

SMITA SAWANT

ADVOCATE, HIGH COURT BOMBAY

Flat No.15, 2nd Floor, Charkop Kudal CHS LTD., Plot No.116, Sector-4,
Charkop, Kandivali (West), Mumbai - 400 067.

Contact Nos. 9987195164/8169261189 **Email ID:** smita1786@yahoo.com

To,

Maharashtra Real Estate Regulatory Authority,

6th & 7th Floor, Housefin Bhavan, Plot No. C - 21,

E - Block, Bandra Kurla Complex,

Bandra (E), Mumbai – 400 051.

LEGAL TITLE REPORT

Sub: All that piece and parcel of land bearing C.T.S. No. 418/D [earlier identified as C.T.S No. 418/A (Part)] having corresponding Survey No. 26-A, Hissa No. 5 (part) area about 4967 square yards equivalent to 4153.00 square meters or thereabouts and bearing sub Plot Nos. 2, 4, 5, 6, 7 and 8 and also the land of the 22' feet wide common private passage of the predecessors in title of Village- Vile Parle (East), Taluka- Andheri in the Registration District and Sub-District of Mumbai and Mumbai Suburban situated lying and being at Shahaji Raje Road, Vile Parle (East), Mumbai – 400 057 within limits of Municipal Corporation of Greater Mumbai ("**the said Property/Land**").

Under the instructions of Arkade Developers Limited (formerly "Arkade Developers Private Limited") who have requested me to investigate the title of "Prachi Co-operative Housing Society Limited" qua the said Property and for that purpose they have handed over to me copies of documents, which I have perused and I furnish my opinion on the basis of the copies of the documents furnished i.e.: -

1. Description of the Property:

All that piece and parcel of land bearing C.T.S. No. 418/D [earlier identified as C.T.S No. 418/A (Part)] having corresponding Survey No. 26-A, Hissa No. 5 (part) area about 4967 square yards equivalent to 4153.00 square meters or thereabouts and bearing sub Plot Nos. 2, 4, 5, 6, 7 and 8 and also the land of the 22' feet wide common private passage of the predecessors in title of Village- Vile Parle (East), Taluka- Andheri in the Registration District and Sub-District of Mumbai and Mumbai Suburban situated lying and being at Shahaji Raje Road, Vile Parle (East), Mumbai – 400 057 within limits of Municipal Corporation of Greater Mumbai.

2. The document of allotment of plot:

Indenture dated 21st January 1968 registered with the Sub-Registrar of Assurances of

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Bandra under the registration No.178 of 1968 of Bk. No.1 on 20th September 1968 made between Nava Prabhat Co-operative Housing Society Ltd. (therein referred to as "**the Vendors**") of the First Part; Shri M. R. Dikshit, Shri M. V. Dabholkar and Shri Y. D. Desai (therein referred to as the "**Confirming Parties**") of the Second Part and the Prachi Co-operative Housing Society Limited, the Society herein (therein referred to as "**the Purchasers**") of the Third Part.

2A. The Documents for grant of development rights of the said Property:

(i) Development Agreement dated 6th May 2023 registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7774-2023 executed by and between Prachi Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Arkade Developers Private Limited (therein referred to as "the Developer") of the Second Part and Mr. Bharat Joshi and other executing members of the Society (therein referred to as "the Executing Members") of the Third Part.

(ii) Power of Attorney dated 6th May 2023 registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7776-2023, granted by Prachi Co-Operative Housing Society Limited in favour of Directors of Arkade Developers Private Limited to undertake various acts, deeds, things pursuant to the said Development Agreement.

3. Property Registration Card:

The name of the said Prachi Co-operative Housing Society Limited reflects on the Property Card in respect of the said Property.

Property Card in respect of C.T.S. No. 418/D of village Vile Parle (East) issued by City Survey Officer, Vile Parle Mumbai Suburban District.

4. Search report for 63 years:

Search Report by Search Clerk Mr. Rajendra P. Tungatkar for the period from 1961 to 2023.

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 is clear and marketable subject to the following comments and that the Developer i.e. Arkade Developers Limited is duly entitled to develop the said Property as per the terms and conditions of the aforesaid Development Agreement and in

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accordance with and subject to compliance with and observance of the terms and conditions of various permissions, approvals, sanctions that may be issued by the concerned authorities in respect of the said Property or any construction thereon from time to time.

Owner of the Property: Prachi Co-operative Housing Society Limited

Developer/Promoter: Arkade Developers Limited (formerly known as "Arkade Developers Private Limited")

5. Public Notice:

I have caused public notices to be published on 18th April, 2023 in (i) Free Press Journal (English), and (ii) Navshakti (Marathi) inviting claims and/or objections from any persons with respect to the title of Prachi Co-Operative Housing Society Limited to the said Property, and I did not receive any claims pursuant to the said public notices.

