

square meters, totally admeasuring 1348.10 square mebers or thereabouts, of Village Eksar, Taluka Borivali, Mumbai Suburban District as under:

4. In so far as the land bearing CTS No.590/6 corresponding to Survey No.117, Hissa No.2 at Village Eksar, Taluka Borivali, Mumbai Suburban District is concerned, it can be seen that:

(i) At all material times one Shri Motiram Nathu Mhatre was the Owner of the land bearing CTS No.590/6, and he died intestate on 2nd October, 1972. Consequently, the property devolved upon his Class-1 heirs according to the provisions of Hindu Succession Act, 1956 by which he was governed at the time of his death viz., his wife Smt. Dhanubai Motiram Mhatre and four sons namely (i) Shri Ramchandra Motiram Mhatre, (ii) Kesarinath Motiram Mhatre, (iii) Namdev Motiram Mhatre and (iv) Suresh Motiram Mhatre and also two married daughters (i) Smt. Savitri Manik Pabli and (ii) Smt. Bhamini Vishnu Patil.

(ii) Thereafter, the said Smt. Dhanubai Motiram Mhatre widow of late Shri Motiram Nathu Mhatre also died intestate in or about the year 1990 at Mumbai leaving behind her aforesaid four sons and two married daughters as her only heirs and legal representatives according to the provisions of Hindu Succession Act, 1956 by which she was governed at the time of her death.

- (ii) The said Shri Suresh Motiram Mhatre also died intestate at Mumbai on or about 26th March, 1993, leaving behind his wife Smt. Jaya alias Jayshrou Suresh Mhatre, two sons namely (i) Shri Ravindra Suresh Mhatre and (ii) Shri Pravin Suresh Mhatre and daughter Miss. Sugata Suresh Mhatre as the only heirs and legal representatives according to the provisions of Hindu Succession Act, 1956 by which he was governed at the time of his death.
- (iv) The said Smt. Bhamini Vishnu Patil also died Intestate at Mumbai on or about 14th January, 1994, leaving behind her husband Shri Vishnu Laxman Patil, two sons namely (i) Shri Yogesh Vishnu Patil and (ii) Shri Kapesh Vishnu Patil and daughter Miss. Pradiba Vishnu Patil as her only heirs and legal representatives according to the provisions of Hindu Succession Act, 1956 by which she was governed at the time of her death.
- (v) The said Smt. Ramchandra Motiram Mhatre also died intestate at Mumbai on or about 1st April, 1999, leaving behind his wife Smt. Shantabai Ramchandra Mhatre, two sons namely (i) Shri Bhalchandra Ramchandra Mhatre and (ii) Shri Ramesh Ramchandra Mhatre and three married daughters (i) Smt. Pallavi Prakesh Patil, (ii) Smt. Manda Sadanand Patil and (iii) Smt. Rajani Jalraj Patil as his only heirs and legal representatives according to the provisions of

Hindu Succession Act, 1956 by which he was governed at the time of his death.

- (vi) The co-owners who were then alive viz., the said (1) Smt. Savitri Manik Patil nee Savitri Motiram Mhatre (daughter of late Shri Motiram Nathu Mhatre), (2) Shri Vishnu Laxman Patil, (3) Yogesh Vishnu Patil, (4) Shri Kalpesh Vishnu Patil, (5) Miss Pratibha Vishnu Patil, being the heirs and legal representatives of Bhamini Vishnu Patil, all 5 of them therein called "The Releasees" of the One Part, have executed Deed of Release dated 19th March, 2004 registered with Sub-Registrar of Assurances at Borivali, Mumbai under Serial No.BDR-5/ 02619 of 2004, in favour of the said (1) Smt. Shantabai Ramchandra Mhatre, (2) Shri Bhachandra Ramchandra Mhatre, (3) Shri Ramesh Ramchandra Mhatre, (4) Smt. Pallavi Prakash Patil nee Kumud Ramchandra Mhatre, (5) Smt. Manda Sadanand Patil nee Manda Ramchandra Mhatre and (6) Smt. Rajani Jairaj Patil nee Rajani Ramchandra Mhatre (being the heirs and legal representatives of the said deceased Ramchandra Motiram Mhatre), (7) Shri Ravindra Suresh Mhatre, (8) Shri Pravin Suresh Mhatre, (9) Smt. Jaya alias Jayshree Suresh Mhatre and (10) Miss Sujata Suresh Mhatre (being the heirs and legal representatives of the said deceased Suresh Motiram Mhatre) (11) Kesarinath M. Mhatre and (12) Namdev Motiram Mhatre and 12 of them therein called 'the Releasees',

