

O. P. DUBEY

Advocate, High Court

B.A. LL.B.

Office : Lokseva Chawl Committee,
Patel Nagar Golibar Colony,
Opp. Raje Sambhaji School,
Santacruz (E), Mumbai-400 055.

Chamber : Lawyer's Chamber, 2nd Floor,
Bhaskar Building, A. K. Marg,
Bandra (E), Mumbai-400 051.

☎ : 9820122041/8689995672

E-Mail : opdubeyassociate@gmail.com

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FORMAT – A
(Circular No 28/2021)

To,
MahaRERA,
4th Floor, Housefin Bhavan, Plot No. C-21,
E-Block, Near Kamgar Bhavan, Behind RBI Building,
Bandra Kurla Complex, Bandra (East),
Mumbai – 400 051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to a portion of land admeasuring 38990.94 square metres or thereabouts, bearing CTS No. 410 C/1 (part) and 446 C/2 (part) of Village Oshiwara, Taluka Andheri, at Relief Road, Jogeshwari (West), Mumbai – 400 102 (hereinafter referred to as the “said Property”).

- 1) We have investigated the right of **Gajaan Property Developers Private Limited**, a company incorporated under the provisions of the Companies Act, 2013, having its registered office at 201, Nivan, CTS No. E/751, Opposite Podar International School, S.V. Road, Khar (West), Mumbai – 400 052 (“**Company**”), to develop the said Property, and perused the following documents i.e.:

1. **Description of the property:** The said Property admeasuring 38,990.94 square meters, bearing CTS Nos. 410 C/1 (part) and 446 C/2 (part) of Village Oshiwara, Taluka Andheri, at Relief Road, Jogeshwari (West), Mumbai – 400 102.
2. **The documents of allotment of plot:**
 - (a) Copy of Slum Declaration dated 14th October, 1977, bearing No. DC/ENC/ADH/32 Oshiwara.

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- (b) Copy of Power of Attorney dated 13th April, 2006, executed by Mr. Asir Riyaz Khan, Chief Promoter of Sahara Cooperative Housing Society (Proposed) ("Sahara CHS") for Sahara CHS, in favour of Mr. Abdul Ahad Khan, partner of M/s. Gajanan Builder.
- (c) Copy of Power of Attorney dated 10th August, 2006, executed by Mr. Abdul Ahad Khan, Chief Promoter of Sangam Cooperative Housing Society (Proposed_ ("Sangam CHS"), in favour of Mr. Abdul Ahad Khan, partner of M/s. Gajanan Builder.
- (d) Copy of Development Agreement dated 10th September, 2009, executed between Sahara and Sangam SRA Co-Operative Housing Society (Proposed) of the one part and M/s. Gajanan Builders of the other part.
- (e) Copy of Power of Attorney dated 27th June, 2018, executed by Asif Riyaz Khan, Chief Promoter of Sahara CHS, for Sahara CHS, in favour of Gajanan Creator and Builder LLP, being one of the partners of M/s. Ganajan Builder.
- (f) Copy of Power of Attorney dated 27th June, 2018, executed by Imtiyaz G. Khan, Chief Promoter of Sangam CHS, for Sangam CHS, in favour of Gajanan Creator and Builder LLP, being one of the partners of M/s. Gajanan Builders.

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- (g) Copy of Development Agreement dated 27th August, 2020, executed between Sahara and Sangam SRA Co-Operative Commercial Premises Society Limited of the one part and the Company of the other part.
 - (h) Copy of Power of Attorney dated 27th August, 2020, executed by Sahara and Sangam SRA Co-Operative Commercial Premises Society Limited, in favour of the Company and its directors Mr. Swadesh Kumar Anand.
 - (i) Copy of Letter of Intent bearing No. SRA/ENG/631/KW/MHL/LOI dated 15th June, 2018.
 - (j) Copy of Approved Layout Plan bearing no. KW/MHADA/0052/20060512/LAY dated 1st September, 2018.
 - (k) Copy of 8 separate Intimation of Approval bearing No.KW/MHADA/0052/20060512/AP/R, dated 4th October,2018 for Non-Resi Rehab Building Nos.1,2,3,4,5,6,7, & 8 respectively.
 - (l) Copy of Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R dated 20th December, 2018 for Non-Resi Rehab Building No.1.
 - (m) Copy of Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R dated 20th December, 2018 for Non-Resi Rehab Building No.2.

