



Office: Pareira Compound, Shop No.3, Gaodevi Road, Poisar, Kandivali (West), Mumbai - 400 067. Mob.: +91 9869 140 885
Residence: B/104, Charkop Vaibhav Co-op. Hsg. Scy. Ltd., Sector-1, Plot No.256, Charkop,
Dr. Ambedkar Road. Above Disha Hotel, Kandivali (West), Mumbai - 400 067. Tel.: (R) : 022 651 53 745.

Time : Morning : 9.00 to 10.00 am, Evening : 7.00 to 10.00 pm

Date: 09 / 07 / 2018

REPORT OF TITLE

Re: ALL THAT PIECE OR PARCEL of land along with structures standing thereon plot admeasuring 1296.10 sq. meters, having Survey No.: 303 (Part), Hissa No. ½, 2 & 4, and corresponding CTS No. 370E/2 of Village Malad (East), Taluka Borivali, Mumbai Suburban District or thereabout consisting of two wings "A" & "B" each bearing ground plus four upper floors plus occupied by 47 residential members by the within name **"APNA DESH CO-OPERATIVE HOUSING. SOCIETY LIMITED"** more particularly located at Shivaji Chowk, Shivaji Cross Lane & Kedarmal Road, Off. Daftary Road, Malad (East), Mumbai - 400097.

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THIS IS TO CERTIFY that on behalf of my clients **VASUNDHARA BUILDERS**, a Partnership firm duly registered under the Indian Partnership Act, 1932 having its office at Office B/303 & 304, Sunshine Plaza Co-operative Premises Society Limited, Subhash Lane, Malad (East), Mumbai-400097, I have investigated the title of the above mentioned property more particularly described in the schedule hereunder written and I have duly perused a Copy of P.R. Card of Apna Desh CHS Ltd., having CTS No. 370E/2, Development Agreement executed dated 28th March 2016, duly registered with Sub-Registrar of Assurances at Mumbai under Sr. No. BRL-6/4635 of 2016 dated 9th May 2016; Irrevocable Power of Attorney registered with Sub-Registrar of Assurances at Mumbai under Sr. No. BRL-6/4674 of 2016 dated 10th May 2016, and the following can be observed: -



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- (A). Shri. SHANTILAL SURAJMAL MEHTA, Shri. KANTILAL MANILAL MEHTA, Shri. RATILAL HIRALLA MEHTA, Shri. RAMNIKLAL HIRALAL MEHTA, Shri. RAMESH HIRALAL MEHTA & Shri. BAPALAL KESHAVLAL MEHTA, (herein after referred to as the said **"ERSTWHILE OWNERS"** for the sake of brevity) were absolutely seized and possessed of or otherwise well and sufficiently entitled to the land admeasuring 1296.10 sq. meters, having C.T.S. No. 370E/2 and corresponding Survey No.: 303 (Part), Hissa No. ½, 2 & 4 situate, lying and being at Village Malad (East), Taluka Borivali, Mumbai Suburban District (hereinafter referred to as the said **"WHOLE PROPERTY"** for the sake of brevity).
- (B). By an Agreement for Sale dated 29th January, 1972, the said Erstwhile Owners sold the said Whole Property to M/s. Yusuf Choksi & Co. vide its partners Yusuf Kasam Kazi & 2 Others at the terms and conditions & for consideration as mentioned therein;
- (C). The said Yusuf Choksi & Co. prepared plans and having got the said plans sanctioned from the concerned authorities, the said Yusuf Choksi & Co. started construction as per sanctioned plans on the said Plot;
- (D). By an Agreement for Sale dated 30th June, 1972 the said Yusuf Choksi & Co. sold to M/s. A. Sattar & Constructions vide their partners Ibrahim Dawood Kazi & Others all their right, title & interest in the said Plot along with the construction made thereon on such consideration & on the terms & conditions mentioned therein;



