

580/KPM/2024

To,

MahaRERA,
Mumbai Headquarters,
6th & 7th Floor, Housefin Bhavan,
Plot No: C - 21, E - Block,
Bandra Kurla Complex,
Bandra (East), Mumbai 400051.

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to:-
ALL THAT piece and parcel of land bearing CTS No. 831/13, S.No.143, Plot No.5B admeasuring 2970 sq. mts. or thereabouts (hereinafter referred to as the "**said Land**") together with the building known as 'Daswani Apartments' of Daswani Co-operative Housing Society Ltd. standing thereon (hereinafter referred to as the "**Old Building**", now demolished) of Village Ambivali, Taluka Andheri in Mumbai Suburban District and the said Land and the Old Building are hereinafter collectively referred to as the "**said Property**".

A. We have investigated the title of the said Property at the request of the Promoters/Developers, M/s Disha Constructions and the following documents i.e.:-

1) DESCRIPTION OF THE SAID PROPERTY:

All that piece and parcel of land bearing CTS No. 831/13, S.No.143, Plot No.5B admeasuring 2970 sq. mts. or thereabouts (hereinafter referred to as the "**said Land**") together with the building known as 'Daswani Apartments' of Daswani Co-operative Housing Society Ltd. standing thereon (hereinafter referred to as the "**Old Building**", now demolished) of Village Ambivali, Taluka Andheri in Mumbai Suburban District and the said Land and the Old Building are hereinafter collectively referred to as the "**said Property**".

On towards North : by CTS No. 831/7

On towards East : by CTS No. 831/14
On towards West : by CTS No. 831/12
On towards South : towards DP Road

2) THE DOCUMENTS OF TITLE OF THE SAID PROPERTY

The documents relating to title of the said property are listed in "Annexure C".

3) PROPERTY CARD, 7/12 EXTRACT and MUTATION ENTRIES :

We have perused the Property Register Card (PRC) dated 18th August, 2023, 7/12 Extracts and Mutation Entries and the name of the respective Owners are mutated in the PR card. We have not found any encumbrance to the said Property.

4) SEARCH REPORT FOR 60 YEARS FROM 1963 till 2023.

We have also caused the search made by our Search Clerk Mr. D.K. Patil who has taken search of the records of Sub-Registrar of Assurances at Bandra (Manual Index) from 1963 to 2023 (60 years), Office of Sub-Registrar of Mumbai (Manual Index) from 1963 to 2023 (60 years) and in the Office of Sub-Registrar of Bandra (Computerized Index) from 2002 to 2023 (22 years) in respect of the said property and submitted the Search Report dated 18th August, 2023 and have not found any encumbrance to the said Property.

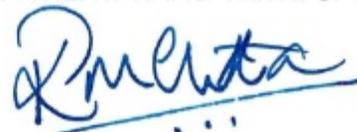
- B. The BrihanMumbai Municipal Corporation (BMC) has approved and sanctioned the plans under IOD dated: 14th August, 2024 bearing No.P-20848/2024/ (831/13)K/ WWARD/ AMBIVALI/IOD/1/ NEW/ Dated-14 August 2024.

On perusal of the above mentioned documents and all other relevant documents relating to the title of the said Property and subject to what is set out in the Title Report dated 24th September, 2024 issued by us, we are of the opinion that the title of the respective Owners/Promoters to the said Property is clear and marketable free from all encumbrances and M/s Disha Construction is entitled to redevelop the said Property, subject to the compliance of the conditions laid down by BMC and other statutory Authority and as agreed in their respective Development Agreement.

Original Owners of the Land as per PR Card: Daswani Co-operative Housing Society Limited

- C. There are no pending suits/proceedings in respect of the said Property as mentioned in **Annexure "B"**.
- D. The report reflecting the flow of the title of the Owners/Promoters to the said Property is enclosed herewith as **Annexure "A"**.

