

To:  
MahaRERA  
BKC, Housefin Bhavan, Near RBI,  
'E' Block, Bandra Kurla Complex,  
Bandra (East), Mumbai 400 051.

### LEGAL TITLE REPORT

Sub.: Title Certificate with respect to all that piece and parcel of land bearing CTS No.1103/A/1 (pt.) admeasuring 805.92 sq.mts. + 346.06 sq.ft. (as per amended layout) aggregating to 1151.98 sq.mts. lying, being and situate at Aram Nagar, Versova, Andheri (West), Mumbai 400 061 of Village Versova, Taluka Andheri in the Registration District of Mumbai Suburban (hereinafter referred to as '**said Property**').

We have investigated the title of the said Property at the request of Amith C. Punjabi (hereinafter referred to as '**the Developer**'), Sole Proprietor of Asshna Developers Westin, and having its registered office at 72, Mehta Industrial Estate, Liberty Garden, Malad (West), Mumbai 400 064. This report is based on the documents inspected by us, factual particulars and information obtained by us from the following documents:

- 1) Copy of Property Register Card in respect of the said Property bearing CTS No.1103/A/1;
- 2) Search Clerk, Mr. N. S. Bhosale's Report dated 10<sup>th</sup> June, 2021;



- 3) Copy of Letter bearing Ref. No.EE/Bandra Div/MB/352/06 dated 06<sup>th</sup> December, 2006 and part layout plan showing Demarcation as per site;
- 4) Copy of Letter bearing Ref. No.CO/MB/Arch/NOC/6148/2009 dated 09<sup>th</sup> December, 2009 issued by Maharashtra Housing and Area Development Authority;
- 5) Copy of Indenture of Lease dated 04<sup>th</sup> September, 2006 registered with the Sub-Registrar under Serial No.BDR-4/06895/2006 on 11<sup>th</sup> September, 2006;
- 6) Copy of Deed of Sale also dated 04<sup>th</sup> September, 2006 registered with the Sub-Registrar under Serial No.BDR-4/06896/2006 on 11<sup>th</sup> September, 2006;
- 7) Original Redevelopment Agreement dated 29<sup>th</sup> May, 2010;
- 8) Original Deed of Confirmation dated 18<sup>th</sup> February, 2011 registered with the Sub-Registrar Andheri No.1 under No.BDR-1/2028/2011 on 18<sup>th</sup> February, 2011;
- 9) Original Irrevocable General Power of Attorney registered with the Sub-Registrar Andheri No.1 under Serial No.BDR-1/02029/2011 on 18<sup>th</sup> February, 2011;
- 10) Original Letter of 'No Objection' bearing No.CO/MB/RDC/NOC/F-971/00323/2012 dated 28<sup>th</sup> August, 2012 issued by Maharashtra Housing and Area Development Authority to the Municipal Corporation of Greater Mumbai;





- 11) Copy of Letter bearing Ref. No.CO/MB/REE/NOC/F-971/972/2017 dated 06<sup>th</sup> July, 2017 issued by Maharashtra Housing and Area Development Authority;
- 12) Original Deed of Assignment of Development Rights also dated 18<sup>th</sup> June, 2020 registered with the Jt. Sub-Registrar Andheri No.7 under Serial No.BDR-18/4211/2020 on 18<sup>th</sup> June, 2020;
- 13) Original Cancellation of Power of Attorney dated 18<sup>th</sup> June, 2020 registered with the Jt. Sub-Registrar Andheri No.7 under Serial No.BDR-18/4223/2020 on 18<sup>th</sup> June, 2020;
- 14) Original Offer Letter dated CO/MB/REE/NOC/F-971/902/2021 dated 22<sup>nd</sup> April, 2021 issued by Maharashtra Housing and Area Development Authority;
- 15) Original Intimation of Approval (IOA) bearing MH/EE/BP Cell/GM/MHADA-107/830/2021 dated 21<sup>st</sup> May, 2021 issued by Maharashtra Housing and Area Development Authority.

On perusal of the abovementioned documents and all other relevant documents relating to the title of the said Property, we are of the opinion that the title of Ekopa Sahaniwas Cooperative Housing Society Ltd. (hereinafter referred to as "**the Society**") under Registration No.BOM/HSR/4652 of 1975, having its registered address at Aram Nagar No.1, Seven Bungalows, Versova, Andheri (West), Mumbai 400 061 is clear, marketable and without any encumbrances and the Developer is absolutely and exclusively entitled to the development rights in respect of the said Property.