the Releasers therein have out of love and affection only and without consideration have released assured and transferred their respective share rights, title and interest in respect of the said land bearing CTS No. 500/6 unto and in favour of the Releasees therein.

- (vii) By another Deed of Release dated 24th November, 2006 registered with the Sub-Registrar of Assurances at Borivli, Mumbai under Serial No. 08302 of 2006 executed by and between (1) Smt. Pallavi Prakash Patil alias Kumud Ramchandra Mhatre, (2) Smt. Manda Sadanand Patil nee Manda Ramchandra Mhatre, (3) Smt. Rajani Jayraj Patil nee Rajani Ramchandra Mhatre (being the daughter of the said Ramchandra Motiram Mhatre, (4) Shri Vishnu Laxman Patil, (5) Yogesh Vishnu Patil, (6) Shri Kalpesh Vishnu Patil, (7) Miss Pratibha Vishnu Patil, being the heirs and legal representatives of Bhamini Vishnu Patil and (8) Miss Sujata Suresh Patil (being the daughter of said Suresh Motiram Mhatre) all eight of them therein called "the Releasers" of the One Part in favour of (1) Smt. Shantabai Ramchandra Mhatre, (2) Shri Bhalkhandra Ramchandra Mhatre, (3) Shri Ramesh Ramchandra Mhatre (being the wife and the two sons of the said Shri Ramchandra Motiram Mhatre), (4) Shri Ravindra Suresh Mhatre, (5) Shri Pravin Suresh Mhatre (being the sons of the said Suresh Mhatre), (6) Kesarinath M. Mhatre and (7) Narudev Motiram Mhatre, therein called "the

Releasees" of the Other Part, the Releasers therein out of love and affection only and without consideration have released, transferred their respective share rights, title and Interest in respect of the said land bearing CTS No. 590/6 unto and in favour of the Releasees therein.

(viii) Accordingly and in consequence to the aforesaid two Deeds of Release, the Releasees therein and the other heirs of the said deceased Shri Motiram Nathu Mhatre, the aforesaid 8 persons, i.e., (1) Smt. Shantabal Ramchandra Mhatre, (2) Shri Bhalchandra Ramchandra Mhatre, (3) Shri Ramesh Ramchandra Mhatre, (4) Shri Kesarinath Motiram Mhatre, (5) Shri Namdev Motiram Mhatre, (6) Smt. Jaya alias Jayshree Suresh Mhatre, (7) Shri Ravindra Suresh Mhatre and (8) Shri Pravin Suresh Mhatre became owners of and absolutely seized and possessed of and/or otherwise well and sufficiently entitled to said land bearing CTS No.590/6 admeasuring 1,208.30 square meters, of Village Eksar Taluka Borivali.

(ix) Thereafter, vide an Indenture of Conveyance dated 14th October, 2010 registered with the Sub Registrar of Assurances, Borivali, Mumbai under Serial No.BDR-5/8880 of 2010 dated 16th November, 2010 executed by (1) Smt. Shantabal Ramchandra Mhatre, (2) Bhalchandra Ramchandra Mhatre, (3) Ramesh Ramchandra Mhatre, (4) Kesarinath



