

SMITA SAWANT

ADVOCATE, HIGH COURT BOMBAY

Flat No.15, 2nd Floor, Charkop Kudal CHS LTD., Plot No.116, Sector-4, Charkop,
Kandivali (West), Mumbai - 400 067.

Contact Nos. 9987195164/8169261189

Email: smita1786@yahoo.com

Format-A
(Circular 28/2021 dated 08.03.2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th & 7th Floor, Housefin Bhavan, Plot No. C - 21,
E - Block, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

LEGAL TITLE REPORT

Re: All those pieces and parcels of freehold non- agricultural land admeasuring in aggregate 11,967.40 square meters or thereabouts and bearing (i) CTS No.403/B admeasuring 11,896.20 square meters or thereabouts, (ii) CTS No.403/B/1 admeasuring 17.70 square meters or thereabouts, (iii) CTS No.403/B/2 admeasuring 15.90 square meters or thereabouts, (iv) CTS No.403/B/3 admeasuring 33.10 square meters or thereabouts and (v) CTS No.403/B/4 admeasuring 4.50 square meters or thereabouts of Village Kanjur, Taluka Kurla, and corresponding to Survey No.180/3 (part) (forming part of earlier Survey No.180) of Village Kanjur, Taluka Kurla in the Registration Sub District of Mumbai Suburban, situate at Bhandup, off. Lal Bahadur Shastri Marg, Mumbai 400078 (**“the said Land/Property”**).

Under the instructions of Arkade Developers Limited (**“Promoter”**), a company incorporated under the provisions of the Companies Act, 1956 and having its registered office at Arkade House, Near Children’s Academy School, A.S. Marg, Ashok Nagar, Kandivali (East), Mumbai 400101, who have requested me to investigate the title of the said Property and for that purpose they have handed over to me copies of documents, which I have perused and I furnish my opinion on the basis of the documents furnished.

1. Description of the Property:

All those pieces and parcels of freehold non- agricultural land admeasuring in aggregate 11,967.40 square meters or thereabouts and bearing (i) CTS No.403/B admeasuring 11,896.20 square meters or thereabouts, (ii) CTS No.403/B/1 admeasuring 17.70 square meters or thereabouts, (iii) CTS No.403/B/2 admeasuring 15.90 square meters or thereabouts, (iv) CTS No.403/B/3 admeasuring 33.10 square meters or thereabouts and (v) CTS No.403/B/4 admeasuring 4.50 square meters or thereabouts of Village Kanjur, Taluka Kurla, and corresponding to Survey No.180/3 (part) (forming part of earlier Survey No.180) of Village Kanjur, Taluka Kurla in the Registration Sub District of Mumbai Suburban, situate at Bhandup, off. Lal Bahadur Shastri Marg, Mumbai 400078, which land is bounded as follows:-

On the North by : CTS No. 403/A
On the East by : CTS No. 404, CTS No. 403/C/1 & CTS No. 403/C/3

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On the West by : CTS No. 373/A/37/D, CTS No. 373/A/37/E, CTS
No. 373/A/37/C & CTS No. 374
On the South by : CTS No.374, CTS No. 400 & CTS No. 403/D

2. The documents of allotment of plot:

- 2.1. Indenture dated 6th November, 1965, executed between Pannadevi Gopaldas Aggarwal also known as Pannadevi wife of Gopaldas Tulsiram Gupta ("Pannadevi") (therein referred to as the Vendor) of the one part and Copper Rollers Private Limited (therein referred to as the Purchaser) of the other part and registered with the Sub-Registrar of Assurances at Bandra under Serial No. BND-2328-1965;
- 2.2. Deed of Rectification dated 6th May, 1987 executed between Devkumar Gopaldas Aggarwal (in his capacity as the Executor of the Estate of Pannadevi in the High Court Testamentary and Intestate Jurisdiction Petition No.965/1971) and the Copper Rollers Private Limited and registered with the Sub-Registrar of Assurances at Mumbai under Serial No. BBJ/1382 of 1987;
- 2.3. Deed of Rectification dated 7th September, 1992 executed between Monica Vijaykumar Agarwal (in her capacity as the legal heir and representative of Pannadevi) and the Copper Rollers Private Limited and registered with the Sub-Registrar of Assurances at Mumbai (Bandra) under Serial No. BDR/88 of 1992;
- 2.4. Deed of Conveyance dated 26th September, 2023, made and executed between Copper Rollers Private Limited (therein referred to as "the Seller" of the One Part) and Arkade Developers Limited (therein referred to as "the Purchaser" of the Other Part) and registered with the Sub-Registrar of Assurances at Kurla-3 under Serial No. KRL3-19156-2023 on 26th September, 2023;
- 2.5. Power of Attorney dated 26th September, 2023 and duly registered registered with the Sub – Registrar of Assurances at Kurla-3 under Serial No. KRL3-19173-2023 on 27th September, 2023 executed by Copper Rollers Private Limited in favour of Arkade Developers Limited.

