

# S. P. PANDEY

B.A.L.L.B.

ADVOCATE HIGH COURT MUMBAI

Office: Pareira Compound, Shop No.3, Gaodevi Road, Poisar Kandivali (West) Mumbai 400067

Residence: B/104 Charkop Vaibhav Co-op HSG.Soc.Ltd. Sector-1, Plot No 256, Charkop, Dr

Ambedkar Road, Above Disha Hotel, Kandivali West Mumbai 400 067

Mobil : 9869140885 Tel 65153745

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

To  
Maharashtra Real Estate Authority (Maha RERA),  
Bandra West, Mumbai - 400051

### TO WHOSOEVER IT MAY CONCERN

#### TITLE CERTIFICATE

**Sub:** Title clearance report with respect to all that piece and parcel of land now bearing **Survey No.23, Hissa No.1**, corresponding to **C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1** of Village Kanheri, Taluka Borivali now bearing **Final Plot No 30B**, of T.P.S. Borivali No II, admeasuring **1145.50 square meters**, together with building / structure standing thereon known as "**Shree Hari Megha**", comprising of 3 (three) Wings, each being Ground + 3 (three) Upper Floors, having total 29 (Twenty-Nine) Premises, situate, lying and being at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066, and registered in the Books of Collector of land Revenue under of Assessor and Collector of Rates and Taxes under "R/C" Ward, within the Registration District and Sub-District of Mumbai City and Mumbai Suburban and as bounded as under :

On or towards the East : by F.P. No. 24C;

On or towards the South: by F.P. No. 30A;

On or towards the West : by Kasturba Cross Road No 9;

On or towards the North: by Partly by F.P. Nos. 24D & 24B;

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I have investigated the title of the Property based on the request of "**M/S. KHUSHI SPACES LLP**", a Limited Liability Partnership Firm duly registered with the Ministry of Corporate Affairs, under the provisions of the Limited Liability Partnership Act, 2008, registered under No. "**AAK-9916**", having its registered office at 101, Matrupriya, Chikwadi, off. Link Road, Borivali (West), Mumbai 400092 (hereinafter referred to as "**the Developer**"), and the following documents:

#### 1. **Description of Property:**

Title clearance report with respect to all that piece and parcel of land now bearing Survey No.23, Hissa No.1, corresponding to C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri, Taluka Borivali, now bearing Final Plot No 30B, of T.P.S. Borivali No II, admeasuring 1145.50 square meters, together with building / structure standing thereon known as "Shree Hari Megha", comprising of 3 (three) Wings, each being Ground + 3 (three) Upper Floors, having total 29 (Twenty-Nine) Premises, situate, lying and being at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066, and registered in the Books of Collector of land Revenue under of Assessor and Collector of Rates and Taxes



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under "R/C" Ward, within the Registration District and Sub-District of Mumbai City and Mumbai Suburban.

## 2. The Documents pertaining to the Property:

- (a) Development Agreement dated 30<sup>th</sup> October, 2023, duly registered before the Sub-Registrar of Assurance under serial no "BRL-5/18246/2023 on 30<sup>th</sup> October, 2023.
- (b) Power of Attorney dated 30<sup>th</sup> October, 2023, duly registered before the Sub-Registrar of Assurance under serial no "BRL-5/18247/2023 on 30<sup>th</sup> October, 2023
- (c) D.P. Remark bearing its reference no "Ch.E./DP34202309111487397" D.P. Inward Number: R/C/2023/111487399 payment dated 21<sup>st</sup> September 2023.
- (d) Property Register Card in respect of land bearing C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri, Taluka Borivali.

## 3. Property Register Card:

The Property Register Card in respect of land bearing C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri, Taluka Borivali, issued by the Superintendent, Mumbai City Survey and Land Records.