Motiram Mhatre, (5) Namdev Motiram Mhatre, (6) Smt. Jaya alias Jayashree Suresh Mhatre, (7) Ravindra Suresh Mhatre & (8) Pravin Suresh Mhatre, therein called 'the Vendors' of the First Part and Smt. Pushpa Kesarnath Mhatre and 13 others, therein called 'the Confirming Party' of the Second Part and Romell Real Estate Private Limited, the Owner/ Developer herein, therein called 'the Purchaser' of the Third Part, the Vendors therein, with confirmation of the Confirming Party therein, sold, transferred and conveyed in favour of M/s. Romell Real Estate Pvt. Ltd. the said land bearing CTS No.590/6 admeasuring 1,208.30 square meters, of Village Eksar Taluka for valuable consideration as set out in the said Indenture of Conveyance dated 14th October, 2010. By the said Conveyance, M/s. Romell Real Estate Pvt. Ltd. has also purchased two other portions of land viz., CTS No. 633 admeasuring 87.70 square meters and CTS No. 923 admeasuring 124.50 square meters, which are not the subject matter of this Title Report/Certificate.

- (x) Based on the above referred Deed of Conveyance, Mutation Entry No.5111 dated 6th December, 2010 was made in Village Form No.5 of Village Eksar, Taluka Borivali, Mumbai Suburban District under the provisions of Section 150 of the Maharashtra Land Revenue Code, 1966. The said Mutation Entry refers to Survey No.117/2 (part) which is corresponding to CTS No.590/6. After due service of notice,



the said Mutation Entry No.5111 was certified by the Circle Officer. Accordingly, the name of Romell Real Estate Pvt. Ltd. has been entered as kabjadar in the Village Form No.7.

- (xi) In so far as City Survey Extract / Property Register Card of CTS No.590/6 is concerned, the area thereof is shown as 1208.30 square meters, but the type of holding is shown as 'Agricultural'. A perusal of the said Property Register Card shows that by Order of Collector, Mumbai Suburban District, passed on 6th December, 2003, and consequential order dated 21st January, 2004 passed by the City Survey Officer, Borivili, in Urban Measurement Register No.A-46/2004 dated 21st January, 2004, the portion of the land bearing original CTS No.590/6 to the extent of 1208.3 square meters, which is reserved for the reservation of housing for the dishoused in the Sanctioned Development Plan of R-North Ward of MOGM was open. It is further seen that subsequently pursuant to the Order dated 5th June, 2012 passed by the Deputy Collector (Land Acquisition)-2, Mumbai Suburban District, bearing No.DC LAN 02/LAQ/SRA584/10 which was published in Maharashtra Government Gazette, Part-I No.36 dated 27th January, 2010, the entire area of CTS No. No.590/6 was shown as area proposed to be acquired for the purpose of providing houses for the dishoused. Consequently, in the Revenue Record i.e. in the Property Register Card an entry of "public purpose, housing for dishoused" has been made by

the City Survey Officer, Borivali, by Mutation Entry No.887 dated 6th July, 2012. However, on inquiry it has been informed by Romell Real Estate Pvt. Ltd. that further acquisition of land has been cancelled in respect of the said land and Development Permission for the reservation for 'Housing for Dis-housed' was granted by the Chief Engineer (DP) MCGM under letter dated 6th August, 2014, bearing No. CHE / 22446 / DPWS / P & R. The said permission has been granted under the "Accommodation- Reservation Policy" under DCR, 1991 and hence Romell Real Estate Pvt. Ltd., the Owner/Developer herein will have to abide by the terms and conditions thereof. However, since the said Building Proposal for Developing the Land covered by the aforesaid reservation is granted; in my opinion the reservation on the entire land does not continue to operate and the Owner/Developer is free to develop the land, including land under reservation, in accordance with the approved plans and commencement certificate.

- (xii) According to the Online D. P. Remarks offered by the Chief Engineer, Development Plan, it is seen that the said CTS No.590/6 is not reserved for any public purpose. However it is affected by 13.4 meter wide D. P. Road and its junction, from the map annexed to the said D. P. Remarks for 2034 DP. It is clear that the land bearing CTS No.590/6 is affected only by the 13.4 meter wide D. P. Road.

