

Bhavin R. Bhatia

B.Com., LL.B.

ADVOCATE, HIGH COURT

Chamber at :

Room No. 58-D, 5th Floor, Alli Chambers, Tamrind Street, Off. N. M. Road, Fort, Mumbai - 400 023.

Mailing Address for Correspondence :

99, Jawahar Nagar, Goregaon (West), Mumbai - 400 104.

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Date: 01/03/2022

To,

Maharashtra Real Estate Regulatory Authority (MAHARERA)

Having address at 3rd Floor, A-Wing, Slum Rehabilitation Authority,

Administrative Building, Anant Kanekar Marg,

Bandra (E), Mumbai 400051.

Legal Title Report

Sub: Title Clearance Certificate with respect to all that piece or parcel of land or ground of leasehold Plot bearing no.40 of area admeasuring about 822.36 sq.mtrs. bearing City Survey No. 755, 755/1 to 6 being lying and situated at Village Pahadi, Taluka Borivali, Jawahar Nagar, Goregaon (West), Mumbai – 400 062 in the Registration sub-district of Borivali and District Mumbai Suburban alongwith structure standing thereon (For brevity's sake hereinafter to as the said "Property/Plot").

I have investigated the title of the said Property/plot on the request and upon the instructions of My Client 1) **SHRI. KANJI MURJI BHANUSHALI** & 2) **SHRI. MRUGESH RAJENDRA SHAH**, being partners of **M/s. AAKAR SHIV INFRA VENTURE** having address at B/101, Prathana Apartment, Plot no. 15, Jawahar Nagar, S. V. road, Goregaon (West), Mumbai – 400104 (said Developer/s) and I have perused and scrutinized following documents as under:

- 1) Agreement dated 07/05/1976 in between Ramanlal Mangaldas Shah, Kamlaben Ramanlal Shah (Vendors therein) & 1) Shantilal Amthalal Shah,

- 2) Ravjibhai Desaibhai Patel, 3) Ishwarbhai Gulabbhai Desai, 4) Sevantilal Amthalal Shah and 5) Devendrabhai J. Kothari (Purchasers therein).
- 2) Copy of Indenture dated 27/02/1979 duly registered with the Sub-registrar of assurance bearing registration no.S-543/1979 in between Ramanlal Mangaldas Shah, Kamlaben Ramanlal Shah (Vendor's therein), 1) Shantilal Amthalal Shah, 2) Ravjibhai Desaibhai Patel, 3) Ishwarbhai Gulabbhai Desai, 4) Sevantilal Amthalal Shah and 5) Devendrabhai J. Kothari (Confirming parties therein) and 'The Goregaon Moti Villa Co-operative Housing Society Limited' (Purchasers therein).
- 3) Share Certificate No.051 issued by the Jawahar Nagar Co-operative Housing Society Limited dated 24/09/1985.
- 4) Rectification dated 22/12/1998 Index II bearing registration no. BBJ-5577-1998.
- 5) Property Registered Card pertaining to CTS No.755, 755/1 to 6.
- 6) Development Agreement dated 12/08/1998 duly registered with the Sub-registrar of assurance bearing registration no.BRL-7-7886-2015.
- 7) Power of Attorney dated 12/08/2015 duly registered with the Sub-registrar of assurance bearing registration no.BRL-7-7881-2015.
- 8) Deed of Modification cum Supplementary Development Agreement dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-3-6520-2019 on 01/07/2019.
- 9) Power of Attorney dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. bearing no. BRL-3-6522-2019 on 01/07/2019.
- 10)DP Remark
- 11)Search Report for 30 years from 1991 till 2020

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of Society **THE GOREGAON MOTI-VILLA CO-OPERATIVE HOUSING SOCIETY LIMITED (said Society)**, is clear, marketable and without any encumbrances and said Developers are well sufficiently entitled to Redevelop said Property and are also entitled to sale/dispose of the various flats/premises etc. in the proposed building on ownership basis since the Developer holds such rights and same are clear, marketable and free from reasonable doubts.

