



THE JURIS PARTNERS

ADVOCATES AND LEGAL CONSULTANTS

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FORMAT-A
(Circular No. 28/2021)

Date: November 21, 2024

To
Maha RERA
Housefin Bhavan
Plot No. C – 21
Bandra Kurla Complex
Bandra (East), Mumbai 400 051

LEGAL TITLE REPORT

Sub: Investigating the title in respect of all that piece and parcel of land admeasuring 2,800.20 square meters bearing Plot Nos. 50 to 53 and Final Plot Nos. 18/19 of the Town Planning Scheme Santacruz-VI and bearing CTS No. 1610/46 of Village Vile Parle (West) and Taluka Andheri, District Mumbai Suburban (hereinafter referred to as the "**said Land**") together with 4 (four) buildings standing thereon (hereinafter referred to as "**the said Buildings**") situated at Linking Road Extension, Santacruz (West), Mumbai 400 054 (hereinafter collectively referred to as the "**said Property**").

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We have investigated the title of the said Property based on the request of Vascon Engineers Limited ("**Developer**") and the following documents:

1. **Description of said Property:**

All that piece and parcel of land admeasuring 2,800.20 square meters bearing Plot Nos. 50 to 53 and Final Plot Nos. 18/19 of the Town Planning Scheme Santacruz-VI and bearing CTS No. 1610/46 of Village Vile Parle (West) and Taluka Andheri, District Mumbai Suburban (hereinafter referred to as the "**said Land**") together with 4 (four) buildings standing thereon (hereinafter referred to as "**the said Buildings**") situated at Linking Road Extension, Santacruz (West), Mumbai 400 054 and bounded as follows:-

On or towards East: By existing 78 feet linking road;
On or towards West: By adjoining Plot No. 54;
On or towards North: By adjoining Plot Nos. 46, 47, 48 and 49; and
On or towards South: By 40 feet wide internal road.

(hereinafter collectively referred to as the "**said Property**").

2. **The Documents pertaining to the said Property:**

- (a) Certificate of Registration dated 6th April, 1964 bearing registration No. BOM/HSG-618 of 1964 issued by Assistant Registrar, Co-operative Societies, (II) Bombay;
- (b) Order dated 4th October, 1966 passed by Additional Collector, Bombay Suburban District;



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- (c) Agreement dated 27th April, 1967 (in terms of Form HH-1 as per Rule 43 of the Bombay Land Revenue Rules, 1921), executed by the Addl. Collector, Bombay Suburban District;
- (d) The 7/12 extracts pertaining to the said Land all dated 8th February, 1969 issued by the Talathi, Vile Parle;
- (e) Order bearing no. ADC/LND-D-85 dated 15th March, 1969, passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 50;
- (f) Order bearing no. ADC/LND-D-83 dated 18th March 1969, passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 51;
- (g) Order bearing no. ADC/LND-D-86 dated 18th February, 1969, passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 52;
- (h) Order bearing no. ADC/LND-D-84 dated 18th March 1969, passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 53;
- (i) Order bearing no. ADC/LNDC-D-85 dated 30th June, 1969 passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 50;
- (j) Order bearing no. ADC/LNDC-D-83 dated 21st June 1969 passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 51;
- (k) Order bearing no. ADC/LNDC-D-86 dated 30th June 1969 passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 52;
- (l) Order bearing no. ADC/LNDC-D-84 dated 21st June, 1969 passed by the Additional District Deputy Collector, Bombay Suburban District in respect of Plot No. 53;
- (m) Order bearing No. LND.3(ii) dated 16th October, 1969 passed by the Additional Collector, Bombay Suburban District;
- (n) Occupation Certificate bearing No. CE/1714/BSII/AH dated 29th July, 1970 issued by the Bombay Municipal Corporation in respect of Plot No. 50;
- (o) Occupation Certificate bearing No. CE/1715/BSII/AH dated 3rd August, 1970 issued by the Bombay Municipal Corporation in respect of Plot No. 51;
- (p) Occupation Certificate bearing No. CE/1716/BSII/AH dated 3rd August, 1970 issued by the Bombay Municipal Corporation in respect of Plot No. 52;



