and Jaybhai Kalidasbhai Butani in the records of City Survey Dept vide entry no. 815 dated 21/4/1995. The copy of the property card is in the file.

12. It appears that Bhavnagar Mahanagar Palika issued measurement sheets on 7/11/2008 after measuring the property. The measurement consist of place for Mobile tower and the residential bungalow. The plot no. 1770/B was recorded in the name of Butani Kalidas Amarshibhai and Butani Jay Kalidas vide resolution no. 967 on 10/11/2009 after receiving the Occupational Price by Bhavnagar MahanagarPalika. The copies of measurement sheets and the resolution are in the file.



13. Shri Kalidas Amarshibhai Butani executed power of attorney on 8/2/2008 in favour of his son Jay Kalidas Butani to execute agreement with of Bharti Infratel

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Company. Subsequently, Leave and License agreement was dated 13/2/2008 executed between Jay Kalidas Butani for self and as power of attorney holder of Kalidas Butani and Bharti Infratel Ltd. for fixing tower for stipulated period at plot no. 1770/B. The copy of power of attorney and the agreement is in the file. Addendum agreement was also executed on 20/11/2009 between Jay Kalidas Butani and Bharti Infratel Ltd. It appears that the mobile tower was removed by the company on 10/1/2019 and it was informed to Bhavnagar Mahanagarpalika on 7/3/2019.

14. It appears that Shri Kalidasbhai Butani applied for new construction at the plot and has paid fees for which society issued receipt no. 12 on 1/11/2012 and society also issued no objection letter on 1/11/2012 issued by Sarvodaya Co-Operative Housing Society Ltd. that the permission of new construction was granted to Kalidasbhai Butani and society will sign the plan for new construction. Copies of the same are in the file. The society issued resolution on 30/10/2012 of general meeting that society has no objection with construction of flat over plot no. 1770/B.



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15. Shri Kalidas Butani and Jaykumar K. Butani have paid membership fees, share transfer fees and other fees on 10/11/2011 and society issued receipt for the same. The Sarvodaya Co-Operative Housing Society Ltd. issued share certificate to Kalidas Butani and Jaykumar K. Butani on 10/11/2011 bearing share no. 361-370 wherein share certificate number is not legible. The society also issued allotment letter on 15/11/2011 in the names of Kalidas A. Butani and Jaykumar Kalidas Butani for plot no. 1770/B.
16. Shri Kalidas Amarshibhai Butani, Jaybhai Kalidas Butani entered into sale agreement with your firm through authorized partner - Riteshbhai Tulsidas Kukdeja on 6/3/2013 for sale of plot no. 1770/B having construction admeasuring 1200 sq.ft. Copy of notarized sale agreement is in the file. The society issued no objection letter for sale of property and no dues certificate on 5/1/2013. After payment of sale consideration again sale agreement executed on 12/5/2013 between Kalidas Amarshibhai Butani, Jaybhai Kalidas Butani and your firm and registered



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sale deed no. 1493/2014 executed on 22/4/2014 for sale of open lease hold plot no. 1770/B. Original sale agreement and copy of registered sale deed is in the file. The construction over the plot was removed thus the open was a open lease hold plot.

17. Shri Kalidas Butani and Jay Kalidas Butani have given power of attorney to you no. 1 - Riteshbhai Tulsidas Kukdeja to perform assigned works i.e initiate procedure for removal of mobile tower, name transfer, submission of sketch and its approval etc.

18. Your firm has paid membership fees, transfer fees etc. on 27/5/2016. The society issued receipt on 27/5/2016. The society issued allotment letter in the name of your firm on 27/5/2016 and share certificate no. 3 bearing share no. 111-120 on 27/5/2016. Copies thereof are in the file.



19. It is pertinent to note that as per Co-Operative Societies Act, the society can issue allotment letter and share certificate only once and the transfer must be executed by way of endorsement in the share certificate but here in this case the society issued

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allotment letter and share certificates more than twice which shows irregularity but it does not adversely affect the title as it does not jeopardize the rights of owners.