For PRAVIN MEHTA AND MITHI & CO.,



Partner

Place: Mumbai

Date: 24th September, 2024.

Encl:- **Annexure 'A':-** Flow of Title of the said Property.
Annexure 'B':- List of pending suits, if any.
Annexure 'C':- Documents of Title of the said Property.

ANNEXURE-"A"

TITLE REPORT

To,

M/s. Disha Construction,
Square One, 2nd Floor,
Next to HDFC and IDFC
First Bank, Gulmohar Road,
Juhu, Mumbai – 400 049.

Dear Sirs,

We have investigated the title in respect of the Property being all that piece and parcel of land bearing CTS No. 831/13, S. No.143, Plot No.5B admeasuring 2970 sq. mts. or thereabouts (hereinafter referred to as the "**said Land/Plot**") together with the building known as 'Daswani Apartments' of Daswani Co-operative Housing Society Ltd. standing thereon, (hereinafter referred to as the "**Old Building**" now demolished) of Village Ambivali, Taluka Andheri in Mumbai Suburban District, and the said Land and the Old Building are hereinafter collectively referred to as the "**said Property**" and more particularly described in Clause I herein below. We submit our report, *inter alia*, as under:-

I. DESCRIPTION OF THE PROPERTY:-

All that piece and parcel of land bearing CTS No. 831/13, S.No.143, Plot No.5B admeasuring 2970 sq. mts. or thereabouts (hereinafter referred to as the "**said Land**") together with the building known as 'Daswani Apartments' of Daswani Co-operative Housing Society Ltd. standing thereon (hereinafter referred to as the "**Old Building**", now demolished) of Village Ambivali, Taluka Andheri in Mumbai Suburban District and the said Land and the Old Building are hereinafter collectively referred to as the "**said Property**".

II. **INSTRUCTIONS:-**

Under instructions from M/s. Disha Construction, the Developers, we have through our Search Clerk taken searches of the records of Sub-Registrar of Assurances at Mumbai and Bandra and City Survey Land Records and Revenue Records of the Collector of Mumbai and Mumbai Suburban and have caused Public Notice to be published in newspapers inviting claims from members of the Public.

III. **DEVOLUTION OF TITLE:-**

We have perused the documents of title, copies of permissions furnished by the Competent Authorities for the development of the said property and the Search Report of the Search Clerk, Mr. D. K. Patil and we find as under:-

- a) By a Deed of Conveyance dated 28th day of February, 1974 duly registered with the Sub-registrar of Assurances at Bombay under Serial No. BOM/ S/779/1974 made between Jim Rusdin Private Limited therein called the Vendors of the One Part, L. K. Market & Investment Company Private Limited therein called the Confirming Parties of the Second Part and Messrs Gulraj Builders therein called the Purchasers of the Third part, M/s Gulraj Builders therein purchased all that piece and parcel of land bearing CTS No. 831/13 corresponding to S. No. 143, Plot No. 5B admeasuring 2970 square metres or thereabouts of Village Ambivali, Taluka Andheri, Mumbai Suburban District ("said Land") and more particularly described in the First Schedule thereunder written on the terms therein mentioned.
- b) M/s Gulraj Builders, constructed a building known as 'Daswani Apartments' comprising of 6 wings namely 'A' to 'F' Wings, each wing comprising of ground plus 3

upper floors and part 4th floor in C & D wing encompassing 50 residential flats plus 3 garages (hereinafter referred to as the "**Old Building**") on the said land as per the plans and specifications approved by the Bombay Municipal Corporation (BMC) vide approval No. CE/4960/BSII/A/K. The BMC issued the Building Completion Certificate (BCC)/ Completion Certificate (CC) dated 28th November, 1975 bearing No. CE/4960/BSII/A/K. The Society comprises of 50 members.

