

Address: 19, Lawyer's chambers, R.S. Sapre marg, Kalbadevi, Mumbai – 400 002

Telephone Nos: +91 22 22036081 + 91 22 22080289

Tel. No.: 9892610695
Email ID:
durgaprasad.sabnis@lexfirmus.com

To,
Maha RERA,
Housefin Bhavan, Near RBI,
E Block, Bandra East,
Mumbai- 400 051.

LEGAL TITLE REPORT

Subject: Title clearance certificate with respect to building bearing No. 64 A CTS No. 203 (Part), 219 (Part) at Magathane, Village Gulmohar Road, Magathane, Borivali East, Mumbai 400 066 (hereinafter referred to as the “**said Building**”) which consist of 34 residential and 7 commercials in aggregate 41 units (hereinafter referred to as the “**said Property**”).

I have investigated the title of the said Property on the request of M/s. Haware Intelligentia Properties LLP and Following documents i.e:

1. Conveyance deed dated 18/6/2015 between MHADA and the said Society.
2. Indenture of lease dated 8/6/2015 between MHADA and the said Society.
3. MOU dated 16/5/2014 between Amogh and the said Society.
4. Redevelopment Agreement dated 7/4/2021 between Society and M/s. Haware Intelligentia Properties LLP.
5. Search Report dated 10/6/2021 of Mr. Kisanji Bhide.

6. Papers in Civil Suit being Commercial Suit No. 1249 of 2019.

On perusal of the abovementioned documents and all other relevant documents relating to title of the said property, I am of the opinion that the title of M/s. Haware Intelligientia Properties LLP is clear, marketable and without any encumbrances.

Owners of the land:

1. M/s. Haware Intelligientia Properties LLP

The report reflecting the flow of the title of the M/s. Haware Intelligientia Properties LLP on the said land is enclosed herewith as Annexure.

Encl: Annexure.

Date: 9th September, 2021



Advocate

FLOW OF THE TITLE OF THE SAID LAND

I. Flow of Title:

1. The Mumbai Housing Area Development Board (herein after referred to as "MHADA") had constructed building bearing No. 64 A CTS No. 203 (Part), 219 (Part) at Magathane, Village Gulmohar Road, Magathane, Borivali East, Mumbai 400 066 (hereinafter referred to as the "**said Building**") which consist of 34 residential and 7 commercials in aggregate 41 units (hereinafter referred to as the "said Property").
2. Thereafter a society by name Magathane Kinara Co-operative Housing Society Limited bearing registration No. MUM/MHADB/ WR/ HSG/ TC/ 10414/ 99200 came to be formed (hereinafter referred to as the "said Society").
3. By a conveyance deed dated 18th June, 2015, the said building was conveyed by MHADA in favour of the said Society. By a Lease of Indenture dated 8th June, 2015, the land beneath the said Building was demised in favour of the said Society by MHADA.
4. Since the condition of the said Building had deteriorated the society members had decided to redevelop the said Building and in furtherance thereof a tender was floated inviting offers from prospective developers. One M/s. Amogh Enterprises by its letter dated 17th August, 2013 submitted its tender and proposal. The said proposal was accepted by the said Society and the M/s. Amogh Enterprises came to be appointed as the developer for the purpose of redevelopment of the said Society in the special general body meeting of the said Society held on 17th November, 2013. By a MOU dated 16th May 2014 the said Society and M/s. Amogh.

Enterprises entered into an understanding regarding redevelopment of the said Society (hereinafter referred to as the “said MOU”). Subsequently the said Society also obtained a NOC dated 20th November 2013 from MHADA.

5. Thereafter certain disputes arose between the developer and the said Society and by a letter dated 22nd October, 2018 the said Society informed M/s. Amogh Enterprises about the termination of their appointment as developers.
6. Thereafter the said Society reinitiated the process of redevelopment and in furtherance thereof and in compliance of Section 79 A of the Maharashtra Cooperative Societies Act, 1960 applied to the deputy registrar of Cooperative Societies MHADA in February, 2020. The said authority appointed a cooperative officer grade II to be present in the special general body meeting held on 10th January, 2021 for appointment of a new developer. Out of the 41 members, 37 members attended the meeting and 35 members voted in favour M/s. Haware Intelligenta Properties LLP. The said Society has thereafter applied of appointment of the said developer to MHADA and on 12th January, 2021 the said application has been granted.
7. By a Re Development Agreement dated 7th April 2021, registered with the Sub Registrar, Borivali at BSR/5749/272/2021, the said Society granted development rights in respect of the said Property to Haware Intelligenta Properties LLP
8. By application dated 15th May 2021, the society invited MHADA authority to verify consent of individual members in favour or Haware Intelligenta Properties LLP. A special general body meeting of the society was conducted on 16th June 2021 in presence of representative of MHADA and consent verification of more than 75%

of the members was done in favour of Haware Intelligentia Properties LLP.

II. Search Report:

We have caused a search to be taken of the Index II Registrar of Sub Registrar by Mr. Kisan G. Bhide for 13 years from 2009 to 2021. Mr. Bhide has submitted his Certificate dated 10.06.2021 and we have found that there is a *lis pendence* notice registered under document No. 1164 /2021 on 27/01/2021. A copy of the said search Certificate is annexed hereto and marked as Annexure 1.

III. Litigation:

1. It appears that M/s. Amogh Enterprises has filed civil suit being Commercial Suit No.1249 of 2019 against the said Society challenging the termination of the said MOU. The said M/s. Amogh Enterprises has also taken out a Notice of Motion seeking certain interim reliefs more specifically stated therein. No orders have been passed in the said Notice of Motion so far as on the date of this Certificate.
2. Subject to what is stated hereinabove I say that the title of the Magathane Kinara Cooperative Housing Society Limited to the said Property is clear and marketable. I further say that based on what is stated hereinabove. M/s. Haware Intelligentia Properties LLP is entitled to re develop, market and sell the said Property.
3. This certificate is based on the provisions of applicable law, prevailing at the present time and the facts of the matter, as we understand them to be. Our understanding is based upon and limited to the information provided to us. Any

variance off acts or of law may cause a corresponding change in our certificate.

Dated this 9th September, 2021



Advocate

Housiey.com