

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

DATE:- 4th September 2021

To,

M/s. Amar Associates,

Vinay house, Madhav Kunj Apartment,

Near Chamunda Circle, Mandpeshwar Road,

Borivali (W), Mumbai – 400 092.

SUB: All that piece and parcel of land bearing C.T.S. No. 218, 218(1 to 18) admeasuring 895.40 sq. meters or thereabouts of Village : Kanheri, Taluka : Borivali, Mumbai Suburban District, situated, lying and being at Dattapada Cross Road No 3, Corner of Carter Road No 2, Borivali (E), Mumbai - 400 066 (Herein after referred to as the "Said Property").

Sir,

As per your instructions, I have examined the title of the above referred property and have caused to be taken searches of available registration records and issued a Public Notice in two of the News Papers namely "Mumbai Lakshdeep" and "The Free Press Journal" both dated 14.08.2021. No claims have been received in response to the Public Notices issued by me. I have taken search for last 50 years i.e. from the year 1970 to 2021 at Sub Registrar's Office at Mumbai, Bandra, and Borivali. From the Search report, documents provided to me for scrutiny and the information provided to me and believing the same to be true, correct and trustworthy and also believing the documents / copies / papers furnished in its file to be true and genuine, I hereby give my report on title as under:-

Description of documents presented to me for Scrutiny: -

1. Photocopy of Registration certificate of Shiv Shakti Co-operative Housing Society Ltd bearing Registration No. MUM/WR/HSG/TC/14584/2009-10 dated 27th October 2009.
2. Photocopy of Certificate of Sale dated 15th April 1996, executed by Municipal Commissioner in favour of Mr. Premratan Shyamlal Agrawal pursuant to Public

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Auction held on 29th September 1992, registered under no. BBJ-1508/1996 together with the copy of Index II

3. Photocopy of dismissal recorded in Roznama in Suit no 1032 of 1993.
4. Photocopy of order dated 23.07.2004 passed in Writ Petition no. 2259 of 1996.
5. Photocopy of Order dated 4th August 1999 passed by the DDLR, Konkan Region in ADM/Appeal/SR311/97/3184
6. Photocopy of Order bearing no MUM/DJR/Appln.88/02/4259 of 2009 dated 23.06.2009 passed under Application no 88/2002 issued by Divisional Joint Registrar, Co-op. societies, Mum. Div.
7. Photocopy of Conveyance deed dated 24th January 2017 registered with the Sub registrar of Assurances at Bombay under serial No. BRL2/681/2017.
8. Photocopy of Property Card digitally signed on 02.11.2019 and downloaded on 25.08.2021.
9. Photocopy of Development Agreement dated 21st June 2021 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL5-8390-2021.
10. Photocopy of Power of Attorney dated 24th June 2021 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL5/8534/2021.

Tracing of Title: -

1. As per entry dated 08.09.1972 on PR Card, since the year 1972, one Swapnalok Co-operative Housing Society Ltd. was owner of the Said Property;
2. The members of the said Swapnalok Co-operative Housing Society Ltd were in possession of their respective units in the chawl then existing on the said Property.
3. The said Swapnalok CHSL appointed a Developer and the said Developer commenced construction of a new building in accordance with the plans sanctioned by Bombay Municipal Corporation under IOD dated 24th April 1987 and Commencement certificate dated 1st February 1989 bearing no CE/6370/BS II/AR. The original building plan was of Gr + 3 upper floors, however the Developer constructed only Gr + 2 upper floors.

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4. Since only Gr + 2 upper floors were constructed, only 12 flats were allotted to 12 members of the Society and remaining 7 members were left in their respective old units.
5. As a result, disputes and differences arose between the members of the said Swapnalok CHSL which inter-alia resulted in non-payment of dues of Mumbai Municipal Corporation taxes.
6. Under the circumstances, for non-payment of taxes, Mumbai Municipal Corporation proceeded to sell the said Property by Public Auction under the warrant of attachment dated 9th February 1991 issued under sections 203 & 207A (3) of the Bombay Municipal Corporation Act and the said Property was sold by Public Auction on 29th September 1992.
7. One of the member, Mr. Champaklal Sanghavi alongwith some other members of the said Swapnalok CHSL filed a suit under no 1032 of 1993 before Hon'ble Bombay High Court, to declare the auction sale bad in law, illegal and void (*Copy of proceedings not provided for perusal*). The said suit has been dismissed for default on 7th November 1997 as recorded under roznama of the said Suit.
8. The said Property was purchased by one Shri Premratan Agrawal under the public auction held by Mumbai Municipal Corporation. The sale certificate dated 15th April 1996 has been issued by Municipal Corporation to the said Shri Premratan Agrawal. The said Sale certificate dated 15th April 1996 has been registered with the Sub Registrar of Assurances at Bombay under no BBJ/1508/1996 on 24th April 1996. The name of the said Mr. Premratan Agrawal was mutated on PR Card vide entry dated 28.08.1996.
9. Thereafter, said Swapnalok CHSL filed a Writ Petition under no. 2259 of 1996 before Hon'ble Bombay High Court (*Copy of proceedings not provided for perusal*). The said writ petition was dismissed as withdrawn vide order dated 23.07.2004.
10. The said Swapnalok CHSL preferred an appeal before Deputy Director of Land Records, Konkan Region under no. ADM/Appeal/SR311/97/3184 against the order of the Superintendent of Land Records mutating the name of Mr. Premratan Agrawal on

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PR Card (*Copy of proceedings not provided for perusal*). The said Appeal was also withdrawn by the said Swapnalok CHSL as per the order dated 4th August 1999 passed in the appeal.