(xiii) From the documents referred by me in paragraph 2(D) relating to CRZ Notification dated 5th January, 2011 and particularly from the certified copy of the approved CZMP of 2011 issued by the Director of Institute of Remote Sensing, Anna University, Chennai; it is clearly shown that in the approved CZMP, in fact, the project land is at the distance of 240 and 356 meters from HT line i.e. from the CRZ affected zone, which is much more than the stipulated distance of 100 meters in current CRZ Notification. Hence, though the 2034 DP remarks and part Plan of 2034 DP show that the CRZ line is dividing and passing through land bearing CTS No.590/6; it is obvious that the said Development Plan map has been prepared much prior to the issuance of Government of India Letter dated 16th August, 2018 by the Ministry of Environment, Forest and Climate Change (MOEF & CC) of Government of India thereby approving the CZMP of Mumbai Suburban District and prior to the 127th Meeting of the MCZMA where the CZMP as approved vide letter dated 16th August, 2018 of MOEF and CC has been accepted and published on the Website of MCZMA. Thus, I am of the opinion that the location of the CRZ line shown in the Final Development Plan of Mumbai, 2034 as also the 2034 DP remarks quoted above have been subsequently overridden by the approved CZMP and from the certified copy of the part Plan of CZMP prepared by the Director of Institute of Remote



Sensing, Anna University, Chennai, it can be safely concluded that the land bearing CTS No.590/6 is not falling in nor is affected by CRZ.

(xiv) In so far as the present user of the land bearing CTS No.590/6 is concerned, as seen from the Property Register Card / City Survey Extract the present user of the property seems to be agricultural. However, the SRA which is the Planning Authority has granted the requisite Commencement Certificate on 17th February, 2011. Hence, for construction of the building post 22nd August, 2014, the land owner was not required to get requisite sanctions for non-agricultural user of the land in view of section 42A of the Maharashtra Land Revenue Code, 1966. The OC granted u/s. 43 of M.R. & T.P. Act, 1966 has been further extended on 20th April, 2018 from stilt to 5th floor and then to 12th floor and by subsequent endorsement dated 9th January, 2019, the same is extended till 22nd floor. Thus, there is a presumption that once new CC was granted on 14th November, 2017, the provisions of Section 42-A of M.L.R. Code, 1966 will apply and hence, there was no need to obtain a specific order of conversion of the land from agricultural to non-agricultural user particularly when it is clear that the owner/developer viz. Romell Real Estate Pvt. Ltd. holds the said land as the absolute Owner i.e. Class I Occupant thereof. However, thereafter revised commencement certificate has been issued by SRA being the

Planning Authority under the M.R. & T.P. Act, 1966 on various dates viz. 14th November, 2017 which has been further revalidated from time to time by Maharashtra Act No.37 of 2014, the Maharashtra Land Revenue Code, 1966 has been amended with effect from 2008 -2014 and Section 42A is inserted whereby it is provided that no prior permission of Collector under section 44 of MLR Code, 1966 is required in respect of land held as occupant Class-I and being proposed to be used for any purpose as defined in the sanctioned C.P. or Draft D.P. prepared and published as per the provision of M.R & T.P. Act, 1966.

- (xv) From a perusal of LOI dated 24th November, 2010 and amended LOI dated 11th May, 2013 as also IOA dated 14th January, 2011 and amended IOA dated 19th May, 2012, the CC dated 17th February, 2011 with further endorsements dated 14th November, 2017, 20th April, 2018 and 9th January, 2019 for Wing-C, it is seen that the total area under construction is less than threshold limit of 20000 square meters as indicated in clause 8 of the Prior Environmental Clearance Notification dated 14th September, 2006 issued by the Ministry of Environment & Forests, Government of India. Hence, for this project it is not necessary to obtain any prior permission from the Ministry of Environment & Forests.