- c) The said Land and the Old Building are hereinafter collectively referred to as the "**said Property**" and more particularly described in Clause I herein above.
- d) M/s. Gulraj Builders sold the flats in the Old building to various flat purchasers by diverse agreements under Maharashtra Ownership Flats Act, 1963. The flat purchasers of the said building formed a co-operative housing society under the name of 'Daswani Co-operative Housing Society Limited', registered under the Maharashtra Co-operative Societies Act, 1960 under registration no. BOM/ HSG/ 5576 of 1978 ("**the Society**"). The society issued shares to all the flat purchasers and admitted them as members of the society.
- e) The Society, made an application namely Application No. 56/2013, before the District Deputy Registrar of Co-operative Societies, Mumbai City (3) (DDR) under the provisions of sub section (3) of Section 11 of Maharashtra Ownership Flats Act, 1963 ("**MOFA**") for issuing a certificate of Entitlement to the said Society to have a unilateral Deemed Conveyance executed in its favour and to have it registered.



- f) The DDR issued an order cum Certificate bearing No.DDR-3/Mum/Deemed Conveyance / Deed / 13 / 4442 dated 30th July, 2013 certifying that, the Society became entitled to Unilateral Conveyance of the said land and the said building and to execute Deed of Unilateral Conveyance and have it registered as provided under the Registration Act, 1908.
- g) By a Deed of Conveyance (Deemed/Unilateral) dated 23rd December, 2014 duly registered with the office of the Sub- Registrar of Assurances at Andheri-1 under Sr. No. BDR/504/2015 on 16th January, 2015, executed by and between Shri Subhash Patil, the Competent Authority, as per the powers conferred upon him u/s 5A of the Maharashtra Ownership Flat (Regulation of the Promotion of Construction, Sale, management and transfer) Act, 1963 on behalf of M/s. Gulraj Builders therein referred to as "the Confirming Party" of the First Part and Daswani Co-operative Housing Society Ltd. herein and therein referred to as "the Society" of the Second Part, the said Property was conveyed to the Society.
- h) Pursuant to the above, the Society became the Owner and absolutely entitled to the said Property more particularly described in Clause I hereinabove and on 5th June, 2018, the name of the Society was mutated on the Property Register Card.
- i) By a Resolution passed in the Special General Body Meeting (SGBM) of the Society held on 2nd July, 2023 M/s Disha Construction's offer was accepted and M/s Disha Construction was appointed as the Developers for undertaking the redevelopment of the said Property

of the Society. The Society issued a Letter of Intent dated 12th July, 2023 to the Developers.

- j) By and under a Re-development Agreement dated 9th February, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra -1 under Serial No. BDR-18/2506-2024 on 9th February, 2024 (**"Re-development Agreement"**) executed between Daswani Co-operative Housing Society Limited herein and therein referred to as the Society of the First Part and members of the Society, therein referred to as the Members of the Second Part and M/s Disha Construction herein and therein referred to as the Developers of the Third Part, the Society herein granted development rights in respect of the said Property more particularly described in Clause 1 hereinabove written to the Developers therein, for the consideration and on the terms and conditions mentioned therein.
- k) The Society through its authorized office bearers, also executed a Power of Attorney dated 13th February, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra -1 under Serial No. BDR-18/2690/2024 on 13th February, 2024 in favour of (1) M/s Disha Construction and its partners (2) Mr. Mahendra Shah and (3) Mr. Chirag Shah, to carry out the intent of the Re-development Agreement.
- l) In pursuance of the Re-development Agreement, the Developers have agreed to provide to the members of the Society permanent alternate accommodation in the building proposed to be constructed on the said property on the terms and conditions recorded therein.



