



the Owners in transferring or selling units / premises / flats in the said buildings named as Monte Vista and Monte Carlo to be constructed on the said property.

- d) The ICICI Home Finance Company Limited by their letter dated 7th February, 2014 issued the No Dues Certificate whereby they confirm that loan amount disbursed by them to Marathon Realty Private Limited has been fully repaid and there are no dues outstanding.
- e) By the indenture of Mortgage dated 23rd September, 2014 ("the said Mortgage Deed") executed and entered by ICICI Bank Limited, having its Registered Office at Landmark, Race Course Circle, Vadodara 390 007 and its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Mumbai 400 051 ("the Said Bank") and the same was registered in the Sub-Registrar of Assurances, Kurla-1 at Serial No. KRL1/8534/2014 dated 24th September, 2014 whereby, Marathon Realty Private Limited mortgaged the property more particularly described in the schedule therein. However, there are no restrictions on the Owners in transferring or selling units / premises / flats in the said buildings named as Monte Vista and Monte Carlo to be constructed on the said property.

H. PUBLIC NOTICES

Public Notices was published in the English Newspaper in Free Press Journal dated 14th December, 2009 and in one regional newspaper Issues of Navshakti (Marathi) dated 14th December, 2009, whereby the Chhaganlal Khimaji and Company Ltd. invited claims in respect of the said property. With regard to Public Notice and Chhaganlal Khimaji and Company Ltd. had not received any claim or objection to the title to the said property of Chhaganlal Khimaji and Company Ltd.

The Title search was to be taken in the office of Sub-registrar of Mumbai Suburban and have perused of the title deeds, documents, Agreement, Orders and Writings Notes of searches from time to time taken at the offices of The Talathi City Survey and Sub-Registrar of Assurances at Kurla and Bombay in respect of the said property.



I. LITIGATION

A. The Monte Vista Residence Welfare Association and Anr. filed the Consumer Complaint bearing No. 207 of 2015 against Marathon Realty Private Limited formerly known as M/s Chhaganlal Khimji & Company Private Limited and its director 1) Mr. Mayur Shah and 2) Mr. Chetan Shah and also against The Executive Engineer, (Building Proposals) Municipal Corporation of Greater Mumbai (MCGM) for the various reliefs setout in the said complaint. The said complaint was finally decided by the Hon'ble State Consumer Disputes Redressal Commission, Mumbai by its order dated 10th February, 2016.

B. The Marathon Realty Private Limited being aggrieved by the said order dated 10th February, 2016 passed by Hon'ble State Consumer Disputes Redressal Commission, Mumbai filed the First Appeal, before the Hon'ble National Consumer Dispute Redressal Commission, New Delhi and challenged the impugned order by First Appeal No. 205 of 2016. The Hon'ble National Consumer Dispute Redressal Commission, New Delhi by its order dated 9th March, 2016 stayed the impugned order passed by Hon'ble State Consumer Disputes Redressal Commission, Mumbai on 10th February, 2016 in Consumer Complaint No. 207 of 2015 and passed the following order.

"Heard Id. Counsel for the appellant

Authorized representative of Respondent No.1 appeared as caveator

Ld Counsel for Respondent Nos. 4 and 5 accepts notice on behalf of Respondent No. 4 and 5 and he further submitted that he would be filing his vakalatnama today with the Registry.

Issue notice to Respondent No. 2 and 3

Operation of impugned order is stayed subject to depositing sum of Rs. 2,50,000/- (Rupee Two Lacs Fifty Thousands) with



the State Commission within four weeks which may be kept in FDR initially for a period of one year.

Adjourned for admission hearing on 14.09.2016".

The said First Appeal is pending before the Hon'ble National Consumer Dispute Redressal Commission, New Delhi.

C. The Monte Vista Residence Welfare Association and Anr being aggrieved by the order dated 10th February, 2015 passed by Hon'ble State Consumer Disputes Redressal Commission, Mumbai in Consumer Complaint No. 207 of 2015, filed the First Appeal No.530 of 2016 before Hon'ble National Consumer Dispute Redressal Commission, New Delhi and said First Appeal is pending for adjudication.

D. The Monte Vista Welfare Association and Anr filed the Miscellaneous Application No. 415 of 2015 before Hon'ble State Consumer Disputes Redressal Commission, Mumbai allegedly claiming that Marathon Realty Private Limited violated the order dated 15th May, 2015 and 16th May, 2015 passed by Hon'ble State Consumer Disputes Redressal Commission, Mumbai in Consumer Complaint No. 207 of 2015.

E. The Marathon Realty Private Limited being aggrieved by the order dated 22nd July, 2016 passed by Hon'ble State Consumer Disputes Redressal Commission, Mumbai in Miscellaneous Application No. 415 of 2015 filed the First Appeal No. 1211 of 2016 before the Hon'ble National Consumer Dispute Redressal Commission, New Delhi and Hon'ble National Consumer Dispute Redressal Commission, New Delhi by its order dated 27th September, 2016 stayed the impugned order dated 22nd July, 2016.

