

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



Advocate, High Court, Mumbai

11/505, Fifth Floor, Ekta Bhosmi Garden, Dattapada Road, Opp. TATA Steel, Borivli (East), Mumbai - 400 066

FORMAT - A

(Circular No:- 28/2021)

To

Maharashtra Real Estate Regulatory Authority (MahaRERA)

6th & 7th Floor, Housefin Bhuvan,

Plot C 21E - Block, Bandra Kurla Complex,

Bandra (East), Mumbai - 400051.

Sub: All that piece or parcel of land containing by admeasurement 1705 Sq. yds. equivalent to 1425 Sq. Mts. (1425.70 Sq. Mts.as per PR Card) or thereabouts bearing C.T.S. No. G/559, marked as Plot No.64H of T.P.S. IV, being portion of Final Plot No.64, Final Plot No.120 of scheme No. IV of the Santacruz Town Planning Scheme, Village Bandra, Taluka Andheri, Registration District and Sub-District of Mumbai City and Mumbai Suburban, situate lying and being at West Avenue Road, Santacruz (West), Mumbai-400054 ("**Land**"), together with the buildings standing thereon Known as "Mangal Varsha" ("**Buildings**"), (collectively, the "**Property**").

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1. **INTRODUCTION**

I have investigated the title of Vivek Mangal Varsha Co-operative Housing Society Limited ("**Society**") to the said Property, on the request of my client M/s. **Rishabraj Namu Enterprise LLP** and on perusal of the copies of documents mentioned below, I observe as under.

2. **DESCRIPTION OF THE PROPERTY**

All that piece and parcel of land or ground containing by admeasurement 1705 Sq. yds. equivalent to 1425 Sq. Mts. (1425.70 Sq. Mts.as per PR Card) or thereabouts bearing C.T.S. No. G/559, marked as Plot No.64H of T.P.S. IV, being portion of Final Plot No.64, Final Plot No.120 of scheme No. IV of the Santacruz Town Planning Scheme, Village Bandra, Taluka Andheri, Registration District and Sub-District of Mumbai City and Mumbai Suburban, together with one Seven storeyed building, with one lift along with one outhouse, comprising



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of 22 residential flats, namely Vivek Mangal Varsha, of the Vivek Mangal Varsha Co-operative Housing Society Limited, situate, lying, being at West Avenue, Santacruz (West), Mumbai - 400 054 and is bounded by as follows:

- ON or towards the North - by Plot No.64-J now Plot No.121 bearing C.T.S. No.560
- ON or towards the South - by Plot No.64-G and now Final Plot No.119 and C.T.S. No.558
- ON or towards the East - by the road called as West Avenue
- ON or towards the West - by Plot No.64-C and now Final Plot No.106 bearing C.T.S. No.566

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

- i) An Indenture of Conveyance dated 8th November, 1977 duly registered with the office of Sub- Registrar of Assurances at Bandra under Serial No. BDR /910 of 1977
- ii) Development Agreement Dated 20th March, 2023 registered with Sub-Registrar of Assurance under Sr. No. BDR-15/6941 of 2023, Dated 26th April, 2023
- iii) Power of Attorney Dated 26th April, 2023 with duly registered with the sub-registrar of Assurance under Sr. No. BDR-15/6944 of 2023, Dated 26th April, 2023
- iv) Society Registration Certificate dated 13th December, 1977 Registration No. BOM/HSG/5280 of 1977 Dated 13/12/1977

4. PROPERTY CARD AND REVENUE RECORD:

The Property Card in respect of the said Land is standing in the name of "Vivek Mangal Varsha Co-operative Housing Society Ltd. and records an area admeasuring 1425.70 Sq. Mtrs.

5. OWNERS OF THE LAND

By virtue of the aforesaid deeds and event was seized, possessed and sufficiently entitled of the Property.

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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 Shree Aradhana Co-operative Housing Society Limited is clear, marketable and without any encumbrances and M/s. Rishabraj Namu Enterprise LLP is entitled to redevelop the said property.

Owner of the land

Vivek Mangal Varsha Co-operative Housing Society Ltd.

Developer of the land

M/s. Rishabraj Namu Enterprise LLP

7. The report reflecting the flow of the title of Vivek Mangal Varsha Co-operative Housing Society Ltd. as owners and M/s. Rishabraj Namu Enterprise LLP as Developer on the said land is enclosed herewith as Annexure-A.




Adv. Charushila J. Raorane
Bombay High Court

Encl : Annexure -A

Date : 11.12.2023

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.





Annexure-A

(Circular No:-28/2021)

FLOW OF THE TITLE OF THE SAID LAND.

Sub: All that piece or parcel of land containing by admeasurement 1705 Sq. yds. equivalent to 1425 Sq. Mts. (1425.70 Sq. Mts.as per PR Card) or thereabouts bearing C.T.S. No. G/559, marked as Plot No.64H of T.P.S. IV, being portion of Final Plot No.64, Final Plot No.120 of scheme No. IV of the Santacruz Town Planning Scheme, Village Bandra, Taluka Andheri, Registration District and Sub-District of Mumbai City and Mumbai Suburban, situate lying and being at West Avenue Road, Santacruz (West), Mumbai-400054 ("**Land**"), together with the buildings standing thereon Known as "Mangal Varsha" ("**Buildings**"), (collectively, the "**Property**").

