

# 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.dharmadikari@gmail.com

To,  
MahaRERA

## LEGAL TITLE REPORT

Sub:- Title clearance certificate with respect to Non-agricultural land bearing CTS No.1327A of Village Kandivali admeasuring 3065.5 square metres (as per the Property Register Card extract), situate, lying and being at Wadar Pada, Shivaji Road, Kandivali (West), Mumbai - 400 067.

I have investigated the title of the said plot on the request of the Owners of the Plot namely **PARADISE CONSTRUCTION COMPANY** a partnership firm registered under the provisions of the Indian Partnership Act, 1932, having its principal place of business at 11/12, Nagarwala Colony, Opp. Laxminarayan Shopping Centre, Poddar Road, Malad (East), Mumbai 400 097 being the Owners/Promoters :-

1) Owner of the Plot : **PARADISE CONSTRUCTION COMPANY**

2) Description of the Plot :

All that piece and parcel of non-agricultural land bearing CTS No.1327A of Village Kandivali admeasuring 3065.5 square metres (as per the Property Register Card extract), situate, lying and being at Wadar Pada, Shivaji Road, Kandivali (West), Mumbai - 400 067

3) Documents of Allotment of plot:

- Indenture of Conveyance dated 7<sup>th</sup> May, 2007 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/03818 of 2007
- Indenture of Conveyance dated 11<sup>th</sup> June, 2007 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/4825 of 2007 Deed of Rectification dated 25-08-2005 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-8768 of 2005
- Indenture of Conveyance dated 29<sup>th</sup> March, 2008 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/02811 of 2008.

4) Property Card dated 13.12.2022 and 7x12 Extracts dated 13.12.2022.

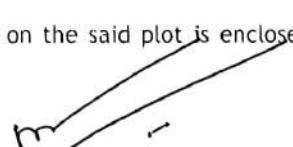
5) Search Report dated 12.9.2017 read with Search Report dated 12.12.2022 through search clerk Mr. Shriniwas Chipkar for a period of 101 years i.e. 1921 to 2022.

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, the Project Land is clear and marketable, and free from all encumbrances and subject to the registration of the project with MahaRERA, Paradise Construction Company is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with LOI dated 31.05.2021

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

Encl: Annexure

Date:- 19.12.2022

  
(Amee Dharmadikari)

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## ANNEXURE

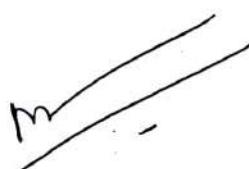
1. At the instance of my client PARADISE CONSTRUCTION COMPANY a partnership firm registered under the provisions of the Indian Partnership Act, 1932, having its principal place of business at 11/12, Nagarwala Colony, Opp. Laxminarayan Shopping Centre, Poddar Road, Malad (East), Mumbai 400 097 being the Owners/Promoters 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 three newspapers in circulation in Mumbai namely Times of India , Maharashtra Times and Free Press Journal all dated 28.01.2022 ; and
  - (iv) Perused the search report in respect of the searches taken of the records maintained in the Offices of the Talathi and 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 and under the Indenture of Conveyance dated 7<sup>th</sup> May, 2007 executed by and between (1) Narayan Virabhai Chudasama, (2) Amratlal Virabhai Chudasama, (3) Damodar Virabhai Chudasama, (4) Harish Purshottam Keshwara, (5) Tarala Kishor Rathod and (6) Kanchan Kisan Solanki of the one part and the said Firm of the other part and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/03818 of 2007, the said Narayan Virabhai Chudasama & Ors., conveyed the land bearing Survey No. 27, Hissa No. 8D, CTS No. 1327 (part) of Village Kandivali, admeasuring 1290 square yards equivalent to 1,088 square meters or thereabout, together with their undivided share, right, title and interest in the road area bearing Survey No. 27, Hissa No. 8B, CTS No. 1327 (part) (part) of Village Kandivali, admeasuring 278.5 square meters or thereabout, and situate lying and being at Kandivali (West), Mumbai - 400 067 (hereinafter referred to as "the First Property") in favour of Paradise Construction Company (the Owner/Promoter herein) at or for the consideration and upon the terms and conditions mentioned therein;
  - b. By and under the Indenture of Conveyance dated 11<sup>th</sup> June, 2007 executed by and between (1) Vishram Pacha Chudasama, (2) Kanti Pacha Chudasama, (3) Kalaben (4) Saraswati (5) Kanchan Triloknath Bali, (6) Manguben Kerson Chudasama, (7) Laxman Kerson Chudasama, (8) Sunil Kerson Chudasama and (9) Jaya Kerson Chudasama of the one part and the said Firm of the other part and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/4825 of 2007, the said Vishram Pacha Chudasama & Ors., conveyed the land bearing Survey No. 27, Hissa No. 8A, CTS No. 1327 (part) (part) of Village Kandivali, admeasuring 1290 square yards (equivalent to 1,088 square meters or thereabout), together with their undivided share, right, title and interest in the road area bearing Survey No. 27, Hissa No. 8B, CTS No. 1327 (part) (part) of Village Kandivali, admeasuring 278.5 square meters or thereabout, and situate lying and being at Kandivali (West), Mumbai - 400 067 (hereinafter referred to as "the Second Property") in favour of Paradise Construction Company (the Owner/Promoter herein), at or for the consideration and upon the terms and conditions mentioned therein;

