



KARTIKEYA & ASSOCIATES
ADVOCATES & SOLICITORS

1

FORMAT – A
(Circular No. 28 of 2021)

To,

MahaRERA

LEGAL TITLE REPORT

Sub. : Title Clearance Certificate with respect of Plot No. CTS No. 918/A situated at ALL THOSE pieces or parcels of land or non-agricultural land situated, lying and being at Dahisar Village of Borivali Taluka in Mumbai Suburban District admeasuring by Government Survey record and by Property Register Card 3483.2 sq. mtrs. Or thereabout lying and being at Jaywant Sawant Road, Dahisar (West), Mumbai – 400 068 bearing Survey No. 260, Hiss No. 2 CTS No. 918A and bounded as follows :

On Or towards the North : By common passage out of Survey No. 261 Hissa NO. ¼ A. B and partly by Survey No. 260 Hissa No. 1 (part), CTS. No. 918B and Municipal Road (Parera Wadi Road)

On or towards the South : By the B. B. & C. I. Rly Lands; CTS No. 918C and D. P. Road (Jaywant Sawant Road)

On or towards the West : By Survey no. 261 Hissas No. 3 (part) CTS No. 915 and 917A

We have investigated the title of the subject Plot on the request of our client
GALAGEN TECHNOLOGIES PRIVATE LIMITED earlier known as PEST

CONTROL (INDIA) LTD. hereinafter referred to as the Company and have examined and perused the following documents i.e.

I. DESCRIPTION OF THE PLOT

(I) Copies of various (i) Indentures, (ii) Declarations, (iii) Indemnities, (iv) receipts, (v) letters etc. with respect to the said property viz.

A. A Photography of the Registered Deed of Conveyance dated 5th May, 1949 bearing Serial No. 2499 dated 13th May, 1949 in respect of the entire property executed by Mr. Madhavrao Madgavkar and Another (therein referred to as "the Vendors") to Mrs. Nirbhaya Kumnari J. Hathi and another (therein referred to as the "Purchasers").

B. A Photocopy of the Power of Attorney dated 20th July, 1949 of Mr. Jagmohan M. Hathi in favour of his wife the said Mrs. Nirbhaya Kumari J. Hathi.

C. A Photocopy of the Registered Indenture of Sale dated 20th January, 1969 bearing Serial No. 331 dated 2nd July, 1970 in respect of the sale of the entire property by the said Nirbhaya Kumari J. Hathi and another (the Vendors therein) to the Company (the Purchasers therein);

D. A Photocopy of the Joint Declaration dated 20th January, 1969 of the said Mr. Jagmohandas M. Hathi and the said Mrs. Nirbhaya Kumari J. Hathi;

E. A Photocopy of the Joint Venture agreement dated 17th April, 1980 entered into between the Company and M/s. Bhavani Construction Corporation.

F. A Photocopy of the Occupation Certificate dated 16th July, 1983 bearing number CE/4344/A/BSII/AR issued by the Municipal Corporation of Greater Mumbai in favour of the Architect appointed by M/s. Bhavani Construction Corporation in pursuance of the Joint Venture Agreement;

G. A Photocopy of the Order dated 17th September 4, 1983 bearing No. C/ULC/Desk/XV/6 (i) / SR VI-258/921 of the Deputy Collector, under Section 8 (4) of the Urban land (Ceiling & Regulation) Act, 1976 (hereto annexed as Annexure "J" is a photocopy of the said Order dated 17th September, 1983);

H. Photocopy of the Order dated 8th June, 1988, bearing number BOM-1086/473/(491)/D-XIII, passed by the Government of Maharashtra, Housing and Special Assistance Department;

I. A Photocopy of the Property Register Card dated 12th April, 1990 issued by the Superintendent of Land Records.

J. (i) A Photocopy of the Consent Order dated 26th March 1997 passed by the High Court of Judicature at Bombay in terms of the Minutes of the Order in Appeal No. 623 of 1990 in Writ Petition No. 3023 of 1989;

(ii) A Photocopy of the Minutes of the Order dated 26th March, 1997 passed by the High Court of Judicature at Bombay in Appeal No. 623 of 1990 from Writ Petition NO. 3023 of 1989.

