

Nilesh C. Parmar

B.Com., LL.B.

ADVOCATE HIGH COURT & NOTARY (Govt. Of India)

Office : I/137, Raj Arcade, Mahavir Nagar, Opp. Chroma Showroom, Kandivali (W), Mumbai - 400 067.

Email : nileshvakil@rediffmail.com Tel. : 022 - 4022 3929, M - 98709 61261

Residence : A/4, Kiran Kunj, Near G.H. High School, M.G. Cross Road, Borivali (E), Mumbai - 400 066.

TITLE CERTIFICATE

- i. This title certificate is being issued in conjunction with a flat ownership agreement, which is intended to be executed by M/s. MONARCH CONSTRUCTION, a Partnership Firm duly registered under the provisions of Indian Partnership Act, 1932 having its registered office at 203-A, Mahavideh, Chandavarkar Road, Borivali (West), Mumbai 400 092 ("the Developers").
- ii. On instructions of the Developers, I have investigated the title of The Kitkat Co-operative Housing Society Limited, a Society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 under No. BOM/HSR/3928 1973, having its Registered Office at Plot no F-41, Kasturba Cross Road No 1, Borivali (East), Mumbai 400 066, (hereinafter called "the Society") referred to as a "the Owners" to property more particularly described in schedule hereunder written.
- iii. Under the Deed of Conveyance dated 18/05/1973, executed by and between (1) Mr. Balumal Mitharam Bathija being the First Vendor, (2) Ranibai Nandlal Alias Nandumal Mitharam Bathija, (3) Rajeshwari Nandlal Alias Nandumal Mitharam Bathija, (4) Godavari Nandlal Alias Nandumal Mitharam Bathija, (5) Kamla Nandlal Alias Nandumal Mitharam Bathija,

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(6) Parshotam Nandlal Alias Nandumal Mitharam Bathija, 2 to 6 being Second Vendors, (7) Kavita Gopichand Narang being the First Confirming Party and (8) Vashu H Ahuja being the Second Confirming Party and The Kitkat Co-operative Housing Society Limited being the Purchasers, the First Vendor and the Second Vendors therein with Confirmation of the First Confirming Party and the Second Confirming Party therein sold, conveyed and transferred the plot of land being Final plot no. 41/F bearing C.T.S. no. 175, 175/1 to 4 of village Kanheri, Taluka Borivali, Mumbai Suburban District of area admeasuring 1704.07 sq. mtrs. as per property card is 1699 sq.mtrs. in the registration Sub-District of Bandra in Mumbai City Suburban District situated at Kasturba Cross Road No. 1, Borivali (East), Mumbai 400 066 (hereinafter referred the said plot of land) for valuable consideration to the Purchasers therein. The said Deed of Conveyance dated 18/05/1973 was duly registered with Sub-Registrar of Assurance at Mumbai under serial No S/863/1973 on 09/08/1973.

- iv. As per the sanction plan of concerned competent authorities, the said Society had constructed the building namely "KIT KAT", on the said Plot of Land consisting two FOUR wings having Ground Floor and four upper floors comprising 34 residential Units and 2 Commercial Units.

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- v. By virtue of aforesaid fact recited hereinabove the Society is the owner of the said plot of land and building namely "KIT KAT" standing thereon and more particularly described in the Schedule hereunder written and hereinafter collectively referred as "the said property".
- vi. Since the building is in dilapidated condition and it requires heavy repair otherwise it will not last long and the only viable solution is to demolish existing building and reconstruct new building. Since members of the Society have neither requisite fund nor expertise, the Society members have decided to entrust the work of re-development to some reputed reliable builders.
- vii. It was unanimously decided at the Special General Body Meeting dated 27/09/2015 that the Society shall proceed for the re-development of its property and invite tender/s from various Developers under the procedures/directives prescribed for re-development of buildings of a Co-operative Housing Society by the Government of Maharashtra vide its General Resolution dated 3rd January 2009 and appoint the Architect and PMC.
- viii. The Society through its appointed Architects/PMC M/s. Edifice Erection Pvt. Ltd. assessed the feasibility of redevelopment of the Society Property. The draft of the tender document was

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approved by Special General Body on 27/09/2015 and it was published an advertisement in newspapers namely "Times of India" (English) and "Maharashtra Times" (Marathi) on 07/10/2015 for inviting tenders from reputed Developers/Builders for re-development of the Society Property by demolishing the said Buildings and to construct New Building/s.

