

To,
MahaRERA
E-Block, Housefin Bhavan,
Near RBI, Bandra Kurla Complex,
Bandra East, Mumbai – 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate in respect of all that piece or parcel of land bearing C.T.S. No. 6/G bearing Plot No. K admeasuring 2701.40 square metres or thereabouts together with three buildings standing thereon being K-1, K-2 and K-3 (with two wings being Wing A and B for building K-3) belonging to Hilton Co-operative Housing Society Limited, lying and being at Village Magathane, Taluka Borivali, Ram Nagar, S.V. Road, Borivali (West), Mumbai – 400092 within the Registration of sub district of Mumbai and Mumbai Suburban District and which Plot and Building are hereinafter referred to as “**the said Property**” for convenience.

We have investigated the title of the said Property at the request of M/s. Dotom Superstructures LLP: -

1) DESCRIPTION OF THE PROPERTY

All that piece or parcel of land bearing C.T.S. No. 6/G bearing Plot No. K admeasuring 2701.40 square metres or thereabouts together with three buildings standing thereon being K-1, K-2 and K-3 (with two wings being Wing A and B for building K-3) belonging to Hilton Co-operative Housing Society Limited, lying and being at Village Magathane, Taluka Borivali, Ram Nagar, S.V. Road, Borivali (West), Mumbai – 400092 within the Registration of sub district of Mumbai and Mumbai Suburban District. The

said Plot and the said Buildings are collectively hereinafter referred to as 'the said Property'.

2) **THE DOCUMENTS RELATING TO THE PROPERTY**

We have perused copies of the following documents:-

- (a) Indenture dated 16th August 1972 registered under Serial No. BOM/R-4617/1972 on 29th September 1972, by and between Srichand Parmanand Hinduja & Anr, the Trustees of Shri Ram Nagar Trust No.1 of the First Part (therein referred to as 'Vendors'), ELEL Hotels and Investments Private Limited of the Second Part ('therein referred to as 'First Confirming Party'), Messers Kelsey Builders of the Third Part (therein referred to as 'Second Confirming Party'), Messers Kumar Constructions of the Fourth Part (therein referred to as 'Third Confirming Party'), Manohar Hassanand Shroff and Gordhandas Detaram Makhijani of the Fifth Part (therein referred to as 'Fourth Confirming Party') and Hilton Cooperative Housing Society Ltd. of the Sixth Part (therein referred to as 'Purchasers').
- (b) Order dated 22nd February 1972 passed by the Charity Commissioner under Section 36 of the Bombay Public Trust Act 1950 sanctioning sale of the Property.
- (c) Corrigendum dated 21st August 1972 to the abovementioned Order dated 22nd February 1972 whereby the words 'Nominee or its' Nominees' were added after the words M/s. ELEL Hotels Investment Pvt. Ltd. in the 4th Line of the First para of the said Order, thereby allowing the said M/s. ELEL Hotels Pvt. Ltd. to assign the said Agreement in favour of their Nominees.

- (d) Letter dated 9th December 2023 of Mr. Sameer S. Gupte, Advocate, setting out the status of the applications made by Shri Rameshwar Mahadeo Temple Public Trust.
- (e) Consent Terms dated 11th April 2022 entered into between Society and one Vardhaman Developers Ltd. in Arbitration Appeal bearing No. 355 of 2016 arising from Arbitration Petition No. 1035 of 2015 filed by the Society from Award dated 28th March 2015 passed by the Learned Arbitrator.
- (f) Revised Consent Terms dated 19th December 2022 executed between the said Society, the said Vardhaman Developers and the said Dotom Superstructures LLP, in the abovementioned Arbitration Appeal bearing no. 355 of 2016.
- (g) Development Agreement dated 27th April 2023 registered under Serial No. BRL8-5786-2023 executed between Hilton Co-operative Society Limited of the One Part, M/s. Dotom Superstructures LLP, of the Second Part and the Members of the Society of the Third Part.
- (h) Power of Attorney dated 27th April 2023 registered under No. BRL8-5792-2023 executed by the said Society in favour of partner of M/s. Dotom Superstructure LLP.
- (i) Additional Consent Terms dated 27th July 2023 executed between the said Society, the said Vardhaman Developers and the said Dotom Superstructures LLP, in the abovementioned Arbitration Appeal bearing No. 355 of 2016.