(iii) A Photocopy of the Consent Terms dated 26th March, 1997 entered into between the parties to the Appeal No. 623 of 1990 arising from Writ Petition No. 3023 of 1989.

K. A Photocopy of the Corrigendum dated 17th May, 1997 issued by the Office of the Additional Collector and Competent Authority (U.L.C.) Gr. Mumbai;

L. A Photocopy of the Order dated 06th, June, 1997 of the Government of Maharashtra, Housing and Special Assistance Department, Mantraya, Mumbai-32, bearing number C/ULC/D-VI/SR 20/IDV -4368;

M. A Photocopy of the Plan dated 28th October, 1997 of the entire property delineated in red colour boundary lines.

N. A Photocopy of the Index 2 card dated 26th November, 1997 in respect of the said Property;

O. A Photocopy of the letter dated 20th April, 2000 issued by the Additional District Collector and Competent Authority to the Administrative Director of the Company, in pursuance of the Corrigendum dated 17th May, 1997;

P. A Photocopy of the Letter dated 12th February, 2003 addressed by the Brihanmumbai Electric Supply & Transport (BEST) Undertaking to Shri T. Dirgadas Rao, Vice President (Branch Finance Control) to the Company.

Q. A Photocopy of the Letter dated 11th April, 2003 addressed by the Chadmalok Dsahisar Co-op Hsg. Society Ltd. to Shri Anil Rao, Managing Director of the Company.

R. A Photocopy of the BEST Letter dated 3rd August, 2005 addressed to Mr. Sunil Surkund, Senior Vice President of the Company;

S. A Photocopy of the Deed of Cancellation dated 30th August, 2006 between the Company and M/s. Bhavani Construction Corporation;

T. A Photocopy of the Letter from the Land Record Officer, Borivali (City Survey Office) dated 27th February, 2007 to Mr. Sunil Surkund, Executive Director of the Company.

U. A Photocopy of the Order issued by the Collector, Mumbai Suburban District, Vide Order / sanctioned Plan / C/ Office4 / 7 (A) / Amalgamation / Sub-Division / Sr-4045 dated 13th February, 2007.

V. Photocopy of the Order dated 8th August, 2007 passed by the Additional District Collector and Competent Authority (N.J.K.D.) Brihanmumbai;

- W. A Photocopy of the Letter dated 31st December, 2007 addressed by the Deputy Superintendent (estate) BEST to the Land Surveyor's Office (Borivali);
- X. A Photocopy of the Order of the Sp. Land Acquisition Officer Mumbai Suburban District bearing No. 2/LAQ-515/08 dated 9th May, 2008 cancelling the name of the BEST Undertaking.
- Y. A Photocopy of the Order dated 1st March, 2012 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City 3, Competent Authority under Section 5A of the Maharashtra Ownership of Flats Act, 1963, stating that the Chandralok Dahisar Co-operative Housing Society Ltd, is entitled to a unilateral conveyance executed as a deemed conveyance (subject to certain compliances) in their favour and to have the same registered;
- Z. A Photocopy of the Writ Petition NO. 2571 of 2012 filed by the Pest control (India) Pvt. Ltd. (Petitioner) versus Chandralok Dahisar Co-op Housing Society Ltd. & Ors. (Respondents), inter alia, challenging the Order dated 1st March, 2012 passed by the district Deputy Registrar Co-operative Societies, Mumbai City 3, Competent Authority under Section 5A of the Maharashtra Ownership of Flats Act, 1963;
- AA. A Photocopy of the Order dated 22nd January, 2016 in Writ Petition No. 2571 of 2012 passed by the Hon'ble Division Bench of the Bombay High Court comprising of their Lordships the Hon'ble Mr. Justice S. C. Dharmadhikari and the Hon'ble Mr. Justice G. S. Patel (along with the

consent terms) disposing off the Writ Petition 2571 and hereto annexed as **Annexure "FF"** is a copy of the Order dated 22nd January, 2016 passed in Writ Petition No. 2571 of 2012;

BB. A Photocopy of the Development Agreement dated 19th May, 2016 executed between Chandralok Co-op Housing Society and the Company.

