

NIRANJAN A. MOGRE

Advocate, High Court

Office:- 32, Raje Bahadur Mansion, 1st floor, Above Nemani, Opposite Bombay Stock Exchange, Ambalal Doshi Marg, Fort, Mumbai 400 023. Mobile No:-# +919967649386, Email id: niranjan.mogre@gmail.com; Advocate Code: I-9106

Date: 28/01/2023

To,

MAHARERA

BKC, E-Block, 7th Floor,

Housefin Bhavan, Near RBI,

Bandra Kurla Complex,

Bandra (East), Mumbai-400051.

LEGAL TITLE REPORT

Subject: Title Clearance Certificate with respect to all that piece and parcel of plot of land having area admeasuring 4918.10 sq.mtrs. bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263/B of Village Borivali, Taluka Borivali together with the said building in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No.3, City Survey No. 263 B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091 (hereinafter

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referred to as said plot/ land) which is bounded as

follows:

On or towards North by : Mahisha Mardini Temple Road and Building of Narmada CHS Ltd.

On or towards South by : Yoganand CHS Ltd.

On or towards West by : S.No. 38, Hissa No. 2 and Building of Narmada CHS Ltd.

On or towards East by : Om Shanti CHS Ltd. and Nalanda CHS Ltd.

I have investigated the title of the said plot on the request of

Akshaya Co-operative Housing Society and Jayshree Co-

operative Housing Society and the following documents i.e.:-

i. Description of the property:

Plot of land having area admeasuring 4918.10 sq.mtrs. bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263/B of Village Borivali, Taluka Borivali together with the said building in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No.3, City Survey No. 263 B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091.

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ii. The documents in respect of plot.

- a) Agreement for Sale dated 30th March, 1979 executed between Mr. Vasant Parashuram Bhandari, Mrs. Devkubai Parashuram Bhandari, Mr. Jagannath Sitaram Bhandari, Mrs. Sakubai Sitaram Bhandari & others and M/s Jayraj Builders.
- b) Agreement for Sale (Package Deal) dated 31st March, 1979 executed between M/s Jayraj Builders and Mr. Shekar Sesappa Karkera – Chief Promoter of Proposed Borivali Jay-Raj Co-operative Housing Society Limited.
- c) Registration Certificate bearing registration number BOM/WR/HSG/TC/1916/85-86 dated 06/02/1986 issued by the Office of the Deputy Registrar showing the name of Akshaya Co-operative Housing Society Limited as the registered society thereof.
- d) Occupation Certificate bearing No. CE/ 3920/ BSII/ AR dated 27/8/1987 issued by M.C.G.M to R.D. Kamat, Architect (For Akshaya CHS Ltd.).

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e) Registration Certificate bearing registration number BOM/WR/HSG/TC/3848/ YEAR 88-89 dated 16/12/1988 issued by the Office of the Deputy Registrar showing the name of Jayshree Co-operative Housing Society Limited as the registered society thereof.

f) Full Occupation Certificate bearing No. CE/ 4180/ BSII/ A/R dated 15/11/2006 has been issued by M.C.G.M to Chairman/ Secretary, Jayshree C.H.S. Ltd. for Ground + Six Upper floors.

g) Order dated 17th November, 2014 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority u/s 5A of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, in favour of Jayshree CHS Ltd., thereby granting Unilateral Deemed Conveyance in respect of the portion of the said land i.e. an area admeasuring 858.06 sq. mtrs out of the said CTS No. 263/B totally having area admeasuring 4918.10 sq.mtrs alongwith undivided share in RG and

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internal road together with the structure standing thereon.

h) Registered Unilateral Deemed Deed of Conveyance dated 17.07.2015 between Narendra Nikam, District Deputy Registrar, Co-operative Societies, Mumbai City (4), Competent Authority as per powers conferred upon him under section 5A of Maharashtra Ownership Flat (Regulation of the promotion of construction, management and transfer) Act, 1963, on behalf of Vasant Parshuram Bhandari & Others as a landlord and on behalf of M/s Jayraj Builders as Confirming Party in favour of Jayshree Co-operative Housing Society bearing registration number BRL-6/6495/2015 dated 13/08/2015.

