

MUKESH B.MALKAN
ADVOCATE, HIGH COURT.
MAH/1146/1985

OFFICE:- C-1, MEZZANINE FLOOR, ABOVE GIFT CENTRE, ELITE SHOPPING CENTRE, RUSTOM BUILDING, 27/29, V. N. ROAD, FORT, MUMBAI - 400 023. TEL . NO:- 02281 27 83.

RES :- Flat No.26, 2nd floor, B, Santosh Society, 12-A, Thanavala Lane, Vile Parle (E), Mumbai - 400 057. Mobile No. 98200 30970.

TO WHOMSOEVER IT MAY CONCERN

This is to certify that under the instructions of my client **M/s. DARSHAN DEVELOPERS**, a Proprietary Firm, though it's Proprietor **Mr. PRAVIN VIRAM SATRA**, having his place of business at 1-A, 1st Floor, Sagar Complex CHS Ltd., M.G.Road, Vile Parle (East), Mumbai - 400 057, (hereinafter referred to as "the Developer") the Developer of the property mentioned herein I am giving this my "**Report on Title-Cum-Certificate**", in respect of the Properties being All that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No. 163/A Part, (now bearing CTS No.163A/2 part) admeasuring about 3670.15 Sq. Meters or thereabout, known as "Shree Mankameshwar Shejaar Sammitee SRA Co-Operative Housing Society Limited", in the Registration District of Mumbai Suburban District, and more particularly described in the Second Schedule hereunder written and hereinafter referred to as "the said First Property" belongs to the State Government of Maharashtra (Now MHADA) AND All that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No. 163/A Part, (now bearing CTS No.163A/2 part) admeasuring about 2382.64 Sq. Meters or thereabout, known as "Siddhivinayak Shejaar Sammitee SRA Co-Operative Housing Society Limited", in the Registration District of Mumbai Suburban District, and more particularly described in the Third Schedule hereunder written and hereinafter referred to as "the said Second Property" belongs to the State Government of Maharashtra (Now MHADA) and hereinafter the said First Property and the said Second Property as stated hereinafter shall be jointly referred to as "the said Property". The said Property is part of the Larger Property bearing CTS. 163/A admeasuring 6,07,898.9 square meter and after Sub-division given new CTS No. 163A/2 admeasuring 5,98,783.5 square meters more particularly described in the First Schedule.

1. As per copies of the documents put before me the recitals of the said Property are as follows:



2. It appears that originally the State Government of Maharashtra was seized and possessed of and otherwise well and sufficiently entitled to a larger piece and parcel of land and ground admeasuring 6,07,898.9 square meters (as per P.R. Card) and bearing CTS No.163/A, Village Akurli, Taluka Borivali, District Mumbai Suburban and more particularly described in the First Schedule hereunder written and hereinafter referred to as "the said Larger Property".

3. It appears that vide an Order dated 17th July, 1991, and bearing Reference No.69-77/3C/D-114, the State Government of Maharashtra gave its consent for transferring inter alia the Larger Property in favour of the Maharashtra Housing and Area Development authority ("MHADA"). This fact is confirmed and recorded in the letter dated 20-11-1991 issued by the State of Maharashtra through its department of MHADA, bearing No. PMG.1089/C.R.R.1106/Deprt.-5 and declared that the said Lager Property is slum property and MHADA is entitled for development as per Slum Rehabilitation Authority (hereinafter referred as SRA). In the said Larger Property contains the said First Property and the said Second Property.

4. As per documents, all that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No.163/A Part, admeasuring about 3670.15 Sq. Meters or thereabout, known as "Shree Mankameshwar Shejaar Sammittee SRA Co-Operative Housing Society Limited" in the Registration District of Mumbai Suburban District, and more particularly described in the Second Schedule hereunder written and hereinafter referred to as "the said First Property" belongs to the GOVERNMENT OF MAHARASHTRA (now MHADA as recited above) and also all that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No. 163/A part, admeasuring about 2382.64 Sq. Meters or thereabout, known as "Siddhivinayak Shejaar Sammittee SRA Co-Operative Housing Society Limited" in the Registration District of Mumbai Suburban District, and more particularly described in the Third Schedule hereunder written and hereinafter referred to as "the said Second Property" belongs to the GOVERNMENT OF MAHARASHTRA (now MHADA as recited above).

