

and the name of the Bombay Xaverian Corporation Private Limited is recorded as the lessee of this land;

- (iii) Lease was granted by the GOM in respect of this land for a period of 50 (fifty) years commencing from 26th August 1963;
- (iv) The tenure of the said Land is reflected as "Government Leasehold"; and
- (v) The PR Card records that there exist arrears of land revenue in respect of this land.
- (vi) We have not been provided with copy of the Lease Deed executed by and between GOM and Bombay Xaverian Corporation Limited and hence, not perused the same. We have not been provided with any details of whether the lease granted in favour of the Bombay Xaverian Corporation Private Limited has been renewed or not. We have however perused a copy of the letter dated 23rd November 2015 addressed by the Bombay Xaverian Corporation Limited to the Collector, Mumbai, whereby the Bombay Xaverian Corporation Limited informed the Collector that out of 44,272.54 square metres of the land leased to Bombay Xaverian Corporation Limited, an area admeasuring 6,819 square metres was acquired by the GOM for road widening and 5,377.45 square metres for Sion-Mahim Link Road and 11,339.50 square metres was acquired by the Public Works Department which was subsequently encroached by 700 hutments and declared as a slum. In view thereof, pursuant to this letter the Bombay Xaverian Corporation Limited requested the Collector *inter-alia* to record that Bombay Xaverian Corporation Limited is in possession of an area admeasuring 20,736.36 square metres. As per the Architect Certificate, the aforesaid portion of 20,736.36 square metres in the possession of the Bombay Xaverian Corporation Limited does not form part of the said Land; and
- (vii) As per the Architect Certificate, an area admeasuring 3,496.69 square metres of C.S. No.2116 forms part of the said Land.

L. PROPOSED DEVELOPMENT PLAN ROAD

1. In relation to the 60.8 metres proposed development plan road the following correspondence may please be noted:

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- (i) By and under various Applications dated 4th December 2012 ("**Road Applications**") addressed by Rajiv Harmalkar & Co. to the Chief Minister, Government of Maharashtra and the Principal Secretary, Urban Development Department under Sections 37(1) and 37(2) of the Maharashtra Regional & Town Planning Act, 1966 ("**MRTP Act**"), a request was made for modifying the 60.80 meters wide proposed D. P. Road by reducing it to 30.40 meters for the reasons mentioned therein. These applications were made on behalf of the said Societies.
- (ii) It has been mentioned in the letter dated 24th January 2013 addressed by Rajiv Harmalkar & Co. to the Chief Engineer, (D.P.), MCGM that the entry of the aforesaid 60.80 metres wide proposed D. P. Road as existing in the draft development plan for the City of Mumbai has been deleted.
- (iii) By and under a letter dated 12th February 2013 addressed by GOM to (i) the Chief Executive Officer, SRA, (ii) The Chief Engineer (D. P.), and (iii) the Deputy Collector & Competent Authority, Dharavi, GOM forwarded a copy of the letter dated 24th January 2013 and requested i) the Chief Executive Officer, SRA, (ii) The Chief Engineer (D. P.), and (iii) the Deputy Collector & Competent Authority, Dharavi to provide their comments / report in respect of the same;
- (iv) By and under a letter dated 15th March 2013 addressed by the Deputy Director, Town Planning to Rajiv Harmalkar & Co., the Deputy Director, Town Planning requested Rajiv Harmalkar & Co. to provide all the documents as enlisted therein in order to enable the office of the Deputy Director, Town Planning to furnish its comments/ report to GOM, as requested by its aforesaid letter dated 12th February 2013.
- (v) By and under a letter dated 17th April 2013 issued by the Deputy Director, Town Planning to Rajiv Harmalkar & Co., the Deputy Director, Town Planning once again requested Rajiv Harmalkar & Co. to provide all the documents as enlisted therein in order to enable the office of the Deputy Director, Town Planning to furnish its comments/ report to GOM, as requested by its aforesaid letter dated 12th February 2013.
- (vi) We have perused copy of the Notice dated 11th September 2017 bearing no. SRA.T.P./desk-1/TP-1/Modification/Mahim/2017/186 issued by the SRA whereby SRA invited suggestions and objections from the public in respect of the modification

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proposed by SRA of reducing the width of the D.P. Road from 60.80 metres wide to 13.40 metres and to place the deleted area under the reservation of 'Rehabilitation and Re-settlement', 'Solid Waste Management Facilities', 'Other Institute' and Development Plan Roads as per the proposal mentioned in the draft development plan 2034. We have been informed by Nidhi that the final notification has not been issued.

