

Readymoney Mansion, 43. Veer Nariman Road, Mumbai - 400 001, India. Tel : (91 22) 4971 9355, 4971 9255, 6633 2288, 6623 0000
Email : mail@kangacompany.com, www.kangacompany.com
Partners : A. M. Desai • K. M. Vussonji • B. D. Damodar • S. S. Vaidya • A. R. Amin • Ms. P. G. Mehta • R. V. Gandhi
C. S. Thakkar • P. S. Damodar • K. S. Vaidya • M. A. Kamdar
Associate Partner : Ms. N. H. Vardhan

KMV/A7777 /2022

FORMAT – A
(Circular No:- 28/ 2021)

To,
MahaRERA

REPORT ON TITLE

SUB: Title clearance certificate with respect to: (i) All that piece or parcels of land bearing CTS Nos. 5653A,5657A,5779,5788,5784,5785 and 5798 of Village Kole Kalyan admeasuring in the aggregate 6420.3 sq. mtrs or thereabouts as per the Property Register Card and admeasuring 6179.36 sq. mtrs. or thereabouts as per the Deed of Conveyance (deemed conveyance) situate, lying and being at Sunder Nagar, Road No.2, Vidyanagari, Kalina, Mumbai-400 098 **(the First Property)**; and

(ii) All that piece or parcel of land bearing Survey No. 305 Hissa No. 19 corresponding to CTS No. 5797 of Village Kole Kalyan admeasuring 202 sq.mtrs or thereabouts as per the 7/12 extract and admeasuring 207.70 sq. mtrs. or thereabouts as per the Deed of Conveyance dated 28th December, 2020 situate, lying and being at Sunder Nagar, Road No.2, Vidyanagari, Kalina, Mumbai-400 098 **(the Second Property)**.

Both the First Property and the Second Property are hereinafter referred to as the “**said Property**” which as per the Table Survey Plan dated 16th December, 2021 issued by Akruiti Surveys admeasure in the aggregate 5440 sq. mtrs. or thereabouts

-
1. At the request of Kolte Patil Developers Limited, we have investigated the title of the captioned Property , and following documents have been furnished to us:-
 - i. Articles of Agreement dated 8th May, 1978 made and entered into between Messrs. Trimurti Corporation, therein referred to as Owners of the One Part and Messrs. Golden Construction Company therein referred to as Developers of the Other Part;

S/m

- ii. Order dated 7th December, 1979 bearing reference no. C/ULC/SEC-21/SR-II/150 passed by the Office of the Additional Collector and Competent Authority (ULC), Greater Bombay;
- iii. Corrigendum dated 4th April, 1980 bearing reference no. C/ULC/SEC-21/SR-I/150, passed by the Office of the Additional Collector and Competent Authority (ULC), Greater Bombay;
- iv. Articles of Agreement dated 15th November, 1980 made and entered into between Messrs. Superior Construction Company, therein referred to as Vendor of the One Part and Messrs. Golden Construction Company, therein referred to as Purchaser of the Other Part;
- v. Letter dated 5th March, 1981 bearing reference no. C/ULC/SEC.21/SR-I-150 addressed by the Additional Collector and Competent Authority, ULC to the Deputy City Engineer (D.P), Greater Mumbai Municipal Corporation of Greater Mumbai;
- vi. Letter dated 18th January, 1982 bearing reference no. Desk-X/C/ULC/SEC.21/SR-I-150 addressed by the Additional Collector and Competent Authority, ULC to the Deputy City Engineer (D.P), Mumbai Municipal Corporation of Greater Mumbai;
- vii. Society Registration Certificate dated 28th January 1985 bearing Registration no BOM/WHE/HSG(T.C)/533/84-85.
- viii. Order-cum-Certificate dated 16th July, 2013 bearing reference no. DDR-3/Mum/Deemed Conveyance/Golden Pebbles Hsg of 2013 issued by the Competent Authority;
- ix. Unilateral Deed of Conveyance dated 27th August, 2013 made and entered into between Mr. Subhash Patil, District Deputy Registrar Co-operative Societies, Mumbai and Competent Authority, on account of the then defaulting predecessor/promoters in title as per revenue record, Messrs. Trimurti Corporation, therein referred to as the Owners of the First Part and Messrs. Golden Construction Company, therein referred to as the Developers/ Confirming Party of the Second Part and Golden Pebbles Co-operative Housing Society Limited, therein referred to as the Purchaser/ Society of the Third Part and registered with the office of the Sub-Registrar of Assurance at Kole Kalyan under serial no. BDR-4-973 of 2014;
- x. Letter dated 24th August, 2015 addressed by the Assistant Registrar, Government Institution, H/East Ward, Mumbai to (i) Chairman/