20. The society issued no due certificate to your firm on 27/5/2016. The said plot is lease hold plot and your firm has applied for execution of lease deed at Bhavnagar Mahanagarpalika and society issued letter to Bhavnagar Mahanagarpalika that file was presented for execution of lease deed for plot no. 1770/B and society has no objection and granting permission for execution of lease deed. Copy thereof is in the file.
21. Your names have been recorded in the records of Bhavnagar Mahanagarpalika on 6/1/2021 vide resolution no. 109 and in City Survey records vide entry no.12677 on 14/7/2016. Copies of the resolution and property card are in the file.
22. The up to date property taxes have been paid on 11/12/2020 vide receipt no. 53814 and lease has been paid. Shri Savrodaya Co-oprative Houseing Society through its president and Bhavnagar



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Mahanagar Palika has executed Registered lease deed no. 774/2021 on 10/2/2021. As per the deed the period lease commences from dt. 12/11/1962 and the same will be extended for further 30 years. Copies of the same are in the file.

23. The public notices have been issued in daily news paper Gujrat Samachar on 22/01/2021 and in Saurashtra Samachar on 24/01/2021 and no objections have been received. Our representative has carried out searches at the Land Registry, Bhavnagar vide receipt no. 20210110019 (2001-2021) on 11/2/2021 for the period of 30 years and has not found any mortgage, charge or encumbrances registered thereat over the said land.

24. The property is of co-operative society and as per RERA law and Co-Operatives Societies Act; for construction/development of plot it is necessary to release the captioned plot from society. The confirmation deed may also be executed if necessary. It is also advisable that whenever the property is sold all the necessary permissions must be obtained from



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society and it is also necessary to join the society as confirming party.

25. Accordingly we certify that your title to open Lease hold plot no. 1770/B admeasuring 640.80 sq.mtrs. as per municipal records and 648.50 sq.mtrs. as per City survey records and 599.76 sq.mtrs. as per site situated at Sarvodaya Co-Operative Housing Society Ltd. , Sardarnagar, Bhavnagar and recorded at city survey ward no.6, Sheet no. 321, Survey no. 3984 thereon and generally described here below is clear and marketable.

BRIEF DESCRIPTION

All these piece and parcel of open lease hold plot no. 1770/B admeasuring 640.80 sq.mtrs. as per municipal records and 648.50 sq.mtrs. as per City survey records and 599.76 sq.mtrs. as per site situated at Sarvodaya Co-Operative Housing Society Ltd., Sardarnagar, Bhavnagar and recorded at city survey ward no.6, Sheet no. 321, Survey no. 3984 thereon which is bounded on all four sides (as per regd. Sale deed no. 1493/2014 dated 22/4/2014) as follows.



JAGJIVANDAS S. PARIKH & CO.
ADVOCATES

Hazur Payga Road,
Bhavnagar - 364 001
Phone : Off (0278) 2424065
K.R. Trivedi : 9879511820
E-mail : jsp.adv1929@gmail.com

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North : Adjacent plot no. 1770/A.
South : Adjacent plot no. 1771/A.
East : Adjacent plot no. 1772/B.
West : Public road.

Yours faithfully
For J. S. Parikh & Co.



K.R. Trivedi
(K.R. Trivedi)
Partner

Encl : Search receipt no.
2021011001925, (1990-2001)
2021012001556 (2001-2021) dated 11/2/2021.

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LIST OF DOCUMENTS

1. Copy of rules and regulations of Sarvodaya Co-Operative Housing Society Ltd. dated 30/12/1955.
2. Copy of certificate dated 30/12/1955 issued by Registrar Co-Operative Societies, Bhavnagar to Sarvodaya Co-Operative Housing Society Ltd. showing registration no. B-93.
3. Copy of share no. 145 and 146 dated 21/6/1960 issued by Sarvodaya Co-Operative Housing Society Ltd. to Dr. Vamanrai Prabhashankar Upadhyay along with transfer endorsement dated 24/1/1966 in the name of Dayagauri Narmadashankar Bhatt.
4. Copy of resolution no. 8 dated 11/4/1962 of Standing Committee for allotment of plots to various societies including allotment of plot no. 1770, 1772, 1773, 1731, 1739, 1730, 1738 to Sarvodaya Co-Operative Housing Society Ltd.
5. Copy of share no. 257 to 260 dated 21/12/1962 issued by Sarvodaya Co-Operative Housing Society



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Ltd. to Dr. Vamanrai Prabhashankar Upadhyay along with transfer endorsement dated 24/1/1966 in the name of Dayagauri Narmadashankar Bhatt.

