



Sandeep Kumar Singh

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ADVOCATE HIGH COURT

Office : Opp. Bandra Court, Suruchi Corner, Anant Kanekar Marg, Bandra (E), Mumbai - 400 051.

To,
Maharashtra Real Estate Regulatory Authority
4th Floor, Housefin Bhavan,
Near RBI, E Block,
Bandra Kurla Complex
Bandra (East) Mumbai,
Maharashtra 400051.

Date: 3rd January 2025.

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to all that piece and parcel of land admeasuring about 1600 sq.mtrs out of the larger piece of land bearing New Final Plot No. 502 admeasuring 12700.70 sq.mtrs bearing Sub-Divided Plot No.3, old Final Plot No. 483 of draft Town Planning Scheme III, Borivali bearing Survey No.36/2, CTS No. 389/9 formerly in the Village –Eksar, Shimpoli, Padma Nagar, Link Road and at present in the Village Borivali, Taluka Borivali in the Registration District and Sub District of Mumbai City and Mumbai Suburban (“**said Property**”).

I/We have investigated the title of the said Property on request of **M/s. AMI MODISPACES LLP (“Developers”)** a Partnership Firm (“**Firm**”) having its correspondence address at Ruparel Iris, Plot No. 273, Senapati Bapat Marg, Matunga Road West, Mumbai 400 016, on the basis of following;

1. Description of the Property:

All that piece and parcel of land admeasuring about 1600 sq.mtrs out of the larger piece of land bearing New Final Plot No. 502 admeasuring 12700.70 sq.mtrs bearing Sub-Divided Plot No. 3, old Final Plot No. 483 of draft Town Planning Scheme III, Borivali bearing Survey No.36/2, CTS No. 389/9 formerly in the Village –Eksar, Shimpoli, Padma Nagar, Link Road and at present in the Village Borivali, Taluka Borivali, in the Registration District and Sub District of Mumbai City and Mumbai Suburban – 400092 (“**Property**”).



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2. The documents of the allotment of plot.
 - (i) Order cum Certificate bearing No. DDR-4/Mum/D.C /Trilok CHS/959/14 dated 2nd July, 2014 issued by the Competent Authority.
 - (ii) Conveyance Deed (Deemed/Unilateral) dated 23rd January, 2015 registered with the office of Sub-Registrar of Assurances at Borivali under serial No. BRL-7/1042 of 2015 dated 31st January, 2015.
 - (iii) Order dated 20th December, 2022 bearing No. DDR-4/Mum/D.C/Corrigendum/Trilok CHSL/3753/2022 for correction/rectification of the said Conveyance Deed dated 23rd January, 2015.
 - (iv) Deed of Rectification dated 25th March, 2016 and duly registered with the office of the Sub Registrar of Assurances at Borivali under serial No. BRL-5/2821 of 2016
3. Property Card downloaded on 9th August 2024.
4. Search Report for the last 30 (Thirty) years from 1994 to 2024.
5. On perusal of the above mentioned documents and all other relevant documents relating to the title of the said Property, I/we am/are of the opinion that the title of said Developer is/are clear, marketable and without any encumbrance and the Developers/Promoters are entitled to development rights in respect to the said Property and also have clear and marketable rights, free from all encumbrances and are further entitled to create mortgage and charge inter-alia in respect of the said Property including FSI/TDR to be utilized thereupon, subject to compliance with terms and conditions of all approvals and permissions issued by SRA/MCGM/MHADA from time to time and revalidation of the requisite approvals and permissions from time to time.



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6. Owners of the said Property/Property Register Card:

Trilok Co-operative Housing Society Limited (as per Unilateral/Deemed) Conveyance deed, is the Owner of the said Property, and/or otherwise well and sufficiently entitled to the right, title and interest in respect of said Property ("Society").

7. The report reflecting the flow of the title of the Promoter on the said Property is enclosed herewith as Annexure A.

8. There are no litigations affecting the title of the said Property.

Place: Mumbai

Date: 3rd January 2025

Sandeep Kumar Singh

Advocate SANDEEP KUMAR SINGH
M.Sc., LL.B

Encl: As above. **ADVOCATE HIGH COURT**
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Annexure - A

Report reflecting the flow of title of all that piece and parcel of land admeasuring about 1600 sq.mtrs out of the larger piece of land bearing New Final Plot No. 502 admeasuring 12700.70 sq.mtrs bearing Sub-Divided Plot No. 3, old Final Plot No. 483 of draft Town Planning Scheme III, Borivali bearing Survey No.36/2, CTS No. 389/9 formerly in the Village -Eksar, Shimpoli, Padma Nagar, Link Road and at present in the Village Borivali, Taluka Borivali, in the Registration District and Sub District of Mumbai City and Mumbai Suburban - 400092 ("**said Property**").