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- (q) Occupation Certificate bearing reference No. CE/1717/BSII/AH dated 3rd August 1970 issued by the Bombay Municipal Corporation in respect of Plot No. 53;
- (r) Mutation Entry No. 128 dated 1st January, 2006 certified by the City Survey Officer, Vile Parle;
- (s) Land revenue assessment receipt dated 16th April, 2022 issued by Talathi, Vile Parle;
- (t) Order dated 3rd January, 2024 issued by the Collector, Mumbai Suburban District in respect of the said Land; and
- (u) Development Agreement dated 6th February, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2230 of 2024;
- (v) DP Remarks dated December 29, 2023 issued by Municipal Corporation of Greater Mumbai ("MCGM");
- (w) Power of Attorney dated 6th February 6, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2231 of 2024;
- (x) Order dated April 4, 2024 issued by the Collector, Mumbai Suburban District, under Section 42B of the Maharashtra Land Revenue Code, 1966;
- (y) Indenture of Mortgage dated April 29, 2024 registered with the Sub-Registrar of Assurances at Kurla under Serial No. KRL-3-9510 of 2024;
- (z) Property register card dated July 24, 2024 issued by the Department of Lands Records;
- (aa) Letter bearing no. P-20669/2024)/K/W Ward/FP-SWM/1/New dated August 12, 2024 issued by the Solid Waste Management Department, MCGM;
- (bb) Undertaking dated August 16, 2024 registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-4-9436 of 2024;
- (cc) Comprehensive Undertaking dated August 16, 2024 registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-4-9437 of 2024;
- (dd) Letter bearing no. P-20669/2024)/K/W Ward/FP/IOD/1/New dated August 29, 2024 issued by the Executive Engineer, Building Proposal Department, MCGM;
- (ee) Letter dated October 9, 2024 issued by the Society to the Developer;
- (ff) Fire NOC dated November 3, 2024 issued by the Deputy Chief Fire Officer, MCGM; and
- (gg) Email dated November 12, 2024 of the Developer.



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3. **Property register card:**

Property register card dated July 24, 2024 issued by the Department of Lands Records pertaining to the said Property i.e. CTS No. 1610/46 of Village Vile Parle (West) records the name of Ohm Sainath Co-operative Housing Society Limited ("**Society**") as owner thereof.

4. **Search Reports:**

- Land Search Report dated November 11, 2024 issued by Mr. Rajendra Tungatkar, Title Investigator for searches taken at the office of the Sub-Registrar of Assurances.
- ROC Search Report dated November 8, 2024, issued by VVS & Associates (Company Secretary) for searches taken at the Registrar of Companies in respect of the Developer.
- CERSAI Search Report dated November 8, 2024, issued by VVS & Associates (Company Secretary) in respect of the said Property, for the searches conducted in the portal maintained by the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (<https://cersai.org.in/CERSAI/home.prg>).
- Litigation Search Report dated November 7, 2024, issued by Perfios Software Solutions Private Limited in respect of the Developer.

5. Upon perusal of the above-mentioned documents and all other documents pertaining to the title of the said Property and the charge / mortgage of Catalyst Trusteeship Limited (Security Trustee for Arka Fincap Limited) on the rights and entitlements of the Developer in the said Property and subject to what is stated in Annexure "A" hereto, we are of the opinion that:

- Society i.e. Ohm Sainath Co-operative Housing Society Limited is the owner of the said Property; and
- Society has granted the development rights in respect of the said Property in favour of the Developer i.e. Vascon Engineers Limited in terms of the Development Agreement dated February 6, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2230 of 2024.

OWNERS OF LAND:

Society i.e. Ohm Sainath Co-operative Housing Society Limited is the owner of the said Property who has granted the development rights in respect of the said Property in favour of the Developer under Development Agreement dated February 6, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2230 of 2024.



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6. The report reflecting the flow of title in respect of the said Property is enclosed herewith as **Annexure "A"** hereto.

Dated this 21st day of November, 2024

Yours truly,
For The Juris Partners

Partner

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Annexure "A" **Flow of title in respect of the said Property**

Re: All that piece and parcel of land admeasuring 2,800.20 square meters bearing Plot Nos. 50 to 53 and Final Plot Nos. 18/19 of the Town Planning Scheme Santacruz-VI and bearing CTS No. 1610/46 of Village Vile Parle (West) and Taluka Andheri, District Mumbai Suburban (hereinafter referred to as the "**said Land**") together with 4 (four) buildings standing thereon (hereinafter referred to as "**the said Buildings**") situated at Linking Road Extension, Santacruz (West), Mumbai 400 054 and bounded as follows:-

On or towards East: By existing 78 feet linking road;
On or towards West: By adjoining Plot No. 54;
On or towards North: By adjoining Plot Nos. 46, 47, 48 and 49; and
On or towards South: By 40 feet wide internal road.

(hereinafter collectively referred to as the "**said Property**").

