

AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

To,
MahaRERA

LEGAL TITLE REPORT

Sub:- Title clearance certificate with respect to all that piece and parcel of non-agricultural hereditaments and premises situated, lying and being at Village Ville Parle (East), bearing Survey No.53, Hissa No.11 corresponding to C.T.S. No. 267, 267/1 to 30 admeasuring 2428 Sq. Mtrs or thereabouts bearing Municipal Assessment No. K-1778(1) 25 B, K-1778(2) 25BA, K-1778(3) 25BB, K-1779(1) 25D, K-1779(2) 25E of 'K' Ward of M.C.G.M. and Survey No.55, Hissa No.8 (pt) corresponding to C.T.S. No. 267 admeasuring 103 Sq. Mtrs or thereabouts together with the buildings thereon namely Krishna Niwas, Guru Prasad, and structures namely Unit 3A and Unit 3B being part of **SHRI GURUKRISHNA CO-OPERATIVE HOUSING SOCIETY LIMITED**

I have investigated the title of the said plot on the request of **SUMIT WOODS LTD.**, a company incorporated under the provisions of the Companies Act 2013 and having its registered office at B-1101 Express Zone, Western Express Highway, Diagonally Opp. Oberoi Mall, Malad (East), Mumbai - 400 097 being the Developers:-

1) Description of the Plot:

All that piece and parcel of non-agricultural hereditaments and premises situated, lying and being at Village Ville Parle (East), bearing Survey No.53, Hissa No.11 corresponding to C.T.S. No. 267, 267/1 to 30 admeasuring 2428 Sq. Mtrs or thereabouts bearing Municipal Assessment No. K-1778(1) 25 B, K-1778(2) 25BA, K-1778(3) 25BB, K-1779(1) 25D, K-1779(2) 25E of 'K' Ward of M.C.G.M. and Survey No.55, Hissa No.8 (pt) corresponding to C.T.S. No. 267 admeasuring 103 Sq. Mtrs or thereabouts together with the buildings thereon namely Krishna Niwas, Guru Prasad, and structures namely Unit 3A and Unit 3B being part of **SHRI GURUKRISHNA CO-OPERATIVE HOUSING SOCIETY LIMITED**.

2) Documents of Allotment of plot:

- Deed of Conveyance dated 15th July, 1983 registered with the Sub-Registrar of Assurances at Bombay (now Mumbai) under registration No. BBJ-2111 of 1983.
- Deed of Conveyance Deed dated 15th December, 2004 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-10787 of 2004.
- Deed of Rectification dated 25th August 2005 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-8768 of 2005.
- Development Agreement dated 6th September, 2011, duly registered with Sub- Registrar of Assurances under Registration No. BDR1- 13093-2011 dated 22.11.2011.
- Supplementary Development Agreement dated 15th June 2022 duly registered with Sub- Registrar of Assurances at Andheri-1 at Sr. No. BDR-1-9511-2022 on 15th June 2022.
- Power of Attorney dated 6th September 2011 duly registered with Sub-Registrar of Assurance at Andheri-1 at Sr. No. BDR-1-13094-2011 on 22nd November 2011.

3) Property Card dated 3.08.2022.

4) Search Report dated 30th November 2021 read with Supplemental Search Report dated 1st August, 2022 through search clerk Mr. Ganesh Gawde for a period of 54 years i.e. 1969 to 2022.

On perusal of the above mentioned documents and all other relevant documents relating to title of the said property in my opinion, based on the documents perused as aforesaid, subject to the development rights granted in favour of Sumit Woods Ltd. in respect thereof under the Re-Development Agreement dated 6th September 2011 read with Supplemental Agreement dated 15th June 2022, the title of **SHRI GURUKRISHNA CO-OPERATIVE HOUSING SOCIETY LIMITED** to the Project Land is clear and marketable, and free from all encumbrances and subject to the registration of the project with MahaRERA, Sumit Woods Ltd. is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with the provisions of the Re-Development Agreement dated 6th September 2011 read with Supplemental Agreement dated 15th June 2022 and the applicable law and permissions.

