

To

Maha RERA
Housefin Bhavan
Plot No. C – 21
Bandra Kurla Complex
Bandra (East)
Mumbai 400051

LEGAL TITLE REPORT

Sub: Title clearance report with respect to all that piece and parcel of land bearing C.S. No. 172 of Malabar and Cumballa Hill Division admeasuring 1,071.92 square meters, together with the building standing thereon consisting of ground plus 6 (six) floors and 11 (eleven) garages (now demolished), situate, lying and being at Dongarsi Road, Malabar Hill, in the Registration Sub-district of Bombay ("**Property**")

We have investigated the title of the Property based on the request of Aurum Girnar Private Limited (formerly known as Aurum Girnar LLP), and the following documents:

1. **Description of the Property:**

All that piece and parcel of land bearing C.S No. 172 of Malabar and Cumballa Hill Division admeasuring 1,071.92 square meters, together with the building standing thereon consisting of ground plus 6 (six) floors and 11 (eleven) garages (now demolished), situate, lying and being at Dongarsi Road, Malabar Hill, in the Registration Sub-district of Bombay.

2. **The Documents pertaining to the Property:**

- a. Indenture dated September 16, 1971 registered with the Sub-Registrar of Assurances under Serial No. 3169 of 1971;
- b. Development Agreement dated March 22, 2023 registered with the Sub-Registrar of Assurances under Serial No. 4665 of 2023 ("**Development Agreement**");
- c. Power of Attorney dated March 22, 2023 registered with the Sub-Registrar of Assurances under Serial No. 4674 of 2023;
- d. Addendum to the Development Agreement dated July 9, 2024 registered with the Sub-Registrar of Assurances under Serial No. 14133 of 2024 ("**Addendum Agreement**").

3. **Survey Register Extract:**

The Survey Register Card in respect of land bearing C.S. No. 172 dated May 9, 2022 issued by the Assistant, City Survey Office, Mumbai.

4. **Search Report:**

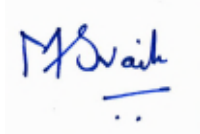
Land Search Report dated May 20, 2022 issued by Ashish Javeri, Title Investigator for searches in respect of the Property taken at the office of the Sub-Registrar of Assurances.

5. Upon perusal of the above-mentioned documents and all other documents pertaining to the title of the Property, we are of the opinion that **Aurum Girnar Private Limited** (formerly known as Aurum Girnar LLP) is well and sufficiently entitled to development rights in respect of the Property, subject to the terms and conditions of the Development Agreement read with the Addendum Agreement.

Owner of the land: Jay Girnar Apartments Co-operative Housing Society Limited

6. Qualifications / Remarks, if any: Terms and conditions of the Development Agreement read with the Addendum Agreement.
7. The report reflecting the flow of title in respect of the Property is enclosed herewith as **Annexure "A"** hereto.

Dated this 2nd day of January, 2025.



Mitali Naik
Partner
DSK Legal

Encl.: Annexure "A"

Annexure "A"
Flow of title in respect of the Property

Re: All that piece and parcel of land bearing C.S. No. 172 of Malabar and Cumballa Hill Division admeasuring 1,071.92 square meters, together with the building standing thereon consisting of ground plus 6 (six) floors and 11 (eleven) garages (now demolished), situate, lying and being at Dongarsi Road, Malabar Hill, in the Registration Sub-district of Bombay ("**Property**") and more particularly described in the **Schedule** hereunder written

Pursuant to the instructions of our client, we have investigated the title of Aurum Girnar Private Limited (formerly known as Aurum Girnar LLP) ("**Company**") and for the same, perused copy of the following documents:

For the purposes of this Legal Title Report:

1. We have caused searches to be conducted in the concerned office of the Sub-Registrar of Assurances in respect of the Property, and have relied upon search report dated May 20, 2022 issued by Mr. Ashish Javeri, Title Investigator.
2. We have issued public notices in Indian Express (in English) and Loksatta (in Marathi) in their respective editions of May 18, 2022, for inviting any objections/claims in respect of the Property and have not received any objections / claims pursuant to the same.
3. Since our scope of work does not include considering aspects within the domain of an architect or a surveyor, we have not carried out any physical inspection of the Property nor have commented on the zoning and development aspects etc., thereof.

