

Correspondence: 704, 7th floor, Nebula Co-operative Hsg. Soc. Ltd., 'A' wing, Cosmos Paradise,
Opp. Devdaya Nagar, Thane (W), Pin – 400 606,
Mob.: 9869911010, Email: vishalshirkeadv78@gmail.com

Ref. No. 135/23

R.P.A.D./Courier/By Hand
FORMAT -A

(Circular 28/2021 dated 08/03/2021)

To,
Maha RERA

LEGAL TITLE REPORT

Sub :- Title clearance certificate with respect of land bearing Plot No. 10 situate at Jitendra Road, Malad (East), Mumbai 400 097 within the limits of Greater Mumbai in the revenue village of Pahadi-Goregaon, Taluka Borivali in the District and Registration Sub-District of Mumbai City and Mumbai Suburban formerly bearing Survey No. 154 Hissa No. 1(part) and now bearing CTS No. 47 admeasuring 1517.20 sq. mtrs. which includes an area of 295.70 sq. mtrs., as set back area and net plot area being 1221.50 sq. mtrs.. (hereinafter for the sake of brevity shall be referred to as the "said plot")

I have investigated the title of the said plot on the request of **M/s Deep Construction Company**, a partnership firm, through its authorized partner, **Mr. Ramesh Amrutlal Mehta & Mr. Deepak Ramesh Mehta** and following documents i.e.: -

- A) Consent Terms dated 16/10/1985 filed and recorded before the Hon'ble High Court of Judicature at Bombay in Suit No. 2611/1985.
- B) Registered Deed of Confirmation dated 06/05/2013 registered with the office of Sub Registrar of Borivali – 9 at serial no. BRL-9/2601/5/2013.



C) Registered Deed of Conveyance dated 07.02.2019 registered with the office of Sub Registrar of Borivali – 5 at serial no. BRL-5/6771/2019 on 21.05.2019.

D) Property Card.

E) Search Report dated 23/10/2020 and 20/11/2023 obtained and prepared by Mr. Ravindra N. Gaikar (Searcher).

F) Affidavit dated 23/11/2023 of Mr. Deepak Mehta, partner of M/s Deep Construction regarding factual position of the said plot.

G) Letter dated 23/11/2023 of the Architect, Architect, Rasik P. Hingoo & Associates.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said Plot, I am of the opinion that the title of **M/s DEEP CONSTRUCTION COMPANY**, as the Owner is clear, marketable and without any encumbrances.

Owner of the Plot:

M/s DEEP CONSTRUCTION COMPANY: All that piece and parcel of Plot No. 10 situate at Jitendra Road, Malad (East), Mumbai 400 097 within the limits of Greater Mumbai in the revenue village of Pahadi-Goregaon, Taluka Borivali in the District and Registration Sub-District of Mumbai City and Mumbai Suburban formerly bearing Survey No. 154 Hissa No. 1(part) and now bearing CTS No. 47 admeasuring

Vishal V. Shirke

ADVOCATE

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1517.20 sq. mtrs. which includes an area of 295.70 sq. mtrs. as set
back area and net plot area being 1221.50 sq. mtrs..

The report reflecting the flow of the title of M/s Deep Construction
Company on the said plot is enclosed herewith as annexure.



Adv. Vishal V. Shirke

Encl. – Annexure

Housiey.com

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ANNEXURE

FORMAT -A

(Circular 28/2021 dated 08/03/2021)

FLOW OF THE TITLE OF THE SAID PLOT.

Sr.No.

1. On perusal of the documents, it appears that at a material point of time, Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza were the owners of the said plot. From the perusal of the Consent Terms dated 16/10/1985, it appears that vide an Agreement for Sale dated 20/05/1984 made and entered into between Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza (therein referred to as the Vendors) and M/s Hemal Constructions (therein referred to as the Developers), the said Vendors therein agreed to sell the said plot to the said Developers therein for consideration and upon the terms and conditions as more specifically contained in the said Agreement for Sale dated 20/05/1984.
2. From the Consent Terms dated 16/10/1985, it further appears that by a Supplementary Agreement dated 30/05/1984 made and entered into between Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza (therein referred to as the Vendors) and M/s Hemal Constructions (therein referred to as the Developers), the said Developers therein agreed to pay additional consideration to the said Vendors therein and it was declared that the said Agreement for Sale dated 20/05/1984 is



legal, valid and subsisting and all the terms and conditions recorded in the said Agreement shall remain in force except the consideration stood increased as recorded in the Supplementary Agreement dated 30/05/1984.

