

SUNIL C. DUBEY

B. Com., LL.B.

Advocate High Court, Bombay

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To,

Maha RERA,
BKC, Housefin Bhavan,
Near RBI, E Block,
Bandra Kurla Complex,
Bandra East, Mumbai,
Maharashtra 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to plot of land bearing Final Plot No. 539 T.P.S. Scheme-3 (Original Plot No.536) corresponding to C.T.S. No.462-B corresponding to Survey No.29, Hissa No.8 (Part), area admeasuring 535.70 Sq. Meters of Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District together with existing constructed area/building admeasuring 621.26 Sq. Meters known as “Saujanya C.H.S. Ltd.”, at Shimpoli (Eksar), Borivali (West) Mumbai- 400092, hereinafter referred to as “**the said plot/project land**”.

A) I have investigated Title of the said PLOT/PROJECT LAND on request of **Saujanya C.H.S. Ltd.** (the owner/promoter/developer/company) and having their registered office at “Saujanya C.H.S. Ltd.”, at Shimpoli (Eksar), Borivali (West) Mumbai- 400092, and following documents i.e.:

1) Description of the property:

All that piece and parcel of land bearing Final Plot No. 539 T.P. Scheme-3 (Original Plot No.536) corresponding to C.T.S. No.462-B corresponding to Survey No.29, Hissa No.8 (Part), area admeasuring 535.70 Sq. Meters of Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District together with existing constructed area/building admeasuring 621.26 Sq. Meters known

as “Saujanya C.H.S. Ltd.”, at Shimpoli (Eksar), Borivali (West) Mumbai- 400092, (hereinafter referred to as the **‘SAID PLOT/PROJECT LAND’**), stand on the name of Saujanya C.H.S. Ltd. (the owner / promoter / developer / company).

2) The documents of ownership of said plot/project land :

2.1 P.R. Card : showing that **originally Mr. E.G. Premier** was seized, possessed, well off and sufficiently entitled to the said plot and his name has been appearing in P.R. Card as owner/holder of the said plot.

2.2 Order dated 13/03/2015 passed by the Competent Authority under provisions of MOFA : I have also perused the Order dated 13/03/2015 passed by the Competent Authority i.e. District Deputy Registrar, Co-operative Societies, Mumbai City (4) under Section 5A of MOFA on the Application preferred by the Saujanya C.H.S. Ltd. under Section 11(3) and 11(4) of MOFA, pursuant to which the Society has been granted an order to get convey the said property in favour of the Society by obtaining Deed of Conveyance (Deemed Conveyance under MOFA) of the said property through and from the Competent Authority.

2.3 Deed of Conveyance (Deemed Conveyance under MOFA) dated 01/08/2017 : Upon perusing the Deed of Conveyance (Deemed Conveyance under MOFA), it is noticed that pursuant to an order dated 13/03/20215 passed by the Competent Authority i.e. the District Deputy Registrar Co-operative Societies, Mumbai City-4 has executed Deed of Conveyance (Deemed Conveyance under MOFA) to and in favour of “the **Saujanya C.H.S. Ltd.**” and the same has been duly registered vide Registration Serial No.BRL-5-9477-2017 dated 01/08/2017 before the Sub-Registrar of Assurance Borivali-5 at Borivali,

2.4 Index-II : has also been issued thereby certifying that the said property is conveyed to the Society vide registered instrument.

3) Property Registration Cards of said property:

P.R Cards of Final Plot No. 539 T.P.S. Scheme-3 (Original Plot No.536) corresponding to C.T.S. No.462-B, area admeasuring 535.70 Sq. Meters of Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District now stands on the name of Saujanya C.H.S. Ltd. as Holder pursuant to registered Deed of Conveyance (Deemed Conveyance under MOFA) dated 01/08/2017.

4) Search report for 30 YEARS From 1993 To 2023:

As per **SEARCH REPORT dated 13/10/2023** taken out by Search Clerk **Ganesh Yashwant Gawde**, taken from Sub-Registrar Office at Borivali, Goregaon, Bandra (MHADA), Mumbai Old Custom House **From 1994 To 2023 (Last 30 Years)** in respect of the said Plot/Project Land.