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As per the instructions of Vascon Engineers Limited ("**Developer**"), we have investigated the title of the Developer to the said Property and for the same, we have perused copies of the following documents:

For the purposes of this Legal Title Report:

1. We have caused searches to be conducted in respect of the said Property and have relied upon the Land Search Report dated November 11, 2024 issued by Mr. Rajendra Tungatkar, Title Investigator and the same has been dealt in detail in our Legal Title Report below.
2. We have caused searches to be conducted in the office of the Registrar of Companies, Maharashtra to ascertain whether the Developer has created any encumbrance and have relied upon the Report dated November 8, 2024, issued by VVS & Associates (Company Secretary) and the same has been dealt in detail in our Legal Title Report below.
3. We have caused CERSAI Search to be conducted by VVS & Associates (Company Secretary) in respect of the said Property, who has conducted searches in the portal maintained by the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (<https://cersai.org.in/CERSAI/home.prg>) and we have relied upon their Search Report dated November 8, 2024 and the same has been dealt in detail in our Legal Title Report below.
4. We have caused online litigation searches by Perfios Software Solutions Private Limited on November 6, 2024, on the Society, to ascertain if there are any litigation proceedings initiated against them and have relied upon their report dated November 6, 2024 and the same have been dealt in detail in our Legal Title Report below.
5. We have caused online litigation searches by Perfios Software Solutions Private Limited on November 7, 2024, on the Developer, to ascertain if there are any litigation



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proceedings initiated against them and have relied upon their report dated November 7, 2024 and the same have been dealt in detail in our Legal Title Report below.

6. As instructed by the Developer, we have not issued public notices inviting objections / claims in respect of the rights of the Developer to the said Property.

I. TITLE DEVOLUTION:

On perusal of the aforesaid documents and from the information furnished to us, we state as follows:-

1. The Assistant Registrar, Co-operative Societies-(II), Bombay vide its letter dated 6th April, 1964 has issued the Certificate of Registration under no. BOM/HSG-618 of 64 to Ohm Sainath Co-operative Housing Society Limited (hereinafter referred to as "**the Society**") under Section 9(1) of the Maharashtra Co-operative Societies Act, 1960 ("**MCS Act**").
2. By an order bearing no.C/LND.3 dated 4th October, 1966 **read with** order bearing no. No.C/LND.3 dated 20th October, 1966 both passed by the Additional Collector, Bombay Suburban District and the government order dated September 12, 1969, the said Land came to be allotted to the Society for construction of residential buildings for accommodating the members of the Society subject to the payment of the occupancy price.

Notes:

- (i) Pursuant to subsequent government order dated September 12, 1969, the additional land admeasuring 149 square yards equivalent to 124.58 square meters came to be allotted to the Society which aggregates the said Land. However, we have not perused the government order dated September 12, 1969 and the reference of the same is taken from conversion order dated January 3, 2024.
 - (ii) We have also not perused the aforesaid order bearing no. No.C/LND.3 dated 20th October, 1966.
3. By and under an Agreement dated 27th April 1967 (in terms of Form HH-1 as per Rule 43 of the Bombay Land Revenue Rules, 1921), the Addl. Collector, Bombay Suburban District, agreed to lease to the Society and permitted it to occupy the said Land subject to the land revenue payment and on the terms and conditions contained therein. The tenure clause in the said Agreement provides that the Society and its approved assigns shall not at any time transfer the said Land or any portion thereof or any interest therein without the previous written sanction of the Government. As per Rule 43 of the Bombay Land Revenue Rules 1921, the lease of the said Land is in perpetuity.
4. The Society made the applications on 9th December, 1968 for change of use of the said Land for residential use in accordance with the plan approved by the Municipal Corporation for Greater Bombay.

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5. Pursuant to the aforesaid applications of the Society, the Additional District Deputy Collector, Bombay Suburban District vide its following orders as detailed below, permitted the Society to use of the said Land for non-agricultural purpose for construction of residential buildings in accordance with the plans approved by the Bombay Municipal Corporation subject to the terms and conditions contained therein:

Order No.	Order Date	Plot No.	Area of Plot in sq. yards	Area of Plot in sq. mtrs.
ADC/LND-D-85	15 th March, 1969	50	800	668.90
ADC/LND-D-83	18 th March 1969	51	800	668.90
ADC/LND-D-86	18 th February 1969	52	800	668.90
ADC/LND-D-84	18 th March 1969	53	800	668.90
Total...			3200	2675.61

6. The Society made the applications on 17th June, 1969 for regularization of non-agricultural use and accordingly, the Additional District Collector, Bombay Suburban District vide its following orders regularized excess / illegal construction in the buildings on the said Land subject to the non-agriculture assessment and terms and conditions contained therein:

Order No.	Order Date	Plot No.	Area of Plot in sq. yards	Area of Plot in sq. mtrs.
ADC/LND-D-85	30 th June 1969	50	800	668.90
ADC/LND-D-83	21 st June 1969	51	800	668.90
ADC/LND-D-86	30 th June 1969	52	800	668.90
ADC/LND-D-84	21 st June 1969	53	800	668.90
Total...			3200	2675.61

7. By and under an order bearing no. LND.3(ii) dated 16th October 1969 passed by the Additional Collector, Bombay Suburban District, the aforesaid orders dated 4th October, 1966 and 20th October, 1966 were partially modified and it was, *inter alia*, recorded that the said Land has been granted to the Society for construction of residential buildings for accommodating its members and subject to the payment of the occupancy price and on the terms and conditions as contained therein.
8. It appears that pursuant to the aforesaid permissions and approvals, the Society constructed the said Buildings on the said Land as detailed hereunder:
- (i) Building No. 1 constructed on Plot No 50 consisting of ground plus 3 floors having total 12 flats;
 - (ii) Building No. 2 constructed on Plot No 51 consisting of ground plus 2 floors having total 12 flats;
 - (iii) Building No. 3 constructed on Plot No 52 consisting of ground plus 2 floors having total 12 flats; and



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(iv) Building No. 4 constructed on Plot No 53 consisting of ground plus 2 floors having total 12 flats.

9. In view of the aforesaid, the Society obtained the following occupation certificates from the Bombay Municipal Corporation in respect of the said Buildings constructed on the said Land:

Order No.	Order Date	Building No.	Plot No.
CE/1714/BSII/AH	29 th July, 1970	1	50
CE/1715/BSII/AH	3 rd August, 1970	2	51
CE/1716/BSII/AH	3 rd August, 1970	3	52
CE/1717/BSII/AH	3 rd August, 1970	4	53

10. The aforesaid occupation certificates further record that the said Buildings are completed in accordance with the plans sanctioned by the Bombay Municipal Corporation.

11. Pursuant to Mutation Entry No. 128 dated 1st January, 2006 certified by the City Survey Officer, Vile Parle, the name of Government of Maharashtra came to be deleted and the name of the Society came to be recorded in the holder column of the property register card pertaining to the said Property. The said mutation entry further records that the tenure of the said Land as "B-1".

12. On perusal of the receipt dated 16th April, 2022 issued by Talathi, Vile Parle, it appears that the Society has paid the land assessment for the year 2021-2022.

13. The Society made an application dated August 24, 2023 to the Collector, Mumbai Suburban District for conversion of the said Land from Occupant Class-II (leasehold) to Occupant Class-I (freehold).

14. Pursuant to the aforesaid application of the Society, the Collector, Mumbai Suburban District vide its order bearing no. 3A/A-891/2024 dated 3rd January, 2024 converted the said Land from Occupant Class-II (leasehold) to Occupant Class-I (freehold) subject to the terms and conditions contained therein.

15. By and under a Development Agreement dated February 6, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2230 of 2024 ("**said Agreement**"), the Society granted the development rights in respect of the said Property in favour of the Developer i.e. Vascon Engineers Limited for the consideration and on the terms and conditions contained therein.

16. On perusal of the said Agreement, it appears that there are total 48 (forty-eight) flats occupied by 48 (forty-eight) members who are the registered members and shareholders of the Society.



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17. Pursuant to the said Agreement, the Society also executed the Power of Attorney dated 6th February 6, 2024, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-18-2231 of 2024 ("**said POA**") in favour of the Developer to do and perform various powers as contained therein respect of the said Property.
18. The Collector, Mumbai Suburban District vide its order dated April 4, 2024 granted the Sanad to the Society under Section 42B of the Maharashtra Land Revenue Code, 1966. The said Sanad also confirms that the Society has paid Rs. 2,35,218/- (Rupees Two Lakhs Thirty Five Thousand Two Hundred and Eighteen Only) towards non-agricultural assessment for the year 2023-24 under Section 47A of the Maharashtra Land Revenue Code, 1966.
19. The Society vide its letter dated October 9, 2024 has intimated to the Developer that all the existing members of the Society have vacated their respective premises and the buildings and confirmed having handed over the vacant possession of the said Property to the Developer.

