

Vijay N. Vora

B.Sc., LL.B.
Advocate High Court

207, Lalji Shopping Centre,
Near Ganesh Book Store,
S. V. Road, Borivali (W),
Mumbai - 400 092.
Phone Off. : 28996487

Ref. No. 17/23

Date _____

To,
Maha RERA
Housefin Bhavan,
E-Block, BKC,
Bandra, Mumbai - 400 051.

LEGAL TITLE REPORT

Sub:- In the matter of development rights granted by Anand Co-operative Housing Society Ltd., in respect of property bearing C.T.S. No. 444/C of Village Kanheri, Taluka Borivali, Mumbai Suburban District being Final Plot No. 71 P/2 of Borivali Town Planning Scheme No. II admeasuring 2896.74 Sq. mtrs. or thereabouts as per the Town Planning Record and 2982.9 Sq. mtrs. or thereabouts as per Property Register Card (the said **PLOT OF LAND**) together with the then standing two Buildings (now demolished) known as "ANAND-A" and "ANAND-B", excluding the development potential/F.S.I. rights in respect of area of 475.58 Sq. mtrs. and of their bungalow/structures standing thereon of the Previous Owners (the said **PROPERTY**).

I have investigated, on the request of my clients M/s Samarpan Homes and Developers a partnership firm having their office at Shop No. 1 & 2, Swayambhu Residence, Kasturba Road No.2, Opposite BMC Hospital, Borivali (East), Mumbai - 400 066, title of the rights of my clients in respect of the aboverferred Plot of Land and have interalia perused the following documents:-

(1) Description of the Property:-

ALL THAT development rights in respect of a piece and parcel of land or ground bearing C.T.S. No. 444/C of Village Kanheri, Taluka Borivali, Mumbai Suburban District being Final Plot No. 71 P/2 of Borivali Town Planning Scheme No. II, admeasuring 2896.74 Sq. mtrs. or thereabouts as per Town Planning Record and admeasuring 2982.90 sq. mtrs. or thereabouts as per Property Register Card excluding the right to utilize the development potential/F.S.I in respect of a portion ^{2.2} of land admeasuring 475.58 Sq. mtrs., out of the said Plot of Land and

bungalow/structures standing thereon of Previous Owners and bounded as follows:-

On or towards North :- C.T.S. No. 444A (part) and 444B (part)

On or towards South :- Hari Niwas Building

On or towards West :- Road

On or towards East :- Anuraj Society

(2) The documents of Allotment of plot:-

(a) Deemed/Unilateral Conveyance Deed dated 08/09/2017 executed by Mr. Rajendra Veer the District Deputy Registrar Co-operative Societies (3), Mumbai and the Competent Authority, as per the powers conferred upon him U/s 5A of Maharashtra Ownership Flat (Regulation of the promotion of construction, sale, management and transfer) Act 1963 on account/behalf of the then defaulting predecessors/promoters in title as per Revenue Record i.e. Smt. Yamini Mahendra Patel and others (Previous Owners) therein called the Vendors, on account/behalf of M/s Tanna Enterprises, therein called the Promoters/Developers and in favour of Anand Co-operative Housing Society Ltd. bearing registration No. BOM(WR)/HSG(TC)/1077/83-84 therein called the Purchaser and the said Deemed/Unilateral Conveyance Deed dated 08/09/2017 is duly registered with the Sub-registrar of Assurances at Borivali No. 9 under serial no. BRL-9/7621/2017 on 12/09/2017 in respect of the aboveresferred Property, with the observations and condition that the said Society shall execute lease deed for nominal rent of Rs.1/- in favour of the said Previous Owners for portion of land admeasuring 475.58 Sq. mtrs. out of the said Plot of Land with the bungalow and other structures standing thereon and in their possession as referred to in the Schedule of the said Deemed Conveyance dated 08/09/2017.

