

*Mrs. Kavita Kutty*  
B.Com.,LL.B.  
Advocate High Court, Mumbai

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A-501 / 502, Jimmy Park 2 Co-op. Hsg. Soc. Ltd.,  
Sector 19-A, Plot No. 19, Near Shani Temple,  
Nerul (East), Navi Mumbai-400 706.  
Tel. : 022-2771 7813 Mob. : 98206 59411  
E-mail : aashull78@rediffmail.com

Ref. No. \_\_\_\_\_

Date \_\_\_\_\_

To,  
M/s. Lokhandwala Kataria Constructions Private Limited  
72, Gandhi Nagar, Dainik Shivner Marg,  
Worli Mumbai – 400 018.

Sir,

**TITLE CERTIFICATE**

Sub: Title Certificate in respect of all those pieces and parcel of No.1(pt) and 2(pt) of Lower Parel Division belonging to Brihan Mumbai Mahanagar Palika situate at J. R. Boricha Marg, 400011 in Municipal Ward No. "G" South in all admeasuring 26160.72 sq. mtrs or thereabouts and BMC staff quarters plot admeasuring 2,168.07 sq.mtrs. aggregating to 28,328.79 sq.mtrs. under development by you for construction of your building "MINERVA" .

1. On the instructions of M/s. Lokhandwala Kataria Constructions Private Limited (the Company), a Company incorporated under the Companies Act, 1956 and having its Registered Office at 72, Gandhi Nagar, Dainik Shivner Marg, Worli, Mumbai - 400 018, I have investigated the title to the above captioned property more particularly described in the Schedule hereunder written which is as follows:

2. For the purpose of certifying the title to the property, following

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documents were perused by me to confirm the same:

- i) The Search Report by Mr. E.S. Gaokar, Search Clerk for last 49 years do not show any encumbrance on the above property.
- ii) As per the revised LOI there were 1858 hutment dwellers who had illegally encroached upon the land bearing C.S. No. 1(pt) and 2(pt) of Lower Parel Division belonging to Brihan Mumbai Mahanagar Palika situate at J. R. Boricha Marg, 400 011 in Municipal Ward No. "G" South in all admeasuring 26160.72 sq. mtrs or thereabouts owned by Brihanmumbai Municipal Corporation of Greater Mumbai lying and situate at Mahalaxmi, Dhobighat, J. R. Boricha Marg, Saatrasta, Mumbai -11 as per the Property Register Card and living in unhygienic, unsafe, miserable filthy conditions and unsafe huts/shanties called "Slums". The said number of slum dwellers is as per the LOI dated 17<sup>th</sup> December, 2009.
- iii) In the mid-80s the government brought in a programme called slum upgradation programme and implemented the same with the help of the World Bank. The Govt. of Maharashtra under the urban Development Department sanctioned the Development Control Regulations for Greater Mumbai, 1991 (DCR) under the Maharashtra Regional & Town Planning (MR&TP) Act, 1966 and the same became operative w.e.f. 25.3.1991. Under DCR no. 33(10) redevelopment of slums through promoters like owners/ developers/co-operative housing societies of slum dwellers was made permissible for censused slums or slums whose

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structures and inhabitant's name appeared in the electoral roll of 1985 with floor space index (FSI) upto 2.5 and was called the Slum Redevelopment Scheme.

- iv) By amendment to the MR & TP Act, SRA was declared as a planning authority to function as a local authority for the area under its jurisdiction. By an amendment to the MR & TP Act, SRA has been empowered u/s. 37 (1-B) to prepare and submit proposals for modification to the development plan of Greater Mumbai. Accordingly DCR 33(10) provided for conversion of the old SRD scheme to new SRA scheme. By a notification dated 16.12.1995 Govt. of Maharashtra appointed the slum rehabilitation authority under the provisions of the Section 3 A of the Slum Act.
- v. In order to make the scheme more transparent and to accommodate the slum dwellers, the government of Maharashtra accepted the recommendations made by the Afzulpurkar Committee in 1995 and amended the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971 (the Slum Act). The Government in Urban Development Department by their Notification no.DCR-1095/1209/CR-273/1995/UD-11 dated 27<sup>th</sup> August, 1996 published amendments to DCR 33(10) that have since been made final w.e.f 15<sup>th</sup> October, 1997. Under the policy of Government of Maharashtra for controlling the mushrooming of new slums in and around the city of Greater Mumbai and to improve the living conditions of existing Slum Dwellers by providing them with neat

and clean environment and basic essential amenities and as per the Development Control Regulation No. 33 (10) of Appendix IV and the provisions of the Notification dated 27<sup>th</sup> August, 1996.