- 4. Upon perusal of the above-mentioned documents and all other documents pertaining to the title of the Property, we are of the opinion that the title of " **M/S. KHUSHI SPACES LLP** " to redevelop the Property is clear, marketable and without any encumbrances, except those mentioned hereunder this report.
- 5. **Owner of the land** : "Shree Hari Megha Co-operative Housing Society Limited"
- 6. The report reflecting the flow of title of "Shree Hari Megha Co-operative Housing Society Limited" to ownership of the Property is enclosed herewith as **Annexure "A"** hereto.

Dated this 19<sup>th</sup> day of April 2025

MR. S. Pandey  
(Advocate)

Encl.: Annexure "A"

S. Pandey

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## Annexure "A"

### Flow of title in respect of the Property

**Ref:** **ALL THAT** piece and parcel of land now bearing Survey No.23, Hissa No.1, corresponding to C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri, Taluka Borivali, now bearing Final Plot No 30B, of T.P.S. Borivali No II, admeasuring 1145.50 square meters, together with building / structure standing thereon known as "Shree Hari Megha", comprising of 3 (three) Wings, each being Ground + 3 (three) Upper Floors, having total 29 (Twenty-Nine) Premises, situate, lying and being at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066, and registered in the Books of Collector of land Revenue under of Assessor and Collector of Rates and Taxes under "R/C" Ward, within the Registration District and Sub-District of Mumbai City and Mumbai Suburban (hereinafter referred to as **"the said Property"**).

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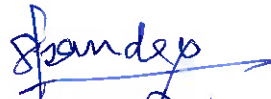
I have investigated the title of **"Shree Hari Megha Co-operative Housing Society Limited"**, in respect of the Property and for the same, perused copy of the following documents:

For the purposes of this Legal Title Report:

1. I have not issued the public notice inviting objections / claims nor I have carried out search with the revenue authorities, in respect of the Property.
2. Since my scope of work does not include considering aspects within the domain of an architect or a surveyor, I have not carried out any physical inspection of the Property nor have commented on the zoning and development aspects etc., thereof.
3. I have not investigated the title of each member of the Society (defined below) in respect of their membership/shareholding in the Society and also to their respective flats/units/premises in the Society.
4. Since verifying pending litigations in respect of the Property become difficult due to various reasons including (i) litigations can be filed/instituted in various fora depending upon the relief claimed; and/or (ii) records of litigations maintained by courts and other authorities (judicial or otherwise) are not updated nor maintained descriptively and not easily available/accessible; and/or (iii) there are no registers maintained in respect of matters referred to arbitration, I have not conducted any searches before any court of law or before any other authority (judicial or otherwise) to verify whether the Property are a subject matter of any litigation.

#### A. FLOW OF TITLE:

- i. At all material times, one **Smt. Savitaben Thakorlal Sutaria**, was Owner in respect of all the piece or parcel of land or ground with the messuage tenement or dwelling house standing thereon bearing Survey No.23, Hissa No.1, corresponding to C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri,



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Taluka Borivali, now bearing Final Plot No 30B, of T.P.S. Borivali No II, admeasuring 1213.7 square meters or thereabouts, situate, lying and being at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066 (hereinafter referred to as "**the said Land**").

