

FORMAT-A

Circular No. (28/2021)

To  
**Maha RERA,**  
Housefin Bhavan,  
Plot No. C - 21,  
Bandra Kurla Complex,  
Bandra (East),  
Mumbai 400051.

**LEGAL TITLE REPORT**

**Sub.: Title Clearance Certificate with respect to ALL THAT pieces and parcels of land bearing**

- (i) **CTS No. 1(Part) admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1(Part) admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1(Part) admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1(Part) (as per the Conveyance admeasuring 761.38 sq.mtrs. or thereabout) admeasuring in the aggregate 5290.65 sq.mtrs. or thereabout belonged to and owned by Om Shree Geetanjali Nagar 'C' Co-operative Housing Society Ltd. ("First Property") and**
- (ii) **CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout belonged to and owned by Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd. ("Second Property")**

**corresponding to then Survey No. 8, 9, 10, 11, 12 and 13 of Village Magathane, Taluka Borivali, Mumbai Suburban District and situated at Near Saibaba Temple, Borivali (West). (First Property and Second Property collectively referred to as the "Said Property").**

- 1) I have investigated the title to all that said Property at the request of my client, Macrotech Developers Limited a company incorporated under the Companies Act, 1956 and now deemed to be incorporated under the Companies Act, 2013, having its registered office at 412, Floor- 4, 17G, Vardhaman Chamber, Cawasji Patel Road, Horniman Circle, Fort, Mumbai-400 001 ("**Company**") as the Developer, as the case may be, of the same. On the basis and relying upon the perusal of relevant photocopies of Title documents particularly Deed of Deemed Conveyance and Development Agreement; Revenue Records viz. copies of Property Register Cards for CTS No. 1/A/1, 1/B/1/A/1 and 2/B/1 issued by City Survey Officer, Borivali as well as uploaded on Portals of <https://digitalsabara.mahabhumi.gov.in/DSLIR/PropertyCard>; Search Data of Online Search on the Portals of Inspector General of Registration (IGR Website) for the Land Record and Online Search on the Portal of Ministry of Company Affairs (MCA) for charges created by Macrotech Developers Limited in respect of the said Property, I have to state as follows:

- 2) **Description of the Property** ALL THAT pieces and parcels of land bearing CTS No. 1(Part) admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1(Part) admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1(Part) admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1(Part) (as per the Conveyance admeasuring 761.38 sq.mtrs. or

thereabout) and CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout in the Revenue Village of Magathane, Taluka Borivali, District Mumbai Suburban and situated at Sai Baba Mandir Marg, Near Saibaba Temple, off S. V. Road, Borivali (West), Mumbai 400 092, (hereinafter referred to as the "the said Property").

**3) Documents of acquirement of Property**

- 1) Certificate of Registration No. MUM/WR-N/HSG/TC/15390/2013-2014/2013, dated 25/07/2013 issued by Assistant Registrar, Co-operative Society 'R' North, Mumbai for registration Om Shree Geetanjali Nagar 'C' Wing Co-operative Society Limited (CHSL), under Section 9(1) of Maharashtra Co-operative Act, 1960 as Tenant Co-partnership Housing Society.
- 2) Certificate of Registration No. MUM/WR-N/HSG/TC/15389/2013-2014/2013, dated 31/12/2013 issued by Assistant Registrar, Co-operative Society 'R' North, Mumbai for registration Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Society Limited, under Section 9(1) of Maharashtra Co-operative Act, 1960 as Tenant Co-partnership Housing Society.
- 3) Order of Deemed Conveyance and Certificate under Section 11 of Maharashtra Ownership Flat Act, 1963 bearing No. DDR-4/Mum./D.C./Om Shree Geetanjali Nagar "C" Wing CHSL/342/20, dated 01/02/2020 issued by District Deputy Registrar, Co-operative Societies, Mumbai City passed in Application No. 167/2019 made by Om Shree Geetanjali Nagar "C" Wing CHS Limited.
- 4) Order of Deemed Conveyance and Certificate under Section 3 and 11 of Maharashtra Ownership Flat Act, 1963 bearing No. DDR-4/Mum./D.C./Om Shree Geetanjali Nagar "A" & "B" CHS/149/16, dated 27/05/2016 issued by District Deputy Registrar, Co-operative Societies, Mumbai City passed in Application No. 96 of 2015 made by Om Shree Geetanjali Nagar "A" & "B" CHS Limited.
- 5) By Deed of Conveyance dated 28/01/2021 executed and registered under Sr. No. BRL8-1173-2021, Shree Ram Nagar Trust No. 1, Geetanjali Association, Geetanjali Nagar Co-operative HSG. Soc. and Om Shree Geetanjali Nagar 'C' Co-operative Housing Society Ltd. for First Property bearing CTS No. 1

# Pradip Garach

Advocate

High Court, Bombay

admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1 admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1 admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1 admeasuring 761.38 sq.mtrs. or thereabout.

- 6) By Deed of Conveyance dated 10/06/2021 executed and registered under Sr. No. BRL6-7795-2021, Shree Ram Nagar Trust No. 1, Hinduja Brothers Trust, Elal Hotel and Investment Ltd. and BPT Employees Vijaydeep CHS To Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Housing Society Ltd. for Second Property bearing CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout.
- 7) Development Agreement dated 05/07/2023 executed and registered under Sr. No. BRL2-10153-2023, between Om Shree Geetanjali Nagar 'C' Wing Co-operative Society Limited (Owner) and Macrotech Developers Limited (Developer) for re-development of First Property bearing CTS No. 1 admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1 admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1 admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1 admeasuring 761.38 sq.mtrs. or thereabout.
- 8) Development Agreement dated 03/01/2024 executed and registered under Sr. No. BRL8-155-2024, between Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Society Limited (Owner) and Macrotech Developers Limited (Developer) for re-development of Second Property bearing CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout.

related to the acquirement of development rights for aforesaid Property.

4) **Property Card and / or 7/12 Extract**

- i) Property Cards issued by City Survey Officer, Borivali, Mumbai Suburban District in respect of land comprised in CTS No. 1 admeasuring 1774.40 sq.mtrs. or thereabout of Village Magathane, Taluka Borivali, District Mumbai Suburban inter alia reflecting Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited as the Owner in respect of the same. Tenure of the Property is 'C-1' i.e. assessed under Land

Revenue Code.