i) Order dated 30th March 2016 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority u/s 5A of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, in favour of the said Akshaya CHS Ltd., thereby granting Unilateral Deemed Conveyance in respect of the portion of the said land

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i.e. an area admeasuring 3210.90 sq. mtrs out of the said CTS No. 263/B totally having area admeasuring 4918.10 sq.mtrs alongwith undivided share in RG and internal road together with the structure standing thereon.

j) Registered Unilateral Deemed Deed of Conveyance dated 04.02.2017 between Rajendra Veer, District Deputy Registrar, Co-operative Societies, Mumbai City (4), Competent Authority as per powers conferred upon him under section 5A of Maharashtra Ownership Flat (Regulation of the promotion of construction, management and transfer) Act, 1963, on behalf of Parshuram Bhandari & Others as a landlord and on behalf of M/s Jayraj Builders as Confirming Party in favour of Akshaya Co-operative Housing Society bearing registration number BRL-2/1356/2017 dated 20/02/2017.

k) Mutation entry no. 1431 of Survey No. 38, Hissa No. 3 of Village – Borivali, Taluka – Borivali showing the name of Vasant Parshuram Bhandari & others as the owners thereof.

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- l) Mutation entry no. 1754 of Survey No. 38, Hissa No. 3 of Village – Borivali, Taluka – Borivali showing the name of Akshaya Co-operative Housing Society as the owner thereof and effect given to the Registered Unilateral Deemed Deed of Conveyance dated 04.02.2017.
- m) Property card bearing CTS No. 263/B dated 20/12/2022 showing the name of NIL as the owner thereof.
- n) Order dated 26.08.2019 passed in the pending Notice of Motion No. 202675 of 2019 filed in Suit bearing no. 0201801 of 2019 by the Hon'ble City Civil Court at Dindoshi, Mumbai.
- o) Search Report dated 08.06.2021 issued by the Search Clerk S. M. Patekar after taking searches in the office of Sub Registrar of Assurances Mumbai at Old Custom House, Bandra (MAHADA BUILDING), Borivali 1 to 9 in respect of the said land for a period of 30 years commencing from 1992 till 2021 and also after taking online search from 2002 to 2021.

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p) Search Report dated 23.01.2023 issued by the Search Clerk S. M. Patekar after taking online searches in the office of the Sub Registrar of Assurance of the, Borivali -1 to 9 from the year 2021 to 2023 in respect of the said land for a further period of 03 years.

q) Mutation entry no. 1809 of Survey No. 38, Hissa No. 3 of Village – Borivali, Taluka – Borivali showing the name of Jayshree Co-operative Housing Society as the owner thereof and effect given to the Registered Unilateral Deemed Deed of Conveyance dated 17.07.2015.

r) Latest 7/12 extract bearing Survey No. 38, Hissa No. 3 dated 18/06/2021 of Village – Borivali, Taluka – Borivali issued by the Talathi, Borivali showing the name of Akshaya Co-operative Housing Society and Jayshree Co-operative Housing Society as the owner thereof.

s) Two Corrigendum issued by the District Deputy Registrar, Co-operative Societies, Mumbai City (4), the Competent Authority under section 5A of the

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Maharashtra Ownership Flats Act, 1963 bearing No.

1) DDR-4/Mum/D.C./Corrigendum/Akshay CHSL /
2113/2021 and **2)** DDR-
4/Mum/D.C./Corrigendum/ Jayshree CHSL/
2114/2021, both dated 26.08.2021.

t) Development Agreement dated 12.07.2021 bearing Registration No. 9550/ 2021 and duly registered in the office of Sub-Registrar of Assurances, Borivali-5 executed between the Akshaya CHS Ltd., its members and the NHI Developers LLP in respect of the land admeasuring 3210.90 sq. mtrs and proportionate undivided share in RG admeasuring 582.15 sq.mtrs and proportionate undivided share in internal road admeasuring 87.88 sq.mtrs i.e. total aggregating 3880.93 sq.mtrs., out of the said land.

u) Development Agreement dated 12.07.2021 bearing Registration No. 9819/ 2021 and duly registered in the office of Sub-Registrar of Assurances, Borivali-5 executed between the Jayshree CHS Ltd., its members and the NHI Developers LLP in respect of land at bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263 B having area admeasuring 858.06 sq. mtrs out of the said land.