My observation relating to the title of the "Vivek Mangal Varsha Co-Operative Housing Society Limited" to the said property described in the Schedule hereunder written and also the entitlement of **M/s. Rishabraj Namu Enterprise LLP**, to undertake the redevelopment of the said property is as under:

- (i) Originally, one Shri Harbanslal Mangalsain Marwah ("**the said H M Marwah**") came to be seized and possessed of and well and sufficiently entitled to the said Land.
- (ii) By an Agreement for Sale dated 20th June, 1977 executed by and between the said H. M. Marwah (Original Vendor therein) and Messrs Peekay Builders ("**the said Peekay Builders**"), the said H M Marwah agreed to sell the said Plot to the said Peekay Builders along with the structures standing thereon for the consideration and upon the terms and conditions set out therein. The said Peekay Builders had entered into the said Agreement with the intention of developing the said Plot.
- (iii) Vide Articles of Agreement dated 1st September, 1977 executed by and between the said Peekay Builders, (therein referred to as Vendors) and Mr. Lakshmidhand K. Kukreja (therein referred to as the Chief Promoter) of the then proposed Society



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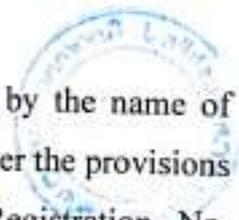
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in the aforesaid Articles Of Agreement *inter alia* the said Peekay Builders agreed, to construct the said Existing Building and procure the conveyance of the said Plot from the said H. M. Marwah in favour of the Society when registered and the said Chief Promoter agreed to purchase the said Property, for the consideration and upon the terms and conditions stated therein and thereby the said Peekay Developers transferred the benefit of the said Agreement dated 20th June, 1977 in favour of the said Chief Promoter. In clause 'c' of the said Articles of Agreement it is represented that the said Peekay Builders had entered into the said Agreement for Sale dated 20th June, 1977 with the intention of developing the said Plot.

- (iv) M/s Peekay Builders as the developer/promoter made necessary applications to the Municipal Corporation of Greater Mumbai in respect of the said Land and in terms of the approved plans, constructed one multi-storeyed building on stilts consisting of seven upper floors and one outhouse, comprising of 22 (Twenty-two) residential flats along with 6 (Six) garages ("Building").
- (v) MCGM issued Occupation Certificates bearing No. CE/5468/BS II/A/H of 1978 dated 26th October, 1978 in respect of the building.
- (vi) The Society derives its title to the said Plot vide the Indenture of Conveyance dated 8th November, 1977 executed by and between the said H. M. Marwah (therein referred to as the vendor) and the said Chief Promoter of the Society (therein referred to as the purchaser) and duly registered with the office of Sub- Registrar of Assurances at Bandra under Serial No. BDR /910 of 1977, the said H.M. Marwah as the Vendor therein sold, transferred and conveyed the said Plot, to the said Chief Promoter of the Society for the consideration and upon the terms and conditions set out therein.
- (vii) The purchasers of the premises formed a co-operative society by the name of "Vivek Mangal Varsha Co-Operative Housing Society Ltd.", under the provisions of Maharashtra Co-operative Societies Act, 1960 under Registration No. BOM/HSG/5280 of 1977 Dated 13/12/1977 ("Society").





- (viii) The Bombay Thane Districts Co-operative Housing Federation Limited (hereinafter referred to as the "*Federation*") registered under the provisions of the Co-operative Society's Act VII of 1925, had admitted the Vivek Mangal Varsha Co- Op. Housing Society Ltd. as a bonafide allottee member of the Federation and they were issued One (1) share of Rs.100/- each, bearing distinctive Nos. 3379, under Share Certificate No. 4683, dated 28th October, 1978 ("*Shares*").
- (ix) Pursuant to the aforesaid Deed of Conveyance, the Society became absolutely entitled to the said Property.
- (x) The Society thereafter approached you with a proposal to redevelop the said Property and the offer given by you for the redevelopment was accepted by the Society in the meeting held on 31st July, 2022 and appointed you as the Developers for the redevelopment of the said Property.
- (xi) The Said society by and under Development Agreement dated 20th March, 2023 executed by and between the said society and the Developer and duly registered with the sub- registrar of assurances under Sr. No. BDR-15/6941 of 2023, Dated 26/04/2023 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 26/04/2023 with duly registered with the sub-registrar of Assurance under Sr. No. BDR-15/6944 of 2023, Dated 26th April, 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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(xii) Thus, the appointment of M/s. Rishabraj Namu Enterprise LLP as Developers of the said property by the Society is valid and legal and as Developers M/s. Rishabraj Namu Enterprise LLP., 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. Charushila J. Raorane
Bombay High Court

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