5) Qualifying comments / remarks if any :

Development Agreement dated 31/03/2023 duly registered vide Registration Serial No. BRL-6-7359-2023

- 5.1 That “**SAUJANYA C.H.S. LTD**” being the absolute owner, holder, seized, possessed, well off and sufficiently to the said property and the Society can develop/redevelop the said property by assigning the development rights of the said property vide Development Agreement dated 31/03/2023 duly registered vide Registration Serial No. BRL-6-7359-2023 to **M/s. Omkara Infratech**, at the consideration and on terms and conditions, as mentioned therein.

B) On perusal of above mentioned documents and all other relevant documents relating to title of the said Property/Project Land,

I am of the opinion that the Title of **"Saujanya C.H.S. Ltd."** (the owner / promoter / developer / company) is clear, marketable and without any encumbrances and the society can redevelop the said property through their developer subject to applicable permission, laws and regulations.

Owners of the land :

'Saujanya C.H.S. Ltd.' is the **OWNER/HOLDER** of the land bearing Final Plot No. 539 T.P. Scheme-3 (Original Plot No.536) corresponding to C.T.S. No.462-B, area admeasuring 535.70 Sq. Meters of Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District (herein referred to as the said **'PROPERTY / PROJECT LAND'**).

- C)** The Report reflecting the flow of the Title of **'Saujanya C.H.S. Ltd.'** (the owner/ promoter / developer / company) of the said Property is enclosed as Annexure.

Encl : Annexure.

Dated this 17th day of November, 2023



SUNIL. C. DUBEY
(ADVOCATE, HIGH COURT, BOMBAY)

SUNIL C. DUBEY

B. Com., LL.B.

Advocate High Court, Bombay

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Mobile No.: 9820932232, Mail ID: sunildb8@gmail.com

Date : 17/11/2023

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Maharashtra 400051.

ANNEXURE-A

OPINION ON FLOW OF THE TITLE OF THE SAID PROPERTY

1) P.R. Cards as on date of application for registration :

Plot of land bearing Final Plot No. 539 T.P. Scheme-3 (Original Plot No.536) corresponding to C.T.S. No.462-B, area admeasuring 535.70 Sq. Meters of Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District as per P.R.C. stand on the name of **Saujanya C.H.S. Ltd.** (the owner / promoter / developer / company).

2) Search report for 30 YEARS From 1993 To 2023:

As per **SEARCH REPORT dated 13/10/2023** taken out by Search Clerk **Ganesh Yashwant Gawde**, Mumbai, taken from Sub-Registrar Office at Borivali, Goregaon, Bandra (MHADA), Mumbai Old Custom House **From 1994 To 2023 (Last 30 Years)** in respect of the said **Property/Project Land.**

3) Any other relevant title:

(I) Briefs History Of Title of the said property/project land:

- (a) P.R. Card** showing that **originally Mr. E.G. Premier** was seized, possessed, well off and sufficiently entitled to the said property and his name has been appearing in P.R. Card as owner/holder. As per my instruction and information, Original Owner Mr. E.G. Premier expired intestate on 14/05/1980 thereby leaving behind him, his then three surviving heirs and legal representatives namely (i) Mr. Harold Gabriel Premier, (ii) Arnold Earnesh Premier and (iii) Mrs. Geeta Kunder.
- (b) Agreement for Sale dated 20/09/1980** : Upon perusing the Agreement for Sale dated 20/09/1980 executed between **(i) Mr. Harold Gabriel Premier, (ii) Arnold Earnesh Premier and (iii) Mrs. Geeta Kunder** being heirs and legal representatives of original owner/holder at one hand and **M/s. Vijaylaxmi Construction** being the Builder at other hand, it appears that pursuant to said Agreement for Sale, M/s. Vijaylaxmi Construction being builder had developed the said property by constructing the building namely **“Saujanya”** upon the said property, as per approval and sanction vide I.O.D. and C.C. granted by the planning authority i.e. MCGM.
- (c) Various Agreements executed under the provisions of MOFA by M/s. Vijaylaxmi Construction being the Builder to and in favour of purchasers of respective flats of Saujanya Building constructed upon the said property.**
- (d) Society Registration Certificate** : Upon perusing the Society Registration Certificate, it is noticed that the respective flats purchasers of the Saujanya Building constructed upon the said property had formed a co-operative housing society namely **“Saujanya C.H.S. Ltd”**, which has been duly incorporated/registered Vide Registration No.BOM/W-R/HSG/(TC)/1946/85-86 dated 20/04/1986 under the Maharashtra Co-operative Societies Act, 1960.