- ix. In response to the said Advertisement for re-development the 4 (Four) Developers including M/s. MONARCH CONSTRUCTION (the Developer) submitted their offer/tender for the re-development of the said property. The Managing Committee and the Re-Development Committee, in association with PMC, scrutinized the tenders/ offers received from 4 (Four) Developers/Builders, short listed and compared the same, and visited the sites of the short listed parties and the offers received from the Developers were placed before the Special General body Meeting held on 31/10/2015. The offer submitted by M/s. MONARCH CONSTRUCTION (the Developers), vide their offer letter dated 11/01/2016 read with letter dated 09/01/2016 was found favorable and most competitive and in the interest of the Society.
- x. In Special General Body Meeting dated 03/04/2016, in presence of Shri. Dharmendra Shinde Co-Operative Officer Grade II, deputed by the Dy. Registrar of Co-Op. Societies, R-

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Ward, M/s. MONARCH CONSTRUCTION (the Developers) has selected as the Developers for the redevelopment of the property of the Society. The Dy. Registrar of Co-Op. Societies, R-Ward, has also issued NOC dated 05/04/2016 for the selection and appointment of the M/s. MONARCH CONSTRUCTION (the Developers) for the redevelopment of the said property of the Society.

- xi. By Development Agreement dated 12/06/2018, the said Society with confirmation of their members appointed the Developer i.e. M/s. MONARCH CONSTRUCTION as the Developer and granted the development rights in respect of the said Property interalia demolishing the existing building and constructing new building on the said plot of land at or for the valuable consideration and upon the terms and conditions therein mentioned. The said Development Agreement date 12/06/2018 was duly registered with the Sub-Registrar of Assurances Borivali-5 at Borivali, Mumbai Suburban District, under Serial No. BRL-5/12821/2018 on 09/10/2018.
- xii. The said Society has also granted Power of Attorney dated 09/10/2018 for the development of the said Property in favour of the nominees/partners of the Developer. The said Power of Attorney dated 09/10/2018 was duly registered with the Sub-Registrar of Assurances Borivali-5 at Borivali, Mumbai



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Suburban District, under Serial No. BRL-5/12822/2018 on 09/10/2018.

- xiii. I have issued public notice dated 22/04/2019 which was published in News papers namely "Free Press Journal" (English), "Janmbhoomi" (Gujarati) and "Navshakti" (Marathi) on 23/04/2019 and invited claims and/or objections from the persons having and/or claiming any share, right, title and interest in the said property. I however did not receive any objection and/or claim in response to my said public notices.
- xiv. I have also perused the Search Report dated 29/04/2019 taken out by Search Clerk Ganesh Gawde for last 60 years (i.e. from 1960 to 2019).
- xv. I have perused the relevant property cards, mutation entries and other revenue record and relevant title documents place before me showing the title of the Society to the said property described In the Schedule hereunder written.

In background of the aforesaid in my opinion the title of the Owners i.e. the said Society The Kitkat Co-operative Housing Society Limited to the said property is marketable free from encumbrances and the Developers i.e. M/s. MONARCH CONSTRUCTION are entitled to develop the same according to the sanctions and approvals to be obtained from statutory authorities. Further I am of the opinion that



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the Developers are entitled to sell flat/shops/commercial Units/premises in the building/s to be re-constructed on the said plot of land.

The Schedule Above Referred To:

(Being description of the said Property)

ALL THAT piece and parcel of land or ground together with the building standing thereon and known as KITKAT CO-OPERATIVE HOUSING SOCIETY LTD. on Final plot no. 41/F bearing C.T.S. no. 175, 175/1 to 4 of Village Kanheri, Taluka Borivali, Mumbai Suburban District of area admeasuring 1699 sq.mtrs as per property card in the registration Sub-District of Bandra in Mumbai City Suburban District situated at Kasturba Cross Road No 1, Borivali (East), Mumbai 400 066.

Dated this 8th May, 2019

Nilesh C. Parmar 8/5/2019

Mr. Nilesh C. Parmar

Advocate & Notary

