

# **ADV. MANSI JANI**

***B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.***

DATE:- 11.10.2023

To

MahaRERA  
HousefinBhavan,  
E-Block, BKC,  
Bandra,Mumbai 400 051.

**Sub:** All that piece and parcel of land bearing CTS No. 2455, 2455/1 to 18, admeasuring 2009 sq. mtrs as per Property Card (including road set back area admeasuring 556 sq. mtrs.) and that net plot area is 1453 sq. mtrs. of Village: Eksar, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban ("Said Property")

On perusal of the documents and all other relevant documents relating to title of the said property I am of the opinion that M/s. Samarpan Homes & Developers is entitled to re-develop the Said Property as per the terms and conditions as recorded under the said Development Agreement dated 12th May 2023.

- For the purpose of this opinion, I have assumed the legal capacity of all natural persons, genuineness of all signatures and all documents submitted to me are authentic.
- For the purpose of this opinion, I have assumed that there are no amendments, rectification, modification to the documents perused by me.
- A determination, opinion or report will not be binding on any Indian Court or any arbitrator or judicial or regulatory body which would have to be independently satisfied, despite any provision in the documents to the contrary.
- Even though this document is titled "Title Report", this is in fact our opinion based on the documents etc.. perused and relied on by me.
- I am not certifying the boundary of the said Property nor I am qualified to express my opinion on physical identification at the said Property

1) **Description of Property:**

All that piece and parcel of land bearing CTS No. 2455, 2455/1 to 18, admeasuring 2009 sq. mtrs as per Property Card (including road set back area admeasuring 556 sq. mtrs.) and that net plot area is 1453 sq. mtrs. of Village: Eksar, Taluka: Borivali, within the Registration Sub- District of Borivali and District - Mumbai Suburban ("Said Property").

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2) **The list of documents presented to me for scrutiny:**

- 1) Photocopy of Deed of Conveyance dated 10<sup>th</sup> May 2013 registered under serial no BRL/2691/2013.
- 2) Photocopy of Registration Certificate of Om Shri Jagannath Co-operative Housing Society Ltd. bearing registration no BOM/WR/HSG(TC)/1518 of 84-85 dated 27.05.1985.
- 3) Photocopy of Property Card digitally signed on 02.01.2019 and downloaded on 06.10.2023.
- 4) Photocopy of Development Agreement dated 12<sup>th</sup> May 2023 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL8/6243/2023.
- 5) Photocopy of Power of Attorney dated 12<sup>th</sup> May 2023 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL8/6244/2023.

3) **Property Card:**

Property Card of the Said Property bearing CTS No. 2455, 2455/1 to 18, admeasuring 2009 sq. mtrs

4) **Search Report:**

Search Report dated 04.10.2023 of the said property as taken by the search clerk and as issued by Mr. Vikas Yadav, Title Investigator, about the title investigation/search as conducted by him in the office of the Sub-registrars.

On perusal of the above mentioned documents, I am of the opinion that the development rights of M/s. Samarpan Homes And Developers. i.e. Promoter/Developer are clear and marketable to carry out the redevelopment of the said property.

**Owner of the land:**

Om Shree Jagannath Co-Operative Housing Society Limited.

The report reflecting the flow of the title of the Promoter/Developer on the said land is enclosed herewith as annexure.

*Mansi Jami*

Advocate

**Date: 11.10.2023**

**Encl: Annexure.**

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FORMAT – A

(Circular No.:- 28/2021)

## **FLOW OF THE TITLE OF THE SAID LAND**

- A. One. Mrs. Indira Jagannath Joshi was original owner of and was absolutely seized, possessed of and was well and sufficiently entitled to the Said Property admeasuring 2330 Sq Yards equivalent to 1934 sq. mtrs. togetherwith the 18 tenements/structures standing thereon at that time.
- B. Upon perusal of the Deed of Conveyance dated 10.05.2013, it has been observed that vide an Agreement dated 11<sup>th</sup> November 1978 (*Copy not provided for perusal*), the said Mrs. Indira Jagannath Joshi agreed to sell the said Property admeasuring 2330 Sq Yards equivalent to 1934 sq. mtrs. to one M/s. Pragati Builders on the terms and conditions as recorded therein.
- C. The said M/s. Pragati Builders demolished the said 18 tenements/structures then existing on the Said Property and constructed a building popularly known as “Om Shri Jagannath” (“**Said Existing Building**”) consisting of two wings each of Ground + 6 upper floors comprising in itself 47 Residential Flats and 6 Shops on the said Property and sold the various units to various purchasers.
- D. The purchasers of the units in the building “Om Shri Jagannath” formed a Co-operative Housing Society under the name and style “Om Shri Jagannath CHSL” (“**Said Society**”).
- E. Upon completion of construction of the Said Existing Building, the said M/s. Pragati Builders handed over possession of the various units to the respective purchasers and since then Said Society is in peaceful possession and occupation of the said Property together with the said Existing Building.
- F. Vide a Deed of Conveyance dated 10.05.2013, registered under serial no BRL9/2691/2013, executed between Mrs. Indira Jagannath Joshi through her constituted attorney Mr. Arun Mehta, as Vendor therein, M/s. Pragati Builders as Confirming Party therein and the Said Society as Purchaser therein, the said Mrs. Indira Jagannath Joshi with the confirmation of the said M/s. Pragati Builders granted, conveyed, released and assured the Said Property togetherwith the Said

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- Existing Building unto and in favour of the Said Society on the terms and conditions as recorded therein.
- G. Vide an entry dated 19.09.2013, name of the Said Society has been recorded as Holder of the Said Property on Property Card.
- H. The Property card of CTS no 2455, 2455/1, 5 to 18 shows the entry of “Madhukar Vishnu Agnihotri” and Property Card of CTS no 2455/2 to 4 shows the entry of “Madhukar Jagannath Joshi” as lessee. Name of Smt. Indira Jagannath Joshi appears as Imla Mallik in other charge column. However, vide an Affidavit cum Declaration dated 8<sup>th</sup> July 2023, the said Society has declared that they have till today never received any claim, demand or action, notice or otherwise from the said Madhukar Vishnu Agnihotri and/or the said Madhukar Jagannath Joshi and/or the said Smt. Indira Jagannath Joshi claiming any right, title or interest in respect of the said Property.
- I. By and under the Development Agreement dated 12<sup>th</sup> May 2023, registered under serial no BRL8/6243/2023 (“**the said Development Agreement**”), executed between the Said Society of the First part, M/s. SAMARPAN HOMES AND DEVELOPERS of the Second part, and Members of Said Society of the Third Part, the Said Society has granted the right of development in respect of the said Property, unto and in favour of M/S. SAMARPAN HOMES AND DEVELOPERS, at and for the consideration and on the terms and conditions more particularly recorded therein.
- J. Pursuant to the said Development Agreement, the Said Society has also executed a Power of Attorney dated 12<sup>th</sup> May 2023 duly registered with the Registrar of Assurances at Borivali district Mumbai Suburban under No. BRL8/6244/2023 in favour of M/s. Samarpan Homes and Developers and its Nominees inter alia to execute and perform on behalf of and in the name of the Society any of the acts, deeds, matters and things that may be required to carry out redevelopment of the said Property in accordance with the provisions of the Development Agreement.

**Date: 11.10.2023**

*Mansi Jani*  
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Advocate