Jm

Secretary, Golden Pebbles Co-operative Housing Society Limited
and (i) Main Engineer, Building Proposal Department, H/East Ward,
MCGM;

- xi. Deed of Conveyance dated 28th December, 2020 made and entered into between Messrs. Golden Construction Company, therein referred to as the Vendor of the First Part, Kolte Patil Developers Limited, therein referred to as the Developer of the Second Part and Golden Pebbles Co-operative Housing Society Limited, therein referred to as the Society/the Purchasers of the Third Part and registered with the office of the Sub-Registrar of Assurance at Kole Kalyan, under serial no. BDR-4-470 of 2021;
- xii. N.A. order passed by the Collector, Mumbai Suburban District, dated 11th April 2016, bearing reference no C/Desk 3C/NAP/SRA-2388.
- xiii. Redevelopment Agreement dated 4th June, 2021 made and entered into between Golden Pebbles Co-operative Housing Society Limited of the One Part and Kolte Patil Developers Limited, therein referred to as the Developer of the Other Part and registered with the office of the Sub-Registrar of Assurances under serial no. BDR-4-4900 of 2021;
- xiv. Special Power of Attorney dated 4th June, 2021 executed by the Golden Pebbles Co-operative Housing Society Limited in favour of Kolte Patil Developers Limited, acting through its Directors and/or authorized representatives, registered with the office of the Sub-Registrar of Assurances under serial no. BDR-4-4901 of 2021.
- xv. Table Survey plan dated 16.12.2021 drawn up by AkruTi Surveys on behalf of Golden Pebbles Co-operative Housing Society Limited.
- xvi. Papers and proceedings in respect of:
 1. Suit bearing No. 1488 of 1980 filed in the Hon'ble High Court
 2. Suit bearing No 2860 of 1996 filed in the Hon'ble High Court
 3. Suit bearing No 2861 of 1996 filed in the Hon'ble High Court
- xvii. Property Register Cards office dated 27th November 2019 for CTS no CTS Nos. 5653A, 5657A, 5779,5788,5784,5785 and 5798 and the 7/12 extract dated 06th July 2021 for CTS No 5797.

xviii. Search report for 30 years from 1991 till 2021.

2. On perusal of the abovementioned documents and all other relevant documents relating to title of the said Property, we are of the opinion that the title of Golden Pebbles Co-operative Housing Society Limited to the said Property is clear and marketable and without any encumbrances and that Golden Pebbles Co-operative Housing Society Limited is the present owner of the said Property-

Owners of the Land

- i. CTS No.- 5653A - Golden Pebbles Co-operative Housing Society Limited
- ii. CTS No, - 5657A - Golden Pebbles Co-operative Housing Society Limited
- iii. CTS No.- 5779, - Golden Pebbles Co-operative Housing Society Limited
- iv. CTS No.- 5788, - Golden Pebbles Co-operative Housing Society Limited
- v. CTS No. - 5784, - Golden Pebbles Co-operative Housing Society Limited
- vi. CTS No - 5785 - Golden Pebbles Co-operative Housing Society Limited
- vii. CTS No - 5798 - Golden Pebbles Co-operative Housing Society Limited
- viii. CTS No - 5797 - Golden Pebbles Co-operative Housing Society Limited

of Village Kole Kalyan all situate, lying and being at Sunder Nagar, Road No.2, Vidyanagari, Kalina, Mumbai-400 098 both herein above referred to as the said Property together with the Buildings standing thereon, more particularly described in the Schedule hereunder written, and by virtue of the Redevelopment Agreement dated 4th June, 2021, Kolte Patil Developers Limited is entitled to redevelop the said Property in the manner and on the terms and conditions set out in the said Redevelopment Agreement and is entitled to deal with and sell the free sale flats coming to its share and receive the full consideration amount receivable from sale of free sale flats in such manner it may deem fit and proper.