- ii) Property Cards issued by City Survey Officer, Borivali, Mumbai Suburban District in respect of land comprised in CTS No. 1/A/1 admeasuring 2415 sq.mtrs. or thereabout of Village Magathane, Taluka Borivali, District Mumbai Suburban inter alia reflecting Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited as the Owner in respect of the same. Tenure of the Property is 'C-1' i.e. assessed under Land Revenue Code.
- iii) Property Cards issued by City Survey Officer, Borivali, Mumbai Suburban District in respect of land comprised in CTS No. 1/B/1/A/1 admeasuring 989 sq.mtrs. or thereabout of Village Magathane, Taluka Borivali, District Mumbai Suburban inter alia reflecting Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited as the Owner in respect of the same. Tenure of the Property is 'C-1' i.e. assessed under Land Revenue Code.
- iv) Property Cards issued by City Survey Officer, Borivali, Mumbai Suburban District in respect of land comprised in CTS No. 2/B/1 inter alia reflecting (i) Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited to the extent of 112.25 sq.mtrs. or thereabout (ii) Om Shree Geetanjali 'A' and 'B' Co-Operative Housing Society Limited to the extent of 1834.65 sq.mtrs. or thereabout of Village Magathane, Taluka Borivali, District Mumbai Suburban as the Owner in respect of the same. Tenure of the Property is 'C-1' i.e. assessed under Land Revenue Code.

5) **Land Record Search Report for 22 years from 2002 to 2024 (22 years)**

My client has taken search through its department on Online Portals of Inspector of General Registration (IGR Maharashtra) website for the year 2002 to 2024. There is no registered document evidencing creation of adverse interest in the said Property.

6) **Company Search Record**

Registrar of Companies (ROC) Search Report dated 02/07/2024 issued by Sharatkumar Shetty & Associates, Practising Company Secretary for Searches taken at Registrar of Companies on Macrotech Developers Limited.



# Pradip Garach

Advocate

High Court, Bombay

- 7) On the basis of and relying upon the perusal photocopies of relevant (i) Title documents; (ii) Development Agreements; (iii) Revenue Records viz. copies of Property Register bearing CTS No. 1, 1/A/1, 1/B/1/A/1 and 2/B/1 issued by City Survey Officer, Mulund as well as uploaded on Portals of <https://digitalsatbara.mahabhumigov.in/DSLRL/PropertyCard>; (iii) Search Data of Online Search on the Portal of Inspector General of Registration (IGR) for the Land Record and (iv) Online Search on the portal of Ministry of Company Affairs (MCA) for Index of Charges on the said Property and representations, information and explanation gathered in connection therewith, I am of the opinion that on the basis of findings set out in Annexure-A-Flow of Title hereto, title of the Macrotech Developers Limited as Owner / Promoter / Developer,
- (a) (i) Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited and (ii) Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Housing Society Limited are entitled to respective First Property and Second Property respectively as absolute Owner thereof.
- (b) Macrotech Developers Limited is entitled to, pursuant to (i) Development Agreement dated 5<sup>th</sup> July, 2023, ("DA") executed and registered under Serial No. BRL2-10153-2023 on 26/07/2023 with the office of Sub-Registrar of Assurances at Borivali-2, by and between Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Om Shree Society of the First Part and Falguni Parshant Shah & 179 Members of Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Existing Members of the Second Part and Macrotech Developers Limited as the Developer of the Third Part and (ii) Development Agreement dated 15<sup>th</sup> December, 2023, ("DA") executed and registered under Serial No. BRL8-155-2024 on 03/01/2024 - 16/01/2024 with the office of Sub-Registrar of Assurances at Borivali-8, by and between Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Society of the First Part and Macrotech Developers Limited as the Developer of the Second Part and Bharati Jagjivan Mandekar & 37 Members of Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Existing Members of the Third Part, development rights of the First Property and Second Property as the Developer with right to carry out redevelopment of the same and has clear and marketable title free from encumbrances to the respective First Property and Second Property.

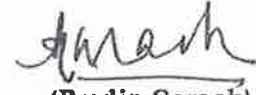
## Owner of the said Property

- 1) the property comprised in CTS No. 1 admeasuring 1788.36 sq.mtrs. or thereabout situated at Village Magathane, Taluka Borivali, District Mumbai Suburban are owned by and belonged to Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited (Land Holder) as shown on Property Card.
- 2) the property comprised in CTS No. 1/A/1 admeasuring 2046.22 sq.mtrs. or thereabout situated at Village Magathane, Taluka Borivali, District Mumbai Suburban are owned by and belonged to Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited (Land Holder) as shown on Property Card.
- 3) the property comprised in CTS No. 1/B/1/A/1 admeasuring 694.69 sq.mtrs. or thereabout situated at Village Magathane, Taluka Borivali, District Mumbai Suburban are owned by and belonged to Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited (Land Holder) as shown on Property Card.

- 4) the property comprised in CTS No. 2/B/1 situated at Village Magathane, Taluka Borivali, District Mumbai Suburban are owned by and belonged to (i) Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited to the extent of 112.25 sq.mtrs. or thereabout (ii) Om Shree Geetanjali 'A' and 'B' Co-Operative Housing Society Limited to the extent of 1834.65 sq.mtrs. or thereabout (Land Holder) as shown on Property Card.
- 5) Qualifying comments/remarks : This Report be read and construed in conjunction with Annexure-A.

The report reflecting the Flow of the Title of Developer viz. Macrotech Developers Limited as Promoter/Developer to the said Property and right of the Developer, is separately enclosed and annexed as **Annexure-"A"**.

dated this 26<sup>th</sup> day of July, 2024.



(Pradip Garach)  
Advocate High Court, Bombay

**Encl.:** Annexure "A" –Flow of Title

Housiey.com

**FORMAT-A**

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

**FLOW OF THE TITLE OF THE SAID PROPERTY**

**Sub.: Title Clearance Certificate with respect to ALL THAT pieces and parcels of land bearing**

- (i) CTS No. 1(Part) admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1(Part) admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1(Part) admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1(Part) (as per the Conveyance admeasuring 761.38 sq.mtrs. or thereabout) admeasuring in the aggregate 5290.65 sq.mtrs. or thereabout belonged to and owned by Om Shree Geetanjali Nagar 'C' Co-operative Housing Society Ltd. ("First Property") and
- (ii) CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout belonged to and owned by Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd. ("Second Property")

**corresponding to Survey No. 8, 9, 10, 11, 12 and 13 of Village Magathane, Taluka Borivali, situated at Near Saibaba Temple, Borivali (West), within the Registration district and Sub-District of Mumbai Suburban. (First Property and Second Property collectively referred to as the "Said Property").**

