

Ref. No.: 1241/ 314 /2021

FORMAT - A
(Circular No. 28/2021)

To,
The Maharashtra Real Estate Regulatory Authority,
Mumbai.

LEGAL TITLE REPORT

Sub.: Title clearance certificate with respect to all that piece and parcel of land bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, (R.S. Sapre Marg), Mumbai - 400 002, within the Registration District of Mumbai City (hereinafter referred to as the "Plot")

I. We have investigated the title of the Plot on the request of Ashjit Realities Private Limited (the "Promoter"), together with the following documents, i.e.:

1) **Description of the property:**

All that piece and parcel of land or ground hereditaments bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, (R.S. Sapre Marg), Mumbai - 400 002, within the Registration District of Mumbai City (the "Plot"), together with structures/ building standing thereon known as "Gita Gruh" consisting of ground plus 4 (four) upper floors assessed by the Municipal Corporation of Greater Mumbai, 'C' Ward under No.C-896 (I-1A)/4, House with Pathsala, Caste Dining Place with Wells, situate at 4, Picket Road, R.S. Sapre Marg, Mumbai - 400 002 (the "Building"). The Plot and Building are collectively referred to as the "Property".

2) **The documents of allotment of the Property:**

Sale Deed dated 13th October 2016 entered into between Rohan Developers Private Limited (therein referred to as the "Vendor" of the One Part), and Ashjit

Realties Private Limited (therein referred to as the "Purchaser" of the Other Part), duly registered with the Sub-Registrar of Assurances on 15th April 2017 under Serial No. BBE-2-5196 of 2017.

- 3) Property Register Card with respect to C.S. No.996 of Bhuleshwar Division issued by the Maharashtra State Land Records Department.
- 4) Search reports for 40 years for the period from 1982 to 2021.

II. On the perusal of the above-mentioned documents, and all other relevant documents relating to title of the Property, we are of the opinion that the title of the following Owner is clear, marketable and without any encumbrances:

1) **Owner of the Land:**

Ashjit Realities Private Limited (the "Promoter") is seized and possessed of and well and sufficiently entitled to the Property bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, (R.S. Sapre Marg), Mumbai - 400 002, and as such is further sufficiently entitled to all the right, title and interest in the Property including but not limited to the development rights in respect of the Property.

2) **Qualifying comments:**

For the purposes of this Opinion on Title, we have made certain assumptions as follows:

- (a) This Title Certificate is based on information provided by the Promoter, documents furnished to us by the Promoter and search carried out in the offices of Sub-Registrar of Assurances at Mumbai and the Search Report of Mr. Ganesh Gawde and if there are any documents which are not furnished to us or the facts or circumstances that may be different or received after this date, it could have a material impact on our conclusions.

- (b) This Title Certificate is given on the basis that it is to be governed by and construed in accordance with Indian laws prevailing as on date.
- (c) This Title Certificate is confined and limited to the state of affairs as on the date hereof. We are not aware of any information to the contrary, which would lead us to believe that the observations stated herein are no longer valid.
- (d) We express no opinion as to the consequence or application of any law existing and applicable after such date, and expressly decline any continuing obligation to advise after the date of this Title Certificate of any changes in the foregoing or any changes of circumstances of which we may become aware that may affect our observations contained herein.
- (e) A Declaration-cum-indemnity has **not been** furnished to us by the Promoter with regards to the title of the Promoter in respect of the said Property and Permissions/Restrictions/Sanctions obtained in respect of the Property.
- (f) We assume that technical diligence in respect of the Property as regards the requisite building permissions, compliance of all the terms and conditions of the orders passed under the Urban Land (Ceiling and Regulation) Act, 1976, NA Order(s), physical surveys, reservations, grant of environmental clearances, development permissions, requisite approvals, sanctions, NOCs including Aviation NOC, Fire NOC, building permissions, FSI/TDR utilized/loaded, physical survey, reservations, religious structures, heritage structures, road access, electricity sub-stations, underground pipes, high tension wires, setback area, right of way, or any other permissions/sanctions/ restrictions from any authority whatsoever, required to be complied with or obtained from time to time has been duly complied with by the Promoter and the same does not fall within the purview of this Certificate.

