

G. S. Bhat

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ADVOCATE HIGH COURT

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Ref. No. _____

Regd. A. D. / U. C. P. / Hand Delivery

Date _____

To;
M/s. Bholenath Developers Ltd.,
Plot No.10, 19th Road, Shiv Ashish,
Chembur, Mumbai - 400 071

Sub.: Title Report for Plot of Land admeasuring 811.40 sq.mts.
bearing C.T.S. No.643, 643/1 to 8 of Village Chembur,
Taluka Kurla, Mumbai Suburban District belonging to M/s.
Ambaji Niketan Co-operative Housing Society Ltd., and
developed by M/s. Bholenath Developers Ltd.,

Sir,

- 1] I have investigated the title in respect of the above referred property by causing to take search in the office of Sub Registrar of Assurances at Bandra, Chembur, Mulund and Mumbai. I have also perused the property cards and Title Deeds of M/s. Ambaji Niketan Co-operative Housing Society Ltd., (hereinafter referred to as the "Said Society"). I have not found any encumbrances from the search or on perusal of revenue records.
- 2] I have perused the Deed of Conveyance dated 22nd June, 1966 registered under Serial No.2161 of 1966 before the Sub-Registrar of Bombay entered between Shri Maganlal Amarsi Makhwana and Shri Lala Mazid Chouhan therein called the Vendors and M/s. Ambaji Niketan Co-operative Housing Society Ltd., therein called the Purchaser, the Vendors therein sold and conveyed the Plot of Land totally admeasuring 811.40 sq. mtrs. bearing C.T.S No. 643, 643/1 to 8 of Village Chembur, Taluka Kurla Mumbai Suburban District unto the said society on the terms and conditions mentioned therein.

- 3] The property card reveals that Shri Maganlal Amarsi Makhwana and Shri Lala Mazid Chouhan as the owners of the said property in the year 1967. After the purchase of the above referred property the name of the said society is mutated in the property cards. The property cards bearing C.T.S No. 643, 643/1 to 8 of Village Chembur, Taluka Kurla Mumbai Suburban District now shows the said society as the owners of the above referred property. The Property Cards does not reveal any encumbrance.
- 4] In my opinion the title of M/s. Ambaji Niketan Co-operative Housing Society Ltd., is clear, marketable, and free from encumbrances.
- 5] By a Development Agreement dated 29th June, 2010 registered under Serial No.BDR-3-07416 of 2010, M/s. Ambaji Niketan Co-operative Housing Society Ltd., has entrusted the complete development rights unto M/s. Bholenath Developers Ltd., (hereinafter referred to as the "Said Developers") on the terms and conditions mentioned therein.
- 6] By a Supplementary Agreement dated 17th September, 2013 registered under Serial No.KRL-1-8232 of 2013 the society has entrusted the Developers all the rights to avail, utilize, consume and load the Fungible FSI which may be allowed by the Municipal Corporation of Greater Mumbai for the purposes of constructing the new building on the aforesaid plot of land.
- 7] It may be mentioned here that all members of the said society except four members had refused to vacate their respective flats. The society therefore instituted four disputes before the Hon'ble Co-operative Court, Mumbai. Those four disputes were identical in nature and were for the purpose of passing

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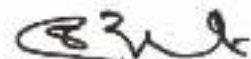
mandatory orders to handover the possession of the flats to the Society/Developers for demolishing the said building of the said society. The Hon'ble Co-operative Court in all the said four disputes passed a mandatory order to handover the vacant possession of their respective flats to the said Society/Developers. The said four members have handed over the possession of their respective flats to the Society/Developers and building was demolished. The Developers have thereafter demolished the building and constructed new building thereon. However out of four disputes, 3 disputes are still pending but the society has already received the possession of the flats. The dispute filed against Mr. & Mrs. Kulkarni has been settled and case has been withdrawn.