1. I have investigated the title to all that said Property at the request of my client, Macrotech Developers Limited a company incorporated under the Companies Act, 1956 and now deemed to be incorporated under the Companies Act, 2013, having its registered office at 412, Floor- 4, 17G, Vardhaman Chamber, Cawasji Patel Road, Horniman Circle, Fort, Mumbai-400 001 ("**Company**") as the Developer, as the case may be, of the same. On the basis and relying upon the perusal of relevant photocopies of Title documents particularly Deed of Deemed Conveyance and Development Agreement; Revenue Records viz. copies of Property Register Cards for CTS No. 1/A/1, 1/B/1/A/1 and 2/B/1 issued by City Survey Officer, Borivali as well as uploaded on Portals of <https://digitalsaibaramahabhumi.gov.in/DSL/PropertyCard>; Search Data of Online Search on the Portals of Inspector General of Registration (IGR Website) for the Land Record and Online Search on the Portal of Ministry of Company Affairs (MCA) for charges created by Macrotech Developers Limited in respect of the said Property, I have to state as follows:

2. **For the purpose of this Title Report, I have perused following Title Documents, Revenue Land Record Viz. Property Register Card and Land Record Search Reports:**

- (i) Certificate of Registration No. MUM/WR-N/HSG/TC/15390/2013-2014/2013, dated 25/07/2013 issued by Assistant Registrar, Co-operative Society 'R' North, Mumbai for registration Om Shree Geetanjali Nagar 'C' Wing Co-operative Society Limited (CHSL), under Section 9(1) of Maharashtra Co-operative Act, 1960 as Tenant Co-partnership Housing Society.
- (ii) Certificate of Registration No. MUM/WR-N/HSG/TC/15389/2013-2014/2013, dated 31/12/2013 issued by Assistant Registrar, Co-operative Society 'R' North, Mumbai for registration Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Society Limited, under Section 9(1) of Maharashtra Co-operative Act, 1960 as Tenant Co-partnership Housing Society.

- (iii) Order of Deemed Conveyance and Certificate under Section 11 of Maharashtra Ownership Flat Act, 1963 bearing No. DDR-4/Mum./D.C./Om Shree Geetanjali Nagar "C" Wing CHSL/342/20, dated 01/02/2020 issued by District Deputy Registrar, Co-operative Societies, Mumbai City passed in Application No. 167/2019 made by Om Shree Geetanjali Nagar "C" Wing CHSL.
- (iv) Order of Deemed Conveyance and Certificate under Section 3 and 11 of Maharashtra Ownership Flat Act, 1963 bearing No. DDR-4/Mum./D.C./Om Shree Geetanjali Nagar "A" & "B" CHS/149/16, dated 27/05/2016 issued by District Deputy Registrar, Co-operative Societies, Mumbai City passed in Application No. 96 of 2015 made by Om Shree Geetanjali Nagar "A" & "B" CHSL.
- (v) By Deed of Conveyance dated 28/01/2021 executed and registered under Sr. No. BRL6-1173-2021, Shree Ram Nagar Trust No. 1, Geetanjali Association, Geetanjali Nagar Co-operative HSG. Soc. and Om Shree Geetanjali Nagar 'C' Co-operative Housing Society Ltd. for First Property bearing CTS No. 1 admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1 admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1 admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1 admeasuring 761.38 sq.mtrs. or thereabout.
- (vi) By Deed of Conveyance dated 10/06/2021 executed and registered under Sr. No. BRL6-7795-2021, Shree Ram Nagar Trust No. 1, Hinduja Brothers Trust, Elel Hotel and Investment Ltd. and BPT Employees Vijaydeep CHS To Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Housing Society Ltd. for Second Property bearing CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout.
- (vii) Development Agreement dated 05/07/2023 executed and registered under Sr. No. BRL2-10153-2023, between Om Shree Geetanjali Nagar 'C' Wing Co-operative Society Limited (Owner) and Macrotech Developers Limited (Developer) for re-development of First Property bearing CTS No. 1 admeasuring 1788.36 sq.mtrs. or thereabout, CTS No. 1/A/1 admeasuring 2046.22 sq.mtrs. or thereabout, CTS No. 1/B/1/A/1 admeasuring 694.69 sq.mtrs. or thereabout and CTS No. 2/B/1 admeasuring 761.38 sq.mtrs. or thereabout.
- (viii) Development Agreement dated 03/01/2024 executed and registered under Sr. No. BRL8-155-2024, between Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Society Limited (Owner) and Macrotech Developers Limited (Developer) for re-development of Second Property bearing CTS No. 2/B/1 admeasuring 1834.65 sq.mtrs. or thereabout
- (ix) Revenue Records viz. copies of Property Register Cards for CTS No. 1, 1/A/1, 1/B/1/A/1 and 2/B/1 issued by City Survey Officer, Borivali.
- (x) I have taken online search on the Portals of Inspector General of Registration (IGR) for the year 2002 to 2024 in respect of the said Larger Property. There are no documents found to have been registered affecting title of the Macrotech Developers Limited to the said Larger Property.
- (i) Registrar of Companies (ROC) Search Report dated 02/07/2024 issued by Sharatkumar Shetty & Associates, Practising Company Secretary for Search of Index of charges taken of Registrar of Companies Record in respect of Macrotech Developer Limited.
3. I have not issued a public notice inviting objections /claims in respect of the said Property.



# Pradip Garach

Advocate

High Court, Bombay

## 4. Flow of Title of the said Property

On perusal of recital of the Deed of Conveyance dated 31/03/2021 bearing registration No. BRL6-7795-2021 on 10/06/2021 and Deed of Conveyance dated 31<sup>st</sup> December 2020 bearing registration No. BRL8-1173 of 2021 on 28/01/2021 (as detailed in Paragraph No. 26 hereunder) and it appears that:

- i. In or about year 1976, Shree Ram Nagar Trust No. 1 inter alia seized and possessed of and well and sufficient entitled to ALL THOSE pieces and parcels of land as mentioned hereinabove in Village Magathane, Taluka Borivali, Mumbai Suburban District. The said Property has been granted to the said Trust by the Government.
- ii. One Trustees of Shree Ram Nagar Trust No. 1 ("Original Owner") inter alia entitled to the land bearing CTS No. 1 (Part), 1/A/1 (Part), 1/B/1/A/1 (Part) and 2/B/1/(Part), totally admeasuring 7125.30 Square meters or thereabout in the Revenue Village Magathane, Taluka Borivali situated at Sai Baba Mandir Marg, Near Sai Baba Temple, Off S.V. Road, Borivali (West), Mumbai - 400 092 (hereinafter referred to as **the said Larger Property**). The said Property has access from 18.30 meter wide Sai Baba Mandir Marg, which is a public road abutting the said Property;
- iii. The Original Owner with a view to develop the whole said larger property had divided the same in plots and building sites and prepared a layout the said larger Property of such plots and building sites and submitted the same to the Municipal Corporation of Greater Bombay for sanction;
- iv. The Municipal Corporation of Greater Bombay (hereinafter for brevity sake referred to as **"Corporation"**) has sanctioned the layout by its letter No. CE/151/BS II/LOR dated 3<sup>rd</sup> October, 1973 in respect of the said larger Property comprised of the aforesaid survey numbers and agreed to subdivide the same into several plots subject to certain terms and conditions stipulated in the sanctioned layout by the said Corporation, which have been lodged for registration with Sub Registrar of Assurances Bombay under serial No. 1577 dated 14/11/1975 and amendment approved on 28<sup>th</sup> January, 1975;
- v. By Agreement dated 17<sup>th</sup> August 1971 between Shree Ram Nagar Trust No. 1 (Vendor) and M/s. Elel Hotel and Investment Limited (Purchaser), wherein the said Vendor agreed to sale the said Purchaser the said Property for a consideration and upon the terms and conditions contained therein. I note that the said Purchaser has paid to the Original Owner / Vendor full price of the said larger Property agreed to be purchased by them and Original Owner / Vendor have delivered to the said Purchaser vacant possession of the whole said larger Property.
- vi. Elel Hotel and Investment Limited had submitted building plan to the Municipal Corporation of Greater Bombay for development and construction of the various building on the whole said larger Property and got building plans, design and Specification sanctioned on certain terms and conditions stated therein.
- vii. By diverse Agreement for Sale all dated 15<sup>th</sup> May 1974 between M/s. Elel Hotel and Investment Ltd. (Vendor) of the One Part and 1) M/s. Balaji Construction Company, 2) M/s. Tirupati Balaji Construction Co., 3) M/s. Orkay Commercial Co., 4) M/s. Hinduja Brothers Trust and 5) Shri Lachmandas Tejbhaidas Hinduja (Confirming Parties Purchasers) of the Other Part wherein the said Vendor agreed

to sale the said Confirming Parties Purchasers the said larger Property bearing plot no. 1 to 7 and 9 to 14 comprising CTS No. 2, 2/B/1 to 6 and 6/1 to 46 and bearing Old Survey No. 8, 10, 11, 12 and 13 more particularly described in First Schedule to the Deed of Conveyance dated 31<sup>st</sup> March 2021 for a consideration and upon the terms and conditions contained therein;

- viii. In the aforesaid backdrop, One Geetanjali Association is an association registered under the societies Registration Act 1860 bearing No. BOM/170/71 G.B.B.S.D. with the Charity Commissioner, Maharashtra State, Bombay having its registered office at 47, Bazargate Street, First Floor, Fort, Bombay-1 (hereafter referred to as the "**said Association**"). The said Association admitted members at their free will as a members of the Association.
- ix. The said Members of the said Association desired that the said Association should organize a Scheme for providing housing accommodation for the benefit of the members on what is known as popularly ownership basis and on co-operative basis.
- x. On the basis of the demand of the various members, the said Association explored the possibility to organize the Housing Scheme on ownership and co-operative basis and made representation in that behalf to the Charity Commissioner Maharashtra State. The Charity Commissioner was of opinion that by virtue of the provisions of the Bombay public Trust, the Association by itself would not be able to undertake the Housing Scheme as contemplated by the members;
- xi. The said Association by its Resolution dated 30<sup>th</sup> June, 1975 resolved to form a separate Co-operative Housing Society for accommodation for its members and for that purpose authorized the Project Co-ordinator to act as the Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed) under the overall supervision and guidance of Geetanjali Association and to obtain necessary sanctions and permissions from the concerned authority/ies and to construct the buildings on the said Property.
- xii. The said Project Co-ordinator acting as Chief Promoter of the proposed Geetanjali Nagar Co-operative Housing Society (Proposed) made application to Deputy Registrar of Co-operative Society, Maharashtra State to obtained the provisional approval for registration of its name under the name and style of Geetanjali Nagar Co-Operative Housing Society Ltd. (Proposed).
- xiii. The said Project Co-ordinator with a view to implement the Scheme of Housing explored and negotiated various proposal for purchase of land suitable for the proposal Housing Scheme and after due deliberation between the Association and the other interested members of the Association the Project Co-ordinator entered into Agreement for Sale in respect of the whole said larger Property bearing plot nos. 1 to 7 and 9 to 14 comprising CTS Nos. 2, 2/B/1 to 6 and 6/1 to 46 ("**said plots**") and bearing Old Survey No. 8, 10, 11, 12 and 13 more particularly described in First Schedule of Deed of Conveyance dated 31<sup>st</sup> March 2021.
- xiv. By Diverse and individual respective Agreement for Sale all dated 8<sup>th</sup> August 1975 between respective 1) M/s. Balaji Construction Company 2) M/s. Tirupati Balaji Construction Co., 3) M/s. Orkay Commercial Co., 4) M/s. Hinduja Brothers Trust and 5) Shri Lachmandas Tejbhaidas Hinduja, being Confirming Party Purchaser, as the "Vendor" therein of the One Part and M/s. Geetanjali Association and Chief Promoter of Geetanjali Nagar Co-operative Housing Society (Proposed) as the "Purchaser" therein of the Other Part wherein the said Vendors inter alia agreed to

# Pradip Garach

Advocate

High Court, Bombay

sale to the said Purchaser the said Property for a consideration and upon the terms and conditions contained therein. Pursuant to the said Agreement the said Confirming Parties Purchaser and Original Owners delivered to Project Co-ordinator vacant possession of the said plots with a right to proceed a head with construction work as per approved plan or such amended plans as project co-ordinator shall get amended.

- xv. The Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed) being Project coordinator has drawn up a Group Housing Scheme for construction of the said larger Property bearing plot nos. 1 to 7 and 9 to 14 comprising CTS No. 2, 2/B/1 to 6 and 6/1 to 46 and bearing Old Survey No. 8, 10, 11, 12 and 13 and being known as Geetanjali Nagar.
- xvi. The said Housing Scheme envisaged construction of flats of A, B and C Type Residential purpose and shop, office, godown, open and closed garages, covered and open parking spaces in accordance with sanctioned building plan approved by Municipal Corporation of Greater Bombay, which is inspected by members of the Association and agreed for the same.
- xvii. The Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed), being Project Co-ordinator, enrolled and allotted the various type of flats, shops, office, godown, open and closed garages, covered and open parking spaces (Premises) and formed and registered Co-operative Housing Society and admitted members for Housing Accommodation on ownership basis.
- xviii. The Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed), being Project Co-ordinator, entered into Agreement in respect of enrollment members and allotment of different premises in the Geetanjali Nagar Complex on identical term similar in all respect to this Agreement with minor modification and amendment as may be necessary and expedient.
- xix. As per land records Shree Ram Nagar Trust No.1 and Chief Promoter of Geetanjali Nagar Co-operative Housing Society Limited are the owners of the land bearing CTS No. 2/B/1 area admeasuring 2800 sq.mtrs. or thereabout in Village Magathane, Taluka Borivali, Mumbai Suburban District, situated at Near to Sai Baba Temple, Borivali (W), Mumbai 400 092.
- xx. As per the Property Card, Shree Ram Nagar Trust No.1 and M/s. Elal Hotel and Investment Ltd. M/s. B.P.T. Employees Vijaydeep Cooperative Housing Society Limited, Shree Saileela Charitable Trust and Om Shree Geetanjali Nagar "C" Co-operative Housing Society Limited are the holder of the said plots.
- xxi. Shree Ram Nagar Trust No.1, M/s. Geetanjali Association and Geetanjali Nagar Co-operative Housing Society (Proposed) got sanctioned of Building plans, design and specifications from Municipal thereon of the said Property. M/s. Geetanjali Association and Geetanjali Nagar Co-operative Housing Society (Proposed) developed and constructed the buildings known as 'Om Shree Geetanjali Nagar 'A' & 'B' and 'Om Shree Geetanjali Nagar 'C' Wing' which are standing on the portion of the said Property accordingly.
- xxii. The Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed) being Project Co-ordinator had constructed several buildings for the Geetanjali Association on property bearing Plot Nos. 1 to 7 and 9 to 14 comprising CTS No. 2, 2/B/1 to 6 and 6/1 to 46 and bearing Old Survey No. 8, 10, 11, 12 and 13 being Plot Nos. 1 to 7 and 9 to 14 admeasuring 8731 sq.mtrs. or thereabout in