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Owners of the said Property are as follows:

- (i) Maharashtra Housing and Area Development Authority is the Lessor of the said Property;
- (ii) The Society is the Lessee of the said Property the area whereof admeasures 805.92 sq.mts. as per the Indenture of Lease dated 04<sup>th</sup> September, 2006 and the Property Register Card in respect thereof however and the Society is also entitled to additional area being Tit-bit area of 346.06 sq.ft. allotted by MHADA in pursuance of site demarcation carried out by MHADA and accordingly the total area of the said Property aggregates to 1151.98 sq.mts.;
- (iii) The Developers are entitled to the exclusive development rights in respect of the said Property;
- (iv) The Property Register Card stands in the name of the Lessor viz. Maharashtra Housing and Area Development Authority and the name of the Lessee viz. the Society in respect of its leasehold rights in the said Property;
- (v) The Society have granted development rights in respect of the said Property to Westin Developers Private Limited, a company incorporated under the Companies Act 1956 now governed by the provisions of the Companies Act, 2013, having its registered office at 1<sup>st</sup> Floor, 'A' Wing, SBI Milan Cooperative Housing Society Ltd., Off. Veera Desai Road, Andheri (West), Mumbai 400 058 (the said "**Westin Developers**");







- (vi) The said Westin Developers, after retaining its rights corresponding to 3400 sq.ft. (Carpet Area) to be appropriated by the said Westin Developers for itself and also retaining 21600 sq.ft. (Carpet Area) to be provided to the Society, have assigned to the Developers the remaining portion of their development rights in the said Property.

The report reflecting the flow of the title of the Society on the said Property and of the development rights of the Developers on the said Property is enclosed herewith as an Annexure.

Encl.: Annexure

P. Vas & Co.

Partner

Date: 28<sup>th</sup> July, 2022

**"ANNEXURE"**

**FLOW OF THE TITLE OF THE SAID PROPERTY**

1. Maharashtra Housing and Area Development Authority (MHADA), a Statutory Corporation constituted under the Maharashtra Housing and Area Development Act, 1976 having its office at Griha Nirman Bhavan, Kala Nagar, Bandra (East), Mumbai 400 051, is *inter alia* the owner of all that piece and parcel of land admeasuring 805.92 sq.mts., bearing CTS No.1103 (pt.) (hereinafter referred to as "**the First Land**") and an adjoining land admeasuring 346.06 sq.mts. also bearing CTS No.1103 (pt.) (hereinafter referred to as "**the Second Land**") both forming part of a larger land bearing CTS No.1103 originally admeasuring 138663.3 sq.mts. (hereinafter referred to as "**the Larger Land**") lying, being and situate at Aram Nagar, Versova, Andheri (West), Mumbai 400 061 of Village Versova, Taluka Andheri in the Registration District of Mumbai Suburban.
2. MHADA constructed a building numbered "1" and now known as "Ekopa" comprising of Ground + 4 floors and consisting of 40 tenements (hereinafter referred to as "**the said Building**") on the First Land under its Low Income Group (LIG) Scheme in the year 1972-1973. The various tenements were allotted to various persons as per the said scheme. A Cooperative Housing Society of the various allottees of the tenements in the said building has since then been formed and registered as per the provisions of the Maharashtra Cooperative Societies Act, 1960 in the name and style of Ekopa Sahaniwas



Cooperative Housing Society Ltd. (hereinafter referred to as "the Society") under Registration No.BOM/HISG/4652 of 1975, having its registered address at Aram Nagar No.1, Seven Bungalows, Versova, Andheri (West), Mumbai 400 061.

3. By mutation entry dated 15<sup>th</sup> December, 1995 in the revenue records of the Larger Land, it has been recorded that by Order of the Office of the District Collector, Mumbai Suburban District bearing Ref. No.C/Office-/Sub-Division/SR-2514 dated 06<sup>th</sup> November, 1995 a portion of land admeasuring 3517.8 sq.mts. was carved out of the Larger Land and subdivided and a new Property Register Card for the remaining portion of the Larger Land then admeasuring 135145.5 sq.mts. (i.e. 138663.3 sq.mts. - 3517.8 sq.mts.) was opened and numbered as CTS No.1103A instead of CTS No.1103.
4. By an Indenture of Lease dated 04<sup>th</sup> September, 2006 registered with the Sub-Registrar under Serial No.BDR-4/06895/2006 on 11<sup>th</sup> September, 2006 executed between MHADA, therein referred to as 'the Authority' of the One Part and the Society, therein also referred to as 'the Society' of the Other Part, MHADA demised the First Land to the Society for a period of 90 (ninety) years commencing from 03<sup>rd</sup> June, 1972 for the lease rent and on the terms and conditions contained therein.
5. By a Deed of Sale also dated 04<sup>th</sup> September, 2006 registered with the Sub-Registrar under Serial No.BDR-4/06896/2006 on 11<sup>th</sup> September, 2006 executed between MHADA, therein referred to as 'the Authority' of the One Part and the Society, therein also referred to as 'the Society'



