

FORMAT – A

(Circular No. 28/2021)

To

Maharashtra Real Estate Regulatory Authority,
Housefin Bhavan, near RBI,
E Block, Bandra Kurla Complex,
Bandra East, Mumbai 400 051.

LEGAL TITLE REPORT

Sub: Title clearance certificate in respect of the property bearing Final Plot No. 422-423 of Town Planning Scheme Bandra No. III (1st Variation) (Final), C.T.S. Nos. F/438 & F/437, admeasuring in the aggregate 1237.40 square metres, situated at 14th Road, Bandra (West), Mumbai 400 050 (hereinafter referred to as the "Plot").

1. We had investigated the title of the Plot on the request of **M/S. SHANDOR HOMES LLP**, a partnership firm registered under the provisions of the Limited Liability Partnership Act 2008 under LLP Identification No. AAR-3055 having its registered address at Shah House, 4th Floor, 142 S. V. Road, Khar (West), Mumbai 400 052, (being a part of Calvin group of Companies) hereinafter referred to as the "**Developers**", as per the following details/ documents i.e.:

1.1. **Description of the Plot-**

FREEHOLD Plot bearing Final Plot No. 422-423 of Town Planning Scheme Bandra No. III (1st Variation) (Final), C.T.S. Nos. F/438 & F/437, admeasuring in the aggregate 1237.40 square metres (subject to road-setback of 76.98 square metres affecting the Plot), with the building named "Little Flower No. 9" standing thereon, situated at 14th

Road, Bandra (West), Mumbai 400 050, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban, and bounded as follows: -

- On or towards the North - by property bearing Final Plot No. 420 & 421, C.T.S. No. 439;
- On or towards the South - by property bearing Final Plot No. 424, C.T.S. No. 436;
- On or towards the East - by 14th Road;
- On or towards the West - by properties bearing (a) Final Plot No. 413, CTS No. 447, & (b) Final Plot No. 411 & 412, CTS No. 448.

1.2. **The documents of allotment of Plot-**

1.2.1. Deed of Conveyance dated 03.08.1957

1.2.2. Deed of Conveyance dated 07.10.1960

1.2.3. Deed of Conveyance dated 03.08.2021

1.2.4. Property Register Card;

1.2.5. Search Report dated 28.02.2020 issued by search clerk, Mr. Shriniwas A. Chipkar, from the year 1957 to 2020.

2. On perusal of the above-mentioned documents and all other relevant documents relating to title of the Plot, we are of the opinion that the title to the Plot is clear, marketable and without any encumbrances.

3. **Owners of the Plot-**

- 3.1. **LITTLE FLOWER BUILDING NO. 9 CO-OPERATIVE HOUSING SOCIETY LIMITED**, a society registered under the provisions of the Maharashtra Co-operative Societies Act 1960, under No. MUM/WHW/HSG/TC/ 16041 of 03.04.2017, having its registered address at Little Flower No. 9, Plot Nos. 422 & 423, TPS III, 14th Road, Bandra (West), Mumbai 400 050, hereinafter referred to as the "**Society**";

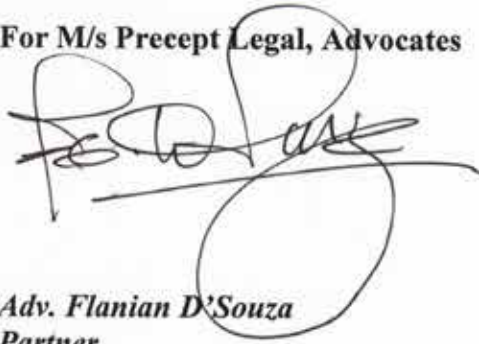


4. The report reflecting the flow of the title of the Society to the Plot and the rights of the Developers to develop the said Plot is enclosed herewith as an annexure.

Encl.: Annexure

Date: 20th January, 2022

For M/s Precept Legal, Advocates



Adv. Flanian D'Souza
Partner

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FLOW OF THE TITLE OF THE SAID PLOT

Sr. No.

- 1) P. R. Card.
- 2) Deeds of Conveyance
- 3) Search report taken from Sub-Registrars' offices from the year 1957 to 2020;
- 4) Declaration of the Society.
- 5) Any other relevant title.
- 6) Litigation if any.
- 7) From the aforesaid, the following is the flow of title.