(xvi) From the Search Report of Search Clerk, Shri. N. A. Girdhar referred hereinabove with respect to CTS No.590/6, there are no remarks found affecting plot in the Register maintained for the purpose under the Indian Registration Act, 1908. Further, no objections were received within the time limits stipulated in the Public Notices dated 17th November, 2018 and 10th April, 2019 as indicated in the letter dated 16th April, 2019 written by Advocate Merlyn Dias.

In view of the aforesaid discussion and observations made above, I have no hesitation to opine that the title of Romell Real Estate Pvt. Ltd. to land bearing CTS No.590/6 admeasuring 1208.30 square meters is clear, marketable and unencumbered; and that the said Company has obtained all the requisite statutory sanctions and permissions for construction of multi-storied building with ground-stilt and 22 upper floors on the said land together with the land bearing CTS No. No.616 admeasuring 139.80 square meters.

5. In so far as the land bearing CTS No. No.616 corresponding to Survey No.117, Hissa No.23 at Village Eksar, Taluka Borivli, Mumbai Suburban District is concerned, it can be seen that;

(i) When the land was initially surveyed for preparation of *Akar Phod Patra* under the provisions of the Bombay Land Revenue Code, 1879 and the Land Revenue Rules, 1921 based on which an Order dated 22nd October, 1929 was

passed by the then District Inspector of Land Records, Andheri, the name of Dharman Walya was recorded as occupant of land bearing S. No.117, Hissa No.23 admeasuring 2 Gunthas, assessed at Rs.0.7ps., which is evident from Mutation Entry No.325. It further appears that the said Balkrishna Rajaram Patil and Jagannath Rajaram Patil through their mother Dhakubai along with Dharman Walya sought merger of lands in question along with several other lands on 18th May, 1940 in favour of Alice Kini and others for mortgage debt of Rs.1,000/-, which is clear from Mutation Entry No.618. It appears that the said Dharman Walya died intestate leaving behind him surviving his 2 grand-sons viz., Balkrishna Rajaram Patil and Jagannath Rajaram Patil as his heirs whose names were recorded as occupants vide Mutation Entry No.650. The land was declared as a fragment vide Mutation Entry No.1296 under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. It further appears that Balkrishna Rajaram Patil died intestate leaving behind him surviving his two minor sons and widow Smt. Chandrabhagaba Balkrishna Patil as his heirs and their names were entered vide Mutation Entry No.1564.

- (ii) It is clear from the Mutation Entry No.2154 dated 18th July, 1960 that various lands including land bearing



S.No.117/23 have been sold by Jagannath Rajaram Patil to Phillip Nicolas Rodrigues by Sale Deed dated 23rd July, 1960 for a sum of Rs.850/-. A copy of the original Sale Deed is not made available for my perusal and Romell Real Estate Pvt. Ltd. has submitted a letter that even they do not have either the original or a carbon/photo copy thereof. However, from the Mutation Entry No.2154 it is clear that such a Sale Deed was indeed executed and acted upon. The said Mutation Entry No.2154 has presumptive value u/s.157 of M.L.R. Code, 1966 and it can therefore be safely concluded that such Sale Deed was in fact executed and acted upon. However, whether the other co-owners viz., Bhimaji Mhatre and Mangesh Mhatre and Chandru Mhatre were parties to the said Sale Deed or not; or whether the Sale Deed was executed by Jagannath Rajaram Patil as "Karta" of the HUF consisting of Rajaram Patil's Family or not are things which can't be ascertained. However, in my opinion, since a period of almost 58 years has lapsed and there is nothing to indicate that the aforesaid three persons had ever disputed the said Sale Deed or title of Phillip Nicolas Rodrigues, it can be safely concluded that they had never disputed the Sale Deed and it was executed by Jagannath Rajaram Patil either as Karta or by all 4 of them together.

(iii) From the perusal of Mutation Entry Nos.4102 and 4386 it is clear that the Purchaser Phillip Nicolas Rodrigues died on 2nd January, 1997 leaving behind him surviving his widow Rozybai, 3 sons viz., (i) Ignatius Phillip Rodrigues, (ii) Sebastian Phillip Rodrigues, (iii) Manuel Phillip Rodrigues and a married daughter Anne Marry Baptist Kamachkar, as his heirs and subsequently Rozybai died leaving behind her surviving the above referred four children as heirs.

