

Varun N. Mamniya

Advocate & Solicitor

Address: 303/B, Jeerawali Residency, Opp. Jain Temple, Derasar Lane, Ghatkopar (East), Mumbai 400077.
M: +91 9819094944 / +91 8779911600 || E: adv.varun@gmail.com

REPN

FORMAT - A (Circular No.: 28/2021)

To,
Hon'ble MahaRERA
Housefin Bhavan, E - Block
Bandra Kurla Complex
Bandra (E), Mumbai 400051

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to all that piece and parcel of land bearing all the piece and parcel of land bearing CTS No. 568, 568/1 to 18 of Village Vile Parle (East), Mumbai, Taluka Vile Parle, situated at Tejpal Road, Vile Parle (East), Mumbai 400057, alongwith a building consisting of three wings therein namely Wings "A", "B" and "C", consuming the total built up area of 18164.73 sq. ft. equivalent to 1688.17 square meters in the Sub-District of Mumbai Suburban.

A. I have investigated the title of M/s. Kush Realty ("Promoter") and of Vireshwar Chhaya Co-Operative Housing Society Limited ("Society") and following documents:

1. Description of the property:

All the piece and parcel of land admeasuring 1350.90 sq. mtrs. bearing CTS No. 568, 568/1 to 18 of Village Vile Parle (East), Mumbai, Taluka Vile Parle, Mumbai Suburban District ("said Plot") situated at Tejpal Road, Vile Parle (East), Mumbai 400057, alongwith a building known as "Vireshwar Chhaya" consisting of 3 (three) wings therein namely, "A", "B" and "C" of which Wing "A" comprises of Ground + 2 upper floors consisting of 13 residential flats, Wing "B" comprises of Ground + 3 upper floors consisting of 15 residential flats and Wing "C" comprises of Ground + 3 upper floors consisting of 9 residential flats, 6 shops and 5 garages, respectively consuming the total built up area of 18164.73 sq. ft. equivalent to 1688.17 sq. mtrs. ("said Old Building").

2. The documents of allotment of plot:

(i) Indenture dated 1st July, 1972 duly registered on 20th July, 1972 (Serial No. BOM/ R/ 3795/ 1972) regarding lease for a period of 98 years commencing from 1st May, 1971 in favour of M/s. Embee Construction Co. (original Lessee);



(ii) Articles of Agreement dated 6th December 1977 between M/s. Embee Construction Co. (original Lessee) and M/s. Omkar Construction Company for development of the said Plot;

(iii) Registration Certificate of the said Society bearing Registration No. BOM/WKE/HSG/TC/2438 of 1987-88;

(iv) Indenture of Conveyance dated 25th September 2014 ("Conveyance"), executed between (1) Muljibhai Manilal Shah (2) Girish Manilal Shah & (3) Smita alias Sonal Mahendra Vakil (Subsequent Owners) and M/s. Kush Realty (i.e. the Promoter herein) and registered under serial no. BDR-1/7557/2014;

(v) Order cum Certificate dated 12th May 2015 passed by District Deputy Registrar, Co-op. Societies, Mumbai City (3) regarding deemed Assignment of Leasehold rights;

(vi) Deed of Assignment (deemed/unilateral) dated 15th May 2017 registered with the Sub-Registrar of Assurances at Serial No. BDR-18/2929/2017;

(vii) Deed of Rectification dated 16th June, 2022 executed between the Subsequent Owners and Promoter herein and registered under Serial No. BDR-1/9606/2022.

3. Property Card in respect of the said Plot issued by Municipal Corporation of Greater Mumbai on 20th November 2022 Ref: 2206100002387774 & others Mutation Entry No. 1255/2014.

4. Search report for 30 years i.e. from 1995 to 2024 by Mr. Sampat V. Baikar, search clerk, dated 1st February 2024.

B. By an Indenture dated 1st July, 1972 duly registered on 20th July, 1972 (Serial No. BOM/R/ 3795/1972) executed between the original owners/ lessors of the said Plot in favour of M/s. Embee Construction Co. (the original Lessee) regarding lease for a period of 98 years commencing from 1st May, 1971.

C. Thereafter, an Articles of Agreement dated 6th December 1977 was executed between M/s. Embee Construction Co. (original Lessee) and M/s. Omkar Construction Company (original developer) for development of the said Plot. Accordingly, M/s. Omkar Construction Company constructed the Old Building thereon known as "Vireshwar Chhaya" as per plans approved by BMC under No. CE/6986/BSII/A/K dated 13th June, 1979.

D. The occupants/ premises purchasers of the Old Building formed a Co-operative Housing Society duly registered under The Maharashtra Co-Operative Societies Act, 1960 under registration No. BOM/WKE/ HSG/ TC/ 2438 of 1987-88 and named as 'Vireshwar Chhaya Co-op. Housing Society Limited' ("said Society").

E. The Society initiated proceedings under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ("MOFA").

F. Out of the said Original Property, an area of 126.2 square meters was affected by road set back and was sub divided/separated from the original Property on 24th October, 1980 and necessary mutation entry in respect thereof was entered in the Property Card on 2nd November, 1981 as per the order of City Survey Officer No. 9 of Mumbai Suburban District.

G. By an Indenture of Conveyance dated 25th September 2014, executed between (1) Muljibhai Manilal Shah (2) Girish Manilal Shah & (3) Smita alias Sonal Mahendra Vakil ("Subsequent Owners") being legal heirs of the original owners/ lessors and the Promoter herein and registered under Serial No. BDR-1/7557/2014, the Subsequent Owners granted, sold, conveyed and assured the said Property including all residue rights of the lessor under the original lease and the road setback area of 126.2 square meters in favour of the Promoter herein for the consideration and on the terms and conditions therein mentioned.