3. The report reflecting the flow of the title of Golden Pebbles Co-operative Housing Society Limited on the said Property and the development rights of Kolte Patil Developers Limited is enclosed herewith as **Annexure "A"**.

THE SCHEDULE ABOVE REFERRED TO

First: (Description of First Property)

ALL THAT pieces and parcels of lands bearing CTS Nos. 5653A, 5657A, 5779, 5788, 5784, 5785 and 5798 of Village Kole Kalyan admeasuring in the aggregate

JKM

6420.3 sq. meters or thereabouts as per the Property Register Card and 6179.36 sq. meters or thereabouts as per the Deed of Conveyance (deemed conveyance) all situate, lying and being at Sunder Nagar, Road No.2, Vidyanagari, Kalina, Mumbai-400 098 and bounded as follows:

On or towards the North: By CTS Nos. 4791/5, 5796, 5799, 5778, 5777 and 5692

On or towards the South: By CTS No. 5655 and Road No. 2 Sunder Nagar

On or towards the East: By CTS No. 5781

On or towards the West: By CTS No. 4791/4

Secondly: (Description of Second Property)

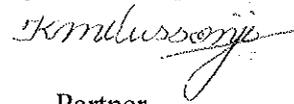
ALL THAT piece and parcel of land bearing Survey No. 305 Hissa No. 19 corresponding to CTS No. 5797 of Village Kole Kalyan admeasuring 202 sq.mtrs or thereabouts as per the 7/12 extract and admeasuring 207.70 sq. mtrs. or thereabouts as per the Deed of Conveyance dated 28th December, 2020 all situate, lying and being at Sunder Nagar, Road No.2, Vidyanagari, Kalina, Mumbai-400 098 and bounded as follows:

On or towards the North	:	By CTS No. 5796
On or towards the South	:	By CTS No. 5785
On or towards the East	:	By CTS No. 5798
On or towards the West	:	By CTS No. 5785 and CTS No. 4791/5

Both the First Property and the Second Property are hereinafter referred to as the "said Property" which as per the Table Survey Plan dated 16th December, 2021 issued by Akruiti Surveys admeasure in the aggregate 5440 sq. mtrs. or thereabouts.

Dated this 20th day of December, 2022.

Yours faithfully,
Kanga and Company



Partner

Encl : Annexure A

ANNEXURE "A"

1. On perusal of the documents and papers we observe as under:-
2. **Property Register Card and 7/12 Extract**
On perusal of the Property Register Cards dated 27th November, 2019, we observe as under:
 - i. In respect of land bearing CTS No. 5657A of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land and the area is reflected as 53.4 sq. meters vide mutation entry no 1503 dated 13th April 2017.
 - ii. In respect of land bearing CTS No. 5653A of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land and the area is reflected as 300.1 sq. meters vide mutation entry no 1503 dated 13th April 2017;
 - iii. In respect of land bearing CTS No. 5784 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land and the area is reflected as 42.5 sq. meters vide mutation entry no 1503 dated 13th April 2017;
 - iv. In respect of land bearing CTS No. 5779 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land for an area admeasuring 472 sq. meters from and out of the total area of 739.2 sq. meters vide mutation entry no 1503 dated 13th April 2017;
 - v. In respect of land bearing CTS No. 5785 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land and the area is reflected as 4553.5 sq. meters vide mutation entry no 1473 dated 19th January 2017;
 - vi. In respect of land bearing CTS No. 5798 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land for an area of 294 sq. meters from and out of the total area of 339.5 sq. meters vide mutation entry no 1503 dated 13th April 2017;
 - vii. In respect of land bearing CTS No. 5788 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner of the said land and the area is reflected as 334.4 sq. meters vide mutation entry no 1503 dated 13th April 2017;

On perusal of the 7/12 extract dated 06th July 2021

 - viii. In respect of land bearing Survey No. 305 Hissa No. 19 corresponding to CTS No. 5797 of Village Kolekalyan, we observe that the name of 'Golden Pebbles Co-operative Housing Society Limited' is reflected as the owner vide mutation

entry 8293 dated 06th July 2021 in respect thereof and use of the land is reflected as agricultural land and the area is reflected as 202 sq. mtrs. or thereabouts as per the 7/12 extract and admeasuring 207.70 sq. mtrs. or thereabouts as per the Deed of Conveyance dated 28th December, 2020. We have been informed that an application has been made for conversion of the aforesaid land for non-agriculture use and the same is pending before the concerned authorities

3. **Survey Plan :**

On perusal of the Survey Plan dated 16th December, 2021 by Akruti Surveys, we observe that the physical admeasurement of the said Property the physical area ascertained measures in the aggregate 5440 sq. mtrs or thereabouts.

