

Umesh J. Trivedi
Advocate

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Dt. :

CERTIFICATE OF TITLE

To,
Avani Co-Op. Housing Society Ltd.
Add: Plot No: 1805/N/A-B
Near Takhteshwar police choki,
Waghavadi Road, Bhavnagar

Dt: 15.07.2022

Dear Sir,

Sub: Title scrutiny report of the property i.e. land of Plot No: 1805/N/A-B and scheme of the residential flats to be re-developed on the said plot. The land of plot is having total plot area admeasuring 1202.56 Sq.mts. Net plot area 1201.76 Sq. Mts. situated near Takhteshwar police choki, Waghavadi Road, Bhavnagar within the City Survey Ward No: 6 sheet No: 226 city survey No: 2840, owned by Avani Co-Op. Housing Society Ltd. and Re-developed by M/s. Suvarnabhumi Infrabuild (LLP), Bhavnagar

with reference to the subject above, I submit my Title and Legal Scrutiny Report as hereunder :

1. Name and address of the title holder:-

Avani Co-Op. Housing Society Ltd.
Add: Plot No: 1805/N/A-B
Near Takhteshwar police choki,
Waghavadi Road, Bhavnagar

1.1 Name and address of the Developer:-

M/s. Suvarnabhumi Infrabuild (LLP),
Add: 308, Turning Point, Waghavadi Road,
Bhavnagar

2. Details/ description of the documents scrutinized



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Sr.No	Date of Document	Name of Document	Whether Original/Certified/ True copy/ Photostat
1	11/04/1942	Maharaja Sansthan Bhavnagar by resolution No: 30 dated 11/4/1942 allotted the Plot No: 1805/N to Sanghavi Mulji Govindji Kapol trust on lease hold rights with futuristic specific free hold amount.	Photostat
2	22/7/1949	The standing committee of Bhavnagar Borough Municipality passed a resolution No: 46 and transferred the said plot No: 1805/N in the name of Satyavatiben Karshandas Sheth.	Photostat
3	5/7/1972	Gulabrai Karshandas and Jashvantrai Karshandas and Bipinchandra Karshandas as co-holders of the plot assigned and conveyed the part of Plot No: 1805/N to M/s. Kalyan Builders, a partnership firm parts by registered deeds no: 1140.	Certified true copy
4	12/7/1972	Gulabrai Karshandas and Jashvantrai Karshandas and Bipinchandra Karshandas as co-holders of the plot assigned and conveyed the part of Plot No: 1805/N to M/s. Kalyan Builders, a partnership firm in two parts by registered deeds no: 1196.	Certified true copy
5	14/12/1977	A mutation entry made in city survey records in the name of M/s. Kalyan Builders.	Photostat
6	4/3/1975	Resolution No: 5882 for recording and certifying the two parts of the plot No: 1805/N, as Plot No: 1805/N/A and 1805/N/B in the name of M/s. Kalyan Builders in the municipal lease records.	Photostat- true copy
7	10/1/1980	A certificate of holding of Plot No: 1805/N/A and 1805/N/B in the name of M/s. Kalyan Builders	Original
8	21/7/1981	Registration certificate of Shri Avani Co-Op. Housing Society Ltd, vide registration No: GH/8600 of 1981.	Photostat
9	11/6/1981	Registered sale deed No: 866 executed	Original



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		by M/s. Kalyan Builders in favour of Avani Co-Op. Housing Society Ltd.	
10	12/6/1981	A mutation entry made in the city survey records in the name of Avani Co-Op. Housing Society Ltd. for Plot No: 1805/N/A & N/B.	Certified true copy
11	23/10/1981	Sanctioned revised building plan for the Society approved by Bhavnagar Municipality for construction of flats for it's members.	Photostat
12	2/8/1983	Completion certificate issued by Bhavnagar Municipal Corporation	Photostat
13	21/09/2021	A memorandum of understanding executed between the Society and the developer and got the same notarized.	Original
14	Different dates	Consent letters executed by the members of the society for re-development	Original
15	12/10/2021	Registered development agreement bearing No: 5126 executed between Avanipark Co-Op. Housing Society Ltd. and M/s. Suvaranabhumi Infrabuild (LLP)	Original
16	20/12/2021	Permission granting mix development of the plot i.e. part for commercial purpose also by Municipal Corporation vide Estate Ja. No. 2588	Original
17	31/8/2021	Approved plan and permission for amalgamation of Plot No: 1805/N/A and 1805/N/B to one plot by the Municipal corporation vide No: 005LD212201141 dated 31/8/2021	Original
18	11/01/2022	Permission of construction and approval of plan by the Municipal Corporation vide permission No: 14 granted the permission for construction and approved the building plan	Original

Description of the Property

<u>Item No.</u>	<u>Survey No.</u>	<u>Extent /Area</u>	<u>location Sub-District</u>	<u>Boundary</u>
1.	<u>of Land / Building</u>		<u>/ District / Village /</u>	



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CTS Ward No: 6
Sheet No: 226 CTS No:2840
Muni. Plot No: 1805/N/A-B
Area 1202. 56 Sq. Mts.
Net Area : 1201.76 Sq.mts.

