

Mobile No : 7738307133



RATNAKAR T. MISHRA

B.A., B.Ed. LL.B.

(Advocate High Court, Mumbai)

Contact at : ACBA, 3rd Floor, M.M. Court, Bar Room, Andheri (East), Mumbai - 400069.

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

To
MahaRERA
6th & 7th Floor,
Housefin Bhavan,
Plot No: C - 21, E - Block,
Bandra Kurla Complex,
Bandra (E), Mumbai -400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to Survey No. 132(pt) and CTS No. 183 (part) & 630(pt) of Village - Ambivali, Taluka - Andheri, Mumbai Suburban District, known as B. No. 48, Azad Nagar Gajmukh CHS Ltd., Azad Nagar No.3, Veera Desai Road, Andheri (West), Mumbai - 400058, (Hereinafter referred as "the said plot").

I have investigated the title of the said plot on the request of M/s. PRATHAM VIGHNAHARTA INFRACON LLP and following documents i.e.:-

1) Description of the property.

That originally Maharashtra Housing & Area Development Board now known as Authority MHADA have been lawful owner of piece and parcel of land of admeasuring area 875.09 sq. mtrs. (i.e 748.09 Sq.Mtr as per lease deed plus 127 Sq. Mtr Tit-Bit Land) along with building structure comprising Ground plus 3 Upper floors,



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constructed on Plot of land bearing Survey No. 132(pt) and CTS No. 183 (part) & 630(pt) of Village - Ambivali, Taluka - Andheri, Mumbai Suburban District, hereinafter referred to as said Plot. That being lawful owner, the MHADA constructed a building **structure bearing Building. No. 48 known as Azad Nagar Gajmukh CHS Ltd**, comprising Ground Plus 3 Upper floors consisting 32 flat / tenements and allotted the said 32 tenements to 32 different persons and included them as their tenant. That said 32 tenants incorporated a co-operative society in the name and style of M/s. **Azad Nagar Gajmukh CHS. Ltd.**, duly registered under the provisions of Maharashtra Co-operative Societies Act, 1960 bearing registration No. MUM/MHADB/HSG. (TC) 12533 year 2005-2006 on dated 13.06.2005. and the society included all the tenants / occupants of the said building as the bonafide members of the said society and issued Share Certificates to each and every member against their respective tenement, hereinafter referred to as, "Said Society."

2) **The documents of allotment of plot.**

1. That by signing and executing two different documents i.e., Indenture of Lease dated 06.09.2008, duly registered with Joint Sub registrar at Andheri - 1 under Registration No. BDR-1/9406/2008 & Deed of Sale dated 06.09.2008, duly registered with Joint Sub registrar at Andheri - 1 under Registration No. BDR-1/9407/2008, both dated 25.09.2006, the said MHADA Authority has leased out and sold the said plot of land with structure to the said society i.e., **Azad Nagar**



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Gajmukh CHS. Ltd., and since then the said society have become lawful owner and in exclusive occupation and possession of the said plot of land together with structure.

2. That the building structure has become very old and in dilapidated condition and the members of the society of the members have decided to redevelop the said plot of land with structure and the society to appoint A & A SHELTERS Pvt. Ltd. to redevelop the said plot of land with structure and the society entered into Development Agreement dated 07.09.2010, duly registered with Joint Sub Registrar at Andheri - 1 vide document No. BDR-01/10533/2010 dated 09.09.2010, on the terms & conditions contained therein.
3. Then A & A SHELTERS Pvt. Ltd. The developer of the appointed by society building has not initiated any redevelopment proceedings since his appointment and has not complied with the terms and conditions stipulated in the redevelopment agreement. And also, since the executive committee of that time did not follow the procedure laid down under the provision of section 79-A for the commencing or to carry out redevelopment of the society/building, thereafter conducted election of the society held on 28/02/2015 and new managing committee elected and taken charge of the society proceedings and on verification it was observed by the committee that the record of the society was not maintained as per provision of M.C.A Act 1960 and rules framed there under and the bye-laws of



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society. Thereafter new managing committee of the society has terminated the Agreement dated 07/09/2010 and also issued public notice accordingly in Times of India and Marathi newspaper Maharashtra Times on dated 09/08/2015 that purported development agreement is void and not binding on society and also some society members filled case No. 258 of 2014 (old case No. CC/IV/80/2011 of dated 04/05/2011) in Co-Operative court No. 3 at Mumbai for the declaration against the developer and that time managing committee of the society and according to the hearing held from time to time in the concerned court, the court accepted the claim of the members and passed judgment order and delivered on dated 21/04/2016 against the developer and the then that time managing committee.