Owners of the land

- (1) City Survey No. CTS No.755, 755/1 to 6 is Jawahar Nagar Co-operative Housing Society Limited (now Lessor).
- (2) Said Society is the Lessee of the said plot and Owner of the Original Building standing thereupon

The report reflecting the flow of the title of the (owner/promoter/developer) on the said plot is enclosed herewith as annexure.



Advocate

Encl: Annexure.

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Date: 20/02/2020

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF TITLE

RE: All that piece and parcel of land or ground situate lying and being at Jawahar Nagar Goregaon (West), Village Pahadi, Goregaon in the registration Sub-District of Borivali and District Mumbai Suburban admeasuring 822.36 sq. mtrs and layout Plot no. 40 and C.T.S. No. 755, 755/1 to 6 admeasuring about 772 sq. mtrs. (as per Property Register Card) (Said Property).

In pursuance of the instructions from my Clients **M/S. AAKAR SHIV INFRA VENTURE**, a Partnership firm duly registered as per the provisions of Indian Partnership Act 1932 and having its registered office address at B/101, Prathana Apartment, Plot no. 15, Jawahar Nagar, S. V. road, Goregaon (West), Mumbai - 400104 through its Partner Mr. Mrugesh Shah (said Developer/s). I have perused and scrutinized several documents as furnished to me by my client's interalia:

- i. Agreement dated 07/05/1976
- ii. Copy of Indenture dated 27/02/1979 having mark of registration showing duly registered with the office of sub-registrar of assurances bearing registration no. S-543/1979 (with seal of the sub-registrar dated 23/07/1989).
- iii. Share Certificate No. 051 issued by the Jawahar Nagar Co-operative Housing Society limited dated 24/09/1985.
- iv. Rectification dated 22/12/1998 Index II bearing registration no. BBJ-5577-1998.
- v. Property Registered Card pertaining to CTS No. 755, 755/1 to 6.
- vi. Development Agreement dated 12/08/2015 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-7-7886-2015.

- vii. Power of Attorney dated 12/08/2015 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-7-7887-2015.
- viii. Deed of Modification cum Supplementary Development Agreement dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-3-6520-2019 on 01/07/2019.
- ix. Power of Attorney dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. bearing no. BRL-3-6522-2019 on 01/07/2019.
- x. DP Remark (electronically generated report issued in favour of Mr. Rasik P. Hingoo) for Land bearing No. CTS 755.

THIS IS TO CERTIFY THAT I have investigated the title of the aforesaid Property and accordingly our findings are as under:

- a. From the documents made available, the Jawahar Nagar Co-operative Housing Society Ltd., a Co-operative Housing Society duly Registered under the provisions of Bombay Co-operative Housing Societies Act, 1925 and deemed to have been registered under the provisions of Maharashtra Co-operative Housing Societies Act, 1960 is entitled to have and hold the land piece of land being lying and situated at Village Pahadi, Goregaon (West), Taluka Borivali, within the Registration sub-district of Bandra and District of Mumbai Suburban. (hereinafter referred to as 'the Parent Society' for the sake of brevity).
- b. As per record of document and declared, Said Jawahar Nagar Co-operative Housing Society Ltd., prepared a lay-out scheme sub-dividing the lands in to several plots and allotted the said sub-divided plots to the various members. Said Jawahar Nagar Co-operative Hsg Society Ltd. later sub-divided their plots in smaller plots and allotted one plot being Plot No. 40 to Shri. Manganbhai B. Mistry and Others, transferred in the name of Shri. Ramanlal Mangaldas Shah and Kamlaben Ramanlal Shah (said Ramanlal & Kamlaben) . Subsequently, the said Parent Society executed Indenture dated 23.10.1973 in favour of Shri.