4. **Sub-Registrar Searches:**

i. We have caused searches to be taken at the office of the Sub-Registrar of Assurances at Mumbai through Mr. Chandrashekhar Athalye, Search Clerk for the period of last 30 years commencing from 1991 to 2021. Mr. Chandrashekhar Athalye has submitted his Search Report dated 21st August, 2021, on perusal whereof we observe that no other documents of title have been found to be registered in respect of the said Property save and except the documents referred to in our Report on Title.

5. **Other relevant title.**

A. Land bearing CTS Nos. 5653A, 5657A, 5779, 5788, 5784, 5785 and 5798 of Village Kole Kalyan (hereinafter referred to as the "First Property" and more particularly described First in the Schedule hereunder written)

i. It appears that by various deeds, documents and agreements, one Messrs Trimurti Corporation became seized and possessed of or otherwise well and sufficiently entitled to the First Property bearing CTS Nos. 5653A, 5657A, 5779, 5788, 5784, 5785 and 5798. We have gathered this information from the recitals of the Unilateral Deed of Conveyance dated 27th August, 2013.

ii. By an Articles of Agreement dated 8th May, 1978 made and entered into between Messrs. Trimurti Corporation, therein referred to as Owners of the One Part and Messrs. Golden Construction Company therein referred to as Developers of the Other Part, Messrs. Trimurti Corporation granted development rights to Messrs. Golden Construction Company *inter alia* in respect of a portion of the First Property, which portion constitutes land bearing CTS Nos. 5657, 5753, 5789(pt), 5782(pt), 5783(pt), 5784 (pt), 5785 to 5789, 5790(pt) and 5793(pt) admeasuring in the aggregate 54282.85 square meters, at or for the consideration and on the terms and conditioned mentioned therein.

iii. The Office of the Additional Collector and Competent Authority (ULC), Greater Bombay passed an Order dated 7th December, 1979 bearing reference no. C/ULC/SEC-21/SR-II/150, *inter alia* allowing Messrs. Trimurti Corporation to continue to hold the vacant land bearing Survey No. 305/22, 305/24, 305/25, 305/26, 305/27, 300/19, 300/32, 300/29 admeasuring in the aggregate 4315.30 sq. meters, which was in excess of the ceiling limit, for

construction of houses for weaker sections of the society through Messrs. Golden Construction Company, under the provisions of Section 21 (1) of the Urban Land (Ceiling and Regulation) Act, 1976 on the terms and conditions mentioned therein in the said order dated 7th December 1979.

- iv. By a Corrigendum dated 4th April, 1980 bearing reference no. C/ULC/SEC-21/SR-I/150, the Office of the Additional Collector and Competent Authority (ULC), Greater Bombay, modified Order dated 7th December, 1979 *inter alia* to the extent that the land allowed to be retained by Messrs. Trimurti Corporation shall be utilized for the construction of 74 tenements out of which Messrs. Trimurti Corporation shall reserve 10% of the dwelling unit for sale to the allottee nominated by the Government of Maharashtra on each floor of every building.
- v. It appears that by an Agreement dated 24th April, 1980 made and entered into between Messrs. Trimurti Corporation therein referred to as Original Vendors of the One Part and Naraundas Navalram Bhojwani and Daulatram Bherumal Pahlajani, being partners of Messrs. Superior Construction Company, therein referred to as the Purchasers of the Other Part, Naraundas Navalram Bhojwani and Daulatram Bherumal Pahlajani agreed to purchase, from and out of the funds of Messrs. Superior Construction Company, *inter alia* a portion of the First Property, which portion constitutes of lands bearing CTS Nos. 5653 and 5784, at or for the consideration and on the terms and conditions mentioned therein. We have not been furnished with the said Agreement dated 24th April, 1980. We have gathered the aforesaid information from the recitals of the Articles of Agreement dated 15th November, 1980 mentioned below.
- vi. By an Articles of Agreement dated 15th November, 1980 made and entered into between Messrs. Superior Construction Company, therein referred to as Vendor of the One Part and Messrs. Golden Construction Company, therein referred to as Purchaser of the Other Part, Messrs. Superior Construction Company agreed to grant, convey, sell and transfer, *inter alia* a portion of the First Property, which portion constitutes of lands bearing CTS Nos. 5653 and 5784, by transferring the benefit of the said Agreement dated 24th April, 1980, to Messrs. Golden Constructions, at or for the consideration and on the terms and conditioned mentioned therein.
- vii. It appears that Messrs. Golden Constructions commenced and completed construction of a building which was reserved for Government nominees as per the Exemption Order dated 7th December, 1979.
- viii. The Additional Collector and Competent Authority, ULC addressed a letter dated 5th March, 1981 bearing reference no. C/ULC/SEC.21/SR-I-150 to the Deputy City Engineer (D.P), Greater Bombay Municipal Corporation, *inter alia* granted full occupation certificate in respect of the building constructed on the First Property which has been reserved for the flats to be handed over to the Government nominees as per the Exemption Order dated 7th December, 1979 issued under Section 21 (1) of the Urban Land (Ceiling and Regulation) Act, 1976. *KML*