5. The said First Property and the said Second Property in total are admeasuring 6052.79 square meters (3670.15 Sq. meters + 2382.64 Sq. Meters) as per the Development Agreements. As per D.P. Remarks the said First Property and said Second Property falls under Residential Zone with a 18.3 sq.mtrs wide D.P. Road. On amalgamation of the said First Property and the said Second Property and as per Lay out plan thereof, the said both Property is being divided by natural sub-division in three portions by the D.P. Road admeasuring 1579.20 sq.mtrs. One portion is the Rehab Plot admeasuring 1883.1 sq.mtrs. and other portion is the Sale Plot admeasuring 2493 sq.mtrs.



6. On the said First Property and the said Second Property there were 289 slum dwellers and are occupying their respective room/premises prior to the year 1995. As per Annexure II issued by the SRA, the eligible Slum dwellers are 210. As per the said LOI dated 23-08-2012, bearing No. SRA/ENG/1335/RS/MHL/LOI, issued by SRA, the Developers have to provide Permanent Alternate accommodations admeasuring 25 square meters i.e. 269 square feet Carpet for rehab of Residential premises and Residence cum Commercial Premises and Commercial Premises as per existing premises area or upto 20.90 square meters i.e. 225 square feet carpet, as per SRA Rules.

7. In the year 2003, the Slum dwellers on the said First Property have formed their Co-Operative Housing Society in the name of Shree Mankameshwar Shejaar Sammittee Co-Operative Housing Society Limited and having its Registration NO. MUM/WR/GNL/O/1171 OF 2003. Subsequently, as per SRA norms, in the year 2014, said Shree Mankameshwar Co-Operative Housing Society Limited have formed it's society under SRA having new name Shree Mankameshwar Shejaar Sammittee SRA Co-Operative Housing Society Limited bearing it's Registration No. MUM/SRA/HSG/(TC)/12469/2014, dated 12-05-2014, having it's registered address CTS No. 163A Part, Village Akurli, Ganga Bavdi Marg, Hanuman Nagar, Akurli Road, Kandivli (East), Mumbai 400 101. Hereinafter said Shree Mankameshwar Shejaar Sammittee SRA Co-Operative Housing Society Limited referred to as "the said First Society".

8. The said First Society had entered into a Development Agreement dated 13-2-2006 in favour of the Developer for development of the said First Property under SRA Scheme on the Terms and conditions contained therein. The Office bearers of the said First Society has also granted Irrevocable General Power of Attorney dated 13-2-2006 in favour of the Developer for redevelopment of the said First Property under the provisions of MHADA, MCGM and SRA with various powers and authorities to the Developer, in the manner mentioned therein. A power to amalgamate the said First Property with any other property or sub-divide the same was also given to the Developer under the aforesaid Power of Attorney and to sale the Saleable Components and to provide Permanent Alternate Accommodation to the respective Eligible Slum Dwellers of the said First Property.

9. The Slum dwellers on the said Second Property have formed their Co-Operative Housing Society in the name of Siddhivinayak Shejaar Sammittee Co-Operative Housing Society Limited and having it's Registration NO. MUM/WR/GNL/O/1248 OF 2004-05. Subsequently, as per SRA norms, in the year 2014, said Siddhivinayak Shejaar Sammittee Co-Operative Housing Society Limited have formed it's society under SRA having new name Siddhivinayak Shejaar Sammittee SRA Co-Operative



Housing Society Limited bearing it's Registration No. MUM/SRA/HSG/(TC)/12470/2014 dated 12-05-2014, having it's registered address CTS No. 163A Part, Village Akurli, Ganga Bavdi Marg, Hanuman Nagar, Akurli Road, Kandivli (East), Mumbai 400 101. Herein after said Siddhivinayak Shejaar Sammittee SRA Co-Operative Housing Society Limited for sake of convenience referred to as "the said Second Society".

10. The said Second Society had entered into a Development Agreement dated 13-2-2006 in favour of the Developers for development of the said Second Property under SRA Scheme on the Terms and conditions contained therein. The Office bearers of said Second Society has also granted Irrevocable General Power of Attorney dated 13-2-2006 in favour of the Developers for redevelopment of the said Second Property under the provisions of MHADA, MCGM and SRA with various powers and authorities to the Developer, in the manner mentioned therein. A power to amalgamate the said Second Property with any other property or sub-divide the same was also given to the Developer under the aforesaid Power of Attorney and to sale the Saleable Components and to provide Permanent Alternate Accommodation to the respective Eligible Slum Dwellers of the said Second Property.

11. As permitted by SRA, the Developers have amalgamated the said First Property and the said Second Property. Hereinafter the said First Property and the said Second Property for sake of Convenience jointly referred to as "the said Property".