3. Property Registration Cards:

The Property Cards in respect of the said Land reflects the name of Copper Rollers Private Limited (CRPL) (i.e. predecessor-in-title of the Promoter) as holder thereof vide following Mutation Entries:

Property Cards issued by City Survey Office, Mulund, Mumbai Suburban District in respect of City Survey Nos. 403/B, 403/B/1, 403/B/2, 403/B/3 & 403/B/4 Village-Kanjur recording name of CRPL on 16.02.1993.

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4. **Search report for 78 years from year 1947 till 2024:**

Search Report by Search Clerk D.K. Patil from 1947 to 2024.

On perusal of the above mentioned documents and all other relevant documents relating to title of the said Property, I am of the opinion that the title of following Owner is clear and marketable and free from encumbrances, except as disclosed in this title report.

Owner/Promoter of the Property:

Arkade Developers Limited.

5. **Comments/other observations:**

- (A) The report reflecting the flow of the title of Arkade Developers Limited qua the said Property is enclosed herewith as **"Annexure – A"**.
- (B) While considering my opinion on the title of the said Property, I have made the following assumptions:
- (i) All copies of the documents conform to the originals and all originals are genuine and complete.
 - (ii) Each signature on the documents shall be deemed to be genuine signature of the individual/party concerned.
 - (iii) The Agreements/documents are within the capacity and powers and have been validly authorized and signed by each party.
 - (iv) That the Agreements/documents have been duly authorized, executed and delivered by each of the parties thereto.
 - (v) I express no opinion as to the correctness of any warranty given by the parties (expressly and impliedly) under the Agreement/documents or by virtue of the Agreements/documents executed save if and so far as the matters warranted are the subject matter of the specific opinion in this certificate.
- (C) In the course of taking search with the concerned Sub-Registrar of Assurances, I have been informed by search clerk that for certain years, the records maintained by the Offices of the Sub-Registrar of Assurances are torn and mutilated and the Index-II records maintained in digital form have not been properly maintained. Searches at the Offices of the Sub-Registrar of Assurances are subject to the availability of records and also to records being torn and mutilated and maintained in an improper condition. I therefore disclaim any responsibility for consequences which may arise on account of such non-availability of records or on account of records being torn and mutilated or maintained improperly.
- (D) I have not issued public notices for inviting any objections/claims in respect of said Property.



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- (E) I have not undertaken the reconciliation of area between the Property Register Cards, or any other Revenue Record and area as per physical site survey, in respect of the said Property and my primary observations with respect to area of Property are as per the title documents.
- (F) This Certificate records my observations on the title of Arkade Developers Limited to the said Property only, and does not contain any observations on the development potential of the said Property nor have I investigated the development potential of the said Property.
- (G) Unless specifically stated otherwise in this Certificate, I have not verified whether the formalities which have a direct bearing on the enforceability of the contractual or other arrangements comprised in the documents furnished to me and/or the information provided to me have been complied with or not.

Date: 18th June, 2024

Place: Mumbai

Smita Sawant,



Advocate, High Court,
Bombay

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"Annexure – A"

