

40/YHM/2018

TITLE REPORT

TO WHOMSOEVER IT MAY CONCERN

I. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE

All that piece and parcel of land or ground with messuages, tenement and dwelling houses standing thereon situate, lying and being at Revenue Village Bandivali admeasuring 17,366.3 sq.mtrs. as per property Card bearing City Survey No.68A/1 and 68/A/2 in the Registration Sub-District of Bandra Registration District of Mumbai, in the Registration District and Sub-District Mumbai City, (hereinafter referred to as "**the Larger Land**").

II. **INSTRUCTIONS:**

Under instructions from our clients, M/s. Vision Developers, the Owners as well as the Developers of the above captioned property described in the Schedule in clause 1 hereinabove, we have through our Search Clerk taken searches of the records of Sub-Registrar of Assurances at Mumbai and Bandra, City Survey Land Records and Revenue Record of the Collector of Mumbai and Mumbai Suburban in or about April 2011 and also have taken searches of the said records for the period 17th February, 2011 to period 15th December, 2017 and have caused Public Notice to be published in Free Press Journal and Navshakti on 4th June, 2011 as well as in both the said newspaper on 7th November, 2017, inviting claims from members of the Public.

III. **DEVOLUTION OF TITLE:**

We have again perused the originals, photocopies of documents of title and certified copies of documents

furnished to us by our clients and the Search Reports dated 7th April, 2011 and 15th December, 2017 of the Search Clerk and we find as under:-

1. By an Indenture dated 27th June, 1962 between M/s. Byramjee Jeejeebhoy Pvt. Ltd. referred therein as Vendors of the One Part and (1) Mrs. Khatijabai widow of Haji Ismail Aziz Dathawala, (2) Abdul Karim Haji Ismail Aziz Dathawala, (3) Miss Fatmabai daughter of Haji Ismail Aziz Dathawala, (4) Abdul Sattar Haji Ismail Aziz Dathawala, (5) Hasham Haji Ismail Aziz Dathawala, (6) Kasam Haji Ismail Aziz Dathawala, (7) Zubedabai daughter of Haji Ismail Aziz Dathawala, (8) Noorbai daughter of Haji Ismail Aziz Dathawala, (9) Hoorbai daughter of Haji Ismail Aziz Dathawala and (10) Zarinabai Haji Ismail Aziz Dathawala, (hereinafter for brevity's sake called "**the Original Owners**") therein called the Purchasers of the Other Part, the said Original Owners purchased and acquired from the said Byramjee Jeejeebhoy Pvt. Ltd. all those piece and parcel of land or ground being a Plot of land with the messuages, tenements and structures standing thereon at Mouje Bandivali in the Registration District containing by admeasurements 5 acres and 30 gunthas i.e. 27,830 sq.yrds equivalent to 23,270 sq. mtrs. or thereabouts of Survey No.22, Hissa No.1 (pt) Survey No.23, Hissa No.3 and (pt) and Survey No.24, Hissa No.1 (the same is bearing C.T.S. No.68-A and 68/A (1 to 23) and C.T.S. No.68 and 69 (1 to 47) of Village Bandivali for the total consideration and on the terms and conditions recorded in the said Deed of Conveyance dated 27th June, 1962 and hereinafter for brevity's sake called "**the Larger Land**";
2. The said Deed of Conveyance is duly registered with the Sub-Registrar of Assurances at Mumbai bearing





Serial No. BOM-R/2300/1962 of Book No.1 on 4th October, 1963;

3. Out of the Larger land admeasuring about 27,830 sq. yds. equivalent to 23,270 sq. metres, an area admeasuring 5,903.17 sq. mtrs. bearing C.T.S. No.68B and 68C has been developed by M/s. Malkani Enterprises by constructing two buildings one of ground plus seven stories and other of Ground plus six stories and the Societies of the premises Purchasers have been formed leaving a balance area of 17,366.3 sq. mtrs. The balance area of the larger land admeasuring 17,366.3 sq.mtrs is hereinafter for brevity's sake called **"the whole project land"** and is more particularly described in the Schedule hereinabove.
4. The Original Owners prepared a layout of the whole project land with a view to carry out planned development of the whole project land in different phases.
5. By and under the Development Agreement dated 15th August, 1986 made and entered into between the Original Owners and one M/s. Malkani Enterprises, the Original Owners permitted the said Developers the development on a portion of the whole project land to construct according to the building plans, sanctioned by the Municipal Corporation of Greater Mumbai construct a building consisting of multi-storeyed building known as 'Malkani Tower', with two wings, each such wing being of Ground Floor and 14 upper floor plus a Shopping Arcade with 12 shops abutting on Bandivali Hill Road, which the said Malkani Enterprises did by consuming a FSI of about 6659.18 sq.mtrs. (approximately) out of the fsi of the whole project land. The respective premises purchasers of the said building, namely "Malkani Tower", have formed a society which

has been duly registered under the Maharashtra Co-operative Societies Act.