3. However, certain disputes arose inter se between M/s Hemal Constructions and Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza. Hence, the Hemal Constructions filed a Suit in the High Court of Judicature at Bombay being Suit No. 2611 of 1985 against the said Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza inter alia praying that it be declared that the said Agreement for Sale dated 20/05/1984 and the Supplementary Agreement for Sale dated 30/05/1984 are valid and subsisting and binding between the parties to the said suit and the said Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza be ordered and decreed to specifically perform the said agreements. The disputes thereafter amicably settled between the parties and as such, M/s Hemal Constructions and Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza filed Consent terms dated 16/10/1985 with the Hon'ble Court and vide a Consent Decree dated 16/10/1985 passed by the Hon'ble High Court. Vide the said Consent terms dated 16/10/1985, the said Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza confirmed that Agreement for Sale dated 20/05/1984 and Supplemental Agreement for Sale dated 30/05/1984 executed in favour of M/s Hemal Constructions in respect of the said plot are valid, subsisting and binding between the parties.

4. Pursuant to the said Consent Terms dated 16/10/1985, Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza executed

Vishal V. Shirke

ADVOCATE

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General Power of Attorney dated 01/11/1985 in favour of Mr. Bharat Natwarlal Joshi of M/s Hemal Constructions to do all the acts and things in respect of the said property. On the strength of the Consent terms dated 16/10/1985 and General Power of Attorney dated 01/11/1985, Mr. Anthony Peter D'Souza & Mrs. Zena Anthony D'Souza through their constituted attorney, Mr. Bharat N. Joshi have executed Deed of Confirmation dated 06/05/2013 in favour of Mr. Bharat Natwarlal Joshi, the proprietor of M/s Hemal Constructions. The said Deed of Confirmation was executed for registration of the Consent Decree dated 16/10/1985. The said Deed of Confirmation has been duly registered with the office of Sub Registrar of Borivali – 9 at serial no. BRL-9/2601/5/2013 dated 06/05/2013. Thus, the Consent Decree dated 16/10/1985 was registered by way of execution of Deed of Confirmation dated 06/05/2013. In view thereof, the ownership title of Mr. Bharat Natwarlal Joshi, the proprietor of M/s Hemal Constructions in respect of the said plot stood confirms.

5. Vide Deed of Conveyance dated 07/02/2019 made and entered into between Mr. Bharat Natwarlal Joshi, the proprietor of M/s Hemal Constructions (therein referred to as the Owner) and Deep Construction Company, through its authorized partner, Mr. Ramesh Mehta (therein referred to as the Purchaser), the Owner therein sold, assigned and transferred the said plot to the Purchaser therein for consideration and upon the terms and conditions as more specifically contained in the said Deed of Conveyance dated 07/02/2019. The said Deed of Conveyance dated 07/02/2019 has been duly registered with the office of



Sub Registrar of Borivali – 5 at serial no. BRL-5/6771/2019 on 21/05/2019. Based on the said registered Deed of Conveyance dated 07/02/2019, the name of Deep Construction Company, through its partner, Mr. Ramesh Mehta has been entered in the property card of the said plot.

6. It is discernible from the affidavit of Mr. Deepak Mehta that structure that was standing on the said plot is now demolished and the said plot is now vacant. The certificate dated 23/11/2023 issued by the Architect, Rasik P. Hingoo & Associates reveals that an area admeasuring 295.70 sq. mtrs. is a setback area and net plot area is 1221.50 sq. mtrs..
7. The record shows there is no litigation is pending in respect of the said plot.
8. Thus, on the events as mentioned herein above, I hereby certify that Deep Construction Company has validly acquired ownership rights in respect of the said plot and has clear and marketable title to the said plot.
9. The registered documents referred herein above are reflected in the Search Reports dated 23/10/2020

Hence this title certificate is issued by me.

Dated this 24th day of November 2023.

Adv. Vishal V. Shirke