

FORMAT – A

(Circular No – 28 / 2021)

To
MahaRERA,
Mumbai.

LEGAL TITLE REPORT

Sub: - Title Clearance Certificate with respect to plot admeasuring 9500.83 sq. mtrs. plus set back area of 1142.70 sq. mtrs. totally admeasuring 10,643.53 sq. mtrs. (for short "Said Project Land"), forming part of land admeasuring 25745.78 Sq. Mtrs bearing Tika No. 18, bearing CTS No. 15, 47, 48, 49, 59 and 63 situated lying and being at revenue Village Naupada, L.B.S. Marg, Thane(W), in the Registration District and Sub-District Thane, within the limits of Thane Municipal Corporation (hereinafter referred to as said Larger Land").

I have investigated the title of the said plot on request of Developer **M/s. Providence Realty LLP** of Thane and following documents i.e.-

1). Description of Property

Plot admeasuring 9500.83 sq. mtrs. plus set back area of 1142.70 sq. mtrs. totally admeasuring 10,643.53 sq. mtrs. (for short "Said Project Land"), forming part of land admeasuring 25745.78 Sq. Mtrs bearing Tika No. 18, bearing CTS No. 15, 47, 48, 49, 59 and 63 situated lying and being at revenue Village Naupada, L.B.S. Marg, Thane(W), in the Registration District and Sub-District Thane, within the limits of Thane Municipal Corporation.

2). Documents of Allotment of Plot – As detailed in Annexure-A

3). 7/12 extract or Property Card issued by City Survey Office, Thane dated: - 19/03/2021, mutation order dtd. 11/12/1984.

4). Search report for 30 years from 1981 till 2020.

2/. On perusal of the above mentioned documents and all other relevant documents relating to the title of the property I am of the opinion that subject to whatever stated in the Title Report annexed hereto and subject to mortgage and charge created in favour of Bajaj Housing Finance Limited, the title of the Owner-Surajratan Fatehchand Damani Janhit Nidhi is clear, marketable and without any encumbrances.

Owners of the land

1. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 15
2. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 47
3. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 48
4. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 49
5. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 59
6. Surajratan Fatehchand Damani Janhit Nidhi – C.T.S. No. 63

3/. The report reflecting the flow of the Title of the Owner Surajratan Fatehchand Damani Janhit Nidhi and authority of the Developers to develop the Said Project Land is annexed hereto as “ANNEXURE ‘A’”.

Encl : Annexure – A


(Prashant G. Kadam)
Advocate

Date: 30/06/2021

Regn. No. MAH/299/1990



ANNEXURE - A
(Circular No - 28/2021)

I have investigated the Title of the subject property on request from M/s. Providence Realty LLP of Thane. The copies of following documents were made available to me by you.

- 1) 7/12 extract / P. R. Card as on date of application for registration is standing in the name of Surajratan Fatehchand Damani Janhit Nidhi The name of Surajratan Fatehchand Damani Janhit Nidhi is recorded as a Owner on PR card.
- 2) Mutation order dtd. 11/12/1984.
- 3) Search Report for 30 years from 1981 to 2020 taken from Sub-Registrar of Assurances, Thane.
- 4) Certification of Registration of Owners Trust Surajratan Fatehchand Damani Janhit Nidhi.
- 5) Regd. Trust Deed dated 20th June, 1963.
- 6) Regd. Gift Deed dated 2nd December, 1963.
- 7) ULC Order dated 3rd April, 1986.
- 8) Copy of permission dated 30th January, 1988, by Thane Municipal Corporation for Sub-Division of said Larger Land into Sub-Plots A i.e. the Said Project Land and Sub Plot B.
- 9) Copy of permission dated 23rd November, 5th June, 2017, 6th February, 2018 and 31st July, 2018 from Charity Commissioner.
- 10) Copy of Regd. Development-Cum-Sale-Agreement dated 10th September, 2018 by and between the Trust as Owners, One Damani Co-operative Housing Society Ltd. As Confirming Party and M/s. Providence Realty LLP as Developers.
- 11) Copy of Regd. Authenticated Power of Attorney dated 17th January, 2019 by the said Trust to and in favour of M/s. Providence Realty LLP as Developers.

- 12) Copy of Regd. Authenticated Power of Attorney dated 10th September, 2018 by the said Society to and in favour of M/s. Providence Realty LLP as Developers.
- 13) Search Report dtd. 12th January, 2021 from the Sub-Registrar of Assurances, Thane for the period from 1981 to 2020.
- 14) Public Advertisement dated 2nd January, 2021 in "Daily Free Press Journal" and dated 2nd January, 2021 in "Daily Mumbai Sakal".
- 15) Copy of RCS No. 748/2019, pending before Civil Court (S.D.), Thane and notice of Lispendance thereof.
- 16) Regd. Indenture of Mortgage Cum Charge dated 27/05/2021 executed by M/s. Providence Realty LLP in favour of Bajaj Housing Finance Limited.
- 17) Notarised Declaration dated 22nd March, 2021 made by M/s. Providence Realty LLP.

FLOW OF THE TITLE OF THE SAID PLOT OF LAND

- a) Prior to and in the year 1963, one Surajratan Fatehchand Damani and Smt. Ratanabai Surajratan Damani were the owners of the Said Larger Land.
- b) By and under Regd. Deed of Trust dated 20th June, 1963, said Surajratan Fatehchand Damani as a settler established a Trust known as Surajratan Fatehchand Damani Janhit Nidhi and got registered the same under Regn. No. E-2601 (Bombay) under the provision of Bombay Public Trust Act, 1950 ("Said Trust").
- c) By and under Regd. Gift Deed dated 2nd December, 1963, said Surajratan Fatehchand Damani and Smt. Ratanabai Surajratan Damani, gifted the Said Larger Land to the Said Trust for the benefit of Trust. However, though, the Trust was bestowed with the title of the Said Larger Land, required mutation was then remained to be made in Revenue Records.
- d) By and under its application dated 27th September, 1984, the Trust approached the City Survey Office for mutation of its name as holder of the Said Project Land. Accordingly, the District Inspector of Land Records and City Survey Officer, Thane, by and under his order dated 11th December, 1984, recorded the name of Surajratan Fatehchand Damani Janhit Nidhi as holder of the Said Larger Land.