We expressly disclaim any liability, which may arise due to any decision taken by any person or persons, on the basis of this Title Certificate.

III. The report reflecting the flow of the title of the Promoter to the Property is enclosed herewith as **Annexure**.

For M/s. Taurus Legal,


(Partner)
Advocates & Solicitors

Date: 7th August, 2021

Encl.: **Annexure**

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ANNEXURE

FLOW OF TITLE TO THE PLOT

1. P.R. Card as on date of application for registration

We have perused the Property Register Card ("P.R. Card") in respect of the piece and parcel of land or ground hereditaments bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, (R.S. Sapre Marg), Mumbai - 400 002, within the Registration District of Mumbai City (the "Plot"), which duly records the name of Ashjit Realities Private Limited (the "Promoter") as the holder of the Plot.

2. Mutation Entry No.2905 of 2018

We have perused the copy of Mutation Entry No. 2905 of 2018 in respect of the Land bearing C.S. No.996 of Bhuleshwar Division, which records name of the Promoter as the holder in respect of the Plot, in pursuance of the Sale Deed dated 13th October 2016 registered with the Sub-Registrar of Assurances on 15th April 2017 under Serial No. BBE-2/5196 of 2017.

3. Search reports of 40 years from 1982 to 2021 taken from Sub-Registrar's Offices

On our instructions, title investigator and search clerk, Mr. Ganesh Gawde, has taken searches for a period of 40 years in the offices of the Sub-Registrar of Assurances for the years 1982 to 2021.

4. Public Notices

We have issued and published 2 (two) Public Notices both dated 28th June, 2021 in The Free Press Journal (English), Mumbai edition and Navshakti (Marathi), Mumbai edition inviting claim, share, right, title, demand or objection, if any, by any person/s against or to the Property, within 14 (fourteen) days from the date of publication of the notice. Till date no claims and/or objections have been received by us in response to the above referred Public Notices or otherwise.

5. Documents perused by us:

We have perused the copies of the following documents with respect to the Property:

- i. P.R. Card in respect of the Plot bearing C.S. No.996 of Bhuleshwar Division;
- ii. Mutation Entry Nos. 617 of 2007, 810 of 2009 and 2905 of 2018 in respect of the Plot bearing C.S. No.996 of Bhuleshwar Division;
- iii. Judgment dated 3rd February 2009 passed by the Hon'ble Joint Charity Commissioner in Application No.J-4/86/08;
- iv. Order dated 10th February 2009 passed by the Hon'ble Joint Charity Commissioner in Misc. Application No.8/09;
- v. Deed of Conveyance dated 3rd March 2009 entered into between Jivraj Baloo Trust (therein referred to as the "Vendors" of the One Part), and Rohan Developers Private Limited (therein referred to as the "Purchasers" of the Other Part), duly registered with the Sub-Registrar of Assurances on 3rd March 2009 under Serial No. BBE-3-1715 of 2009;
- vi. Debenture Trust Deed dated 25th November 2016 entered into between Rohan Developers Private Limited (therein referred to as the "Mortgagor No.1" of the First Part), Goodwill Properties Private Limited (therein referred to as the "Mortgagor No.2" of the Second Part), Piccadilly Estate Private Limited (therein referred to as the "Mortgagor No.3" of the Third Part), Sai Palace Hotel Private Limited (therein referred to as the "Mortgagor No.4" of the Fourth Part) and Catalyst Trusteeship Limited (therein referred to as the "Debenture Trustee" of the Fifth Part), duly registered with the Sub-Registrar of Assurances on 25th November 2016 under Serial No. BBE-1-9125 of 2016;
- vii. Sale Deed dated 13th October 2016 entered into between Rohan Developers Private Limited (therein referred to as the "Vendor" of the One Part), and Ashjit Realities Private Limited (therein referred to as the "Purchaser" of the

Other Part), duly registered with the Sub-Registrar of Assurances on 15th April 2017 under Serial No. BBE-2/5196 of 2017;

- viii. Deed of Reconveyance dated 2nd December 2019 entered into between Catalyst Trusteeship Limited (therein referred to as the "Trustee" or "Debenture Trustee" of the First Part) and Rohan Developers Private Limited (therein referred to as the "Issuer" and/or the "Mortgagor" of the Second Part), duly registered with the Sub-Registrar of Assurances on 2nd December 2019 under Serial No. BBE-1-7438 of 2019;
- ix. Papers and proceedings in respect of L.C. Suit No. 2101 of 2019 and L.C. Suit No. 314 of 2020 before the Hon'ble City Civil Court at Bombay;
- x. Layout Plan in respect of the Property.

