

H.S. PANDEY

ADVOCATE HIGH COURT MUMBAI

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Residence: B/104, Vaibhav C.H.S. Ltd, Sector No. 1, Plot No. 256, Charkop Sector No. 1, Dr.Ambedkar Road above Disha Hotel, Kandivali (w), Mumbai -400 067.

FORMAT-A (CIRCULAR NO.28/2021)

**TO,
Maharashtra Real Estate Regulatory Authority
MAHARERA HEADQUARTERS
MUMBAI**

LEGAL TITLE REPORT

Sub. Title clearance certificate with respect to **ALL THAT PIECE AND PARCEL OF** land and structure standing thereon Building known as "Ambadevi Co-Operative Housing Society" situate lying and being at Sarawati Road, Off Linking Road, Santacruz (West), Mumbai - 400 054, consisting of ground plus two floors and terrace above alongwith car parking space on the plot of land partly in Village Danda, Santacruz, Greater Bombay admeasuring 800 Sq. Yards thereabouts being Plot No. 82 C and forming part of and bearing final plot 82 of Town Planning Scheme No. II, Santacruz and also forming part of Plot no. I(PART) AND II of Sub Plot No. 6 of the said portion of Plot No. 82 C made by Saraswat Suburban Housing Society bearing City Survey no. G/169/8 and assessed by the Assessor and Collector of the Bombay Municipal Corporation under "H" Ward No. 2957(4) at Plot No. 82 A now 82C of Town Planning Scheme II Santacruz In the Registration District and Sub-District Of Mumbai City and Mumbai Suburban bearing part of CTS No. G/169/8 admeasuring 800 Sq. Yards or thereabout with structure standing thereon (hereinafter referred as "the said property")



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I HAVE INVESTIGATED THE TITLE OF THE SAID PROPERTY ON THE REQUEST OF AMBADEVI CO-OPERATIVE HOUSING SOCIETY of Mumbai AND FOLLOWING DOCUMENTS i.e.:-

1. Description of the property:

The Society is the owner of all that piece and parcel of land as per the Property Card bearing plot no. 82/2C of the Town Planning Scheme No. II Santacruz and bearing CTS No. G/169/8 of Village Danda, admeasuring 800 square yards i.e. 668.90 sq. meters as per property card, "the said plot"/ "the said Land" situated at Saraswati Road, Santacruz (West), Mumbai – 400 054 ("the said plot"/ "the said Land"), alongwith building/ structure standing thereon of Ground plus Two Floors in the building known as "Ambika Bhavan" ("the said Building). The said land also holds 12 open/ stilt car parking spaces ("the said Car Parking Spaces"). The said land, the said building and the said car parking spaces are hereinafter collectively referred to as "the said premises.

By and under Registered Conveyance Deed dated 20th August, 1964 (registered with Sub Registrar of Bandra under Sr. No. BND 1936 of 1964) and made between Pamibai Pessumal Kakwani and Dhanvantibai Kewalram Kakwani as "Vendors" Mr. H. M. Gangwani as "First Confirming Party", Mr.Vashdev Aswani as "Second Confirming Party" and Ambadevi CHSL as the Purchaser the said Vendors sold and conveyed the said Land to the Society at or for consideration and



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on the terms and conditions therein. - Indenture mentions that Second Confirming Party acted on behalf of the Purchaser, Society. The Building was constructed by the promoters of the Society.

2. The Documents of allotment of plot:

The said Owner under Registered Conveyance dated 20.08.1964 (registered with Sub Registrar of Bandra under Sr No. BND 1936 of 1964) sell convey transfer and assigned all their right title and interest in the said property with structure standing thereon TO **AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD** i.e. the Society a Co-Operative Society for the consideration and upon the terms and conditions recorded therein.

By and under a Declaration dated 21st August, 1964 the said Pamibai and Dhanvantibai stated that they have purchased the land from Menghraj Notandas, Dwarka Lachhiram and Rupchand Thakordas by Indenture of Conveyance dated 28th August, 1963, that it was purchased from their Streedhan and that the said land is not encumbered or charged and there is no claim thereon.

In the Property Card entry of following document is there (i) Indenture dated 05th August, 1961 from Jamnabai Bhatia, (ii) Indenture dated 28th



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August, 1963 from Meghraj and two others (iii) Indenture dated 20th August, 1964 from Pamibai and Dhanvantibai to Ambadevi CHSL.

By letter dated 3rd March, 1964, the said Vashdeo Aswani addressed to the Assistant Registrar that he is the Chief Promoter of proposed Ambadevi CHSL and that the said land has been purchased out of the contribution of the promoters and for and on behalf of proposed society.