3. 7/12 EXTRACT OR PROPERTY REGISTER CARD ISSUED BY CITY SURVEY OFFICE



3.1 Property Register Card which is available on the website of Office of City Survey State of Maharashtra dated 12.11.2018.

4. SEARCH REPORT FOR OVER 30 YEARS

4.1 Search Report of Mr. Pradeep Waghmare dated 10th October 2022 in respect of the search taken in the records of the Sub-Registrar of Assurances at Bombay from the year 1970-2022, Bandra and Borivali-1 from 1970 to 2022 and also at Borivali-1 to Borivali-11 from the year 2002 to 2022 in respect of the said Property.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said Property, we are of the opinion that the title of the Owners i.e. Hilton Co-operative Housing Society Limited is clear, marketable and without any encumbrances. Similarly, the rights of Developers viz. M/s. Dotom Superstructures LLP to develop and sell the flats/shops to third parties subject to the obligations of providing flats/shops to existing members is clear and free from encumbrances.

Owners of the rights in the land

- 1) C.T.S. No. 6/G – Hilton Co-operative Housing Society Limited.

5. QUALIFYING COMMENTS/REMARKS-

A. The aforesaid search report has following qualifications:-

Searches taken in the records of the Sub-Registrar of Assurances at Bombay from the year 1970-2022, Bandra/Borivali -1 from 1970 to 2022 and also at Borivali-1 to Borivali-11 from the year 2002 to 2022.

Note-1

Index-II record of the said Magathane Village is either partly or completely in torn conditions as shown below.

Bombay S.R.O	1971 to 1981, 1983 to 1993, 1995 to 2012, 2016 to 2019.
Bandra S.R.O	1971 to 1984

Note-2

The Search Report is subject to torn and mutilated records; misplaced records, non-ready and unavailable records in the Office, withdrawal of registers of certain years for binding and rewriting. The search (& online search) conducted is only on the basis of available documents and records as maintained by the department at the time of search.

B. It is further stated that, Public Notices were issued by us on behalf of M/s. Dotom Superstructures LLP inviting claims from the General Public in the issue of the following daily Newspapers, (i) Times of India (classified) (English) and (ii) Nav Shakti (Marathi) both dated 26th September 2022 having circulation in Mumbai. We state that we have not received any claims or objections in pursuance of the said Public Notices challenging the title of the Society or claiming any rights in the said Property. The claim received pursuant to the public notices were only claims for money against the Society and is not relating to the title of the property and is, therefore, not relevant.

C. The Property Register Card of the said Property shows name of the Society as Purchaser in respect of the said Property.

D. As per the aforesaid letter of Mr. Sameer S. Gupte dated 9th December 2023, Shree Rameshwar Mahadev Temple Public Trust is claiming rights in respect of a small portion of the said Property which is having a Shiva Temple by filing a Change Report without any documentary proof. The Society is contesting the said claim and the said proceeding relating to Change Report are pending before the Learned Charity Commissioner for adjudication. The said Shree Rameshwar Mahadev Temple Public Trust has so far not succeeded in any of the legal proceedings to establish their title or rights in a Portion of the said Property and there are no interim orders restraining development of the said Property.

E. The report reflecting the flow of the title of the (owner/promoter/developer) on the said land is enclosed herewith as **Annexure "A"** and considering the same and the aforesaid facts and subject to what is stated herein, we reiterate that, we are of the opinion that the title of the Owners i.e. Hilton Co-operative Housing Society Limited is clear, marketable and without any encumbrances. Similarly, the rights of Developers viz. M/s Dotom Superstructures LLP to develop the said Property and sell the flats/shops to third parties subject to the obligations of providing flats/shops to existing members is clear and free from encumbrances.

Dated this 18th day of December 2023.

For Shiralkar & Co.



Proprietor ✓

Encl. : Annexures.

Annexure "A"**FLOW OF THE TITLE OF THE SAID PROPERTY**

1. **7/12 extract/ P.R. Card** : Property converted into N.A. and therefore no 7/12 extracts.

2. **Mutation Entry**: Not Applicable in view of P.R. Card.

3. **Search Report** dated 10th October 2022 in respect of the search taken in the records of the Sub-Registrar of Assurances at Bombay from the year 1970-2022, Bandra and Borivali-1 from 1970 to 2022 and also at Borivali-1 to Borivali-11 from the year 2002 to 2022 in respect of the said Property.