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- (n) Copy of Registration Certificate of "Sahara and Sangam SRA Co-operative Commercial Premises Society Limited", dated 30th September, 2019, bearing registration number MUM/SRA/HSG/(TC)/13022/2019.
- (o) Copy of Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 14th November, 2019 for Non-Resi Rehab Building No.1.
- (p) Copy of Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 14th November, 2019 for Non-Resi Rehab Building No.2
- (q) Copy of Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R dated 23rd July, 2020 for Non-Resi Rehab Building No.3.
- (r) Copy of Revised Letter of Intent bearing No. SRA/ENG/631/KW/MHL/LOI dated 7th September, 2020.
- (s) Copy of Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R1 dated 11th September, 2020 for Non-Resi Rehab Building No.1.



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- (t) Copy of Amended Intimation of Approval bearing No.
KW/MHADA/0052/20060512/AP/R2 dated 11th
September, 2020 for Non-Resi Rehab Building No.2.
 - (u) Copy of Amended Intimation of Approval bearing No.
KW/MHADA/0052/20060512/AP/R3 dated 23rd
September, 2020 for Composite Building No.3.
 - (v) Copy of Intimation of Approval bearing No.
KW/MHADA/0052/20060512/AP/S1A dated 11th
September, 2020 for Sale Building No.1A.
 - (w) Copy of Intimation of Approval bearing No. K-
W/MHADA/0052/20060512/AP/S dated 16th October,
2020 for Shopping Mall/ Business Office.
 - (x) Copy of Commencement Certificate bearing No.
KW/MHADA/0052/20060512/AP/S1A dated 13th
November, 2020 for Sale Building No.1A.
 - (y) Copy of Full Commencement Certificate bearing No.
KW/MHADA/0052/20060512/AP dated 3rd December,
2020 for Non-Resi Rehab Building No.1.
 - (z) Copy of Full Commencement Certificate bearing No.
KW/MHADA/0052/20060512/AP dated 3rd December,
2020 for Non-Resi Rehab Building No.2



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- (aa) Copy of Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S1A dated 26th March, 2021 for Sale Building No.1A.
 - (bb) Copy of Revalidated Commencement Certificate bearing no. KW/MHADA/0052/20060512/AP/S1A dated 3rd May, 2021 for Sale Building No.1A.
 - (cc) Copy of Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R-7 dated 23rd September, 2021 for Composite Building No.7.
 - (dd) Copy of Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R3 dated 18th October, 2021 for Composite Building No.3.
 - (ee) Copy of Amended Layout Plan bearing No. KW/MHADA/0052/20060512/LAY dated 20th December, 2021 approved by SRA.
 - (ff) Copy of Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/S1A dated 3rd February, 2022 for Sale Building No.1A.
 - (gg) Copy of Revalidated Commencement Certificate bearing no. KW/MHADA/0052/20060512/AP/R dated 18th July, 2022 for Composite Building No.3.



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- (hh) Copy of Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R-7 dated 24th February, 2022 for Composite Building No.7.
- (ii) Copy of Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R4 dated 4th March, 2022 for Composite Building No.4.
- (jj) Copy of Amended cum Part Occupation Certificate bearing No. KW/MHADA/0052/20060512/AP/R1 dated 13th April, 2022 for Non-Resi Rehab Building No.1.
- (kk) Copy of Amended cum Full Occupation Certificate bearing No. KW/MHADA/0052/20060512/AP/R2 dated 13th April, 2022 for Non-Resi Rehab Building No.2.
- (ll) Copy of Intimation of Approval bearing No. K-W/MHADA/0052/20060512/AP/R dated 18th May, 2022 for PAP-6 Building.
- (mm) Copy of Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R3 dated 20th May, 2022 for Composite Building No.3.
- (nn) Copy of Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S2 dated 29th June, 2022 for Sale Building No.2.



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(oo) Copy of Commencement Certificate bearing No.
KW/MHADA/0052/20060512/AP/S2 dated 29th July,
2022 for Sale Building No.2.

(pp) Copy of Amended Intimation of Approval bearing No.
KW/MHADA/0052/20060512/AP/S2 dated 25th
November, 2022 for Sale Building No.2.

(qq) Copy of Intimation of Approval bearing No. K-
W/MHADA/0052/20060512/AP/C-5 dated 15th
December, 2022 for Composite Building No.5.

(rr) Copy of Revalidated Commencement Certificate
bearing No. KW/MHADA/0052/20060512/AP/R dated
20th December, 2022 for Composite Building No.3.

(ss) Copy of Revalidated Commencement Certificate
bearing No. KW/MHADA/0052/20060512/AP/R-7
dated 20th December, 2022 for Composite Building
No.7.

