

SMITA SAWANT

ADVOCATE, HIGH COURT BOMBAY

Flat No.15, 2nd Floor, Charkop Kudal CHS LTD., Plot No.116, Sector-4,
Charkop, Kandivali (West), Mumbai - 400 067.

Contact Nos. 9987195164/8169261189 **Email ID:** smita1786@yahoo.com

To,

Maharashtra Real Estate Regulatory Authority,
6th & 7th Floor, Housefin Bhavan, Plot No. C - 21,
E - Block, Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051.

LEGAL TITLE REPORT

Sub: All that piece and parcel of land or ground bearing Plot No. 6 of the sanctioned Sub-Division of Sunder Nagar sanctioned by the Municipal Corporation of Greater Bombay comprised of land bearing Survey No. 18 (part) and Survey No. 19 (part) and bearing CTS No. 33/6 Village Chinchavali at Malad in the Registration district and Sub- District of Mumbai City and Mumbai Suburban, together with 5 buildings viz. C-1, C-2, C-3, C-4 & C-5 standing thereon situate, lying and being at Sunder Nagar, Malad (West), Mumbai 400064 in the Registration district and Sub- District of Mumbai City and Mumbai Suburban ("the said Property").

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Under the instructions of Arkade Developers Limited ("formerly known as Arkade Developers Private Limited") who have requested me to investigate the title of "Deep Shikhar C Wing Co-operative Housing Society Limited" qua the said Property and for that purpose they have handed over to me copies of documents, which I have perused and I furnish my opinion on the basis of the copies of the documents furnished i.e.: -

1. Description of the Property:

All that piece and parcel of land or ground bearing Plot No. 6 of the sanctioned Sub-Division of Sunder Nagar sanctioned by the Municipal Corporation of Greater Bombay comprised of land bearing Survey No. 18 (part) and Survey No. 19 (part) and bearing CTS No. 33/6 Village Chinchavali at Sunder Nagar, Malad in the Registration district and Sub- District of Mumbai City and Mumbai Suburban, admeasuring 3101 sq. mtrs. as per Property Register Card issued by City Survey Officer, Malad (and admeasuring 3654 square yards equivalent to 3055.52 sq.mtrs. or thereabout as per below recited Indenture

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dated 29th November 1971) together with 5 buildings viz. C-1, C-2, C-3, C-4 & C-5 standing thereon situate, lying and being at Sunder Nagar, Malad (West), Mumbai 400064 in the Registration district and Sub- District of Mumbai City and Mumbai Suburban.

2. The document of allotment of plot:

- A. Indenture dated 29th November, 1971 and duly registered with the office of the Sub-Registrar of Assurances at Bombay under Sr. No. BOM/R/5194/1971 of Book No. 1, executed by and between The Brahmakshatriya Co-operative Housing Society Limited (therein referred to as "the Society" of the First Part"), AND The Modern Construction Company Limited (therein referred to as "Modern" of the Second Part) AND (1) Harish Kumar Taneja, (2) Pravin Mangaldas Patel (therein referred to as "the Confirming Party" of the Third Part) and the Deepshikhar Co-operative Housing Society Limited, (therein referred to as "the Purchasers" of the Fourth Part),;
- B. Order dated 3rd July 2015 passed by Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai in the Application under Section 17 Maharashtra Co-operative Societies Act, 1960 and Rule 16 thereunder, made by Deepshikhar Co-operative Housing Society Limited to the Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai, for division/bifurcation of it into 2 separate Societies such as Deep Shikhar C Wing Co-operative Housing Society Limited and Deep Shikhar D Wing Co-operative Housing Society Limited, whereunder the said Deepshikhar Co-operative Housing Society Limited was divided / bifurcated into 2 Societies i.e. Deep Shikhar C Wing Co-operative Housing Society Limited comprised of five buildings viz. C-1, C-2, C-3, C-4 & C-5 (i.e. the Society herein) and Deep Shikhar D Wing Co-operative Housing Society Limited comprised of three buildings viz. D-1, D-2 & D-3.

2A. The Documents for grant of development rights of the said Property:

- (i) Development Agreement dated 31st March 2023 registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No.

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BRL8-4922-2023 on 12th April, 2023 executed by and between Deep Shikhar C Wing Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Sat Narain Gupta and other executing members of the Society (therein referred to as "the Existing Members") of the Second Part and Arkade Developers Private Limited (now known as "Arkade Developers Limited") (therein referred to as "the Developer") of the Third Part.

- (ii) Power of Attorney dated 12th April, 2023 registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No. BRL8-4924-2023 on 12th April, 2023, granted by Deep Shikhar C Wing Co-Operative Housing Society Limited in favour of Directors of Arkade Developers Private Limited (now known as "Arkade Developers Limited") to undertake various acts, deeds, things pursuant to the said Development Agreement.