- m) By a Supplemental Agreement dated 30th April, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra-1 under Serial No. BDR-18/7740-2024 on 30th April, 2024 ("**Supplemental Agreement**") executed between Daswani Co-operative Housing Society Limited herein and therein referred to as the Society of the First Part and M/s Disha Construction herein and therein referred to as the Developers of the Second Part, the parties thereto recorded the modified terms of the Redevelopment Agreement 9th February, 2024 as the plans were amended and the parkings modified.
- n) The Developers have submitted the building plans to the BrihanMumbai Municipal Corporation (BMC) which has been duly approved by the BMC under IOD dated 14th August, 2024 bearing No. P-20848/2024/(831/13)K/WWARD/AMBIVALI/IOD/1/NEW/ Dated 14th August 2024.
- o) Meanwhile, a Suit for declaration of ownership in respect of Flat No. C-5, being a dispute inter-se between the legal heirs of the original member, has been filed in the Bombay City Civil Court at Dindoshi, Mumbai being Suit No.1344 of 2024 by Neelam Prem Shivdasani & Anr against Radhika Madan Hemdev & Ors. The same does not affect the title of the Society in respect of the Property.

IV. SEARCHES:-

We have also caused the searches made in the office of the Sub-Registrar of Assurances at Bandra (Manual Index) from 1963 to 2023 (60 years), Office of Sub-Registrar of Mumbai (Manual Index) from 1963 to 2023 (60 years) and in the Office



of Sub-Registrar of Bandra (Computerized Index) from 2002 to 2023 (22 years) in respect of the said property.

V. PUBLIC NOTICE:-

We have caused the Public Notices published in the newspapers viz, Free Press Journal, Navshakti and Navbharat all published on 10th August 2023 inviting claims from the public at large in respect of the said Property and we have not received any claim or objection in response the said Public Notices.

TITLE REPORT

Subject to whatever is set out hereinabove, we are of the opinion that the title of the Society in respect of the said property is marketable, free from encumbrances and the Developers are entitled to redevelop the said property, in accordance with the sanctioned building plans and the Development Control And Promotion Regulations for Greater Mumbai, 2034 and construct a building/s on the said property and the proceedings mentioned above do not affect the title of the Society in respect of the Property or the Development rights of the Developers in any manner whatsoever.

Dated this 24th day of September, 2024

Yours faithfully,
For PRAVIN MEHTA AND MITHI & CO.,

A handwritten signature in blue ink, appearing to read 'Pravin Mehta', is written over a horizontal line.

Partner

ANNEXURE – "B"

THE LIST OF LITIGATIONS

NIL

There are no litigations affecting the title of the said Property

For PRAVIN MEHTA AND MITHI & CO.,

P. Mehta

Partner

Place: Mumbai

Date: 24th, September, 2024.

ANNEXURE "C"

List of Documents relating to title of the said Property

- a. Deed of Conveyance dated 28th day of February, 1974 duly registered with the Sub-registrar of Assurances at Bombay under Serial No. BOM/ S/779/1974.
- b. Certificate of registration of 'Daswani Co-operative Housing Society Limited', bearing registration no. BOM/ HSG/ 5576 of 1978.
- c. Order cum Certificate of DDR bearing No.DDR-3/Mum/Deemed Conveyance / Deed / 13 / 4442 dated 30th July, 2013.
- d. Deed of Conveyance (Deemed/Unilateral) dated 23rd December, 2014 registered with the office of the Sub-Registrar of Assurances at Andheri-1 under Sr. No. BDR/504/2015 on 16th January, 2015 in favour of Daswani Co-operative Housing Society Limited,
- e. Re-development Agreement dated 9th February, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra-1 under Serial No. BDR-18/2506-2024 on 9th February, 2024 ("**Re-development Agreement**").
- f. Power of Attorney dated 13th February, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra -1 under Serial No. BDR-18/2690/2024 on 13th February, 2024.
- g. Supplemental Agreement dated 30th April, 2024, registered with the office of the Jt. Sub-Registrar of Assurances at Bandra-1 under Serial No. BDR-18/7740-2024 on 30th April, 2024 ("**Supplemental Agreement**").

For PRAVIN MEHTA AND MITHI & CO.,


Partner.

Place: Mumbai

Date: 24th September, 2024.