FLOW OF THE TITLE OF THE SAID LAND/PROPERTY

1. Property Card in respect of City Survey Nos. 403/B, 403/B/1, 403/B/2, 403/B/3 & 403/B/4 Village Kanjur issued by City Survey Office, Mulund, Mumbai Suburban District reflect the name of Copper Rollers Private Limited as holder/owner thereof.
2. Search Report by Search Clerk D.K. Patil for 78 years from the year 1947 to 2024.
3. By and under an Indenture dated 6th November, 1965, executed between Pannadevi Gopaldas Aggarwal also known as Pannadevi wife of Gopaldas Tulsiram Gupta ("Pannadevi") (therein referred to as the Vendor) of the one part and Copper Rollers Private Limited ("CRPL") (therein referred to as the Purchaser) of the other part and registered with the Sub-Registrar of Assurances at Bandra under Serial No. BND-2328-1965, Pannadevi granted, sold, conveyed and assured unto CRPL the said Land being a portion of the larger land together with the benefits as more particularly stated therein, in the manner and for the consideration mentioned therein.
4. It appears that pursuant to aforesaid CRPL had constructed industrial/factory buildings on the said Land in or around 1966.
5. Pannadevi died on 8th March, 1971 at Mumbai leaving behind her last Will and Testament dated 26th August, 1966. The Probate of her aforesaid last Will and Testament was granted by the Hon'ble Bombay High Court to Devkumar Gopaldas Aggarwal on or about 1st November, 1972 in T. & I. J. Petition No. 965 of 1971.
6. Since in the aforesaid Indenture of Conveyance dated 6th November, 1965, the name of the village in which the said Land is located was erroneously stated as Village Bhandup instead of village Kanjoor, therefore by and under a registered Deed of Rectification dated 6th May, 1987 executed between Devkumar Gopaldas Aggarwal (in his capacity as the Executor of the Estate of Pannadevi in the High Court Testamentary Petition No.965/1971) and the Copper Roller Private Limited and registered with the Sub-Registrar of Assurances at Mumbai under Serial No. BBJ/1382 of 1987, the parties thereto rectified the description of the said Land) sold under the aforesaid Indenture of Conveyance dated 6th November, 1965, to the effect that that the Land was situated in the 'Village of Kanjoor' instead of the 'Village of Bhandup', in the manner therein contained.
7. By and under a registered Deed of Rectification dated 7th September, 1992 executed between Monica Vijaykumar Agarwal (in her capacity as the legal heir and representative of Pannadevi) and the Copper Roller Private Limited and registered with the Sub-Registrar of Assurances at Mumbai (Bandra) under Serial No. BDR/88 of 1992, the parties thereto rectified the description of the said Land sold under the Indenture of Conveyance dated 6th November, 1965, to the effect that the Land was situated in the

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- 'Village of Kanjoor' instead of the 'Village of Bhandup', in the manner therein contained.
8. By and under an Order dated 22nd June, 1970 read with Orders dated 17th March, 1972 and 12th October, 1987, the Office of the Deputy/ Additional Deputy Collector levied non-agricultural assessment in respect of the said Land, at the rate and on the terms and conditions contained therein. It appears that all the aforesaid Orders with respect to non-agricultural assessment have been issued in the name of CRPL.
 9. The land bearing Survey No. 180 of Kanjur Village was sub-divided into different parts. The portion of the Survey No.180 purchased by CRPL, was allotted Survey No. 180/3 (part) and the same was eventually allotted CTS No.403/B, CTS No.403/B/1, CTS No.403/B/2, CTS No.403/B/3 and CTS No.403/B/4 and the separate Property Register Cards for the same were issued, as under:
 - (i) CTS No. 403/B - 11,896.20 square meters;
 - (ii) CTS. No. 403/B/1- 17.70 square meters;
 - (iii) CTS No.403/B/2- 15.90 square meters;
 - (iv) CTS No.403/B/3- 33.10 square meters; and
 - (v) CTS No. 403/B/4- 4.50 square meters.
 10. The Property Register Cards of the said Land has been mutated in the name of the CRPL as the holder pursuant to the Indenture of of Conveyance dated 6th November, 1965.
 11. As per representations made by CRPL to the Promoter herein in the below recited Deed of Conveyance dated 26th September, 2023, CRPL was in continuous and uninterrupted use, occupation, possession and enjoyment of the said Land since November 6, 1965 until date of below recited Deed of Conveyance dated 26th September, 2023 in favour of the Promoter. CRPL carried out its industrial/ factory operations from the Property till January 31, 2009.
 12. By an Order dated 3rd May, 1978 bearing Reference No. ULC/C-118/IC/GAD ("ULC Order"), the Government of Maharashtra, General Administration Department exempted certain portion of the said Land from the provisions of Chapter III of the Urban Land (Ceiling and Regulation) Act, 1976 (since repealed) in exercise of the powers conferred under sub-section (2) of Section 20 of the above Act, on the terms and conditions contained therein. CRPL has vide its letter dated 19th August, 2023 applied to the Collector & Competent Authority, U.L.C., for issuing its no objection certificate in respect of the portion of land exempted. I have been informed that Collector & Competent Authority, U.L.C., by its letter dated 9th October 2023 has *inter alia* informed that Government of Maharashtra has informed to the Collector & Competent Authority, U.L.C. that the proposal has been submitted to the Law and Judiciary Department to consider the challenge to order dated 09.08.2023 passed by High Court Bombay in Writ Petition (Lodg.) No. 20916 of 2023 (in the context of levy of premium on surplus vacant land only and not the entire land) and the opinion of Law



