

LINUS EMMANUEL

ADVOCATE

Office No 1 & 2, Ground Floor, Models Celeste, Opp Models Celebrity, Near
Landscape By the Bay, Caranzalem, Panaji, Goa, 403002. INDIA

Email: linusemmanuel@rediffmail.com

Off: 91+ 9822161162/9850152184

LEGAL OPINION

THIS LEGAL OPINION on title is based on the copies of documents, which were made available to me for scrutiny, and pertains to the following property:

I. DESCRIPTION OF THE PROPERTY:

ALL THAT PROPERTY known as 'BADEM', admeasuring 3,900 sq.mtrs, bearing survey no. 42/2, situated at Badem, within the limits of the Village Panchayat of Assagao, Bardez, Goa, not known to be described in the Land Registration Office nor enrolled in the Taluka Revenue Office and bounded as under:

On or towards the EAST : by a road;

On or towards the WEST : by property bearing survey no. 42/1;

On or towards the NORTH : by survey no. 68;

On or towards the SOUTH : by survey no. 42/3.

(hereinafter referred to as the 'SAID PROPERTY')

II. TITLE HOLDER:

1. **M/s ZEPHYR HOLDINGS**, a partnership firm registered under the Indian Partnership Act, having its office at 2nd Floor, Atur Chambers, 2A Moledina Road, Pune 1 and represented herein by its partners:
 - a. Mr. KISHORE ARJAN MANSUKHANI, s/o Mr. A. Mansukhani, 58 years of age, businessman,



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married, Indian National and resident of 8,
Narsinha Society, 194 Boat Club Road, Pune,
411001;

- b. Mr. SUVIR INDURSEN MIRCHANDANI, 54 years
of age, s/o Mr. I. I. Mirchandani, married, Indian
National and resident of 701 Silver Leaf
Apartment, Opp. Boat Club Road, Currimbhoy
Road, Pune 411001;
2. **Mrs. NATASHA VIVEK SETH**, major of age, d/o Mr.
Behram Jamshed Marolia, businesswoman, Indian
National and resident of 602, Palladium, Mangaldas
Road, Opp. Tata Management Centre, Nathan Road,
Pune, 411001.
3. **Mr. SHYAM MANMAL KOTHARI**, major of age, s/o
Mr. Manmal Hirachand Kothari, married, Indian
National, businessman and resident of 4, Samruddhi,
Mukundnagar, Nivrutthinath Society, Pune, 411037.

III. LIST OF DOCUMENTS PERUSED:

1. Form I & XIV
2. Survey plan
3. Manual Form I & XIV
4. Form IX
5. Form III
6. Relevant extract of No. 197 at page 120 to 121 of
Book of Tombo 2nd B of the Comunidade of
Assagao.
7. Final Possession Certificate dated 3rd August, 1927
issued by Gongadora Sinai Amoncar, Clerk of the
Comunidade of Assagao.



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8. Will dated 24th July, 1987 transcribed in Book No. 142 in the Office of the Notary Ex-Officio of Bardez
9. Deed of Gift dated 12th January, 2005, registered under No. 916 of Book I, Volume 1240 at pages 291 to 301 on 31-03-2005 in the Office of the Sub-Registrar of Bardez, at Mapusa.
10. Deed of Sale dated 19th November, 2008, registered under No. BRZ-BK1-05464-2008, CD No. BRZD14 in the Office of the Sub-Registrar of Bardez, at Mapusa.
11. Deed of Sale dated 29th March, 2012, registered under No. BRZ-BK1-01552-2012, CD No. BRZD307, in the Office of the Sub-Registrar of Bardez, at Mapusa.
12. Deed of Gift dated 30th July, 2012, registered under No. BRZ-BK1-03417-2012, CD No. BRZD356 on 02-08-2012 in the Office of the Sub-Registrar of Bardez, at Mapusa.
13. Order dated 29th October, 2012 in Inventory Proceedings bearing No. 313/2012/F in the Court of the Civil Judge Senior Division, at Mapusa.
14. Memorandum of Understanding dated 10th March, 2011
15. Agreement of Sale dated 12th August, 2012, registered under No. BRZ-BK1-03671-2012, CD Number BRZD363 on 18-18-2013, in the Office of the Sub-Registrar of Bardez, at Mapusa.
16. Public notice dated 20-01-2012 in the Navhind Times daily dated 21-01-2012
17. Public notice dated 20-01-2012 in the Times of India dated 21-01-2012



