

SUBHASH PRADHAN & CO. (REGD.)

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Ref. No. : 172/2017

Date :

TO WHOMSOEVER IT MAY CONCERN

THIS IS to certify that we have under the instructions of M/s. Emerald Developers investigated their title to the pieces of land situated at Village Ambiwali also known as Amboli, Andheri in Greater Mumbai bearing Survey No.31, Hissa No.2(part), C.T.S. No.20 admeasuring 2805.50 Sq.yards or thereabouts and more particularly described in the First Schedule hereunder written; Survey No.31, Hissa No.3, C.T.S. Nos.21 and 21/1 to 21/5 admeasuring in the aggregate 1401 Sq.meters or thereabouts and more particularly described in the Second Schedule hereunder written and C.T.S. No.9 (part) admeasuring 710.875 Sq.meters or thereabouts and more particularly described in the Third Schedule hereunder written (hereinafter collectively referred to as "the said Property").

In the course of our investigation we perused zerox copies of the title deeds relating to the said property, caused searches to be taken in the Offices of the Sub-Registrar of Assurances at Mumbai, Bandra and Andheri 1 to 4 in the year 2012. We also issued public notices, inviting claims, against the said Property in the daily newspapers, Free Press Journal in English, Nav Shakti in Marathi and Mumbai Samachar in Gujrathi on 7th March 2012.

Upon investigation of the title of the said Emerald Developers to the said Property we report as follows:-

- (a) By and under a Deed of Conveyance dated 2nd April 1946 and registered in the Office of the Sub-Registrar of Assurances at Bandra under No.379 of 1949 on 12th April 1946 Joseph Walter **Gomes sold, conveyed and transferred his 4/5th share in the land situate at Ambivli also known as Amboli, Taluka South Salsette in the Bombay Suburban District now Greater Bombay bearing Survey No.31, Hissa No.2 (part), C.T.S. No.20 admeasuring 2805.50 Sq.yards and more particularly described in the First Schedule hereunder written to Bhagwandas Vajeram and Vishnu Ramchandra Parulekar as joint tenants for the consideration mentioned in the said Deed of Conveyance dated 2nd April 1946.**

By a Deed of Conveyance dated 19th day of April 1949 and registered in the Office of the Sub-Registrar of Assurances at Bombay under No.2867 of 1949 on 28th day of June 1949, Annie Gomes by her mother and duly appointed guardian Lily Gomes, widow of Dr. Louis Paul Gomes granted, conveyed and assured for the consideration therein mentioned her 1/5th share in the said land more particularly described in the First Schedule hereunder written to the said Vishnu Ramchandra Parulekar.

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The said Vishnu Ramchandra Parulekar filed a Suit in the High Court of Judicature at Bombay being Suit No.1283 of 1947 against the said Bhagwandas Vajeram and four others interalia for a Declaration that the said Vishnu Ramchandra Parulekar was entitled to 3/5th share in the said land more particularly described in the **First Schedule hereunder written and for other reliefs mentioned in the plaint in the said Suit. By a Consent Decree dated 18th April 1950** passed in the said Suit No.1283 of 1947 the said Bhagwandas Vajeram became absolutely entitled interalia to several pieces of land at Ambivli also known as Amboli, Taluka South Salsette in the Bombay Suburban District now Greater Bombay which included the said land more particularly described in the First Schedule hereunder written.

By a Deed of Conveyance dated 16th July 1965 and registered in the Office of the Sub-Registrar of Assurances at Bandra under No.BND/1723 /1965 on 14th August 1965 and made between the said Bhagwandas Vajeram of the First Part, Narayan Basappa Bangera and three others as Confirming Parties of the Second Part and Shree Mahalakshmi Co-operative Housing Society Limited, a Society registered under the Maharashtra Co-operative Societies Act, 1960 under No.BOM/HSG/993 of 1965 and having its registered office at 8, Nanabhai Lane, Fort, Mumbai of the Third Part, the said Bhagwandas Vajeram sold, conveyed and transferred

for the consideration therein mentioned several pieces of land at Ambivli also known as Amboli, Taluka South Salsette in the Bombay Suburban District now Greater Bombay which included the said land more particularly described in the First Schedule hereunder written to the said Shree Mahalakshmi Co-operative Housing Society Limited. **The said Shree Mahalakshmi Co-operative Housing Society Limited sold, conveyed, transferred and assured to Rajesh Manohar Patil and Maksud Bharatsingh Rana carrying on business in the firm name and style of M/s. Emerald Developers, a Partnership firm, at B-101-103, New Look Apartments, MMGS Marg, Dadar (East), Mumbai 400 014 the said land more particularly described in the First Schedule hereunder written by and under the Deed of Conveyance dated 28th April 2011 and registered in the Office of the Sub-Registrar of Assurances at Bandra under No.BDR 4/5054/2011 on 1st June 2011 for the consideration therein mentioned.**

The said land bearing Survey No.31, Hissa No.2(part), C.T.S. No.20 admeasuring 2803.50 Sq.yards or 1951.3 Sq.meters or thereabouts has been declared as a Slum Area under Section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 under the Notification No.DCA/ENC/Suratapada-Ambiwali-238 issued by the Deputy Collector (ENC) and Competent Authority, Sub-Division, Andheri, published in the Maharashtra Government Gazette dated 4th April

1985 and corrigendum dated 8th August, 2003 published in the Maharashtra Govt. Gazette dated 21st August 2003 to the said original Notification No. DCA/ENC/Suratapada-Ambiwali-238.