Dt. :
Municipality etc.
Bhavangar

N: PWD Bungalow
S: Police Station
E: BMC Land
W: Waghavadi Road

4. Brief history of the property / ies and how the owner has derived the title.

It appears from the records that the plot of land is situated within the city area of Bhavnagar before independence i.e. before merger with union of India in the year 1948. Before 1948 the princely state of Bhavnagar was ruling in Bhavnagar district. The erstwhile princely state with an intention to develop Bhavnagar implemented town planning development in the year 1934. There were residential plots etc. planned in the said town development planning scheme. It is pertinent to note that the plots of land of the said town development were made part of urban area. Therefore, the village forms i.e. 8-A, 6 and 7/12 provided under The Bombay Land Revenue Code were never applicable to the said land. It is also pertinent to note that the Land Revenue Code is applicable only to revenue area and not in urban or city area and the said Code was made applicable to Saurashtra area from 20/3/1948 for revenue area. The Transfer of Property Act and The Indian Succession Act were also not applicable to Saurashtra and particularly to Bhavnagar till 1950.

The Plot No: 1805/N was within the city area and under administration and control of erstwhile princely state of Bhavnagar. In the year 1942 the trustees of Sanghavi Mulji Govindji Kapol Boarding requested and applied to allot Plot No: 1805/N on lease hold rights for the purpose of constructing the student's hostel. The erstwhile state of Bhavnagar allotted and granted the land of said Plot No:1805/N to the said trust on 99 years lease hold rights with stipulated lease amount per annum. The said request was recommended by the minister's office of the state to the Maharaja and Maharaja by resolution No: 30 dated 11/4/1942 allotted the Plot No: 1805/N to the trust on lease hold rights with futuristic specific free hold amount.



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Thereafter, the erstwhile princely state merged with union of India on independence. The lands situated within the municipal limits at the time of merger were vested in local municipality. Accordingly the said plot being within the municipal limits came under administration and control of Bhavnagar Borough Municipality. The trustees of the aforesaid Trust assigned and transferred their lease hold rights to Satyavatiben Karshandas Sheth. The Transfer of Properties Act was not applicable to Saurashtra area and therefore as per prevailing practise and procedure she applied for transfer of the said plot in her name. The standing committee of Bhavnagar Borough Municipality passed a resolution No: 46 dated 22/7/1949 and transferred the said plot No: 1805/N in the name of Satyavatiben Karshandas Sheth. She died intestate on 23/3/1963. On her demise the property of said plot devolved upon her legal heirs viz. Gulabrai Karshandas and other 8 heirs. Out of total 9 heirs the 6 ladies heirs i.e. sisters of Gulabrai Karshandas and Jashvantraai Karshandas and Bipinchandra Karshandas release their rights in favour of their brothers and therefore Gulabrai Karshandas and Jashvantraai Karshandas and Bipinchandra Karshandas became lease holders of the said plot and their 3 names were recorded as lease holders of plot in municipal records. On introduction of city survey in Bhavnagar city in the year 1965 to 1971 the plot No: 1805/N was recorded in the names of Gulabrai Karshandas and Jashvantraai Karshandas and Bipinchandra Karshandas as co-holders of the plot and survey No: 2840 was given. The said lease holders assigned and conveyed the said Plot No: 1805/N to M/s. Kalyan Builders, a partnership firm in two parts by registered deeds no: 1140 and 1196 dated 5/7/1972 and 12/7/1972 respectively. A mutation entry made in city survey records on 14/12/1977 in the name of M/s. Kalyan Builders. Since the sale deeds are executed in two parts of the plot No: 1805/N, the plots were recorded as Plot No: 1805/N/A and 1805/N/B in the name of M/s. Kalyan Builders in the municipal lease records. Necessary resolution No: 5882 dated 4/3/1975 was passed by the executive committee of municipality and a certificate dated 10/1/1980 of holding is also issued.