(b) Copy of Interim Order dated 05/01/2022 passed by the Division Bench of the Hon'ble High Court of Bombay in its Ordinary Original Civil Jurisdiction in

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- Writ Petition (L) No. 6838 of 2020 (Anand Co-operative Housing Society Ltd. V/s District Deputy Registrar and others) with Civil Appellate Jurisdiction Writ Petition No. 2287 of 2013 with Civil Application (ST) No. 28778 of 2016 with Civil Application No. 615 of 2019 with Contempt Petition No. 67 of 2018.
- (c) Development Agreement dated 01/02/2023 made between the said Anand Co-operative Housing Society Ltd. therein called the Society of the First part, my clients i.e. M/s Samarpan Homes and Developers (hereinafter referred to as "DEVELOPERS") therein called the Developers of the Second part and Manjula Mahendra Savla and others (members of the said Society), therein called the Members of the Third Part, and registered with the office of the Sub-Registrar of Assurances at Borivali No. 9 under Serial No. BRL - 9/5593 of 2023 of 28/04/2023 interalia granting the rights of developments in respect of the said Property in favour of my clients i.e. the said Developers excluding the right to utilize the development potential/F.S.I in respect of the said area of 475.58 Sq. mtrs. and as mentioned in detail in the said Development Agreement.
- (d) Power of Attorney dated 28/04/2023 for the development of the said Property executed by the said Anand Co-operative Housing Society Ltd. in favour of (1) Shri. Ramesh D. Jain and (2) Shri Kapil R Jain partners of the said Developers authorizing them to do certain acts in respect of the said Property as mentioned therein. The said Power of Attorney is registered with the Sub-Registrar of Assurances at Borivali No. 9 under Serial No. BRL-9/5596 of 2023.
- (e) Property Register Card in respect of the said Plot of Land bearing C.T.S. No. 444/C of Village Kanheri, Taluka Borivali, Mumbai Suburban District in the name of the said Anand Co-operative Housing Society Ltd is appearing as Owner/Holder of the said Plot of Land.
- (f) Title Report dated 21/04/2023 bearing Ref. No. VM/D-112-2022/TITLE/MCGM/2022-23 issued by MV Law Partners Advocates and Solicitors in respect of the aboveresferred Property.

(g) Intimation of Disapproval (I.O.D.) dated 03/05/2023 bearing Ref. No. P-15060/2023/(71P-2)R/C Ward/FP/337/1/New of proposed building No. 1 and Intimation of Disapproval dated 03/05/2023 bearing Ref. No. P-15061/2023/(71P-2)R/C Ward/FP/337/1/New of proposed building No. 2 issued by M.C.G.M. for construction of two new buildings on the aboveresferred Plot of Land.

(h) Commencement Certificate (C.C) dated 03/11/2023 bearing Ref. No. P-15061/2023/(71P-2)/R/C Ward/FP/CC/1/New of proposed building No. 2 issued by M.C.G.M.

(3) I have also perused the Search Report dated 24/06/2023 of the said Plot of Land as taken by Mr. Ganesh Gawde, Search Clerk, for the period from 1984 till the period of 2023 as mentioned therein from the offices of the Sub-Registrar of Mumbai, Bandra and Borivali No. 1 to 11.

(4) On perusal of the above mentioned documents and all other relevant documents relating to title of development rights of my clients in respect of the said Plot of Land, I am of the opinion that the title of my clients i.e. M/s Samarpan Homes and Developers i.e. Promoters/Developer in respect of the development rights of the said Plot of Land is clear and marketable and they are entitled to carry out the redevelopment of the said Property without any encumbrances save and except that in the said redevelopment the said Society/Developers herein shall not utilize development potential/F.S.I. in respect of the said area of 475.58 Sq. mtrs. occupied by the said Previous Owners and the said redevelopment shall not affect the said Previous Owners' motorable access, if any, as mentioned in detail in the aboveresferred Order dated 05/01/2022, mentioned in 2(b) above.

