

# *Nilesh C. Parmar*

B.Com., LL.B.

## **ADVOCATE HIGH COURT & NOTARY (Govt. Of India)**

Office : I/137, Raj Arcade, Mahavir Nagar, Opp. Chroma Showroom, Kandivali (W), Mumbai - 400 067.

Email : [nileshvakil@rediffmail.com](mailto:nileshvakil@rediffmail.com) Tel. : 022 - 4022 3929, M - 98709 61261

Residence : A/4, Kiran Kunj, Near G.H. High School, M.G. Cross Road, Borivali (E), Mumbai - 400 066.

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### **TITLE CERTIFICATE**

Re: ALL THAT pieces or parcel of land or ground together with the building standing thereon and known as "HARSHVARDHAN Co-operative Housing Society Ltd.", lying and being on piece or parcel of land or ground bearing Plot Survey No. 7 corresponding CTS No. 27(pt) admeasuring 1198.01 sq. mtrs. (i.e. 823.84 sq.mtrs. as per Lease Deed + 374.17 sq. mtrs. Tit Bit Land) of Village Pahadi Goregaon, Taluka Goregaon, Mumbai Suburban District situated at Siddharth Nagar, Goregaon (West), Mumbai - 401 104.

i. This title certificate is being issued in conjunction with a flat ownership agreement, which is intended to be executed by M/s. OXFORD REALTORS (INDIA) PVT. LTD., a Company incorporated under the provisions of the Companies Act, 1956 and having its registered office at 7, Shiv Sagar CHS Ltd., Plot No. 36, Sector No. 1, Near Kamala Industrial Park, Charkop, Kandivali (West), Mumbai - 400 067 ("the Developers").

ii. On instructions of the Developers I have investigated the title of HARSHVARDHAN CO-OPERATIVE HOUSING SOCIETY LTD. a society registered under the provision of Maharashtra Co-operative Societies Act, 1960 bearing registration No.BOM/HSG/7816 dated 24/03/1982 having its registered

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officer address at Building No. 2, Siddhartha Nagar, S. V. Road, Goregaon (West), Mumbai - 400 104, referred to as "the Society" to the land described in schedule hereunder written.

- iii. By virtue of Under the Registered Indenture of Lease dated 19/06/1997 executed by and between the Maharashtra Housing and Area Development Authority (Mahada) and the Society, the Society entitled to leased hold rights of in respect of the said plot land i.e. all that piece or parcel of land or ground bearing Plot Survey No. 7 corresponding CTS No. 27(pt) admeasuring 1198.01 sq. mtrs. (i.e. 823.84 sq.mtrs. as per Lease Deed + 374.17 sq. mtrs. Tit Bit Land) of Village Pahadi Goregaon, Taluka Goregaon, Mumbai Suburban District situated at Siddharth Nagar, Goregaon (West), Mumbai - 401 104 hereinafter referred to as the "the said Land"
- iv. By virtue of Registered Deed of Sale dated 19/07/1997 executed by and between the Maharashtra Housing and Area Development Authority (Mahada) and the Society, the Society seized and possessed of the Building namely "HARSHVARDHAN Co-operative Housing Society Ltd." comprising Ground + Three Upper Floors containing 32 tenements each admeasuring 20.23 sq. mtrs standing on the said Land being lawful owner thereof hereinafter referred to as the "said Building". The said Land and the said Building

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together are more particularly described in the Schedule hereunder written and is hereinafter referred to as the "said Property".

- v. The said Building is nearly more than 40 years old and in dilapidated condition and it requires heavy repair otherwise it will not last long and the only viable solution is to demolish the Building and reconstruct a new building thereon.
- vi. After Scrutiny of all offers received from various developers, in the Special General Body Meeting of the Society held on 14/04/2005, it was unanimously decided and resolved to appoint M/s. Marwin Construction Co. to carry out the redevelopment and reconstruction of the said property.
  - a) Under the Development Agreement dated 20/04/2005, the Society has granted development rights of the said property to M/s. Marwin Construction Co. interalia demolishing the Building and construction of new building by utilizing balance Floor Space Index in respect of the said property for valuable consideration and upon the terms and conditions recorded therein. The said Development Agreement dated 20/4/2005 was registered along with Declaration-cum-Confirmation Deed dated 13/12/2006 with Sub-Registrar of Assurance, Borivali-3, MSD under serial No. BDR6-09114-2006 on 13/12/2006. *CP*