(e) Order dated 13/03/2015 passed by the Competent Authority under provisions of MOFA :

I have also perused the Order dated 13/03/2015 passed by the Competent Authority i.e. District Deputy Registrar, Co-operative Societies, Mumbai City (4) under Section 5A of MOFA on the Application preferred by the Society under Section 11(3) and 11(4) of MOFA, pursuant to which the Society has been granted an order to get convey the said property in favour of the Society by obtaining Deed of Conveyance (Deemed Conveyance under MOFA) of the said property through and from the Competent Authority.

(f) Deed of Conveyance (Deemed Conveyance under MOFA) dated 01/08/2017 & Index-II :

Upon perusing the Deed of Conveyance (Deemed Conveyance under MOFA), it is noticed that pursuant to an order dated 13/03/20215 passed by the Competent Authority i.e. the District Deputy Registrar Co-operative Societies, Mumbai City-4 has executed Deed of Conveyance (Deemed Conveyance under MOFA) to and in favour of “the **Saujanya C.H.S. Ltd.**” and the same has been duly registered vide Registration Serial No.BRL-5-9477-2017 dated 01/08/2017 before the Sub-Registrar of Assurance Borivali-5 at Borivali, **accordingly, Index-II has also been issued thereby certifying that the said property is conveyed to the Society vide registered instrument.**

(g) Latest P.R. Card of the said property issued :

I have also perused the latest P.R. card of the said property issued by the City Survey Office, Borivali and upon perusing the same, **it is noticed that the land revenue authorities i.e. City Survey Office, Borivali vide an Entry dated 09/09/2019** have accepted and acted upon the duly registered Deed of Conveyance (Deemed Conveyance under MOFA) dated 01/08/2017 and Index-II obtained by the Society in respect of the said property, accordingly, the name of the Society has been mutated/ recorded/inserted in the P.R. card of the said property as a

New Owner/Holder by deleting the name of the original owner/holder of the said property.

(h) Upon bare perusing the copies of the aforesaid title documents particularly Deed of Conveyance (Deemed Conveyance under MOFA) dated 01/08/2017 executed by and between the Competent Authority i.e. the District Deputy Registrar, Co-operative Societies, Mumbai City-3 to and in favour of the “Saujanya C.H.S. Ltd.” duly registered vide registration Serial No. BRL-5-9477-2017 dated 01/08/2017, Index-II, latest P.R. Card of the said property, it appears beyond reasonable doubt that “SAUJANYA C.H.S. LTD”, a society registered under the Maharashtra Co-operative Societies Act, 1960, vide Registration No. BOM/W-R/HSR/(TC)/1946/85-86 dated 24/04/1986, having its registered office at Final Plot No. 539 T.P. Scheme-3, Village-Shimpoli/Borivali, Taluka-Borivali, Mumbai Suburban District, at Shimpoli (Eksar), Borivali (West) Mumbai-400092, is absolute owner, holder, seized, possessed, well off and sufficiently entitled to the said property and entitled to develop/re-develop the said property, as per provisions of laws.

(i) Development Agreement dated 31/03/2023 duly registered vide Registration Serial No. BRL-6-7359-2023 : In the premises aforesaid and considering the aforesaid title documents, it is opined and concluded by me that “**SAUJANYA C.H.S. LTD**” being the absolute owner, holder, seized, possessed, well off and sufficiently to the said property and the Society can develop/redevelop the said property by assigning the development rights of the said property vide Development Agreement dated 31/03/2023 duly registered vide Registration Serial No. BRL-6-7359-2023 to **M/s. Omkara Infratech**, at the consideration and on terms and conditions, as mentioned therein.

- 4)** Litigation if any : As per instruction from Saujanya C.H.S. Ltd., there is no litigation pending against the said property/project land.

Mumbai, this 17th day of November, 2023



Sunil C. Dubey
Advocate, High Court, Bombay