The said society was registered and certificate of registration was issued by Assistant Registrar (II) Co-Op. Societies, Bombay on 11th April, 1964.

Subsequently, the said society has executed Registered Development Agreement bearing BDR15-11025-2022 dated 8th day of August, 2022 by and between AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD., a cooperative society registered under the provisions of the Maharashtra Co-Operative Societies Act, 1960 bearing Registration no. BOM/HSG-627 OF 1964, having its registered office at Sarawat Road, Off Linking Road, Santacruz West, Mumbai – 400 064, AND THE OCCUPANTS/MEMBERS of Ambadevi Co-Operative Housing Society Ltd, therein referred as "The Existing Members" Second Part AND ARUNIS EDIFICE PRIVATE LIMITED, a Company Incorporated under the provisions of the Companies Act, 1963, CIN L70100GJ1994PLC021759, having its registered office at 1106, Hubtown Viva, Jogeshwari East, Mumbai – 400 060, therein referred to as "The

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Developer" whereby the said society has given development rights to re-develop the said land i.e. "Ambadevi Co-Operative Housing Society" situate lying and being at Sarawati Road, Off Linking Road, Santacruz (West), Mumbai – 400 054, consisting of ground plus two floors and terrace above alongwith car parking space on the plot of land partly in Village Danda, Santacruz, Greater Bombay admeasuring 800 Sq. Yards thereabouts being Plot No. 82 C and forming part of and bearing final plot 82 of Town Planning Scheme No. II, Santacruz and also forming part of Plot no. I(PART) AND II of Sub Plot No. 6 of the said portion of Plot No. 82 C made by Saraswat Suburban Housing Society bearing City Survey no. G/169/8 and assessed by the Assessor and Collector of the Bombay Municipal Corporation under "H" Ward No. 2957(4) at Plot No. 82 A now 82C of Town Planning Scheme II Santacruz In the Registration District and Sub-District Of Mumbai City and Mumbai Suburban , to demolish the building, with all the benefits of F.S.I. available thereon including T.D.R. (Transfer of Development Rights) benefits on the said Property in accordance with the policy of Government of Maharashtra, rules and regulations of DCPR 2034 and amendments. And further for the effective development of the said property the society has executed Registered Irrevocable Power of Attorney dated 23rd August, 2022 , bearing BDR-15/11026-2022 in favour of the developer Arunis Edifice Private Limited, Mrs. Dhara Desai director and Mr. Denis Desai Constituted Attorney.



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3. 7/12 extract or Property card issued by City Survey Office (MUMBAI):

On the basis of the said Registered Conveyance the name of said **AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD** is recorded in the record of right i.e. Property Registered Card as a holder and my client is absolutely entitle to the said property as a owner as per the terms and condition of said Registered Conveyance. And Accordingly my client has executed development rights of the said land alongwith building known as Ambadevi CHSL in favour of Arunis Edifice Private Limited a Company incorporation under the provisions of the Companies Act, 2013, CIN L70100GJ1994PLC021759, having its registered office at 1106, Hubtown Viva, Jogeshwari East, Mumbai – 400 060, vide Registered Development Agreement dated 8th August, 2022 bearing BDR15-11025-2022 for effective development of the said property. And further the society has executed Registered Irrevocable Power of Attorney dated 23rd August, 2022, bearing BDR-15/11026-2022 for the development of the said property in favour of the developer Arunis Edifice Private Ltd through its director Dhara Desai and Constituted Attorney Denis Desai.



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4. Search Report for 30 years from 1999 to 2022

Search in the land records has been taken for the years 1999 to 2022. in the office of Sub-Registrar at Bandra (Andheri 1 to 9) Mumbai (Old Customs House) for last 30 years in the Search Report dated 8/2/2022 entry of none of the above documents is shown A copy of the Search Report is annexed hereto as **Annexure "A"**. Public Notice inviting claims on the property has been given on 21st February 2022 in two local News Papers, Free Press Journal (English) and Nav Shakti (Marathi). However no response has been received. We have not physically inspected the Property nor have measured the same. 2/- From the papers, search Report and Original Documents produce before me I am of the opinion that the title of my client to the said property is clear and marketable and free from all encumbrances and reasonable doubts.

On perusal of the above mentioned documents and all other relevant documents relating to the title of the said property, I am of the opinion that the title of **AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD** is clear and marketable, free from all encumbrances, beyond reasonable doubt.



