

Ref: LVL/TL-R/SC/1/23 HAND DELIVERY

Date: 26/09/2023

To

MahaRERA,

Mumbai, Maharashtra.

LEGAL TITLE REPORT

SUB: TITLE CLEARANCE CERTIFICATE WITH RESPECT TO ALL THOSE PIECE AND PARCEL OF LANDS AND HEREDITAMENTS BEARING CTS NO. 1424/A/2 ADMEASURING 1501.41 SQ. MTRS. OR THEREABOUTS EXCLUDING THE AREA ADMEASURING 1472.59 SQ. MTRS., FALLING UNDER COASTAL REGULATION ZONE, OUT OF TOTAL AREA 2974 SQ. MTRS, SITUATE, LYING AND BEING AT VILLAGE DAHISAR TALUKA BORIVALI IN MUMBAI SUBURBAN DISTRICT.

We have investigated the title of the said Plot on the request of **M/s SAHAKAR CREATION** (hereinafter referred to as "**said Owner**") as mentioned in the Schedule and on scrutinizing the documents furnished we have to state as under:-



1. DESCRIPTION OF THE PROPERTY:

All those piece and parcel of lands and hereditaments bearing CTS No. 1424/A/2 admeasuring 1501.41 sq. mtrs. or thereabouts excluding the area i.e. admeasuring 1472.59 sq. mtrs., falling under coastal regulation zone, out of the Total Area 2974.00 Sq. Mtrs., situate, lying and being at Village Dahisar Taluka Borivali in Mumbai Suburban District.

2. THE DOCUMENTS OF ALLOTMENT OF PLOT:

- i. Development Agreement dated 12th June, 1981.
- ii. Supplemental Agreement dated 10th April, 1984.
- iii. Consent Decree dated 29th August, 2005 passed in Suit Nos. 171/1996, 172/1996, 176/1996, 198/1996 and 199/1996 to the aforesaid Owners.
- iv. Irrevocable General Power of Attorney dated 29th August, 2005.
- v. Indenture of Mortgage dated 31st May, 2019.
- vi. Deed of Rectification dated 31st May, 2019.
- vii. Deed of Conveyance dated 27th February, 2023.
- viii. Power of Attorney is dated 3rd March, 2023.
- ix. Consent Terms dated 29th March, 2023.



- x. Deed of Cancellation of Mortgage Deed Dated 5th June, 2023 BRL6-11546-2023.
- xi. Search report provide by Search Clerk, Mr. Vikas Yadav dated 12.06.2023

3. 7/12 EXTRACT I.E. REVENUE RECORD:

7/12 Extract stands in the name of Mr. Paul Bartholomew Quinny.

4. SEARCH REPORT OF THE LAST 30 YEARS

Search Report dated 12.06.2023 for the last 30 years from 1994 till 2023 taken from sub-registrar's office at Mumbai/Mumbai Suburban by Search Clerk, Mr. Vikas Yadav. No entries found affecting the title of M/s. Sahakar Creation;

5. OWNER OF THE LAND

M/s. Sahakar Creation, a partnership firm under the provisions of the Indian Partnership Act, 1932 ("**said Firm**") is the Owner of all those piece and parcel of lands and hereditaments bearing CTS No. 1424/A/2 admeasuring 1501.41 sq. mtrs. or thereabouts excluding the area i.e. admeasuring 1472.59 sq. mtrs. falling under coastal regulation zone, out of the total area 2974 Sq. Mtrs., situate, lying and being at Village Dahisar Taluka Borivali in Mumbai Suburban District;



6. The report reflecting the flow of the title of the **M/s. Sahakar Creation** on the said plot is enclosed herewith as Annexure.

Encl: Annexure

Date: 26/09/2023



KARTIK TIWARI

LAKSHYAVEDHI LEGAL

ANNEXURE-A

FLOW OF THE TITLE OF THE SAID PLOT

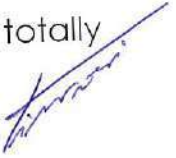
TITLE CLEARANCE CERTIFICATE WITH RESPECT TO all those piece and parcel of lands and hereditaments bearing CTS No. 1424/A/2 admeasuring 1501.41 sq. mtrs. or thereabouts excluding the area i.e. admeasuring 1472.59 sq. mtrs., falling under coastal regulation zone, out of the total area admeasuring 2974.Sq. Mtrs., situate, lying and being at Village Dahisar Taluka Borivali in Mumbai Suburban District (**Hereinafter referred as the "said Plot"**)

1. One Mr. Paul Bartholomew Quinny was during his life time claiming Ownership rights as Deemed Purchaser under the provisions of Bombay Tenancy & Agricultural Lands Act, 1948 (BT & AL Act) in respect of the lands bearing Survey No. 334, Hissa No.3 admeasuring 24,306.64 sq. mts., Survey No. 335, Hissa No.5 admeasuring 1375.19 sq. mts., Survey No. 335, Hissa No.7 admeasuring 6828.85 sq. mts. and Survey No. 341, Hissa No.5 admeasuring 4527.27 sq. mts. totally adm. 37,037.95 sq. mts. as per 7/12 Extract and having area admeasuring 37,597.90 sq. mts. as per separate P.R. Card, situate, lying and being at Village



Dahisar, Taluka Borivali in Mumbai Suburban District,
hereinafter referred to as "the Larger Property".