(iv) From the recitals of the registered Sale Deed dated 26th September, 2018 executed by Marry Ignatius Rodrigues and 22 others it appears that the said Phillip Nicolas Rodrigues was a deemed tenant/purchaser u/s 32M of the above referred Tenancy & Agricultural Lands Act, 1948 in respect of which an Order was passed in Tenancy Case and a Certificate u/s 321 has been issued on 23rd March, 1960. From the recitals of the Development Agreement dated 10th March, 2003 and the General Power of Attorney dated 6th March, 2003 executed by the said Marry Ignatius Rodrigues and 22 others in favour of M/s. B. M. K. Enterprises and its partners it appears that he and his partners ultimately succeeded to the estate of Late Phillip Nicolas Rodrigues and the Constituted Attorneys viz., Bhimaaji Mhatre and Mangesh Mhatre executed a Sale Deed dated 22nd September 2018 in favour of Romell Real Estate Pvt. Ltd.



(v) The said registered Deed of Conveyance dated 26th September, 2018 executed by Smt. Marry Ignatius Rodrigues and 22 others as Vendors in favour of M/s. Romell Real Estate Pvt. Ltd. as Purchaser in which M/s. B. M. K. Enterprises, a partnership firm through its partners: Mr. Bhimaji M. Mhatre, Mr. Mangesh M. Mhatre and Mr. Kamalakar M. Mhatre as Confirming Party. Along with the said Sale Deed an Order of Adjudication passed by the Collector of Stamps, Borivali, u/s 31 of the Maharashtra Stamp Act, 1958 dated 15th April, 2018, thereby adjudicating the said Conveyance for the purpose of stamp duty and holding that the total stamp duty of Rs.6,28,350/- was payable has been annexed. A Challan for payment of the said amount as also for payment of registration charges for Rs.30,000/- and other document handling charges are also annexed. The said Deed of Conveyance is duly registered in the office of Sub-Registrar, Borivali-4 under Serial No.DRL-4/14394 of 2018. By the said document Romell Real Estate Pvt. Ltd. had purchased the land bearing S.No.117/23 admeasuring 2 Gunthas, equivalent to 202.20 square meters as per 7/12 extract/ record read with corresponding to CTS No.616 of Village Eksar, Taluka Borivali, as per Property Register Card, for an agreed total consideration of Rs.23,69,900/-



which is also clear from the copy of Index-II of the above referred Deed of Conveyance.

(vi) Pursuant to the amendment of Section 43 of BTAL Act, by virtue of Maharashtra Act No.1 of 2014, the Government Circular No.TNC-04/2013/C.R.196/L-1 dated 16th July, 2014 has been issued by Government of Maharashtra whereby it is provided that, after the lapse of 10 (ten) years from the date of the purchase of the lands by the Tenant Purchaser, the Sale Permission of the Collector u/s.43 of the said BT & AL Act, 1948 is not required to be obtained by the Tenant Purchaser in order to sell the lands but the same is subject to the compliance of the conditions recorded in the said Government Circular viz: payment of Nazarana which is equal to forty times the agricultural assessment of the land.

(vii) In view of the above Government Circular No.TNC-04/2013/C.R.196/L-1 dated 16th July, 2014 issued by Government of Maharashtra, Salestin Philip Rodrigues and 9 Others seem to have made an application dated 15th February, 2019 before the Tahsildar, Borivali, M.S.D. for grant of permission to sell S.No.117/23 in favour of the Purchaser. The Tahsildar, Borivali, Mumbai Suburban District by its Order No.Tah/Dor/T-3/KV-615/Nazarana/2019 dated 2nd March, 2019 granted

permission to Salestin Philip Rodrigues for sale of the land bearing S.No.117/23 in favour of the Purchaser subject to the payment of Nazarana which is equal to forty times the assessment of the land revenue to the Government and accordingly the said Nazarana was paid to Tahsiladar, Borivli and Challan bearing No.2112 dated 7th March, 2019 was issued. Thus, though the formality of Order u/s.43 was completed subsequently, that by itself may not cast any clog on the title to S.No.117/23.