of the Other Part, MHADA sold, transferred and conveyed the said Building to the Society for valuable consideration.

6. As per the observations recorded by the Executive Engineer, Housing Bandra Division, Mumbai Board *vide* Letter bearing Ref. No.EE/Bandra Div/MB/352/06 dated 06<sup>th</sup> December, 2006 pursuant to a site inspection, it was opined that the said Building was in a dangerous and dilapidated condition.
7. The part Layout Plan showing Demarcation as per site of the said Building records the plot area as 1151.98 sq.mts. (i.e. 805.92 sq.mts. conveyed area + 346.06 sq.mts. Tit-Bit plot area).
8. On an application made by the Society to MHADA seeking permission for redevelopment, MHADA has granted its 'No Objection' to the Society *vide* its letter bearing No.CO/MB/Arch/NOC/6148/2009 dated 09<sup>th</sup> December, 2009 agreed to grant its 'No Objection' permitting redevelopment on the allotment of the demarcated plot of 1151.98 sq.mts. i.e. the said Property along with the said Building on compliance of the conditions stated therein.
9. Under the circumstances the Society is the Lessee in respect of the First Land i.e. land admeasuring 805.92 sq.mts. as per the Indenture of Lease dated 04<sup>th</sup> September, 2006 and the Property Register Card in respect thereof and is also entitled to the Second Land i.e. land admeasuring Tit-Bit area of 346.06 sq.mts. allotted by MHADA in pursuance of site demarcation carried out by MHADA. For the sake of brevity the First Land and the Second Land are collectively hereinafter referred to as



**"the said Property"** and accordingly the total area of the said Property aggregates to 1151.98 sq.mts.

10. By and under a Redevelopment Agreement dated 29<sup>th</sup> May, 2010 (hereinafter referred to as **"the Redevelopment Agreement"**) entered into between the Society, therein also referred to as 'the Society' of the One Part and Westin Developers Private Limited, a company incorporated under the Companies Act 1956 now governed by the provisions of the Companies Act, 2013, having its registered office at 1<sup>st</sup> Floor, 'A' Wing, SBI Milan Cooperative Housing Society Ltd., Off. Veera Desai Road, Andheri (West), Mumbai 400 058, therein referred to as 'the Developer' and hereinafter referred to as **'Westin Developers'** of the Other Part, the Society granted to Westin Developers the development rights in respect of the said Property along with the said Building for the consideration and on the terms and conditions contained therein.
11. By a Deed of Confirmation dated 18<sup>th</sup> February, 2011 registered with the Sub-Registrar Andheri No.1 under No.BDR-1/2028/2011 on 18<sup>th</sup> February, 2011 and with the Redevelopment Agreement annexed thereto, entered into between the Society, therein also referred to as 'the Society' of the One Part and Westin Developers, therein referred to as 'the Developers' of the Other Part, the parties thereto confirmed the execution of the Redevelopment Agreement.
12. Pursuant thereto, the Society also executed an Irrevocable General Power of Attorney registered with the Sub-Registrar Andheri No.1



under Serial No.BDR-1/02029/2011 on 18<sup>th</sup> February, 2011 in favour of the director of Westin Developers.