Shri Avani Co-Op. Housing Society Ltd, was formed by its' promoters in 1981 for providing residences to its members. The said Society was duly registered under The Co-Op. societies Act vide registration No: GH/8600 of 1981 Dt: 21/7/1981, as per certificate



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of registration. M/s. Kalyan Builders sold conveyed and assigned the Plot No: 1805/N/A and 1805/N/B total admeasuring 1202.56 Sq. Mts. to Avani Co-Op. Housing Society Ltd. under registered sale deed No: 866 dated 11/6/1981. A mutation entry dated 12/6/1981 was also made in the city survey records in the name of Avani Co-Op. Housing Society Ltd. for Plot No: 1805/N/A & N/B. The Society applied to Bhavnagar Municipality for approval of building plan for construction of flats for it's members. The revised plan for construction was sanctioned by the municipality on 23/10/1981. The construction was carried out by the society as per sanctioned plan and after completion of the construction a completion certificate dated 2/8/1983 was issued by Bhavnagar Municipal Corporation converted from Municipality to Municipal corporation. The flats so constructed were allotted by the society to the members of the society.

The existing members were using the flats for residential purpose. The construction which was constructed in the years 1981 to 1983, became dilapidated after passage of time of about 39 years. It is not possible to reside in the flats as the construction became old and dangerous. Therefore, the members of the society after frequent meetings of general body a resolution for re-development of the flats. After considering the offers from different developers and builders the society found best offer from Suvaranabhumi Infrabuild (LLP) and decided to entrust the said firm the work of re-development. A memorandum of understanding was executed between the Society and the developer and got the same notarized on 21/09/2021. The members of the society have also executed individual notarized consent letters for re-development of the construction.

Thereafter, a registered development agreement bearing No: 5126 dated 12/10/2021 was executed between Avani Co-Op. Housing Society Ltd. and M/s. Suvaranabhumi Infrabuild (LLP) with all necessary conditions and stipulations.

The Society applied for mix development permission of the plot i.e. part for commercial purpose also. Municipal Corporation granted the permission vide Estate Ja. No. 2588 dated 20/12/2021. It is also pertinent to note that the society has also applied for amalgamation of Plot No: 1805/N/A and 1805/N/B to one plot. Municipal corporation



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granted permission vide No: 005LD212201141 dated 31/8/2021 and amalgamated the plots as one Plot No: 1805/N/A-B. Thereafter, society applied for permission of construction and approval of plan to the Municipal Corporation. The Municipal Corporation vide permission No: 14 dated 11/01/2022 granted the permission for construction and approved the building plan.

In view thereof, the above mentioned property i.e. plot No: 1805/N/A-B belonged to Avani Co-Op. Housing Society Ltd. is having clear title and without any encumbrances.

5. Search and investigation: Searches are carried out by our representative at the land registry office, Bhavnagar for last **30 years** on 04-06-2022 under receipt No: 202201100008127 and has not found any encumbrances or charge registered there at on the above properties.

5.1 The persons/party who is / are the present owner /s of the property /ies:-

-Name and address of the title holder:-

Avani Co-Op. Housing Society Ltd.

Add: Plot No: 1805/N/A-B

Near Takhteshwar police choki,

Waghavadi Road, Bhavnagar

Name and address of the Developer:-

M/s. Suvarnabhumi Infrabuild (LLP),

Add: 308, Turning Point, Waghavadi Road,

Bhavnagar

6. CERTIFICATE

I have scrutinized the deeds and that the documents of title referred to above are perfect evidence of title and further certify that :-

1. There are no prior mortgages/charges whatsoever as could be seen from the encumbrances certificate for the **30 years period** from 1-1-1992 to 15-07-2022 on



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15-07-2022 under receipt No: 202201100010146 & 202201200008207 pertaining to the immovable property/ies covered by the above said title deeds.

2. I certify that the property i.e. land of Plot No: 1805/N/A-B and scheme of the residential flats to be re-developed on the said plot. The land of plot is having total plot area admeasuring 1202.56 Sq.mts. Net plot area 1201.76 Sq. Mts. situated near Takhteshwar police choki, Waghavadi Road, Bhavnagar within the City Survey Ward No: 6 sheet No: 226 city survey No: 2840, owned by Avani Co-Op. Housing Society Ltd. and Re-developed by M/s. Suvarnabhumi Infrabuild (LLP), Bhavnagar, is having valid, clear and marketable title to the property/ies shown above.



Bhavnagar.

Date :15-07-2022

Signature of the Advocate who has
scrutinized the title deeds/documents.

(Umesh J.Trivedi)

Advocate

(Reg.No. G/574/1984)