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No. : 418 / 2004

TITLE CLEARANCE CERTIFICATE

Re : All that pieces of land bearing

G.T.S. No. 1730 (part), 1731 (part)

(now CTS Nos. 1731/A & 1731/B),

1732 (part), 1763 (part) and 1764

of Vile Parle, corresponding Final

Plot Nos. 188-H, 188-G, 188-E, 188-

F, 188-I, 188-B admeasuring in

aggregate 3112.00 sq.mtrs or there-

about of Town Planning Scheme No. V

(Final) of Vile Parle, situate

lying and being at Nanda Patkar

Road, Vile Parle (East), Mumbai -

400 057.

We have investigated and verified the title of
Mahanagar Telephone Nigam Ltd. (a Government of India
Enterprise incorporated and registered under the Compa-

nies Act, 1956), (hereinafter referred to as "MTNL") having its registered office at "Jeevan Bharati", Tower No. 1, 12th floor, 124, Connaught Circus, New Delhi- 110 001 and Mumbai office at "Telephone House", Veer Savarkar Marg, Prabhadevi, Mumbai - 400 028, in respect of the above property of which they are the present owners and the same is being developed by M/s. A. Surti Developers Pvt. Ltd. a private limited company incorporated and registered under the Companies Act, 1956, (hereinafter referred to as "Developers") having its registered office at 304-A, Moti Mahal, Sodawala Lane, Govind Nagar, Borivli (W), Mumbai - 400 092, as per Slum Re-development Scheme and have to state as under:-

1. The Mahanagar Telephone Nigam Ltd. are the absolute owners of all that pieces or parcels of land bearing C.T.S. No. 1730 (part), 1731 (Part), (now CTS Nos. 1731/A & 1731/B), 1732 (part), 1763 (part) and 1764 of Vile Parle, corresponding Final Plot Nos. 188-H, 188-G, 188-E, 188-F, 188-I, 188-B admeasuring in aggregate 3112.00 sq.meters as per T.P.S. records or thereabout of Town Planning Scheme No. V (Final) of Vile Parle, situate, lying and being at Nanda Patkar Road, Vile Parle (E), Mumbai- 400 057 and more particularly described in the Schedule hereunder written (hereinafter referred to as the "entire property").

2. In the year 1981, the entire property was the subject matter of the Land Acquisition proceedings and the Special Land Acquisition Officer initiated the proceedings under Case No. LAQ/285 for acquiring the entire property for the purpose of Telephone Exchange Building, for MTNL.

3. By and under an Award dated 23rd September, 1986 passed by the Special Land Acquisition Officer under the Land Acquisition Act, 1894 as amended upto date, the said Land Acquisition proceedings were concluded in favour of MTNL and as such the Special Land Acquisition Officer ordered and directed MTNL to pay a total sum of Rs. 10,40,885/- (Rupees Ten Lakhs Forty Thousand Eight Hundred Eighty-five only) as and by way of compensation to the Special Land Acquisition Officer for the payment to the respective Owners/Claimants of the plots (the part and parcel of the entire property) and MTNL accordingly also paid the said amount of Rs. 10,40,885/- (Rupees Ten Lakhs Forty Thousand Eight Hundred Eighty-five only) to the Special Land Acquisition Officer for the payment to the respective owners of the plots of land acquired.

4. Subsequently, in the month of April, 1987, MTNL having become the absolute owners of the entire property, took the possession thereof together

with encroachments/hutments thereon (save and except the Plot of land bearing CTS No. 1763 (Part), 1764 (F.P. No. 188-B) admeasuring 651 sq.mtrs or thereabout as the same was under litigation) .

5. Thereafter, on or about 7th March, 2002, the Special Land Acquisition Officer has also, handed over the possession of the said Plot of Land bearing CTS No. 1763 (Part), 1764 i.e. F. P. No. 188-B admeasuring 651 sq. mtrs or thereabout (the part and parcel of the entire property) together with encroachment/hutment thereon to MTNL and accordingly MTNL became entitled to construct the Telephone Exchange building on the entire property.

6. Since the inception, the entire property was encroached upon by hutment/slum dwellers and also due to various problems, it was not possible for MTNL to develop the entire property, for the construction of Telephone Exchange and/or any other related purpose;

7. The entire property is notified and declared as the 'Slum' under the Maharashtra Slum (Improvement, Clearance and Redevelopment Area) Act, 1971 and to that effect Notification has been issued by

the State Government and published in Government Gazettes dated 16th July, 1998 (page No. 767) and dated 14th September, 2000 (page 1492) respectively;

B. As such, MTNL was not in a position to obtain vacant possession of the entire property for the construction of Telephone Exchange Building thereon and/or to develop the entire property, as the occupants sitting thereon are protected under Slum, as per the policy of the Government of Maharashtra;

9. However, as per Regulation 9, Tables 4 (V) (5) (K) of the Development Control Regulations, 1991, MTNL is entitled to develop the entire property, for the construction of the Telephone Exchange Building upon rehabilitating the slum/hutment dwellers in accordance with the Slum Rehabilitation Scheme and the Policy of the State of Maharashtra.