- ix. The Additional Collector and Competent Authority, ULC addressed a letter dated 18th January, 1982 bearing reference no. Desk-X/C/ULC/SEC.21/SR-I-150 to the Deputy City Engineer (D.P), Mumbai Municipal Corporation of Greater Mumbai, *inter alia* granting occupation certificate for 80% of the flats, constructed on the said Land, in respect of the construction work that had been completed by Messrs. Golden Construction under the provisions of Section 21 of the Urban Land (Ceiling and Regulation) Act, 1976.
- x. The Municipal Corporation of Greater Mumbai by its letter dated 6th September, 1982 bearing reference no. E.B/CE/6507/BSII/A.H granted an Intimation of Disapproval to Messrs. Golden Construction Company in respect of the construction of a building on land bearing Survey No. 305 (pt), 310 (pt) and 311 of Village Kole Kalyan, Kalina, Santacruz (East), subject to the terms and conditions mentioned therein. The Intimation of Disapproval had a remark which stated that it was issued subject to the provisions of the Urban Land (Ceiling and Regulation) Act, 1976.
- xi. It appears Messrs. Golden Construction Company constructed a building known as 'Golden Pebbles', comprising of 9 Wings identified as "A" to "H" and "J". Further, Wings "A" to "G" was constructed in the year 1982 and Wings "H" and "J" were constructed in the year 1988 (hereinafter referred to as the "**said Building**") on the First Property.
- xii. It appears that on the said Building being completed, Messrs. Golden Construction Company sold the flats in the said Building to individual flat purchasers.
- xiii. A Society of all the flat purchasers known as 'Golden Pebbles Co-operative Housing Society Limited' was formed and the same was registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 under serial no. BOM/WHE/HSG.(TC)533/84-85 (hereinafter referred to as the "**said Society**").
- xiv. Messrs. Trimurti Corporation and Messrs. Golden Construction Company failed to comply with their statutory obligation of executing a Deed of Conveyance in respect of the said First Property in favour of the said Society. Accordingly, the said Society filed Application No. 38 of 2013 with the Competent Authority appointed under Section 11 of the Maharashtra Ownership Flats Act, 1963, for issuance of a Certificate of entitlement in favour of the said Society to have an Unilateral Deed of Conveyance executed and registered in its favour.
- xv. Thereafter, the Competent Authority issued an Order-cum-Certificate dated 16th July, 2013 bearing reference no. DDR-3/Mum/Deemed Conveyance/Golden Pebbles Hsg of 2013, *inter alia* certifying that the said Society is entitled to an Unilateral Deemed Conveyance of the said First Property together with the said Building standing thereon, in its favour.
- xvi. By an Unilateral Deed of Conveyance dated 27th August, 2013 made and entered into between Mr. Subhash Patil, District Deputy Registrar Co-operative

Societies, Mumbai and Competent Authority, on account of the then defaulting predecessor/promoters in title as per revenue record, Messrs. Trimurti Corporation, therein referred to as the Owners of the First Part and Messrs. Golden Construction Company, therein referred to as the Developers/Confirming Party of the Second Part and Golden Pebbles Co-operative Housing Society Limited, therein referred to as the Purchaser/ Society of the Third Part and registered with the office of the Sub-Registrar of Assurance at Kole Kalyan under serial no. BDR-4-973 of 2014, the District Deputy Registrar, granted, conveyed and transferred the said First Property together with the said Building standing thereon, in favour of Golden Pebbles Co-operative Housing Society Limited, in consideration of the amounts already paid by the members of the Society in respect of their respective flats to Messrs. Golden Construction Company. We have been given to understand that, CTS No. 5784 in the aforesaid Unilateral Deed of Conveyance is erroneously recorded as CTS No. 5784A.