A. **EPITOME OF TITLE.** The following is the epitome of title (which information is based on the documents inspected by us or copies of documents furnished to us or based on contents in the documents furnished to us)-

1. In respect of a portion of the said Plot, i.e., the portion admeasuring 593.6 square metres bearing Final Plot No. 422, CTS No. F/438 (hereinafter referred to as the "First Plot")-
 - i One Alfred Theodore D'Penha was the owner of the First Plot and his name is reflected in the Property Register Card in respect thereof as the original holder thereof.
 - ii The said Alfred Theodore D'Penha expired on 14.10.1951 having prior thereto made and executed his last Will dated 14.10.1951 whereof Probate was granted by the High Court, Bombay, on 17.12.1951 to the executor of the said Will, Mr. George Rodrigues;
 - iii By a Deed of Conveyance dated 03rd October 1955 made between the said George Rodrigues (as Executor of the Will of the said Alfred Theodore D'Penha) (as 'Vendor') of the One Part, and Eldon Pereira & Annie Pereira

(as 'Purchasers') of the Other Part (and registered under Serial No. BND/ 844/ 1955 dated 3.10.1955), the said George Rodrigues sold and conveyed the said First Plot to the said Eldon Pereira & Annie Pereira;

- iv By a Deed of Conveyance dated 07th October 1960 made between the said Eldon Pereira & Annie Pereira (as 'Vendors') of the One Part, and Little Flower Co-operative Housing Society Limited (a society registered under the provisions of the Bombay Co-operative Societies Act VII of 1925 under Registration No. B/1426 of 1956, and deemed to be registered under the Maharashtra Co-operative Societies Act 1960, and having its registered address at Little Flower No. 1, Flat No. 11, TPS III, 23rd Road, Bandra, Mumbai 400 050, hereinafter referred to as the "**Parent Society**") (as 'Purchasers') of the Other Part (which is registered under Serial No. BND/ 2503/ 1960 dated 26.11.1960), the said Eldon Pereira & Annie Pereira sold and conveyed the said First Plot to said Parent Society. The name of the said Parent Society was accordingly brought on record on the Property Register Card in respect of the said First Plot and held the same as absolute owner thereof.
2. In respect of the balance portion of the said Plot, i.e., the portion admeasuring 43.8 square metre, bearing Final Plot No. 423, CTS No. F/437 (hereinafter referred to as the "**Second Plot**")-
- i. One Tara Mansukhlal Master and Mansukhlal Atmaram Master were the owners of several plots located at Bandra (one of which was the Second Plot). The Property Register Card in respect of the Second Plot reflects the name of Mrs. Tara Mansukhlal Master and Mr. Mansukhlal Atmaram Master as the original holders thereof having acquired the same by a Purchase Deed of 12.3.1945.
- ii. The said Tara Mansukhlal Master and Mansukhlal Atmaram Master agreed to sell nine of their plots (including the Second Plot) to one Evarist Mascarenhas. In the matter of the said purchase, the said Evarist Mascarenhas was the nominee of the said Parent Society- accordingly, the said Evarist Mascarenhas requested the said Tara Mansukhlal Master and Mansukhlal Atmaram Master to convey the said nine plots to the said Parent Society.
- iii By a Deed of Conveyance dated 3rd August, 1957 entered into between the said Tara Mansukhlal Master and Mansukhlal Atmaram Master (as 'Vendors') of the One Part, the said Evarist Mascarenhas (as 'Confirming Party') of the Second Part, and the said Parent Society (as 'Purchaser') of the Third Part, and registered with the Sub-Registrar of Bombay under Serial No.BOM/ 6448/ 1957 dated 6.9.1959, the said Tara Mansukhlal Master and Mansukhlal Atmaram Master conveyed the nine plots described in the Schedule thereto (which includes the Second Plot, which is described



'Firstly' in the Schedule thereto) to the Parent Society. The name of the Parent Society was accordingly brought on record on the Property Register Card in respect of the said Second Plot and the Parent Society held the same as the absolute owner thereof.

- iv. The said Building was constructed on the said Plot and on completion of the same, was issued the Building Completion Certificate in respect thereof by the Municipal Corporation of Greater Mumbai ("MCGM").
 - v. The flats in the said Building were sold/ allotted to various persons who were admitted to the membership of the Parent-Society and were issued its shares. Over a period of time, the flats in the Building were sold/ transferred by the original flat-owners.
3. As regards the transfer of title to the Property from the Parent Society to the Society herein-
- i. The owners of flats in the said Building filed an application before the Deputy Registrar of Co-operative Societies, H-West Ward, seeking an order for the division of the Parent Society under Section 18 of the Maharashtra Co-operative Societies Act, 1960. The Deputy Registrar of Co-operative Societies, H-West Ward, passed an Order dated 29th March 2017 under Section 18 of the Maharashtra Co-operative Societies Act, 1960, whereby the Society herein stood formed and registered, and the Parent Society stood divided. The Society herein stood registered under the provisions of the Maharashtra Co-operative Societies Act 1960, under Registration No. MUM/ WHW/ HSG/(TC)/16041 dated 03.04.2017
 - ii. By virtue of the provisions of Section 18(5) read with sub-sections 2, 3, & 4 of Section 17 of the Maharashtra Co-operative Societies Act 1960, the said Order dated 29th March 2017 passed by the Deputy Registrar of Co-operative Societies, H-West Ward, was sufficient conveyance to vest the said Property in the name of the Society herein (notwithstanding the provisions of the Transfer of Property Act 1982 or the Indian Registration Act 1908, as stated in the said provisions);
 - iii. The Parent Society preferred an Appeal to the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, bearing Appeal No. 112/ 2017, challenging the said Order dated 29th March 2017 of the Deputy Registrar of Co-operative Societies, H-West Ward. Thereafter, all disputes between the Parent Society and the Society herein were settled and Consent Terms were signed and filed

by them on 31st January 2018 in the said matter, following which the appeal of the Parent Society was withdrawn by them, which is recorded in an Order dated 12th March 2018 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division. Thereafter, the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, corrected typographical errors in his said Order dated 12.03.2018 as per his Corrigendum dated 24th April 2018.