2. The said Mr. Paul Barthal Quinny became deemed purchaser of the aforesaid Larger Properties by virtue of the provisions of Section 32G of the said BT & AL Act and as such, Certificate of Purchase was issued under section 32M of the said Act, in respect of the said Larger property.
3. By an Agreement for grant of Development Rights and Sale dated 12th June, 1981, the said Paul Barthal Quinny agreed to grant development rights and sell the aforesaid Larger Properties to one Shri Ashokkumar Triloknath Goyal acting as Director of M/s. Goyal Properties and Estates Pvt. Ltd. ("Erstwhile Owners") for the consideration and on the terms and conditions as mentioned therein.
4. By an Order dated 5th day of February, 1982 bearing No. DLN/TNC/IV/WS-57/82, the Sub-Divisional Officer, Bombay Suburban District, granted permission under Section 43 of the B.T & A.L. Act to the said Mr. Paul Barthal Quinny for sale of the said Larger Properties listed at Item No. 1 to 3 above viz. bearing S. Nos. 334/3, 335/5, 335/7 totally admeasuring 7 acres 10 gunthas and a 4 annas and 341/5 admeasuring 1 acre 4 gunthas and 12 annas totally



admeasuring 8 acres 44 gunthas and 16 annas to the said Shri Ashok Kumar T. Goyal of M/s. Goyal Properties and Estates Pvt. Ltd. for non-agricultural purposes, subject to the terms and conditions set out therein. Pursuant to an order dated 10th July, 1984 bearing No. DLN/TNC/IV/WS/57/82, the Sub-Divisional Officer, Bombay Suburban District, modified the earlier order bearing No. DLN/TNC/IV/WS-57/82 dated 5th February, 1982 and granted permission for sale of the aforesaid Larger Properties.

5. The said Agreement dated 12th June, 1981 was modified by a Supplemental Agreement dated 10th April, 1984 whereby the consideration amount agreed under the above referred Agreement dated 12th June, 1981 was modified and the said Shri Ashokkumar T. Goyal of M/s.Goyal Properties and Estates Pvt. Ltd. agreed to pay the total monetary consideration amount of Rs.4,57,385/- (Rupees Four lakhs fifty seven thousand three hundred eighty five only) to the said Paul Barthol Quinny and also agreed to provide to him free of costs 9 flats each of an area of 500 sq.ft. saleable area in the building proposed to be constructed on the aforesaid Larger Properties. Under the above referred Agreement, the said Ashokkumar T. Goyal of M/s. Goyal Properties and Estates



Pvt. Ltd. acted for and on behalf of M/s. Goyal Properties and Estates Pvt. Ltd. and upon incorporation all the consideration amount has been duly paid to the said Owner.

6. The Additional Collector and Competent Authority appointed under Urban Land (Ceiling & Regulation) Act, 1976 (ULC Act) Greater Mumbai vide his Order dated 29th April, 1983 bearing No. C/ULC/SR.6 (i)/X-512 under section 8(4) of the said ULC Act, allowed the said Paul Barthal Quinny to retain an area of 500 sq. mtrs., from the said Larger Properties and remaining area of 36477 sq. mtrs, was declared as surplus vacant land of the said Larger Properties.
7. The Government of Maharashtra vide its Order dated 11th June, 1984 bearing No. HWS/1084/518(73)/XIV under section 20 (New Scheme) of Urban Land (Ceiling & Regulation) Act, 1976 permitted the said Owner to develop the said surplus vacant land totally admeasuring 36477 sq. mtrs. of the said Larger Properties on the terms and conditions therein set out.
8. The Additional Collector & Competent Authority, ULC Greater Mumbai, vide Revised Order dated 12th July, 1988



under section 8(4) of the said Act read with letter dated 24th January, 1995 allowed the aforesaid owner to retain an area of 4500 sq. mtrs., from the properties being S.No.334/3, C.T.S.No.1424/A.

9. The Additional Collector & Competent Authority, U.L.C., Greater Mumbai, by an Order dated 30/03/2007 has declared an area of 2974 sq. mtrs. bearing CTS No. 1424/A/2 reserved for Municipal Retail Market as per DP 1991 out of the aforesaid Larger Properties as non-vacant land as the same was non-buildable and was falling under Coastal Regulation Zone (C.R.Z.) and the name of State of Maharashtra was mutated in Property Register Card as holder of the land.

10. The said Mr. Paul Bartholomew Quinny died intestate at Mumbai on or about 10th December, 2000 leaving behind him surviving (1) Mr. John Lawrence Quinny, (2) Ms. Rita Francis Gigool, (3) Ms. Brendine Valerian Mathias, (4) Mr. Philip Quinny, (5) Mr. Bartholomew Quinny, (6) Mr. Ronald Cawsian Quinny and (7) Mr. Abbot Anthony Quinny, and (8) Mr. Nobert Louis Quinny as his only heirs and legal representatives under the provisions of Indian Succession Act by which he was governed at the time of his death. As such the said John Lawrence Quinny & 7 others



became entitled to succeed to the estate of late Mr. Paul Barthol Quinny.