Ref. No. _____

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(5) Owner of the land:

Anand Co-operative Housing Society Limited situated at Kasturba Cross Road No.4, Borivali (East) and is being Survey No. 29, Hissa No. 1/1, C.T.S. No. 444/C being Final Plot No. 71 P/2 of Borivali Town Planning Scheme No. II of Village Kanheri, Taluka Borivali, Mumbai Suburban District, admeasuring 2896.74 Sq. mtrs. or thereabouts as per Town Planning Record and admeasuring 2982.90 Sq. mtrs. or thereabouts as per Property Register Card and bounded as follows:-

On or towards North :- C.T.S. No. 444A (part) and 444B (part)

On or towards South :- Hari Niwas Building

On or towards West :- Road

On or towards East :- Anuraj Society

excluding the development potential/F.S.I. in respect of the said 475.58 Sq. mtrs. of the said Previous Owners and such redevelopment shall not affect the motorable access of the said previous owners, if any, to the said portion of 475.58 Sq. mtrs. and excluding a bungalow known known as "Laxmi Niwas" and two garages and a store standing on the said Plot of Land as per Order dated 05/01/2022 passed by the Division Bench of the Hon'ble High Court of Bombay in the said Writ Petition No. (L) 6838 of 2000. However, the aforesaid shall be subject to what have been mentioned in the aboverferred documents, the statements made and undertaking by the said Society and as recorded in the Order dated 05/01/2022 referred to in para 2(b) above and compliance thereof and subject to outcome of the said litigations and as mentioned in detail in the Title Report dated 31/07/2023 issued by me to my clients.

(6) The report reflecting the flow of the title of the said Anand Co-operative Housing Society Ltd. and of the Promoters/Developers on the said Plot of Land are enclosed ²⁻² herewith as Annexure.

(7) Qualifying comments/remarks if any:- As made in Title Report bearing Ref. No. VM/D-112-2022/TITLE/MCGM/2022-23 dated 21/04/2023 of MV Law Partners Advocates and Solicitors, photocopy thereof is enclosed herewith, and my said Title Report dated 31st July 2023 has already been handed over to M/s Samarpan Homes and Developers.

Date:- 14/12/2023


Vijay N Vora
(Advocate)

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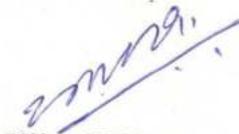
FORMAT - A

(Circular No:- 28/2021)

FLOW OF THE TITLE OF THE SAID LAND

- (1) P.R.Card dated 02/05/2023 in respect of C.T.S. No. 444/C in the name of Anand Co-operative Housing Society Limited vide entry dated 06/03/2023 by City Survey Office.
- (2) Documents referred in the said two Legal Title Report dated 21/04/2023 and 31/07/2023.
- (3) Search Report dated 24/06/2023 of the said property as taken by the search clerk as issued by Mr.Ganesh Gawde, Title Investigator, about the title investigation/search as conducted by him in the office of the Sub-Registrars of Mumbai, Bandra and Borivali 1 to 11 for the year 1984 to 2023 (40 years).
- (4) Any other relevant title: As mentioned in the abovereferred two Legal Title Report.
- (5) Litigations, if any: (a) Writ Petition (L) No. 6838 of 2020 in O.O.C.J. High Court of Bombay, (b) Civil Appellate Jurisdiction Writ Petition No. 2287 of 2013, (c) Civil Application (ST) No. 28778 of 2016 in Civil Appellate Side, (d) Civil Application No. 615 of 2019 in Civil Appellate Side and (e) Contempt Petition No. 67 of 2018 in Civil Appellate Side High Court of Bombay.