13. By mutation Entry No.468 dated 24<sup>th</sup> June, 2011 in the revenue records of the Larger Land, it has been recorded that by the Order of the Office of the District Collector, Mumbai Suburban District bearing Ref. No.C-Office-3K/Sub-Division/S.R.+1457 dated 19<sup>th</sup> July, 2010 the Larger Land (then admeasuring 135145.5 sq.mts.) was further Sub-Divided and an area admeasuring 2306 sq.mts. was carved out of the Larger Land and a new Property Register Card for the remaining portion of the Larger Land now admeasuring 132839.5 sq.mts. (i.e. 135145.5 sq.mts. - 2306 sq.mts.) was opened and numbered as CTS No.1103/A/1.
14. Under the circumstances the Larger Land now admeasuring 132839.5 sq.mts., including the said Property admeasuring 1151.98 sq.mts. now bears CTS No.1103/A/1.
15. MHADA has granted its 'No Objection' to the Municipal Corporation of Greater Mumbai (MCGM) *vide* its letter bearing No.CO/MB/RDC/NOC/F-971/00323/2012 dated 28<sup>th</sup> August, 2012 confirming that the Society is permitted to redevelop the said Property admeasuring 1151.98 sq.mts. on compliance of the conditions stated therein.
16. Subsequently MHADA has also issued to the Society its 'Provisional Offer Letter' for the purpose of MCZMA clearance *vide* its letter bearing Ref. No.CO/MB/REE/NOC/F-971/972/2017 dated 06<sup>th</sup> July, 2017.



17. By virtue of a Deed of Assignment of Development Rights also dated 18<sup>th</sup> June, 2020 registered with the Jt. Sub-Registrar Andheri No.7 under Serial No.BDR-18/4211/2020 on 18<sup>th</sup> June, 2020, entered into between Westin Developers, therein referred to as 'the Assignors' of the First Part and the Society, therein also referred to as 'the Society' of the Second Part and Amith C. Punjabi, Sole Proprietor of Asshna Developers Westin, and having its registered office at 72, Mehta Industrial Estate, Liberty Garden, Malad (West), Mumbai 400 064, therein referred to as 'the Assignee' and hereinafter referred to as '**the Developer**' of the Third Part, Westin Developers assigned and transferred to the Developers a portion of the development rights under the Redevelopment Agreement after retaining its rights corresponding to 3400 sq.ft. (Carpet Area) to be appropriated by the Westin Developers for itself and also retaining 21600 sq.ft. (Carpet Area) to be provided to the Society as per the Westin Developers' obligations under the Redevelopment Agreement and the remaining development rights in respect of the said Property was transferred and/or assigned to the Developer.

18. By a Cancellation of Power of Attorney dated 18<sup>th</sup> June, 2020 registered with the Jt. Sub-Registrar Andheri No.7 under Serial No.BDR-18/4223/2020 on 18<sup>th</sup> June, 2020 and entered into between the Society, therein referred to as 'the Party of the First Part' of the One Part and Westin Developers, therein referred to as 'the Party of the Second Part' of the Other Part, the parties thereto by mutual consent cancelled the said Irrevocable General Power of Attorney registered with the Sub-

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Registrar Andheri No.1 under Serial No.BDR-1/02029/2011 on 18<sup>th</sup> February, 2011 and all other deeds, documents and writings in respect of the said Property and the said Building entered into between the Society and Westin Developers.

19. MHADA *vide* its Offer Letter bearing No.CO/MB/REE/NOC/F-971/902/2021 dated 22<sup>nd</sup> April, 2021 has approved the proposal of the Society for utilization of FSI as stated therein on the allotment of the sub-divided plot as per demarcation plan admeasuring 1151.98 sq.mts. i.e. the said Property.
20. Subsequently the Developers have obtained approval for construction of the new building/s on the said Property from MHADA *vide* Intimation of Approval (IOA) bearing MH/EE/BP Cell/ GM/MHADA-107/830/2021 dated 21<sup>st</sup> May, 2021.
21. On our instructions, a search was conducted by Search Clerk, Mr. N. S. Bhosale, in the offices of the Sub-Registrar of Assurances in respect of the said Property and based on his report dated 10<sup>th</sup> June, 2021 it can be inferred that there are no encumbrances or charges on the said Property for the period of the search.
22. Public Notices were published by us in issues dated 14<sup>th</sup> December, 2019 and 17<sup>th</sup> June, 2021 of the Free Press Journal and Nav Shakti newspapers *inter alia* inviting claims in respect of the title to the said Property and we have not received any claims in response thereto.



23. In our opinion the Society's title to the said Property is clear and marketable, free from all encumbrances and reasonable doubts and the tenure of the said Property is leasehold and the Society has been permitted redevelopment of the said Property as per plan given by Executive Engineer/Bandra Divn/MB's Demarcation and the various approvals and licenses issued by MHADA and subject to providing the agreed constructed area to the members of the Society and the said Westin Developers the Developers are absolutely and exclusively entitled to the development rights of the said Property.

P. Vas & Co.



Partner

Date: 28<sup>th</sup> July, 2022