12. There were slum dwellers being the Tenants/ Occupants on the said property and the list of eligible tenants is certified by Additional Collector Encroachment, Mumbai under SRA. Accordingly the Developers have obtained Annexure II of the Eligible Slum Dwellers thereof. The MHADA has confirmed the said Annexure II vide its letter in reply to MB's letter No.CO/ALM/MB/shri Mankameshwar/4460/06, dt.16/04/06. In the said letter it is recorded that more than 70% of hutment dwellers/occupants being members of the said First Society and the said Second Society consented to for redevelopment of the said Property under the provisions of Regulation 33 (10) of the Development Control Regulations.

13. As per procedure and process of SRA, the Slum Rehabilitation Authority has granted the Annexure III dated 19-10-2007 bearing No. SRA/ACCT/ANNEXIII/CERT/1317/2007/1436 to assess the financial capacity of the Developer to execute SRA Scheme,

14. The Developers have submitted a proposal for a Slum Rehabilitation Scheme under Regulation 33 (10) of the Development Control Regulations, 1991 in respect of the said Property admeasuring 6052.79 square meters situate on the said portion of the Larger Property under occupation of the members of said two societies. The Developers have also obtained Letter of Intent i.e. LOI dated 23-8-2012 bearing NO.



SRA/ENG/1335/RS/MHL/LOI from Slum Rehabilitation Authority. (as recited above). The Developers have shifted the Slum dwellers of the said property to the Temporary Accommodations and therefore, the SRA has granted Commencement Certificate as referred hereinafter.

15. Subsequently, the Developers have submitted amended plans of Rehab Building A-1 before the SRA and the SRA has approved the said amended plans of Rehab Building A-1 by issuing IOA dated 18-11-2016 bearing No. SRA/ENG/3087/RS/MHL/AP.

16. Meanwhile, negotiations were done between the Developers and one **ATUL SL LLP**, the Co-Developers for joint development of the said Property. Pursuant to the finalization of the said negotiations, under the instructions of the said **ATUL SL LLP**, the Co-Developers, their Advocates and Solicitors one **VIRAL VORA**, administrative partner of VPV Legal & Associates, had given public notices in three Public Newspapers in Times of India at page 12 (in English), Free Press Journal at page 4 (in English) and Navshakti at page 15 (in Marathi), all dated 19-08-2017, to verify the Title of the Developers and invited claim if any has/have against the said Property or the Developers. It appears that the said Advocates and Solicitors of the said **ATUL SL LLP**, the Co-Developers, must have not received any claim from public of any manner either against the Developers or the said Property.

17. Therefore, by and under an Joint Development Agreement dated 11th September, 2017 entered into between the Developer of the One Part and **ATUL SL LLP**, (a LLP formed and constituted under the Limited Liability Partnership Act, having its Registered Office at 501, Trade Avenue, Suren Road, Off. Western Express Highway Andheri (East), Mumbai 400 093), (hereinafter referred to as "Co-Developer Atul") of the Other Part.

18. As per the said Joint Development Agreement dated 11th September, 2017, it is agreed by and between the Developers and the Co-Developer Atul to jointly develop the said Property and market the same as "PHOENIX TOWER". The Developers and the Co-Developer Atul shall jointly develop the said property by constructing buildings and such other structures as per LOI by utilising full development potentials including FSI/TDR, Fungible FSI (whatever named) as may be available and permitted under the provisions of the Development Control Regulations for Greater Mumbai, 1991 ("DCR") as amended up to date as per DCPR 2034 and the SRA in accordance with LOI and or revised LOI issued or to be issued by the SRA and on the specified terms and conditions contained in the said Joint Development Agreement dated 11th September, 2017.

19. Pursuant to the said Joint Development Agreement dated 11th September, 2017 and on the basis of the Power of Attorneys granted by the said First Society and the



said Second Society in favour the Developers, the Developers have also given notarized Power of Attorney dated 11-09-2017 in favour of the nominees of the Co- Developers for joint development of the said Property.

20. On the same day the Developers and the said Co-Developer Atul have also executed Supplemental Development Agreement dated 11th September 2017 to modify and amend the certain terms and conditions of the said Joint Development Agreement dated 11th September, 2017.

