



**Format 'A'**

**(Circular No. 28/2021)**

Ref no. 28/2024

12<sup>th</sup> April, 2024

To,

**MahaRERA**

6<sup>th</sup> & 7<sup>th</sup> floor,  
Housefin Bhavan,  
Plot No. C-21, E-Block,  
Bandra Kurla Complex,  
Bandra (East),  
Mumbai 400 051

**LEGAL TITLE REPORT**

Sub: Title clearance certificate with respect to: (i) land admeasuring approximately 1,200.75 square meters, bearing CTS no. 195 (part) of Village Andheri (West), and CTS no. 2 (part) of Village Vile Parle (West), corresponding to Survey nos. 106A (part) and 287 (part), situate at Samarth Ramdas Marg, JVPD, Andheri (West), Mumbai 400 049 ("**Land**"), together with building no. 7 known as "Geetanjali" comprising of ground and four (4) upper floors (since demolished) (hereinafter referred to as "**Old Building**") standing on the Land; (ii) land admeasuring in the aggregate approximately 735.98 square meters, that is, the NTBNIB land admeasuring 310.92 square meters and the land admeasuring approximately 425.06 square meters adjacent to the Land, situate, lying and being at Samarth Ramdas Marg, JVPD, Andheri (West), Mumbai 400 049 ("**Tit-Bit Lands**") allotted by Mumbai Housing and Area Development Board ("**MHADB**") (a Maharashtra Housing and Area Development Authority unit ("**MHADA**")) to the Society (defined hereinafter). The Land, the Old Building, and the Tit-Bit Lands are collectively referred to as the "**Property**".



(1). We have investigated the title of Juhu Geetanjali Vastushilp Co-operative Housing Society Limited, a co-operative society registered under the Maharashtra Co-operative Societies Act, 1960, vide registration no. BOM (W-K/W)/HSG (OH)/1354/84-85 on 14<sup>th</sup> December, 1984, having its registered office at Samarth Ramdas Marg, JVPD, Juhu, Mumbai 400 049 ("**Society**") to the Property, and irrevocable rights, and entitlements of Kalpataru Limited ("**Kalpataru**"), to re-develop the Property, on request of Kalpataru, and in relation thereto perused the following documents:

- (a). Description of the Property as mentioned in caption hereinabove;
- (b). The documents pertaining to the Property and devolution of title thereof are as referred to in the Report on Title bearing Reference no. 27/2024, dated 12<sup>th</sup> April, 2024, which is annexed hereto and marked 'Annexure I' ("**Report on Title**");
- (c). (i) Property Register Card (digitally signed) dated 21<sup>st</sup> January, 2019 and downloaded on 8<sup>th</sup> April, 2024, in respect of the land bearing CTS no. 2, of Village Vile Parle (West), District Mumbai Suburban, records the name of Mumbai Housing Board ("**MHB**") (the predecessor-in-title of MHADA) as the owner of the aforesaid land, and (ii) Property Register Card (digitally signed) dated 17<sup>th</sup> May, 2022 and downloaded on 8<sup>th</sup> April, 2024, in respect of the land bearing CTS no. 195 of Village Andheri, District Mumbai Suburban, records the name of MHB (the predecessor-in-title of MHADA);
- (d). Search Reports from year 1981 upto 2021 (that is, 41 years), from 15<sup>th</sup> June, 2022 till 11<sup>th</sup> July, 2022, and from the year 2022 upto 2024 (that is, 3 years) i.e. total 44 years are also referred to in the 'Annexure I' annexed hereto.