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- b) Vide Deed of Confirmation dated 22/03/2010, the Society has confirmed the execution of the Development Agreement dated 20/4/2005 and terms and conditions recorded therein. The Society further confirmed that the said Development Agreement dated 20/4/2005 is valid, subsisting and binding upon the parties thereto. The said Deed of Confirmation dated 22/03/2010 with Sub-Registrar of Assurance, Borivali-4, MSD under serial No. BDR10-02886-2010 on 22/03/2010.
- c) Pursuant to the Development Agreement dated 20/4/2005, the Society has executed General Power of Attorney dated 22/03/2010 in favour of M/s. Marwin Construction Co. to enable them to carryout and complete the redevelopment of the said property. The said General Power of Attorney dated 22/03/2010 with Sub-Registrar of Assurance, Borivali-4, MSD under serial No. BDR10-02887-2010 on 22/03/2010.
- d) In the in the Special General Body Meeting of the Society held on 08/08/2010 in presence of representative of Deputy Registrar, Co-operative Society, MHADA, it was unanimously resolved and the confirmed the appoint of M/s. Marwin Construction Co. being the Developers to carry out the redevelopment and reconstruction of the said property. The Hon'ble Deputy Registrar, Co-operative Society, MHADA has issued order dated 15/08/2010 for the selection of the M/s. Marwin Construction Co. for the redevelopment of the said

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property of the Society as per the provisions and Rules and Regulations of Govt. of Maharashtra.

- e) The MHADA have granted area Certificate No. 2255/2010 dated 31/08/2010 to the Society in which the shows that the Society is in occupation of 1198.01 sq. mtrs. (i.e. 823.84 sq. mtrs. as per Lease Deed + 374.17 sq. mtrs. Tit Bit Land) plot of project land.
- f) Vide Letter bearing No. EE/BD/S. Div-V/MB/2267/2010 dated 03/09/2010, the MHADA granted Certificate regarding the Dilapidated Conditions of the Society and also granted no objection for repairs/ Reconstruction/ Demolition of the said Building.
- g) M/s. Marwin Construction Co. has submitted the plan for the approval of new proposed building to be constructed on the said property under file bearing No. CHE/A0224/BP (WS)/AP on 03/06/2011 to MCGM.
- h) The Society Members have handed over the vacant and peaceful possession of their respective flats to M/s. Marwin Construction Co. and shifted to temporary alternate accommodation. M/s. Marwin Construction Co. has already paid rent towards temporary alternate accommodation and since September, 2016. M/s. Marwin Construction Co. have

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not paid the monthly compensation to the members of the society.

- i) Vide letter dated 27/10/2017, the Society has sought the clarification from M/s. Marwin Construction Co. regarding prolong delay of the project and no progress in construction of proposed building and demanded pending rent since September, 2016 failing which the Society shall take steps for termination of Development Agreement and Power of Attorney executed in favour of M/s. Marwin Construction Co.,
- j) In reply thereto, M/s. Marwin Construction Co. communicated with the Society that they are not able to carry and complete the project of Redevelopment of the Society building and requested to appoint new Developer for the Redevelopment of the Society building and M/s. Marwin Construction Co. shall grant NOC and also execute the necessary Deed of Cancellation for termination of Development Agreement and Power of Attorney.
- k) The Society called Special General Body meeting on the subject matter on dated 26/11/2017, subject of appointment of new Developers was discussed among the Society members and same was approved. 



