



MARKAND GANDHI & CO.
ADVOCATES & SOLICITORS

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Tanvi Gandhi
Satyen Vora
Prashant Ghelani
Sahil Gandhi

Ref. No.:

MG/T-01/2024

[Format – A]

(Circular No.:- 28/2021)

To,

MahaRERA

LEGAL TITLE REPORT

SUB: All that piece and parcel of lands bearing C.T.S. No. 6/A (Pt), 6/A/6/1 (Pt) (previously 6/A/6 (Pt)) of Village Malvani, Taluka Borivali & C.T.S. No. 471/A (Pt) of Village Kandivali, Taluka Borivali, within the Registration District and Sub-District of Mumbai Suburban District in aggregate admeasuring 10,015 sq. mtrs, or thereabouts situate lying and being at Babherekar Nagar, Kandivali (West), Mumbai - 400 067 ("hereinafter the said land and said structures/sheds thereon are jointly referred to as "**the said property**").

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We have investigated the title of **Gauri Land Developers LLP** to the development rights in respect of the said property on the basis of the following documents i.e.:

1. **Description of the Property:**

All that piece and parcel of lands bearing C.T.S. No. 6/A (Pt), 6/A/6/1 (Pt) (previously 6/A/6 (Pt)) of Village Malvani, Taluka Borivali and C.T.S. No. 471/A (Pt) of Village Kandivali, Taluka Borivali, within the Registration District and Sub-District of Mumbai Suburban District in aggregate admeasuring 10,015 sq. mtrs, or thereabouts situate, lying and being at Babherekar Nagar, Kandivali (West), Mumbai - 400 067 (hereinafter "**the said land**").

2. **The Documents of Allotment of Plot:**

a. We are informed that the Government of Maharashtra has issued photo pass to the Slum dwellers/Occupants and the said property is a censused Slum.

- b. The Slum dwellers/Occupants on the said property have proposed and formed societies namely "Chhatrapati Shivaji SRA CHS (Proposed)" and "Radha Krishna SRA CHS (Proposed)" (hereinafter the Chhatrapati Shivaji SRA CHS (proposed) and Radha Krishna SRA CHS (Proposed) are jointly referred to as "**the said societies**").
- c. We are informed that the said societies had resolved to grant development rights in respect of the said property to one Lakadawala Developers Pvt. Ltd.
- d. By a duly notarized Agreement dated 14th August 2006, made and entered into between the committee members of Chhatrapati Shivaji SRA CHS (Proposed) and Lakadawala Developers Pvt. Ltd., of the Second Part, the said Chhatrapati Shivaji SRA CHS (Proposed) appointed the said Lakadawala Developers Pvt. Ltd., as the Developer in respect of the portion of said property occupied by them.
- e. By a duly notarized Articles of Agreement dated 14th August 2006, made and entered into between "Radha Krishna SRA CHS (Proposed)" (formed by few slum dwellers occupying portion of the said property) and Lakadawala Developers Pvt. Ltd., Radha Krishna SRA CHS (Proposed) granted unto the Lakadawala Developers Pvt. Ltd, the development rights in respect of the portion of the said property occupied by them.
- f. In these circumstances, Lakadawala Developers Pvt. Ltd. was appointed as the developer of the said property.
- g. By a duly notarized Irrevocable Power of Attorney dated 14th August 2006, executed by the committee members of Chhatrapati Shivaji SRA CHS (Proposed) in favour of Lakadawala Developers Pvt. Ltd., the said Chhatrapati Shivaji SRA CHS (Proposed) inter alia granted unto Mr. Anwar I. Lakadawala & Ors. of Lakadawala Developers Pvt. Ltd. various powers to redevelop the said property occupied by

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them and to carry out various acts, deeds, matters and things in respect of development of the said property occupied by them.