J. GENERAL:

- I. The Lower Ground (Part) plus I to III Basement (beyond the building line of Monte Vista and Monte Carlo building) will be transferred to Brihan Mumbai Mahanagar Palika, under the Public Parking Scheme under the D.C



Regulation 33(24) as per the sanction granted by State Government by their letter dated 28th February, 2014 and 25th May, 2016 and as per the LOI (Letter of Intent) issued by Chief Engineer (Road and Traffic Department) of Municipal Corporation of Greater Mumbai dated 25th June, 2014 bearing No. Ch. E/627/MC/Roads & Tr./E-3 and dated 25th October, 2016 bearing No. Ch. E/2031/MC/Roads & Tr.

- II. In so far as the said property referred in the schedule of the property herein under written, I had issued the Title Certificates dated 7th February, 2013. On instructions of the Marathon Realty Private Limited, I am issuing this Title Certificate with an intention that my Title Certificate dated 7th February, 2013 be superseded by this Title Certificate. Accordingly, my Title Certificate dated 7th February, 2013 be treated as cancelled.

K. CERTIFICATION

Pursuance to Title Search Report dated 3rd March, 2008 issued by M/s S.N.Gupta & Co. Advocates and Title Search Report dated 6th February, 2013 and 18th July, 2017 given by Mr. Chandrakant Kamble, the Search Clerk, I am of the opinion that Marathon Realty Private Limited has a clear and Marketable Title over the same and I am therefore of the opinion that the said freehold property (more particularly described in schedule hereunder) is clear and marketable subject to lien of the ICICI Bank Limited vide Indenture of Mortgage Deed dated 23rd September, 2014 registered in the Sub-Registrar of Assurances, Kurla-1 at Serial No. KRL1/8534/2014 dated 24th September, 2014 and I further certify that the owner is authorized to develop the land more particularly described in the schedule hereunder and construct the buildings to be known as Monte Vista, Monte Carlo Monte Plaza, Public Parking Lot and Parking Building and further certify that the owner is authorized to sell units / Flats / premises in the said buildings on ownership basis as contemplated in Real Estate Regulation and Development Act, 2016.

While perusing the property card with respect to the said property, I found that the name of the previous owner i.e. Chhaganlal Khimaji and Company Ltd. is appearing on the Property Card and I therefore, opine that the title of Marathon Realty Pvt. Ltd. is undisputed.



SCHEDULE FOR FREEHOLD PROPERTY
MENTIONED HEREINABOVE

All that piece and parcel of land admeasuring 11455 sq. mtrs. (13700 sq.yds) as per conveyance and now admeasuring 11,281.77 sq. mtrs. bearing Plot Nos. 28, 29, 30 and 31 bearing City Survey Nos. 551/13 of Village – Nahur, Taluka – Kurla, Mumbai Suburban District, within the limits of Municipal Corporation of Greater Mumbai Situated at Madan Mohan Malaviya Road, Mulund (West) Mumbai and within the registration District and Sub-District Mumbai Suburban.

Dated this 20th Day of July, 2017

Prasanna S Tare
Advocate



ADDENDUM TO TITLE REPORT

To,

M/s Marathon Realty Private Limited
702, Marathon Max,
Mulund- Goregaon Link Road,
Mulund (West) Mumbai - 400 080.

Re: My title report dated 20th July, 2017 in respect of all that piece and parcel of land admeasuring 11,455 sq. mtrs. (13700 sq.yds) as per conveyance and now admeasuring 11,281.77 sq. mtrs. bearing Plot Nos. 28, 29, 30 and 31 bearing City Survey Nos. 551/13 of Village - Nahur, Taluka - Kurla, Mumbai Suburban District, within the limits of Municipal Corporation of Greater Mumbai Situated at Madan Mohan Malaviya Road, Mulund (West) Mumbai and within the registration District and Sub-District Mumbai Suburban.

1. I refer to my Title Report dated 20th July, 2017 (Title Report) a copy whereof is annexed hereto and marked as **Annexure - A** (Title Report) issued by me in favour of M/s Marathon Realty Private Limited, where I had investigated its title to the said Larger Land capitalized terms used but not defined herein will have the same meaning as ascribed to these terms in the Title Report.
2. I clarify that the report on title may be relied upon by various Customers and Financial Institutions.
3. After Paragraph G (e) of the Title Certificate I wish to add the following paragraph :

By the indenture of Mortgage dated 25th April, 2017 ("the said Mortgage Deed") executed and entered by ICICI Bank Limited, having its Registered Office at ICICI Bank Tower, Near Chakli Circle, Old Padra Road, Vadodara, , 390 007, Gujarat and its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Mumbai 400 051 ("the Said Bank") and the same was registered in the Sub-Registrar of Assurances, Mumbai City No. 2 at Serial No. BBE2 / 5740 / 2017 dated 25th April, 2017 whereby,



1) Marathon Realty Private Limited and 2) Marathon Nextgen Realty Limited mortgaged the property more particularly described in the schedule therein. However, there are no restrictions on the Owners in transferring or selling units / premises / flats in the said buildings named as Monte Vista and Monte Carlo to be constructed on the said property.

4. This addendum is to be read along with the Title Report dated 20th July, 2017. All other terms of the Title Report will remain unchanged.

Dated this 10th day of October, 2017.

PRASANNA TARE
Advocate