

AMEE DHARMADHIKARI

Advocate, B.A. LL.B.

301, 3rd Floor, Plot No. 139, Road No. 6, Abhinav Nagar, Borivali(East), Mumbai 400 066
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To,
MahaRERA

LEGAL TITLE REPORT

Sub:- Title clearance certificate with respect to all that piece or parcel of proportionate land (70.14%) being part of Final Plot No. 480,481 and 482 TPS Borivali – III of Village Eksar, Borivali, Taluka- Borivali, Mumbai Suburban District, Mumbai admeasuring 4615.10 sq.mts. along-with building known as Deepshal Co-operative Housing Society Ltd.

I have investigated the title of the said plot on the request of M/s. **SUN SUMIT VENTURE** having its office at 302, Sun Sumit Enclave, Opp. ICICI Bank, Link Road, Chikuwadi, Borivali (West), Mumbai 400 092 being a joint venture constituted between 1) M/S. **SUN ASSOCIATES**, a partnership firm registered under provisions of the Indian Partnership Act and 2) **SUMIT WOODS LIMITED**, a company incorporated under the provisions of the Companies Act 2013, being the Developers and following documents i.e.:-

1) Description of the Plot :

All that piece or parcel of proportionate land (70.14%) being part of Final Plot No. 480,481 and 482 TPS Borivali – III of Village Eksar, Borivali, Taluka- Borivali, Mumbai Suburban District, Mumbai admeasuring 4615.10 sq.mts. along-with building known as Deepshal Co-operative Housing Society Ltd..

2) Documents of Allotment of plot:

- Deed of Conveyance dated 31st March 1989, duly registered with Sub Registrar of Assurance at Mumbai at Sr. No. TBBJ1576 of 1989.
- Development Agreement dated 21.02.2007 duly registered with Sub- Registrar of Assurances at Borivali at Sr. No. BDR2-01137-2007 on 21.02.2007.
- Agreement For Development dated 19.12.2009 duly registered with Sub- Registrar of Assurances at Borivali at Sr. No. BDR10-11764/2009 on 30.12.2009.
- Power of Attorney dated 19.12.2009 duly registered with Sub-Registrar of Assurance at Borivali at Sr. No. BDR10-11765/2009 on 30.12.2009.
- Development Agreement dated 8.12.2021 duly registered with Sub- Registrar of Assurances at Borivali at Sr. No. BRL-7/9465/2021 on 10.12.2021.
- Power of Attorney dated 8.12.2021 duly registered with Sub-Registrar of Assurance at Borivali at Sr. No. BRL-7/9468/2021 on 8.12.2021.

3) Property Card dated 26.11.2018.

4) Search Report dated 14.12.2021 through search clerk Ganesh S. Patil for a period of 30 years i.e. 1992 to 2021.

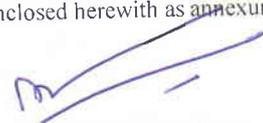
On perusal of the above mentioned documents and all other relevant documents relating to title of the said property in my opinion, based on the documents perused as aforesaid, subject to the development rights granted in favour of M/s. Sun Sumit Venture in respect thereof under the Re-Development Agreement dated 8.12.2021, the title of Pranam Developers to the Project Land subject to the rights and entitlements of Deepshal Co-operative Housing Society Limited and its members is clear and marketable, and free from all encumbrances and subject to the registration of the project with MahaRERA, M/s. Sun Sumit Venture is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with the provisions of the Re-Development Agreement dated 8.12.2021 and the applicable law and permissions. Owners of the aforesaid plot are Pranam Developers subject to the rights and entitlements of Deepshal Co-operative Housing Society Limited and its members.

The report reflecting the flow of the title of the Owners/Developers on the said plot is enclosed herewith as annexure.