10. The eligible slum/hutment dwellers sitting on the entire property and adjoining lands have formed and proposed a Co-operative Housing Society, in the name and style of Sai Magan Co-operative Housing Society (Proposed) to avail the benefits of the Slum Rehabilitation Scheme, by becoming the members of the said Society;

11. The said Sai Magan Co-operative Housing Society (Proposed) and all its members (eligible slum/hutment dwellers) have entered into an Agreement with the Developers herein, i.e. A. Surti Developers Pvt. Ltd. (hereinafter referred to as the said Developers) for implementation of the said Rehabilitation Scheme on the entire property and have appointed them as the sole and exclusive Developers of the Proposed Project and authorised them to obtain various permissions and sanctions from Slum Rehabilitation Authority (SRA) and other concerned Authorities relating thereto;

12. The Developers herein have already submitted the proposal for the re-development of the Entire Property and for obtaining various permissions and sanctions for the proposed Rehabilitation Scheme before the Slum Rehabilitation Authority through their Architects Mahendra N. Associates under Rule 33 (10) of the Development Control Regulations, 1991 as amended upto date by providing alternative accommodation to the said slum/hutment dwellers sitting on the entire property and adjoining lands;

13. The said Developers have approached MTNL and also agreed to provide and allot free built-up area equivalent to 15% of the total F.S.I. i.e. 473

sq.mtrs. available in respect of the said property, free of costs as per Regulation 9, Tables 4(V) & (5)(K) of the Development Control Regulations Act, 1991, in lieu of handing over remaining land to the Developers, for implementation of Slum Rehabilitation Scheme as per the approval of SRA, Guidelines and Policy of Government of Maharashtra;

14. MTNL has opted to get free built-up area equivalent to 15% of the F.S.I. and the Developers have agreed to provide and allot free built-up area of 15% of F.S.I. i.e. 473 sq.mtrs. by way of construction of the separate Telephone Exchange building on independent plot to be carved out of the said entire property;

15. The Developers have already by their letter dated 28th June, 2000 informed MTNL that the individual Agreements with the occupants/slum dwellers sitting on the entire property and adjoining lands affected under the D.P. Road reservation have been entered into as per the Guidelines of the Slum Rehabilitation Authority and also obtained NOC from the Additional Collector (Enc.) confirming the eligible occupants/slum dwellers to be rehabilitated under the proposed Scheme, as such the Developers have requested MTNL to grant their NOC

and also to make available the entire property, for implementation of the Slum Rehabilitation Scheme and also agreed to provide and allot 15% of the constructed built-up area as and by way of separate Telephone Exchange building free of cost to MTNL as per their requirements as per S.R.A. Policy and Guidelines.

16. The Slum Rehabilitation Authority by their letter dated 19th October, 2001, addressed to the Principal General Manager (Development), MTNL, informed that the said plots of land (the part and parcel of entire property) are reserved for Telephone Exchange as per the sanctioned Development plan of "K-East Ward of MCGM and that as per Clause 9, T-IV and V-K of the Development Control Regulations, 1971, the development activity on plots reserved for the Telephone Exchange could be initiated by MTNL. However, as the said plots of land are encumbered by huts which are declared as 'Protected structures' under the Policy of the Government, the Architects M/s. Mahendra N. Associates on behalf of the said Developers had already submitted a proposal under the Slum Rehabilitation Act and under the provisions of the Revised Development Control Regulations 33 (10) sanctioned on 15th October, 1977 and that the Developers have also, submitted necessary consent of more than 70%

of eligible slum-dwellers to participate in the said Scheme and submitted the required Annexure-3 for exploring the financial capacity and also informed MTNL that the proposal from the Developers herein i.e. A. Surti Developers Pvt. Ltd. would be examined as per the provisions of the revised Development Control Regulation 33 (10) provided specific NOC's are given by MTNL and requested MTNL to communicate their remarks in the matter, so as to process the proposal of the developers.

17. MTNL by their letter dated 28th July, 2001 granted their NOC for re-development of the Entire Property under the proposed Slum Rehabilitation Scheme by the Developers and also submitted Block plan and plan of the proposed Telephone Exchange building to be constructed on 15% area of the total reservation plot of total area of 3112 sq.mtrs. of MTNL's reservation as per TPS records i.e. independent sub-divided plot admeasuring 473 sq.mtrs. (after sub-division of the Entire Property admeasuring 3112.00 sq.mtrs as per Town Planning Records) to be provided and allotted to MTNL by the Developers under the said Scheme.