3. Property Registration Card:

The name of the said Deep Shikhar C Wing Co-operative Housing Society Limited reflects on the Property Card in respect of the said Property.

Property Card in respect of CTS No. 33/6 Village Chinchavali issued by City Survey Officer, Malad, Mumbai Suburban District.

4. Search report for 58 years:

Search Report by Search Clerk Mr. Rajendra P. Tungatkar for the period from 1965 to 2023. 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 following Owner is clear and marketable subject to the following comments and that the developer i.e. Arkade Developers Limited ("formerly known as Arkade Developers Private Limited") is duly entitled to develop the said Property as per the terms and conditions of the aforesaid Development Agreement and in accordance with and subject to compliance with and observance of the terms and conditions of various permissions, approvals, sanctions that may be issued by the concerned authorities in respect of the said Property or any construction thereon from time to time.

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Owner of the Property: Deep Shikhar C Wing Co-operative Housing Society Limited

Developer/Promoter: Arkade Developers Limited ("formerly known as Arkade Developers Private Limited")

5. Public Notices:

(i) I have caused public notices to be published on 17th March, 2023 in (i) Free Press Journal (English), and (ii) Navshakti (Marathi) inviting claims and/or objections from any persons with respect to the title of Deep Shikhar C Wing Co-Operative Housing Society Limited to the said Property, and I have not received any claims till date pursuant to the said public notices.

(ii) Since the original Indenture dated 29th November, 1971 duly registered with the office of the Sub-Registrar of Assurances at Bombay under Sr. No. BOM/R/5194/1971 of Book No. 1 is lost/misplaced/untraceable, as informed by Deep Shikhar C Wing Co-operative Housing Society Limited, I have caused public notices to be published on 24th August, 2023 in (i) Free Press Journal (English), and (ii) Navshakti (Marathi) *inter alia* inviting claims and/or objections from any persons by virtue of having custody or possession of the original of the said Indenture. However, I have not received any claims and/or objections till date pursuant to the said public notices.

6. Comments/other observations:

(A) I have been informed that pursuant to the Application under Section 17 Maharashtra Co-operative Societies Act, 1960 and Rule 16 thereunder, made by Deepshikhar Co-operative Housing Society Limited to the Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai, for division/bifurcation of it into 2 separate Societies such as Deep Shikhar C Wing Co-operative Housing Society Limited and Deep Shikhar D Wing Co-operative Housing Society Limited, by an Order dated 3rd July 2015 passed by Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai, the said Deepshikhar Co-operative Housing Society Limited was divided / bifurcated into 2 Societies i.e. Deep Shikhar C Wing Co-operative Housing Society

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Limited comprised of five buildings viz. C-1, C-2, C-3, C-4 & C-5 (i.e. the Society herein) and Deep Shikhar D Wing Co-operative Housing Society Limited comprised of three buildings viz D-1, D-2 & D-3. Accordingly, the Society was freshly registered and granted a new registration certificate under Serial No. MUM/WP/HSG/TC/15840/2018-19/2018 dated 1st November, 2018 under the Maharashtra Co-operative Societies Act, 1960.

- (B) I have been informed that 5 buildings viz. C-1, C-2, C-3, C-4 & C-5 of Deep Shikhar C Wing Co-operative Housing Society Limited constructed on the said Property ("the Existing Buildings") comprises of a total of 80 residential flats ("Existing Flats") which are occupied by the Existing Members of the Society. Each Existing Building comprises of Ground + 4 upper floors having 16 residential flats each.
- (C) The aforesaid observation on title of the Owner is subject to demarcation of boundaries of the said Property and physical measurement of the said Property, if required.
- (D) By and under the Development Agreement dated 31st March 2023 registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No. BRL8-4922-2023 on 12th April, 2023 executed by and between Deep Shikhar C Wing Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Sat Narain Gupta and other executing members of the Society (therein referred to as "the Existing Members") of the Second Part and Arkade Developers Limited, in its earlier name "Arkade Developers Private Limited" (therein referred to as "the Developer") of the Third Part, the Society has granted development rights of the said Property in favour of Arkade Developers Private Limited ("formerly known as Arkade Developers Private Limited"), for the consideration and upon the terms and conditions as mentioned therein.
- (E) Power of Attorney dated 12th April, 2023 registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No. BRL8-4924-2023 on 12th April, 2023, granted by Deep Shikhar C Wing Co-

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Operative Housing Society Limited in favour of Directors of Arkade Developers Limited, in its earlier name "Arkade Developers Private Limited to undertake various acts, deeds, things pursuant to the said Development Agreement.