(tt) Copy of Revalidated Commencement Certificate
bearing No. KW/MHADA/0052/20060512/AP/S1A
dated 20th December, 2022 for Sale Building No.1A.

(uu) Copy of Debenture Subscription Agreement dated 27th
December, 2019, executed between the Company of
first part, Mr. Abdul Ahad W. Khan, Mr. Samir Abdul
Ahad Khan and Mr. Saif Ahad Khan of the second part,
Gajaanan Creator and Builder LLP and Antalya



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Framework Private Limited of the third part, and
Calendula Commerce Private Limited of the fourth part.

- (vv) Copy of Addendum to the Debenture Subscription Agreement dated 27th December 2019, dated 21st August, 2021, executed between the Company of first part, Mr. Abdul Ahad W. Khan, Mr. Samir Abdul Ahad Khan and Mr. Saif Ahad Khan of the second part, Gajaanan Creator and Builder LLP and Antalya Framework Private Limited of the third part, Calendula Commerce Private Limited of the fourth part, and Festivalvalley Developers Private Limited of the fifth part.
- (ww) Copy of Contempt Petition (L) No. 29528 of 2022 in Writ Petition (L) No. 2512 of 2019.
- (xx) Copy of Writ Petition No. 8240 of 2021.
- (yy) Copy of Debenture Trust Deed dated 1st April 2022, executed between the Company of the one part and Beacon Trusteeship Limited ("Beacon") of the other part, and registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-15/4733 of 2022.
- (zz) Copy of Property Register Card issued on 1st June, 2017 and 2nd June, 2017 respectively.



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(aaa) Search Report dated 19th October, 2019 for thirty (30) years from 1990 to 2019 and 23rd August, 2022 for five (5) years from 2018 to 2022.

- 2) On perusal of the above mentioned documents relating to the title of the said Property, and subject to what is stated herein, we are of the opinion that Maharashtra Housing and Area Development Authority ("MHADA") is the owner of the said Property, and on the plans for construction of building(s) on the said Property being sanctioned and other approvals being granted from time to time, the Company will be entitled to develop the said Property and construct the building(s) thereon.

Owner(s) of the said Property: MHADA

- 3) The report reflecting the flow of the title on the said Property is enclosed herewith as an annexure.

Encl: Annexure

Date: 26th December, 2022



Shri O.P. Dubey
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FORMAT – A

(Circular No.28/2021)

FLOW OF TITLE OF THE SAID PLOT OF LAND

1. Copy of Property Register Card issued on 1st June, 2017 and 2nd June, 2017 respectively.
2. Search Report for thirty (30) years from 1990 to 2019 for jurisdiction of Bandra and Andheri -1 to 8 Sub-Registrar Offices and five (5) years from 2018 to 2022 taken from the online site available for search purpose by the Department of Registration and Stamps of the Government of Maharashtra, which is the record of jurisdiction of Mumbai Suburban District, Andheri – 1 to 8 Sub-Registrar Offices.
3. **TITLE FLOW**
 - (i) MHADA is the owner of the said Property.
 - (ii) The Deputy Collector (ENC), vide a declaration dated 14th October, 1977, bearing No. DC/ENC/ADH/32 declared inter-alia the said Property, as slum under the provisions of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.
 - (iii) There were eight hundred seventy (870) commercial structures which are occupied by the slum dwellers and one (1) religious structure (masjid) situated on the said Property. Initially the slum dwellers proposed to form and register two (2) separate societies known as Sahara CHS and Sangam CHS.

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- (iv) Sahara CHS and Sangam CHS have been registered as one co-operative housing society known as "Sahara and Sangam SRA Co-operative Commercial Premises Society Limited", under the provisions of the Maharashtra Co-operative Societies Act, 1960, on 30th September, 2019, under registration number MUM/SRA/HSG/(TC)/13022/2019 (the "said Society").
- (v) By virtue of two (2) Development Agreements dated 10th September, 2009 and 27th August, 2020, and two (2) Powers of Attorney dated 13th April, 2006 and 10th August, 2006, and two (2) separate Powers of Attorney, dated 27th June, 2018 and 27th August, 2020, the Company became entitled to undertake the slum rehabilitation scheme, inter alia on the said Property.
- (vi) The following approvals have been granted for development, inter alia of the said Property:
- (a) The Slum Rehabilitation Authority ("SRA") issued Letter of Intent bearing No. SRA/ENG/631/KW/MHL/LOI dated 15th June, 2018 and Revised Letter of Intent bearing No. SRA/ENG/631/KW/MHL/LOI dated 7th September, 2020;
- (b) On September 1, 2018 the SRA sanctioned the Layout Plan with respect to the said Property vide its Letter bearing No. KW/MHADA/0052/20060512/LAY.