CC. A Photocopy of the Property Card dated 21st June, 2016 in respect of the said property.

(III) A Photocopy of the Index 2 card dated 26th November, 1997 in respect of the said Property;

(IV) A Photocopy of the Order issued by the Collector, Mumbai Suburban District, Vide Order / sanctioned Plan / C/ Office4 / 7 (A) / Amalgamation / Sub-Division / Sr-4045 dated 13th February, 2007.

V. A Photocopy of the Order dated 8th August, 2007 passed by the Additional District Collector and Competent Authority (N.J.K.D.) Brihanmumbai;

(VI) Photocopy of the Property Card dated 21st June, 2016 in respect of the said property.

(VII) Search Report is prepared after taking search in respect of the subject property at the Office of the Sub-Registrar of Assurances at Mumbai and

Bandra, Borivali and Goregaon, commencing from (a) January 1969, 1969 to 2016 at the Office of the Sub-Registrar of Assurances at Mumbai and Bandra, (b) 2002 to 2016 at the Office of the Sub-Registrar of Assurances at Borivali and Kandivali, (c) 2005 to 2016 at the Office of the Sub-Registrar of Assurances at Goregaon and (d) 2009 to 2016 at the Office of the Sub-Registrar of Assurances at Charkop SRO.

2. On perusal of the above mentioned documents and all other relevant documents relating to title of the said property we are of the opinion that the title of **GALAGEN TECHNOLOGIES PRIVATE LIMITED**, earlier known as PEST CONTROL (INDIA) PRIVATE LIMITED is clear, marketable and without any encumbrances.

3. The report reflecting the flow of the title of the (owner / promoter / developer / company) on the said land is enclosed herewith as Annexure.

4. The abovementioned documents were provided to us and we have investigated the title to the said property on the basis of the said documents.

1. This Title Certificate is based solely upon the Property Register Card mentioned in Part II and the copies of the documents mentioned in Part IV. Public advertisements have been issued in (i) The Free Press Journal newspaper on 20th May, 2016, and (ii) Navshakti newspaper (in Marathi language) on 20th May, 2016 by M/s. Desai and Chinoy, Advocates and Solicitors of the Company and they have received no claims in reference to the Public Advertisements with regard to the said property. We are informed

that the property described in the property Register Card is the same as the property described in the Schedules of the Indentures mentioned in Part IV hereinabove.

2. By a Registered Deed of Conveyance dated 5th May, 1949 bearing Serial No. 2499 dated 13th May, 1949, Madhavrao Shankararao Padnit, Madhukar Balvantrao Madgavkar and Bhalchandra Krishnarao Madgavkar (the Vendors therein and Executors of the Will of Krishrao Ranchanra Madgavkar) granted conveyed and assured unto Mrs. Nirbhayakumaari Jagmohandas Hathi and Jagmohandas Mothichand Hathi (the Purchasers mentioned therein) the entire property on the terms and conditions more particularly contained therein.

3. By a Power of Attorney dated 20th July, 1949 executed by Jagmohandas Mothichand Hathi in favour of his wife Mrs. Nirbhayakumaari Jagmohandas Hathi, the said Jagmohandas Mothichand Hathi inter alia granted to her the power "To sell all or any of my moveable and/or immoveable property or properties wherever situated at such price and on such terms and conditions as she the attorney may in her absolute discretion think fit".

4. A declaration was executed by the said Jagmohandas Mothichand Hathi and the said Mrs. Nirbhayakumaari Jagmohandas Hathi on 20th January, 1969 whereby it was inter alia declared by the said Jagmohandas Mothichand Hathi that on or about 5th May, 1949 and that for the sake of convenience had taken the conveyance in the name of his wife the said Mrs. Nirbhayakumaari Jagmohandas Hathi who in the same Declaration inter alia

declared that her name was mentioned in the conveyance only for the sake of convenience and that she had no right, title or interest in the entire property and that her husband the said Jagmohandas mothichand Hathi had provided the said consideration money under the said Deed of Conveyance.

5. By a Registered Indenture of Sale dated 20th January, 1969 bearing Serial No. 331 dated 2nd July, 1970 the said Mrs. Nirbhayakumaari Jagmohandas Hathi and the said Jagmohandas mothichand Hathi granted, conveyed, released and assured the entire property to the Company on the terms and conditions contained herein and for the consideration stated therein.

