

1244 \YHM\2016

TITLE REPORT

TO WHOMSOEVER IT MAY CONCERN

I. **DESCRIPTION OF THE PROPERTY:**

The First Schedule
(The Entire Property)

All that piece and parcel of land situate, lying and being at Village Bandivali, Taluka Andheri, bearing City Survey No. 31E/2 corresponding to Old CTS Nos. 60 (pt) admeasuring 23,874.40 sq. mtrs. or thereabouts within the Registration and Sub-Registration District, Bandra.

The Second Schedule
(The said Property on which Building No.3 ARB Heights is constructed)

The land/ area admeasuring 2840 sq. mtrs., of the said Property is utilized for constructing Wings "A", "B" and "C" on the piece or parcels of land situate at Jogeshwari in Greater Mumbai and bearing C.T.S. No. 31E/2 of Village Bandivali and the land area admeasuring 685 sq. mtrs. on which the MRM Wing has been constructed being part of the Entire Property more particularly described in the First Schedule hereinabove written in the Registration District and Sub-district of Mumbai Suburban.

(hereinafter referred to as "the said Property")

II. **INSTRUCTIONS:**

 Under instructions from our client, M/s. ARB Developers, a Partnership Firm, registered under the provisions of Indian Partnership Act, 1932 and having its office at Office No. 4, 1st Floor, Eby Castle, Building No. 64, Mohammed Ali Road, Mumbai - 400 003, the Developers of the said Property more particularly described in the Second Schedule hereinabove, we have through

our Search Clerk taken searches of the records of the Sub-Registrar of Assurances at Bandra and Andheri and City Survey Land Records and Revenue Records of the Collector of Mumbai Suburban and have caused the Public Notice to be published in the newspapers for inviting claims of the members of the public.

III. **DEVOLUTION OF TITLE:**

We have perused the photocopies of documents of title furnished to us and the Search Report of the Search Clerk and we find as under:-

1. One Vastu Shilpa Complex Designers Pvt. Ltd., (hereinafter referred to as "the Owners") are entitled to all that piece or parcel of land, bearing City Survey No. 31E/2 corresponding to Old CTS Nos. 60 (Part) of Village Bandivali, Taluka Andheri, admeasuring about 23874.40 sq. mtrs. or thereabouts more particularly described in the First Schedule hereabove written (hereinafter referred to as "the said Entire Property"). The said Entire Property alongwith other properties of the owners has been acquired by the Owners under Deed of Conveyance dated 13th March, 2006 duly registered with the Sub-Registrar of Assurances, Bandra under No.02073-2006 on 13th March, 2006 and Index II has been issued in respect of the said Conveyance.
2. By an Order dated 27th November, 1989 bearing No.CAJLC/D.III/22/4088, the Competent Authority under the provisions of Urban Land (Ceiling & Regulation) Act, 1976 had granted redevelopment permission interalia of the said Entire Property to the erstwhile Owners.
3. The said Entire Property has been declared as a slum as per the Notification published in the Maharashtra Government Gazette dated 14th October, 1977, bearing No.DC/ENC/ADH/33 (Page 2030). A portion of the said Entire property also forms part of Municipal Retail Market (MRM) reservation.



