

# CHARUSHILA J. RAORANE, B.COM, LL. B,



Advocate, High Court, Mumbai

H/505, Fifth Floor, Ekta Bhoomi Garden, Dattapada Road, Opp. TATA Steel, Borivali (East), Mumbai – 400 066

E-mail : charushilar@gmail.com

FORMAT – A

(Circular No:- 28/2021)

To

Maharashtra Real Estate Regulatory Authority (MahaRERA)

6<sup>th</sup> & 7<sup>th</sup> Floor, Housefin Bhuvan,

Plot C 21E – Block, Bandra Kurla Complex,

Bandra (East), Mumbai – 400051.

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**Sub:** All that piece or parcel of non-agricultural sub-divided land bearing Final Plot No. 657 admeasuring 809 sq. mtrs. (previously Final Plot No. 662 and Original Plot No. 387), corresponding to CTS No. 55 and Survey No. 16 Hissa No. 5A, of Borivali T. P. S. III (Final), Village Shimpoli, Taluka Borivali, Registration District Mumbai, Sub-District Mumbai Suburban, situate at Haridas Nagar, off. Shimpoli Road, Mumbai – 400 092 (“**Land**”), together with the buildings known as ‘Gautam Prabhu’ standing thereon (collectively, as the “**Old Building**”) (which Land and Old Building standing thereon are hereinafter collectively referred to as the “**Property**”)

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## 1. INTRODUCTION:

I have investigated the title of Gautam Prabhu Co-operative Housing Society Limited (“**Society**”) to the said property, on the request of my client **M/s. H Rishabraj Realty** (“**Developer**”) having its office at 103, Jai Tirth Building, Daulat Nagar, Road No.10, Borivali (East), Mumbai- 400066, on perusal of the copies of documents mentioned below, I observe as under



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## 2. DESCRIPTION OF THE PROPERTY

All that piece or parcel of non-agricultural sub-divided land bearing Final Plot No. 657 admeasuring 809 sq. mtrs. (Previously Final Plot No. 662 and Original Plot No. 387), corresponding to CTS No. 55 and Survey No. 16 Hissa No. 5A, of Borivali T. P. S. III (Final), Village Shimpoli, Taluka Borivali, Registration District Mumbai, Sub-District Mumbai Suburban, situate at Haridas Nagar, off. Shimpoli Road, Mumbai – 400 092 (“**Land**”), together with the buildings known as ‘Gautam Prabhu’ standing thereon (“**Old Building**”) (which Land and Old Building standing thereon are hereinafter collectively referred to as the “**Property**”) and which is bounded as follows:

- On or towards the North : By property belonging to Gokul CHS Ltd.;
- On or towards the South : By property belonging to Damavilla CHS Ltd.;
- On or towards the East : By Road
- On or towards the West : By chawl and property belonging to Jay Laxmi Ltd

## 3. DOCUMENTS OF ALLOTMENT OF PLOT PERUSED AND GRANT OF DEVELOPMENT RIGHTS IN RESPECT THEREOF:

- i) A Deed of Conveyance dated 30<sup>th</sup> September 1993 registered with the concerned Sub-Registrar of Assurances at Bandra under Sr. No. 1477 on 30<sup>th</sup> September 1993 (read with the Deed of Rectification dated 6<sup>th</sup> January 1993 registered with the concerned Sub-Registrar of Assurances under Sr. No. 78 of 1993).
- ii) The Old Occupation Certificate dated 13/05/1998 No. CHE/9016/BP(WS)AR was issued by Municipal Corporation of Greater Mumbai in respect of the said Building.
- iii) An Indenture of Conveyance dated 14<sup>th</sup> July 2006 registered with the concerned Sub-Registrar of Assurances under Sr. No. BDR-6-5347-2006.



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- iv) A Development Agreement Dated 6<sup>th</sup> July, 2023 registered with Jt. Sub-Registrar at Borivali -03 vide Sr. No. BRL-03/12274 of 2023, Dated 15<sup>th</sup> October, 2023 Power of Attorney Dated 15<sup>th</sup> October, 2023 with duly registered with the sub-registrar of Assurance under Sr. No. BRL-03/12279 of 2023.
- v) Society Registration Certificate Registration No. BOM/WR/HSG/(TC) 10961 of 2000 - 2001

#### 4. **PROPERTY CARD AND REVENUE RECORD:**

The property card in respect of the said property is standing in the name of the Smt. Dwarkabai Keru Patil, Mr. Anant Keru Patil, Mr. Dattatray Keru Patil and Smt. Vatsala Janrdhan Patil in land bearing Final Plot No. 657, (previously Final Plot No. 662 and Original Plot No. 387), corresponding to CTS No. 55 and Survey No. 16 Hissa No. 5A, of Borivali T. P. S. III (Final), Village Shimpoli, Taluka Borivali.

#### 5. **OWNERS OF THE LAND**

Pursuant to the aforesaid Deed of Conveyance, the Society i.e. "Gautam Prabhu Co-operative Housing Society Limited", bearing Final Plot No. 657 admeasuring 809 sq. mtrs. (Previously Final Plot No. 662 and Original Plot No. 387), corresponding to CTS No. 55 and Survey No. 16 Hissa No. 5A, of Borivali T. P. S. III (Final), Village Shimpoli, Taluka Borivali situate at Haridas Nagar, off. Shimpoli Road, Borivali (West), Mumbai – 400 092 was seized, possessed and sufficiently entitled of the Property.

6. 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 Gautam Prabhu Co-operative Housing Society Limited is clear, marketable and without any encumbrances and **M/s. H Rishabraj Realty** is entitled to redevelop the said property.



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## Owner of the land

Gautam Prabhu Co-operative Housing Society Ltd.