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v) Deed of Rectification dated 28.09.2021 duly registered in the office of Sub-Registrar of Assurances, Borivali-8 executed between District Deputy Registrar, Co-operative Societies, Mumbai, Competent Authority u/s 5A of MOFA, 1963 on one hand on behalf of the Owners of the said land and Jayshree CHS Ltd. on the other hand bearing Registration No. BRL-8/11990/2021, wherein the entitlement of Jayshree CHS Ltd. under Unilateral Deed of Conveyance dated 13.08.2015 has been rectified.

w) Deed of Rectification dated 28.09.2021 duly registered in the office of Sub-Registrar of Assurances, Borivali-8 executed between District Deputy Registrar, Co-operative Societies, Mumbai, Competent Authority u/s 5A of MOFA, 1963 on one hand on behalf of the Owners of the said land and Akshaya CHS Ltd. on the other hand bearing Registration No. BRL-8/11999/2021, wherein the entitlement of Akshaya CHS Ltd. under Unilateral Deed of Conveyance dated 20.02.2017 has been rectified.

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TITLE CERTIFICATE

1. On perusal of the above mentioned documents and all other relevant documents relating to title of the said property, I am of the opinion that the title of owner to the said property is clear, marketable and without any encumbrances and Akshaya Co-operative Housing Society Limited and Jayshree Co-operative Housing Society Limited are well sufficiently entitled to develop the aforesaid property.

Owners of the Land

Akshaya Co-operative Housing Society Limited and Jayshree Co-operative Housing Society Limited are the owners of all those pieces of land lying, being and situated at Village Borivali, Taluka Borivali together with the said building in the Registration District and sub-District of Mumbai Suburban abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091 within the limits of Brihanmumbai Municipal Corporation (BMC) bearing Survey No. 38, Hissa No.3, City Survey No. 263/ B as per their proportionate

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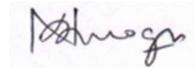
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individual entitlement in their respective registered Unilateral Deemed Deed of Conveyance.

Qualifying comments: The owners are required to maintain status quo in respect of a common area admeasuring about 227 sq. mtrs. belonging jointly to owners and under encroachment of Narmada CHS Ltd., which is subject matter of Suit No. 0201801 of 2019 pending before Hon'ble City Civil Court at Dindoshi, Mumbai filed jointly by the owners against Narmada CHS Ltd. and by order dated 30.09.2019 passed by the Hon'ble City Civil Court in the said suit, all the parties to the suit are directed to maintain status quo. The said suit is pending before the Hon'ble City Civil Court at Dindoshi, Mumbai and an order of status quo is operating in respect of the said area admeasuring 227 square meters.

2. The report reflecting the flow of the title of the Akshaya Co-operative Housing Society Limited on the said land is enclosed herewith as annexure.

Encl : Annexure.
Date: 28/01/2023



Niranjana A. Mogre
(Advocate, High Court)

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FLOW OF THE TITLE OF THE SAID LAND

Sr. No.

1. Whereas M/s Jayraj Builders had purchased the said land from Mr. Vasant Parashuram Bhandari, Mrs. Devkubai Parashuram Bhandari, Mr. Jagannath Sitaram Bhandari, Mrs. Sakubai Sitaram Bhandari & others vide Agreement for Sale dated 30th March, 1979.
2. Whereas Mr. Shekar Sesappa Karkera – Chief Promoter of Proposed Borivali Jay-Raj Co-operative Housing Society Limited had purchased the said land from M/s Jayraj Builders vide Agreement for Sale dated 31st March, 1979.
3. Whereas the building, subsequently registered as Akshaya CHS Ltd., has been constructed by Jayraj Builders on the said land and Full Occupation Certificate bearing No. CE/3920/ BSII/ AR dated 27/8/1987 has been issued by M.C.G.M to R. D. Kamat, Architect for Wing A to A4, B & C Ground + 4 floors.
4. Whereas the said Jayraj Builders thereafter also constructed one more Building, subsequently registered as Jayshree CHS Ltd., on the said land consisting of Ground plus 6 (Six) Floors.