4. By an Order dated 26th March, 1992, bearing No.DCA/ENC/SR-87/92, the Dy. Collector (ENC) and Competent Authority, Andheri granted permission for redevelopment of the said property alongwith certain other properties on the terms and conditions contained therein.
5. Since the Owners were desirous of developing the said property alongwith other properties of the Owners in phasewise manner, they along with other Owners of certain adjoining properties, prepared a larger layout and obtained sanction thereof (hereinafter referred to as "the said Layout"). The properties comprising the said Layout are being developed by their respective Owners in accordance with the permission granted by Municipal Corporation of Greater Mumbai (MCGM), Slum Rehabilitation Authority (SRA) and/or other concerned authorities.
6. The Owners have already developed certain portions of the said Entire property by constructing various buildings and have sold and are in the process of selling various premises, flats, stilts, car parking, etc. in the buildings constructed by them, as aforesaid and have executed and will be executing various Agreements in favour of various Flat/unit purchasers thereof. The occupiers of various flats and premises have formed a separate Society of each Building/Wing constructed on the land forming part of the said Layout.
7. The Owners have also executed Development Agreement dated 22nd March, 2006 registered under Sr. No. 03642-2006 with M/s. Sukoon Developers Pvt. Ltd. for development of certain portion of the said Entire property for the consideration and on the terms and conditions therein mentioned and the said M/s. Sukoon Developers Pvt. Ltd. are already constructing a Building/Wing on the said portion of the said Entire property.

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8. The Owners, as aforesaid, are developing themselves and/or have granted Development rights of diverse portions of the said Entire property and are entitled to further develop the remaining undeveloped portions of the said Entire property by consuming the balance FSI or by loading the TDR component which may be available from the market and/or otherwise and/or sell the remaining balance FSI/TDR rights of the said Entire Property or the right to develop and/or load the balance FSI/TDR potential, as aforesaid to any other persons since the said Entire Property is under receivable category as provided under Development Control Regulations for Greater Mumbai.
9. A portion of the said Entire Property is under MRM Reservation and as per the then prevailing policy of development of MRM reservation area, permission dated 30th March, 2001 (revalidated upto 29th March, 2009) under No. CHE/2857/DPWS/H & K was granted by MCGM to the Owners to develop the said MRM reservation on certain terms and conditions contained therein and pursuant thereto, the Owners have entered into an Agreement dated 24th April, 2007 with the MCGM interalia agreeing to construct and hand over to MCGM the Municipal Retail Market (MRM) Wing/Building of about 612.84 sq. mtrs. (hereinafter referred to as the said "**MRM Wing**") as per their specifications on a portion of the said Entire Property.
10. The Owners have also obtained sanction of the plans of building No.3 of the said Layout, vide IOD No.CHE/7446/BP/WS/AR/APP dated 19th September, 2002, in terms of the said development permission dated 30th March, 2001, comprising of the said MRM Wing and two other Wings (Wing A and Wing B) adjoining the said MRM Wing, proposed to be constructed on an earmarked portion admeasuring about 2840 sq. mtrs. of the said Entire Property (hereinafter the earmarked portion is referred to as the said "**Earmarked Portion**").



11. The Owners have also obtained Commencement Certificate upto the top of the plinth of the said MRM Wing on 22nd December, 2008 as per approved plan of building No.3 dated 16th March, 2007.
12. By and under a Development Agreement dated 29th December, 2012 registered with the office of the Sub-Registrar of Assurances at Mumbai under Sr. No.BDR-4/4332 of 2013 on 7th June, 2013 (hereinafter referred to as "**the said Agreement**") entered into and executed between Vastu Shilpa Complex Designers Pvt. Ltd., referred to as the Owners therein and M/s ARB Developers being the Developers therein, the Owners have granted development rights to the Developers to construct a building namely building No.3 on a portion admeasuring 2840 sq. mtrs. of the Entire Property in accordance with the scheme sanctioned by the MCGM under the Development Control Regulations (DRC), for the consideration and on the terms and conditions more particularly set out therein. The said portion admeasuring 2,840 sq. mtrs., on which the building No.3 is to be constructed is referred to as "**the said Property**" and more particularly described in the Second Schedule herein above written.
13. The said Owners, also granted a Power of Attorney dated 7th June, 2013 duly registered with sub-registrar of assurances at Mumbai under Sr. No.BDR-4/4333 of 2013 on 7th June, 2013, in favour of Mr. Abdul Rahim Vali Mohammed Bilakhya and Mr. Irfan Abdul Rahim Bilakhya, Partners of M/s ARB Developers authorizing them to do all such acts and deeds as mentioned therein for the development of the said Property.
14. By a Deed of Addendum dated 6th February, 2015 to the Development Agreement dated 29th December, 2012, duly registered with sub-registrar of assurances at Mumbai under registration no. BDR-1/1262 of 2015 on 10th February, 2015 the

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Owners and the Developers recorded therein the amended terms and conditions provided in the hereinbefore recited Development Agreement dated 29th December, 2012.