- (b) Damien Frank D'Mello was during his lifetime absolutely seized and possessed of or otherwise well and sufficiently entitled to all that **piece or parcel of land situate lying and being at Revenue Village Ambivli, Andheri bearing Survey No.31, Hissa No.3, C.T.S. Nos.21 and 21/1 to 21/5 admeasuring in the aggregate 1401 Sq.meters or thereabouts together with the structures standing thereon including a chawl bearing Municipal Ward No. K/West and a stable and more particularly described in the Second Schedule hereunder written.**

The said Damien Frank D'Mello died in Mumbai on 11th May 2000 having made and published prior thereto his last Will and Testament dated 24th October 1997 under which he gave, devised and bequeathed the said land more particularly described in the Second Schedule hereunder written to his wife Mrs. Ettie Bridget D'Mello absolutely.

Probate of the said last Will and Testament dated 24th October 1997 of the said late Damien Frank D'Mello was duly granted by the High Court of Judicature at Mumbai by its Order dated 13th September 2000 made in Petition No.563 of 2000. The said land accordingly vested in the said Mrs. Ettie Bridget D'Mello who became the sole

and absolute owner of the said land more particularly described in the Second Schedule hereunder written.

By a Deed of Conveyance dated 19th December 2003 and registered in the Office of the Sub-Registrar of Assurances at Andheri 2 (Andheri) under No.BDR-4/1031/2004 on 31st January 2004 the **said Mrs. Ettie Bridget D'Mello sold, conveyed and transferred for the consideration therein mentioned the said land more particularly described in the Second Schedule hereunder written to the said Rajesh Manohar Patil and the said Maksud Bharatsingh Rana carrying on business in the firm name and style of M/s. Emerald Developers.**

The land bearing Survey No.31, Hissa No.3 C.T.S. Nos.21 and 21/1 to 21/5 admeasuring in the aggregate 1401 Sq.meters or thereabouts has been declared as a Slum Area under Section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 under the Notification No.DCA/ENC/Suratapada-Ambiwali-238 issued by the Deputy Collector (ENC) and Competent Authority, Sub-Division, Andheri, published in the Maharashtra Government Gazette dated 4th April 1985.

- (c) There are 42 huts existing on the land bearing C.T.S. No.9 (part) Village Ambiwali, Taluka Andheri in Greater Mumbai admeasuring

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710.875 Sq.meters and more particularly described in the Third Schedule hereunder written which belongs to the State Government. Out of the said 42 huts, 37 huts are protected under the provisions of the Regulation 33(10) of the Development Control Regulations for Greater Mumbai and hence the holders of the said 37 huts will be eligible for allotment of permanent alternative accommodation, free of cost. Out of the said 37 eligible hutment dwellers 31 hutment dwellers have given their written consents for the scheme of redevelopment of the said land. The hutment dwellers of the said land bearing C.T.S. No.9 (part) have formed and registered their Co-operative Housing Society under the provisions of the Maharashtra Co-operative Societies Act, 1960 under the name Shree Sai Samartha S.R.A. Co-operative Housing Society Limited.

As stated above the said Emerald Developers have purchased the said pieces of land bearing C.T.S. No.20 and C.T.S. Nos.21 and 21/1 to 21/5 by Registered Conveyances for valuable consideration and hence they are the legal owners thereof and have clear and proper title to the said two pieces of land.

By and under the Letter of Intent No.SRA/ENG/835/KW/PL/LOI dated 4th December 2010, issued by the Deputy Chief Engineer, Slum Rehabilitation Authority, the proposal for Slum Rehabilitation Scheme on the said property which includes the said land bearing C.T.S. No.9(part)

submitted by the said Emerald Developers has been approved subject to the conditions stated in the said Letter of Intent. By the said Letter of Intent the said Emerald Developers are directed to submit proposal for approval of plans consuming full sanctioned F.S.I. subject to the maximum of 3 for Slum and 1 for non-slum plots in accordance with the provisions of Appendix - IV of Regulation 33(10) of amended Development Control Regulations 1991 separately for each building in conformity with the Regulation 33(10) of amended Development Control Regulations 1991. We are informed that the said Letter of Intent has been duly revalidated.

The residents of the said property have formed a proposed Co-operative Housing Society under the name Shree Sai Samartha Co-operative Housing Society Proposed. In the meeting of the General Body of the said Shree Sai Samartha Co-operative Housing Society Proposed the Chief Promoter and the Committee of the Promoters have been appointed. The Committee of the Promoters has been duly authorized by the General Body of the said Shree Sai Samartha Co-operative Housing Society Proposed inter alia to appoint a Developer for the redevelopment of the said property on the terms and conditions which the said Committee would approve. The said Committee of the Promoters of the said Shree Sai Samartha Co-operative Housing Society Proposed have duly appointed the said Emerald Developers as the Developers for the purpose of redevelopment of the said property.