6. Copy of receipt no. 168 dated 24/1/1966 issued by Sarvodaya Co-Operative Housing Society Ltd. to Smt. Dayagauri Narmadashankar Bhatt for payment of transfer fee.
7. Copy of allotment letter dated 24/1/1966 issued by Sarvodaya Co-Operative Housing Society Ltd. to Smt. Dayagauri Narmadashankar Bhatt for allotment of plot no. 1770/B.
8. Copy of certificate dated 17/2/1966 issued by Sarvodaya Co-Operative Housing Society Ltd. recording that plot no. 1770/B was allotted to Dr. Vamanrai Upadyay and then transferred in the name of Dayagauri Narmadashankar Bhatt.
9. Copy of city survey sanad issued by City Survey department in the name of Dayagauri Narmdashankar Bhatt for ward no. 6, sheet no. 321, survey no. 3984 admeasuring 648.50 sq.mtrs.



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10. Copy of letter dated 29/3/1966 issued by the Bhavnagar Borough Municipality that plot no 1770/B has been transferred in the name of Dayagauri Narmadashankar Bhatt.
11. Copy of Inspection Sheet dated 10/2/1970 issued by City Survey Inquiry officer showing order that gali land is excluded from plot no. 1770/B.
12. Copy of certificate dated 10/3/1970 issued by Sarvodaya Co-Operative Society showing that plot no. 1770/B was allotted to Dayagauri Narmadashankar Bhatt and there was construction over plot no. 1770/B.
13. Copy of approved layout plan dated 10/1/1972 issued by Bhavnagar Nagarpalika for plot no. 1770/B.
14. Copy of completion certificate dated 20/4/1972 issued by Bhavnagar Nagarpalika for plot no. 1770/B.



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15. Copy of lease deed dated 30/8/1976 executed between Bhavnagar Nagarpalika and Sarvodaya Co-Operative Society.
16. Copy of approved layout plan showing sub plotting of plot no. 1770 into 1770/A and 1770/B dated 30/12/1955.
17. Copy of no objection certificated dated 2/4/2005 issued by Sarvodaya Co-Operative Housing Society Ltd. to Dayagauri Narmadashankar Bhatt for sale of property and no dues are outstanding from Dayagauri Narmadashankar Bhatt.
18. Copy of registered sale agreement no. 1414/2005 dated 11/5/2005 executed between Butani Kalidas Amarshibhai, Jay Kalidas Butani and Dayagauri Narmadashankar Bhatt for sale of plot no. 1770/B.
19. Copy of property card for ward no. 6, sheet no. 321, sur. No. 3984 in the name of Dayagauri Narmadashankar Bhatt.



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20. Copy of sketch issued by City Survey Department for ward no. 6, sheet no. 321, sur. No. 3984.
21. Copy of no objection certificate dated 20/5/2005 issued by Sarvodaya Co-Operative Housing Society Ltd. that society has no objection for sale of plot no. 1770/B to Kalidas Butani and Jaybhai Kalidasbhai Butani.
22. Original registered sale deed no. 1986/2005 dated 7/7/2005 executed by Dayagauri Narmadashankar Bhatt in favour of Kalidas Butani and Jaybhai Kalidasbhai Butani.
23. Copy of Power of attorney dated 8/2/2008 executed by Kalidas Amarsinh Butani to his son Jaybhai Kalidasbhai Butani.
24. Copy of leave and license agreement dated 13/2/2008 executed between Jay Kalidas Butani for self and as power of attorney holder of Kalidas Butani and Bharti Infratel Ltd. for fixing tower at plot no. 1770/B.



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25. Original death certificate issued by sub registrar, Birth and Death Dept., Bhavnagar of Smt. Dayagauri Narmadashankar Bhatt showing date of death 26/6/2008.
26. Copies of measurement sheets dated 7/11/2008 issued by Bhavnagar Mananagarpalika showing Airtel tower and construction admeasuring 195.30 sq.mtrs. (Carpet area).
27. Copy of resolution no. 967 dated 10/11/2009 mutating the names of Kalidas Amarshibhai Butani and Jay Kalidas Butani.
28. Copy of Addendum agreement dated 20/11/2009 Jay Kalidas Butani and Bharti Infratel Ltd.
29. Copy of partnership deed having partners – 1.Mukesh Bhagvandas Kukdeja 2.Manojkumar Devrajbhai Kukdeja 3.Dilipkumar Shobhrajbhai Kukdeja 4.Ritesh Tulsidas Kukdejadated 10/8/2010.