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- (c) SRA sanctioned the plans for Non-Resi Rehab Building Nos. 1,2,3,4,5,6,7 & 8 on a portion of the said property and issued eight (8) separate IOA bearing No. KW/MHADA/0052/20060512/AP/R on 4th October, 2018 respectively.
- (d) SRA issued First Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R dated 20th December, 2018 for Non-Resi Rehab Building No.1.
- (e) SRA issued First Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R dated 20th December, 2018 for Non-Resi Rehab Building No.2.
- (f) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 14th November, 2019 for Non-Resi Rehab Building No.1.
- (g) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 14th November, 2019 for Non-Resi Rehab Building No.2.
- (h) SRA issued Commencement Certificate bearing no. KW/MHADA/0052/20060512/AP/R dated 23rd July, 2020 for Non-Resi Rehab Building No.3.



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- (i) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R1 dated 11th September, 2020 for Non-Resi Rehab Building No.1.
 - (j) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R2 dated 11th September, 2020 for Non-Resi Rehab Building No.2.
 - (k) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R3 dated 23rd September, 2020 for Composite Building No.3.
 - (l) SRA issued Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S1A dated 11th September, 2020 for Sale Building No.1A.
 - (m) SRA issued Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S dated 16th October, 2020 for Shopping Mall/ Business Office.
 - (n) SRA issued Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/S1A dated 13th November, 2020 for Sale Building No.1A.
 - (o) SRA issued Full Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 3rd December, 2020. for Non-Resi Rehab Building No.1.



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- (p) SRA issued Full Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP dated 3rd December, 2020. for Non-Resi Rehab Building No.2.
 - (q) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S1A dated 26th March, 2021 for Sale Building No.1A.
 - (r) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/S1A dated 3rd May, 2021 for Sale Building No.1A.
 - (s) SRA issued Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R-7 dated 23rd September, 2021 for Composite Building No.7.
 - (t) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R3 dated 18th October, 2021 for Composite Building No.3.
 - (u) SRA issued Amended Layout Plan bearing No. KW/MHADA/0052/20060512/LAY dated 20th December, 2021.
 - (v) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/S1A dated 3rd February, 2022 for Sale Building No.1A.



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- (w) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R3 dated 18th July, 2022 for Composite Building No.3.
- (x) SRA issued Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R7 dated 24th February, 2022 for Composite Building No.7.
- (y) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R4 dated 4th March, 2022 for Composite Building No.4.
- (z) SRA issued Amended cum Part Occupation Certificate bearing No. KW/MHADA/0052/20060512/AP/R1 dated 13th April, 2022 for Non-Resi Rehab Building No.1.
- (aa) SRA issued Amended cum Full Occupation Certificate bearing No. KW/MHADA/0052/20060512/AP/R2 dated 13th April, 2022 for Non-Resi Rehab Building No.2.
- (bb) SRA issued Intimation of Approval bearing No. K-W/MHADA/0052/20060512/AP/R dated 18th May, 2022 for PAP Building No.6.
- (cc) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/R3 dated 20th May, 2022 for Composite Building No.3.



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(dd) SRA issued Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S2 dated 29th June, 2022 for Sale Building No.2.

(ee) SRA issued Commencement Certificate bearing No. K-W/MHADA/0052/20060512/AP/S2 dated 29th July, 2022 for Sale Building No.2.

(ff) SRA issued Amended Intimation of Approval bearing No. KW/MHADA/0052/20060512/AP/S2 dated 25th November, 2022 for Sale Building No.2.

(gg) SRA issued Intimation of Approval bearing No. K-W/MHADA/0052/20060512/AP/C-5 dated 15th December, 2022 for Composite Building No.5.

(hh) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R3 dated 20th December, 2022 for Non-Resi Rehab Building No.3.

(ii) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/R7 dated 20th December, 2022 for Composite Building No.7.

(jj) SRA issued Revalidated Commencement Certificate bearing No. KW/MHADA/0052/20060512/AP/S1A



O. P. DUBEY

Advocate, High Court

B.A. LL.B.

All the correspondence at the Chamber only

Office : Lokseva Chawl Committee,
Patel Nagar Golibar Colony,
Opp. Raje Sambhaji School,
Santacruz (E), Mumbai-400 055.