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- (E). By an Agreement for Sale dated 22th August, 1972 the said A. Sattar & Constructions sold, conveyed and transferred to Mugtal Mulji Sejpal (hereinafter referred to as the Promoter of the Society) all their right, title & interest in respect of the said Plot along with the construction made thereon on such consideration and on such terms & conditions as mentioned thereon;
- (F). By an Indenture dated 27th June, 1973 duly stamped & registered with the Sub-Registrar of Assurances under No.: BOM/S/1213/1973, made and executed between Shantilal Surajmal Mehta therein called the First Vendor, Bapalal Keshavlal Mehta and Romy Bapalal Mehta therein called the Second Vendors, Kirtilal Manilal Mehta & 4 others therein called the Third Vendors, Ratilal Hiralal Mehta & 3 others therein called the Fourth Vendors, M/s. Yusuf Choksi & Co. therein called the First Confirming Party, M/s. A. Sattar & Constructions therein called as the Second Confirming Party, Mugtal Mulji Sejpal the promoter of the Society herein, therein called as the Third Confirming Party and the said Society herein, therein called as the Purchasers; the Society herein acquired and purchased the said Plot being all that piece and parcel of land and ground bearing CTS No.: 370E/2 admeasuring 1296.10 sq. mtrs. or thereabouts with the construction made thereon at or for the consideration and terms & conditions mentioned therein;
- (G). The Society thereafter completed construction of the building consisting two wings "A" & "B" each having ground plus four upper floors having total 47 premises;



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- (H). The purchasers of premises in the said building have formed a Co-operative Housing Society by the name of APNA DESH CO-OPERATIVE HOUSING SOCIETY and registered the same under the Maharashtra Co-operative Societies Act 1960 under Registration No. BOM/3870 of 1974.
- (I). The said Society on being registered has admitted, enrolled and accepted the purchasers of premises in the said building as its members and shareholders and issued shares to each of the members. A detailed particular of the 47 members.
- (J). On payment of the Mortgage Debt including the interest amount as stipulated in the said Indenture dated 27th June, 1973 paid by the Society to the said Mortgagees therein, by an Indenture dated 12th September, 1974 made and executed between Anil Shamrao Patil therein called the First Contributory Mortgagee, Ashwin Shamrao Patil therein called the Second Contributory Mortgagee, Paulomi Kanaiyalal Choksi therein called the Third Contributory Mortgagee and Ajay Kanaiyalal Choksi therein called the Fourth Contributory Mortgagee (collectively therein referred to as the said "**MORTGAGEES**") and the Society therein called the **MORTGAGORS**, duly registered with the Sub-Registrar of Assurances at Mumbai under No.: BOM/3505/1974 dated 30th September, 1974, the Mortgagees thereto re-conveyed the said Plot more particularly described in the Schedule thereunder written and in favour of the Society upon the covenants as recorded therein;



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- (K). By virtue of the aforesaid facts and documents, the Society mentioned herein is absolutely seized and possessed of and/or well and sufficiently entitled as owners of all that piece and parcel of the said Whole Property.
- (L). Thereafter, the Society's existing structures being old and dilapidated and the Society being unable to re-develop was desirous of carrying out redevelopment of the existing structures standing on the said Whole Property through a Developer.
- (M). The Society after having received offers from Intending Developers, who showed their readiness and willingness to undertake redevelopment of the said Property, discussed and scrutinized the terms of various offers in its Special General Body meeting held on 09th March, 2014 in presence of Shri D. D. Helode (Class - 1 officer appointed by the Deputy Registrar (Society)) appointed M/s. S.M. Construction as competent Developers to redevelop the said Property (Hereinafter referred to as the said "Builders");
- (N). However due to non-timely compliance by the said Builders the Society herein terminated the appointment of the said Builders vide their letters dated 11th October, 2014 & 09th December, 2014.
- (O). The Society has issued Public Notice vide advertisements on 23rd March, 2015 in three daily newspapers (1) The Free Press Journal, (2) Nav Shakti and (3) Janma Bhumi. Society's Advocate Mr. R. B. Wadhvani has vide letter dated 07th April, 2015 confirmed that no objection to the said Notice has been received.



