

**To Whomsoever It May Come**

**Title Certificate**

Re: ALL THAT piece or parcel of land admeasuring 2877.4 square meters and bearing CTS No. 921 (pt.) & 922 (pt.) of village and Taluka Kurla, Mumbai Suburban District and lying, being and situate at Achanak Nagar, Pipe Road, Kurla (W), Mumbai – 400070, being redeveloped in accordance with the slum rehabilitation scheme sanctioned by Slum Rehabilitation Authority vide Revised LOI No. SRA/ENG/1292/L/MHL/LOI dated 24<sup>th</sup> February 2012.

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We are issuing this Title Certificate under the instructions of M/s. Dani Builders (PAN: AAHFD2828A) (TAN:MUMD 21567 A), a partnership firm duly registered under Partnership Act, 1932 having place of business at 14, Rassiwala Flats, Pipe Road, Kurla (West), Mumbai - 400 070 and hereinafter referred as 'Developers'

1. We have the investigated the right of M/s. Dani Builders (hereafter 'the Developer') to redevelop the captioned property and to sell the saleable component arising from the slum redevelopment scheme being implemented by the Developer thereon. In order to investigate the same, we have, carried out a search of the records of the Sub-Registrar of Assurances for period of 13 years and we have not found any entry or document affecting the title of the property owners or the rights of the developer. We have also published public notices in English daily 'Free Press Journal' and Marathi daily 'Nav Shakti' both dated 24<sup>th</sup> March 2017 inviting claims etc. on title to the said property. We have not received any claim or objection in response thereto.



2. We have perused documents (or copies of documents) pertaining to the captioned property and the slum rehabilitation project being implemented thereon. From the contents of the documents perused by us, it is seen that:

- (a) There exists a plot of land owned by Maharashtra Housing & Area Development Authority ('MHADA') bearing CTS No. 921 (pt) and 922 (pt) of Village and Taluka Kurla, Mumbai Suburban District and lying, being and situate at Achanak Nagar, Pipe Road, Kurla (W), Mumbai – 400070. A portion of the said MHADA Land, which portion admeasured at or about 2883 square meters, came to be encroached upon by several slum structures and as a result whereof the said portion came to be recorded as 'Censused Slum' and hence a 'Slum Area' under the provisions of the Maharashtra Slum (Improvement, Clearance and Redevelopment) Act, 1971.
- (b) In order to bring about the redevelopment of the said slum under the provisions of DCR 33 (10) of Municipal Corporation of Greater Mumbai, the slum-dwellers occupying the said land proposed to form a co-operative housing society known as "Aman Co-Operative Housing Society Limited". The said society has since been duly registered on 16<sup>th</sup> December 2011 under the registration number M.U.M/S.R.A/H.S.G(T.C)/12127/2011 the Assistant Registrar Cooperative Societies (SRA).
- (c) Pursuant thereto, the members of the said society, passed the necessary resolution resolving to redevelop the said land under the provisions of D. C. Regulation No. 33 (10) read with Appendix-IV of the Development Control Regulations, 1991 of Municipal Corporation of Greater Mumbai read with the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971. The said Society appointed one M/s. Hi Tech India as the developer to redevelop the said land.



- (d) However, owing to the inaction and the inordinate delays committed by the said earlier developer, the Society, in its meeting dated 19<sup>th</sup> March 2010 and 7<sup>th</sup> May 2010 resolved to terminate the said development agreement and thereupon appointed the Developer abovenamed as the new developer. The Chief Executive Officer of SRA thereafter passed an order dated 28<sup>th</sup> September 2010 directing the said change of developer.
- (e) Against the said order the said earlier developer adopted legal proceedings before the Hon'ble High Court by filing a Writ Petition No. 2349 of 2012. The Hon'ble High Court was pleased to dismiss the said writ petition by its order dated 1<sup>st</sup> March 2013. The said earlier developer preferred a petition for Special Leave Petition in the Hon'ble Supreme Court of India being SLP No. 11907 of 2014. The Hon'ble Supreme Court was pleased to dismiss the said writ petition by its order dated 29 August 2014.
3. The said Society, through its managing committee, entered into a Development Agreement dated 5<sup>th</sup> October 2010 with the Developers and also executed in favour of the Developers an irrevocable power of attorney dated 5<sup>th</sup> October 2010 for bringing into effect the said development agreement. The said development agreement and the said power of attorney are valid and in force.
4. Simultaneously with the above, the slum dwellers who were occupying the slum structures on the said land, executed Letters of Consent as required by the relevant regulatory provisions thereby consenting to participate in the slum redevelopment scheme envisaged by the Society and implemented by the Developer.
5. The Developer thereafter submitted a formal proposal to Slum Rehabilitation Authority for the redevelopment of the said slum colony situate on the said



land. Upon the Developers and the Society complying with the preliminary requirements and also performing the necessary acts, deeds, matters and things, the Slum Rehabilitation Authority issued a Letter Of Intent bearing No. SRA/ENG/1292/L/MHL/LOI dated 14/07/2011 and further Revised LOI issued on 24/02/2012 in favour of the Developers. The saleable area as approved in the said Revised LOI is of 5571.49 square meters. Under the provisions of the Slum Rehabilitation Scheme the Developer has the right to sell the said saleable area in open market subject to the compliance by the Developer of all the conditions stipulated under the said LOI. The Developer, however, has no right to deal with or alienate either the rehabilitation component being constructed in the said project or the land underneath.

6. The Developers envisaged a project of construction of a single composite building consisting of the Slum Rehabilitation Areas as well as Freesale Areas. The said composite building comprises of wings D, E, F and G as Rehabilitation wings having part-ground floor with part stilt and 7 upper floors. The remaining wings being Wing A, B and C have been approved as Sale Wings and are proposed to have part-ground floor with part stilt and 6 upper floors. On the Developers submitting the building plans and revisions thereto, the Slum Rehabilitation Authority has sanctioned the said building plans vide Intimation of Approval dated 20<sup>th</sup> March 2012 and bearing no. SRA/ENG/2749/L/MHL/AP.
7. The Slum Rehabilitation Authority has permitted the commencement of building construction of the said Composite Building vide a Building Commencement Certificate dated 5<sup>th</sup> August 2014 bearing No. SRA/ENG/2749/MHL/AP. The said commencement certificate, as endorsed upto the date hereof, permits construction of the said saleable Areas of the said Wings A, B and C upto plinth level. The Developers have, accordingly, commenced the activities of construction of the said composite building on the said land, and of construction of the proposed sale wings.



8. Under the provisions of the said slum rehabilitation scheme the said land shall continue to be owned by MHADA after the redevelopment and the said Authority shall, in due course, execute an indenture of lease of the said land in favour of the society which shall be incorporated of the allottees and the unit purchasers in the said building and hence no encumbrance on the said land can be created.
9. Relying thus on the above and in view of there being no objections received in response to the public notices issued by us and further in view of there being no entry or document affecting the rights claimed by the Developer for sale of the free sale areas, we do hereby certify that the developer abovenamed being M/s. Dani Builders has the necessary right to construct and sell the saleable areas in the said slum rehabilitation project and the title of the Developer thereto is clear, marketable and free from encumbrances.

Mumbai

5.4.2017



Prasanna Sarpotdar  
Advocate & Solicitor