6. (i) The company had entered into a Joint Venture Agreement dated 17th April, 1980 with one M/s. Bhavani Construction a partnership firm to develop the entire property on Joint Venture basis on terms and conditions mentioned therein (the "said Joint Agreement").

(ii) M/s. Bhavani Construction Corporation entered into an Agreement for Sale (the "Agreement for Sale") with various intending purchasers of the flats in the said buildings, which were to be constructed on the entire property. As per clause 13 and 23 of the agreement for sale, M/s. Bhavani Construction Corporation was to convey the land to the Society formed by the flat purchasers.

(iii) Pursuant to the said Joint Venture Agreement, M/s. Bhavani

Construction Corporation constructed a building being Building "A" Known as "Chandralok Dahisar" comprising of Wings A" and "B", the said A - wing comprising partly of stilt and partly of shop premises of 6 upper floors and B wing comprising of ground and 4 upper floors. The said building was completed in the year 1982 and possession of the flats therein was handed over to the various buyers / owners.

7. By a letter dated 16th July, 1983 addressed by the Municipal Corporation of Greater Mumbai ("MCGM") to Mr. R. P. Hingoo (Architect) the Occupation Certificate in respect of the completed portion of the ground plus 6 upper floors of the building constructed on the said property was granted.

8. In 1976 the entire property came under the purview of Urban Land (Ceiling & Regulation) Act, 1976 ("the Act") and in order to comply with the provisions of the Act, company was required to, from to time, file statement and obtain orders of exemption with respect of the entire property.

9. Various orders were passed from time to time and by Order No. C/ULC/D-VI/SR-20/IDV-4368 DATD 6th June, 1997 passed by the Additional Collector and competent Authority (U.L.C.) Greater Bombay, the Company received a fresh exemption under Section 20 of the Act subject to conditions stated therein. The exempted land was to be used for residential tenements. The marginal surplus vacant land as mentioned in the said Orr was equivalent 303.09 sq. mtrs.

10. The flat owners of the said Building "A" formed and constituted themselves into a Co-operative Housing Society vide Registration No. BOM/WR/HSF/TC/4575-

89-90 dated 19th October, 1989 known as the Chandralok Dahisar Co-operative Housing Society Limited ("the Society").

11. Sometime in or about 12th September, 1989 a notice was served on the Company under Sections 342 and 354A of the "The Bombay Municipal Corporation Act, 1988 to stop work on the ground that a portion of the entire property admeasuring 2070 sq. mtrs. Was under acquisition for the Brihanmumbai Electric Supply and Transport Undertaking (B.E.S.T) bus station.

12. A notification bearing NO. UAC/512/515 DAED 12th December, 1989 (and published in the Maharashtra Government Gazette part I, dated 21st September, 1989 and published in the daily local newspapers "Shivner" and "the Daily" dated 15th September, 1989) was issued by the State Government under Section 4 of the Land Acquisition Act notifying about 2070 sq. Mtrs. Of the entire property for acquisition. Another Notification bearing No. LAQ/DESK-I/B-1/4573/GR-277 dated 31st August, 1990 was issued under Section 6 of the Land Acquisition Act and a Notice No. LAW/SR-515 dated 11th October, 1990 was also issued under Sections 9 and 10 of the Land Acquisition Act.

13. Several representations were made and objections raised before the Land Acquisition Authorities and a Writ Petition being Writ Petition No. 3023 of 19899 was filed in the Hon'ble Bombay High Court by the Company challenging the acquisition proceedings.

14. The said Writ Petition NO. 3023 of 1989 was dismissed by a Judgement and Order passed by His Lordship the Hon'ble Mr. Justice Pendse on 7th June, 1990.

Being aggrieved by the said Order dated 7th June, 1990, the Company M/s. Bhavani Construction Corporation and Ors. filed an Appeal in the Hon'ble Bombay High Court from the said Order being Appeal NO. 623 of 1990.