6. Comments/other observations:

- (A) I have been informed that the said Property was forming part of CTS No. 418A which was admeasuring in aggregate 4480.72 square meters as per Property Card, out of which, the Prachi Co-operative Housing Society Limited is owner of the said Property admeasuring 4153 sq. mtrs. I have been further given to understand that by letter/order dated 9th June 2023 passed by District Collector, Mumbai Suburban District, permission is granted to sub-divide the said CTS No. 418A ("the said Larger Plot") as CTS No. 418A admeasuring 327.72 sq.mtrs. and CTS No. 418D admeasuring 4153 sq.mtrs. Thus, it appears that pursuant to aforesaid order granting/permitting sub-division, the said Property is assigned with and identified by CTS No. 418D and accordingly fresh Property Card is issued in respect thereof.
- (B) The aforesaid observation on title of the Owner is subject to demarcation of boundaries of the said Property and physical measurement of the said Property, if required.
- (C) I have been informed that Prachi Co-operative Housing Society Limited constructed 5 buildings (having wings therein) on the said Property ("the Existing Buildings") subsequent to the execution of the Indenture (of conveyance) dated 21st January 1968 of the said Property in its favour. The

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Existing Buildings comprises of 76 tenements allotted to the Members of the Society.

- (D) By and under the Development Agreement dated 6th May 2023 registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7774-2023 executed by and between Prachi Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Arkade Developers Private Limited (now known as Arkade Developers Limited) (therein referred to as "the Developer") of the Second Part and Mr. Bharat Joshi and other executing members of the Society (therein referred to as "the Executing Members") of the Third Part, the Society has granted development rights of the said Property in favour of Arkade Developers Private Limited (now known as Arkade Developers Limited), for the consideration and upon the terms and conditions as mentioned therein.
- (E) Prachi Co-operative Housing Society Limited through its Authorized Managing Committee Members also executed Power of Attorney dated 6th May 2023 in favour of Directors of Arkade Developers Private Limited (now known as Arkade Developers Limited) to undertake various acts, deeds, things pursuant to the said Development Agreement and the said Power of Attorney is duly registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7776-2023.
- (F) In view of aforesaid, Arkade Developers Limited is duly entitled to develop the said Property as per the terms and conditions of the aforesaid Development Agreement and in accordance with and subject to compliance with and observance of the terms and conditions of various permissions, approvals, sanctions that may be issued by the concerned authorities in respect of the said Property from time to time.
- (G) The report reflecting the flow of the title of Prachi Co-operative Housing Society Limited qua the said Property is enclosed herewith as "Annexure – A".
- (H) I have also been informed that one Shubhangi Anant Salgaonkar ("Plaintiff") has filed a Short Cause Suit No. 2079 of 2023 against the Promoter/Developer herein in its earlier name viz. Arkade Developers Pvt. Ltd. ("Defendant") before the Court of City Civil at Dindoshi, Goregaon, Mumbai for the reliefs as more particularly mentioned therein. The Plaintiff has claimed to be the



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owner of the plot of land along with one of the structures standing thereon, which is adjacent to Property of Prachi Co-operative Housing Society Limited ("Suit Premises"). The Plaintiff has *inter alia* prayed the Hon'ble Court to declare that the Defendants are not entitled to dispossess the Plaintiff and / or interfere or disturb with the Plaintiff's exclusive use, occupation, and enjoyment of the Suit Premises and permanent injunctive relief restraining the Defendant from carrying out any construction within 15 meters near the Suit Premises, with alternative prayer of grant of damages calculated at the present market rate in case of any permanent damage, etc.

(I) While considering my opinion on the title of the said Property, I have made the following assumptions:

- (i) All copies of the documents conform to the originals and all originals are genuine and complete.
- (ii) Each signature on the documents shall be deemed to be genuine signature of the individual/party concerned.
- (iii) The Agreements/documents are within the capacity and powers and have been validly authorized and signed by each party.
- (iv) That the Agreements/documents have been duly authorized, executed and delivered by each of the parties hereto.
- (v) I express no opinion as to the correctness of any warranty given by the parties (expressly and impliedly) under the Agreement/documents or by virtue of the Agreements/documents executed save if and so far as the matters warranted are the subject matter of the specific opinion in this certificate.