11. The said Mr. Premratan Agrawal filed an application on 24th October 2002, under section 21A of the Maharashtra Co-operative Societies Act, 1960 before the Divisional Joint Registrar, Co-operative Societies, Mumbai Division for deregistration of the Swapnalok CHSL. The Divisional Joint Registrar, vide his order dated 23rd June 2009, passed an order for deregistration of the said Swapnalok CHSL.
12. The said Mr. Premratan Agrawal revalidated old IOD dated 24th April 1987 on 10th February 2001 and also revalidated the Commencement Certificate on 22nd May 2001 for construction of the entire work i.e. Gr + 3 upper floors and extension work on Ground floor. The said Mr. Premratan Agrawal constructed and completed the third floor and also completed incomplete and unfinished work left by the previous developer and obtained Occupation Certificate in respect of the entire building on 16th March 2002 and named the building as "Mira Bhavan" (Herein after referred to as the "Said Existing Building"). The said Existing Building is comprising of 20 Residential Flats and 10 Commercial Shops.
13. All the occupants/purchasers of the said existing building so constructed formed a new co-operative society under the name and style Shiv Shakti Co-operative Housing Society Limited, under the provisions of Maharashtra Co-operative Societies Act, 1960 bearing registration no. MUM/WR/HSG/TC/14584 of 2009-10 on 27th October 2009.
14. By and under a Deed of Conveyance dated 24th January 2017, registered with the sub registrar of Assurances at Borivali under serial number BRL2/681/2017, executed by and between Mr. Premratan Shyamlal Agrawal, therein referred to as "Owner", and Shiv Shakti Co-operative Housing Society Limited, the Owner therein did thereby granted, conveyed, transferred and assigned unto and to the use, occupation, possession and enjoyment of the Shiv Shakti Co-operative Housing Society Limited the said Property together with the Building standing thereon, at and for the consideration and on terms and conditions as recorded therein.

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15. The said Shiv Shakti CHSL has declared that no action, suit, proceeding or litigation, either judicial, non-judicial, quasi judicial, administrative or otherwise is pending before any court or governmental or regulatory official, body or authority relating to the said Property and/or any part thereof or there is no temporary or permanent injunction or final judgement relating thereto is operative in respect of the said Property which may have a material, adverse effect on title of the Said Property. Copy of the declaration is annexed hereto and marked as "Annexure - 1".
16. By a Development Agreement dated 21st June 2021 made and executed between the Shiv Shakti CHSL of one part and Smt. Kanchanben Vitthaladas Parmar and others therein referred to as the "Members" of the Second Part and M/s. Amar Associates therein referred to as the Developers of the Third part, registered with the Sub-Registrar of Assurances at Borivali under Serial No.BRL5/8390/2021 (herein after referred to as the "**Said Development Agreement**"), Shiv Shakti CHSL has granted, development rights in respect of the Said Property unto and in favour of the Developers therein to develop the said property by demolishing the Said Existing Building;
17. Pursuant to the said Development Agreement dated 21st June 2021, Shiv Shakti Co-operative Housing Society Ltd. has executed a Power of Attorney dated 24th June 2021 duly registered with the Registrar of Assurances at Borivali district Mumbai Suburban under No. BRL5/8534/2021 in favour of M/s. Amar Associates/its Nominees inter alia to execute and perform on behalf of and in the name of the Society any of the acts, deeds, matters and things that may be required to carry out redevelopment of the said Property in accordance with the provisions of the said Development Agreement.

Scrutiny of Property Card: -

The Property card stands in the name of Shiv Shakti Co-operative Housing Society Limited.

Area of the Plot: -

- The area of the Said Property as per Conveyance deed dated 24th January 2017 is 895.40 Sq. Mtrs.

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- The area of the said Property as per Property card digitally signed on 02.11.2019 and downloaded on 25.08.2021 is 820.5 Sq. Mtrs.
- As per entry dated 29.05.1982 on PR Card, the portion of the said Property admeasuring 74.9 sq. mtrs. has gone into road set back.

Thus, in light of the above circumstances and subject to whatever is stated in aforesaid documents and subject to flats to be provided to the members of the Shiv Shakti Co-operative Housing Society Limited as mentioned in detail in the said Development Agreement, I am of the opinion that, the rights of M/S. AMAR ASSOCIATES to develop the Said Property appears to be clear and marketable.

General:-

- For the purpose of this opinion, I have assumed the legal capacity of all natural persons, genuineness of all signatures and all documents submitted to me are authentic.
- For the purpose of this opinion, I have assumed that there are no amendments, rectifications, modifications to the document perused by me.
- For the purpose of this opinion, I have relied upon the information provided to me by yourselves.
- I am not certifying the boundary of the said Property nor am I qualified to express my opinion on physical identification of the said Property.
- This report on title is addressed to M/s. Amar Associates only. This report may not be furnished, quoted or relied on by any person or entity other than Amar Associates for any purpose without my prior written consent. This report has been issued at the request of M/s. Amar Associates for MCGM purpose.

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Adv. Mansi Jani