## Developer of the land

M/s. H Rishabraj Realty

7. The report reflecting the flow of the title of Gautam Prabhu Co-operative Housing Society Ltd. as owners and M/s. H Rishabraj Realty as Developer on the said land is enclosed herewith as Annexure-A.

Encl : Annexure -A

Date : 18<sup>th</sup> April, 2024



  
Adv. Charushila J. Raorane  
Bombay High Court

N.B.: The Title Report thereto are issued for my client's use and are based on copies of the documents furnished to me as mentioned therein.

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Annexure-A

(Circular No:-28/2021)

## FLOW OF THE TITLE OF THE SAID LAND.

**Sub:** All that piece or parcel of non-agricultural sub-divided land bearing Final Plot No. 657 admeasuring 809 Sq. Mtrs. (Previously Final Plot No. 662 and Original Plot No. 387), corresponding to CTS No. 55 and Survey No. 16 Hissa No. 5A, of Borivali T. P. S. III (Final), Village Shimpoli, Taluka Borivali, Registration District Mumbai, Sub-District Mumbai Suburban, situate at Haridas Nagar, off. Shimpoli Road, Mumbai – 400 092 (“**Land**”), together with the buildings known as ‘Gautam Prabhu’ standing thereon (collectively, as the “**Old Building**”) (which Land and Old Building standing thereon are hereinafter collectively referred to as the “**Property**”)

My observation relating to the title of the “Gautam Prabhu Co-Operative Housing Society Limited” to the said property described in the Schedule hereunder written and also the entitlement of M/s. **H Rishabraj Realty**, to undertake the redevelopment of the said property is as under:

- i) Originally, one Anant Keru Patil & Ors. (“**Original Owners**”) were the owners of and were well and sufficiently entitled to and were exclusively seized and possessed of the said Land;
- ii) By and under a Conveyance dated 30<sup>th</sup> September 1993 made between the Original Owners (therein referred to as the Vendors) of the One Part, one Ganeshbhai Babubhai Mali (therein referred to as the First Confirming Party) of the Second Part, Mukesh K. Desai & Ors. being the Partners of M/s. M. K. Builders (therein referred to as the Second Confirming Parties) of the Third Part and the M/s. Ramesh Construction (therein referred to as the Purchasers and hereinafter referred to as “**Ramesh Construction**”) of the Fourth Part and registered with the concerned Sub-Registrar of Assurances at Bandra under Sr.



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No. 1477 on 30<sup>th</sup> September 1993, the Vendors therein, with the confirmation of the First Confirming Parties therein and the Second Confirming Parties therein, sold, transferred and conveyed unto the said Ramesh Construction, the said Land, for the consideration and in the manner contained therein;

- iii) The said Ramesh Construction constructed multi storied building consisting of stilt and 7 upper floors standing thereon to 14 having residential apartments therein, known as 'Gautam Prabhu' i.e. the said Old Building, in accordance with the plans sanctioned by MCGM and obtained occupation certificate for the same. The said Ramesh Construction then entered into various agreements for sale, for selling the respective flats to various purchasers; (“**Building**”).
- iv) The Occupation Certificate dated 13/05/1998 No. CHE/9016/BP(WS)AR was issued by Municipal Corporation of Greater Mumbai in respect of the said Building.
- v) The purchasers of various flats in the said Old Buildings formed and constituted a co-operative society being Gautam Prabhu Co-Operative Housing Society Limited, a Society incorporated and registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 under Registration No. BOM/WR/HSG/(TC) 10961 of 2000 - 2001, having its registered address at Haridas Nagar, off. Shimpoli Road, Borivali (West), Mumbai – 400 092, being the said Society herein; (“**Society**”).
- vi) By and under an Indenture of Conveyance dated 14<sup>th</sup> July 2006 made between the said Ramesh Construction (therein referred to as the Vendors) of the One Part and the said Society (therein referred to as the Purchasers) of the Other Part and registered with the concerned Sub-Registrar of Assurances under Sr. No. BDR-6-5347-2006 (“**Deed of Conveyance**”), the said Ramesh Construction granted, sold, released, conveyed transferred and assured the said



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- Property unto the said Society, for the consideration and in the manner contained therein.
- vii) Pursuant to the aforesaid Deed of Conveyance, the Society became absolutely entitled to the said Property.
- viii) The Society thereafter approached **M/s. H Rishabraj Realty** with a proposal to redevelop the said Property and the offer given by **M/s. H Rishabraj Realty** for the redevelopment was accepted by the Society in the meeting held on 10<sup>th</sup> November, 2022 and appointed **M/s. H Rishabraj Realty** as the Developers for the redevelopment of the said Property.
- ix) The Said society by and under Development Agreement dated 06<sup>th</sup> July, 2023 executed by and between the said society and the Developer and duly registered with the sub- registrar of assurances under Sr. No. BRL-03/12274 of 2023, Dated 15<sup>th</sup> October, 2023, the Society and Members therein did thereby grant and assign Development Rights in respect of the said property for consideration and on terms, conditions and covenants therein recorded. The said society have also issued registered Power of Attorney Dated 15<sup>th</sup> October, 2023 with duly registered with the sub- registrar of Assurance under Sr. No. BRL-03/12279 of 2023, Dated 15<sup>th</sup> October, 2023. The said documents are not the subject matter of any litigation and the same is valid, subsisting and binding upon the parties thereto.



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x) Thus, the appointment of **M/s. H Rishabraj Realty** as Developers of the said property by the Society is valid and legal and as Developers **M/s. H Rishabraj Realty.**, is fully entitled to implement redevelopment of the said property.

i) Any other relevant title – Not Applicable

ii) Litigations if any – Not Applicable

Yours faithfully,



**Adv. Charusheela J. Raorane**  
**Bombay High Court**

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