- vi. To avail of this benefit provided by the Government to the eligible slum dwellers and to have better living conditions the slum dwellers living in the captioned property came together and started searching for an experienced Developer / Builder to reconstruct their slums as per the provisions of the slum act and the regulations of DCR.
- vii. As per the Statistical details of the Slum Areas that came up between 1976 to 1980 under the Directory of slums issued by the Office of the Additional Collector (Encr.), Mumbai - Slums located on lands belonging to Government or Municipal Corporation of Greater Mumbai or any other Government body and incorporated in the records of the land owning authority as having been censused in 1976, 1980 or 1985 or prior to the date of Development Control Regulations 33 (10) coming into force.
- a. Ward - G/South, Name of the Slums Bhim Nagar and the Number of Huts - 196.
  - b. Ward - G/South, Name of the Slums Maharashtra Nagar and the Number of Huts - 96.
  - c. Name of the Slums - Shashtri Nagar and the Number of Huts - 232.

- d. Name of the Slums - Sane Guruji Nagar and the Number of Huts – 150.
- viii. BMC who is the owner of the property declared a portion of the area admeasuring 2168.07 sq.mtrs. bearing C.T.S. No.1 (Part) of Lower Parel Division G/South Ward as 'Slum' under notification no. SCS 1076/D-41 dated 14.7.1971 and under gazette dated 12<sup>th</sup> January, 2006. Accordingly as the directory of slums shows areas notified as slums by the municipalities, corporations, local bodies or development authorities were treated as "notified slums".
- ix. The slum dwellers on the above captioned property and the slums by which they were popularly known as formed themselves into 9 societies (hereinafter referred to the "said Societies") and independently registered themselves under the various provisions of the law:
- a. Parel Ramdev Nagar No.1 SRA Co-operative Housing Society Ltd. an association of eligible 78 slum dwellers bearing no. MUM/SRA/HSG/(TC)/10932/2005 dated 13.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.
- b. Parel Ramdev Nagar No.2 SRA Co-operative Housing Society Ltd. an association of eligible 168 slum dwellers bearing no. MUM/SRA/HSG/(TC)/10930/2005 dated

12.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.

- c. Adarsh Nagar B SRA Co-operative Housing Society Ltd. an association of eligible 422 slum dwellers bearing no. MUM/SRA/HSG/(TC)/10931/2005 dated 13.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.
- d. Adarsh Nagar C SRA Co-operative Housing Society Ltd. an association of eligible 262 slum dwellers bearing no. MUM/SRA/HSG/(TC)/ 10934/2005 dated 13.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.
- e. Parel Vijay Nagar SRA Co-operative Housing Society Ltd. an association of eligible 248 slum dwellers bearing no. MUM/SRA/HSG/(TC)/10933/2005 dated 13.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.
- f. Parel Shashtri Nagar Co-operative Housing Society Ltd. an association of eligible 128 slum dwellers bearing no. [WGS]/HSG(TO)/3261/87-88 dated 29.4.1988 under the

regulations of Maharashtra Cooperative Societies Act, 1960 and under the provisions of Mumbai Housing Development and Area Development Mandal, Mumbai.

- g. Parel Maharashtra Nagar Co-operative Housing Society Ltd. an association of eligible 98 slum dwellers bearing no. BOM [WG/S]/HSG(TO)/4345/1988-89 dated 26.5.1989 under the regulations of Maharashtra Co-operative Societies Act, 1960 and under the provisions of Mumbai Housing Development and Area Development Mandal, Mumbai.
- h. Parel Bhim Nagar Co-operative Housing Society Ltd. an association of eligible 211 slum dwellers bearing no. BOM [WG/S]/HSG(TO)/4953/1989-90 dated 11.4.1990 under the regulations of Maharashtra Co-operative Societies Act, 1960 and under the provisions of Mumbai Housing Development and Area Development Mandal, Mumbai.
- i. Parel Sanegurji Nagar Co-operative Housing Society Ltd. an association of eligible 156 slum dwellers bearing no. BOM [WG/S]/HSG(TO)/4533/1988-89 dated 23.6.1989 under the regulations of Maharashtra Co-operative Societies Act, 1960 and under the provisions of Mumbai Housing Development and Area Development Mandal, Mumbai.