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18. Deed of Sale dated 20th August, 2013, registered under No. BRZD-BK1-04130-2013, CD Number BRZD548 on 28-08-2013
19. Land Use Zoning Information Certificate dated 24-11-2011.
20. Conversion Sanad dated 24-04-2018 bearing No. 4/14/CNV/AC-III/2018/416 issued by the Additional Collector-III, Mapusa
21. Certificate of Nil Encumbrance dated 08-04-2019 bearing No. 822/2019 issued by the Office of the Sub-Registrar of Bardez, at Mapusa.
22. Technical Clearance Order dated 27-12-2019 bearing No. TPB/3289/ASS/TCP-19/6201 issued by the Office of the Senior Town Planner, TCP, Mapusa read with Technical Clearance Order dated 11-02-2020 bearing No. TPB/3289/ASSG/TCP-20/754 issued by the Office of the Senior Town Planner, TCP, Mapusa.
23. No Objection Certificate bearing No. PHCS/HS/NOC/19-20/2097 dated 17-02-2020 issued by the Primary Health Centre, Siolim.
24. Construction License dated 05-02-2020, No. 46/2019-20 bearing Ref No VP/ASS/2019-20/1513 from the Village Panchayat of Assagao



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IV. FACTS:

1. The SAID PROPERTY transcribed under No. 197 at page 120 to 121 of Book of Tombo 2nd B of the Comunidade of Assagao originally belonged to the Comunidade of Assagao and was given as an "aforamento" basis to Jose Celestino de Souza married to Mrs. Maria Conceicao de Souza alias Maria Conceicao D'Mello in pursuance of the Government Order dated 21-08-1924 and provisional possession of the SAID PROPERTY was handed over to said on 20-09-1924.
2. Thereafter, the provisional possession of the SAID PROPERTY in favour of Jose Celestino de Souza was converted into final possession on 30-08-1926 as certified by Gongadora Sinai Amoncar, Clerk of the Comunidade of Assagoa vide Certificate dated 3rd August, 1927.
3. The said Jose Celestino de Souza subsequently expired and therefore the SAID PROPERTY during survey on 23-11-1971 came to transcribed in favour of his wife Maria Conceicao de Souza alias Maria Conceicao D'Mello alias Maria Conceicao de Melo e Souza in the revenue records being Form III & 9 and subsequently in Form I & XIV of the SAID PROPERTY and therefore the said Jose Celestino de Souza and his wife Mrs. Maria Conceicao de Souza alias Maria Conceicao D'Mello alias Maria Conceicao de Melo e Souza were vested with right, title and interest in the SAID PROPERTY since before promulgation of the revenue records and since 21-08-1924.



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4. The said Mrs. Maria Conceicao de Souza alias Maria Conceicao D'Mello alias Maria Conceicao de Melo e Souza bequeathed her disposable quota in the SAID PROPERTY in favour of her spinster daughter Miss. Josefina de Souza alias Josephine Vitoria D'Souza vide Will dated 24th July, 1987 transcribed in Book No. 142 in the Office of the Notary Ex-Officio of Bardez.
5. Therefore, on demise of Mr. Jose Celestino de Souza and his wife Mrs. Maria Conceicao de Souza alias Maria Conceicao D'Mello alias Maria Conceicao de Melo e Souza, the SAID PROPERTY devolved as under:
 - i. Miss. Josefine de Souza alias - 62.5% (25%+ 37.5%)
Josephine Vitoria D'Souza, and;
 - ii. Mr. Anthony D'Souza alias - 37.5%
Agapito Antonio D'Souza
alias Tony D'Souza.
6. Further, the said Mr. Anthony D'Souza alias Agapito Antonio D'Souza alias Tony D'Souza married to Mrs. Joaquina Slenorina Escolastica D'Souza proceeded to gift their disposal quota in their 37.5% share in the SAID PROPERTY equivalent to **731.25** sq. mtrs upon 1462.5/3900 sq. mtrs of undivided share in the SAID PROPERTY to their son Mr. Perful Gabriel C D'Souza and his wife Mrs. Bernadine Rosy D'Souza vide Deed of Gift dated 12th January, 2005, registered under No. 916 of Book I, Volume 1240 at pages 291 to 301 on 31-03-2005 in the Office of the Sub-Registrar of Bardez, at Mapusa.