- xvii. On an application made by the said Society dated 27th April, 2015 for grant of non-agricultural permission with respect to the said First Property, the Collector, Mumbai Suburban has vide order dated 11th April 2016 bearing Reference no C/Desk 3C/NAP/SRA-2388 has inter alia allowed the application on terms and conditions more specifically therein.
- xviii. By virtue of the aforesaid Unilateral Deed of Conveyance dated 27th August, 2013, Golden Pebbles Co-operative Housing Society Limited is the present owner of the First Property together with the said Building standing thereon and has a clear and marketable title thereto, free from all encumbrances.

B. Land bearing CTS No. 5797 of Village Kole Kalyan admeasuring 207.70 sq.mtrs or thereabouts (hereinafter referred to as the "Second Property" and more particularly described Secondly in the Schedule hereunder written)

- i. It appears that one Sahrudin Ibrahim Rajan was seized and possessed of or otherwise well and sufficiently entitled to the Second Property. Further, it appears that the Second Property was occupied by Mahendra Yadav on monthly tenancy basis.
- ii. It appears that by an Indenture dated 28th January, 1993 made and entered into between Sadruddin Ibrahim Rajan therein referred to as Vendor of the One Part and Messrs Golden Construction Company therein referred to as Purchasers of the Other Part, and registered with the office of the Sub-Registrar of Assurance at Bandra, under serial no. 288 of 1993, the said Sadruddin Ibrahim Rajan granted, conveyed, sold and transferred the said Second Property together with the structure standing thereon in favour of Messrs Golden Construction Company on certain terms and conditions mentioned therein. Subsequently, Mahendra Yadav the monthly tenant vacated and handed over the peaceful possession of the structure that was then standing on the said Second Property. Thereafter, the structure standing thereon on the said Second Property was demolished by the said Messrs Golden Construction Company.

- iii. It appears that as per the sanctioned plans, Messrs Golden Construction Company was to construct a building on the said First Property only. However the said Second Property was included within the boundary wall made for construction and accordingly Messrs Golden Construction Company carried out construction on the said Second Property as well. The said Second Property has been in the physical possession of the said Society.
- iv. It appears that the said Society obtained a Deemed Conveyance in their favour in respect of the said First Property, however the said Second Property could not be included in the Deemed Conveyance since the said Second Property did not form part of the sanctioned plans.
- v. It appears that the said Society is now in the process of redeveloping the said First Property and Second Property and has identified Kolte Patil Developers Limited to carry out the work of redevelopment of the said First Property and Second Property. Accordingly, as per the terms agreed upon between Messrs Golden Construction Company, Kolte Patil Developers Limited and the said Society, Kolte Patil Developers Limited was to pay the consideration amount to Messrs Golden Construction Company, for and on behalf of the said Society in respect of the conveyance by Messrs Golden Construction Company in favour of the said Society.
- vi. What has been stated in paragraph B (i) to (v) hereinabove has been gathered by us from the recitals of the Deed of Conveyance dated 28th December, 2020 mentioned hereinbelow. We have not been furnished with independent documents to substantiate the same and we do not vouch for the authenticity for the same.
- vii. By a Deed of Conveyance dated 28th December, 2020 made and entered into between Messrs Golden Construction Company, therein referred to as the Vendor of the First Part, Kolte Patil Developers Limited, therein referred to as the Developer of the Second Part and Golden Pebbles Co-operative Housing Society Limited, therein referred to as the Society/the Purchasers of the Third Part and registered with the office of the Sub-Registrar of Assurance at Kole Kalyan, under serial no. BDR-4-470 of 2021, the said Messrs Golden Construction Company granted, conveyed, sold and transferred the said Second Property to the said Society on behalf of the consideration paid by Kolte Patil Developers Limited to Messrs Golden Construction Company, on behalf of the said Society.
- C. The said First Property and the Second Property are hereinafter collectively referred to as the "**said Property**".
- D. The said Building, being more than 37 years old was in a dilapidated condition and the members of the said Society were desirous of redeveloping the said Building and constructing a new building in its place and stead.
- E. Thereafter, the said Society followed the procedure set out in the Circular bearing reference no. CHS/2007/CR554/14-C dated 3rd January, 2009 issued by the

Government of Maharashtra for redevelopment of the said Property and appointed Kolte Patil Developers Limited as the developer in respect of the said Property.