18. In the premises aforesaid, MTNL is not being in position to develop the said property as they have

no machinery to negotiate with slum dwellers i.e. occupants in order to enter into individual agreements and/or to approach Slum Rehabilitation Authority to get plans approved and to carry out construction of the buildings thereafter as per SRA Guidelines. MTNL thereupon granted N.O.C. to the Developers for the development of the entire property and to carry out the construction of the building or buildings thereon, for providing the tenements to the existing eligible slum dwellers and also to provide and allot 15% of the constructed built-up area as and by way of separate Telephone Exchange building free of cost to MTNL on independent plot as provided herein as per SRA Rules and Regulations and complete the Project;

19. MTNL have given their N.O.C. to S.R.A. through the Developers to develop the entire property in accordance with "THE SLUM REDEVELOPMENT SCHEME" as mentioned above and the Developers have agreed to develop the same and to carry out the construction of the said buildings, as per the terms and conditions mutually agreed upon;

20. The Slum Rehabilitation Authority by their letter of Intent bearing No. SRA/ENG/369/KE/MTNL/LOI dated 30th October, 2003 have issued Letter of Intent approving the Developers' proposal for Slum

Rehabilitation Scheme for grant of 2.58 FSI in accordance with clause No. 33(10) and Appendix (IV) of amended D.O. Rules, out of which allowing maximum F.S.I. of 2.58 to be consumed on the plot as per the terms and conditions mentioned therein.

21. By and under an Agreement for Development dated 4-7-2004 executed and entered into between Mahanagar Telephone Nigam Ltd. i.e. MTNL of One Part and M/s. A. Surti Developers Pvt. Ltd. i.e. "the Developers" of the Other Part, whereby MTNL confirmed having granted their no objection to the said Developers and also, entrusted the development rights, in order to develop the said property as per the sanctioned plan and Slum Rehabilitation Scheme approved by SRA in accordance with prevailing development regulations as mentioned above and subject to the terms and conditions, as recorded therein.

22. By the said Development Agreement, in consideration of entrustment of development rights, the Developers have agreed to fulfill the following obligations:-

(i) to provide and allot free built-up area of 16% of F.S.I. i.e. 473 sq.mtrs which is available in

respect of the entire property under reservation for MTNL for construction of the separate Telephone Exchange building to MTNL as per their requirements;

(ii) Also, to provide and allot permanent alternative accommodation to the said eligible slum/hutment dwellers i.e. the members of the said Society by constructing the new building thereon as per the Slum Rehabilitation Scheme that may be approved by Slum Rehabilitation Authority.

(iii) All the costs and expenses for obtaining the necessary permission and sanctions from SRA, MCBM and other concerned authorities, for commencing and completion of the development of the entire property and implementation of the Rehabilitation Scheme that may be approved shall be borne by the Developer;

(iv) Over and above the aforesaid costs and expenses, the Developer shall also provide and allot to MTNL built-up area of 15% of F.S.I. i.e. 473 sq.mtrs. which is available in respect of the entire property free of cost and by way of separate Telephone Exchange building, to be constructed on separate plot as shown in tentative layout plan .

(v) The Developers also agree to construct the compound wall with two gates around the boundary of the separate plot to be earmarked for MTNL (the part and parcel of the entire property) and cement concrete paving around the Telephone Exchange Building as mentioned as above, at the Developers' own costs and expenses.

23. In pursuance thereof, MTNL has also executed Irrevocable Power of Attorney dated 4-9-2004 in favour of the Directors of the said Developers' Company i.e. A. Surti Developers Pvt. Ltd. and conferring upon various powers and authorities in order to take the necessary steps for development of the said property and for the construction of proposed new buildings thereon as per the approved Rehabilitation Scheme by SRA.

24. In the premises aforesaid, MTNL are the absolute owner of the said entire property and even the name of MTNL is also included in the Revenue records of right and their title to the said property is clear and free from any encumbrances. The said Developers, viz. i.e. A. Surti Developers Pvt. Ltd. are entitled to carry out the development and construction of the said buildings/wings on the said property as per SRA scheme and also, to sell the Flats/Units etc. from the Sale Compon-

ent in the open market to the prospective buyers
and to appropriate the sale proceeds thereof.

SCHEDULE OF THE PROPERTY

All that pieces of land bearing C.T.S. No. 1730
(part), 1731 (part) (now CTS Nos. 1731/A & 1731/B), 1732
(part), 1763 (part) and 1764 of Vile Parle, correspond-
ing Final Plot Nos. 188-H, 188-G, 188-E, 188-F, 188-I,
188-B admeasuring in aggregate 3112.00 sq.mtrs or there-
about of Town Planning Scheme No. V (Final) of Vile
Parle, situate lying and being at Nanda Patkar Road,
Vile Parle (East), Mumbai - 400 057.

On or towards North : By proposed 13.4 M wide D.P. Road,

On or towards South : C.T.S. No. 1729, 1766, plot No.

209, Plot No. 210.

On or towards East : By C.T.S. No. 1763 (part)

On or towards West : By Nanda Patkar Road.

Dated this 30th day of October, 2004.

Yours truly,
For M/s. Gordhandas & Fozdar

J. S. Engineer
Partner,