- iv. Thereafter, the Parent Society has executed a Deed of Conveyance dated 3rd August 2021 in favour of the Society herein thereby conveying the said Property to the Society herein. The said Deed is registered with the Sub-Registrar of Assurances under Serial No. BDR-9/8442/2021 dated 3.8.2021.

Under the circumstances, the Society became entitled to the said Plot.

- B. The Society is in the process of bringing its name on record on the Property Register Card in respect of the said Plot.
- C. By a Development Agreement dated 13th August 2021 (hereinafter referred to as the "**Development Agreement**"), executed by and between the Society, the Members therein and the Developers (namely, **M/S. SHANDOR HOMES LLP**, a partnership firm registered under the provisions of the Limited Liability Partnership Act 2008 under LLP Identification No. AAR-3055 having its registered address at Shah House, 4th Floor, 142 S. V. Road, Khar (West), Mumbai 400 052, (being a part of Calvin group of Companies), and registered with the Office of Sub-Registrar of Assurances under Serial No. , the Society, for itself and its members, has granted development rights in respect of the said Plot to the Developers with rights inter alia to demolish the said Old Structures and re-develop the same, as per the floor plans and specifications attached thereto and as may be sanctioned / approved by the Mumbai Municipal Corporation of Greater Mumbai ("**MCGM**"). Pursuant to the Development Agreement, the Society also executed a Power of Attorney on the same date in favour of the Society, which is duly registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-9/9106 of 2021 on 17th August 2021, thereby granting the requisite powers and authority to carry out and complete the development of the said Property.
- D. The Society has made several representations on title as recorded in the Development Agreement, recording inter alia that the said Plot is of freehold tenure and free from all encumbrances and that the title to the said Property is clear and marketable and that the Society has in its possession the original title documents of the said Plot, namely, (i)



the Deed of Conveyance dated 3rd August, 1957, (ii) the Deed of Conveyance dated 07th October 1960, and (iii) the Deed of Conveyance dated 3rd August, 2021 (referred to above). We had taken inspection of the aforesaid title documents. The Society has also executed a declaration dated 20.01.2022, where the Society, through its managing committee members as on that date, i.e., (1) Mrs. Tersa Chen, *Chairperson*, (2) Mr. Neville Misquitta, *Secretary*, (3) Anil Mascarenhas, *Committee Member*, has declared inter alia that it is absolutely seized and possessed of and well and sufficiently entitled to the Plot and that the title thereto is clear and marketable and free from encumbrances.

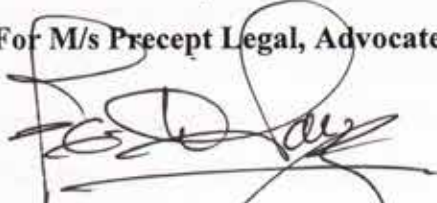
- E. In terms of the said Development Agreement, the said Developers are entitled to develop the said Plot by demolishing the Old Structures and by constructing a new building thereon, by utilising the FSI of the Plot, TDR FSI, premium FSI, fungible FSI etc., as per the said Development Agreement. In terms of the Development Agreement, the Developers have the full rights to sell or otherwise deal with all other flats and car-parking spaces (besides the 20 flats of the existing Society members and the car-parking spaces reserved for them as per the Development Agreement).
- F. Searches were caused to be conducted at the offices of the Sub-Registrar of Assurances, including Mumbai, Bandra, Andheri, Khar and Jogeshwari. The search was carried out by search clerk, Mr. Shriniwas A. Chipkar, from the year 1957 to 2019. The said four documents mentioned in Paras A.1.iv, and A.2.iii above are reflected on the Search Report- other entries shown on the search report relate the transactions pertaining to certain flats of Society members in the Old Structures.
- G. A public notice dated 26th March 2021 was issued in newspapers inviting third party claims to the Property within a 14-day period from the issue of the notice. The public notice appeared in 'The Times of India', 'The Free Press Journal' and 'Navshakti'. No claims were received in response to the Public Notice.



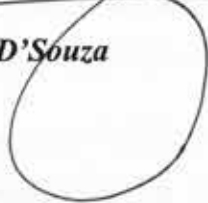
H. On the basis of the information (which has been gleaned from the copies of the documents furnished to us), the title of the Society to the Plot is clear and marketable.

Date: 20th January, 2022.

For M/s Precept Legal, Advocates

A handwritten signature in black ink, appearing to read 'Flavian D'Souza', written over a horizontal line.

Adv. Flavian D'Souza
Partner

A large, stylized handwritten flourish or signature in black ink, consisting of several loops and a long horizontal stroke.