Village Magathane. There are 13 buildings consist of several members on the whole said larger Property;

- xxiii. By various Agreements, the Chief Promoter of the Geetanjali Nagar Co-operative Housing Society (Proposed) being Project coordinator sold to several flat Purchasers respective flats in the building constructed on the said Property.
- xxiv. M/s. Geetanjali Association and Geetanjali Nagar Co-operative Housing Society (Proposed) being the Promoter/Developer sold all the flats to various purchasers by diverse agreements under Maharashtra Ownership Flats Act ("MOFA Act") which agreements are duly registered;
- xxv. The Chief Promoter of Om Shree Geetanjali Nagar Co-Operative Housing Society Limited (Proposed) has formed and registered as Om Shree Geetanjali Nagar Co-operative Housing Society Limited;
- xxvi. On an Application dated 22/01/2012 to Deputy Registrar Co-operative Housing Society for bifurcation Om Shree Geetanjali Nagar Co-operative Housing Society Limited. By Order bearing No. MUM/WRN/HSG/(TC)330/2012 dated 11/09/2012 passed by Deputy Registrar R-N Ward, Om Shree Geetanjali Nagar Co-operative Housing Society Limited came to be bifurcated as 'Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd.' and Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Ltd.'
- xxvii. The Purchasers of the flats in the said Buildings formed and registered two (2) separate housing society by names of 'Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd.' bearing Registration No. MUM/WRN/HSG/TC/15389/2013-14/2013 dated 31<sup>st</sup> December 2013 and 'Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Ltd.' bearing Registration No. MUM/WRN/HSG/TC/15390/2013-14/2013 dated 25<sup>th</sup> July 2013, under the Maharashtra Co-operative Societies Act, 1960, having its registered address at Sai Baba Mandir Marg, Near Sai Baba Temple, Borivali (West), Mumbai-400092;
- xxviii. 'Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd.' consists of Four (4) wings. In the A Wing containing 9 flats and Wing B1, B2 and B3 containing 29 flats in all making 38 flats in the building being known as Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Ltd.;
- xxix. 'Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Ltd.' consists of Nine (9) wings. Each of the 9 wings containing 20 flats in the building being known as 'Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Ltd.;
- xxx. On an Application No. 96 of 2015 filed by Om Shree Society 'A' & 'B' Wing (CHS) Limited (Applicant) against (i) Chief Promoter of Geetanjali Nagar CHSL, (ii) Shree Ram Nagar Trust 1, (iii) Hinduja Brothers Trust and (iv) Elal Hotels and Investment Limited, (v) M/s. B.P.T. Employees Vijaydeep Cooperative Housing Society Limited, (vi) Shree Saileela Charitable Trust and (vii) Om Shree Geetanjali Nagar "C" Co-operative Housing Society Limited (Opponents) under Section 5A and 11 (3 & 4) of MOFA Act read with rules thereunder before the Competent Authority, by an Order bearing No. DDR-4/Mum/D.C./Om Shree Geetanjali Nagar A & B CHS/1149/16 dated 27/05/2016, Certificate of Entitlement dated 27<sup>th</sup> May 2016 issued to Om Shree Society 'A' & 'B' Wing (CHS) Limited the District Deputy Registrar, Co-operative Societies, Mumbai City (4) and Competent Authority under Section 5A of MOFA Act to have Unilateral Deemed Conveyance under Section 11 of the MOFA Act as amended to be executed and registered in the name of Om



# Pradip Garach

Advocate

High Court, Bombay

Shree Society 'A' & 'B' Wing (CHS) Limited for the land comprising CTS No. 2/B/1 admeasuring 1865.40 sq.mtrs. or thereabout alongwith undivided share in R.G. and Common areas of layout in Village Magathane, Taluka Borivali, Mumbai Suburban District situated at Near Sai Baba Temple, Borivali (W), Mumbai 400 092 together with building constructed thereon known as Om Shree Society 'A' & 'B' Wing (CHS) Limited in favour of Applicant viz. Om Shree Society 'A' & 'B' Wing (CHS) Limited;

xxxi. On an Application No. 167 of 2019 filed by Om Shree Society 'C' Wing (CHS) Limited (Applicant) against (i) Shree Ram Nagar Trust 1, (ii) Elel Hotels and Investment Limimted, (iii) M/s. Balaji Construction Company, (iv) M/s. Tirupati Balaji Construction Company, (v) M/s. Orkay Commercial Company, (vi) M/s. Hinduja Brothers Trust, (vii) Shri. Lachmandas Tejbhaidas Hinduja, (viii) M/s. Geetanjali Association, (ix) Geetanjali Nagar CHS (Proposed), (x) M/s. B.P.T. Employees Vijaydeep Cooperative Housing Society Limited, (xi) Shree Saileela Charitable Trust, (xii) Om Shree Geetanjali Nagar "A" & "B" Co-operative Housing Society Limited and (xiii) Smt. Kalsum Masin Khokar (Opponents) under Section 11 (3 & 4) of MOFA Act read with rules thereunder before the Competent Authority, by an Order bearing No. DDR-4/Mum/D.C./Om Shree Geetanjali Nagar "C" CHS/342/20 dated 01/02/2020, Certificate of Entitlement dated 1<sup>st</sup> February 2020 issued to Om Shree Society 'C' Wing (CHS) Limited the District Deputy Registrar, Co-operative Societies, Mumbai City (4) and Competent Authority under Section 5A of MOFA Act to have Unilateral Deemed Conveyance under Section 11 of the MOFA Act as amended to be executed and registered in the name of Om Shree Society 'C' Wing (CHS) Limited for the land comprising CTS No. 1(Part), 1/A/1(Part), 1/B/1/A/1(Part) and 2/B/1(Part) admeasuring 5290.65 sq.mtrs. or thereabout alongwith undivided share in R.G., P.G., Internal Roads and all other Common properties, facilities, amenities and access layout in Village Magathane, Taluka Borivali, Mumbai Suburban District situated at Near Sai Baba Temple, Borivali (W), Mumbai 400 092 together with building constructed thereon known as Om Shree Society "C" Wing (CHS) Limited in favour of Applicant viz. Om Shree Society "C" Wing (CHS) Limited;