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30. Copy of receipt no. 12 dated 1/11/2012 issued by Sarvodaya Co-Operative Housing Society Ltd. for approval of new construction.
31. Copy of no objection letter dated 1/11/2012 issued by Sarvodaya Co-Operative Housing Society Ltd. that the permission of new construction was granted to Kalidasbhai Butani and society will sign the plan for new construction.
32. Copy of receipt dated 10/11/2011 issued by Sarvodaya Co-Operative Housing Society Ltd. to Kalidas Butani and Jaykumar K. Butani for payment of membership fees, share transfer fees etc.
33. Copy of share certificate dated 10/11/2011 share no. 361-370 issued by Sarvodaya Co-Operative Housing Society Ltd. to Kalidas Butani and Jay Kalidas Butani.
34. Copy of allotment letter dated 15/11/2011 issued by Sarvodaya Co-Operative Housing Society Ltd. in the names of Kalidas A. Butani and Jaykumar Kalidas Butani for plot no. 1770/B.



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35. Copy of resolution dated 30/10/2012 of general meeting of Sarvodaya Co-Operative Housing Society Ltd. that society has no objection with construction of flat over plot no. 1770/B further resolved to sign in the construction plan.
36. Copy of no objection letter dated 5/1/2013 issued by Sarvodaya Co-Operative Housing Society Ltd. that there are no dues outstanding from Kalidas Butani and Jay Kalidas Butani and society has no objection with sale of plot no. 1770/B.
37. Copy of sketch of plot no. 1770/B showing area 599.76 sq.mtrs as per site.
38. Copy of title certificate dated 25/1/2013 of A.R.Shridharani, Advocate for plot no. 1770/B.
39. Original notarized sale agreement dated 6/3/2013 executed between Kalidas Amarshibhai Butani, Jaybhai Kalidas Butani and Riteshbhai Tulsidas Kukdeja partner of Tulsi Estate Developers Partnership firm for sale of plot no. 1770/B having construction admeasuring 1200 sq.ft.



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40. Original notarized general power of attorney executed by Kalidas Butani and Jay Kalidas Butani in favour of Riteshbhai Tulsidas Kukdeja for the work allotted therein.
41. Original notarized sale agreement dated 12/5/2013 executed between Kalidas Amarshibhai Butani, Jaybhai Kalidas Butani and Riteshbhai Tulsidas Kukdeja – partner of Tulsi Estate Developers for plot no. 1770/B.
42. Copy of registered sale deed no. 1493/2014 dated 22/4/2014 executed by Kalidas Amarshibhai Butani, Jaybhai Kalidas Butani in favour of Tulsi Estate Developers partnership firm for open plot no. 1770/B.
43. Copy of receipt dated 27/5/2016 issued by Sarvodaya Co-Operative Housing Society Ltd. for payment of membership fees, transfer fees etc by Tulsi Developers.



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44. Copy of allotment letter dated 27/5/2016 issued by Sarvodaya Co-Operative Housing Society Ltd. for allotment of plot no. 1770/B.
45. Copy of no due certificate dated 27/5/2016 issued by Sarvodaya Co-Operative Housing Society Ltd. to Tulsi Estate Developers partnership firm.
46. Copy of share certificate no. 3 dated 27/5/2016 share no. 111-120 issued by Sarvodaya Co-Operative Housing Society Ltd. to Tulsi Estate Developers partnership firm.
47. Copy of application and inward receipt dated 7/3/2019 informing Bhavnagar Mahanagarplika about removal of tower from plot no. 1770/B.
48. Copy of letter dated01/2021 written by Sarvodaya Co-Operative Housing Society Ltd. to Bhavnagar Mahanagarpalika that file was presented for execution of lease deed for plot no. 1770/B and society has no objection and granting permission for execution of lease deed.



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49. Copy of property card for ward no. 6, sheet no. 321, survey no. 3984 showing various entries.
50. Copy of receipt no. 53814 dated 11/12/2020 issued by Bhavnagar Mahanagarpalika for payment of property taxes.
51. Copy of resolution no. 109 dated 6/1/2021 issued by Bhavnagar Mahanagarpalika recording the name of Tulsi Estate Developers Partnership Firm.
52. Copy of Registered Lease Deed no. 774/2021 dt. 10/2/2021 executed between Bhavnagar Mahanagar Palika and Shri Sarvodaya Co-oprative Housing Society.

Yours faithfully
For J. S. Parikh & Co.



K.R. Trivedi
(K.R. Trivedi)
Partner