21. Meanwhile, the City Survey authorities as per norms, made sub-divisions of the said Large Property and as per sub-division order dated 18-6-2018, passed by the Collector of Mumbai suburban and new Property Card of CTS. 163/A admeasuring 6,01,653.5 square meter is being issued and given new CTS No. 163A/2 admeasuring 5,98,783.5 square meters of the said Larger Property by dividing area of the new CTS Nos. 163A/3 and 163A/4, as recorded in "Ferfare Nondh Utara" dated 05-07-2018. Accordingly in the further LOI, IOA and other records issued by the MHADA, SRA, the new CTS No.163A/2 is referred in respect of the said Larger Property.

22. Pursuant to the application No. 5064 dated 22-04-2018, made by the Developers to SRA, The SRA has granted Commencement Certificated dated 12-07-2018, bearing No. SRA/ENG/3087/RS/MHL/AP, under section 44 & 69 of Maharashtra Regional Town Planning Act, 1966, to carry out development and building permission under Section 45 of the Maharashtra Regional Town Planning Act, 1966, to erect a building on the said Property bearing CTS No. 163/A (now bearing CTS No. 163A/2) to the Developers of the new building up to plinth level.

23. The Developers have also applied to and requested the said First Society and the said Second Society to give their permission for Joint Development of the said Property by the Developers along with the said Co-Developer Atul. Accordingly, the said First Society and the said Second Society have passed their respective resolutions both dated 30-09-2018 in their respective General Body Meeting held on 30-09-2018. As per the said respective resolutions the Developers have been granted permissions by the said First Society and the said Second Society for joint development of the said Property by the Developers and the said Co-Developer Atul.

24. The Developers have also submitted their letter dated 04-10-2019 duly approved by their Chartered Accountant to assess the financial capacity of the Developers to Execute SRA scheme to obtain revised Annexure III. The SRA has granted revised Annexure III to assess the financial capacity of the Developers to Execute SRA scheme vide it's letter dated 19-10-2019 bearing No.SRA/ACCT/ANNEIII/CERT/1317/4571B.



25. In the references of above Slum Rehabilitation Scheme and on the basic of the documents the SRA has issued Revise Letter of Intent vide its Letter dated 11th November, 2019 bearing No. SRA/ENG/1135/RS/MHL/LOI, in respect of the said Property admeasuring 5955.30 square meters with building amended plans, as contained therein of Rehab Building and same is self-explanatory.

26. Subsequently, in the references of above Slum Rehabilitation Scheme and on the basic of the documents the SRA has issued Revised Intimation of Approval vide its Letter date 21st November, 2019 bearing No. SRA/ENG/3087/RS/MHL/AP, in respect Rehab Building A-1 and the SRA has also issued Intimation of Approval vide it's Letter date 21st November, 2019 bearing No. SRA/ENG/RS/MHADA/0010/20060321/AP/S, in respect Sale Building, both to be constructed on the said Property admeasuring 5955.30 square meters with Sale building amended plans, as contained therein and same is self-explanatory.

The details of respective letters of Annexure III, LOI, Revised LOI, Commencement Certificate and approval of amended plan are given herein below;

Item	Date	No.	Reference Of Authority
Order by the State Government of Maharashtra	17 th July, 1991	69-77/3C/D-114	Of said Larger Property transferring in favour of MHADA
Letter of MHADA	20-11-1991	PMG.1089/C.R.R.1106/D epntr.-5	the said Lager Property is slum property & can develop
ANNEXURE II	16/04/06	CO/ALM/MB/shri Mankameshwar/4460/06	Letter of MHADA confirming Annexure II
ANNEXRUE III	19-10-2007	SRA/ACCT/ANNEXIII/CE RT/1317/2007/1436	Assess of the Developer able to develop by SRA
LOI (Letter of Intent)	23-08-2012	SRA/ENG/1335/RS/MHL/ LOI	By SRA
Intimation of Approval (IOA)	18-11-2016	SRA/ENG/3087/RS/MHL/ AP	By SRA
COMMENCMENT CERTIFICATE	12-07-2018	SRA/ENG/3087/RS/MHL/ AP	BY SRA



Revised Annexure III	19-10-2019	SRA/ACCT/ANNEIII/CER T/1317/4571B	By SRA
Revise Letter of Intent	11th November, 2019	SRA/ENG/1135/RS/MHL/ LOI	By SRA
Revise Intimation of Approval	21 st November, 2019	SRA/ENG/3087/RS/MHL/ AP Of Rehab Building A-1,	By SRA
Intimation of Approval	21 st November, 2019	SRA/ENG/PS/MHADA/00 10/20060321/AP/S Of Sale Building,	By SRA

27. The Developers have appointed M/s. Essar Group an Architect Firm Registered with the counsel of Architects, having office at B/105/106, Shivam Square, Sahar Road, Andheri (East), Mumbai 400 069 and have also appointed a structural Engineer viz. Shri P. K. Sura, having his Office at A/302-303, Shubham Centre-II, Opp. Holy Family Church, Cardinal Gracious Road, Chakala, Andheri (East), Mumbai – 400 099, for the preparation of structure/designs and drawings of the said building and the Developers have accepted the professional supervisions of the said Architect and said structural Engineer.