xxxii. Pursuant to the Certificate Entitlement dated 27<sup>th</sup> May 2016, by Deed of Conveyance (Deemed/unilateral) dated 31<sup>st</sup> March 2021 executed and registered under Sr. No. BRL6-7795 of 2021 on 10/06/2021 with the office of Sub Registrar Borivali-6 in Book 1, by Dr. Kishor Mande Competent Authority as per the power conferred upon him under Section 5A of Maharashtra Ownership Flat (Regulation of Promotion of Construction, Sale, Management and Transfer Act), 1963 on account of defaulting predecessors and Promoters as per Revenue Records, (i) Shree Ram Nagar Trust No. 1, (ii) Hinduja Brothers Trust, (iii) Elel Hotel and Investment Limited, (iv) B.P.T. Employees Vijaydeep CHSL, (v) Shree Saileela Charitable Trust, (vi) Om Shree Geetanjali Nagar "C" CHS Ltd. (Vendors) of the First Part, and defaulting Builder Arvind Vasantlal Sheth, Chief Promoter of Geetanjali Nagar CHSL (Confirming Parties) of the Second Part in favour of Om Shree Geetanjali Nagar A & B Co-op. Housing Society Limited (Society) of the Third Part, the Vendor with the confirmation of the Confirming Party herein granted, conveyed, transferred and assured forever to and unto the said Society all that piece or parcel of land admeasuring 1834.65 sq. meters or thereabout along with proportionate undivided share in R.G. and common areas of the layout at Magathane, bearing CTS No. 2/B/1/(Part), in the Revenue Village Magathane, Taluka-Borivali along with the building known as 'Om Shree Geetanjali Nagar 'A' & 'B' Wing' standing thereon situated at Sai Baba Mandir Marg, Near Sai Baba Temple, Borivali (West), Mumbai - 400092, Mumbai Suburban District of Mumbai City and Mumbai Suburban hereinafter referred to as (the "**said Second Property**").

xxxiii. By Deed of Conveyance (Deemed/unilateral) dated 31<sup>st</sup> December 2020 executed and registered under Sr. No. BRL8-1173 of 2021 on 28/01/2021 with the office of Sub Registrar Borivali-8 in Book 1, by Dr. Kishor Mande Competent Authority as per the power conferred upon him under Section 5A of Maharashtra Ownership Flat (Regulation of Promotion of Construction, Sale, Management and Transfer Act), 1963 on account of defaulting predecessors and Promoters as per Revenue Records, Shree Ram Nagar Trust No. 1 (Vendor) of the First Part, M/s. Geetanjali Association and Geetanjali Nagar Co-operative Housing Society (Proposed)(Promoters) of the Second Part and (1) M/s. Elel Hotel and Investment; (2) M/s. Balaji Construction Company (3) M/s. Tirupati Balaji Construction Co., (4) M/s. Orkay Commercial Co., (5) M/s. Hinduja Brothers Trust and (6) Shri Lachmandas Tejbhaidas Hinduja (7) M/s. B.P.T Employees Vijaydeep CHS Ltd. (8) Shree Saileela Charitable Trust (9) The Chairman/Secretary on Om Shree Geetanjali Nagar A & B CHS Ltd. (10) Smt. Kulsum Masin Khokar (Confirming Parties) of the Third Part in favour of Om Shree Geetanjali Nagar C Wing Co-op. Housing Society Limited (Society) of the Fourth Part, the Vendor with the confirmation of the Confirming Party herein granted, conveyed, transferred and assured forever to and unto the said Society all that piece or parcel of land admeasuring 5290.65 sq. meters or thereabout out of said Property admeasuring about 7125.30 sq. meters or thereabout along with proportionate undivided share in R.G., P.G., internal roads and all other common properties, facilities, amenities and access from Sai Baba Mandir Marg bearing CTS No. 1 (Part), 1/A/1 (Part), 1B/1A/1 (Part) and 2/B/1/(Part), corresponding to Survey No. /Hissa No. 8 to 13 (Part) in the Revenue Village – Magathane, Taluka-Borivali along with the building known as ‘Om Shree Geetanjali Nagar ‘C’ Wing’ standing thereon situated at Sai Baba Mandir Marg, Near Sai Baba Temple, Borivali (West), Mumbai – 400092, Mumbai Suburban District of Mumbai City and Mumbai Suburban hereinafter referred to as (the “**said First Property**”).

xxxiv. By Resolution dated 7<sup>th</sup> March 2021 passed by Special General Body Meeting of Om Shree Society ‘A’ & ‘B’ Wing (CHS) Limited resolved for redevelopment of the building known as Om Shree Society ‘A’ & ‘B’ Wing (CHS) Limited Society as same had been in a dilapidated condition and required major repair entails substantial expenses will be required to be incurred for the purpose of structural stability of the existing building. Hence it is not possible for the Existing Members to repair the existing buildings out of their own resources. Hence, the Existing Members approached the Developer Macrotech Developers Limited with a request to redevelop the existing buildings of the Om Shree Society ‘A’ & ‘B’ Wing (CHS) Limited (“**Old Building**”) and rehabilitated them by handing over new flats in lieu of their respective old flats (“**Existing Flat**”) in the existing buildings with having right to sell all remaining flats (“**Free Sale Flats**”) under the provisions of The Real Estate (Regulation and Development) Act, 2016 (“**RERA**”);

xxxv. By Resolution dated 29<sup>th</sup> July 2018 passed by Special General Body Meeting of Om Shree Society ‘C’ Wing (CHS) Limited resolved for redevelopment of the building known as Om Shree Society ‘C’ Wing (CHS) Limited Society as same had been in a dilapidated condition and required major repair entails substantial expenses will be required to be incurred for the purpose of structural stability of the existing building. Hence it is not possible for the Existing Members to repair the existing buildings out of their own resources. Hence, the Existing Members approached the Developer Macrotech Developers Limited with a request to redevelop the existing buildings of the Om Shree Society ‘C’ Wing (CHS) Limited (“**Old Building**”) and rehabilitated them by handing over new flats in lieu of their respective old flats (“**Existing Flat**”) in the existing buildings with having right to sell all remaining

flats ("**Free Sale Flats**") under the provisions of The Real Estate (Regulation and Development) Act, 2016 ("RERA");