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- l) M/s. OXFORD REALTORS (INDIA) PVT. LTD. (the Developer) has submitted their offer vide offer letter dated 24/11/2017, in which they agreed to obtain NOC from M/s. Marwin Construction Co. at their cost by paying the expenses which may have been incurred by M/s. Marwin Construction Co. in the present project. The Managing Committee held extensive meetings with the M/s. OXFORD REALTORS (INDIA) PVT. LTD. (the Developer) and came to the conclusion that M/s. OXFORD REALTORS (INDIA) PVT. LTD. (the Developer) could be appointed to undertake the said development work.
- m) The offer of the M/s. OXFORD REALTORS (INDIA) PVT. LTD. (the Developer) is finally accepted by the Society in the Special General Body Meeting held on 26/11/2017 and the said M/s. OXFORD REALTORS (INDIA) PVT. LTD. is finally selected for redevelopment of the said property unanimously by all members of the Society.
- n) M/s. OXFORD REALTORS (INDIA) PVT. LTD. (the Developer) has approached to M/s. Marwin Construction Co. regarding NOC for redevelopment of the said property by them and accordingly the said M/s. Marwin Construction Co. agreed to give NOC and execute the deed of cancellation/surrender of aforesaid Development Agreement dated 20/04/2005, and General Power of Attorney dated 22/03/2010 and Deed of Confirmation dated 22/03/2010. *CP*

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o) Under the Deed of Cancellation dated 15/06/2018 executed between the Society and M/s. Marwin Construction Co., the parties therein mutually agreed to cancel/terminated aforesaid Development Agreement dated 20/04/2005, and General Power of Attorney dated 22/03/2010 and Deed of Confirmation dated 22/03/2010 executed between them. The said Deed of Cancellation dated 15/06/2018 duly registered with Sub-Registrar of Assurance Borivali at Goregaon under serial No. BRL/4/8868/2018 on 15/06/2018. M/s. Marwin Construction Co. has also handed over the possession of the said plot of project land to the Society.

p) Under the Development Agreement dated 15/06/2018, the Society has agreed to grant Development of the said property of the Society interalia demolishing the Building and construction of new building by utilizing balance Floor Space Index in respect of the said property and FSI of other properties as may be obtained by way of Transfer of Development Rights (TDR) in accordance with the provisions of the MHADA and Development Control Regulation, 1991 for valuable consideration and upon the terms and conditions recorded therein. The said Development Agreement dated 15/06/2018 is registered with Sub-Registrar of Assurance, Borivali, at Goregaon under serial No. BRL/4/8872/2018 on 15/06/2018. *Op*



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- vii. Pursuant to the Development Agreement dated 15/06/2018, the Society have executed General Power of Attorney dated 15/06/2018 in favour of M/s. OXFORD REALTORS (INDIA) PVT. LTD. i.e. the Promoter herein to enable them to carryout and complete the redevelopment of the said property. The said General Power of Attorney dated 15/06/2018 registered with Sub-Registrar of Assurance Borivali, MSD at Goregaon under serial No. BRL/4/8873/2018 on 15/06/2018.
- viii. I have issued public notice dated 11<sup>th</sup> September, 2018 which was published in News papers namely "Free Press Journal" (English) and "Navshakti" (Marathi) on 12<sup>th</sup> September, 2018 and invited claims and/or objections from the persons having and/or claiming any share, right, title and interest in the said property. I however did not receive any objection and/or claim in response to my said public notices.
- ix. I have also perused the Search Report dated 25<sup>th</sup> September, 2018 taken out by Search Clerk Ganesh Gawde for last 30 years (i.e. from 1989 to 2018).
- x. I have perused the relevant property cards, mutation entries and other revenue record and relevant title documents place before me showing the title of the Society to the said property described in the Schedule hereunder written.

*CP*

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In background of the aforesaid in my opinion the title of the Society to the said property is marketable free from encumbrances and the Developers are entitled to develop the same according to the sanctions and approvals obtained and to be obtained from statutory authorities. Further I am of the opinion that the Developers are entitled to sell flat/shops/commercial Units/premises in the building/s to be re-constructed on the Said Property.

### The Schedule Above Referred To:

(Being description of the Said Property)

ALL THAT pieces or parcel of land or ground together with the building standing thereon and known as "HARSHVARDHAN Co-operative Housing Society Ltd.", lying and being on piece or parcel of land or ground bearing Plot Survey No. 7 corresponding CTS No. 27(pt) admeasuring 1198.01 sq. mtrs. (i.e. 823.84 sq.mtrs. as per Lease Deed + 374.17 sq. mtrs. Tit Bit Land) of Village Pahadi Goregaon, Taluka Goregaon, Mumbai Suburban District situated at Siddharth Nagar, Goregaon (West), Mumbai - 401 104.

Dated this 28<sup>th</sup> September, 2018

Mr. Nilesh C. Parmar  
Advocate & Notary