H. Accordingly, by virtue of the Indenture of Conveyance dated 25th September 2014, the Promoter became the absolute owner and lessor of the said Property, alongwith all benefits including to receive the rent reserves under the aforesaid Indenture of Lease dated 1st July, 1972 for the residue period as the lessor under the original lease. Accordingly, the name of the Promoter was entered into the Property Register Cards bearing CTS No. 568, 568/1 to 18 of Village Vile Parle East in respect of the said Property on 15th December 2014 as the owners thereof.

I. Thereafter, the District Deputy Registrar, Co-op. Societies, Mumbai City (3), acting on the application made by the Society, issued an Order cum Certificate dated 12th May 2015 certifying that the Society is entitled to a deemed assignment of leasehold rights of the said Plot and the said Old Building. Accordingly, vide a Deed of Assignment (deemed/unilateral) dated 15th May 2017, the District Deputy Registrar, Co-op. Societies, Mumbai City (3) assigned the leasehold rights in the said Plot together with the Old Building standing thereon in favour of the Society in accordance with the Section 11 of MOFA and the same is registered with the Sub-Registrar of Assurances at Serial No. BDR-18/2929/2017.

J. Thereafter, to rectify the error in the plot area in the Indenture of Conveyance, a Deed of Rectification dated 16th June 2022 was executed between the Subsequent Owners and the Promoter and registered under serial no. BDR-1/9606/2022 dated 16th June 2022, wherein the area of the said Property as per property register card bearing CTS No 568, 568/1 to 18 of village Vile Parle East was corrected as 1350.90 sq. mtrs. instead of 1224.70 sq. mtrs.

K. On perusal of the abovementioned documents and all other relevant documents relating to title of the said Property, I am of the opinion that: (1) by virtue of the Indenture of Conveyance dated 25th September 2014 read with Deed of Rectification dated 16th June 2022, the Promoter became the absolute owner and lessor of the said Property; (2) by virtue of the Deed of Assignment (deemed/unilateral) dated 15th May 2017, the Society i.e. Vireshwar Chhaya Co-Op. Housing Society Limited became the lessee in relation to the said Plot (and owner of the structure standing thereon) as per the original Indenture 1st July, 1972 (for lease). I am also of the opinion that M/s. Kush Realty has been granted development rights for the re-development of the Society's old Building by virtue of the registered Re-Development Agreement dated 6th June, 2023 (Serial No. BDR18-9810-2023).

L. We have also perused the DP Remark of DP 2034 for the said Plot, wherein the said Plot is not affected by any reservation. I have also perused the Search report for 30 years i.e. from 1995 to 2024 issued by Mr. Sampat V. Baikar, search clerk, dated 1st February 2024 and find no encumbrances on the said Property. (If any encumbrances please mention in separate sheet).

Owner of the land:

- (1) M/s. Kush Realty - C.T.S. No. 568, 568/1 to 18 of Village Vile Parle (East), Mumbai, Taluka Vileparle, Mumbai Suburban District.
- (2) Lessee: Vireshwar Chhaya Co-Operative Hsg. Society Ltd.
- (3) Qualifying comments/ remarks if any - None.

The report reflecting the flow of the title of M/s. Kush Realty as the owner/ lessor of the said Property and of Vireshwar Chhaya Co-Op. Housing Society Limited as the lessee of the said Property is enclosed herewith as annexure.

Date: 27th March 2024

Encl: Annexure




Varun Mamniya
Advocate & Solicitor
(Stamp)

Varun N. Mamniya

Advocate & Solicitor

Address: 303/B, Jeerawali Residency, Opp. Jain Temple, Derasar Lane, Ghatkopar (East), Mumbai 400077.
M: +91 9819094944 / +91 8779911600 || E: adv.varun@gmail.com

FORMAT - A (Circular No.: 28/2021)

FLOW OF THE TITLE OF THE SAID LAND

Sr. No.

- 1) Indenture dated 1st July, 1972 (registered under Serial No. BOM/ R/ 3795/ 1972) on 20th July, 1972;
- 2) Articles of Agreement dated 6th December, 1977;
- 3) Registration Certificate of the said Society bearing Registration No. BOM/ WKE/ HSG/ TC/ 2438 of 1987-88;
- 4) Indenture of Conveyance dated 25th September 2014;
- 5) Order cum Certificate dated 12th May 2015 passed by the District Deputy Registrar, Co-op. Societies, Mumbai City (3);
- 6) Deed of Assignment (deemed/unilateral) dated 15th May 2017 registered with the Sub-Registrar of Assurances at Serial No. BDR18/2929/2017;
- 7) Deed of Rectification dated 16th June, 2022 (registered under Serial No. BDR1-9606-2022).
- 8) Property Card in respect of the said Plot issued by Municipal Corporation of Greater Mumbai on 20th November 2022 Ref: 2206100002387774 & others Mutation Entry No. 1255/2014
- 9) Search report for 30 years i.e. from 1995 to 2024 by Mr. Sampat V. Baikar, search clerk, dated 1st February 2024.
- 10) Any other relevant title - NIL.
- 11) Litigations if any - NIL.

Date: 27th March 2024




Varun Mamniya
Advocate & Solicitor
(Stamp)