

Dr. (Mrs.) Pushpa A. Bansal

B.A, LL.M, P.hd,

ADVOCATE BOMBAY HIGH COURT (NOTARY)

73/202, Bhagwan Bhavan, J. B. Nagar,
Andheri (E), Mumbai - 400 059.
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Friday, January 7, 2022

TO WHOMSOEVER IT MAY CONCERN :

Ref:- All that piece or parcel of land or ground of the Plot of land beneath the building No.9 i.e. land underneath and appurtenant to the said building and layout Plot No.K9 of MHADA LIG Scheme bearing Corresponding CTS No.217-A (part) admeasuring about 1090.24 sq. mtrs. as per Lease Deed dated 26.12.1990 and 1035.66 sq. mtrs. as per proposed layout being lying and situated at New Shastri Nagar Road No.2 Goregaon (West), Mumbai - 400 104, in the Registration District of Borivali and District Mumbai Suburban.

1. The above referred plot of land is owned by Mumbai Housing & Area Development Board (a MHADA Unit).
2. By the Indenture of Lease dated 26.12.1990, the Maharashtra Housing & Area Development Authority granted the lease of the above referred plot of land in favour of the registered Co-operative Housing Society i.e. Lenyadri Co-operative Housing Society Ltd., a Society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 vide registration No.BOM/HSG/4844/1976 dated 1979, for a period of 99 years with effect from 1.1.1975 at the rent reserved therein and upon certain terms and conditions incorporated therein. By the separate Deed of Sale of even date, the said authority has conveyed all the right,

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title and interest in respect of the structure i.e. the existing Building No.9 standing on the above referred plot at the consideration and upon certain terms and conditions incorporated therein.

3. By the Agreement for Redevelopment dated 13.9.2019 (bearing registered document no. BRL-6-10671 of 2019) read with First Supplemental Agreement to the Agreement for Redevelopment dated 14.10.2021 (bearing registered document no. BRL-6-15346 of 2021) executed between said Lenyadri Co-Operative Housing Society Limited, (therein referred to as "the society") of the one part and Bleu Noir Infrastructure Development Pvt. Ltd. (therein referred to as "the Developer") of the other part, the said society has granted the development rights to the Developer, in respect of the above referred plot of land, at the consideration and upon certain terms and conditions incorporated therein. The said Society has also executed Power of Attorney in favour of the Developers.
4. MHADA has issued NOC dated 12.10.2021 bearing no. CO/MB/REE/NOC/F-1097/2512/2021 to the extent of **BUA 4,906.98 sq. mtrs.** (Towards existing BUA : 1,588.80 sq. mtrs. and additional BUA : 3,318.18 sq. mtrs. (Comprising for residential 3,148.18 sq. mtrs. and 170 sq. mtrs. for commercial users), at the consideration and upon certain terms and conditions, as recorded therein.

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5. On 29.10.2021, Executive Engineer/B. P. Cell (W.S.) Greater Mumbai, MHADA has issued Building Permission for the proposed redevelopment of existing building of the society and approved the building/work proposed to be erected or executed and thereby initiated the society under section 45(1)(ii) of MRTP Act, 1966 by issuing Intimation of Approval (IOA) bearing no. MH/EE/BP Cell/GM/MHADA-53/923/2021, read with amended IOA dated 10.12.2021.
6. On 16.12.2021, Executive Engineer/B. P. Cell (W.S.) Greater Mumbai, MHADA has issues Commencement Certificate bearing no. MH/EE/(BP)/GM/MHADA-53/923/2021.
7. Extract of Property card bearing CTS No. 217A issued by the City Survey Office, Goregaon is admeasuring about 25,672.40 sq. mtrs., wherein after taking into consideration reconstitution/ amalgamation/ subdivision/ cancellation of CTS No. 217/1 to 43 at the instance of MHADA and due to sub division, opening of independent extract property card 217 B and 217 C. Incidentally, the extract of property card does not indicate the name of MHADA much less the society being the Lessee. As such, while issuing NOC on 12.10.2021, MHADA has stipulated condition no. 33 to insert the name of the society in the Extract of Property Card before asking for Occupation Certificate from E. E./BP Cell/MHADA of building being reconstructed.
8. The Promoter/Developer through its Director has confirmed in writing that FSI sanctioned by MHADA will be utilized only

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for residential user and not for commercial user and that there is no litigation pending against the Society, in respect of the above referred leasehold plot and the existing building/final NOC dated 12.10.2021, IOA dated 29.10.2021 read with amended IOA dated 10.12.2021, CC dated 16.12.2021 or against the Promoter/Developer, in any manner. The Society/Promoter have not obtained any finance by offering the above referred plot/existing building as security and such there is no encumbrances. The Promoter/ Developer has agreed to offer 5 flats bearing no. B-101, B-601, B-701, B-801 and B-901 as security to the Society in terms of clause no. 8.4 of Agreement for Redevelopment dated 13.9.2019 read with clause 3 of the First Supplemental Agreement to the Agreement for Redevelopment dated 14.10.2021. In addition, the Promoter/ Developer has also agreed to not to deal with and dispose of 2000 sq. ft carpet area in form of Flat Nos. B-101, B-601, A-701, B-801 and A-901 towards performance.

9. At the instance of the Bleu Noir Infrastructure Development Pvt. Ltd., I have investigated the title of the said Lenyadri Co-operative Housing Society Ltd. with reference to the above referred plot of land and perused the Search Report dated 26.11.021 of Mr. Sunil Yesware, Title Investigator, the Public Notice dated 15.11.2021 published in the Free Press Journal and Navshakti and no claim has been raised by any one, in respect of the said Public Notice, NOC dated 12.10.2021 and IOA dated 29.10.2021 read with amended IOA dated 10.12.2021, CC dated 16.12.2021 issued by MHADA, extract

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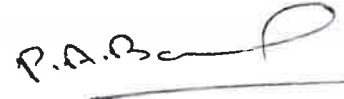
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of Property Card etc. and I am of the opinion that title of the said Lenyadri Co-operative Housing Society Ltd. is clear and marketable and free from all encumbrances, subject to compliance of terms and conditions stipulated by MHADA by above referred NOC dated 12.10.2021 and IOA dated 29.10.2021 read with amended IOA dated 10.12.2021 and CC dated 16.12.2021. Similarly, the Developer/Promoter Bleu Noir Infrastructure Development Pvt. Ltd is entitled to redevelop the above referred plot subject to the fulfillment and compliance of terms and conditions stipulated in Agreement for Redevelopment dated 13.9.2019 read with First Supplemental Agreement to the Agreement for Redevelopment dated 14.10.2021 as well as NOC, IOA and CC issued by MHADA.



Mrs. Pushpa A. Bansal

Advocate