h. By an Irrevocable Power of Attorney duly notarized on 14th August, 2006 executed by the committee members of Radha Krishna SRA CHS (Proposed) in favour of Lakadawala Developers Pvt. Ltd., the said Radha Krishna SRA CHS (Proposed) inter alia to grant unto Mr. Anwar I. Lakadawala and Ors. of Lakadawala Developers Pvt. Ltd., various powers to redevelop the said property occupied by them and to carry out various acts, deeds, matters and things in respect of development of the said property occupied by them.

i. Accordingly, Lakadawala Developers Pvt. Ltd., commenced with and undertook the redevelopment of the Slum Rehab Scheme (hereinafter "**the said S. R. Scheme**").

j. The Slum Rehabilitation Authority (hereinafter "**SRA**") has issued Annexure II dated 21st December, 2012 under cover of its letter dated 28th February, 2013 bearing Reference No. Sub-District/Malad/Squad-1/ANI/Ch. Shi. Ra. Kru/kaavi 116/12. From the Annexure II, it appears that there originally were 457 structures/hutments out of which only 147 structures/hutments were declared as Eligible Slum dwellers entitled to rehabilitation under the S. R. Scheme.

k. Subsequently, the Slum Rehabilitation Authority has issued further/ additional Annexure II dated 29th June, 2017 whereby further 83 structures/hutments out of 106 were declared as Eligible Slum dwellers. However, as on the date hereof, we are informed that there are a total of 414 Eligible Slum dwellers entitled to rehabilitation under the Slum Rehabilitation Scheme. We are further informed that some of the structures /hutment dwellers of structures/hutments that were declared as ineligible slum developers and not entitled to rehabilitation, have filed proceedings before the Apex Grievance Redressal

Committee, SRA. Therefore, the total number of eligible slum dwellers such eventually be subject to the final decision of the Apex Grievance Redressal Committee, SRA or any other appropriate authority/Court.

- i. The Slum Rehabilitation Authority has issued a Letter of Intent dated 23rd February, 2016 bearing No. SRA/ENG/2036/PN/STGL/LOI in favour of Lakadawala Developers Pvt. Ltd. granting in principle approval to the Slum Rehabilitation Scheme on property bearing C.T.S. No. 6/A (part) of Village Malavani on the terms and conditions set out therein
- m. Thereafter, the Slum Rehab Authority has further issued a Revised Letter of Intent dated 16th September, 2022 bearing No. SRA/ENG/2036 /STGL&MHL/PN/LOI in favour of Lakadawala Developers Pvt. Ltd., inter alia granting in principle approval to the Slum Rehabilitation Scheme on the said property on the terms and conditions set out therein.
- n. In these circumstances, Lakadawala Developer Pvt. Ltd. became entitled to the development rights of the said property as per the LOI and revised LOI.
- o. Thereafter, Lakadawala Developers Pvt. Ltd have obtained from the Slum Rehabilitation Authority, the Intimation of Approval (IOA) dated 27th September, 2022 bearing No. PN/STGOVT/0014/20080910/AP/R1 in respect of the Rehab Building No. 1 to be constructed on the said property subject to the terms and conditions set out therein and Intimation of Approval (IOA) dated 30th September, 2022 bearing No. PN/STGOVT/0014/20080910/AP/S-2 in respect of the Sale Building No. 2 to be constructed on the said property subject to the terms and conditions set out therein.
- p. Thereafter, it appears that on account of certain financial difficulty Lakadawala Developers Pvt. Ltd., addressed a letter



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dated 9th June, 2023 to the Chief Executive Officer, Slum Rehabilitation Authority, the said Lakadawala Developers Pvt. Ltd., thereby resigning as Developer of the S. R. Scheme and gave its No Objection Certificate to appoint Gauri Land Developers LLP as the New Developer of the Slum Rehabilitation Scheme.

q. By two separate letters both dated 10th July, 2023 addressed by Chhatrapati Shivaji SRA CHS (Proposed) and Radha Krishna SRA CHS (Proposed) addressed to the Assistant Registrar, the societies inter alia informed the Assistant Registrar that Lakadawala Developers Pvt. Ltd. has expressed its inability to continue with the S. R. Scheme and has granted its No objection certificate to appoint a new Developer and that the societies have resolved to appoint Gauri Land Developers LLP as the New Developer of the Slum Rehabilitation Scheme. The Assistant Registrar was further requested to inform them a convenient time as to when they can hold a meeting to record the appointment of Gauri Land Developers LLP as the developer of the S. R. Scheme.

