

TITLE REPORT WITH CERTIFICATE

RE. :- Non Agricultural land of Final Plot No. 633 admeasuring about 3079 Sq. Mtrs. of Town Planning Scheme No. 3/6 situate, lying and being at Moje-Kocharab, Taluka-Sabarmati in the Registration District of Ahmedabad and Sub-District of (Ahmedabad-4) Paldi and belonging to **ANAL APARTMENTS CO. OP. HOUSING SOCIETY LTD.**

As per instructions I have got necessary searches made for more than last 30 yearsthrough my search clerk from the available Records of Talati, Mamlatdar and Sub-Registrar of Ahmedabad and from that and from the information given to us, I hereby, believing the same to be true, correct and trustworthy and also believing relevant documents/papers etc. furnished in the case file shown to be true and genuine, have investigated the title to the land inquestion and hereby furnish the report as under :-

It is to be noted that this Title Report is issued with reference to the Title issued by Advocate Deepak K. Dalwadi on 18-05-2019 as Advocate Deepak K. Dalwadi has expired on 02-12-2020.

- 1) The land bearing Final Plot No. 633 admeasuring about 3079 Sq. Mtrs. of Town Planning Scheme No. 3/6 was belonging to Gautambhai Shantilal, Pannaben Gautambhai, Girishbhi Shantilal and thereafter, they had sold and conveyed the said land on 04/03/1970 dated 01/02/1971 to Anal Apartment Co.Op. Housing Society Ltd. vide different registered sale deeds. Entry to that effect was made in revenue record vide mutation entry no.2578 to 2581 dated 12/03/1970 and 2740 dated 15/02/1971.
- 2) That ANAL APARTMENTS CO.OP. HOUSING SOCIETY LTD.is registered under Gujarat Co.Operative society Act of 1961 before the registrar of the Co. Operative Society Ahmedabad under serial No. GH-3530 Dtd. 23/12/1969.
- 3) The said land bearing Final Plot No. 633 of T.P.Scheme No.3/6 admeasuring about 3079 Sq. Mtrs. was granted Residential use permission by order no. LND/SR/3965 Dated 13/05/1971 and Order No. NA/SR/3594 Dated 12/06/1970. Entry to that effect in revenue record in Village No.2.
- 4) Thereafter, the said ANAL APARTMENTS CO. OP. HOUSING SOCIETY LTD.constructed 33 Flats on the said land obtaining Rajachithi No.1299 dated 25/03/1971 and Rajachithi no. 102 dated 06/05/1971 on the above land after obtaining all necessary permission and approval of Plan and allotted 33 Flats to different members of the above society.
- 5) Thereafter, M/s. Kushagra Developers, a Partnership Firm had purchased 15 flats out of 33 flats from the existing members for the purpose of Redevelopment activities. However, due to internal differences and disputes between them,



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said M/s. Kushagra Developers, a Partnership Firm had filed a Civil Suit No. 1323/2014 before the Hon'ble City Civil Court and prayed for interim injunction which was rejected by the Hon'ble City Civil Court vide its order dated 18-09-2014. However, the above Suit is still pending before the Court.

- 6) Thereafter, being aggrieved by the above order dated 18-09-2014 passed by the Hon'ble City Civil Court, said M/s. Kushagra Developers, a Partnership Firm had preferred an Appeal from Order No. 485/2014 before the Hon'ble Gujarat High Court which was dismissed by the Hon'ble Gujarat High Court vide its order dated 06-02-2015.
- 7) Thereafter, all 33 members of the ANAL APARTMENTS CO. OP. HOUSING SOCIETY LTD. decided and agreed for redevelopment of above 33 old flats and new flats will be constructed on the above land for above 33 old members and 37 flats new flats will be constructed for other new members and for the said purpose, M/s. Shreeram Infrastructure, a Partnership Firm was appointed as the Developer with respect to the said project land.
- 8) That a Civil Suit No. 1644/2016 was filed before the Hon'ble City Civil Court by the Anal Apartment Co.Op. Housing Society Ltd. against M/s. Kushagra Developers, a Partnership Firm for restraining the defendants from dealing in any manner with respect to 15 flats in their ownership and to handover the possession of those 15 flats in favour of the society to complete the redevelopment work with the developer i.e. M/s. Shreeram Infrastructure, a Partnership Firm. However, the Hon'ble City Civil Court vide its order dated 19-12-2016 rejected the said application of the society. Moreover, the above suit is still pending before the Court.
- 9) Thereafter, being aggrieved by the above order dated 19-12-2016 passed by the City Civil Court, said Society had preferred an Appeal from Order No. 34/2017 before the Hon'ble Gujarat High Court which was allowed by the Hon'ble Gujarat High Court vide its order dated 26-09-2018 and set aside the order dated 19-12-2016 passed by the City Civil Court and following directions were given by the Court to the Society, the New Developer and Kushagra Developers:-

a) *Kushagra Developers are hereby restrained from preventing the plaintiff society to undertake redevelopment activities on the suit properties and from causing any obstruction or interference in removal or demolition of the construction of all 33 old flats from the land for the purpose of redevelopment project/scheme of the plaintiff society;*

b) *Kushagra Developers are hereby restrained from creating any third party interest with respect to 15 flats purchased by them and they are further restrained from causing any obstruction or interference to the plaintiff society in handing over peaceful actual and vacant possession of the suit properties*



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(all old 33 flats with land) to the new developer for the starting with the work of redevelopment project/scheme of the plaintiff society.

c) The plaintiff society shall reserve keep apart 15 new flats in redevelopment project/scheme till the present suit No. 1644/2016 is finally decided by the court.

d) The Trial Court was directed to appoint Court Commissioner in whose present the Plaintiff Society shall transfer the possession of the suit property in favour of the Developer for redevelopment activities.

e) It was clarified in the above order dated 19-12-2016 of the Trial Court that in future, during the pendency of the Civil Suit, if the defendant wishes to transfer 15 Flats in lieu of consideration of Rs. 7,32,60,000/- to the Society, the Society shall be required to deposit such amount as per the directions of Trial Court and the defendant shall execute necessary transfer documents in favour of the Society for transfer of such 15 flats and then the society shall not be required to reserve/keep apart 15 flats in redevelopment scheme.