By and under Deed of Simple Mortgage (without possession) dated 16th February 2015 and registered in the office of Sub-Registrar of Assurances at Bandra-9 under No.1522 of 2015 on 16th February 2015 M/s. Emerald Developers through its partners Mr. Rajesh Patil and Mr. Maksud Rana mortgaged the property which is more particularly described in Schedule 1 and Annexure I of the said Deed of Simple Mortgage as per **the terms and conditions therein for the purpose of borrowing loan amount for the completion of the redevelopment project as approved by the Slum Rehabilitation Authority under its Letter of Intent dated 4th December 2010 with the Mortgagee (M/s. Dewan Housing Finance Corporation Ltd.) under the terms and conditions mentioned therein.**

Therefore based on the perusal of the documents furnished to us as mentioned hereinabove and subject to the Deed of Simple Mortgage dated 16th February 2015 and registered in the office of Sub-Registrar of Assurances at Bandra-9 under No.1522 of 2015 on 16th February 2015, we hereby certify that the said Emerald Developers have a marketable title to the said two pieces of land more particularly described in the First and Second Schedules hereunder written as stated above and that they are entitled to develop the said property subject to what is stated above. The piece or parcel of land as stated in the third schedule hereunder written belongs to State Government. The said Emerald Developers propose to undertake development of the parts and portions of the said property in the manner shown below:

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Nos. of plots	Plot Area	Being Developed	No.of Tenants	Eligible Tenant
CTS No.20	1951.3 sq.mt.	728.3 sq.mt.	110	76
CTS No. 21 pt., 21/1 to 21/5	1401 sq.mt.	847.105 sq.mt.		
CTS No.9	710.875 sq.mt.	710.875 sq.mt.	42	37

The Slum Rehabilitation Authority who have approved the said project on these plots have issued letter of intent dated 4th December 2010 to said Emerald Developers subject to the condition stated in the said Letter of Intent dated 4th December 2010, have become entitled to develop the said Property on the three plots as one under the Slum Rehabilitation Scheme by constructing thereon buildings consuming full sanctioned Floor Space Index upto 3 for Slum and 1 for non-slum plots in accordance with the plans as may be approved and sanctioned by the Deputy Chief Engineer, Slum Rehabilitation Authority and sell on ownership basis the flats in the building or buildings to be constructed to the intending flat purchasers.

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THE FIRST SCHEDULE ABOVE REFERRED TO:

ALL that piece or parcel of land or ground situate lying and being at Ambivli, Mumbai Suburban District now Greater Mumbai and in the Registration Sub-District Bandra bearing C.T.S. No.31, Hissa No.2 (part), C.T.S. No.20, according to the documents admeasuring 2803.5 Sq.yards and as per Property Card admeasuring 1951.3 Sq.meters or thereabouts.

THE SECOND SCHEDULE ABOVE REFERRED TO:

ALL that piece or parcel of land hereditaments and premises situate lying and being at Ambivli, Andheri bearing Survey No.31, Hissa No.3, C.T.S. Nos.21 and 21/1 to 21/5 admeasuring in the aggregate 1401 Sq.meters or thereabouts together with the structures standing thereon including chawl consisting of ground floor only having 5 tenements each having area of about 32.6 Sq.feet and a stable having 15 Khilas (buffalo tying place) having area of about 171.17 Sq.meters and W.C. (Sulabh Souchalay) constructed by the Municipal Corporation of Greater Mumbai having area of about 60 Sq.meters bearing Municipal Ward No.K/West in the Registration District and Sub-District of Mumbai City and Mumbai Suburban and bounded as follows, i.e. to say:-

On or towards the EAST : by land bearing C.T.S. No.22

On or towards the WEST : by land bearing C.T.S. No.9

On or towards the NORTH: partly by St. Catherine School and partly by
proposed 18.30 meters D.P. Road

On or towards the SOUTH: by land bearing C.T.S. No.28

THE THIRD SCHEDULE ABOVE REFERRED TO:

ALL that piece or parcel of land or ground situate lying and being at
Amboli also known as Ambivli in the Registration District and Sub-District
of Mumbai City and Mumbai Suburban bearing C.T.S No.9(part)
admeasuring 710.875 Sq.meters or thereabouts together with the
hutments known as Shree Sai-Samartha Co-operative Housing Society,
Sarota Pada standing thereon and bounded as follows, i.e. to say:-

On or towards the EAST : partly by land bearing C.T.S. No.20 (part)
and partly by land bearing C.T.S. No.21
(part)

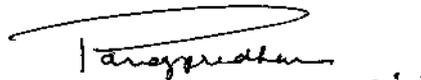
On or towards the WEST : by land bearing C.T.S. No.25

On or towards the NORTH: partly by other portion of land bearing
C.T.S.No.9 (part) and partly by land
bearing C.T.S. No.20 (part)

On or towards the SOUTH: by land bearing C.T.S. No.20 (part)

Dated this 25th day of July, 2017.

FOR SUBHASH PRADHAN & CO.,



ADVOCATES AND SOLICITORS