- xxxvi. Out of Existing 180 Members, 177 members have granted individual consent (hereinafter referred as "**Consenting Members**"). It is hereby agreed that the balance individual consents of the Balance Members (*defined hereinafter*) shall be obtained by the Om Shree Society before the Developer issuing the Vacating Notice (*defined hereinafter*);
- xxxvii. The Om Shree Society has passed General Body Resolution in their Special General Body Meeting dated 19<sup>th</sup> August 2021 thereby appointed Macrotech Developers Ltd., i.e. the Developer herein, as a developer for the redevelopment of the said Property.
- xxxviii. In the meantime, the Old Buildings were declared as dilapidated by the Municipal Corporation of Greater Mumbai by the notice under Section 354 of The Mumbai Municipal Corporation Act, 1888 and therefore, demolished. The possession of the Land is still with the Society.
- xxxix. In the special general body meeting held on May 14, 2023, the 'Om Shree Geetanjali Nagar 'C' Wing' CHSL has approved the draft of this Development Agreement with all the Annexures hereto together with the draft of Power of Attorney and that Om Shree Society has authorised its respective (i) Mr. Mohan Parab (being its Chairman), (ii) Mrs. Vibhuti Chandarana, (being its Secretary), (iii) Mr. Sunil Pegde, (being its Treasurer), (iv) Mr. Rajanikant Rughani (being its Managing Committee member), (v) Mr. Hemant Shah (being its Managing Committee member) for and on behalf of Om Shree Society as well as on behalf of the Existing Members / all members, to sign, execute and register this Development Agreement and Power of Attorney.
- xl. The Om Shree Geetanjali Nagar 'C' Wing' CHSL have constituted a Managing Committee for taking all the decisions with respect to the redevelopment of the said Property, ("**Managing Committee**"). Any consent and/or approval and/or sanction accorded by the Managing Committee shall be an act of the New Society (if formed), the Om Shree Society, and that the Developer shall be entitled to act on the same without any further reference or recourse to the New Society (if formed) and/or the Om Shree Society. The Developer shall not be concerned with the indoor management of the New Society (if formed) and / or Om Shree Geetanjali Nagar 'C' Wing' CHSL in any manner whatsoever. By and under a Power of Attorney of even date executed by the Om Shree Society in favour of the Developer, the Om Shree Society has granted the Developer the powers to undertake the necessary and incidental acts for the redevelopment of the said Property as more particularly set out therein ("**POA**");
- xli. 'Om Shree Geetanjali Nagar 'A' & 'B' Wing' CHSL has passed a General Body Resolution in their special general body meeting dated 11/12/2023 thereby appointing Macrotech Developers Limited, i.e. the Developer herein, as a proposed developer for carrying out the redevelopment of the said Property;
- xlii. In the Special general body meeting held on 11<sup>th</sup> December, 2023, the 'Om Shree Geetanjali Nagar 'A' & 'B' Wing' CHSL has approved the draft of this Development Agreement with all the annexures hereto together with the draft of Power of Attorney and that the Society has authorized its office bearers (i) Mr. Bhaven Zaveri, Secretary (ii) Mr. Mahesh Shevegar, Chairman and (iii) Mr. Deepak Gala, Treasurer (being its Managing Committee members) for and on behalf of the



Society to sign, execute and register this Development Agreement and Power of Attorney.

- xliii. The Developer can redevelop under any applicable Section of the DCPR 2034, but it is also agreed between both parties that if any Handover units are to be allotted to SRA/MHADA / PAP / PTC, then they shall not be constructed on the said Property.

5. **Transaction Document**

- a. By Development Agreement dated 5<sup>th</sup> July, 2023, ("DA") executed and registered under Serial No. BRL2-10153-2023 on 26/07/2023 with the office of Sub-Registrar of Assurances at Borivali-2, by and between Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Om Shree Society of the First Part and Falguni Parshant Shah & 179 Members of Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Existing Members of the Second Part and Macrotech Developers Limited as the Developer of the Third Part, where under Om Shree Society and Existing Members granted to and unto the Developer the full free uninterrupted and exclusive development rights to the develop to the said First Property bearing CTS No. 1(Part), CTS No. 1/A/1(Part), CTS No. 1/B/1/A/1(Part) and CTS No. 2/B/1(Part) admeasuring 5290.65 sq.mtrs or thereabout lying, being and situated in Village Magathane, Sai Baba Nagar, Borivali (West), Mumbai 400092 and old building standing thereon, more particularly described in Second Schedule thereunder written including proportionate right to the common area, amenities and facilities wherein for the construction of the New building for Residential and Commercial retail use by exploiting full development potential of the Property together with utilisation and loading for Transferable FSI and TDR to develop on the Provision of DCPR and such other incentive FSI Scheme permitted by the authority together also with right to market the free sale flat along with all its right, title and interest in the said Property generated out of redevelopment of the said Property for consideration and on terms and conditions stated therein.
- b. Pursuant thereto, by Special Power of Attorney dated 5<sup>th</sup> July, 2023 executed and registered under Sr. No. BRL2-10165-2023 on 05/07/2023 with the Sub Registrar of Assurances at Borivali-2, by Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited ("**Grantor**") in favour of Macrotech Developers Limited ("**Attorney**") whereby the Grantor has nominated, constituted and appointed the Developer as a true and lawful Attorney conferring upon Attorney powers and authorities and discretions as mentioned therein to do carry out execute and perform all or any of acts, deeds, matters and things for and on its behalf and in its name for performing its roles and responsibilities for redevelopment of the said First Property in terms of Development Agreement dated 5<sup>th</sup> July, 2023 mentioned hereinabove.
- c. By Development Agreement dated 15<sup>th</sup> December, 2023, ("DA") executed and registered under Serial No. BRL8-155-2024 on 03/01/2024 - 16/01/2024 with the office of Sub-Registrar of Assurances at Borivali-8, by and between Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Society of the First Part and Macrotech Developers Limited as the Developer of the Second Part and Bharati Jagjivan Mandekar & 37 Members of Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Existing Members of the Third Part, where under Om Shree Society and Existing Members granted to and unto the Developer the full free uninterrupted and exclusive development rights to the develop to the said Second Property bearing CTS No. 2/B/1(Part) admeasuring 1834.65 sq.mtrs. or thereabout lying, being and situated in Village Magathane, Sai Baba Nagar, Borivali (West), Mumbai 400092 and old building standing thereon, more



# Pradip Garach

Advocate

High Court, Bombay

particularly described in Second Schedule thereunder written including proportionate right to the common area, amenities and facilities wherein for the construction of the New building for Residential and Commercial retail use by exploiting full development potential of the Property together with utilisation and loading for Transferable FSI and TDR to develop on the Provision of DCPR and such other incentive FSI Scheme permitted by the authority together also with right to market the free sale flat along with all its right, title and interest in the said Property generated out of redevelopment of the said Property for consideration and on terms and conditions stated therein.