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- c. By and under the Indenture of Conveyance dated 29<sup>th</sup> March, 2008 executed by and between (1) Devidas Hiralal Solanki, (2) Jagdish Hiralal Solanki and (3) Deepak Hiralal Solanki of the one part and the said Firm of the other part and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/02811 of 2008, the said Devidas Hiralal Solanki & Ors, conveyed the land bearing Survey No. 27, Hissa No. 8E, CTS No. 1327 (A) (part) of Village Kandivali, admeasuring 708.09 square meters or thereabout, together with their undivided share, right, title and interest in the road area bearing Survey No. 27, Hissa No. 8B, CTS No. 1327 (part) (part) of Village Kandivali, admeasuring 278.5 square meters or thereabout, and situate lying and being at Kandivali (West), Mumbai - 400 067 (hereinafter referred to as "the Third Property") in favour of Paradise Construction Company (the Owner/Promoter herein), at or for the consideration and upon the terms and conditions mentioned therein;
- The First, Second and Third Property are hereinafter collectively referred to as "the said Properties"
- d. The name of Paradise Construction Company (the Owner/Promoter herein) is entered in the 7/12 extracts as Owners.
- e. A portion admeasuring 2596.90 square metres from and out of the said Properties is notified and declared as the Slum under the Maharashtra Slum (Improvement, Clearance and Development Area) Act, 1971 and the Notification bearing No. SAA/Borivali/49 dated 11<sup>th</sup> December 1985 to that effect has been issued by the State Government and published in Maharashtra Government Gazette dated 26<sup>th</sup> December 1985.
- f. The tenants/occupants sitting on the said 'slum portion' of the said Properties have formed 'Jai Santoshi Ma Co-operative Housing Society (Proposed)' (hereinafter referred to as "the said Society") to avail the benefits of the Slum Rehabilitation Scheme, in accordance with the prevailing Development Control Regulations and Policy of the Government and majority of them have accorded their consent being the members of the said Society for the said purposes and that the said Society has already appointed M/s. Paradise Construction Co. i.e. the Owner/Promoter herein as the sole and exclusive Developer, in order to implement the said Slum Rehabilitation Scheme on the said Property;
- g. A portion of the said Land and the Vicky Gym Premises have not been declared as a 'slum' (i.e. the same constitute the non-slum portion of the said Land). The Vicky Gym Premises is in the possession and use of one M/s. Vicky Gymco.
- h. By and under four separate duly registered Permanent Alternate Accommodation Agreements all dated 25<sup>th</sup> January 2022 executed by and under and between the Owner of the one part and the said M/s. Vicky Gymco (through its only partners, Vivekanand Kesarnath Goraksha, Seema Vivekanand Goraksha, Bhushan Kesarnath Goraksha, and Sheetal Bhushan Goraksha) of the other part the said M/s. Vicky Gymco has agreed to participate in and co-operate in the proposed said composite redevelopment of the said Land by the Owner, in the manner and upon the terms and conditions mentioned in the said Agreements;
- i. The Owner/Promoter proposes to develop the entire said Properties (i.e. both the 'slum' and non-slum portions) compositely.