(J) In course of taking search with the concerned Sub-Registrar of Assurances, I have been informed by search clerk that for certain years, the records maintained by the Offices of the Sub-Registrar of Assurances are torn and mutilated and the Index-II records maintained in digital form have not been properly maintained. Searches at the Offices of the Sub-Registrar of Assurances are subject to the availability of records and also to records being torn and mutilated and maintained in an improper condition. I therefore disclaim any responsibility for consequences which may arise on account of such non-availability of records or on account of records being torn and mutilated or maintained improperly.



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- (K) I have not undertaken the reconciliation of area between the Property Register Card, or any other Revenue Record and area as per physical site survey, in respect of the said Property and my primary observations with respect to area of Property as stated hereinabove.
- (L) This Certificate records my observations on the title of Prachi Co-operative Housing Society Limited to the said Property only and does not contain any observations on the development potential of the said Property nor have I investigated the development potential of the said Property.
- (M) Unless specifically stated otherwise in this Certificate, I have not verified whether the formalities which have a direct bearing on the enforceability of the contractual or other arrangements comprised in the documents furnished to me and/or the information provided to me have been complied with or not.
- (N) The accuracy of this Certificate necessarily depends on the documents furnished to me and the information provided to me, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.

Date: 30th October, 2023

Place: Mumbai

Smita Sawant,



Advocate, High Court,
Bombay

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"Annexure – A"

FLOW OF THE TITLE OF THE SAID PROPERTY

- (i) Property Card in respect of C.T.S. No. 418/D of village Vile Parle (East) issued by City Survey Officer, Vile Parle Mumbai Suburban District reflects the name of Prachi Co-Operative Housing Society Limited as holder/owner thereof in respect of area admeasuring 4153 sq.mtrs.
- (ii) Search Report by Search Clerk Mr. Rajendra P. Tungatkar for 63 years from 1961 to 2021.
- (iii) By and under an Indenture dated 21st January 1968 registered with the Sub-Registrar of Assurances of Bandra under the registration No.178 of 1968 of Bk. No.1 on 20th September 1968 made between one Nava Prabhat Co-operative Housing Society Ltd. (therein referred to as "the Vendors") of the First Part; Shri M. R. Dikshit, Shri M. V. Dabholkar and Shri Y. D. Desai (therein referred to as the "Confirming Parties") of the Second Part and the Prachi Co-operative Housing Society Limited, (therein referred to as "the Purchasers") of the Third Part; the Nava Prabhat Co-operative Housing Society Ltd., with the confirmation of said Shri M. R. Dikshit, Shri M. V. Dabholkar and Shri Y. D. Desai, transferred, conveyed and assigned unto the Prachi Co-operative Housing Society Limited the said Property in the manner as set out therein.
- (iv) By and under the Development Agreement dated 6th May 2023 registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7774-2023 executed by and between Prachi Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Arkade Developers Private Limited (now known as Arkade Developers Limited) (therein referred to as "the Developer") of the Second Part and Mr. Bharat Joshi and other executing members of the Society (therein referred to as "the Executing Members") of the Third Part, the Society has granted development rights of the said Property in favour of Arkade Developers Private Limited (now known as Arkade Developers Limited), for the consideration and upon the terms and conditions as mentioned therein.
- (v) Prachi Co-operative Housing Society Limited through its Authorized Managing Committee Members also executed Power of Attorney dated 6th May 2023 in favour of Directors of developer i.e. Arkade Developers Private Limited (now known as Arkade Developers Limited) to undertake various acts, deeds, things pursuant to the said Development Agreement and the said

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Power of Attorney is duly registered with the office of Joint Sub-Registrar of Assurances Andheri No. 7 under Sr. No. BDR18-7776-2023.

(vi) One Shubhangi Anant Salgaonkar ("**Plaintiff**") has filed a Short Cause Suit No. 2079 of 2023 against the Promoter/Developer herein in its earlier name viz. Arkade Developers Pvt. Ltd. ("**Defendant**") before the Court of City Civil at Dindoshi, Goregaon, Mumbai for the reliefs as more particularly mentioned therein. The Plaintiff has claimed to be the owner of the plot of land along with one of the structures standing thereon, which is adjacent to Property of Prachi Co-operative Housing Society Limited ("**Suit Premises**"). The Plaintiff has *inter alia* prayed the Hon'ble Court to declare that the Defendants are not entitled to dispossess the Plaintiff and / or interfere or disturb with the Plaintiff's exclusive use, occupation, and enjoyment of the Suit Premises and permanent injunctive relief restraining the Defendant from carrying out any construction within 15 meters near the Suit Premises, with alternative prayer of grant of damages calculated at the present market rate in case of any permanent damage, etc.

Date: 30th October, 2023

Place: Mumbai

Smita Sawant,

Advocate, High Court,
Bombay