r. We have been further informed that as the appointment of Gauri Land Developers LLP in the records of the SRA, was pending and to avoid any hindrance, Lakadawala Developers Pvt. Ltd. continued to procure permissions and pay rent to the Eligible Slum Dwellers at the cost and expense of Gauri Land Developers LLP. All amounts payable to Lakadawala Developers Pvt. Ltd. have also been paid / reimbursed by Gauri Land Developers LLP in accordance with the Order dated 20th September, 2023 mentioned in Clause (u) hereinafter. The same has also been recorded in a letter dated 1st November, 2023 addressed by Lakadawala Developers Pvt. Ltd. to Gauri Land Developers LLP.

s. Lakadawala Developers Pvt. Ltd have obtained from the Slum Rehabilitation Authority, Commencement Certificate (C.C.) dated 12th June, 2023 bearing No.

PN/STGOVT/0014/20080910/AP/R-1 upto plinth level in respect of the Rehab Building No. 1 to be constructed on the said property and Commencement Certificate (C.C.) dated 12th September, 2023 bearing No. PN/STGOVT/0014/20080910/AP/S-2 upto plinth level in respect of the Sale Building No. 2, to be constructed on the said property.

- t. By a letter dated 8th September 2023 addressed by Lakadawala Developers Pvt. Ltd. to the Chief Executive Officer, Slum Rehabilitation Authority, the said Lakadawala Developers Pvt. Ltd. once again expressed its inability to continue with the Slum Scheme and resigned as the Developer for the Scheme and granted its unconditional irrevocable NOC to appoint Gauri Land Developers LLP as the New Developer of the Slum Scheme.
- u. Pursuant to an Application made by the said societies, the Chief Executive Officer, Slum Rehabilitation Authority passed an Order dated 20th September, 2023 whereunder Lakadawala Developers Pvt. Ltd. was terminated as the Developer of the Slum Scheme on the said property and the societies were at liberty to appoint a new Developer as set out herein.
- v. From the Letter dated 30th October, 2023 addressed by the Assistant registrar Co-op. Societies, (Eastern and Western Region) S.R.A. Mumbai to Tahasildar, Sub-urban District and Executive Engineer, it is recorded that pursuant to the order passed under Section 13(2) referred to above, the Assistant Registrar appointed an officer as "Authorised Officer" to conduct the meeting of both the societies for appointment of new Developer and Architect. The authorized Officer called a meeting of the Eligible Slum dwellers for taking decision on appointment of new Developer and Architect for the redevelopment of the said property on 25th October, 2023 at 10:30 a.m. The said meeting was attended by 214 Eligible Slum dwellers out of 414 Eligible Slum dwellers. Out of the 214



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Eligible Slum dwellers, 2 Eligible Slum dwellers left the meeting prior to casting of their vote. At the meeting, it was proposed that Gauri Land Developers LLP be appointed as the Developer of the said property/S. R. Scheme. All the 212 Eligible Slum dwellers present at the meeting and voting unanimously consented to the appointment of Gauri Land Developers LLP as the Developer of the said property/Slum Rehabilitation Scheme.

w. In these circumstances, appointment of Gauri Land Developers LLP as Developer was duly confirmed by the Societies in presence of the Authorised Officer appointed for the said purpose and as such Gauri Land Developers LLP's entitled to the develop the said property.

3. (a) The Property Card in respect of property bearing CTS No. 6/A of Village Malvani in the Registration District and Sub-District of Mumbai Suburban District shows that the land is of Tenure G i.e. owned by the Government.