I. FLOW OF TITLE

1. In the year 1968, one Messrs Vimal Builders and Enterprises ("**Vimal Builders**") became seized and possessed of and well and sufficiently entitled to all that piece and parcel of land bearing C.S No. 172 of Malabar and Cumballa Hill Division admeasuring 1,071.92 square meters, situate, lying and being at Dongarsi Road, Malabar Hill ("**Land**").
2. Vimal Builders as the owners of the Land carried out and completed construction of a building known as 'Jay Girnar Apartments' which consists of ground plus 6 (six) upper floors and 11 (eleven) garages ("**Building**") on the Land. The Building and the Land shall be jointly referred to as the "**Property**" and more particularly described in the **Schedule** hereunder written.
3. Upon perusal of the Survey Register Extract in respect of the Property, we note that the area of the Property was corrected to 1,125.43 square meters vide Order dated June 4, 1969.
4. Thereafter, all the purchasers of various flats in the Building came together and formed a co-operative housing society in the name of 'Jay Girnar Apartments Co-operative Housing Society Limited' and registered the same under the provisions of Maharashtra Co-operative Societies Act, 1960, bearing Registration No. BOM/HSG/2708/1971 and having its registered office at Dongarsi Road, Walkeshwar, Mumbai – 400006 ("**Society**").

5. By and under an Indenture dated September 16, 1971 registered with the Sub-Registrar of Assurances under Serial No. 3169 of 1971, Vimal Builders granted, conveyed, transferred and assured the right, title and interest in respect of the Property admeasuring 1,131.5 square yards equivalent to 946.08 square meters in favour of the Society, for the consideration and on the terms and conditions contained therein.

Comment:

*Upon perusal of the aforesaid Indenture, we note that while considering the area of the Property, the setback area admeasuring 150 square yards (equivalent to 125.42 square meters) ("**Setback Area**") and the Deducted Area (defined below) were not taken into consideration.*

6. Upon perusal of the Survey Register Extract in respect of the Property, we note that an area admeasuring 53.51 square meters ("**Deducted Area**") was deducted from the Property and was added to C.S. No. 173 as per measurement carried out on July 24, 1987. Accordingly, the area of the Property stood rectified to 1,071.92 square meters.
7. The Building consisted of 18 (eighteen) members of the Society ("**Members**") who were occupying 18 (eighteen) residential flats, along with car parking spaces / garages.
8. By and under the Resolution passed at the extra ordinary annual general body meeting of the Society held on February 10, 2022, the Members of the Society unanimously resolved that the Company shall be appointed as the developer for the redevelopment of the Property.
9. By and under Development Agreement dated March 22, 2023 registered with the Sub-Registrar of Assurances under Serial No. 4665 of 2023 ("**Development Agreement**"), the Society and the Members granted development rights in respect of the Property in favour of the Company, for the consideration and on the terms and conditions contained therein.

Comment:

Upon perusal of the Development Agreement, we note that the Society and the Members granted development rights for an area admeasuring 1,071.92 square meters, which is inclusive of the Setback Area.

10. Pursuant to the aforesaid development agreement, the Society executed Power of Attorney dated March 22, 2023 registered with the Sub-Registrar of Assurances under Serial No. 4674 of 2023 appointing the Company as their true and lawful attorneys to do, execute and perform all or any of the acts, deeds, matters and things more particularly set out therein.
11. Pursuant to obtaining requisite approvals for development of the Property, the Company demolished the Building.
12. By and under Addendum to the Development Agreement dated July 9, 2024 registered with the Sub-Registrar of Assurances under Serial No. 14133 of 2024 executed by and between the Society and the Company ("**Addendum Agreement**"), certain terms and conditions of the Development Agreement were modified by the parties, as more particularly set out therein.
13. Accordingly, the Company is well and sufficiently entitled to development rights in respect of the Property.

III. PROPERTY REGISTER CARD

Upon perusal of the Survey Register Extract pertaining to the Property, we note the following:

C.S. No.	Name of the Holder	Area (in square meters)
172	Jai Girnar Co-operative Housing Society Ltd.	1,071.92

IV. SEARCH

We have caused searches to be conducted in the concerned office of the Sub-Registrar of Assurances in respect of the Property, and have relied upon search report dated May 20, 2022 issued by Mr. Ashish Javeri, Title Investigator. Upon perusal of the aforesaid search report, we note that there are no subsisting encumbrances on the Property.

OPINION

Subject to what is stated hereinabove, the Company is well and sufficiently entitled to development rights in respect of the Property, subject to the terms and conditions of the Development Agreement read with the Addendum Agreement.

SCHEDULE (Description of the Property)

All that piece and parcel of land bearing C.S No. 172 of Malabar and Cumballa Hill Division admeasuring 1,071.92 square meters, together with the building standing thereon consisting of ground plus 6 (six) floors and 11 (eleven) garages (now demolished), situate, lying and being at Dongarsi Road, Malabar Hill, in the Registration Sub-district of Bombay and bounded as follows-

On or towards the North	:	By property bearing C.S. No. 173;
On or towards the South	:	By the public road known as Dongarsi Road;
On or towards the West	:	By the properties bearing C.S. Nos. 174 and 175; and
On or towards the East	:	By property bearing C.S. No. 171.

Our Legal Title Report is based on the provisions of applicable law, prevailing at the present time and the facts of the matter, as we understand them to be. Our understanding is based upon and limited to the information provided to us. Any variance of facts or of law may cause a corresponding change in our Legal Title Report.