15. When the said Appeal came up for hearing before the Division Bench comprising of their Lordships the Hon'ble Mr. Justice A. C. Aggarwal and the Hon'ble Mr. Justice J. Sakhare on 26th March, 1997, the parties to the said Appeal filed consent Terms and an Order in terms of the minutes of the Order dated 26th March, 1997 was passed disposing of the Writ Petition and the said Appeal in terms of the said Consent Terms. The consent terms inter alia stated that :

1. *The 6th Respondent (hereinafter referred to as "the BEST") shall be entitled to construct and maintain at its own costs in all respects a temporary ground floor structure measuring 33 feet by 6.5 feet + 215 sq. feet (hereinafter referred to as "the said structure") at the place indicated on the site plan of the land which is more particularly described in the schedule hereunder written. The location of the said structure is bounded red on the said site plan which is hereto annexed and marked as "A" the BEST shall not enter upon, occupy or use any other part of the said land beyond the said portion bounded red and the portion thereof to be fenced as hereinafter provided marked with a dotted line on the said site plan.*

2. *The BEST shall fence off the said structure from the remaining part of the said land by erecting a fence 4 feet away from the said structure along with the dotted line marked on the said site plan and shall maintain the said fence in proper repair.*

3. The BEST will use the said structure only as the bus starters chowki and relief shelter for its staff and its permission hereby given to the BEST to construct, maintain and use the said structure will endure for a period of 10 years commencing from the date of occupation certificate in respect of the said structure till the BEST acquires an alternative site for its bus station or starters chowki-cum-relief shelter at Dahisar (West). If the BEST is not able to acquire an alternative site as aforesaid the said period will be extended by two years at a time so long as such alternative site is not available to the BEST.

4. On the BEST acquiring an alternative site as aforesaid, the BEST will remove the said structure at its own costs and shall also remove all its men and materials from the said site of the said temporary structure and shall give peaceful possession of the said site to the Petitioner No. 1 or its nominee.

14. Respondent No. 6 in the said Writ Petition at whose instance the acquisition proceedings were initiated has agreed to give up the said acquisition proceedings in consideration of the agreement arrived at as set out in the said consent terms.

15. In consideration of the agreement as aforesaid, and since the acquisition proceedings have not been completed within two years from the date of Notification No. UAC/512/515 dated 12.09.1989 (published in the Maharashtra Government Gazette Part I dated 21.09.1989 and published in the daily local newspaper

"Shivner" and "The Daily" dated 15.09.1989) and issued under Section 4 of the Land Acquisition Act and being Exhibit "G" to the Petition and the Notification No. LAQ/DESK-I/B-1/4573/GR-277 dated 31.08.1990 at Exhibit "L" to the Petition under Section 6 of the Land Acquisition and the Notice NO. LAQ/SR-515 dated 11.10.1990 under Section 9 and 10 of the Land Acquisition Act at Exhibit "M" to the Petition, the entire acquisition proceedings have lapsed by virtue of Section 11-A of the Land Acquisition Act and consequently all the said Notifications and Notices (at Exhibits "G" and "L" and "M" to the Petition stands lapsed and quashed".

16. In terms of the said consent order dated 26th March, 1997 an area of 215 sq. feet of land was retained by the BEST Undertaking instated of 2070 sq. mtrs.

17. By a letter bearing Ref. No. AGM(C)/Dy. Supd. (East)/3597-BI/43270/2005 dated 3rd August, 2005, the BEST informed the Company that the BEST was not interested in taking over the land admeasuring 215 sq. feet (equivalent to 19.97 sq. mtrs.

18. The Company by a Deed of Cancellation dated 30th August, 2006 cancelled the Joint Venture Agreement dated 17th April, 1980 with M/s. Bhavani Construction Corporation.

19. By a letter dated 27th February, 2007 issued by the City Survey Officer, Borivli, the said City Survey Officer informed the Company of the inclusion of the name of the Govt of Maharashtra in the P. R. Card under S10(3) & 10(5) of the ULC Act.