(b) It appears that originally land bearing CTS No.6/A of Village Malvani, Taluka Goregaon in the Registration District and Sub-District of Mumbai Suburban District was sub-divided and out of the entire land bearing CTS No. 6/A, a portion admeasuring 1,15,000 sq.mtrs was allotted CTS No. 6/A/6. Thereafter in or around the year 2014, the property bearing CTS No. 6/A/6 was further sub-divided and a portion admeasuring 1,10,579.70 sq.mtrs. out of the above mentioned area of 1,15,000 sq.mtrs. was given /allotted CTS No. 6/A/6/1.

4. In these circumstances, the extract of the property registered card for the land bearing CTS No.6/A/6/1 shows that the land admeasures 1,10,579.70 sq. mtrs and is Tenure - G1 namely Government. It shows the following as Owner/holder :Government. Class II- Maharashtra Housing and Area Development Authority (MHADA).

5. The Property Card in respect of CTS No. 471 /A (part) of Village Kandivali in the Registration District and Sub-District of Mumbai Suburban District shows that the land is Tenure G and owned by Maharashtra State Government.
6. The Property Cards in respect of property bearing CTS No. 6/A and CTS No. 6/A/6/1 of Village Malvani, Taluka Goregaon in the Registration District and Sub-District of Mumbai Suburban District are annexed hereto as Annexure "A1" and Annexure "A2" respectively. The property Card in respect of land bearing CTS No. 471 /A of Village Kandivali, Taluka Borivali in the Registration District and Sub-District of Mumbai Suburban District is annexed hereto Annexure "A3".
7. We have obtained and perused Search Report dated 28th December, 2023 taken by Mr. N.D. Rane, Search Clerk at the Office of the Sub-Registrar, for the period of 30 years i.e. from 1994 to 2023 in respect of the said property.
8. We have caused to be published Public Notices inviting claims in newspapers, namely, Free Press Journal (English) and Nav Shankti (Marathi), Mumbai Editions, which appeared in their respective issues on 23rd November, 2023. No claims have been received pursuant to the same.
9. Negative Search Report dated 31st May, 2023 issued by Adv. Sanmish Gala and Negative Search Report dated 28th December, 2023 issued by Adv. Nupur Desai to Markand Gandhi & Co., Advocates & Solicitors, *inter-alia*, setting out the litigation pending against Gauri Land Developers LLP, as per Online search taken on the official website of Bombay High Court, District Court and National Company Law Tribunal, Mumbai Bench.
10. On perusal of the above mentioned documents and all other relevant documents relating to title to the development rights of the said property, and subject to what is stated above, we are of the opinion that the title of **GAURI LAND DEVELOPERS LLP** to

7



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the development rights of the said property is clear, marketable and without any encumbrances.

11. **Owners of the Land are as follows:**

As per letter dated 27.6.2022 bearing Ref.No. SRA/CTSO/OW/2022/25509 issued by SRA the Owners/holders of the said property are as under:-

- a. C.T.S. No. 6/A (Pt) - G – Government of Maharashtra
- b. C.T.S. No. 6/A/6/1 (Pt) (previously 6/A/6 (Pt)) - G1 - Government of Maharashtra, Occupant Class II and MHADA
- c. C.T.S. No. 471/A (Pt) - G – Government of Maharashtra

12. The flow of entitlement of development rights of **GAURI LAND DEVELOPERS LLP**, to develop the said Property is mentioned in Clause 2 above.

Dated this 18th day of January, 2024.

FOR M/S.MARKAND GANDHI & CO.

Advocates & Solicitors

Encl: A/a.



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(Circular No.:- 28 /2021)

FLOW OF THE TITLE OF THE SAID LAND

Sr. No.

1. P.R. Card as on date of application for registration – Annexed to Legal Title Report.
2. Search Report for 30 years i.e. from 1983 to 2023 taken from Sub-Registrar's Office.
3. Negative Search Report dated 31st May, 2023 issued by Adv. Sanmish Gala and Negative Search Report dated 28th December, 2023 issued by Adv. Nupur Desai to Markand Gandhi & Co., Advocates & Solicitors.
4. Any other relevant title – As per Legal Title Report.
5. Litigations, if any – as per Title Report.

DATED THIS 18th DAY OF JANUARY, 2024