4. Than after completing all legal formalities society approaches my client M/s. PRATHAM VIGHANAHARTA INFRACON LLP for redevelopment of building and after various meetings my client M/s. PRATHAM VIGHANAHARTA INFRACON LLP initiated interest for redevelopment of said society and decided to redevelop the said plot of land with structure and the society vide their Special General Body Meeting dated 27.06.2018 have passed resolution to appoint M/s. PRATHAM VIGHANAHARTA INFRACON LLP i.e. my client to redevelop the said plot of land with structure and the society entered into Development Agreement dated 20.10.2018, duly registered with Joint Sub Registrar at Andheri – 1 vide document No. BDR-01/



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12295/2018 dated 20.10.2018, on the terms & conditions contained therein.

- 3) Digitally singed. Property card issued by city Survey officer, Andheri, downloaded on 25th November,2022.
- 4) Search report for 30 years from 1993 till 18 December 2022

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of (following owner/ promoter/ developer/ company) is clear, marketable and without any encumbrances.

Owners of the plot.

Azad Nagar Gajmukh CHS Ltd,

Promoter of the Plot

M/s. PRATHAM VIGHANAHARTA INFRACON LLP



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Qualifying comments/remarks if any:

- (a) We have relied on the aforesaid Search Report, after assuming the same to be true, accurate and not misleading. The search conducted at the office of the Sub-Registrar at Mumbai and Bandra are subject to the availability of records and also to records being torn and mutilated. we, therefore, disclaim any responsibility for the consequences which may arise on account of non-availability of records or on account of records being torn and mutilated. We also disclaim any responsibility for the consequences which may arise on account of non-availability of records or on account of records being not uploaded or improperly uploaded on the official Website of the Department of Registration& Stamps, Government of Maharashtra viz. <https://esearching.maharashtra.gov.in>.
- (b) Unless specifically stated otherwise, we have not inspected or perused the original documents in respect of the said plot.
- (c) We are not qualified to and have not independently verified the area of the said Plot and have referred to and retained the admeasurements as we have found them in various documents.
- (d) we express no view about zoning/user/reservations/FSI or developability of the said plot.



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(e) For the purpose of this Legal Title Report, we have assumed:

- (i) The legal capacity of all natural persons, genuineness of all signatures and authenticity of all documents submitted to us as photocopies;
- (ii) That the photocopies provided to us are accurate photocopies of the originals;
- (iii) That all documents have been adequately stamped and duly registered, as required in law;
- (iv) The accuracy and completeness of the factual representations made in the documents;
- (v) Each document binds the parties intended to be bound thereby.
- (vi) All information, including the photocopies of documents, supplied to us is complete, accurate and not misleading;

The Report reflecting the flow of the title of the Owner and promoter on the said Plot is enclosed herewith as Annexure.

Encl: Annexure.

Date : 25.11.2022

*RECEIVED
25/11/2022*
R. T. Mishra
B.A., B.Ed. LL.B.
Antawadi, Topi Wadi, Western
Express Highway, Opp. Sal Service
Andheri (E), Mumbai - 400069.



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FLOW OF THE TITLE OF THE SAID LAND.

1. That by signing and executing two different documents i.e., Indenture of Lease dated 06.09.2008, duly registered with Joint Sub registrar at Andheri - 1 under Registration No. BDR-1/9406/2008 & Deed of Sale dated 06.09.2008, duly registered with Joint Sub registrar at Andheri - 1 under Registration No. BDR-1/9407/2008, both dated 25.09.2006, the said MHADA Authority has leased out and sold the said plot of land with structure to the said society i.e., **Azad Nagar Gajmukh CHS. Ltd.**, and since then the said society have become lawful owner and in exclusive occupation and possession of the said plot of land together with structure.
2. Re- Development Agreement dated 07.09.2010 between society **And, A & A SHELTERS Pvt. Ltd** duly registered with Joint Sub Registrar at Andheri - 1 vide document No. BDR-01/10533/2010 dated 09.09.2010. which was terminated by the society and also issued public notice accordingly in times of India and Marathi newspaper Maharashtra times on dated 09/08/2015.
3. Re- development Agreement dated 20.10.2018 between society and with my client **M/s. PRATHAM VIGHANAHARTA INFRACON LLP**, duly registered with Joint Sub Registrar at Andheri – 1 vide document



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No. BDR-01/12295/2018 dated 20.10.2018, on the terms & conditions contained therein.

Sr. No.

- 1) Digitally singed Property Card.
- 2) Search Report dated for 30 years from year 1993 till

November 2022, taken from Sub-Registrar office at Mumbai and Bandra, including on the official Website of the Department of Registration & Stamps, Government of Maharashtra <https://esearching.maharashtra.gov.in>.

- 3) Any other relevant title: Nil
- 4) Litigations if any: Nil

Date: 25.11.2022

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25/11/2022*
R. T. Mishra
B.A., B.Ed. LL.B.
Anupwadi, Tople Wadi, Western
Express Highway, Opp. Sal Service
Andheri (E), Mumbai 400069