- x. The said nine societies formed themselves into a Federation i.e. Shramik Ekta SRA Co-operative Housing Society Federation Ltd. (then proposed) and now each of the societies along with the Federation is registered under the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to the "said Federation"). Shramik Ekta SRA Sahakari Grihnirman Sanstha Federation Ltd., an association of 9 registered societies bearing no. MUM/SRA/HSG/(TC)/10936/2005 dated 14.7.2005 under the rules and regulations of the Maharashtra Co-operative Societies Act, 1960 and under the provisions of the Slum Rehabilitation Authority.
- xi. The Nine societies (formed by the slum dwellers) on the above captioned property passed a resolution on 7<sup>th</sup> April, 2004 appointing M/s. Lokhandwala Kataria Constructions Private Limited, as the developer of the said property and the said resolution was passed at the meeting held at Ravindra Natya Mandir.
- xii. The said nine societies and the Shramik Ekta SRA Co-operative Housing Society Federation Ltd. entered into an Agreement for Development dated 12-5-2004 with M/s. Lokhandwala Kataria Construction Pvt. Ltd., (hereinafter referred to as "the Developers") and executed Power of Attorney in favour of the Directors/Nominees of the said Developers.
- xiii. Thereafter the Developers submitted the proposal to the SRA for obtaining approvals and sanction for redevelopment of the said property and on behalf of the Shramik Ekta Federation. The



Municipal Corporation of Greater Mumbai pursuant to their NOC letter dated 18-12-2004 bearing ref. no. AC/Estate/13866/SOC/SRA, the A.C.(estate) has granted their NOC and issued Annexure - II along with the certified copies of eligibility list of the slum dwellers of the said Federation vide its letter bearing reference no. AC/GS/24580/Coiony dated 21-12-2004.

- xiv. Vide letter dated 13-4-2007 the Ministry of Environment and Forests (L.A. Division), Government of India has granted Environment Clearance of the project subject to the conditions mentioned therein.
- xv. The said property also contained BMC transit tenants who were residing in dilapidated buildings and at the request of the BMC and the tenants, the Developers undertook to reconstruct the existing buildings of the BMC tenants and rehabilitate them in the newly constructed buildings. The Developers accordingly have also submitted the proposal for the reconstruction of the BMC transit tenants on plot bearing C.S. No.1 (pt.) at Lower Parel Division admeasuring 2168.07 sq.mtrs. The said proposal has been accepted by the BMC and has accordingly passed Annexure II. The Annexure II states III tenements existing on the said portion of the property. Further, the said property also contained Brain storm water channel, the Developers have undertaken to the BMC to rehabilitate all the slum dwellers in an project affected as a result of this Brain storm water project and the slum dwellers have accordingly vacated their structures.

Accordingly the Developers submitted plans for approval of the amalgamation of the schemes for better development of the slum dwellers on the said property. SRA vide its revised LOI approved the amalgamation of both schemes i.e. the BMC transit tenants and the Storm water affected slum tenements.

- xvi. The Developers have got the layout plan and building plans approved and sanctioned for the constructions of buildings, out of which 10 buildings are to be constructed for providing permanent alternate accommodation to the eligible members of the said society and one multi storied high rise building for free sale as per the provisions of the said notification by the Slum Rehabilitation Authority. The SRA has approved the terms and conditions contained in its Letter of Intent dated 16-4-2005 bearing No.SRA/ENG/927/GS/ML/LOI and as per revised Letter of Intent dated 17-12-2009 and dated 18-12-2009.
- xvii. The Developers are entitled to develop the said property by constructing thereon buildings for rehabilitation of slum dwellers and for Free Sale in terms of the plans sanctioned by the Slum Rehabilitation Authority. Slum Rehabilitation Authority has granted Intimation of Approval for the Rehab buildings bearing reference Nos. 1) SRA/ENG/1435/GS/ML/AP for Rehab building no. A dated 17.3.2007, 2) SRA/ENG/1436/GS/ML/AP for Rehab building no.B dated 17.3.2007, 3) SRA/ENG/1437/GS/ML/AP for Rehab building no.C dated 8.10.2010, 4) SRA/ENG/1438/GS/ML/AP for Rehab building no. D dated 8.10.2010, 5) SRA/ENG/2336/GS/ML/AP for Rehab building no.