Encl: Annexure

Date:- 2.05.2022




(Ameer Dharmadhikari)
Advocate

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ANNEXURE

1. At the instance of my client **M/s. SUN SUMIT VENTURE** having its office at 302, Sun Sumit Enclave, Opp. ICICI Bank, Link Road, Chikwadi, Borivali(W), Mumbai 400 092 being a joint venture constituted between **1) M/S. SUN ASSOCIATES**, a partnership firm registered under provisions of the Indian Partnership Act and **2) SUMIT WOODS LIMITED**, a company incorporated under the provisions of the Companies Act 2013 I have investigated the title of the Project Land.
2. I have taken the following steps in investigation of the title in respect of the Project Land –
 - (i) Perused photocopies of the documents of title more particularly set out hereunder;
 - (ii) Taken inspection of the original documents of title more particularly set out in the **Schedule** hereunder written;
 - (iii) Caused public notice to be issued in two newspapers in circulation in Mumbai; and
 - (iv) Perused the search report in respect of the searches taken of the records maintained in the Offices of the Talathi and Sub-Registrar of Assurances.
3. A perusal of the documents of title of the Project Land, more particularly described hereunder written, shows as under:
 - a. By a Deed of Conveyance dated 31st March 1989 registered with the Sub Registrar of Assurance at Mumbai under serial no. TBBJ1576 of 1989 executed between (1) Smt. Bhimbai Narayan Mali, (2) Shri. Parshuram Narayan Mali, (3) Shri. Damodar Narayan Mali, (4) Shri. Raghunath Deoji Mali, (5) Shri. Kumar Deoji Mali and (6) Smt. Lata Chandrakant Mahtre through their common Constituted Attorney Shri. Babubhai Hiralal Sheth therein referred to as the "Vendors" of the FIRST PART and M/s. Pranam Construction Company a Partnership Firm therein referred to as the "Confirming Party" of the SECOND PART and (1) Shri. Babubhai Hiralal Sheth, (2) Shri. Bhawanji Ravji Cheeda, (3) Shri. Narendra Chhatrabhuj Doshi, (4) Shri Nanji Doongershi Gala and (5) Shri. Jayesh Chimnlal Doshi (6) Captain Sanjay Dattaram Chaudhari, (7) Smt. Rita Mukesh Chheda and (8) Shri. Pravinchandra Babubhai Sheth the partners under a deed of partnership incorporated on 31st day of December 1988 under the firm name and styled of M/s. Pranam Developers therein referred to as the "Purchasers" of the THIRD PART (Owners) purchased and acquired right title and interest in land admeasuring 30,000 sq. yards bearing CTS No. 418, 418/1 to 10, 419/A, Survey no. 32 at Village Eksar Taluka- Borivali, Mumbai Suburban District- Borivali, Mumbai.
 - b. The aforesaid property was submitted under town planning scheme of TPS III Borivali, Mumbai sanctioned by the Government and the TPS Authority divided the same into different plots being Final Plot nos. 480, 481 & 482 of TPS Borivali III.
 - c. By virtue of a Development Agreement dated 21.02.2007 executed between Pranam Developers and Nasar Associates, the said Nasar Associates have developed a part of the aforesaid property being land and structure standing thereon, bearing F.P. No. 480 admeasuring 1625 sq.mtrs situate at Village Eksar, Borivali, Taluka Borivali, Mumbai Suburban by constructing Building no. 1 as per the plan sanctioned by MCGM and have obtained Occupation Certificate dated 29.09.2016 for Wings A, B and C. The said Nasar Associates have sold flats on ownership basis to various flat purchasers and have formed and registered a Co-operative Housing Society known as Satyam Shivam Sundaram Co-operative Housing Society Ltd..However, the Conveyance thereof has not yet been executed.
 - d. Pranam Developers have also developed another portion of the aforesaid property admeasuring 2752.50 sq.mtrs. by constructing the building known as "Deepshal" (Building No. 2) in accordance with the plan