- d. Pursuant thereto, by Special Power of Attorney dated 11<sup>th</sup> January, 2024 executed and registered under Sr. No. BRL8-493-2024 on 11/01/2024 with the Sub Registrar of Assurances at Borivali-8, by Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited ("**Grantor**") in favour of Macrotech Developers Limited ("**Attorney**") whereby the Grantor has nominated, constituted and appointed the Developer as a true and lawful Attorney conferring upon Attorney powers and authorities and discretions as mentioned therein to do carry out execute and perform all or any of acts, deeds, matters and things for and on its behalf and in its name for performing its roles and responsibilities for redevelopment of the said First Property in terms of Development Agreement dated 15<sup>th</sup> December, 2023 mentioned hereinabove.

6. **Litigation**

I note that it appears that are no litigations Civil, Revenue, Criminal and Judicial or Quasi-Judicial of whatsoever nature and description before any Court of Law, Tribunal and any other Authorities in respect of all that said project on the date of this report.

7. **Mortgage**

I am informed and it is represented to me by the Company that the said Property is not subjected to any mortgage and is free of all encumbrances of any nature whatsoever.

8. **SEARCH REPORT**

(i) **LAND SEARCH RECORD IN THE OFFICE OF CONCERNED SUB REGISTRAR**

My client has taken Land Record Search through its department on Online Portals of Inspector of General Registration (IGR Maharashtra) website for the year 2002 to 2024. I note that save and except, the documents mentioned hereinabove in this Report, there are no documents affecting the title of the Company in respect of the portion of the said Property have been found to be registered.

(ii) **ROC SEARCH REPORT:**

I have relied upon Registrar of Companies (ROC) Search Report dated 02/07/2024, issued by Sharatkumar Shetty & Associates (Company Secretaries). Upon perusal



of the Search Report, I note that the Search Report does not reveal any adverse encumbrances in respect of the said Property.

9. **PROPERTY REGISTER CARD**

The Property Register Cards inter alia reflects the following :

Sr. No.	City Survey No.	Area of land as per PR Card (in Square Meters)	Name of the Owner	Tenure of the Property
1.	1	1774.40	Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited	C-1
2.	1/A/1	2415.00	Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited	C-1
3.	1/B/1/A/1	989.00	Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited	C-1
4.	2/B/1	1834.65	Om Shree Geetanjali 'A' and 'B' Co-Operative Housing Society Limited	C-1
5.	2/B/1	112.25	Om Shree Geetanjali 'C' Wing Co-Operative Housing Society Limited	C-1

10. **Miscellaneous / Other Observations**

- i. I have not issued any public notice inviting claims in respect of the said Property.
- ii. I assume that technical due diligence in respect of the Property and the construction thereon as regards requisite approvals, sanctions, NOCs, building permissions, environmental clearances including the consent to establish and operate, FSI/TDR utilized/loaded, physical survey, reservations, religious structures, heritage structures, road access, electricity sub-stations, underground pipes, high tension wires, etc. have/will be duly conducted.
- iii. The information, and the copies (that is ordinary copies, photocopies, translated copies and certified true copies, as applicable) of the documents, records and writings furnished to me and referred to and/or relied upon by me, are complete and accurate and wherever applicable, faithful reproductions of the originals thereof.
- iv. The aspects of zoning, permitted user, reservations/set back, Development Potential / Floor Space Index and developability of the said Property fall within the scope of the an Architect review and I express no views about the same. Since my scope of work does not include considering he aspects within the domain of an Architect or a Surveyor, I have not carried out any physical inspection of the said Property nor have commented on development aspect etc. thereof.
- v. I have prepared Legal Title Report and Flow of Title of the said Property based on the copies of Title documents and Revenue Records made available for my inspection Limited to information provided to me and based upon the provision of applicable laws prevailing at the present time and the facts of the matter as comprehend by and limited to the information provided to me. Any variance of the facts or of law may cause a corresponding in my Legal Title Report vis-à-vis Flow of Title.

11. **Conclusion**

On the basis of and relying upon the perusal photocopies of relevant (i) Title documents; (ii) Development Agreements; (iii) Revenue Records viz. copies of Property Register bearing CTS No. 1, 1/A/1, 1/B/1/A/1 and 2/B/1 issued by City Survey Officer, Mulund as well as uploaded on Portals of <https://digitalsatbara.mahabhumigov.in/DSLIR/PropertyCard>; (iii) Search Data of Online Search on the Portal of Inspector General of Registration (IGR) for the Land Record and (iv) Online Search on the portal of Ministry of Company Affairs (MCA) for Index of Charges on the said Property and representations, information and explanation gathered in connection therewith, I am of the opinion that on the basis of findings set out in Annexure-A-Flow of Title hereto, title of the Macrotech Developers Limited as Owner / Promoter / Developer,

- (a) (i) Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited and (ii) Om Shree Geetanjali Nagar 'A' and 'B' Co-operative Housing Society Limited are entitled to respective First Property and Second Property respectively as absolute Owner thereof.
- (b) Macrotech Developers Limited is entitled to, pursuant to (i) Development Agreement dated 5<sup>th</sup> July, 2023, ("DA") executed and registered under Serial No. BRL2-10153-2023 on 26/07/2023 with the office of Sub-Registrar of Assurances at Borivali-2, by and between Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Om Shree Society of the First Part and Falguni Parshant Shah & 179 Members of Om Shree Geetanjali Nagar 'C' Wing Co-operative Housing Society Limited as the Existing Members of the Second Part and Macrotech Developers Limited as the Developer of the Third Part and (ii) Development Agreement dated 15<sup>th</sup> December, 2023, ("DA") executed and registered under Serial No. BRL8-155-2024 on 03/01/2024 - 16/01/2024 with the office of Sub-Registrar of Assurances at Borivali-8, by and between Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Society of the First Part and Macrotech Developers Limited as the Developer of the Second Part and Bharati Jagiivan Mandekar & 37 Members of Om Shree Geetanjali Nagar 'A' & 'B' Co-operative Housing Society Limited as the Existing Members of the Third Part, development rights of the First Property and Second Property as the Developer with right to carry out redevelopment of the same and has clear and marketable title free from encumbrances to the respective First Property and Second Property.

dated this <sup>26<sup>th</sup></sup> day of July, 2024.

  
(Pradip Garach)

Advocate, High Court Bombay