Chamber : Lawyer's Chamber, 2nd Floor,
Bhaskar Building, A. K. Marg,
Bandra (E), Mumbai-400 051.

☎ : 9820122041/8689995672

E-Mail : opdubeyassociate@gmail.com

dated on 20th December, 2022, for Sale Building
No.1A.

(vii) By a Debenture Subscription Agreement dated 27th December, 2019, read with Addendum to the Debenture Subscription Agreement dated 27th December 2019, dated 21st August, 2021, executed between the Company of first part, Mr. Abdul Ahad W. Khan, Mr. Samir Abdul Ahad Khan and Mr. Saif Ahad Khan of the second part, Gajaanan Creator and Builder LLP and Antalya Framework Private Limited of the third part, Calendula Commerce Private Limited of the fourth part, and Festivalvalley Developers Private Limited of the fifth part, Mr. Abdul Ahad W. Khan, Mr. Samir Abdul Ahad Khan and Mr. Saif Ahad Khan inter alia subscribed to certain debentures of the Company, as more particularly described therein and upon such terms and conditions as mentioned therein.

(viii) The Company has issued and allotted certain secured, redeemable, transferable, unlisted, interest-bearing non-convertible debentures in accordance with the terms and conditions as more particularly set out in the Debenture Trust Deed dated 1st April, 2022, executed by and between the Company and others of the one part and Beacon Trusteeship Limited, registered with the Security and Exchange Board of India (Debenture Trustees) Regulations, 1993 ("**Debenture Trustee**") of the other part, acting in its capacity as a debenture Trustee, and registered with the Sub-registrar Andheri-4, under serial no. BDR-115/4933/2022 ("**DTD**"). One of the conditions

O. P. DUBEY

Advocate, High Court

B.A. LL.B.

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Bhaskar Building, A. K. Marg,
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of the said DTD is that the Developer herein, to secure the secured obligations, as more particularly set out in the said DTD, has agreed to mortgage the Company's development rights and its entitlement in the said Property (which is a part of the Larger Property) in favour of Debenture Trustee in accordance with the terms of the said DTD and other security documents as more particularly set-out therein.

4. LITIGATIONS:

(i) Mr. Sirafaraz Sheikh and others filed Writ Petition (L) No. 2512 of 2019 (the "**said First Writ Petition**") before the Hon'ble Bombay High Court, inter alia for: (a) cancellation of slum rehabilitation proposal for the Larger Property; and (b) cancellation of the LOI and IOA issued; and (c) quashing and setting aside the Impugned Order dated 4th May, 2019 passed by the Deputy Collector, SRA. On 3rd July, 2020, 117 Petitioners out of the total 170 Petitioners and Respondent Nos. 1A, 2, 4, 5 and 10 filed consent terms in the said Writ Petition, and the said Writ Petition was disposed off by an order dated 15th March, 2022, passed by the Hon'ble Bombay High Court.

(ii) Mr. Sirfaraz Sheikh and others filed Contempt Petition (L) No. 29538 of 2022 in Writ Petition (L) No. 2512 of 2019 (the "**said Contempt Petition**"), inter alia seeking to: (a) hold Respondent Nos. 1 to 11 therein guilty of having committed breach of the order dated 13th July, 2020 passed by the

O. P. DUBEY

Advocate, High Court
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Hon'ble Bombay High Court, and hold them guilty under the provisions of the Contempt of Court Act, 1971, and (b) direct Respondent Nos. 13 to 15 therein to withdraw the approval granted to the purported plans, and (c) direct Respondent Nos. 16 to 26 to reject the application for approval of purported plans and/or withdraw any approval granted to the purported plans. The said Contempt Petition is pending before the Hon'ble Bombay High Court.

- (iii) Mr. Salahuddin Rehmatullah Chaoudhary and another have filed Writ Petition No.8240 of 2021 (the "**Second Writ Petition**") before the Hon'ble Bombay High Court, inter alia for: (a) quashing, setting aside, modifying and amending the Order dated 22nd July, 2021, (b) directing Respondent No.9 therein to hear the Application filed by the Petitioner therein on 3rd June, 2021 on merits and to decide such application in a judicious and time bound manner and (c) directing Respondent No.9 therein to number the Application filed by the Petitioner on 3rd June, 2021. The Second Writ Petition is pending before the Hon'ble Bombay High Court.



Shri O.P. Dubey
Advocate, High Court

Date: 26th December, 2022