(2). On perusal of the abovementioned documents and all other relevant documents relating to title of the Property as referred to in the 'Annexure I' annexed hereto, we are of the opinion that:

- (a). The Society is: (i) the lessee of the Land under the Indenture of Lease (as defined and described in the Report on Title), (ii) the allottee of the Tit-Bit Lands and has the right to rectify the Indenture of Lease (as defined and described in the Report on Title) to include the Tit-Bit Lands which has been allotted by MHADA

as mentioned in the MHADB Offer Letter (as defined and described in the Report on Title), which Land and Tit-Bit Lands admeasure in the aggregate approximately 1936.73 square meters, and (iii) the owner of the Old Building under the Deed of Sale (as defined and described in the Report on Title), subject to the rights and entitlements of Kalpataru in respect of re-development of the Property. The title of the Society as lessee of the Land and owner of the Old Buildings (since demolished), and allottee of the Tit-Bit Lands is clear, marketable and free from encumbrances, subject to: (i) the terms, conditions and covenants of Indenture of Lease (as defined and described in the Report on Title), Deed of Sale (as defined and described in the Report on Title) and MHADB Offer Letter (as defined and described in the Report on Title), and (ii) applicable laws, rules, and regulations, and the bye-laws, applicable to the Property.

(b). Kalpataru has the irrevocable and exclusive development rights and entitlements in respect of the re-development of the Property, and is fully and freely entitled to utilise the FSI available on the Property and to allot and sell and/or otherwise alienate and dispose of all the balance/remaining flats in the new building to be constructed on the Property (excluding the flats to be allotted free of construction costs to the members of the Society and the flats to be provided to MHADA) in accordance with and subject to: (i) Kalpataru complying with its obligations under the Development Agreement (as defined and described in the Report on Title), and applicable laws, (ii) mortgage created under the Mortgage Deed (as defined and described in the Report on Title), (iii) litigations as recorded in Annexure 'A', and (iv) compliance of the terms, covenants and conditions set out in the permissions, approvals, remarks, orders, NOCs, sanctioned layout, etc. obtained and to be obtained by the Society and/or Kalpataru from MHADA/MHADB, Brihanmumbai Municipal Corporation and/or any other concerned governmental authorities in respect of the re-development of the Property.

(3). Qualifying comments/ remarks if any – As referred to in the 'Annexure I' enclosed/ annexed hereto.



(4). The report reflecting the flow of the title of the Society to the Property and the rights and entitlements of Kalpataru to re-develop the Property is as referred to in 'Annexure I' enclosed/ annexed hereto.

Encl: Annexure 'I'

Dated This 12<sup>th</sup> Day of April, 2024.

Yours faithfully,  
Messrs. M. T. Miskita & Company  
Advocates & Solicitors



Partner

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**(Circular No. 28/2021)**

**Flow of the Title of the Property**

(1). Property Register Card (digitally signed) dated 21<sup>st</sup> January, 2019 and downloaded on 8<sup>th</sup> April, 2024, in respect of the land bearing CTS no. 2, of Village Vile Parle (West), District Mumbai Suburban, *inter alia*, records the area of the land as 8,186.60 square meters and the tenure of the land as C-1, and original holder of the aforesaid land as Mumbai Housing Board (hereinafter referred to as "MHB") (the predecessor-in-title of MHADA), and Pearl of Juhu Co-Operative Housing Society Limited as lessee for land admeasuring 1,301.1 square meters, and Juhu Vikrant Co-operative Housing Society Limited as lessee for land admeasuring 1,230.9 square meters. The name of the Society has not yet been mutated on the said Property Register Card.

(2). Property Register Card (digitally signed) dated 17<sup>th</sup> May, 2022 and downloaded on 8<sup>th</sup> April, 2024, in respect of the land bearing CTS no. 195 of Village Andheri, District Mumbai Suburban, *inter alia*, records the area of the aforesaid land as 47,427.50 square meters, the tenure of the land as H-1, and original holder of the aforesaid land as MHB (the predecessor-in-title of MHADA), and other several co-operative housing societies as lessees of the aforesaid land. The name of the Society has not yet been mutated on the said Property Register Card.