Since then, the Said Larger Land stands in Revenue Record in the name of the Said Trust.

- e) By and under its order dated 3rd April, 1986, in case No. ULC/TA/Thane/SR-488, the Dy. Collector and Competent Authority for Thane Urban Agglomeration and 8Km. peripheral Area of Greater Bombay, declared under the provisions of Urban Land (Ceiling and Regulations Act), 1976 -since repealed, the Said Larger Land as Non-vacant Land in the hands of the Said Trust.
- f) By and under its permission bearing V.P. No.84/161 'B' dated 30th January, 1988, Thane Municipal Corporation granted its permission for Sub-Division of the Said Larger Land into two Sub-Plots - Sub Plot A (i.e. the Project Land hereunder) and Sub Plot B, subject to the conditions of demarcating it on site and its certification, by District Inspector of Land Records. However, the compliance of this pre-condition is not yet made. It further appears that pursuant to the said order of Sub-Division, the physical Sub-Division on site is made by erecting dividing wall between said Sub Plot A and Sub Plot B. It further appears that the said Sub Plot B is now independently developed and a Housing Complex known as Seeta-Vihar Co-operative Housing Society is standing thereon.
- g) Previously, the Owners Trust had constructed cluster of 10 buildings on the Said Project Land and had rented out the tenements therein on monthly rental basis to the tenants. The complex of said 10 buildings was and is popularly known as **"Damani Estate"**.
- h) By and under its Resolution dated 18th September, 1990, read with Charity Commissioner's Permission bearing No.J/4/131-90/2/2/ 841/90 dated 31st October, 1990, the Trust Resolved to convert the tenements in Damani Estate into Ownership basis. Accordingly, by and under several Regd. agreements by and between the Trust and individual tenants the rights of individual tenants were converted into Ownership.

- i) Said erstwhile tenants, having become the Owners of their respective tenements, subsequently form themselves into a Co-operative Housing Society known as Damani Co-operative Housing Society Ltd. ("Said Society").
- j) The said buildings in Damani Estate, over the passage of time, having outlived their utility, on application by Trust, the Charity Commissioner by and under his judgment and order dated 23rd November, 2016, read with further revised judgments and revised orders dated 5th June, 2017, 6th February, 2018, and 31st July, 2018 permitted the Trust to develop the Said Project Land to and in favour of M/s. Providence Realty LLP i.e., the Developers/Promoters herein.
- k) By and under Regd. Development-cum-Sale Agreement dated 10th September, 2018, executed by and between the Trust as Owners of the First Part, The Damani Co-Operative Housing Society Ltd. as Confirming Party of the Second Part and M/s. Providence Realty LLP as Developers of the Third Part, the Trust with consent from said Society, has granted the rights of Development-Cum Sale of Said Project Land to and in favour of the Developers herein for the consideration and subject to the terms and conditions contained therein, read with Authenticated Power of Attorney dated 17th January, 2019 by the said Trust to and in favour of the said M/s. Providence Realty LLP and also read with Authenticated Power of Attorney dated 10th September, 2018 by the said Society to and in favour of the said M/s. Providence Realty LLP
- l) The layout and plans for development of the Said Project Land has been sanctioned by the Thane Municipal Corporation and Thane Municipal Corporation issued the Development Permission vide its letter bearing V.P. No. S02/0217/18/TMC/TDD/3120/19 dated 4.7.2019 and further Development Permission vide its letter bearing V.P. S02/0217/18/TMC/TDD/3471/20 dated 5.10.2020 along with Commencement Certificate vide V.P.No.S02/0217/18/TMC/TDD/3473/20 dated 5.10.2020.

- m) The copy of Complaint of R.C.S. No. 748/2019 filed by one Sita-Vihar Co.op. Housing Society Ltd. against Surajratan Fatehchand Damani Janhit Nidhi, therein referred to as Defendant No. 1 and others, was provided to me for perusal. On perusal of complaint, it is revealed that one SitaVihar Co.op. Housing Society Ltd. Has filed the said suit against Trust i.e. Surajratan Fatehchand Janhit Nidhi and others for directing the Defendant No. 1 to 8 therein to execute a Conveyance of land admeasuring 9582.65 sq.mtrs. forming part of said larger land together with the building standing thereon by way of lease for the period of 999 years in favour of Plaintiff therein and for other reliefs. The said suit is still pending before Hon'ble Civil Court.
- n) By an Indenture Of Mortgage Cum Charge dated 27.05.2021 which is duly registered with the Sub-Registrar, Thane-12 under Serial No.TNN12-5838-2021 dated 27.05.2021, said M/s. Providence Realty LLP has mortgaged its development rights in respect of the said project land together with Unsold units as mentioned in the Schedule I therein forming part of said M/s. Providence Realty LLP's Sale Premises and present and future FSI accruing to the said M/s. Providence Realty LLP in the Redevelopment Project being constructed on the said project land, in favour of Bajaj Housing Finance Limited to secure the loan of Rs.75Crores.(Rupees Seventy Five Crores Only) sanctioned by the Bajaj Housing Finance Limited to the said M/s. Providence Realty LLP.



Date: 30/06/2021

(Prashant G. Kadam)
Advocate
Regn. No. MAH/299/1990