- F. By a letter dated 24th August, 2015 addressed by the Assistant Registrar, Government Institution, H/East Ward, Mumbai to (i) Chairman/ Secretary, Golden Pebbles Co-operative Housing Society Limited and (i) Main Engineer, Building Proposal Department, H/East Ward, MCGM, the Assistant Registrar *inter alia* granted permission for the redevelopment of the property of Golden Pebbles Co-operative Housing Society Limited by Kolte Patil Developers Limited.
- G. Accordingly, by a Redevelopment Agreement dated 4th June, 2021 made and entered into between Golden Pebbles Co-operative Housing Society Limited of the One Part and Kolte Patil Developers Limited, therein referred to as the Developer of the Other Part and registered with the office of the Sub-Registrar of Assurances under serial no. BDR-4-4900 of 2021, Golden Pebbles Co-operative Housing Society Limited granted development rights in respect of the said Property to Kolte Patil Developers Limited on certain terms and conditions mentioned therein.
- H. The Golden Pebbles Co-operative Housing Society Limited executed a Special Power of Attorney dated 4th June, 2021 in favour of Kolte Patil Developers Limited, acting through its Directors and/or authorized representatives and the same has been registered with the office of the Sub-Registrar of Assurances under serial no. BDR-4-4901 of 2021, whereby Golden Pebbles Co-operative Housing Society Limited *inter alia* authorized Kolte Patil Developers Limited to carry out the work of redevelopment on the said Property in accordance with the said Redevelopment Agreement dated 4th June, 2021.

6. **Litigation:**

I. Suit No. 1488 of 1980 in the Hon'ble Bombay High Court

Shyamlal Hinduja ...Plaintiff
vs
Mayadevi Chetandas Jethwani and others ...Defendants

- a) The captioned suit was filed by the Plaintiff, i.e. Shyamlal Hinduja, one of the Partners of Messrs. Trimurti Corporation against Mayadevi Chetandas Jethwani and others, being the then partners of Messrs. Trimurti Corporation *inter alia* praying for dissolution of the partnership firm, winding up of the affairs of the said partnership firm and for accounts. Further, Shyamlal Hinduja also prayed that the Court Receiver or some other fit and proper person be appointed to take charge and possession of the business and assets of the partnership firm.
- b) Golden Pebbles Co-operative Housing Society Limited filed Notice of Motion No. 1947 of 2017 in the said suit *inter alia* seeking discharge of the Court Receiver in respect of the portion of land on which Golden Pebbles Co-operative Housing Society Limited . *skm*

- c) By an Order dated 17th July 2018 the Hon'ble Bombay High Court allowed the Notice of Motion filed by Golden Pebbles Co-operative Housing Society Limited and discharged the Court Receiver to the extent of an area of 6179.35 sq meters which was conveyed to Golden Pebbles Co-operative Housing Society Limited.
- d) An appeal from the aforesaid Order dated 17th July 2018 was filed by the Plaintiff. The said Appeal bearing Appeal No. (L) 370 of 2018 was filed and the same was dismissed by Order dated 21st August 2018 passed by the Division Bench of the Hon'ble Bombay High Court and the Order dated 17th July 2018 was confirmed.
- e) Being aggrieved by the said Order dated 21st August, 2018 the Plaintiff preferred a Special Leave Petition No.(C) No 32251 and 32252 of 2018 in the Hon'ble Supreme Court of India which was dismissed by the Hon'ble Supreme Court of India by its Order dated 2nd January, 2019.
- f) Accordingly, the Order dated 17th July 2018 passed by the Hon'ble Bombay High Court has attained finality and the Court Receiver stood discharged to the extent of 6179.35 sq meters which is now the property of Golden Pebbles Co-operative Housing Society Limited by virtue of the Deemed Conveyance dated 16th July 2013.
- g) It is pertinent to note that Golden Pebbles Co-operative Housing Society Limited is not a party to the said Suit and hence no relief is sought against the Society in the said Suit.