- (F) In view of aforesaid, Arkade Developers Limited ("formerly known as Arkade Developers Private Limited") is duly entitled to develop the said Property as per the terms and conditions of the aforesaid Development Agreement and in accordance with and subject to compliance with and observance of the terms and conditions of various permissions, approvals, sanctions that may be issued by the concerned authorities in respect of the said Property from time to time.
- (G) Since the original Indenture dated 29th November, 1971 and duly registered with the office of the Sub-Registrar of Assurances at Bombay under Sr. No. BOM/R/5194/1971 of Book No. 1 is lost/misplaced/untraceable, as informed by Deep Shikhar C Wing Co-operative Housing Society Limited, I have caused public notices to be published on 24th August, 2023 in (i) Free Press Journal (English), and (ii) Navshakti (Marathi) inviting claims and/or objections from any persons by virtue of having custody or possession of the original of the said Indenture. However, I have not received any claims and/or objections till date pursuant to the said public notices. Moreover Deep Shikhar C Wing Co-operative Housing Society Limited has also intimated the concerned Police Station about the Indenture having lost/misplaced/untraceable, pursuant to which Mumbai Police have issued report bearing lost report no. 73958-2023 dated 24th August, 2023 with respect to loss of the said Indenture.
- (H) The report reflecting the flow of the title of Deep Shikhar C Wing Co-operative Housing Society Limited qua the said Property is enclosed herewith as "Annexure - A".
- (I) While considering my opinion on the title of the said Property, I have made the following assumptions:



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- (i) All copies of the documents conform to the originals and all originals are genuine and complete.
 - (ii) Each signature on the documents shall be deemed to be genuine signature of the individual/party concerned.
 - (iii) The Agreements/documents are within the capacity and powers and have been validly authorized and signed by each party.
 - (iv) That the Agreements/documents have been duly authorized, executed and delivered by each of the parties hereto.
 - (v) I express no opinion as to the correctness of any warranty given by the parties (expressly and impliedly) under the Agreement/documents or by virtue of the Agreements/documents executed save if and so far as the matters warranted are the subject matter of the specific opinion in this certificate.
- (J) In course of taking search with the concerned Sub-Registrar of Assurances, I have been informed by search clerk that for certain years, the records maintained by the Offices of the Sub-Registrar of Assurances are torn and mutilated and the Index-II records maintained in digital form have not been properly maintained. Searches at the Offices of the Sub-Registrar of Assurances are subject to the availability of records and also to records being torn and mutilated and maintained in an improper condition. I therefore disclaim any responsibility for consequences which may arise on account of such non-availability of records or on account of records being torn and mutilated or maintained improperly.
- (K) I have not undertaken the reconciliation of area between the Property Register Card, or any other Revenue Record and area as per physical site survey, in respect of the said Property and my primary observations with respect to area of Property as stated hereinabove.
- (L) This Certificate records my observations on the title of Deep Shikhar C Wing Co-operative Housing Society Limited to the said Property only and does not contain any observations on the development



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- (ix) As per the Certificate of Incorporation consequent upon conversion to public company, issued by Registrar of Companies, Mumbai, the name of Developer i.e. "Arkade Developers Private Limited" is changed to "Arkade Developers Limited" with effect from 7th July, 2023 pursuant to its conversion into public company as per the provisions of Companies Act, 2013.
- (x) There are no pending litigations / notices in respect of the said Property and/or development rights granted in respect thereof in favour of the Developer.

Date: 10th January, 2024

Place: Mumbai

Smita Sawant,



Advocate, High Court,
Bombay

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"Annexure - A"

FLOW OF THE TITLE OF THE SAID PROPERTY

- (i) Property Card in respect of C.T.S. No. 33/6 of village Chinchavali issued by City Survey Officer, Malad, Mumbai Suburban District reflects the name of Deep Shikhar C Wing Co-Operative Housing Society Limited as holder/owner thereof in respect of area admeasuring 3101 sq. mtrs.
- (ii) Search Report by Search Clerk Mr. Rajendra P. Tungatkar for 58 years from 1965 to 2023.
- (iii) By and under Indenture dated 29th November, 1971 and duly registered with the office of the Sub-Registrar of Assurances at Bombay under Sr. No. BOM/R/5194/1971 of Book No. 1, executed by and between The Brahmakshatriya Co-operative Housing Society Limited (therein referred to as "the Society" of the First Part"), AND The Modern Construction Company Limited (therein referred to as "Modern" of the Second Part) AND (1) Harish Kumar Taneja, (2) Pravin Mangaldas Patel (therein referred to as "the Confirming Party" of the Third Part) and the Deepshikhar Co-operative Housing Society Limited, (therein referred to as "the Purchasers" of the Fourth Part), the Society therein at the request of the Modern and the Confirming Parties therein granted, conveyed, transferred, assured and confirmed unto the Purchasers therein and Modern at the request of the Confirming Parties therein granted, conveyed, transferred, assured and confirmed unto the Purchasers therein, all that pieces and parcels of land or ground being Plot No. 6 of the sanctioned Sub-Division and bearing CTS No. 33/6 of Sunder Nagar sanctioned by the Municipal Corporation of Greater Bombay comprised of land bearing Survey No. 18 Part and Survey No. 19 Part of Village Chinchavali, Malad in the then Greater Bombay in the Registration District and Sub- District of Bombay City and Bombay Suburban which is layout of the larger piece of land together with five buildings which were under construction at that time thereon (viz. C-1, C-2, C-3, C-4 & C-5) as more particularly