6. By and under another Development Agreement dated 20th October, 1990, made between the Original Owners and between M/s. Malkani Enterprises, the Original Owners permitted the said Developers the development on another portion of the whole project land to construct a multi-storeyed building known as 'Malkani Apartments' with two wings, each such wing being of Ground Floor and 7 upper floor which the said Malkani Enterprises did by consuming a FSI of about 3541.43 sq.mtrs (approximately) out of the fsi of the whole project land. The respective premises purchasers of the said building, namely "Malkani Apartments", have formed a society which has been duly registered under the Maharashtra Co-operative Societies Act;
7. By another Agreement dated 5th August, 1994 made between the Original Owners of the One Part and the said Malkani Enterprises of the Other Part, the Original Owners permitted the said Developers the development on another portion of the whole project land to construct Villas known as 'Villa Classic' comprising of Ground plus 2 ½ storeys and the said Malkani Enterprises constructed 23 of such Villas consisting of ground plus 2 ½ storeys by consuming a FSI of about 3911.23 sq.mtrs (approximately) out of the fsi of the whole project land. The respective premises purchasers of the said building, namely "Villa Classic", have formed a society which has been duly registered under the Maharashtra Co-Operative Societies Act, 1960;
8. Accordingly, out of the whole project land admeasuring 17,366.3 sq. mtrs, a basic FSI of about





14,111.84 sq.mtrs in the aforesaid three buildings has been consumed by M/s. Malkani Enterprises.

9. By and under the Deed of Conveyance dated 6th April, 2010 (registered with the Sub-Registrar of Andheri-2, under No.BDR4/4552/2010 on 14th May, 2010) made and executed between Abdul Karim Haji Ismail, Abdul Sattar Haji Ismail, Hasham Haji Ismail, Kasam Haji Ismail, Fatamabai Haji Haroon Hasmani, Zubedabai Abdul Sattar Hingora, Noorbai Abdul Razak Hingora, Hoorbai Haroon Malkani and Zarina Jamal Malkani therein called the Vendors of the One Part and the Promoters herein therein called Purchasers of the Other Part, the Vendors therein for the consideration and on the terms and conditions therein contained did grant, sell, convey and assure unto the Promoters herein forever all that piece and parcel of land or ground with messuages, tenement and dwelling houses standing thereon situate, lying and being at Revenue Village Bandivali admeasuring 17,366.3 sq.mtrs. or thereabout as per the Property Card and bearing City Survey No. No.68A/1 and 68/A/2 of Village Bandivali in the Registration Sub-District of Bandra Registration District of Mumbai Suburban more particularly described in the Schedule hereinabove. The following buildings are already constructed:-

- (ii) Building No.`A' Malkani Tower as per sanctioned layout plan.
- (iii) Building No.`C' Malkani Apartment as per sanctioned layout plan.
- (iii) Building No.`D' Row House Classic Villa as per sanctioned layout plan.

10. M/s. Vision Developers, (hereinafter for brevity's sake referred to as "**the Promoters**") have by an Indenture of

Lease dated 29th October, 2016 (registered with the Sub-Registrar Andheri 1, under No.BDR-1/11734/2016 on 29th October, 2016) made and executed between Vision Developers, the Promoters herein therein called the Lessors of the One Part and Mr. Abdul Wahab Haroon Chunawala, Mrs. Aisha Abdul Wahab Chunawala, Mr. Tanvir Yusuf Motiwala and Mrs. Qaynaat Tanvir Motiwala, therein called the Lessees of the Other Part, the Promoters demised in perpetuity under the said Lease Deed all that piece and parcel of plot of land with the messuages, tenements and structures standing thereon at Mouje Bandivali in the Registration District of Bombay Suburban, containing by admeasurement 547 sq. mtrs. or thereabouts forming part whole project land bearing CTS No.68/A/1 and 68/A/2, of Village Bandivali and marked as building No 'F' on the sanctioned layout plan, at or for a premium of and for the rent therein reserved, with the right to construct a building by utilizing the TDR only to the extent of 450 sq. mtrs. to be purchased from the open market out of the Development Rights Certificate under the Development Control Regulations 1991 read with regulations for grant of transferable development rights to Lessee and conditions for grant of such rights with benefit to the Lessee of the Permanent Right of Way over the Internal Road of the Whole Project Land and shown more particularly on the sanctioned layout plan which connects to the Bandivali road all the time during day and night with or without the vehicles or without any obstructions and hindrance from anyone and other terms and conditions therein contained.



11. The Promoters have already agreed to the following :
 - (i) Another portion on the whole project land marked as Building No.'E' on the sanctioned layout plan is intended by the Promoters to be



leased in perpetuity to Mr. Hasham I. Malkani and others, with the right to construct a building and utilize TDR/FSI or any other FSI available to the extent of 14,000 square meters at the nominal ground rent of Rs.1/- per annum together with permanent Right Of Way over the internal road of the whole project land as shown on the sanctioned layout plan which connects to the Bandivali Road at all the time during day and night with or without the vehicles or without any obstructions and hindrance from anyone.