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5. Whereas society by the name of Akshaya Co-operative Housing Society Limited has been formed on the said land and a Registration Certificate of the society bearing registration number BOM/WR/HSG/TC/1916/85-86 dated 06/02/1986 has issued by the Office of the Deputy Registrar, C.S. Mumbai.

6. Whereas society by the name of registered Jayshree Co-operative Housing Society Limited has been formed on the said land and a Registration Certificate of the society bearing registration number No. BOM / WR / HSG / TC / 3848/88-89 on 16/12/1988 has issued by the Office of the Deputy Registrar, C.S. Mumbai.

7. Whereas Full Occupation Certificate bearing No. CE/4180/ BSII/ AR dated 15/11/2006 has been issued by M.C.G.M to Chairman/ Secretary, Jayshree C.H.S. Ltd. for Ground + Six Upper floors.

8. Whereas the said Akshaya CHS Ltd along with Jayshree CHS Ltd are, jointly, in respect of their proportionate share, seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of land totally admeasuring 4918.10 sq. mtrs. bearing City Survey No.

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263(B) in Village Borivali, Taluka Borivali, District Mumbai Suburban lying and being at Jayraj Nagar, Mahisha Mardini Temple Road, Borivali (West), Mumbai 400 091.

9. Whereas by an Order dated 17th November, 2014 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority u/s 5A of the MOFA, 1963, the said Jayshree CHS Ltd. was granted Unilateral Deemed Conveyance in respect of the land having area admeasuring 858.06 sq. mtrs., alongwith proportionate undivided share in the Recreation Ground (RG) admeasuring 155.57 sq.mtrs and proportionate undivided share in internal road admeasuring 23.50 sq.mtrs. i.e. totally aggregating 1037.13 sq.mtrs, together with structure standing thereon known as Jayshree CHS Ltd. in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No. 3, CTS No. 263/B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091.

10. Whereas by an Order dated 30th March 2016 read with corrigendum dated 26.08.2021 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority u/s 5A of the Maharashtra

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Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, the said Akshaya CHS Ltd., the said Society referred to hereinabove, was granted Unilateral Deemed Conveyance in respect of land having area admeasuring 3210.90 sq. mtrs and proportionate undivided share in RG admeasuring 582.15 sq..mtrs and proportionate undivided share in internal road admeasuring 87.88 sq.mtrs i.e. total aggregating 3880.93 sq.mtrs., out of the land having area admeasuring 4918.10 sq.mtrs. bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263/B at Village Borivali, Taluka Borivali together with the said building (Akshaya CHS Ltd.) in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No.3, City Survey No. 263/B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091.

11. A) Whereas the Deed of Unilateral Deemed Conveyance granted in favour of Jayshree CHS Ltd. was registered in the Office of Sub-Registrar of Assurances, Borivali No.6 on 17th July, 2015 under serial number 6495. **The copy of the Conveyance Deed of Jayshree CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

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B) Whereas by Deed of Rectification dated 28.09.2021 duly registered in the office of Sub-Registrar of Assurances, Borivali-8 executed between District Deputy Registrar, Co-operative Societies, Mumbai, Competent Authority u/s 5A of MOFA, 1963 on one hand on behalf of the Owners of the said land and Jayshree CHS Ltd. on the other hand bearing Registration No. BRL-8/11990/2021, the entitlement of Jayshree CHS Ltd. under Unilateral Deed of Conveyance dated 13.08.2015 has been rectified. **The copy of the Deed of Rectification of Jayshree CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

12. A) Whereas the Deed of Unilateral Deemed Conveyance granted in favour of Akshaya CHS Ltd. was registered in the Office of Sub-Registrar of Assurances, Borivali No-II on 20th February, 2017 under serial number 1356. **The copy of the Conveyance Deed of Akshaya CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

B) Whereas by Deed of Rectification dated 28.09.2021 duly registered in the office of Sub-Registrar of Assurances, Borivali-8 executed between District Deputy Registrar, Co-operative Societies, Mumbai, Competent Authority u/s 5A of MOFA, 1963 on one hand on behalf of the Owners of the said land and Akshaya CHS Ltd. on the other hand bearing

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Registration No. BRL-8/11999/2021, the entitlement of Akshaya CHS Ltd. under Unilateral Deed of Conveyance dated 20.02.2017 has been rectified. **The copy of the Deed of Rectification of Akshaya CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