6. An 'APPLICATION FOR AMALGAMATION' dated 10th October, 2018 was made by Architect Girish Chaudhari, for amalgamation of CTS No.616, under DCR 32 of DCR 1991 with ongoing proposed S. R. Scheme on land bearing CTS No. 590/6 etc. of Village - Eksar, Borivli, under Reg. 33(14)D of DCR 1991. The Slum Rehabilitation Authority has issued the 'REVISED LETTER OF INTENT' dated 8th January, 2019 under ref. No. SRA / DDTF / 155 / RN / PL / LOI, sanctioning the Amalgamation of Non-slum plot bearing CTS No.616, under DC Regulation 33(10) sub. Reg. 7.1 of DCPR 2034, with ongoing S. R. Scheme No.1 on land bearing CTS No. 590/6 etc. of Village - Eksar, Taluka - Borivli and INTIMATION OF APPROVAL No. SRA /ENG/R-N/PVT/0059/20100806/2 dated 2nd April 2019 for development of the land bearing CTS 616 in accordance with the provisions of Regulation 33(14)(d) of the Development Control Regulations, 1991 where under the said



Planning Authority has sanctioned Building Plans in respect of Building B comprising of Wing A and Wing B to be constructed on CTS No.616.

7. From and out of the said plots of land an area admeasuring 1,348.10 square meters is the land which is proposed for construction pursuant to grant of Commencement Certificate (CC) dated 12th February, 2011 issued by SRA, being the Special Planning Authority, which is duly endorsed on 14th November, 2017 for construction of Wing 'C' as per the approved amended plan dated 10th November, 2017 AND further Revised Letter of Intent dated 8th January, 2019 bearing No. SRA / DDTP / 155 / RN / PL / LOI, issued by SRA, the Planning Authority and Amended Intimation of Approval dated 2nd April, 2019. A perusal of Occupation Certificate No. SRA/DDTP/542/PN/PL/AP dated 27th March, 2017, issued by SRA for 164 Permanent Transit Camp Tenements constructed by Romell Real Estate Pvt. Ltd. on plots bearing CTS No.19A(pt), 20A, 21A of Village Malad (East), Mumbai Suburban District, which shows that the Company, the Owner/ Developer herein has complied with its obligation of constructing 164 PTC Tenements as provided by the Order passed by SRA, being Planning Authority, for clubbing of two Slum Schemes bearing amended LETTER OF INTENT No. SRA /DDTTP /595/RN /PL /AP dated 11th May, 2012, amended INTIMATION OF APPROVAL of even number dated 29th May, 2012. Thus there is no Impediment likely to arise in getting full Commencement Certificate for construction of Wing 'C'.

8. From the Search Report of Search Clerk, Shri N.A. Girghar referred hereinabove with respect to CTS No.616, there are no remarks found affecting the Plot in the Register maintained for the purpose under the Indian Registration Act. Further, I am informed by Adv. Merlyn Dias vide her letter dated 16th April, 2019, that she has not received any objection in response to the public notices all dated 17th November, 2018 and further Public Notices all dated 10th April, 2019, published in daily newspapers referred hereinabove.
9. In view of the aforesaid discussions and analysis, I have therefore no hesitation to opine that the title of M/s. Romell Real Estate Pvt. Ltd. to both the aforesaid lands bearing CTS No.590/6 admeasuring 1208.30 square meters and CTS No.616 admeasuring 139.80 square meters of Village Eksar, Taluka Borivali, Mumbai Suburban District, is clear, unencumbered and marketable and that at present the said Owner/Developer has all valid building permissions in respect of the land bearing CTS No.590/6 and No.616 enabling Romell Real Estate Pvt. Ltd. viz. Owner/Developer to construct building/s thereon.



(Rutuja Ambekar)
Advocate