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- j. The Owner/Promoter has obtained the Letter of Intent bearing No. SRA/ENG/2027/RS/PL/LOI dated 31.05.2021 in respect of the redevelopment of the said Properties as a slum rehabilitation scheme, on the conditions mentioned therein and has got the plans, specifications, elevations, sections and other details with regards to two buildings i.e. one rehab building to be known as Jai Society Maa (the "Rehab Building") and one sale building to be known as "Jaswanti Jewel" (the "Sale Building") as duly approved and sanctioned by Slum Rehabilitation Authority .
- k. The Rehab Building consists of basement + 22 upper floors. The said Rehab Building includes a MCGM Retail Market and a temple which will be constructed on the said rehab portion of the development which will be open to general public.
- l. The development of the Sale Building is proposed as a "real estate project" by the Promoter and shall be registered as a 'real estate project' with the Real Estate Regulatory Authority ("Authority"), under the provisions of Section 5 of The Real Estate (Regulation and Development) Act,2016 ("RERA") read with the provisions of The Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Rules, 2017 ("RERA Rules").
4. Public Notices dated 28.01.2022 with regards to the Project Land have been published by M/s. Pradhan & Rao Advocates in the Times of India and Free Press Journal being English daily newspapers and in Maharashtra Times a Marathi daily newspaper (all appearing on 28.01.2022). M/s. Pradhan & Rao has issued a letter dated 05.12.2022 which states that save and except the claims and/or objections of Shree Santoshi Maa Trust and Nayana Solanki no other claims and/or objections are received by them pursuant to the aforesaid notices.
5. Independent searches have been taken through search clerk Mr. Shriniwas Chipkar for a period of 101 years i.e. from 1921 to 2022 and on taking such search no mortgages/encumbrances are found registered with respect to the Project Land. There is no notice of lis pendens registered in respect of the Project Land.
6. 3 slum occupants namely Smt. Gangabai Shashikant Thakur, Smt. Nayana Solanki and Shree Santoshi Maa (being the temple) have filed multiple litigations in different forums for the same relief.
7. It may be noted that the Plaintiff of the Suit filed by Smt. Gangabai Shashikant Thakur has been **rejected** by the Hon'ble Bombay City Civil Court vide its Order dated 4<sup>th</sup> August 2022.
8. It may be noted that Shree Santoshi Maa (being the temple) had filed a Notice of Motion (bearing no.2705 of 2022 in S. C. Suit No. 219 of 2022) in the Bombay City Civil Court inter alia restraining the Owner/Promoter from demolishing the said temple. The said Notice of Motion is **rejected and dismissed** by the Hon'ble Bombay City Civil Court vide its Order dated 23<sup>rd</sup> November 2022. Thereafter the said Shree Santoshi Maa (being the temple) filed Appeal from Order No.1107 of 2022 in the Hon'ble High Court challenging the said Order dated 23<sup>rd</sup> November 2022. Vide Order dated 5<sup>th</sup> December 2022, the Hon'ble High Court has inter alia held that **the said Appeal has no merits and is accordingly dismissed**.