On perusal of the documents furnished to us, I/we observe as under: -

A) DETAILS OF THE SAID PROPERTY:-

- (I) One Smt. Padmabai R. Keni, Sole Proprietor of M/s. Bhushan Enterprises was the owner of plot (Owners) of land bearing New Final Plot no. 502, sub-divided Plot No. 3, Old Final Plot No. 483 of draft Town Planning Scheme III, Borivali, allotted in lieu of the Original plot no. 316, bearing Sy no. 39, 36/2, CTS no.389/9 formerly in the Village - Eksar, Taluka Borivali and as per latest property card bearing final plot no. 502 admeasuring area 12700.70 sq mtrs at village Borivali, Taluka Borivali ("**Larger Plot**").
- (II) The said Owners constructed a building on the portion of the said Larger Plot consisting of Wing A, Wing B and Wing C. Thereafter, the Owners sold flats to various purchasers under the Maharashtra Ownership Flats Act 1963 ("**MOFA**"). The competent authority issued Occupation certificate dated 13th September 2005 bearing no. CHE/6424/BP(WS)/AP.
- (III) The purchasers of the flats formed a housing society under the name of Trilok Co-op Housing Society Ltd, duly registered under the Maharashtra Co-operative Societies Act, 1960 and bearing registration no. BOM/WR/HSR/TC/8645/93-94 dated 21.12.1993 ("**Society**").



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- (IV) The Society made an application to the District Deputy Registrar, Mumbai for unilateral/deemed conveyance under the provisions of the MOFA.
- (V) By virtue of the Order cum Certificate bearing No. DDR-4/Mum/D.C /Trilok CHS/959/14 dated 2nd July, 2014 issued by the Competent Authority, Conveyance Deed (Deemed/Unilateral) dated 23rd January, 2015 registered with the office of Sub-Registrar of Assurances at Borivali under serial No. BRL-7/1042 of 2015 dated 31st January, 2015 ("**said Conveyance**") was executed in favour of the Society whereby, the Competent Authority as a Statutory obligation of the Promoter/Owners/Assignee has transferred, conveyed and assured unto and in favour of the Society all that piece and parcel of land admeasuring about 1600 sq. mtrs forming a part of the said Larger Plot together with the building known as "Trilok" consists of three Wings namely A and B each wing comprises of ground plus 4 upper floors without lift and C Wing consists of ground plus 3 upper floors without lift having 49 residential flats and 6 shops situate, lying and being at Padma Nagar, Borivali Linking Road, Shimpoli Village, Borivali (West), Mumbai - 400 092 ("**said Property**").
- (VI) Pursuant to the said Conveyance, it was noted that inadvertently the Survey number of the said Larger Plot was wrongly mentioned in the said Conveyance and hence the Society got the same rectified and for the said purpose made application for Corrigendum to the Competent Authority and the Competent Authority passed order dated 20th December, 2022 bearing No. DDR-4/Mum/D.C/Corrigendum/Trilok CHSL/3753/2022 for correction/rectification of the said Conveyance.
- (VII) By Deed of Rectification dated 25th March, 2016 and duly registered with the office of the Sub Registrar of Assurances at Borivali under serial No. BRL-5/2821 of 2016, executed by and between the Competent Authority and the



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Society, the Parties rectified the Survey No. in the Schedule, Index-II and other portions of the said Conveyance as mentioned therein.

- (VIII) Thereafter, it was noted that inadvertently or otherwise the said Conveyance does not cover the proportionate undivided shares /rights of the Society in the common R G and common internal road of the approved layout.
- (IX) Accordingly, the Society through its Advocate made an application for Corrigendum (being Application No.160 of 2013) to the Competent Authority to make necessary correction in the said Conveyance for correction/rectification of the Schedule of the property in the registered Deed of Conveyance to include proportionate undivided shares/rights of 298.28 sq. mtrs in common R.G and 76.47 sq. mtrs in common internal road of the approved layout out of the said Larger Plot.
- (X) Accordingly, the Competent Authority passed a Corrigendum Order dated bearing No. DDR-4/Mum/D.C/Corrigendum/Trilok CHSL/ 3753/ 2022 dated 20th December, 2022, whereby the Competent Authority allowed the application and directed the parties to rectify the Schedule of the said Conveyance to include the proportionate rights of common RG and Common layout.
- B) In view of the above, Trilok Co-operative Housing Society Limited, is the Owner of the said Property, and/or otherwise well and sufficiently entitled to the right, title and interest in respect of said Property. The Society is registered under the Maharashtra Co-operative Societies Act, 1960 having Registration Certificate No. BOM/WR/HSG/TC/8645/93-94 dated 21st December, 1993.