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THE SCHEDULE HEREINABOVE REFERRED TO

AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD is the owner of the said property bearing plot no. 82/2C of the Town Planning Scheme No. II Santacruz and bearing CTS No. G/169/8 of Village Danda, admeasuring 800 square yards i.e. 668.90 sq. meters as per property card, "the said plot"/ "the said Land" situated at Saraswati Road, Santacruz (West), Mumbai – 400 054 ("the said plot"/ "the said Land"), alongwith building/ structure standing thereon of Ground plus Two Floors in the building known as "Ambika Bhavan" ("the said Building). The said land also holds 12 open/ stilt car parking spaces ("the said Car Parking Spaces"), together with all and whatsoever rights stated hereinbefore.



HARISHANKAR S. PANDEY

Advocate High Court

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ANNEXURE

FLOW OF THE TITLE OF THE SAID LAND

- 1) By and under Registered Conveyance Deed dated 20th August, 1964 (registered with Sub Registrar of Bandra under Sr. No. BND 1936 of 1964) and made between Pamibai Pessumal Kakwani and Dhanvantibai Kewalram Kakwani as "Vendors" Mr. H. M. Gangwani as "First Confirming Party", Mr.Vashdev Aswani as "Second Confirming Party" and Ambadevi CHSL as the Purchaser the said Vendors sold and conveyed the said Land to the Society at or for consideration and on the terms and conditions therein. - Indenture mentions that Second Confirming Party acted on behalf of the Purchaser, Society. By letter dated 3rd March, 1964, the said Vashdeo Aswani addressed to the Assistant Registrar that he is the Chief Promoter of proposed Ambadevi CHSL and that the said land has been purchased out of the contribution of the promoters and for and on behalf of proposed society. The said society was registered and certificate of registration was issued by Assistant Registrar (II) Co-Op. Societies, Bombay on 11th April, 1964. In the Property Card entry of following document is there (i) Indenture dated 05th August, 1961 from Jamnabai Bhatia, (ii) Indenture dated 28th August, 1963 from Meghraj and two others



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(iii) Indenture dated 20th August, 1964 from Pamibai and Dhanvantibai to Ambadevi CHSL.

- 2) The Building was constructed by the promoters of the Society. On the basis of the said Registered Conveyance the name of said **AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD** is recorded in the record of right i.e. **Property Registered Card** as a holder and my client is absolutely entitle to the said property as a owner as per the terms and condition of said Registered Conveyance. And Accordingly my client has executed development rights of the said land alongwith building known as Ambadevi CHSL in favour of Arunis Edifice Private Limited a Company incorporation under the provisions of the Companies Act, 2013, CIN L70100GJ1994PLC021759, having its registered office at 1106, Hubtown Viva, Jogeshwari East, Mumbai – 400 060, vide Registered Development Agreement dated 8th August, 2022 bearing BDR15-11025-2022 for effective development of the said property. And further the society has executed Registered Irrevocable Power of Attorney dated 23rd August, 2022, bearing BDR-15/11026-2022 for the development of the said property in favour of the developer Arunis Edifice Private Ltd through its director Dhara Desai and Constituted Attorney Denis Desai.

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- 3) Search in the land records has been taken for the years 1999 to 2022. in the office of Sub-Registrar at Bandra (Andheri 1 to 9) Mumbai (Old Customs House) for last 30 years in the Search Report dated 8/2/2022 entry of none of the above documents is shown A copy of the Search Report is annexed hereto as **Annexure "B"**. Public Notice inviting claims on the property has been given on 21st February 2022 in two local News Papers, Free Press Journal (English) and Nav Shakti (Marathi). However no response has been received. We have not physically inspected the Property nor have measured the same. 2/- From the papers, search Report and Original Documents produce before me I am of the opinion that the title of my client to the said property is clear and marketable and free from all encumbrances and reasonable doubts.
- 4) There is no dispute and or litigation is pending in respect of the said property more particularly described in the schedule hereinabove in any court of law i.e. neither in the city of Mumbai or any part of India.
- 5) In the above mentioned circumstances and on perusal of the above mentioned documents and all other relevant documents relating to the title of the said property, I am of the opinion that the title of



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AMBADEVI CO-OPERATIVE HOUSING SOCIETY LTD is the owner of the said property bearing plot no. 82/2C of the Town Planning Scheme No. II Santacruz and bearing CTS No. G/169/8 of Village Danda, admeasuring 800 square yards i.e. 668.90 sq. meters as per property card, "the said plot"/ "the said Land" situated at Saraswati Road, Santacruz (West), Mumbai – 400 054 ("the said plot"/" the said Land"), alongwith building/ structure standing thereon of Ground plus Two Floors in the building known as "Ambika Bhavan" ("the said Building). The said land also holds 12 open/ stilt car parking spaces ("the said Car Parking Spaces"), together with all and whatsoever rights stated hereinbefore.



Date : 16/03/2023


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Advocate High Court

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