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- sanctioned by the MCGM but has not obtained Occupation Certificate in respect of the said building. Pranam Developers have sold various premises in "Deepshal" building on ownership basis for residential and commercial use to various persons. They have formed and registered the society known as "Deepshal Co-operative Housing Society Ltd." However, Conveyance has not been executed in favour of the Society.
- e. The said Nasar Associates had submitted a proposal for amalgamation of Final Plot Nos. 480, 481 & 482 TPS III, Borivali and also for revised shape of layout open space and the Municipal Commissioner/Deputy Chief Engineer Building proposal (Western Suburbs) II vide letter dated 18th March, 2009 bearing reference no. CHE/2000/13P (WS)/LOR has approved the said layout of the aforesaid property subject to variation in T.P. scheme.
- f. On the basis of the said amalgamation Pranam Developers became entitled to construct one more wing/building on the aforesaid property by loading TDR etc. being Wing D of Building No.1. Accordingly Pranam Developers entered into a Development Agreement dated 19.12.2009 with the said Nasar Associates in respect of additional Building/ "D" wing of building No.1 at land bearing Final Plot Nos. 480, 481, 482 and CTS No. 419/E & 417/E area admeasuring 1200 sq.mtrs situate at Village Eksar, Borivali, Taluka- Borivali, Mumbai Suburban District.
- g. Pursuant to the said Development Agreement dated 19.12.2009, M/s. Nasar Associates prepared plans and submitted the same to M.C.G.M. and obtained IOD bearing no. CHE/7706/BP(WS)/AR dated 30th March, 2016 and amended of plan dated 3rd August, 2021 and as per the said amended plan the percentage rights/ entitlement of Building No.1 has been ascertained as 29.86% and Building No. 2 (Deepshal) is ascertained as 70.14% and the same has been approved and confirmed by the Competent Authority/ M.C.G.M.
- h. At the relevant time, Deepshal Co-operative Housing Society Ltd, had filed a suit in the City Civil Court at Dindoshi at Goregaon being Suit No. 369 of 2013 against M/s. Nasar Associates, M/s. Pranam Developers inter alia restraining them from implementing the amalgamation order.
- i. Thereafter, Deepshal Co-operative Housing Society Ltd. as Plaintiff therein and M/s. Nasar Associates and M/s. Pranam Developers as Defendants therein arrived at settlement and executed Consent Terms between them and in view of the said Consent Terms, the said Society has withdrawn the said Suit vide Order dated 05.08.2021 passed by the City Civil Court at Dindoshi at Goregaon in Suit No. 369 of 2013.
- j. Pursuant to the terms and conditions of the aforesaid Consent Terms a Special General Body Meeting dated 30.10.2022 of the members of the said Society was convened wherein M/s. Sun Sumit Venture being nominee of M/s. Nasar Associates were appointed as developer for redevelopment the said Society's Building (Building no. 2) and the said appointment was confirmed by the letter dated 25.11.2021 as issued by the Deputy Registrar of Co-operative Societies Mumbai.
- k. By Re-Development Agreement dated 08.12.2021 duly registered with Sub- Registrar of Assurances at Borivali at Sr. No. BRL-7/9465/2021 on 10th December, 2021 executed between M/s. Pranam Developers through its partner Mulchand Chheda therein referred to as the Owners/ First Part and Deepshal Co-operative Housing Society Ltd., therein referred to as the Society/ Second Part and M/s. Nasar Associates through its proprietor Mr. Syed Ghazali Nasar therein referred to as the Confirming Party/ Third Part and M/s. Sun Sumit Venture through its partners namely 1) Syed Ghazali Nasar, 2) Rushikesh Damodar Mali, 3) Bhushan Subodh Nemlekar therein referred to as the Developers/ Fourth Part and the members of the said Society therein referred to as Members/Fifth Part, the said Society and its members have granted re-development rights to M/s Sun Sumit Venture in respect of all that piece or parcel of proportionate land (70.14%) being part of Final Plot No. 480,481 and 482 TPS Borivali – III corresponding to CTS Nos.

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418.418/1 to 10, 419/A of Village Eksar, Borivali. Taluka- Borivali, Mumbai Suburban District, Mumbai measuring 4615.10 sq.mts. along-with building known as Deepshal Co-operative Housing Society Ltd.(Project Land).

1. In pursuance to the aforesaid Re Development Agreement, the Society has made and executed Power of Attorney dated 08.12.2021 duly registered with Sub-Registrar of Assurances at Borivali at Sr. no. BRL-7/9468/2021 on 8th December, 2021 in favour of M/s. Sun Sumit Venture and its partners 1) Mr. Syed Ghazali Nasar 2) Mr. Rushikesh Damodar Mali and 3) Mr. Bhushan Subodh Nemlekar in respect of the said property.
4. I have also published Public Notices dated 5th April 2022 with regards to the Project Land in the Free Press Journal, an English daily newspaper and in Navshakti, a Marathi daily newspaper (both appearing on 5th April 2022) inviting claims/objections from the members of the general public with respect to the Project Land, to which I have not received any claims/objections.
5. Independent searches have been taken through search clerk Ganesh S. Patil for a period of 30 years i.e. from 1992 to 2021 and on taking such search no mortgages/encumbrances are found registered with respect to the Project Land. There is no notice of *lis pendens* registered in respect of the Project Land.
6. In my opinion, based on the documents perused as aforesaid, subject to the development rights granted in favour of M/s. Sun Sumit Venture in respect thereof under the Re-Development Agreement dated 8.12.2021, the title of the Pranam Developers to the Project Land subject to the rights and entitlements of Deepshal Co-operative Housing Society Limited and its members is clear and marketable, and free from all encumbrances and subject to the registration of the project with Maha RERA, M/s. Sun Sumit Venture is entitled to sell/deal with the free-sale premises in the building to be constructed on the Project Land in accordance with the provisions of the Re-Development Agreement dated 08.12.2021 and the applicable law and permissions.

The Schedule Referred To Above

(List of original documents of title inspected)

1. Property card of the land bearing final plot nos. 480, 481 and 482.
2. Deed of Conveyance dated 31.03.1989.
3. Development Agreement dated 21.02.2007.
4. Agreement For Development dated 19.12.2009
5. Power of Attorney dated 19.12.2009
6. Development Agreement dated 8.12.2021
7. Power of Attorney dated 8.12.2021.
8. Search Report dated 14.12.2021.

Date:- 02.05.2022



(Ameer Dharmadhikari)
Advocate