6. Flow of Title

On the basis of the information provided by the Promoter, our observations on the title of the Promoter to the Property as per the Deed of Conveyance dated 13th October, 2016 are as set out herein below:

- i. Originally, one Jivraj Baloo Trust (formerly known as Jivaraj Baloo Cutchi Bhatia Mahajanwani), being a registered Public Charitable Trust (the "Original Owner") was the owner of and seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of land or ground hereditaments bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, R.S. Sapre Marg, Mumbai - 400 002, within the Registration District of Mumbai City (the "Plot"), together with structures/ building standing thereon known as "Gita Gruh" consisting of ground plus 4 (four) upper floors occupied by several tenants / occupants assessed by the Municipal Corporation of Greater Mumbai, 'C' Ward under No.C-896 (1-1A)/4, House with Pathsala, Caste Dining Place with Wells, situate at 4, Picket Road, R.S. Sapre Marg, Mumbai - 400 002 (the "Building"). The Plot and Building, unless individually referred to, are

hereinafter collectively referred to as the "Property", The Plot is more particularly described in the Schedule hereunder written.

- ii. The Original Owner being desirous to sell and dispose of the Property, filed an Application before the Hon'ble Joint Charity Commissioner under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1960 seeking approval for the sale of the Property.
- iii. In furtherance of the Application made by the Original Owner and after following the due process of law, the Hon'ble Charity Commissioner was pleased to approve the application of the Original Owner for the sale of the Property to one Rohan Developers Private Limited ("Rohan") vide his Judgment dated 3rd February 2009 (as rectified vide Order dated 10th February 2009).
- iv. Accordingly, by and under a Deed of Conveyance dated 3rd March 2009 entered into between Jivraj Baloo Trust (therein referred to as the "Vendors" of the One Part), and Rohan Developers Private Limited (therein referred to as the "Purchasers" of the Other Part), duly registered with the Sub-Registrar of Assurances on 3rd March 2009 under Serial No. BBE-3-1715 of 2009, the Original Owner sold, conveyed, transferred and assigned all its share, right, title and interest in the Property along with attornment of tenancy rights of the then tenants/occupants in the Building to and in favour of Rohan, at and for the consideration and on the terms and conditions recorded therein.
- v. Accordingly, the name of Jivraj Baloo Trust was deleted and Rohan Developers Private Limited was recorded as the "Holder" in the PR Card of the Property vide Mutation Entry No. 810 of 2009.
- vi. Thus, Rohan became the owner of the Property subject to the rights of the tenants in their respective tenanted premises, and as such Rohan also became entitled to develop the Property, subject to the rights of the tenants / occupants.
- vii. By and under a Debenture Trust Deed dated 25th November 2016 entered

into between Rohan Developers Private Limited (therein referred to as the "Mortgagor No.1" of the First Part), Goodwill Properties Private Limited (therein referred to as the "Mortgagor No.2" of the Second Part), Piccadilly Estate Private Limited (therein referred to as the "Mortgagor No.3" of the Third Part), Sai Palace Hotel Private Limited (therein referred to as the "Mortgagor No.4" of the Fourth Part) and Catalyst Trusteeship Limited (therein referred to as the "Debenture Trustee" of the Fifth Part), duly registered with the Sub-Registrar of Assurances on 25th November 2016 under Serial No. BBE-1-9125 of 2016, Rohan Developers Private Limited *inter alia* created a mortgage in respect of the Property in favour of Catalyst Trusteeship Limited, on the terms and conditions recorded therein.