II. REVENUE RECORDS:

1. The old 7/12 extracts all dated 18th February, 1969 pertaining to the said Land bearing Plot Nos. 50, 51, 52 and 53 and Final Plot Nos. 18/19 records the name of the Society as the holder in the holder column of the said 7/12 extracts of the said Land.
2. We note that the 7/12 extracts are now closed for Mumbai Suburban District and the property register card is opened for the Plots to which the CTS number is allotted and thus, the said Property bears the CTS No. 1610/46 of Village Vile Parle (West). Property register card dated July 24, 2024 issued by the Department of Lands Records pertaining to the said Property i.e. CTS No. 1610/46 of Village Vile Parle (West) records the name of the Society i.e. Ohm Sainath Co-operative Housing Society Limited as owner thereof. The property register card further records the tenure of the said Land as "B-1" i.e. land granted by the Government under Rule 42 and 43 of Land Revenue Code and Rules made thereunder from time to time.

III. DP REMARKS:

DP Remarks dated December 29, 2023 issued by MCGM records that the said Property falls in "Residential (R)" zone and no reservation is affecting to the said Property or any part thereof.

IV. PERMISSIONS AND APPROVALS:

1. The Solid Waste Management Department, MCGM vide its letter bearing no. P-20669/2024/K/W Ward/FP-SWM/1/New dated August 12, 2024 granted the approval for the plans submitted for construction and demolition of the existing buildings and also approved the debris management plans submitted in respect of the redevelopment of the said Property.



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2. We understand that for obtaining the necessary permissions and approvals, the Developer has executed an Undertaking dated August 16, 2024 registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-4-9436 of 2024 **read with** Comprehensive Undertaking dated August 16, 2024 registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-4-9437 of 2024 in favour the Municipal Commissioner, Brihanmumbai Municipal Corporation to comply with the terms and conditions as contained therein.
3. The Executive Engineer, Building Proposal Department, MCGM vide its letter bearing no. P-20669/2024)/K/W Ward/FP/IOD/1/New dated August 29, 2024 has granted the Intimation of Disapproval under Section 346 of the Municipal Corporation Act for re-development of the said Property and also sanctioned the plans for re-development of the said Property subject to the terms and conditions contained therein.
4. The Deputy Chief Fire Officer, MCGM vide its letter dated November 3, 2024 granted the fire safety NOC for redevelopment of the said Property and also sanctioned the plans from fire safety requirement on the terms and conditions contained therein.

V. MORTGAGE:

By and under the Indenture of Mortgage dated April 29, 2024 registered with the Sub-Registrar of Assurances at Kurla under Serial No. KRL-3-9510 of 2024, the Developer has created charge / mortgage on its rights and entitlements in the said Property under the said Agreement in favour of Catalyst Trusteeship Limited (Security Trustee for Arka Fincap Limited), to secure repayment of the financial facility availed by the Developer and Vascon Developer LLP from Arka Fincap Limited on the terms and conditions contained therein.

VI. ENCUMBRANCES / SEARCH REPORTS:

A. Search conducted in the concerned Registrar of Sub-Assurances

We have caused searches to be conducted in respect of the said Property and have relied upon the Land Search Report dated November 11, 2024 issued by Mr. Rajendra Tungatkar, Title Investigator. On perusal of the said Land Search Report, it appears that save and except what is stated hereinabove, the Land Search Report does not reflect and/or record any adverse charge or Notice of Lis Pendens in respect of the said Property or any part thereof.

B. ROC Search

We have caused searches to be conducted by VVS & Associates (Company Secretary) on the Developer, who has conducted searches in the records of the Registrar of Companies. We have relied upon their Search Report November 8, 2024, which confirms that save and except the charge of Catalyst Trusteeship Limited (Security Trustee for Arka Fincap Limited) as detailed above, there is no pending charge / mortgage in respect of said Property or any part thereof.



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C. **CERSAI Search**

We have caused CERSAI Search to be conducted by VVS & Associates (Company Secretary) in respect of the said Property, who has conducted searches in the portal maintained by the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (<https://cersai.org.in/CERSAI/home.org>). We have relied upon their Search Report dated November 8, 2024, which confirms that save and except the charge of Catalyst Trusteeship Limited (Security Trustee for Arka Fincap Limited) as detailed above, there is no pending charge / mortgage in respect of said Property or any part thereof.

D. **Litigation Search**

We have caused online litigation searches by Perfios Software Solutions Private Limited in respect of the Developer, to ascertain, if there are any litigation proceedings initiated against them and have relied upon their Search Report dated November 7, 2024. On perusal of the said Litigation Search Report, we note that there are certain litigations shown as pending against the Developer. However, on perusal of the papers and proceedings, we note that there is no litigation affecting the said Property or any part thereof.

Dated this 21st day of November, 2024

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