- ii. The name of "Smt. Savitaben Thakorlal Sutaria", has been transferred as "the Owner" into the Column of the Holder in the Extract of Property Register Card / Rule Card in such capacity and in the other related revenue records in respect of the Property, as maintained by the Talathi under the provisions of the Maharashtra Land Revenue Code, 1966 in the revenue record.
- iii. Thereafter, by and under Deed of Conveyance dated 3<sup>rd</sup> November, 1979, duly Registered before the Sub-Registrar of Assurances, under serial no. "1965 of 1979" ("**the said Deed of Conveyance**"), made and entered into between, Smt. Savitaben Thakorlal Sutaria, (therein referred to as "the Vendor"), on one hand and one **M/s. Manjibhai & Co.**, (therein referred to as "the Purchaser"), on the other hand, the said Smt. Savitaben Thakorlal Sutaria, have sold and transferred, the said Property, to M/s. Manjibhai & Co., for consideration and upon the terms and conditions mentioned therein.
- iv. By and under Deed of Retification dated 27<sup>th</sup> November, 1984, duly Registered before the Sub-Registrar of Assurances, under serial no. "5176 of 1984", made and entered into between, Smt. Savitaben Thakorlal Sutaria, (therein referred to as "the Vendor"), on one hand and one M/s. Manjibhai & Co., (therein referred to as "the Purchaser"), on the other hand, the parties thereto have rectified the mistake in CTS Nos. appearing in the said Deed of Conveyance, as more particularly setout therein.
- v. The name of "M/s. Manjibhai & Co.", has been transferred as "the Owner" into the Column of the Holder in the Extract of Property Register Card / Rule Card in such capacity and in the other related revenue records in respect of the Property, as maintained by the Talathi under the provisions of the Maharashtra Land Revenue Code, 1966 in the revenue record.
- vi. The said M/s. Manjibhai & Co. upon obtaining the requisite sanctions and permissions from the concerned authorities, had constructed on the portion of the said Larger Property, a building now known as "**Shree Hari Megha**", comprising of 3 (three) Wings, each being Ground + 3 (three) Upper Floors ("**the said Building**"), having total 29 (Twenty-Nine) Premises, situate, lying and being at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066. The construction of the Existing Building was been completed as per the sanction plan and Asst Engineer Bld Proposal (WS) on 21<sup>st</sup> January 1983 have issued an Occupation Certificate (O.C.) of the building.
- vii. By and under diverse Agreement for Sale duly stamped, under the Bombay Stamp Act, 1958 and registered under the Indian Registration Act, 1908, by the M/s. Manjibhai & Co., in favour of its prospective purchasers, the said M/s. Manjibhai & Co. have sold and transferred the flats/ premises/units situated in

  
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the building, under Section 4 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1960 (hereinafter referred to as the '**MOFA**') to various purchasers.

- viii. In and around the year 1991 and 1992, the purchasers in the said Building formed and registered a co-operative housing society registered under the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961) and Maharashtra Co-operative Societies Rules, 1961, known as "**Shree Hari Megha Co-Operative Housing Society Limited**", vide registration no. "BOM/(W.R.)/HSG/(TC)/5813/1991-92", having its registered address at, 9<sup>th</sup> Carter Road, Borivali (East), Mumbai 400066 (hereinafter referred to as "**the said Society**").
- ix. M/s. Manjibhai & Co. being the promoter, was required to transferred and convey the said Land and the said Building in the name of the said Society, as agreed in the MOFA agreement executed with the prospective purchasers therein within a period of four months from date of formation of the society as specifically provided in Rule 9 of MOFA. Since, M/s. Manjibhai & Co., failed to execute the conveyance in favour of Society and to transfer and convey all right, title and interest in respect of the said Land along with the said Building, standing thereon in favour of the said Society, as the Society are legally entitled to have and enjoy provided under the said Act and the rules made thereunder.
- x. As per section 11 of MOFA, the M/s. Manjibhai & Co., as promoters are under statutory obligations to take all necessary steps to transfer and convey to Co-operative Housing society all its rights, title and interest of the said Land along with the said Building standing thereon in favour of the said Society.
- xi. The said Society therefore made an application under section 5A of MOFA to the District Deputy Registrar of Co-operative societies Mumbai 4 under the provisions of Sub-section (3) of Section 11 of MOFA for issuing a Certificate of Entitlement to the said Society to have an Unilateral Deemed Conveyance to be executed in its favour and to get it registered by exerting the power under MOFA in respect of the said Land alongwith the said Building.
- xii. Pursuant to the application of the Society, being Application bearing No. 217 of 2015, before the District Deputy Registrar, Co-operative Societies, Mumbai City (4), Office of the Competent Authority appointed, under Section 5A of MOFA, viz., the District Deputy Registrar of Co-operative Society, Mumbai City -4, under the provisions of sub-section (3) of Section 11 of the MOFA for issuing a Certificate of Entitlement to the said Society to have an Unilateral Deemed Conveyance, an Order cum Certificate bearing No. "DDR-4/Mum/DC/Shree Hari Megha CHSL/2553/2016 dated \_\_\_\_\_ 2016, certifying that, the Society is entitled to Unilateral Conveyance of the "the said Land" and "the said Building", (hereinafter, "the said Land" and "the said Building", are collectively referred to as "**the said Property**"), and execute Deed of Unilateral Conveyance and have it registered as provided under Registration Act, 1908.