15. Pursuant to the said Deed of Addendum, the Owners have also executed an additional Power of Attorney dated 6th February, 2015 duly registered with sub-registrar of assurances at Mumbai under registration No. BDR-1/1263 of 2015 granting additional powers to the said Partners of the Developers.
16. In view of the execution of the said Deed of Addendum, the Developers became entitled to construct an additional Wing in the said Building No.3 leading to the said Building No.3 consisting, in all, of 4 wings being Wing 'A', 'B' and 'C', each comprising of floors as per approved plans (hereinafter the three Wings namely Wing 'A', 'B' and 'C', collectively referred to as "**the said Free Sale Building**") and the MRM Wing to be handed over to the MCGM (hereinafter referred to as the said "**MRM Wing**"), on the Earmarked portion of the said Entire Property, which portion is referred to as the said Property and is more particularly described in the Second Schedule herein above written.
17. Pursuant to the above, the Developers have got the plans amended and sanctioned in respect of the Building No.3 to be constructed on the said Property in accordance with the scheme sanctioned by the MCGM under the Development Control Regulations (DRC), for the consideration and on the terms and conditions more particularly set out therein.
18. The Authority has issued Amended Plans under No. CE/7446/WS/AK dated 15th January, 2016 in respect of the Composite Building to be constructed on said property..
19. The Authority has issued Commencement Certificate ("**CC**") under no. CE/7446/WS/AK on 17th February, 2016 for the Composite Building to be constructed on said property.



In the circumstances, the said M/s. ARB Developers have become entitled to develop the said Property described in the Second Schedule hereinabove written, being the portion of the Entire Property described in the First Schedule herein above written on the terms and conditions contained in the Development Agreement dated 29th December, 2012 read with Deed of Addendum dated 6th February, 2015 and to sell the premises being Shops and Flats in the said Free sale building to be constructed with 3 wings therein.

IV. **SEARCHES:**

We have perused the Search Report of the Search Clerk dated 25th February, 2016, who has taken searches of the records of the Sub-Registrar of Assurances, Bandra and Andheri, City Survey Land Records, Revenue Records of Mumbai Suburban District in respect of the said Property and the search reveals that, in respect of the portion of land in question, being developed by M/s. ARB Developers and described in the Second Schedule hereinabove there are no encumbrances recorded in the aforementioned records.

V. **PUBLIC NOTICE:**

Under instructions from our clients, we have caused Public Notices to be published in Afternoon in English newspaper and Sandhyakal in Marathi newspaper both on 9th November, 2016 and in pursuance of the said Public Notice, we have received no claims or objections in respect of the said project being undertaken by M/s. ARB Developers.

TITLE CERTIFICATE

Subject to what is stated hereinabove and pursuant to the Development Agreement dated 29th December, 2012 read with Deed of Addendum dated 6th February, 2015, we are of the opinion that M/s. ARB Developers are entitled to develop the said Property more particularly described in the Second Schedule hereinabove and are entitled to sell, lease the constructed area of the sale component in the said Free sale building with 3 wings of Building No.3, under construction.

on the said Property described in the Second Schedule in paragraph 1 hereinabove with an obligation to construct the said MRM Wing as mentioned above and hand over the same to MCGM as per the agreed terms and that their title to the said Free sale component comprising of shops/ flats is clear and marketable.

Dated this 14th day of December, 2016.

For M/S. PRAVIN MEHTA AND MITHI & CO.


PARTNER

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