11. The said heirs and the said erstwhile Owners filed various suits in the Hon'ble High Court of Judicature at Bombay being Suit Nos. 171 of 1996, 172 of 1996, 176 of 1996, 198/1996 and 199/1996. The said disputes and differences were amicably resolved, as a result thereof, Consent Decree was passed by the Hon'ble High Court at Bombay in Terms of Consent Terms signed by all the parties on 29th August, 2005 in the aforesaid Suit Nos. 171 of 1996, 172 of 1996, 176 of 1996, 198/1996 and 199/1996, under which the Goyal Properties & Estates Private Limited were declared as sole and absolute owners.

12. By an Indenture of Mortgage dated 31st May, 2019 made between Goyal Properties & Estates Pvt. Ltd. referred as the Mortgagor therein of the First Part, the said Quinny Family as Confirming Party therein of the Second Part and M/s. D.V. Associates as Mortgagee therein of the Third Part mortgaged larger property. The said Indenture of Mortgage was duly registered with the office of the Joint Sub-Registrar of Assurances, Borivali under No. BRL-5/7223/2019.



13. The said Indenture of Mortgage was rectified by a Deed of Rectification dated 31st May, 2019 which was duly registered with the Sub-Registrar of Assurances at Borivli under BRL-9/7083/2019 whereby the area described in the Schedule to the said Indenture of Mortgage has been rectified and corrected as 1000 sq. mtrs. instead of 800 sq. mtrs.
14. Since Goyal Properties & Estates Pvt. Ltd. could not repay the mortgage debts to M/s. D. V. Associates, M/s. D. V. Associates filed a Suit before the Hon'ble High Court of Bombay being Redemption Suit No. 15 of 2021.
15. The above referred Redemption Suit got amicably settled and all the disputes between Goyal Properties & Estates Pvt. Ltd. and M/s. D. V. Associates was resolved. The Quinny Family in Confirmation of the Goyal Properties & Estates Private Limited as First Confirming Party and M/s. D. V. Associates as 2nd Confirming Party, conveyed all those pieces or parcels of lands and hereditaments bearing CTS No. 1424/A/2 and corresponding Survey. No. 334/3(P) & 335/7(P) admeasuring 2974 sq. mtrs. or thereabouts reserved for market and CTS No. 1424/A/1 (Pt.) & corresponding Survey No. 334/3(P) & 335/7(P) admeasuring 1000 sq. mtrs., approximately thereabout,



falling under coastal regulation zone situate, lying and being at Village Dahisar Taluka Borivali in Mumbai Suburban District, hereinafter referred to as "the said property", to M/s. Sahakar Creation. The said Deed of Conveyance is dated 27th February, 2023 is registered with the Sub-Registrar of Assurances, Borivali - 6 under serial No. 4069 of 2023.

16. Subsequent to the aforesaid conveyance, M/s. D. V. Associates and Goyal Properties & Estates Pvt. Ltd. have entered into Consent Terms dated 29th March, 2023 and by an Order dated 31st March, 2023, the Hon'ble High Court at Bombay was pleased to take the said Consent Terms on record and passed a Decree in terms thereof. The aforesaid Mortgage read along with the Deed of Rectification came to be redeemed under the said Consent Terms.

17. Goyal Properties & Estates Pvt. Ltd. entered into Cancellation of Mortgage Deed with M/s. D. V. Associates, which is duly registered with the office of sub-registrar, bearing document registration No. BRL6-11546-2023.



18. M/s. Sahakar Creation submitted the scheme for Development of portion the said property i.e. all those pieces or parcels of lands and hereditaments bearing CTS No. 1424/A/2 admeasuring 1501.41 sq. mtrs. or thereabouts excluding the area i.e. admeasuring 1472.59 sq. mtrs., falling under coastal regulation zone, out of total area admeasuring 2974.00 Sq. Mtrs., situate, lying and being at Village Dahisar Taluka Borivali in Mumbai Suburban District.

19. In these circumstances, I am of the opinion title of the M/s. Sahakar Creation, is clear and marketable from all encumbrances and beyond reasonable doubt by virtue of Conveyance Deed dated 27th February, 2023, bearing registration No. BRL-6-4069-2023.

20. Sr. No.:

- a. Property Card shows the land as agriculture and hence the name of the Holder is not enrolled in the Property Card;
- b. 7/12 bearing Survey Nos. 335/7 (part) and 334/3 (part) Extract Stands in the name of Paul Quinny.
- c. Search Report dated 12.06.2023 for the last 30 years from 1994 till 2023 taken from sub-registrar's office at



Mumbai/Mumbai Suburban by Search Clerk, Mr.
Vikas Yadav;

d. No litigation is pending.

Place: Mumbai.

Dated: 26.09.2023



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