20. By an order of amalgamation and Sub-Division dated 3rd February, 2007

issued by the Collector, Mumbai Suburban District vide Order / Sanctioned Plan/C/Office/7(A)/Amalgamation/Sub-Division A-243/2007, the said Collector directed the City Survey Officer to issue fresh P.R. Cards namely 918/A, 918/B and 918/C in place and stead of 918 and 918/a to 6. The Collector directed that the entire property be divided into 3 parts being Plot Nos. A, B and C. The Collector further directed that the area admeasuring 947.46 sq. mtrs. Corresponding to Plot No. A be reserved for D.P. Road and the area admeasuring 60.12 sq. mtrs. Corresponding to Plot No. B be reserved for Municipal Road. Plot No. C, admeasuring 3469 sq. mtrs. Is shown as the remaining area. It is to be noted that the Plot number C, admeasuring 3469 sq. mtrs. Is shown as the remaining area. It is to be noted that the Plot Numbers mentioned in the abovementioned Order and the areas do not correspond to the City Survey Numbers mentioned in the Property Card. However, the use of the area reserved for D. P. Road and Municipal Road as mentioned in the said Order are consistent with what is stated in the Property Card.

21. By an Order dated 8th August, 2007 (issued by the Additional Collector and Competent Authority ULC) Ref. No. C/ULC/Office4-15/6(i) SR - VI - 258 (being a corrigendum to the original order dated 6th June, 1997) the said Additional Collector and competent Authority (ULC) stated that the surplus vacant land of 303.09 sq. mtrs. Is treated as nil and the name of Govt. of Maharashtra be4 deleted in the P. R. Card.

22. By a letter dated 31st December, 2007 (Ref No. Samavya (stha) UA (stha)/3597-B1/77385/20077 issued by the Deputy Superintendent (Estate) of the BEST to the Hon. Surveyor of City Land (Borivli) (i.e. the City Survey Officer), the BEST informed the City Survey Officer that 2070 sq. mtrs. Of land under BEST

Acquisition and in BEST's name in the Property Card should be transferred in the name of the Company and the necessary and corresponding entries to be made in the P. R. Card.

23. By an Order dated 9th May, 2008 Ref. No. Vibhusamakra2/LQ-515/08 passed by the Special Land Acquisition Officer No.2, Mumbai Suburban District, the said Special Land Acquisition Officer directed the City Survey Officer and the Tahsildar Borivali to delete the name of BEST in the P. R. Card and 7/12 extract.

24. The said Chandralok Co-operative Housing Society had made an application (No. 11 of 2011) to the Competent Authority for a deemed conveyance of the entire property in their favour. On 1st March, 2012 the District Deputy Registrar, Co-operative Societies, Mumbai City 3 Competent Authority under Section 5A of the Maharashtra Ownership of Flats Act, 1963, (the "said Registrar") passed an Order inter alia stating that, the Chandlok Dahisar Co-operative Housing Society Ltd. is entitled to a unilateral conveyance executed as a deemed conveyance (subject to certain compliances) in their favour and to have the same registered.

25. A Writ Petition being Writ Petition NO. 2571 of 2012 ("the said Petition") was filed in the Hon'ble Bombay High Court by the Company (as the Petitioner) against Chandralok Dahisar Co-operative Housing Society Ltd. (Respondent No.1), Bhavani Constructions (Respondent No. 2) and the District Deputy Registrar (Respondent No. 3) inter alia challenging the Order passed by the said Registrar.

26. The Petitioner and Respondent No. 1 entered into consent terms in the said



Writ Petition and an order dated 22nd January, 2016 was passed by the Hon'ble Division Bench of the Bombay High Court comprising of their Lordships the Hon'ble Mr. Justice S. C. Dharmadhikari and the Hon'ble Mr. Justice G. S. Patel disposing of the said Writ Petition in terms of the Consent terms.

27. A Development Agreement dated 19th May, 2016 was executed between the Company and Chadralok Dahisar Co-operative Housing Society. IN clause 3.14 of the Development Agreement it is mentioned that all the members have given their consent to the Company for the development on part of the entire property.

28. The area covered by CTS NOs. 918/B and 918/C totaling 993.6 sq. mtrs. In the aggregate is as already stated in Part II hereinabove, in the possession of the Municipal Corporation of Greater Mumbai and is yet to be transferred in the names of the Municipal Corporation of Greater Mumbai.

29. The Search Report of Mr. Virendra Bhatt evidences that the said Company has not created any charge in respect of the said property.

30. The Property Card dated November 01, 2021 mentions that the said property mentioned in Part II stands in the name of the Company.

Dated this 1st day of November, 2021



Kartikeya and Associates
Advocates and Solicitors