Date : 14/12/2023


Vijay N Vora
(Advocate)



MV LAW PARTNERS

ADVOCATES & SOLICITORS

Ref. No.: VM/D-112-2022/TITLE/MCGM/2022-23

TITLE REPORT

Sub: ALL THAT piece or parcel of land bearing Final Plot No. 71 P/2, Survey No. 29, Hissa No. 1, CTS No. 444C, admeasuring 2466.61 Square Meters or thereabouts, of Village Kanheri, Borivali Taluka, of Borivali Town Planning Scheme No. II, together with building known as "Anand" standing thereon, situate at Haribhai Patel Road, Kasturba Cross Road, No. 4, Borivali (East), Mumbai - 400 066

1. We are informed that, at all material times, one Mr. Mahendra Mohanlal Patel and Mr. Thakorlal Mohanlal Patel (hereinafter referred to as "the original owners") were the owners of a plot of land bearing Survey No. 29, Hissa No. 1, CTS No. 444C, admeasuring 2848.24 Square Meters or thereabouts, of Kanheri Village, Borivali Taluka, Plot No. 71 P/2, of Borivali Town Planning Scheme No. II (hereinafter referred to as "the said Plot").
2. We are further informed that by an unregistered Articles of Agreement dated 12th February 1980 and Supplementary Agreement dated 18th June 1980, the original owners had agreed to sell and transfer the said Plot and granted the right of development of the said Plot to one M/s. Tanna Enterprises.
3. We are further informed that sometime in 1983, the said M/s. Tanna Enterprises, after obtaining the required approvals and sanctions from the Municipal Corporation of Greater Mumbai and other competent authorities constructed two buildings named 'Anand' (hereinafter referred to as "the said Building") on the said Plot. The construction was carried out on the basis of rights acquired from the original owners of the said Plot.
4. "The said Plot" and "the said Building", individually, are hereinafter collectively referred to as "the said Property", wherever the context or meaning thereof so admit and confirm.
5. We are further informed that M/s. Tanna Enterprises sold all flats constructed in the said Building to various purchasers by diverse agreements under the provisions of the Maharashtra Ownership Flat

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(Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as "MOFA").

6. We are further informed that the Purchasers of Flats in the said building I have formed a Co-operative Housing Society in the name of "Anand Co-operative Housing Society Ltd.", and registered the same under the Maharashtra Co-operative Societies Act, 1960. bearing Registration No. (WR)/HSG.(TC)/1077/83-84 (hereinafter referred to as "the said Society").
7. We are further informed that since the original owners and / or their legal heirs and / or M/s. Tanna Enterprises had failed to convey the said Property unto and in favour of Anand Co-operative Housing Society Ltd., as provided under Section 11 of MOFA read with Rule 9 of the Maharashtra Ownership Flats Rules, 1964, the said Society made an application to the District Deputy Registrar & Competent Authority under Section 5A of MOFA, *inter alia*, seeking the Unilateral Deemed Conveyance of the said Property in favour of the said Society, and while granting the said application, Shri. Subhash Patil, District Deputy Registrar Co-op. Societies (3) & Competent Authority issued an Order-cum-Certificate bearing No. DDR3/D. Conveyance/Anand/59/13 dated 5th January 2013. *inter alia*, certifying that Anand Co-operative Housing Society Ltd. was entitled to Unilateral Conveyance of the said Property.
8. The heirs of one of the Original Owners *i.e.* Mr. Mahendra Mohanlal Patel *viz.* Yamini Mahendra Patel and Swati Himanshu Baxi (hereinafter referred to as "Yamini and another"), filed a Writ Petition bearing Writ Petition No. 2287 of 2013, before the High Court of Judicature at Bombay, challenging the grant of Order-cum-Certificate for Unilateral Conveyance dated 5th January 2013 and for other reliefs as prayed for in the said Writ Petition. By an *ad-interim* Order dated 6th March 2013, the High Court of Judicature at Bombay refused to stay the order granting deemed conveyance and only stayed certain observations regarding Yamini and another being made lessees of the said Society in respect of a small portion of the said Plot admeasuring 475.58 Square Meters or thereabouts. Subsequently, the said *ad-interim* Order dated 6th March 2013, was confirmed by the High Court of Judicature at Bombay by an Order dated 3rd September 2013. No orders have been passed thereby affecting the rights of the said Society with respect to the said Plot, save and except small portion of the said Plot admeasuring 475.58 Square Meters or thereabouts. The said Writ Petition is still pending before the High Court of Judicature at Bombay for passing of final orders.



