

- 1) The Owners represent, confirm and declare that they are lawfully, solely and exclusively entitled to a large plot of land bearing Survey No.104 of village Dapoli, Tehsil Panvel, District Kolaba, now District Raigad more particularly described in the schedule hereunder written and shown on the plan thereof annexed hereto as private holding of the Owners subject to what is stated herein.
- 2) The Owners also held and hold certain other lands, inter alia, also in village Dapoli under Inam Grant.
- 3) On or before 24th April 1959, under the Personal Inam Abolition Act of 1952, the Personal Inam was abolished and consequently the said other lands held by the Owners under the Inam in village Dapoli were

taken over and acquired excluding however the said land bearing Survey No.104 as being the private holding and continued to be in the ownership of the predecessors-in-title of the Owners.

- 4) By and under Agreement dated 21st October 1959 several lands belonging to the predecessors-in-title of the Owners were given for management to the Forest Department of the then Bombay State, now State of Maharashtra, for a period of 90 years under the Forest Act, 1927 and the said agreement included, inter alia, the said land.
- 5) By and under a Notification dated 29-10-1960, management of various lands held by the predecessors-in-title of the Owners including, inter alia, the said land, was handed over to Collector and Court of Wards Kolaba (now Raigad) for the management under the provisions of Collector and Court of Wards Act, 1905.
- 6) By a Notification dated 4th February 1970, CIDCO notified the lands in village Dapoli for development of New Bombay project under Section 4 of the Land Acquisition Act, 1894 and the Owners have contended that the said Notification also included, inter alia, and applied to the said lands.

- 7) In or about 30th August 1975, the Maharashtra Private Forest (Acquisition) Act, 1975 came into force and under the provisions whereof the Government of Maharashtra became entitled to and acquired private forest in the State of Maharashtra. As set out hereunder the said land however was not acquired under the provisions of the said Act.

- 8) With effect from 1st April 1987, the management of the Collector and Court of Wards of the properties of the predecessors-in-title of the Owners was withdrawn pursuant to notification dated 31st March, 1987 published by the Government of Maharashtra in the Government Gazette dated 9th April 1987 and the properties comprised under the said management including, inter alia, the said lands, were reverted back to the predecessors-in-title of the Owners.

- 9) On or about 11th September 1987 an Award came to be made by Collector, Raigad under the provisions of Maharashtra Private Forest (Acquisition) Act, 1975 in respect of the forest land of the predecessors-in-title of the Owners which excluded however the said lands and no declaration was made nor any compensation awarded to the Owners in respect of the said land.

- 10) By and under Notification dated 7th December 1987, CIDCO withdrew the previous Notification dated 4th February 1970 issued under Section 4 of the Land Acquisition Act inter alia in respect of the said land though the said land is continued to be shown within the delineated boundary of CIDCO New Mumbai. The said land however continued to be under the ownership and possession of the Owners and their predecessors-in-title. Erroneously, the name of the Owners was not duly reflected in the Revenue Records as the owners of the said land and therefore upon an application made by the Owners on 8th August 1988 to the Collector of Raigad for entering names of the Owners in the Revenue Records as owners of the said land, the Collector of Raigad by an order dated 1st March 1989 ordered reinstatement of the names of the Owners in the Revenue Records.
- 11) One Yadav Ganpat Mhatre thereafter applied to the Tehsildar of Panvel to enter his name in the Revenue Record of the said land as tenant under the provisions of Section 70B of the Bombay Tenancy and Agriculture Lands Act of 1948 and by an Order dated 3rd September 1997 passed by the Maharashtra Revenue Tribunal at Mumbai, the Revision Application of the said Yadav Ganpat Mhatre and Others was allowed. Being aggrieved thereby, the Owners have filed a writ

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petition in the Hon'ble High Court of Bombay bearing Writ Petition No.5094 of 1997 which is admitted and is pending and interim reliefs in favour of the Owners have been granted and continues to be operative.

- 12) As the said land is continued to be shown as being within the boundary of CIDCO notwithstanding the withdrawal of the said Notification under Section 4 of the Land Acquisition Act, the said land may be considered as liable to be acquired by CIDCO for New Bombay;

2. The Owners declare, represent and confirm as under:

- (a) At all relevant and material times, Shri Vinayak Dhundiraj Bivalkar (since deceased) was solely and absolutely entitled to several large pieces of land including interalia land admeasuring 283 acres 30 gunthas i.e. 114 hectares 83 are as comprised in survey No. 104 of Village Dapoli, Taluka Panvel, Dist. Raigad (hereinafter referred to as the said land).
- (b) The said Vinayak died intestate in or about 1967 and left surviving him as his only heir and next of kin his only son Narayan, the wife of said Vinayak having predeceased him and he having no other issues.
- (c) The said Narayan died intestate in 1979 leaving him surviving as his only heir and next of kin the Owners being his widow and two sons respectively. Annexed hereto and marked Annexure-B is the family tree of late Vinayak.

- (d) By and under an agreement dated 21st October, 1959 the said land interalia was given for management voluntarily under section 38 of Indian Forest Act, 1927 for a period of 90 years to the state of Maharashtra.
- (e) On or about 29th October, 1960 the entire estate of the said Vinayak including interalia the said land was given for management to the Collector and Court of Wards under Section 9 of the Bombay Court of Wards Act, 1905 and remained so until 1987 when the same was notified and released from the Management of Collector and the Court of Wards in favour of the Owners.
- (f) On or about 6th October 1961 the entire estate of the said Narayan including interalia the said land was given for management to the Collector and Court of Wards under Section 9 of the Bombay Court of Wards Act, 1905 and remained so until 1987 when the same was notified and released from the Management of Collector and the Court of Wards in favour of the Owners.
- (g) In the meanwhile, on or about 3rd February, 1970, State of Maharashtra issued notification No. LAQC.3419 dated 03.02.1970 under section 4 of the Land Acquisition Act, 1894 for the acquisition of all properties Situated in village Dapoli, Tal, Panvel, District - Raigad as mentioned in the Schedule to the said notification for planned development and

utilization thereof for industrial, commercial and residential purposes. The said land however is not specifically mentioned therein with reference to Survey nos etc.

(h) Maharashtra Private Forest Acquisition Act, 1975 came to be enacted and brought into force with effect from 30th August, 1975.

(i) As revealed from 7/12 extract, an entry is erroneously made in the Record of Rights to the effect that inquiry U/s.22(A) of the Indian Forest Act, 1927 / Private Forest (Acquisition) Act, 1975 is pending and an application by the Owners to delete the same is also pending. The Owners however represent confirm and declare that they have not received any such notice of such enquiry and to the best of their knowledge no such enquiry is initiated or is pending.

(j) The Owners hereby warrant correctness of each and every statement made in the foregoing recitals and conscientiously believe the same to be true and know full well that relying on the said statements to be true and correct, the Transferee has entered into this MOU.