E dated 8.10.2010, 6) SRA/ENG/2337/GS/ML/AP for Rehab building no. F dated 8.10.2010, 7) SRA/ENG/1456/GS/ML/AP for Rehab building no. G, dated 8.10.2010, 8) SRA/ENG/1440/GS/ML/AP for Rehab building no. H dated 2.1.2006, 9) SRA/ENG/1439/GS/ML/AP for Rehab building no. I dated 2.1.2006 and 10) SRA/ENG/2338/GS/ML/AP for Rehab building no. J dated 8.10.2010 and the same has been revised by the Slum Redevelopment Authority. Further the Developers have received Commencement certificates for the 10 rehab buildings to be constructed for the slum dwellers bearing reference Nos. 1) SRA/ENG/1435/GS/ML/AP for Rehab building no. A dated 17.3.2007, 2) SRA/ENG/1436/GS/ML/AP for Rehab building no. B dated 13.7.2010, 3) SRA/ENG/1437/GS/ML/AP for Rehab building no. C dated 13.7.2010, 4) SRA/ENG/1438/GS/ML/AP for Rehab building no. D dated 29.7.2010, 5) SRA/ENG/2336/GS/ML/AP for Rehab building no. E dated 29.6.2010, 6) SRA/ENG/2337/GS/ML/AP for Rehab building no. F dated 29.6.2010, 7) SRA/ENG/1456/GS/ML/AP for Rehab building no. G dated 31.8.2010, 8) SRA/ENG/1440/GS/ML/AP for Rehab building no. H dated 6.7.2007, 9) SRA/ENG/1439/GS/ML/AP for Rehab building no. I dated 6.7.2007 and 10) SRA/ENG/2338/GS/ML/AP for Rehab building no. J dated 31.8.2010 and the same has been revised by the Slum Rehabilitation Authority. On the basis of the Commencement Certificate the Developers have commenced construction of the Rehab buildings.

xviii. The Developers have obtained No Objection Certificate from



Traffic Department.

- xix. As per the Development Remarks and Plan for the Greater Mumbai, the said property had various reservations and therefore No Objections had to be obtained from the authorities for the proposed redevelopment and location of the Dispensary & Municipal Maternity Home on the said property.
- xx. Relocation of slum dwellers on the captioned property as per the plans approved by the government authorities.
- xxi. The Developers have obtained sanction of building plans for the construction of free sale building to be known as "MINERVA" on the above property by the Slum Rehabilitation Authority under Intimation of Approval No. SRA/ENG/2375/GGS/ML/AP dated 7<sup>th</sup> May, 2010 and as per the revised Intimation of Approval dated 21<sup>st</sup> October, 2011.
- xxii) The Developers have also obtained Commencement Certificate for the sale building dated 5.10.2010 bearing reference No. SRA/ENG/2375/GS/ML/AP.
- xxiii) The Developers have executed simple mortgage dated 21<sup>st</sup> May, 2010 registered with Sub Registrar of Assurances at Mumbai under Sr. No. BBE3-5043 of 2010 to secure the Term Loan and other facilities from Bank of Baroda and United Commercial Bank on the security of the above property/project.

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- xxiv) The Developers have obtained NOC from the Municipal Corporation of Greater Mumbai under reference no. FB/HR/City/148 dated 13.10.2010 for the construction of High Rise Residential Building under section 33(10) and 33(14) of DC Regulations, 1991 in S.R. Scheme which has been amended by the said authority under reference no. FB/HR/City-123 dated 4.8.2011 and paid all requisite fees for the same.
- xxv) The High Rise Committee as constituted by the Govt. in Urban Development Deptt. has accepted the Developers proposal for the High Rise Building on the said property subject to their terms and conditions as mentioned therein vide the MCGM letter no. CHE/HRB-245/DPWS of 3<sup>rd</sup> February, 2012.
3. Subject to what is stated hereinabove and subject to provisions of Development Control Regulations, 1991, I find the title of the above property clear and marketable. The Developers will become entitled to lease in respect of the above property under Development Control Regulation 33(10) either in favour of the Developers or their nominees including any Co-operative Society, Limited Company or Condominium of Apartments as the case may be.

Dated this 6<sup>th</sup> day of April, 2012.

Yours faithfully,