9. In pursuance thereto, by a Deed of Unilateral Conveyance dated 8th September 2017, Shri. Rajendra Veer, District Deputy Registrar Co-op. Societies (3) & Competent Authority, on account of the said defaulting owners/predecessor in title Yamini and another and Mr. Thakorlal Mohanlal Patel and the said defaulting developers M/s. Tanna Enterprises, conveyed and transferred the said Property unto and in favour of Anand Apartment Co-operative Housing Society Ltd. The said Deed of Unilateral Conveyance is registered with the Sub-Registrar of Assurances, Borivali-4, Mumbai under Serial No BRL-9/7621/2017.
10. Subsequently, by a mutation entry No. 586 of 2017, Society's name was mutated in the Property Register Card as the owner of the said Plot on 7th October, 2017.
11. Yamini and another, subsequently, have filed a Contempt Petition in the High Court of Judicature at Bombay being Contempt Petition No. 67 of 2018, alleging that the execution and registration of deemed conveyance was in alleged violation of the said two orders dated 6th March 2013 and 3rd September 2013 of the High Court of Judicature at Bombay and accordingly sought relief more particularly set out in the said Contempt Petition. The said Contempt Petition is still pending before the High Court of Judicature at Bombay for passing of final orders.
12. Thereafter, the said Society received a letter dated 12th February, 2018 addressed by District Deputy Registrar to City Survey Officer, wherein the District Deputy Registrar sought to issue directions to City Survey Officer to cancel the mutation of the said Society's name on the Property Register Card pertaining to the said Plot.
13. In response to the letter dated 12th February 2018, the said Society by its letter dated 7th March 2018, called upon District Deputy Registrar to forthwith withdraw and cancel the said letter. The said Society explained that the letter had been issued by District Deputy Registrar without correctly interpreting the Orders dated 6th March, 2013 and 3rd September, 2013 passed in the said Writ Petition No. 2287 of 2013. However, in spite of the said letter from the said Society, District Deputy Registrar failed and neglected to take any steps.
14. Subsequently, District Deputy Registrar addressed another letter dated 18th June, 2018 to City Survey Officer, wherein, District Deputy Registrar, once again, sought to direct City Survey Officer to delete the mutation of the said Society's name on the Property Register Card till further orders were passed in the said Writ Petition No. 2287 of 2013.

15. Subsequently, the City Survey Department endorsed a mutation Entry No. 619 on the Property Register Card recording the cancellation of earlier Mutation entry No. 586 till further orders are passed in the Writ Petition No. 2287 of 2013.
16. Thereafter, the said Society approached the High Court of Judicature at Bombay in the said Writ Petition No. 2287 of 2013 and sought a clarification of the earlier Orders passed in respect of the said Plot. By an Order dated 14th August, 2018 *read with* Order dated 24th August, 2018, the High Court of Judicature at Bombay after hearing Advocate for Yamini and another expressly clarified that there was no bar on the redevelopment of the said Plot, save and except the area of 475.58 Square Meters.
17. Thereafter, the said Society filed a Civil Application bearing Civil Application No. 615 of 2019 in the said Writ Petition No. 2287 of 2013, requesting the High Court of Judicature at Bombay to clarify its earlier orders and issue appropriate directions, as prayed for by the said Society in the said Civil Application. The said Civil Application is still pending before the High Court of Judicature at Bombay for passing of final orders.
18. Subsequently, the said Society filed a Writ Petition in the High Court of Judicature at Bombay being Writ Petition No. 2917 of 2022, for entering the name of the said Society in the Property Register Card, redeveloping the said Plot and other reliefs as prayed for in the said Writ Petition No. 2917 of 2022. By an Order dated 5th January 2022, the High Court of Judicature at Bombay stayed letters dated 12th February 2018, 18th June 2018 and letter dated 12th February 2020 as well as the said Mutation Entry No. 619 till the hearing and final disposal of the said Writ Petition No. 2917 of 2022 and also passed an Order for redevelopment of the said Plot, save and except the area of 475.58 Square Meters, and on certain undertakings from the said Society. No orders have been passed thereby affecting the rights of the said Society with respect to the said Plot, save and except small portion of the said Plot admeasuring 475.58 Square Meters or thereabouts. The said Writ Petition is still pending before the High Court of Judicature at Bombay for passing of final orders.
19. Accordingly, and based on the above, **Anand Co-operative Housing Society Limited** is entitled to redevelop the abovementioned Property, save and except for the existing bungalow with built-up area of 475.58 Sq. Mtrs., subject to Orders being passed in the abovementioned Writ Petition No. 2287 of 2013, Contempt Petition No. 67 of 2018 and Writ