- 8] The said four members have also filed Dispute No.88 of 2012 in the Co-operative Court, Bombay against the said society, its office bearers and the Developers herein. The said dispute was filed challenging the various resolutions passed by the said society and Development Agreement entered between the said Society and the Developers herein. The Hon'ble Co-operative Court, Bombay refused to pass any order against the said Society and the Developers. The said dispute is still pending.
- 9] The details of the pending disputes are set out in Annexure annexed to this certificate. It may be mentioned here that the Dispute No.88 of 2012 filed in the Co-operative Court, Bombay does not challenge or dispute the title of the society to the above referred property. It was represented to me by the Developers that the construction of the new building is completed to the extent of 85%.
- 10] The said Society has filed a Writ Petition No.157 of 2017 in the Hon'ble High Court, Bombay for mandatory order against the

City Survey Office, Mulund and Municipal Corporation of Greater Mumbai to mutate the set back area and incorporate it to that extent in the name of the Municipal Corporation of Greater Mumbai in the Property card as the said Society has already handed over the possession of the set back area to the Municipal Corporation of Greater Mumbai.

- 11] In my opinion M/s. Bholenath Developers Ltd., has acquired development rights to develop the above-referred property and to sell the premises thereon except the premises agreed to be allotted to the members of M/s. Ambaji Niketan Co-operative Housing Society Ltd., and their title is clear and marketable and free from encumbrances.

Dated this 13th day of July, 2017.



(G.S.BHAT)
Advocate

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ANNEXURE

List of pending cases in respect of re-development of Ambaji Niketan Co-operative Housing Society Ltd., situate at CTS No.643, 643/ 1 to 8 of Village Chembur, Taluka Kurla, Mumbai Suburban District.

- 1] Dispute No.CC/1/8 of 2012 in the Co-operative Court
Ambaji Niketan CHS Ltd.,
Versus
R P R Nair & M/s. Bholenath Developers Ltd.,
The Hon'ble Court passed mandatory order to vacate and handover the premises to the society/developer for redevelopment. The possession of the premises has been handed over by Mr. R P R Nair and building is demolished and the construction of the new building is completed to the extent of 85%.
- 2] Dispute No.CC/1/63 of 2012 in the Co-operative Court
Ambaji Niketan CHS Ltd.,
Versus
Suresh Chapru & M/s. Bholenath Developers Ltd.,
The Hon'ble Court passed mandatory order to vacate and handover the premises to the society/developer for redevelopment. The possession of the premises has been handed over by Mr. Suresh Chapru and building is demolished and the construction of the new building is completed to the extent of 85%.

3] Dispute No.CC/1/64 of 2012 in the Co-operative Court
Ambaji Niketan CHS Ltd.,
Versus
M. M. Gala & M/s. Bholenath Developers Ltd.,
The Hon'ble Court passed mandatory order to vacate and handover the premises to the society/developer for redevelopment. The possession of the premises has been handed over by Mrs. M.M. Gala and building is demolished and the construction of the new building is completed to the extent of 85%.

4] Dispute No.CC/1/88 of 2012 in the Co-operative Court
Suresh Chapru & Ors.
Versus
Ambaji Niketan CHS Ltd., & Ors.
The dispute has been filed challenging various resolutions passed by the society and also the Development Agreement entered with & M/s. Bholenath Developers Pvt. Ltd., The Hon'ble Court has refused to pass any order.

5] Writ Petition No.WP/157/2017 in the Hon'ble High Court, Bombay

Petitioner Number 1.....Ambaji Niketan

Petitioner Number 2..... Bholenath Developers Limited

v/s

Respondent Number 1.....State of Maharashtra

Respondent Number 2.....The Superintendent of Land Records

Respondent Number 3..... The City Survey Officer, Chembur

Respondent Number 4..... Municipal Corporation of Greater Mumbai

Respondent Number 5..... Executive Engineer (Building Proposals)

The Writ Petition has been filed for mandatory order against the State of Maharashtra and Anr.

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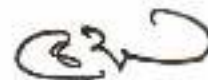
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All above disputes are pending but nothing to do with the title of the property of M/s. Ambaji Niketan CHS Ltd., Moreover the building has been demolished and the construction of new building has been completed to the extent of 85%.

Dated this 13th day of July, 2017



(G.S.BHAT)
Advocate