10) Thereafter being aggrieved by the above order 26-09-2018 passed by the Hon'ble High Court, the said M/s. Kushagra Developers, a Partnership Firm had preferred Special Leave Petition No. 29596/2018 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India vide its order dated 19-11-2018 dismissed the above petition.



11) Thereafter, the Society, in compliance with the order dated 26-09-2018 passed by the Hon'ble High Court, has handed over physical possession of the 33 flats to the Developer in present of Court Commissioner for the purpose of redevelopment activities.

12) That for the purpose of redevelopment of the above flats, a Redevelopment Agreement registered at Serial No. 614 on 17-01-2020 was executed before the Sub Registrar of Ahmedabad-04 (paldi) by Anal Apartment Co.Op. Housing Society Ltd. and M/s. Shreeram Infrastructure, a Partnership Firm.

13) That the Ahmedabad Municipal Corporation has sanctioned the Lay out Plan on 01-07-2021 and accordingly, granted Development Permission on 01-07-2021 for residential construction on the said land in the following manner (1) Block-A Case No. BHNTS/WZ/051120/CGDCRV/A4216/R0/ M1 and RAJACHITHHI NO.04948/051120/A4216/R0/M1 (2) Block-B Case No. BHNTS/WZ/051120/CGDCRV/A4217/R0/M1 and RAJACHITHHI NO.04947/051120/A4217/R0/M1.

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- 14) That as per the said approved plans, the Developer M/s. Shreeram Infrastructure, a Partnership Firm has commenced development of Residential scheme named "LAURELS" consisting of Residential Units on the said land.
- 15) Hence, upon perusal of above documents and litigations held before the various Courts, it can be inferred that Civil Suit No. 1323/2014 and Civil Suit No. 1644/2016, which are still pending before the Courts, are between the Society and Kushagra Developers and they are subject to the outcome of ownership of flats owned by Kushagra Developers. Moreover, the redevelopment activities undertaken by the new Developer i.e. M/s. Shreeram Infrastructure, a Partnership Firm is in compliance with the order dated 26-09-2018 passed by the Hon'ble High Court of Gujarat in Appeal from order No. 34/17 and the Supreme Court has also dismissed the petition filed by Kushagra Developers challenging the order of the Hon'ble High Court with regards to the same. Hence, Kushagra Developers has no right in claiming the possession of such 15 flats until the redevelopment of all 33 flats is undertaken and a new Scheme consisting of 70 flats in the name of "Laurels" is constructed on the said land. Thus, it can be inferred from the above that there shall be no interference/hindrance on transfer/sale of new 37 flats by M/s. Shreeram Infrastructure, a Partnership Firm in favour of new members and the outcome/disposal of above pending suits shall not affect the transfer of new 37 flats which are to be constructed on the said land.
- 16) That a Public Notice in daily news paper "SANDESH" dated 25/01/2019 and dated 31/01/2019 was published by Advocate Deepak K. Dalwadi inviting any claim, rights or encumbrances if any in respect of the said land.
- 17) In above public notice he had received an objection from Kushagra Developers through their advocate Vinodkumar D. Gajjar which was addressed and rejected by Advocate Deepak K. Dalwadi vide his letter dated 25-02-2019.

In view of what is hereinabove stated I am of the opinion that the title to the Non Agricultural land of Final Plot No. 633 admeasuring about 3079 Sq. Mtrs. of Town Planning Scheme No. 3/6 situate, lying and being at Moje-Kocharab, Taluka-Sabarmati in the Registration District of Ahmedabad and Sub-District of (Ahmedabad-4) Paldi and belonging to ANAL APARTMENTS CO. OP. HOUSING SOCIETY LTD is clear and marketable and free from reasonable doubts and encumbrances Subject to :-

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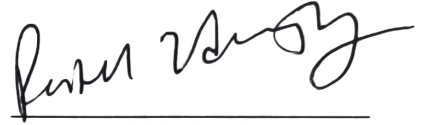
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1. Usual Declaration cum Indemnity Bond being made at the time of transfer of said land.
2. Rules, Regulations and bye-laws of the Society being fulfilled.
3. Fulfillment of terms and conditions user in N.A. Use permission order.
4. Outcome / disposal of pending Civil Suit No. 1323/2014 and Civil Suit No. 1644/2016 with respect to the flats owned by Kushagra Developers.

DATED THIS 23rd, DAY OF July, 2021

UDAY H. PATEL
Advocate
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Opp. Town Hall, Ellisbridge,
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- NOTE :-** (1) This is to inform that sometime the search of complete registration record is not available due to tearing of book No.2 of Registration Record.
- (2) Please note that the registration record of the year 1980 to 1993 Entire Record was torned and incomplete and record of the year 1994 to 2019 Computer Search record was attached of Sub Registrar's office Hence, it can not be properly inspected and its search was not available.
- (3) I have mentioned the details in this Title Report based on the information and documents provided to me by the Society. Hence, if any court cases, whether pending or disposed off, appears with respect to the suit properties that are not mentioned in this Title Report, this Title Report shall be subject to the outcome/disposal of such litigations.