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- xiii. Accordingly, by a Conveyance Deed (Deemed / Unilateral) dated 30<sup>th</sup> August, 2018, duly registered before the Sub-Registrar of Assurance under serial no "BRL-8/7655/2018 on 30<sup>th</sup> August, 2018, in furtherance of the aforesaid, the District Deputy Registrar, Co-operative Society (4), Mumbai and the Competent Authority, in exercise of the powers conferred upon the Competent Authority under Section 5A of MOFA (therein referred to as the "Vendors/Competent Authority"), of the First Part; on account of the defaulting predecessors/promoters/ Builder, in title as per the revenue records viz., M/s. Manjibhai & Co., (therein referred to as the "Owners/Developer/Builder") of the Second Part, the said Society (therein referred to as the "Purchaser/Society") of the Third Part, the Competent Authority, as a statutory obligation of the M/s. Manjibhai & Co., have granted, transferred, assured and conveyed the said Property, unto the said Society, at or for the consideration and in the manner contained therein.
- xiv. The name of the said Society namely "**Shree Hari Megha Co-Operative Housing Society Limited**", has been transferred as "the Owner" into the Column of the Holder in the Extract of Property Register Card / Rule Card in such capacity and in the other related revenue records in respect of the Property, as maintained by the Talathi under the provisions of the Maharashtra Land Revenue Code, 1966 in the revenue record.
- xv. In the aforesaid premises, the Society herein is well in seized and possesses or otherwise absolute owner in respect of the said Property.
- xvi. Since the said Buildings was more than 60 (Sixty) years old, the condition of the RCC framework has deteriorated, further, cracks have developed at several places, the steel reinforcements in the slabs, columns and beams have been exposed and such reinforcements have corroded extensively and there is a discontinuity in the reinforcements. Besides the aforesaid, there are leakages in several of the existing flats in the buildings and the water, which is constantly seeping into the slabs/RCC structure, is further compounding the problem. The Architects / Consultants of the said Society had opined that such repairs are only a temporary solution to the problem and that buildings would require complex repairs with ever increasing frequency and would cost considerably every few years, thus the General Body of the Society in its Annual General Body Meeting held on 29<sup>th</sup> December 2018, decided to redevelop the said Property.
- xvii. Accordingly, the PMC appointed by the Society had submitted the draft of feasibility report and after going through the various aspects of the feasibility report of the PMC, the said Society in its meeting held on 11<sup>th</sup> January, 2020 approved the draft of the Tender Document to be published in the News Papers. Accordingly, the said Society, through its PMC, issued the Public Notice in three local news Papers all dated 17<sup>th</sup> January 2020 (in Marathi, English and in Gujarati) newspapers for inviting bids from the Developers. The said Society received single proposals from the said Developer namely "**M/s. KHUSHI ASSOCIATES**", for carrying out the development of the said property in the



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manner envisaged in the Tender Documents. The Redevelopment Committee scrutinized proposal and held meetings with the concerned Builders/Developers.