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7. The said Mr. Perful Gabriel C D'Souza and his wife Mrs. Bernadine Rosy D'Souza then sold their aforesaid share in the SAID PROPERTY to their brother, Mr. LOURENCO SEVERIANO D'SOUZA vide **Deed of Sale dated 19th November, 2008**, registered under No. BRZ-BK1-05464-2008, CD No. BRZD14 in the Office of the Sub-Registrar of Bardez, at Mapusa.
8. The said Mr. Anthony D'Souza alias Agapito Antonio D'Souza alias Tony D'Souza married to Mrs. Joaquina Slenorina Escolastica D'Souza being vested with the balance portion of their share in the SAID PROPERTY equivalent to 731.25 sq. mtrs upon 1462.5/3900 sq.mtrs of undivided share in the SAID PROPERTY, sold the same to their said son, Mr. LOURENCO SEVERIANO D'SOUZA vide Deed of Sale dated 29th March, 2012, registered under No. BRZ-BK1-01552-2012, CD No. BRZD307, in the Office of the Sub-Registrar of Bardez, at Mapusa which Deed of Sale dated 29-03-2012 was confirmed by Mrs. MARTHA D'SOUZA, the sister of Mr. LOURENCO SEVERIANO D'SOUZA.
9. Subsequently, Miss. Josefina de Souza alias Josephine Vitoria D'Souza gifted her 62.5% in the SAID PROPERTY to her nephew, Mr. LOURENCO SEVERIANO D'SOUZA, out of natural love and affection, which 62.5% share in the SAID PROPERTY was equivalent to 2437.5 sq. mtrs upon 3900 sq.mtrs of undivided share in the SAID PROPERTY vide Deed of Gift dated 30th July, 2012, registered under No. BRZ-BK1-03417-2012, CD No. BRZD356 on 02-08-



The image shows a handwritten signature in blue ink that reads "Emmanuel". Below the signature is a circular purple stamp. The text inside the stamp includes "L. LINUS EMMANUEL", "ADVOCATE", and "PANAJI - GOA".

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2012 in the Office of the Sub-Registrar of Bardez, at Mapusa.

10. The said Mr. LOURENCO SEVERIANO D'SOUZA also filed Inventory Proceedings bearing No. 313/2012/F in the Court of the Civil Judge Senior Division, at Mapusa where under the SAID PROPERTY listed as Item No. 1 came to be allotted to the said Mr. LOURENCO SEVERIANO D'SOUZA vide Order dated 29th October, 2012 of the Civil Judge Senior Division in the said Inventory Proceedings.
11. Consequently, the said Mr. LOURENCO SEVERIANO D'SOUZA came to be vested with the right, title, interest and possession of the SAID PROPERTY as aforesaid and the said Mr. LOURENCO SEVERIANO D'SOUZA being married to Mrs. TARU D'SOUZA under the Regime of Communion of Assets were holding moiety shares in the SAID PROPERTY.
12. The said Mr. LOURENCO SEVERIANO D'SOUZA and his wife Mrs. TARU D'SOUZA agreed to sell the SAID PROPERTY to one Mr. Girish Ragma vide Memorandum of Understanding dated 10th March, 2011 and the said Mr. Girish Ragma assigned his rights to the SAID PROPERTY to the TITLEHOLDERS who were desirous of purchasing the SAID PROPERTY and the parties entered into an Agreement of Sale dated 12th August, 2012, registered under No. BRZ-BK1-03671-2012, CD Number BRZD363 on 18-18-2013, in the Office of the Sub-Registrar of Bardez, at Mapusa for sale of the SAID PROPERTY.