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- (P). Further having received no objections to the said Public Notice dated 23/03/2015 the Society has once again initiated the process of redevelopment as per guidelines issued & set out by the Government of Maharashtra vide circular bearing No.: 2007/554/14/S/COOPERATIVE & TEXTILE DEPARTMENT dated 03rd January, 2009 under section 79(a) of the Maharashtra Cooperative Societies Act, 1960;
- (Q). The Society through its PMC, M/s. Kenil Associates had invited sealed tenders for redevelopment of the said Property from reputed and competent builders & developers by way of Public Notice through advertisements dated 14th August, 2015 in two daily newspapers i.e. (1) The Free Press Journal, and (2) Divya Bhaskar.
- (R). In Special General Body Meeting held on 15th December, 2015 in presence of Class-I officer Mr. D. D. Helode (appointed by Deputy Registrar (Society)), & PMC, the Society with consent of all members present in the said meeting have unanimously appointed VASUNDHARA BUILDERS (herein after referred to as the said **"DEVELOPERS"** for the sake of brevity) as competent builders & developers for redevelopment of existing structures of the said Society.
- (S). The Deputy Registrar (Society) vide letter bearing No.: OUTWARD / MUMBAI / P-WARD / REDEVELOPMENT / 2000 / 2015 dated 21/12/2015 has confirmed appointment of VASUNDHARA BUILDERS for redevelopment of APNA DESH CHS LTD.



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- (T). Pursuant to series of negotiations held between the said Society and the said Developers and after considering all the offers, terms and conditions which were agreed by the said Society and the said Developers, both the parties were desirous of recording the same and have executed a Development Agreement dated 28th March 2016 which was executed by and between the said Society therein and the said Developers therein, and have duly registered with Sub-Registrar of Assurances at Mumbai under Sr. No. BRL-6/4635 of 2016 dated 9th May 2016.
- (U). Simultaneously, the said Society have also granted Irrevocable Power of Attorney duly registered with Sub-Registrar of Assurances at Mumbai under Sr. No. BRL-6/4674 of 2016 dated 10th May 2016, in lieu of which the said Society have granted Irrevocable Power of Attorney to the said Developers in order to enable them to develop the said property and construct new buildings thereon on the said property by using the entire Floor Space Index, Premium FSI, additional FSI and all available FSI as per D.C. Regulations that is available in respect of the said property including use of FSI in the form of TDR on terms and conditions which have been mutually agreed upon by and between the Society and the said Developers.
- (V). In my opinion, subject to what is stated hereinabove, my clients, **VASUNDHARA BUILDERS**, a Partnership firm duly registered under the Indian Partnership Act, 1932 having its office at Office B/303 & 304, Sunshine Plaza Co-operative Premises Society Limited, Subhash Lane, Malad (East), MUMBAI- 400097 have got full right, title and interest to develop the said property.



S. P. PANDEY

B.A.L.L.B

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THE SCHEDULE ABOVE REFERRED TO:

ALL THAT PIECE OR PARCEL of land along with structures standing thereon plot bearing Survey No.: 303 (Part), Hissa No. ½, 2 & 4, having corresponding C.T.S. No.: 370E/2 of Village Malad, Taluka Borivali, Mumbai Suburban District admeasuring 1296.10 sq. mtr. or thereabout with building standing thereon consisting of two wings "A" & "B" each bearing ground plus four upper floors occupied by 47 residential members by the name of Apna Desh Co-Op. Hsg. Society Ltd., delineated on the plan annexed hereto and thereon marked in red colored boundary lines and bounded as follows:

On or towards EAST : Survey No. 303 (Part) and Recreation Ground.
On or towards WEST : TPA Plot No. 23-A and Road.
On or towards NORTH : Road, Survey No.: 310 (Part) & Plot Nos. 'C' & 'D'.
On or towards SOUTH : Survey No.: 302 (Part) and Kedarmal Road above the lands bear CTS No.: 370.

Place: **MUMBAI.**

Date: **9th day of July, 2018.**

(S. P. PANDEY)

Advocate, High Court

S. P. PANDEY

Advocate High Court, Mumbai

B/104, Charkop Vaibhav Co-op. Hsg. Soc. Ltd.

Sector-1, Plot No.256, Charkop, Dr. Ambedkar Rd
Above Disha Hotel, Kandivali (W), Mumbai 400 067