- viii. By and under a Sale Deed dated 13th October 2016 entered into between Rohan Developers Private Limited (therein referred to as the "Vendor" of the One Part), and Ashjit Realities Private Limited (therein referred to as the "Purchaser" of the Other Part), duly registered with the Sub-Registrar of Assurances on 15th April 2017 under Serial No. BBE-2/5196 of 2017, Rohan sold, conveyed, transferred and assigned all its share, right, title and interest in the Property along with attornment of tenancy rights of the then tenants in the Building to and in favour of the Promoter, at and for the consideration and on the terms and conditions recorded therein.
- ix. Accordingly, the name of Rohan Developers Private Limited was deleted and Ashjit Realities Private Limited was recorded as the "Holder" in the PR Card of the Property vide Mutation Entry No. 2905 of 2018.
- x. In the meanwhile, Rohan repaid the amounts due and payable to Catalyst Trusteeship Limited and obtained the discharge of the encumbrances on the Property. Accordingly, by and under a Deed of Reconveyance dated 2nd December 2019 entered into between Catalyst Trusteeship Limited (therein referred to as the "Trustee" or "Debenture Trustee" of the First Part) and Rohan Developers Private Limited (therein referred to as the "Issuer"

and/or the "Mortgagor" of the Second Part), duly registered with the Sub-Registrar of Assurances on 2nd December 2019 under Serial No. BBE-1-7438 of 2019, Catalyst Trusteeship Limited released and relinquished / re-conveyed its mortgage, charges, claims and interest in the Property on the terms and conditions more particularly recorded therein.

- xi. The Promoter is thus, the owner of the Property and as such seized and possessed of or otherwise well and sufficiently entitled to all the share, right, title and interest in the Property, subject to the rights of the tenants / occupants in their respective tenanted premises as certified by MHADA, and as such the Promoter is also entitled to develop the Property.
- xii. The Promoter has demolished the existing structures / building, and the Promoter is in the process of constructing New Building on the Plot.

2. **Any other relevant title:**

The Building standing on the Plot consists of non- residential and residential premises which are tenanted, and the list whereof has been certified by MHADA.

3. **Litigations, if any:**

- i. We have not undertaken searches in the Hon'ble Bombay High Court, City Civil Court at Bombay and/or Small Causes Court at Bombay in respect of the Property.
- ii. We have been informed that one Ganpat Magan Solanki had filed two Suits in the Hon'ble City Civil Court at Bombay, viz. L.C. Suit No. 2101 of 2019 and L.C. Suit No. 314 of 2020, in respect of the Property.
- iii. L.C. Suit No. 314 of 2020 was dismissed as withdrawn by the Hon'ble City Civil Court vide its Order dated 17th February 2021 pursuant to an application made by the Plaintiff therein seeking leave to unconditionally withdraw the Suit.
- iv. L.C. Suit No. 2101 of 2019 is pending for hearing and final disposal before the Hon'ble City Civil Court as on date, however, no adverse orders have

been passed therein whereby the Promoter is restrained and/or prevented from dealing with or developing the Property in any manner whatsoever. We have also been informed that Mr. Ganpat Solanki (the Plaintiff therein) and the Promoter (the Defendant No.3 therein) have entered into Consent Terms dated 20th February 2021 thereby amicably settling the Suit on the terms and conditions recorded therein, which Consent Terms have been filed in Court on 22nd February 2021. However, the Suit is pending further orders in pursuance of the Consent Terms as on date.

THE SCHEDULE HEREINABOVE REFERRED TO:

(Description of the Plot)

ALL THAT piece and parcel of land or ground hereditaments bearing C.S. No.996 of Bhuleshwar Division admeasuring about 2958 sq. yards equivalent to about 2473.26 sq. mts. lying, being and situate at 4, Picket Road, R.S. Sapre Marg, Mumbai - 400 002, within the Registration District of Mumbai City, and bounded as follows:

- On or towards the North: By Plot bearing C.S. Nos. 990 and 991 of Bhuleshwar Division;
- On or towards the East: By Property bearing C.S. Nos. 993, 994 and 995 of Bhuleshwar Division;
- On or towards the West: By Property bearing C.S. No. 999 of Bhuleshwar Division; and
- On or towards the South: By Property bearing C.S. No. 497 and R.S. Sapre Marg of Bhuleshwar Division.

Date: 7th August, 2021

For M/s. Taurus Legal,



(Partner)
Advocates & Solicitors