4. We have perused the aforesaid documents mentioned in the main Title Report and on the basis of the same we have derived the devolution of title of the Society in respect of the above property as under:-

a. by and under a Indenture dated 16th August 1972 registered under Serial No. BOM/R-4617/1972 on 29th September 1972, by and between Srichand Parmanand Hinduja & Anr, the Trustees of Shri Ram Nagar Trust No.1 of the First Part (therein referred to as 'Vendors'), ELEL Hotels and Investments Private Limited of the Second Part ('therein referred to as 'First Confirming Party'), Messers Kelsey Builders of the Third Part (therein referred to as 'Second Confirming Party'), Messers Kumar Constructions of the Fourth Part (therein referred to as 'Third Confirming Party'), Manohar Hassanand Shroff and Gordhandas Detaram Makhijani of the Fifth Part (therein referred to as 'Fourth Confirming Party') and Hilton Cooperative Housing Society Ltd. of the Sixth Part (therein referred

to as 'Purchasers'), the Vendors with the consent and confirmation of the Confirming Parties and on the basis of the sanction by the Charity Commissioner under Section 36 of the Bombay Public Trust Act, 1950 dated 22nd February 1972 read with a corrigendum dated 21st August 1972 sold, transferred and conveyed the said Property in favour of the Society on the terms and for a consideration more particularly mentioned therein;

b. in the premises aforesaid and on the basis of the said Conveyance, the Society has become absolutely seized and possessed of and otherwise well and sufficiently entitled to the said Property;

c. the said Society had originally entered into Consent Terms dated 11th April 2022 with Vardhaman Developers Ltd. filed in the Hon'ble High Court of Bombay in Arbitration Appeal No. 355 of 2016 filed by the Society against the said Vardhaman Developers Ltd.;

d. by the said Consent Terms dated 11th April 2022, the Society had agreed to enter into Development Agreement in respect of the said Property with the Vardhaman Developers Ltd. However, the said Consent Terms were not acted upon and thereafter revised by Consent Terms dated 19th December 2022 executed between the said Society, the said Vardhaman Developers and the said Dotom Superstructures LLP and by the revised Consent Terms dated 19th December 2022 the said Vardhaman Developers Ltd. relinquished and gave up their rights under the aforesaid Consent Terms dated 11th April 2022 and the Society agreed to grant development rights in respect of the said Property to the said Dotom Superstructures LLP. The said Consent Terms dated 19th December 2022 were thereafter again revised by Additional Consent Terms dated 27th July 2023, whereby certain terms of the said Consent Terms dated 19th December 2022 were

modified as regards the consideration to given to the said Vardhaman Developers Ltd. for giving up his rights under Consent Terms dated 11th April 2022;

e. the said Society by and under a Development Agreement dated 27th April 2023 registered under Serial No. BRL8-5786-2023, executed between the said Society of the First Part, M/s. Dotom Superstructures LLP, of the Second Part, and Members of Society of the Third Part, granted development rights in respect of the said Property to Dotom Superstructures LLP, which entitles the said M/s. Dotom Superstructures LLP to develop the said Property owned by the said Society. Pursuant to the terms of the said Development Agreement, the said Society has also granted an irrevocable Power of Attorney dated 27th April 2023 in favour of the said M/s. Dotom Superstructures LLP and its partners to do all acts deeds and things necessary with respect to development of the said Property;

f. in the circumstances and subject to what is stated hereinabove, we are of the opinion that, the said Hilton Cooperative Housing Society Ltd. is entitled to the right, title and interest in the said Property and their title to the said Property is clear, marketable and free from encumbrances and reasonable doubts and the said M/s. Dotom Superstructures LLP under the abovementioned Development Agreement 27th April 2023, are entitled to develop the said Property.

5. **Litigation if any:** Shree Rameshwar Mahadev Temple Public Trust is as stated above claiming rights in respect of a small portion of the said Property which is having a Shiva Temple by filing a Change Report without any documentary proof. The Society is contesting the said claim and the

said proceeding relating to Change Report are pending before the Learned Charity Commissioner for adjudication. The said Shree Rameshwar Mahadev Temple Public Trust has so far not succeeded in any of the legal proceedings to establish their title or rights in a Portion of the said Property and there are no interim orders restraining development of the said Property.

Date: 18th December 2023

For Shiralkar & Co.



Proprietor

Housiey.com