The image shows a handwritten signature in blue ink that reads "Emmanuel". Below the signature is a circular purple stamp. The text inside the stamp reads "L. LINUS EMMANUEL" at the top, "ADVOCATE" at the bottom, and "PANAJI, GOA" in the center.

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13. The TITLEHOLDERS then issued a public notice dated 20-01-2012 in the Navhind Times daily dated 21-01-2012 and public notice dated 20-01-2012 in the Times of India dated 21-01-2012 calling for objections, if any, to the present transaction and no objection/s or claims were received thereto.
14. The said Mr. LOURENCO SEVERIANO D'SOUZA also furnished Certificate of Nil Encumbrance dated 19th August, 2013 bearing No. 1592/2013 issued by the Office of the Sub-Registrar of Bardez, at Mapusa to certify that there are nil encumbrances on the SAID PROPERTY.
15. The said Mr. LOURENCO SEVERIANO D'SOUZA and his wife Mrs. TARU D'SOUZA thereafter conveyed all their right, title and interest in the SAID PROPERTY to the TITLEHOLDERS herein vide Deed of Sale dated 20th August, 2013, registered under No. BRZD-BK1-04130-2013, CD Number BRZD548 on 28-08-2013, and the said Mr. Girish Ragma and his wife Mrs. Ashwini Ragma assigned all their rights under the Memorandum of Understanding dated 10th March, 2011 to the TITLEHOLDERS by way of confirmation of the aforesaid Deed of Sale dated 20th August, 2013.
16. In terms of the said Deed of Sale dated 20th August, 2013 the SAID PROPERTY came to be vested on the TITLEHOLDERS in the following shares:
 - i. M/s ZEPHYR HOLDINGS - 66% share
 - ii. Mrs. NATASHA VIVEK SETH - 17% share
 - iii. Mr. SHYAM MANMAL KOTHARI - 17% share



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17. The SAID PROPERTY is zoned as 'Settlement Zone' in the Regional Plan 2021 in terms of the Land Use Zoning Information Certificate dated 24-11-2011.
18. The TITLEHOLDERS then converted the land use of the SAID PROPERTY to 'residential' use with 60%FAR vide Conversion Sanad dated 24-04-2018 bearing No. 4/14/CNV/AC-III/2018/416 issued by the Additional Collector-III, Mapusa.
19. The TITLEHOLDERS also furnished Certificate of Nil Encumbrance dated 08-04-2019 bearing No. 822/2019 issued by the Office of the Sub-Registrar of Bardez, at Mapusa to certify that there are nil encumbrances on the SAID PROPERTY.
20. The TITLEHOLDERS also obtained the following permissions, viz:
 - a. Technical Clearance Order dated 27-12-2019 bearing No. TPB/3289/ASS/TCP-19/6201 issued by the Office of the Senior Town Planner, TCP, Mapusa read with Technical Clearance Order dated 11-02-2020 bearing No. TPB/3289/ASSG/TCP-20/754 issued by the Office of the Senior Town Planner, TCP, Mapusa.
 - b. No Objection Certificate bearing No. PHCS/HS/NOC/19-20/2097 dated 17-02-2020 issued by the Primary Health Centre, Siolim.
21. The TITLEHOLDERS having received the above licenses and Sanad obtained Construction License dated 05-02-




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2020, No. 46/2019-20 bearing Ref No VP/ASS/2019-20/1513 from the Village Panchayat of Assagao for the construction of a residential villas 1 to 10, Apartment Block and swimming pools in the SAID PROPERTY consisting of Villas and Apartments therein for the construction of a project which shall be known as 'ALLURRE', in the SAID PROPERTY.

V. LEGAL OPINION:

That in pursuance of the aforesaid the TITLEHOLDERS herein are therefore vested with right, title and interest in the SAID PROPERTY and are the sole owners in possession of the SAID PROPERTY and permitted to construct a project which shall be known as 'ALLURRE', in the SAID PROPERTY.

Panaji – Goa

21st February, 2020




Adv. LINUS EMMANUEL