Owner of the aforesaid plot is **SHRI GURUKRISHNA CO-OPERATIVE HOUSING SOCIETY LIMITED**, a Co-operative Housing Society registered under the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961) under No. BOM / HSG / 5169 under Certificate of Registration dated 19/07/1977, having its Registered Office at Shri Gurukrishna Co-operative Housing Society Limited, near Bhuta School, Shahaji Raje Marg, Vileparle (East), Mumbai - 400 057.

The report reflecting the flow of the title of the Owners/Developers on the said plot is enclosed herewith as annexure.

Encl: Annexure

Date:- 03.08.2022



(Ameer Dharmadhikari)
Advocate

AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

ANNEXURE

1. At the instance of my client **SUMIT WOODS LIMITED**, a company incorporated under the provisions of the Companies Act 2013 and having its registered office at B-1101 Express Zone, Western Express Highway, Diagonally Opp. Oberoi Mall, Malad (E), Mumbai 400 097, I have investigated the title of the Project Land.
2. I have taken the following steps in investigation of the title in respect of the Project Land -
 - (i) Perused photocopies of the documents of title more particularly set out hereunder;
 - (ii) Taken inspection of the original documents of title more particularly set out in the Schedule hereunder written;
 - (iii) Caused public notice to be issued in two newspapers in circulation in Mumbai; and
 - (iv) Perused the search report in respect of the searches taken of the records maintained in the Sub-Registrar of Assurances.
3. A perusal of the documents of title of the Project Land, more particularly described hereunder written, shows as under:
 - a. By Conveyance Deed dated 15th July, 1983 registered with the Sub-Registrar of Assurances at Bombay (now Mumbai) under registration No. BBJ-2111 of 1983 made BETWEEN 1. Shri. Chunilal Odhavji Jani, 2. Kamala Chunilal Jani, therein referred to as "The Vendors" of the One Part AND Shri Gurukrishna Co-operative Housing Society Limited, the Society herein therein referred to as "The Purchaser" of the Second Part, the Vendors therein sold transferred and conveyed unto the Society all that piece and parcel of non-agricultural hereditaments and premises situated, lying and being at Village Ville Parle (East), bearing (1) Survey No.53, Hissa No.11 corresponding to C.T.S. No. 267 admeasuring 2428 Sq. Mtrs or thereabouts bearing Municipal Assessment No. K-1778(1) 25 B, K-1778(2) 25BA, K-1778(3) 25BB, K-1779(1) 25D, K-1779(2) 25E of 'K' Ward of M.C.G.M. (2) Survey No.55, Hissa No.8 (pt) corresponding to C.T.S. No. 267 admeasuring 103 Sq. Mtrs or thereabouts, and (3) Survey No.53, Hissa No.15(pt) corresponding to C.T.S. No. 267 admeasuring 48 Sq. Mtrs or thereabouts, in aggregate admeasuring about 2579 Sq. Mtrs or thereabouts.
 - b. By Deed of Conveyance Deed dated 15th December, 2004 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-10787 of 2004 made BETWEEN Shri Gurukrishna Co-operative Housing Society Limited, therein referred to as "The Society" of the First Part, AND Mr. Rajesh G. Jain, partner of M/s. Neumec Associates, therein referred to as "The party of Other Part", the Society sold transferred and conveyed unto the party of Other Part all that piece and parcel of open land situated, lying and being at Village Ville Parle (East), bearing Survey No.53, Hissa No.11, 8 and 15(pt) corresponding to C.T.S. No. 267 admeasuring 41.542 Sq.



AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

Mtrs or thereabouts in the revenue village Vile Parle (East), Taluka Andheri and in the Municipal Ward No. K (East) in Mumbai Suburban District.

