

JHANGIANI, NARULA & ASSOCIATES

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Ref. No. RNN/ 805-A/2016

TITLE CERTIFICATE

TO WHOMSOEVER IT MAY CONCERN

Re : All that piece or parcel of land or ground bearing Plot No.2B & Final Plot No.5. Town Planning Scheme I of Borivali, corresponding to C.T.S. Nos. 611, 611/1 to 12, totally admeasuring 1086.9 Sq. Mtrs., as per P.R. Card (as per Conveyance - 1064 sq. mtrs.) and Tikka No.51, Survey No.78, Village & Taluka Borivali, Mumbai Suburban District, situate, Lying and being at Punjabi Lane, L.T.Road, Borivali (West), Mumbai 400 092, in the Registration District Sub-District of Mumbai and Mumbai Suburban District.

In pursuance of instructions given by our clients, **M/s. Pearl Buildcon**, a Proprietary Concern through its Proprietor, **MR. JESAL DAMJI DEDHIA**, of Mumbai Indian Inhabitant, having its office at A/107, 1st Floor, Laxmichhaya C.H.S. Ltd., L. T. Road, Babhai Naka, Borivali (West), Mumbai - 400 092, we have investigated the title of the abovementioned property. We have caused search to be taken in the office of the Sub-Registrar of Assurance at Mumbai, Goregaon and Borivali, Mumbai for 30 years from 1986 to 2016 and published public notices in daily newspapers "The Free Press Journal" English Edition and "Navshakti" Marathi Edition both on 3.8.2016. We have also obtained copies of documents and revenue records and our findings are as under:

- (a) At material time, (1) Arvind Poonamchand Shah, (2) Kirtikumar Poonamchand Shah, (3) Vasumati Arvind Shah and (4) Sandhya Kirtikumar Shah (hereinafter referred to as "original owners") were the absolute owners and/or otherwise well and sufficiently entitled to the above mentioned property.
- (b) There were two chawls i.e. (i) Chawl No.1 on the rear side of the property consisting of ground floor only comprising five residential tenements / occupiers and (ii) Chawl No.2 on the front side of the property having ground plus one upper floor comprising three

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residential tenements / occupiers on the above mentioned property occupied by totally 8 tenants/occupiers.

- (c) By and under agreement dated 14.9.1977 entered between the original owners and (i) Dharmendra Kumar Goyal, the said original owners agreed to sell, transfer and convey the above mentioned property to the said Dharmendra Kumar Goyal at the consideration and on the terms and conditions recorded therein.
- (d) The said Dharmendra Kumar Goyal, Mr. Ashok Kumar Goyal and Mrs Taramati Rajendra Goyal were carrying out business in the name and style of M/s. Goyal Brothers as developers. The said Dharmendra Kumar Goyal had entered into the agreement dated 14.9.1977 in his capacity as a partner of M/s. Goyal Brothers with a view to develop the above mentioned property.
- (e) The said M/s. Goyal Brothers constructed a building known as Jitendra Bhavan having ground + three upper floors consisting of 21 flats/premises and by diverse agreements sold the flats/premises to the purchasers and placed them in possession. The flats/premises purchasers of Jitendra Bhavan Building formed and registered a cooperative Housing Society known as "Borivali Jitendra Bhavan Co-op. Housing Society Ltd." bearing Registration No.BOM/HSR/PR/7455 on 19.3.1981 (hereinafter referred to as "the said Society") under the provisions of Maharashtra Cooperative Societies Act, 1960.
- (f) By and under Indenture dated 29.8.1983 (duly registered with the Sub-Registrar of Assurances at Bombay under Sr. No. S/2632/83) entered into between (1) Arvind Poonamchand Shah., (2) Kirtikumar Poonamchand Shah, (3) Vasumati Arvind Shah and (4) Sandhya Kirtikumar Shah, therein referred to as the Vendors, Shri Dharmendra Kumar Goyal therein referred to as First Confirming Party, M/s. Goyal Brothers therein referred to as Second Confirming Party and Borivali Jitendra Bhavan CHS Ltd. therein referred to as the Purchasers, the said Arvind Poonamchand Shah and others, with the consent of the

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First & Second Confirming Party, granted, sold, conveyed, transferred and assured the abovementioned property together with the two chawls of the Second Confirming Party along with the new building constructed thereon known as "Jitendra Bhavan" in favour of the Purchasers being the said Society and the First Confirming Party has confirmed the same for consideration, on the covenants recorded therein.