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- C) The said Society consists of Wing A, Wing B and Wing C (hereinafter referred to as “**said Buildings**”) comprising of 55 members/flats (“hereinafter referred to as “**said Members/ Flats**”). The said Members are occupying the said Buildings.
- D) The said Buildings are more than 40 years old and are in a dilapidated condition and accordingly, the Society proposed for redevelopment of the said Buildings.
- E) The said Society floated tenders through Society’s Project Management Consultants and invited offers from various Developers. Out of various offers received by the Society, the Society accepted the offer received from “Modispaces Real Estate Private Limited” (Modi). Modi revised the terms of their initial offer and conveyed the same vide their Final Offer dated 24th January, 2023.
- F) Thereafter, Modispaces Real Estate Private Limited have informed the Society that they are desirous of undertaking the project in the name of “AMI Modispaces LLP” and the Society has acceded to the request and agreed to grant and execute all necessary documents in the name of “AMI Modispaces LLP” i.e. the Developers herein.
- G) The Society and the Members accepted the revised offer of “AMI Modispaces LLP” i.e. the Developer herein and selected the Developer herein to redevelop the said Property. The Society in its General Body Meeting held on 18th April, 2023 (SGM) placed the terms for redevelopment as contained in the Revised Offer Letter dated 15th March, 2023 before its members present in the SGM in the best interest of the Society. The Society, with the consent and confirmation of the members present in the SGM resolved having accepted the Revised Offer dated 15th March, 2023 of the Developers, unanimously passed a resolution dated 18th April 2023 and confirmed the appointment of the Developers herein as Developers for redevelopment of the said Property.



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- H) By and under Development Agreement dated 24th November 2023 ("Development Agreement/DA") executed between the Society and M/s. AMI Modispaces LLP i.e. the Developers herein (therein referred to as said "the Developers"), registered with the concerned Sub-Registrar of Assurances under No. BRL-7-18247-2023, the Society inter-alia granted and conferred upon the Developer, the development rights in respect of the said Property on the terms andw conditions contained therein.
- I) The Society has executed a General Power of Attorney ("POA") dated 24th November 2023 duly registered with the concerned Sub-Registrar of Assurances under No. BRL-7-18253-2023, in favour of the Developers/ Promoter, inter alia, conferring upon the Developers various powers to do various acts, deeds, matters and things for the purpose of carrying the redevelopment on the said Property and as more particularly contained therein.
- J) The Developer/Promoter for the purpose of carrying out the redevelopment of the said property has obtained Letter of Intent ("LOI") on 28th August 2024, bearing reference no. RC/PVT/0060/20231016/LOI from the Slum Rehabilitation Authority ("SRA") for the implementation of redevelopment of the said Property under the Development Control & Promotion Regulation 2034 ("DCPR-2034") on the terms and conditions contained therein.
- K) The Developer/Promoter for the purpose of carrying out the redevelopment of the said property has obtained Intimation of Approval ("IOA") dated 30th August 2024, bearing no. RC/PVT/0060/20231016/AP/S in respect of the Sale Building ("Sale Building") to be constructed on the said Property.
- L) The Developer/Promoter for the purpose of carrying out the redevelopment of the said property has obtained Commencement Certificate ("CC") on 3rd January 2025, bearing no. RC/PVT/0060/20231016/AP/S, in respect of the Sale Building ("Sale Building") to be constructed on the said Property.



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- M) As per the D.P. Remarks the Property under reference is situated in the Residential (R) Zone.
- N) The Developer/Promoter is in the process of registration of the Sale Building to be known as “**RUPAREL ZINNIA**” (“the Real Estate Project / Building”) proposed to be constructed on the said Property with the Real Estate Regulatory Authority (“**Authority**”), under the provisions of Section 5 of the Real Estate (Regulation and Development) Act, 2016, (“**RERA**”) read with the provisions of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Rules, 2017 (“**RERA Rules**”) and the Regulations.
- O) On perusal of the above documents, and subject to what is stated above, in my/our opinion M/s. AMI Modispaces LLP are entitled to the development rights in respect to the said Property and also have clear and marketable rights, free from all encumbrances and are further entitled to create mortgage and charge inter-alia in respect of the said Property including the FSI /TDR to be utilised thereupon, subject to compliance with the terms and conditions of all approvals and permissions issued by SRA/MCGM/MHADA from time to time and revalidation of the requisite approvals and permissions from time to time.

SANDEEP KUMAR SINGH

Advocate

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