Ramanlal Mangaldas Shah and Kamlaben Ramanlal Shah thereby demised said property on Leasehold basis for a period of 998 years from 01.10.147 (therein referred to as the said 'Lessees'). The said Ramanlal & Kamlaben thereby became members and shareholders of the said Parent Society and were allotted 10 shares of Rs. 100/- each of the said parent society bearing Share Certificate No. 051. (said Shares)

- c. As per record, the said Ramnlal & Kamlaben agreed to transfer all their right title and interest in respect of the leasehold Plot no. 40 and the ownership right vide Agreement dated 07/05/1976 unto 1) Shantilal Amthalal Shah, 2) Ravjibhai Desaibhai Patel, 3) Ishwarbhai Gulabbhai Desai, 4) Sevantilal Amthalal Shah and 5) Devendrabhai J. Kothari.
- d. Pursuant to Indenture dated 27/02/1979 duly registered under Serial No. S-543/1979 entered and executed between of 1986 the said Ramanlal & Kamlaben (therein referred to as Vendor's), 1) Shantilal Amthalal Shah, 2) Ravjibhai Desaibhai Patel, 3) Ishwarbhai Gulabbhai Desai, 4) Sevantilal Amthalal Shah and 5) Devendrabhai J. Kothari (therein referred to as the confirming parties) and 'The Goregaon Moti Villa Co-operative Housing Society Limited' duly registered with the office of sub-registrar of assurance bearing registration no. BOM/HSG/5156/1976 on 17/06/1977 (hereinafter for brevity's sake referred to as the said 'Society'), the said Ramanlal & Kamlaben assigned, transferred and conveyed all their rights, title and interest in the said property viz. All that piece and parcel of land or ground situate lying and being at Jawahar Nagar Goregaon (West), Village Pahadi, Goregaon in the registration Sub-District of Borivali and District Mumbai Suburban admeasuring 822.36 sq. mtrs situated on the estate of Jawahar Nagar Co-op. Housing Society Ltd., Road No. 3, Jawahar Nagar, Goregaon (West), Mumbai 400 104 forming part of Survey No. 147 in the Bombay Suburban District in Greater Bombay in the Registration Sub-Division

of Bandra, together with building and structure standing thereon in favour of the Goregaon Moti Villa Co-operative Housing Society Ltd.

e. Said parent Society in memorandum of transfer of said Shares , on 22/02/1992 name of the said society as member thereof vide register no. T-931

f. As per record and declaration, in December, 1998, Rectification were entered to read correctly the CTS Number recorded in Indenture dated 27/02/1979 i.e. C.T.S. No. 755, 755/1 to 6 and not merely CTS No. 755, admeasuring about 772 sq. mtrs bearing document no. BBJ/3377 of 1998 as reflected in Index II furnished and consequently in PR Card pertaining to C.T.S. No. 755, 755/1 to 6 , appropriate mutation entry were recorded on 28/01/1999.

g. Pursuant to the Development Agreement dated: 12/08/2015 duly registered with the office of Sub-Registrar of Assurance bearing no. BRL-7-7886-2015(said Development Agreement) and Power of Attorney dated 12/08/2015 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-7-7887-2015 alongwith Deed of Modification cum Supplementary Development Agreement dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. BRL-3-6520-2019 on 01/07/2019 (said supplementary agreement) and Power of Attorney dated 01/07/2019 duly registered with the office of sub-registrar of assurances bearing registration no. bearing no. BRL-3-6522-2019 on 01/07/2019 entered and executed Between said Society and **M/s. AAKAR SHIV INFRA VENTURE**, a Partnership Firm, , Said Society has assigned their Development Rights in favour of my clients i.e. said Developer.

h. I have also caused, as per the instructions, Public Notice in the two Local daily newspapers namely Free Press Journal (English) & Navshakti (Marathi) on 05/01/2020 interalia invited objections from the General Public at Large, (if any) for investigation of title within the stipulated period of 14 days, however no

claims have been received within stipulated period in consequences of the Public Notice.

- i. Upon instructions, search Clerk Mr. Harish P Banger has also caused searches from the various Authorities for period from 1990 onwards and based on Search Carried out and Report submitted thereafter, subject to whatever stated herein above & as Declared by my clients, in my opinion the Title of Said Owners to the said property, is clear, marketable and free from encumbrances subject to whatever stated hereinabove and said Developers are well sufficiently entitled to Redevelop said Property and are also entitled to sale/dispose of the various flats/premises etc. in the proposed building on ownership basis since the owners holds such rights and same are clear, marketable and free from reasonable doubts subject to whatever stated hereinabove.

Yours truly,



Advocate, High Court