- (g) Under the said Deed of Conveyance 29th August, 1983, the area of the said Property by mistake mentioned as "1087 Sq. mtrs." instead and in place of "1064 Sq. mtrs.", thereafter, by a Deed of Rectification, dated 1st August, 2000, duly registered with the Sub-Registrar of Assurances at Bombay, under Serial No. BBJ/6028/2000 on 31st October, 2000, executed by the Hon'ble Secretary of the Society, have rectified the area mentioned under the Deed of Conveyance as "1064 Sq. mtrs."
- (h) Thus, by virtue of above recited conveyance, the said Society is seized, possessed of otherwise, well and sufficiently entitled to the above mentioned property.
- (i) By and under Agreement dated 28th March, 2003 entered between the said Society, therein referred to as Owners and one Shri Kishore T. Mehta, therein referred to as tenant in respect of room bearing Room Nos. 3 & 4 in Chawl No.2 on the Ground Floor, the Owners granted additional rights of ownership to the said Shri Kishore T. Mehta at the consideration and on the terms and conditions recorded therein. The said Shri Kishore T. Mehta became member of the said Society and has also issued Share Certificate to him.
- (j) Accordingly, the remaining tenants in the chawls were granted ownership rights and share certificates also came to be issued by the said Society. Thus, the tenants of both the chawls standing on the said property have become members of the said Society. The said building was occupied and possessed by total 28 (Twenty-eight) Members of the said Society (hereinafter referred to as "the Existing / Old Members").

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- (k) By and under registered Development Agreement dated 7th June 2016 (registered with the Sub-Registrar Borivali No.3, MSD Bandra under Regn. No. BRL-3/4518/112/2016) entered between Borivali Jitendra Bhvan Co-op. Housing Society Ltd., therein referred to as the Society and M/s. Pearl Buildcon therein referred to as the Developers, the said Society has inter alia granted assigned and transferred exclusive and irrevocable development rights to our clients' development rights for constructing the proposed new building and allotting the flats / premises and car-parking spaces on the said Property, by utilizing the balance FSI, Fungible FSI, TDR and every other rights attached in respect of the above mentioned property at the consideration and on the terms and conditions recorded therein after complying with procedure prescribed under Circular dated 3rd January 2009 issued under Section 79-A of Maharashtra Co-operative Societies Act, 1960.
- (l) Thereafter by an Irrevocable Power of Attorney dated 7th June 2016, duly registered with the Sub-Registrar of Assurances at Borivali, Under No. BRL-3-4519-2016 on 7th June, 2016, (hereinafter referred to as "the Power of Attorney") executed by the said Society in favour of our clients herein, inter alia to do all the acts, deeds matters and things as more particularly set out therein.
- (m) The Municipal Corporation of the Greater Mumbai vide its Letter dated 30th August, 2005, issued T. P. Remark in respect of the said Property with the reference to the T.P.S. Borivali (1st Variation) (Final) sanctioned by the State Government which came in force on 20th September, 1976, states that the said Property admeasures 1064 Sq. mtrs. and the Final Plot No. 5 reflects the names of Arvind Poonamchand Shah & Ors. as the owners, as mentioned in Form -1 and that the user of the said Property is for "Residential".
- (n) The said Property is in the Residential Zone (R), as per the D.P. Remark dated 1st September, 2005, bearing no. CHE/842/DPWS/R and that there are no reservation on the said Property.
- (o) From the record made available to us, it appears that save and except the rights of the members of the said Society to obtain possession of

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the permanent alternate accommodation in the building/s proposed to be constructed on the abovementioned property, there are no other person or persons in occupation of any portion of the abovementioned property and there are no other encumbrances found on the abovementioned property nor any other person/s having any share, right, title or interest of any nature whatsoever in the abovementioned property or any part thereof.

- (p) We have not received any claims and or objections from any person/s pursuant to our publication of Public Notices in the newspapers as stated above.

In the circumstances aforesaid and subject to what is stated hereinabove, we are of the opinion that title of the Borivali Jitendra Bhavan Cooperative Housing Society Ltd., to the abovementioned property is clear and marketable and free from any encumbrances and beyond reasonable doubts. Our clients, M/s. Pearl Buildcon, have right to develop/redevelop and after accommodating the members of the said Society in the new building/s proposed to be constructed on the abovementioned property, dispose off the remaining saleable area in terms of flats/shops/premises/units.

Dated this 30th day of August, 2016.

For Jhangiani, Narula & Associates,

(Rajiv Narula)
Partner

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