II. Suit Nos. 2860 and 2861 of 1996 in the Hon'ble Bombay High Court

Court Receiver High Court Bombay	...Plaintiff
vs	
Shymlal Hinduja and others	...Defendants

- a) The Court Receiver, High Court, Bombay filed the captioned Suits *inter alia* praying that the Agreement dated 24th April, 1980 made and entered into between Messrs. Trimurti Corporation and Messrs. Superior Construction Co, Agreement dated 15th November, 1980 made and entered into between Messrs. Superior Construction Co and Messrs. Golden Construction Co and Agreement for Sale dated 8th May, 1978, all be declared as null and void and not binding on the partnership firm of Messrs. Trimurti Corporation.
- b) Golden Pebbles Co-operative Housing Society Limited filed Chamber Summons bearing Nos. 1071 of 2017 and 458 of 2017 in Suit Nos. 2860 and 2861 of 1996 respectively to be impleaded as a party to the said Suits. By its Order dated 20th June, 2018, the Hon'ble Bombay High Court allowed Golden Pebbles Co-operative Housing Society Limited to be impleaded as a party Defendant in Suit Nos. 2860 and 2861 of 1996. *KMU*

- c) The said Suits are still pending hearing and final disposal.
- d) It may be noted that no adverse Orders have been passed and the said suits are at the stage of cross examination. We observe that the aforesaid suits are prima facie barred by the Laws of Limitation. We further observe that the Society has obtained a unilateral deemed Conveyance of the said First Property in its favour which has now attained a finality.

5. Inspection of Originals:

The following documents of title in respect of the said Property have been perused by us which are namely:

- i. Original Society Registration Certificate bearing Registration no BOM/WHE/HSG. (T.C)/533/84-85
- ii. Original Unilateral Deed of Conveyance dated 27th August 2013.
- iii. Original Deed of Conveyance dated 28th December 2020
- iv. Original Redevelopment Agreement dated 4th June 2021.
- v. Original Special Power of attorney dated 4th June 2021
- vi. Certified copies of Property Register Cards with respect to the First Property and
- vii. Certified Copies of the 7/12 extract with respect to the Second Property.

6. Property Tax

We have been provided with the property tax bills for the period 2019-2020 issued by the Brihanmumbai Mahanagarपालिका in the name of 'THE SECY. GOLDEN PEBBLES CO-OPERATIVE HOUSING SOCIETY LIMITED' along with receipt of payment made to the Brihanmumbai Mahanagarपालिका dated 21.01.2020 which show that the Municipal Tax Bill has been paid.

7. Public Notice:

We have caused public notices to be issued in the local newspapers namely Business Standard and Navshakti on 1st September 2021, inviting claims from the public in respect of the said Property. However, no claims have been received by us in pursuance thereof, till date

8. ROC Search

We have been informed by Golden Pebbles Co-operative Housing Society Limited and Kolte Patil Developers Limited that they have not created any charge/ mortgage/ encumbrance on the said Property.

9. For the purposes of this Report on Title, it may be noted that:

geml

- c. Our observations are limited only to the extent of the deeds, documents, papers and information furnished to us. We presume that what is stated in the said deeds, documents, papers and writings by the executants therein is true and correct and that they are correctly stamped and registered and we take no responsibility for the correctness of the statements made therein or for payment of the proper stamp duty or the registration of the documents given to us for our perusal. We also take no responsibility of any information, declaration or undertakings that may be contained in such documents and papers that may not have been provided to us for the purpose of issuing this Report on Title or such information or particulars or details as may not have been disclosed to us.
- d. We have assumed that each deed, document/paper has been signed/ executed by persons purporting to sign/ execute the same and such person has full authority and power to do so.
- e. Under no circumstances, shall the cumulative liability, if any, of our firm viz., Messrs. Kanga and Company, Advocates and Solicitors, its Partners, Associates or employees, in connection with the preparation or the issuance of this Report on Title, exceed the professional fees paid to us in that behalf.

Date: 20-12-2022

Yours faithfully,
Kanga and Company



Partner