- c. By virtue of Deed of Rectification dated 25-08-2005 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-8768 of 2005 made BETWEEN Shri Gurukrishna Co-operative Housing Society Limited, therein referred to as "The Society" of the First Part, AND Mr. Rajesh G. Jain, partner of M/s. Neumec Associates, therein referred to as "The party of Other Part" the area of the property sold to the Party of the Other part was corrected. Accordingly, it was noted that the Society has sold transferred and conveyed unto Party of the Other part therein all that piece and parcel of open land situated, lying and being at Village Ville Parle (East), bearing Survey No.53, Hissa No.11, 8 and 15(pt) corresponding to C.T.S. No. 267 admeasuring 48 Sq. Mtrs or thereabouts in the revenue village Vile Parle (East), Taluka Andheri and in the Municipal Ward No. K (East) in Mumbai Suburban District.
- d. In the premises aforesaid the Society herein are the absolute owners and are seized and possessed of and well and sufficiently entitled to all that piece and parcel of non-agricultural hereditaments and premises situated, lying and being at Village Ville Parle (East), bearing Survey No.53, Hissa No.11 corresponding to C.T.S. No. 267, 267/1 to 30 admeasuring 2428 Sq. Mtrs or thereabouts bearing Municipal Assessment No. K-1778(1) 25 B, K-1778(2) 25BA, K-1778(3) 25BB, K-1779(1) 25D, K-1779(2) 25E of 'K' Ward of M.C.G.M. and Survey No.55, Hissa No.8 (pt) corresponding to C.T.S. No. 267 admeasuring 103 Sq. Mtrs or thereabouts, together with the buildings thereon namely Krishna Niwas, Guru Prasad, and structures namely Unit 3A and Unit 3B which are in the occupation of the members of the Society (the said land the existing buildings and structures are hereinafter collectively referred to as the 'said property')
- e. The said existing buildings and structures were in the occupation of the 63 members of the Society
- f. The Society and its members decided to go for reconstruction and redevelopment of the Society's buildings/structures and the said property and therefore it was unanimously resolved in the Special General Meeting of the Society (SGM) held on 12th July 2009 by the existing members of the Society to reconstruct the said existing buildings/structures by demolishing the same and using and consuming FSI originating from the said land and to put up further construction using and consuming FSI originating from the said and/or married to it and by loading outside TDR FSI which may be permitted to be loaded on the said property including free FSI + FSI available at premium and/or free of costs (hereinafter referred to as the 'entire FSI') and constructing / reconstructing residential flats and commercial premises using and



AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

consuming such entire FSI in the new building/s in place and instead of the existing buildings.

- g. The Society in the SGM held on 3rd April 2011 resolved to appoint Sumit Woods Pvt. Ltd. (now known as Sumit Woods Limited) as the developers for the redevelopment of the said property.
- h. By a Development Agreement dated 6th September, 2011, bearing Registration No. BDR1- 13093-2011 dated 22.11.2011 the Society has entered into an Agreement with Sumit Woods Pvt. Ltd. (now known as Sumit Woods Limited) (Developers) for the development and construction of the new building in accordance with the plans as may be sanctioned by MCGM on the Society's property on certain terms and consideration and for the consideration therein stated (hereinafter referred to as "the Principal Agreement").
- i. Pursuant to the said Development Agreement the Society executed Power of Attorney dated 6th September 2011 duly registered with Sub-Registrar of Assurance at Andheri-1 at Sr. No. BDR-1-13094-2011 on 22nd November 2011 in favour of the Developers.
- j. Certain disputes arose between the Society and the Developers. By consent all the disputes and differences arising out of the Development Agreement dated 6th September, 2011 were referred to the Arbitral Tribunal of the Sole Arbitrator of Mr. Pramod N. Patil, Advocate.
- k. After hearing the matter in detail the Arbitral Tribunal passed an Award in the Developers' favour on 6th March 2017 (the "said Award") by granting reliefs in terms of prayer clause (a) and (b) of the Statement of Claim of the Developers, inter alia declaring that the Development Agreement 6th September, 2011 was valid, subsisting and binding upon the Society and directing the Society to specifically perform the same and do all acts, deeds and things and to execute all documents for completion/implementation thereof. The said Award is valid and binding upon the Society.
- l. Since the said Award categorically declared that the Development Agreement 6th September, 2011 was valid, subsisting and binding upon the Society and directed the Society to specifically perform the same
- m. Prior to the Award a few Members of the Society filed a Suit in the Bombay City Civil Court at Dindoshi, Bombay being S.C. Suit No. 1338 of 2016 and Notice of Motion bearing No. 3102 of 2016 inter alia against the Society and the Developers for the prayers and reliefs as sought thereunder. No orders have been passed in the said Notice of Motion and/or Suit against the Society and/or the Developers.
- n. Thereafter the Developers filed Execution Application No. 2169 of 2018 in Arbitration Award dated 6th March, 2017 in the High Court of Judicature at Bombay.



AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

- o. After various discussions and meetings and on satisfying of all the issues and requirements, of the Society and all its members, by the Developers, the Society finally approved the plans as prepared by the Developers as per DCPR 2034.
 - p. However considerable period of time had elapsed since the execution of the Principal Agreement and in the meantime the entire concept and applicability of "Fungible FSI" was introduced by MCGM, whilst balconies, flower beds, niches etc. have been disallowed and thereafter the implementation of DCPR 2034, furthermore the policies and procedures of the Government have changed drastically with the introduction of GST, RERA, demonetization, etc. transforming the market conditions especially for the real estate industry. This was further compounded given the global crisis of Covid-19 pandemic and the said extraordinary situation has impacted the economy and operations significantly.
 - q. Accordingly the Society along with all its Members and the Developer entered into a Supplementary Development Agreement dated 15th June 2022 duly registered with Sub- Registrar of Assurances at Andheri-1 at Sr. No. BDR-1-9511-2022 on 15th June 2022 recording the modified terms and conditions of the Principal Agreement in order to maintain the sustainability and financial viability of the Project.
 - r. With the execution and registration of the said Supplementary Development Agreement dated 15th June 2022 all disputes and differences between the Society and all the Members and the Developers stand duly resolved and I have been informed that in the given circumstances the aforesaid proceedings shall be withdrawn/disposed off by filing of Consent Terms shortly by the parties thereto.
 - s. In pursuance to the said Supplementary Development Agreement dated 15th June 2022 all the Members have executed Permanent Alternate Accommodation Agreements with the Developers with regards to their respective premises and the Society and the Members have duly handed over all the existing flats and the building/s standing upon the Project Land to the Developers for the purpose of demolition for the redevelopment of the Project Land as envisaged under the Development Agreement dated 6th September, 2011 read with Supplementary Development Agreement dated 15th June 2022.
4. I have also published Public Notices dated 30th November 2021 with regards to the Project Land in the Free Press Journal, an English daily newspaper and in Navshakti, a Marathi daily newspaper (both appearing on 30th November 2021) inviting claims/objections from the members of the general public with respect to the Project Land, to which I have not received any claims/objections.



AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
Contact: 9821711881, Email:- amee.dharmadhikari@gmail.com

5. Independent searches have been taken through search clerk Mr. Ganesh Gawde for a period of 54 years i.e. from 1969 to 2022 and on taking such search no mortgages/encumbrances are found registered with respect to the Project Land.
6. In my opinion, based on the documents perused as aforesaid, subject to the development rights granted in favour of Sumit Woods Limited in respect thereof under the Re-Development Agreement dated 6th September 2011 read with Supplemental Agreement dated 15th June 2022, the title of the Shri Gurukrishna Co-operative Housing Society Limited to the Project Land is clear and marketable, and free from all encumbrances and subject to the registration of the project with Maha RERA, Sumit Woods Limited is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with the provisions of Re-Development Agreement dated 6th September 2011 read with Supplemental Agreement dated 15th September 2022, and the applicable law and permissions.

The Schedule Referred To Above (List of original documents of title inspected)

1. Property card of the Project land dated 3rd August, 2022.
2. Development Agreement dated 6th September 2011
3. Supplemental Agreement dated 15th June 2022
4. Power of Attorney dated 6th September 2011
5. 63 Permanent Alternate Accommodation Agreements
6. Search Report dated 30th November 2021.
7. Supplemental Search Report dated 1st August, 2022.

Date:- 03.08.2022




(Ameer Dharmadhikari)
Advocate