- (ii) The Promoter intends to develop the whole project land (excluding the buildings already constructed and marked as building no. A, C & D, excluding the plot of land demised in perpetuity and marked as building No. 'F' and also excluding plot of land which is to be leased in perpetuity and marked as building no.E in the sanctioned layout plan in four (4) phases over a period of time, by constructing a complex to be known as **VISION HEIGHTS (hereinafter referred to as "the Complex")**, that is the development and construction of four (4) phases i.e four (4) wings of proposed multistoried residential buildings is underway, to be respectively known as Wing A - Phase I (hereinafter referred to as the "**Project A**"), Wing B - Phase II (hereinafter referred to as the "**Project B**"), Wing C - Phase III (hereinafter referred to as the "**Project C**") and Wing D - Phase IV (hereinafter referred to as the "**Project D**"), each having twenty one (21) habitable floors plus two (2) podium floors and together with internal infrastructures, amenities and facilities including stack/mechanical vehicle parking on the stilt level and Common Areas & Amenities and Limited Common Areas & Amenities.

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- (iii) The building Plans for construction of the Project A, Project B, Project C and Project D being 4 wings i.e. 4 proposed multi-storied residential building were in the first instance sanctioned by the Municipal Corporation of Greater Mumbai vide IOD bearing No.EB/CE/3627/WS/AK dated 8th July, 2010 and issued by the Executive Engineer Building Proposals, Zone K/W Ward, Municipal Corporation of Greater Mumbai.
- (iv) M/s. Vision Developers have registered the Project A bearing Registration No.P51800008700, Project B bearing Registration No.P51800003396, Project C bearing Registration No.P51800007259 and Project D bearing Registration No.P51800010431, each as a separate Real Estate Project, as defined with the Real Estate Regulatory Authority at Mumbai. Balance Projects on other portions of the Whole project Land will be registered as "real estate project" as defined in RERA, from time to time.

12. M/s. Vision Developers had obtained Commencement Certificate for the Project 'A, B, C & D' of 'Vision Heights' for the plinth area from the Municipal Corporation of Greater Mumbai bearing CE/3627/WS/AK dated 15th October 2010.

13. Subsequently, by a Notification bearing No. MH/MR/South-346/2011-13 dated 6th January, 2012, the BMC has modified the DC Regulations, 1991 for Greater Mumbai. The said Notification enables Builders/Developers to avail compensatory FSI i.e. Fungible FSI. Pursuant thereto, M/s. Vision Developers resubmitted the revised Plans for the Project 'A, B, C & D' of 'Vision Heights' from 7th Floor onwards by utilising





Fungible FSI applicable. The Plans were re-submitted for vertical extension with balance potential + fungible compensatory FSI, which have been duly sanctioned by the BMC.

14. All projects/phases in the Complex, shall have a proportionate undivided interest in the common areas and amenities, which will be ultimately held by Organization of Unit Allottee/s of all projects/phases in the Complex, and through the organization, as determined by the Promoter, in its discretion.
15. The Promoter contemplates that an overall Development Potential to be approximately 40,000 square meters shall, or may, arise out of the whole project land, and/ or be available to, and/ or utilizable upon the complex Vision Heights", Building No.E & F.

In the circumstances, the present owners namely M/s. Vision Developers, a Partnership Firm a duly registered firm under the provisions of Indian Partnership Act, 1932 and having its office at Malkani Estate, Behind Malkani Tower, Bandivali Hill Road, Jogeshwari (West), Mumbai 400 102 are the beneficial owners and as such absolutely entitled to the land and more particularly described in Schedule in Clause 1 hereinabove.

IV. **SEARCHES:**

As stated hereinabove we have through our Search Clerk taken the searches of the records of the Sub-Registrar at Mumbai and Bandra, City Survey Land Records and Revenue Records of the Collector of Mumbai and Mumbai Suburban in respect of the said property twice once on 7th April, 2011 and another on 15th December, 2017 and we have been furnished with the copy of the Reports of our Search Clerk. The search reveals that there are no encumbrances recorded in the aforementioned records, on the property. In the Property Card the property stands in the name of M/s. Vision Developers more particularly plot of land bearing C.T.S.

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No.68A/1 in all admeasuring 17,366.3 sq. mtrs. less 524.6 sq.mtrs. acquired for road extension. Thus net plot area currently is 16,841.7 sq.mtrs. or thereabouts.

V. **PUBLIC NOTICE:**

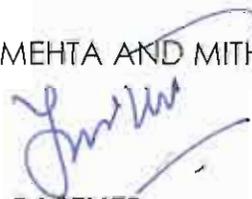
Under instructions from our clients the present owners, we have caused Public Notices to be published in Free Press Journal and Navshakti on 4th June, 2011 and second time on 7th November, 2017 and in pursuance of the said Public Notice, we certify that we have received no claims or objections in respect of the said property.

TITLE CERTIFICATE

Subject to what is stated hereinabove, in our opinion, the title of M/s. Vision Developers, the Owners to the said Property described in Schedule, clause (1) hereinabove, is clear and marketable.

Dated this 12th day of January, 2018.

For M/S. PRAVIN MEHTA AND MITHI & CO.



PARTNER