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9. The litigations filed by these three persons are which are still pending as under:

SR.NO.	FORUM	PROCEEDINGS	STATUS
GANGABAI SHASHIKANT THAKUR			
1.	Bombay High Court, Civil Appellate Jurisdiction	Appeal From Order (St.) No. 24921 of 2022 in Notice of Motion No. 3148 of 2021 in S.C. Suit No. 40 of 2019  Gangabai Shashikant Thakur ... Appellant v/s. M/s. Paradise Construction & Ors. ... Respondents	Appeal Pending
2.	Bombay High Court, Civil Appellate Jurisdiction	Writ Petition No. 12516 of 2022  Gangabai Shashikant Thakur ... Petitioner v/s. State of Maharashtra & Ors. ... Respondents	Writ Petition Pending
3.	AGRC	Appeal No. 185 of 2022  Gangabai Shashikant Thakur & Ors. ... Appellant v/s. The Tehsildar - 2 & Ors. ... Respondents	Appeal Pending
NAYNA RAMESH SOLANKI			
1.	Bombay City Civil Court	Notice of Motion No. 2954 of 2019 in S.C. Suit No. 1081 of 2019  Mrs. Nayna Ramesh Solanki ... Plaintiff v/s. M/s. Paradise Construction & Ors. ... Defendants	Notice of Motion and Suit Pending
SHREE SANTOSHI MAA			
1.	Bombay City Civil Court	S.C. Suit No. 219 of 2022  Shree Santoshi Maa ... Plaintiff v/s. M/s. Paradise Construction & Anr. ... Defendants	Suit Pending
2.	Bombay City Civil Court	Chamber Summons No. 784 of 2022 in Suit No. 219 of 2022  Jai Santoshi Maa CHS ... Applicant In the matter between Shree Santoshi Maa ... Plaintiff v/s. M/s. Paradise Construction & Anr. ... Defendants	Chamber Summons in the Suit Pending
3.	Bombay High Court	Writ Petition No. 13155 of 2022  Shree Santoshi Maa ... Petitioner v/s. State of Maharashtra ... Respondents	Writ Petition Pending
4.	AGRC	Appeal No. 167 of 2022  Shree Santoshi Maa ... Appellant v/s. Tehsildar -2 & Ors. ... Respondents	Appeal Pending
5.	GRC	Appeal No. 169 of 2022  Shree Santoshi Maa ... Appellant v/s. Add. Collector (Enc / Rem) & Ors. ... Respondents	Appeal Pending
6.	Slum Tribunal	MISC Appeal No. 12 of 2022  Shree Santoshi Maa ... Appellant v/s. State of Maharashtra & Ors. ... Respondents	Appeal Pending

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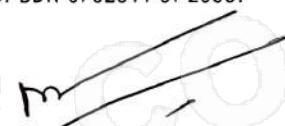
It is pertinent to note that all their respective structures now stand demolished by following the due process of law. Moreover there is no adverse order passed in any of the aforesaid litigations which affects the development of the said Project Land in any manner whatsoever

10. In my opinion, based on the documents perused as aforesaid, the Project Land is clear and marketable, and free from all encumbrances and subject to the registration of the project with Maha RERA, Paradise Construction Company is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with the applicable law and permissions.

#### The Schedule Referred To Above

1. Indenture of Conveyance dated 7<sup>th</sup> May, 2007 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/03818 of 2007
2. Indenture of Conveyance dated 11<sup>th</sup> June, 2007 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/4825 of 2007 Deed of Rectification dated 25-08-2005 registered with the Sub-Registrar of Assurances Andheri-1 under registration No. BDR1-8768 of 2005
3. Indenture of Conveyance dated 29<sup>th</sup> March, 2008 and registered in the Office of the Sub-Registrar of Assurances at Borivali-3 under Serial No. BDR-6/02811 of 2008.
4. Property Card dated 13.12.2022
5. 7x12 Extracts dated 13.12.2022.

Date:- 19.12.2022

  
(Amee Dharmadikari)