28. The Developers have the sole and exclusive right to sell the Sale Components with consent and confirmation of the said Co-Developers Atul, the flats/units/Commercial Premises/ tenements/shops/offices and to allot/sale parking spaces in Open Parking Spaces, Stilt including Stack on Ground floor and Tower Car parking spaces of the said Sale Building to be constructed and to be constructed by the Developers jointly with said Co-Developers Atul on the said property and to enter into agreement/s with the Flat Purchaser/s of the flats/units/Commercial Premises/ tenements/shops/offices and for allot/sale parking spaces in open parking Spaces, Stilt including Stack on Ground floor and Podium Car parking spaces of the said Sale Building and to receive the sale price in respect thereof under the provisions of MAHARERA, 2016;

29. I have taken further search of the said Property through my Search clerk in the offices of the Sub-Registrar of Assurances at Old Custom House, Mumbai and MHADA office at Bandra from the year 1990 to 2020 (Last 31 Years) respectively and also in the offices of the Sub-Registrar of assurances (Borivali-1, 2, 3, 4, 5, 6, 7, 8 & 9) at

Goregaon, Kandivali, Magathane and Borivali from the year 2002 To, 2020 (Last 19 years) respectively in respect of the said Property and save and except certain Registered Agreements for Permanents Alternate Accommodations executed by the Developer in favour of illegible slum dwellers being found registered. As per said Search no other documents being found registered having charge or claim over the said Property.

30. I am relying on my clients Declaration-cum-Indemnity dated 29.01.2020, that they have not created any third party rights of the in respect of the said Property, they are bound and liable to provide and allot the permanent alternate accommodations to the slum dwellers i.e. tenants/occupants on the said property. As stated in Para 16 above, I have not given any public notice to invite claims if any from the public at large.

31. The Developers have to register the aforesaid Project under the provisions of the Real Estate (Regulation and Development) Act, 2016 with the Real Estate Regulatory Authority at Mumbai, Maharashtra.

32. In the premises aforesaid the Title of the said Property is marketable and my clients i.e. the Developers are entitled to sell, transfer and assign sale components units i.e. flats/units/Commercial Premises/ tenements/shops/offices and to allot/sale parking spaces in open parking Spaces, Stilt including Stack on Ground floor and Tower Car parking spaces of the said Sale Building to the intending respective Purchasers thereof under the norms of RERA with consent and confirmation of the said Co-Developers as per terms and conditions of their said Joint Development Agreement and Supplemental Agreement both dated 11-09-2017.

THE FIRST SCHEDULE OF THE SAID LARGER PROPERTY ABOVE REFERRED

TO:

All that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, CTS. 163/A Part admeasuring 6,07,898.9 square meter and after Sub-division given new CTS No. 163A/2 admeasuring 5,98,783.5 square meters in the Registration District of Mumbai Suburban District.

THE SECOND SCHEDULE OF THE SAID First Property ABOVE REFERRED TO:

All that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No. 163/A Part, (now bearing 163A/2 part) admeasuring about 3670.15 Square Meters

Mukesh B. Malkan
Advocate High Court

or thereabout, known as "Shree Mankameshwar Shejar Samiti SRA Co-Operative Housing Society Limited", in the Registration District of Mumbai Suburban District.

THE THIRD SCHEDULE OF THE SAID Second Property ABOVE REFERRED TO:

All that pieces and parcels of land being lying and situate at Village Akurli, Taluka Borivali, Kandivali (East), Ganga Bavadi Marg, Mumbai 400 101, bearing CTS No. 163/A part, (now bearing 163A/2 part) admeasuring about 2382.64 Square Meters or thereabout, known as "Siddhivinayak Shejar Samiti SRA Co-Operative Housing Society Limited", in the Registration District of Mumbai Suburban District.

Dated this 1st day of February, 2020.

Yours faithfully,


(MUKESH B. MALKAN)

ADVOCATE for M/s. DARSHAN DEVELOPERS,
A Proprietary Concern, through its Proprietor
SHRI PRAVIN VIRAM SATRA.
(The Developers).