(3). Search Reports:

(i). Search Report dated 30<sup>th</sup> June, 2022, issued by Mr. Shriniwas Chipkar, Property Investigator, in respect of the searches undertaken in the Offices of the Sub-Registrar of Assurances at Mumbai, Bandra, Andheri, Khar, Jogeshwari, and Vile Parle respectively for the period from the year 1981 upto 2021 (that is, 41 years), in respect of the Property;

(ii). SRO Search Report dated 12<sup>th</sup> July, 2022, issued by Simply Cersai in respect of the computerised searches undertaken in the Offices of the Sub-Registrar of Assurances at Andheri 1, 2, 3, 4, 5, 6, and 7 from 15<sup>th</sup> June, 2022 till 11<sup>th</sup> July, 2022 (that is, 2 months), in respect of the Property. It is *inter alia*, recorded in this SRO Search Report that the

Search Consultant was unable to trace any registered documents/index II pertaining to the Land and Tit-Bit Lands, and the entries of documents that are available are pertaining to other lands and not the Land and Tit-Bit Lands;

(iii). Search Report dated 8<sup>th</sup> April, 2024, issued by Mr. D. K. Patil, Title Investigator, in respect of the searches undertaken in the Offices of the Sub-Registrar of Assurances at Andheri I, II, III, IV, V, VI and VII respectively for the period from the year 2022 upto 2024 (that is, 3 years), in respect of the Property. It is recorded in this Search Report that the physical Index-II Books are not ready/prepared for the aforesaid period in respect of the Property. Further the search is in respect of the Property for the aforesaid period is also not available on the website of the Inspector General of Registration and Controller of Stamp, Maharashtra State;

(4). Any other relevant title: as per Report on Title.

(5). Litigations:

(i). Writ Petition: The Society and Kalpataru have filed the no. 1386 of 2022, filed by the Society and another against Union of India and 4 others in the Hon'ble High Court of Bombay against the Revised Height NOC (as defined and described in the Report on Title). The Hon'ble High Court of Bombay has placed the Writ Petition along with other connected writ petitions for hearing. No adverse orders/judgements have been passed in the Writ Petition in respect of the Property till date. The Order dated 27<sup>th</sup> January, 2022, passed in the Writ Petition by the division bench of Justice Mr. R. D. Dhanuka and Justice Mr. S. M. Modak of Hon'ble High Court of Bombay (through Video Conferencing), *inter alia*, granted ad-interim relief in terms of prayer clauses (f) and (g). In this Order the Hon'ble High Court of Bombay has directed that if any construction is carried out in respect of Property from the date of this order and if any permission that would be granted by MHADA, in terms of prayer clause (g) would also be subject to the further orders that may be passed by the Hon'ble High Court of Bombay on the next date. We have reproduced prayer clauses (f) and (g) respectively of the Writ Petition as follows:

*"Prayer clause (f): pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the effect, operation and implementation of the Revised Height*



*NOC dated 10<sup>th</sup> January 2022 (at Exhibit-H) and revive the Original Height NOC dated 9<sup>th</sup> February 2022 (at Exhibit-G)."*

*"Prayer clause (g): pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to direct the Respondent No. 5 to process and issue further building permissions, sanctions, clearances, etc. in accordance with the Original Height NOC dated 9<sup>th</sup> February 2021(at Exhibit G);"*

(ii). Interim Application: Kalpataru filed Interim Application no. 20798 of 2022 (stamp), filed by Kalpataru against the Society and others, in the Hon'ble High Court of Bombay in Writ Petition for interim relief seeking the Hon'ble High Court of Bombay to order and direct Airports Authority of India (AAI) to produce/furnish the copy of the purported directions of AAI bearing file no. WR-16022(18)/5/2021-ATM-W mentioned in Revised Height NOC (as defined and described in the Report on Title). No adverse orders/judgements have been passed in the Interim Application in respect of the Property till date.

Dated This 12<sup>th</sup> Day of April, 2024.

Yours faithfully,

Messrs. M. T. Miskita & Company

Advocates & Solicitors



Partner