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described in the Schedule thereunder written, for the consideration and on the terms and conditions as mentioned therein;

- (iv) In pursuance of the above, the Purchasers therein i.e. Deepshikhar Co-operative Housing Society Limited became absolutely seized and possessed of and is otherwise well and sufficiently entitled to all that piece and parcel of land or ground bearing Plot No. 6 of the sanctioned Sub-Division of Sunder Nagar sanctioned by the Municipal Corporation of Greater Bombay comprised of land bearing Survey No. 18 Part and Survey No. 19 Part and bearing CTS No. 33/6 at Sunder Nagar, Malad in the Registration District and Sub-District of Mumbai City and Mumbai Suburban, admeasuring 3101 sq. mtrs. as per Property Register Card issued by City Survey Officer, Malad (hereinafter referred to as "the said Land") together with 5 buildings viz. C-1, C-2, C-3, C-4 & C-5 standing thereon (hereinafter referred to as "the Existing Buildings"). The said Land and the Existing Buildings therein are collectively referred to as "the said Property". The Municipal Corporation for Greater Mumbai (MCGM) has issued Building Completion Certificate 1st February 1972 with respect to the said Existing Buildings.
- (v) On the adjoining plot of land bearing Survey No.7 and currently bearing CTS No. 33/13 constructed 3 buildings / wings viz D-1, D-2 & D-3 (collectively known as "D Wing/Unit") and subsequently the purchasers of flats in the said "D Wing/Unit" also joined as members of Deepshikhar Co-operative Housing Society Limited for the administrative purpose / functioning.
- (vi) Pursuant to the Application under Section 17 Maharashtra Co-operative Societies Act, 1960 and Rule 16 thereunder, made by Deepshikhar Co-operative Housing Society Limited to the Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai, for division/bifurcation of it into 2 separate Societies such as Deep Shikhar C Wing Co-operative Housing Society Limited and Deep Shikhar D Wing Co-operative Housing Society Limited, by an Order dated 3rd

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July 2015 passed by Office of Deputy Registrar, Co-operative Societies, P Ward, Mumbai, the said Deepshikhar Co-operative Housing Society Limited was divided / bifurcated into 2 Societies i.e. Deep Shikhar C Wing Co-operative Housing Society Limited comprised of five buildings viz. C-1, C-2, C-3, C-4 & C-5 (i.e. the Society herein) and Deep Shikhar D Wing Co-operative Housing Society Limited comprised of three buildings viz D-1, D-2 & D-3. Accordingly, the Society was freshly registered and granted a new registration certificate under Serial No. MUM/WP/HSG/TC/15840/2018-19/2018 dated 1st November, 2018 under the Maharashtra Co-operative Societies Act, 1960.

(vii) By and under the Development Agreement dated 31st March 2023 registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No. BRL8-4922-2023 on 12th April 2023 executed by and between Deep Shikhar C Wing Co-Operative Housing Society Limited (therein referred to as "the Society") of the First Part, Sat Narain Gupta and other executing members of the Society (therein referred to as "the Existing Members") of the Second Part and Arkade Developers Limited, in its earlier name "Arkade Developers Private Limited" (therein referred to as "the Developer") of the Third Part, the Society has granted development rights of the said Property in favour of Arkade Developers Private Limited (now known as "Arkade Developers Limited") upon the terms and conditions as mentioned therein.

(viii) Deep Shikhar C Wing Co-operative Housing Society Limited through its Authorized Managing Committee Members also executed Power of Attorney dated 12th April 2023 in favour of Directors of developer i.e. Arkade Developers Private Limited (now known as "Arkade Developers Limited") to undertake various acts, deeds, things pursuant to the said Development Agreement and the said Power of Attorney is duly registered with the office of Joint Sub-Registrar of Assurances Borivali No. 8 under Sr. No. BRL8-4924-2023.



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- (ix) As per the Certificate of Incorporation consequent upon conversion to public company, issued by Registrar of Companies, Mumbai, the name of Developer i.e. "Arkade Developers Private Limited" is changed to "Arkade Developers Limited" with effect from 7th July, 2023 pursuant to its conversion into public company as per the provisions of Companies Act, 2013.
- (x) There are no pending litigations / notices in respect of the said Property and/or development rights granted in respect thereof in favour of the Developer.

Date: 10th January, 2024

Place: Mumbai

Smita Sawant,



Advocate, High Court,
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