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and Judiciary Department is still awaited, hence upon receipt of the said opinion, further action will be taken in accordance with the rules, in the present case. Thus, the aforesaid application made in respect of exempted portion of the said Land is taken on record before Collector & Competent Authority, U.L.C. and the same is pending without any further action.

13. Pursuant to the approval granted by the Department of Industry, Energy and Labor, Government of Maharashtra under its letter dated 7th August, 2023, addressed to the Labor Commissioner, the Labor Commissioner has *vide* his order dated August 8, 2023 addressed to MCGM conveyed his no objection for development/ sale/transfer of the Property by the Copper Roller Private Limited, on the terms and conditions stated therein.
14. By and under a Deed of Conveyance dated 26th September, 2023, made and executed between CRPL (therein referred to as "the Seller" of the One part) and Arkade Developers Ltd. (Promoter herein) (therein referred to as "the Purchaser" of the Other Part) and registered with the Sub-Registrar of Assurances at Kurla-3 under Serial No. KRL3-19156-2023 on 26th September, 2023, CRPL sold, transferred and conveyed the said Land in favour of the Promoter herein, for the consideration and in the manner more particularly recorded therein.
15. By and under Power of Attorney dated 26th September, 2023 and duly registered registered with the Sub – Registrar of Assurances at Kurla-3 under Serial No. KRL3-19173-2023 on 27th September, 2023 executed by CRPL in favour of the Promoter herein.
16. I have been informed that there no subsisting charges or mortgages in respect of the Property or any part thereof.
17. Accordingly, Arkade Developers Limited, the Promoter herein is seized and possessed of and well and sufficiently entitled to the right, title and interest in respect of the said Land, subject to what is stated herein and as such duly entitled to develop the same in accordance with and subject to compliance with and observance of the terms and conditions of various permissions, approvals, sanctions that may be issued by the concerned authorities in respect of the said Land from time to time.
18. Pursuant to abovementioned Deed of Conveyance dated 26th September, 2023, the Promoter made an application for mutation of Property Register Cards ("PRC") before City Survey Officer, Mulund to record its name in respect of the said Land as owner/holder thereof. However subsequently, it was informed that the Objection letter dated 20th November 2023 has been received by Office of City Survey Officer, Mulund from Advocate, on behalf of Mr. Vasant Kumar Purshottam Bhanji, allegedly claiming to be the co-owner of Bhandup Estate (stated therein as also known in the revenue and land records as 'Trustee Estate Holder Bhandup' 'Bhandup Khot' 'Bhandup Estate Holder' 'Ratansey Karsondas and other' and also Khot Estate, Bhandup or equivalent



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(collectively referred as "Claimants") *inter alia* claiming that Bhandup Estate is the owner of the said Land. City Survey Officer, Mulund by its order dated 12th February, 2024, has rejected mutation entry no. 1363/2023 in the name of Promoter herein. The aforesaid Order dated 12th February, 2024 is under challenge in an appeal being an Appeal No. 478 of 2024 filed by the Promoter before Hon'ble District Superintendent of Land Records, Mumbai Suburban and the same is pending disposal.

19. As per searches conducted in the available records of the concerned Sub-Registrar of Assurances, Mumbai, it also appears that the Suit (L) No. 4008 of 2024 has been filed by Raja Babulal Majethia and others ("Plaintiffs") *inter alia* against CRPL, the Promoter herein and Anr. ("Defendants") before the High Court of Judicature at Bombay and the Plaintiffs therein have registered a Notice of lis pendens. However, I have been informed that the papers and proceedings have not even been served upon the Promoter herein as on date and the matter is currently pending as per status available on the official website of Hon'ble High Court Bombay and no reliefs have been granted in favour Plaintiffs till date.

Date: 18th June, 2024

Place: Mumbai

Smita Sawant,



Advocate, High Court,
Bombay