MV LAW PARTNERS
ADVOCATES & SOLICITORS

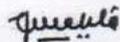
Petition No. 2917 of 2022.

20. Upon the instructions of Anand Co-operative Housing Society Limited, we have caused to investigate the title to the said Property by giving Public Notices, inviting claims or any right, title or interest of any nature whatsoever or howsoever, including by way of sale, development, exchange, assignment, gift, trust, inheritance, maintenance, mortgage, lease, *lis pendens*, *custodia legis*, easement or otherwise into, upon or in respect of the said Property or any part thereof, save and except the small portion of the said Plot admeasuring 475.58 Square Meters or thereabouts. However, till date, we have not received any claims with regards to the same.
21. Upon the instructions of Anand Co-operative Housing Society Limited, we have further caused to investigate the title to the said Property by perusing the photocopies of aforesaid title documents, revenue records and also by causing to take search in the office of the Sub-Registrar of Assurances at Mumbai and Bandra for the years 1993 to 2022 (30 years) and also Computer search on the official Website of the Department of Registration & Stamps, Government of Maharashtra viz. <https://esearchigr.maharashtra.gov.in> of the records of Sub-Registrar of Assurances at Goregaon and Borivali for the years 2002 to 2022 (21 years), through our Search Clerk, Mr. Sandeep A. Shedge, who has submitted his Search Report dated 25th February 2022. We have relied on the said Search Report after assuming the same to be true, accurate and not misleading. The said Search Report reveal that Mr. Sandeep A. Shedge has not come across any entry of sale, loan, lease, lien, mortgage and charge in respect of the said Property, save and except the said Deed of Unilateral Conveyance dated 8th September 2017. However, the search conducted at the office of the Sub-Registrar of Assurances at Mumbai, Bandra, Goregaon and Borivali are subject to the availability of records and also to records being torn, mutilated, or Index – II not ready. We, therefore, disclaim any responsibility for the consequences which may arise on account of such non-availability of records on account of being torn, mutilated, or Index – II not ready. We disclaim any responsibility for the consequences which may arise on account of non-availability of records or on account of records being not uploaded or improperly uploaded on the official Website of the Department of Registration & Stamps, Government of Maharashtra viz. <https://esearchigr.maharashtra.gov.in>.
22. Unless specifically stated otherwise, we have not inspected or perused the original documents in respect of the said Property.

23. For the purpose of this Legal Title Report, we have assumed:
- (i) The legal capacity of all natural persons, genuineness of all signatures and authenticity of all documents submitted to us as photocopies;
 - (ii) That the photocopies provided to us are accurate photocopies of the originals;
 - (iii) That all documents have been adequately stamped and duly registered, as required in law;
 - (iv) The accuracy and completeness of the factual representations made in the documents;
 - (v) Each document binds the parties intended to be bound thereby;
 - (vi) All information, including the photocopies of documents, supplied to us is complete, accurate and not misleading.
24. Accordingly, subject to the aforesaid, in our opinion, the title of **Anand Co-operative Housing Society Limited** to the above Property is clear, marketable and free from all encumbrances, and based on the above the Society is entitled to redevelop the abovementioned Property, save and except for the existing bungalow with built-up area of 475.58 Sq. Mtrs.

Dated this 21st day of April 2023.

For M/s. MV Law Partners



Partner

Advocates & Solicitors