13. Vide Development Agreement dated 12.07.2021 bearing Registration No. 9550/ 2021 and duly registered in the office of Sub-Registrar of Assurances, Borivali-5 executed between the Akshaya CHS Ltd., its members and the NHI Developers LLP, the development rights in respect of the land admeasuring 3210.90 sq. mtrs and proportionate undivided share in RG admeasuring 582.15 sq.mtrs and proportionate undivided share in internal road admeasuring 87.88 sq.mtrs i.e. total aggregating 3880.93 sq.mtrs., out of the land having area admeasuring 4918.10 sq.mtrs. bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263/B of Village Borivali, Taluka Borivali together with the structure standing thereon in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No.3, City Survey No. 263 B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091 have been assigned, transferred and granted by the Akshaya CHS Ltd. and its

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members to the “NHI Developers LLP”. **The copy of the Development Agreement of Akshaya CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

14. Vide Development Agreement dated 12.07.2021 bearing Registration No. 9819/ 2021 and duly registered in the office of Sub-Registrar of Assurances, Borivali-5 executed between the Jayshree CHS Ltd., its members and the NHI Developers LLP, the development rights in respect of the remaining land at bearing S. No. 38, Hissa No. 3 corresponding to CTS No. 263 B having area admeasuring 858.06 sq. mtrs out of the total land having area admeasuring 4918.10 sq.mtrs alongwith undivided share in RG admeasuring 155.57 sq.mtrs. and proportionate undivided share in internal road admeasuring 23.50 sq.mtrs. i.e. totally aggregating 1037.13 sq.mtrs. together with the structure standing thereon in the Registration District and sub-District of Mumbai Suburban situated at Survey No. 38, Hissa No.3, City Survey No. 263 B of Village Borivali abutting to Mahisha Mardini Road, Jayraj Nagar, Borivali (W), Mumbai-400091 have been assigned, transferred and granted by the Jayshree CHS Ltd. and its members to the “NHI Developers LLP”. **The copy of the Development Agreement of Jayshree CHS Ltd. is duly stamped by Collector of Stamps, Mumbai.**

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15. Whereas Searches were taken by the Search Clerk Mr. S. M. Patekar in the Office of Sub Registrar of Assurances Mumbai at Old Custom House, Bandra (MAHADA BUILDING), Borivali 1 to 9 in respect of the aforesaid property for a period commencing from the year 1992 to 2021 (30 Years) and also after taking online search from 2002 to 2021 and also for a period commencing from the year 2021 to 2023 (03 Years). The said searches do not disclose any legal encumbrance which may adversely affect the title of the property.

16. Whereas as per the boundary map issued by the City Survey officer to Akshaya Co-operative Housing Society Limited after carrying out demarcation for boundaries by physical measurement of plot of land on 08.06.2018 by the City Survey Officer, it was observed that Narmada CHS Ltd. has encroached upon the common area admeasuring 227 sq.mtrs., jointly belonging to Akshaya CHS Ltd. and Jayshree CHS Ltd.

17. Whereas Jayshree CHS Ltd. and Akshaya CHS Ltd. have jointly filed a suit being Suit bearing no. 0201801 of 2019 before the Hon'ble City Civil Court at Dindoshi, Mumbai against Narmada CHS Ltd. for seeking possession of the

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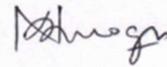
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said area adm. 227 square meters under encroachment of Narmada CHS Ltd.

18. Whereas Ld. Additional Sessions Judge, Dindoshi, Mumbai has, in Notice of Motion No. 202675 of 2019 filed in Suit bearing no. 0201801 of 2019, by order dated 30.09.2019 directed the parties to maintain status quo and directed Narmada CHS Ltd. to refrain from carrying out further construction in the disputed area. The said suit is pending before the Hon'ble City Civil Court at Dindoshi, Mumbai and an order of status quo is operating in respect of an area admeasuring 227 square meters being common area belonging jointly to Akshaya CHS Ltd. and Jayshree CHS Ltd. under encroachment of Narmada CHS Ltd.

Date: 28/01/2023



Niranjan A. Mogre
(Advocate, High Court)