M. SITE STATUS

1. As per the Declaration, out of 1,263 (One Thousand Two Hundred and Sixty -Three) slum structures existing on the said Land, 683 (Six Hundred and Eighty-Three) slum structures have been demolished by Nidhi and the balance 580 (Five Hundred and Eighty-Four) slum structures are existing on the said Land.
2. As per the Declaration, out of the 580 (Five Hundred and Eighty-Four) slum structures existing on the said Land, 97 (Ninety-Seven) slum structures have been vacated.

N. SEARCHES AT THE OFFICE OF SUB- REGISTRAR OF ASSURANCES

1. We have perused copies of a) Search Reports dated 27th May 2015, 19th April 2016 and 16th November 2017 in respect of C.S. No.1500 for a period commencing from 1950 to 2017 issued by Search Clerk Ashish Javeri, (b) Search Reports dated 27th May 2015, 19th April 2016 and 16th November 2017 in respect of C.S. No. 2116 for a period commencing from 1950 to 2017 issued by Search Clerk Ashish Javeri and, (c) Search Reports dated 27th May 2015, 19th April 2016 and 16th November 2017 in respect of C.S. No. 2124 for a period commencing from 1950 to 2017 issued by Search Clerk Ashish Javeri.
2. As per the Search Reports mentioned hereinabove, the list of documents registered with the office of the sub-registrar of assurances are set out in **Annexure "C"** hereto.

O. SEARCH OF THE REGISTRAR OF COMPANIES

1. As per the Inspection Reports dated 29th April 2015 and 20th November 2015 issued by Jayshree Dagli and Associates and the Search Reports dated 12th October 2017 and 11th January 2018 issued by Robert Pavrey and Associates, no charge or mortgage has been created on the rights of Nidhi to develop the said Land in any manner whatsoever.

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2. As per the Declaration, no charge, mortgage, lien or encumbrance has been created on the rights of Nidhi to develop the said Land by implementation of the Scheme thereon.

P. PUBLIC NOTICE

1. We have issued public notices ("the said Public Notices") in the following newspapers:
 - i. The Free Press Journal dated 9th November 2017 in English; and
 - ii. Navshakti dated 9th November 2017 in Marathi.
2. We have, till date, not received any objections to the same.

Q. THIRD PARTY OPTIONAL ALLOTMENTS

1. By and under an Agreement dated 31st March 2017 executed by and between Paras Porwal and Nidhi, in consideration of Paras Porwal performing certain obligations as mentioned therein, Nidhi has *inter-alia* agreed to allot units equivalent to 10.5% area in the free sale component to be developed on the said Land as part of the Scheme together with the proportionate car parking spaces in the manner and on the terms and conditions as mentioned therein.

R. CONCLUSION

Subject to what has been mentioned hereinabove and the following, we hereby certify that Nidhi has rights to develop the said Land: -

- (a) Due compliance with all the terms and conditions of the said LOI and the obtainment of all other permissions and approvals from time to time;
- (b) Due compliance with the provisions of the DCR including Regulation 33(10) of DCR and the Slum Act;
- (c) The outcome of the litigations together with the compliance of all the orders passed therein as mentioned in Sections F, G above and Annexure B annexed hereto;
- (d) Arrears of land revenue in respect of C. S. No. 2116;

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- (e) All the undertakings, declarations, affidavits submitted by Nidhi to the any governmental authority in respect of the development of the said Land
- (f) The Third-Party Allotments as mentioned in Section Q above

DATED THIS 16th DAY OF JANUARY 2018

For WADIA GHANDY & CO.


PARTNER

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