- xviii. After considering the proposals/revised proposals received by the said Society, from the said Developer / Bidder [i.e., M/s. Khushi Associates] and after considering their Offer, Revised Offer, presentation and after examining/ inspecting the work undertaken by the said Bidder and being satisfied with the quality of the work undertaken by said Developer, in the General Body Meeting of the said Society held on 21<sup>st</sup> April 2022 the offer submitted by the said Developer, found to have been more viable and accordingly it has been unanimously resolved by the members of the said Society to principally appoint the said Developers as the Developers, to carry out the re-development of the said Property, on the terms and conditions as contained in the Offer letter dated 12<sup>th</sup> April 2022, which was subsequently confirmed by the said Society vide its Letter dated 11<sup>th</sup> May 2022. The Society carried out the entire process of Redevelopment as mentioned in the Circular dated 4<sup>th</sup> July, 2019, issued under Section 79A of The Maharashtra Co-Operative Societies Act, 1960 and called for the Special General Body Meeting on 25<sup>th</sup> September 2022 and in the said meeting the society appointed the Bidder herein as the Developers for re-development of the said Property and Letter of Intent, Appointment dated 11<sup>th</sup> May 2022.
- xix. The said Society and in compliance with the terms of the Circular dated 4<sup>th</sup> July, 2019, issued under Section 79A of The Maharashtra Co-Operative Societies Act, 1960, had vide the Special General Body Meeting held on 25<sup>th</sup> September 2022 in the presence of Mrs. Kanchana Sonwane authorized representative of Dy. Registrar of Co-operative Societies who in turn by her letter dated 19<sup>th</sup> October 2022 accorded his approval for the Society to pursue the aforesaid redevelopment process through the said Developer.
- xx. Thereafter, by a Development Agreement dated 30<sup>th</sup> October, 2023, duly registered before the Sub-Registrar of Assurance under serial no "BRL-5/18246/2023 on 30<sup>th</sup> October, 2023, made and entered into between the said Society (therein referred to as the "Society/Owner"), of the First Part and the said Developer (therein referred to as the "Developer"), of the Second Part and Mr. Prabhaben J. Shah & Others, (therein referred to as the "Existing Members"), of the Third Part, the said Society with the consent and confirmation of the Existing Members, have granted the exclusive right for demolition of the said Building, for redevelopment of the said Property, for terms and conditions mentioned therein.
- xxi. Then, by a Power of Attorney dated 30<sup>th</sup> October, 2023, duly registered before the Sub-Registrar of Assurance under serial no "BRL-5/18247/2023 on 30<sup>th</sup> October, 2023, the said Society have appointed the partners of the Developer namely M/s. Kushi Spaces LLP, namely (1) Mr. Dinesh Dalichand Jain and (2) Mr. Rahul Tejjraj Jain, to do all the acts, deeds, matter and things, for redeveloping the said Property.



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**B. MORTGAGE**

**NIL**

**C. LITIGATION**

**NIL**

**D. PROPERTY REGISTER CARD**

The Property Register Card in respect of land bearing C.T.S. Nos. 494, 494/1 to 8, 495 and 495/1 of Village Kanheri, Taluka Borivali, records the name of "Shree Hari Megha Co-operative Housing Society Limited", as the owner thereof.

**E. D. P. REMARK**

The said Property as per the D.P. Remark bearing its reference no "Ch.E./DP34202309111487397" D.P. Inward Number: R/C/2023/111487399 payment dated 21<sup>st</sup> September 2023, reflects that the said Land [i.e. Final Plot No 30B], is not affected by any reservations as per the Development Plan (2034) and the said Land is situated in R @ Zone.

**F. OPINION**

The "**Shree Hari Megha Co-operative Housing Society Limited**", is the absolute owner of the said Property and the said Society as the owner thereof has free, clear and marketable title to the said Property, and that the said Developer namely "**M/s. Khushi Spaces LLP**" is entitled to redevelop, the said Property.

Dated this 19<sup>th</sup> day of APRIL, 2025

MR. S. P. Pandey  
(Advocate)

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