

Dharmesh S. Jain

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To

Maha RERA

Housefin Bhavan,
Plot No. C-21,
Bandra Kurla Complex,
Bandra (East), Mumbai - 400 051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to all that piece and parcel of land bearing CTS no 172, 172/1 to 7, bearing Final Plot no 38 now bearing Final Plot no 38C of Borivali Town Planning Scheme II admeasuring 1538.6 Sq. Mtrs. as per Property Card and 1622.09 sq. mtrs. as per Conveyance alongwith the building standing thereon and popularly known as "**BORIVALI RAJDEEP CO-OPERATIVE HOUSING SOCIETY LIMITED**" consisting of two wings viz A Wing having 15 Flats and 4 Shops on Ground Floor and B Wing having 20 Flats aggregating in total 39 members, situated at Maouje Kanheri Taluka Borivali, Registration Sub District of Mumbai City and Mumbai Suburban District(hereinafter referred as the "**said property**")

I have investigated the title of the said property and the following documents

1) **Description of the property:**

ALL that piece and parcel of land bearing CTS no 172, 172/1 to 7, bearing Final Plot no 38 now bearing Final Plot no 38C of Borivali Town Planning Scheme II admeasuring 1538.6 Sq.

Mtrs. as per Property Card and 1622.09 sq. mtrs. as per Conveyance alongwith the building standing thereon and popularly known as “**BORIVALI RAJDEEP CO-OPERATIVE HOUSING SOCIETY LIMITED**” consisting of two wings viz A Wing having 15 Flats and 4 Shops on Ground Floor and B Wing having 20 Flats aggregating in total 39 members, situated at Maouje Kanheri Taluka Borivali, Registration Sub District of Mumbai City and Mumbai Suburban District and bounded as follows:

On or towards East : By Plot no 49

On or Towards West : By D. N. Dubey Road

On or towards South : By Plot no 39

On or towards North : By Public Road

2) **The documents of allotment of plot:**

a. Indenture dated 31.03.1971, the Society is well and sufficiently entitled, as the Owner to all that piece and parcel of land bearing CTS no 172, 172/1 to 7, bearing Final Plot no 38 now Final Plot No. 38C of Borivali Town Planning Scheme II admeasuring about 1538.6 sq. mtrs as per property card and admeasuring 1622.09 sq. mtrs as per Indenture dated 03.12.1971 along with building standing therein knows as “Borivali Rajdeep Co-Operative Housing Society Limited” [**“existing building”**] consisting of two wings viz “A” wing having 15 Flats and 4 Shops on Ground Floor and “B” having 20 Flats aggregating to total 39 members situated at Mouje

Kanheri, Taluka Salsette, Registration Sub-District of Mumbai City and Mumbai Suburban”;

- b. Development Agreement dated 7.12.2022 [**“Development Agreement”**] executed Borivali Rajdeep Co-operative Housing Society Limited therein referred as the Society of the One Part, the Members of the Society therein referred as the Members of the Second Part and M/s. Samarpan Buildtech LLP therein referred as the Developer of the Other Part. The Development Agreement is duly registered in the Office of the Sub-Registrar of Assurances at Borivali on 09.06.2023 under Serial No. BRL/8/6385/2023;
- c. General Power of Attorney dated 16.5.2023 is also duly registered with the Sub-Registrar of Assurances at Borivali under Serial No. BRL/8/6388/2023 executed by the Society in favour of the Developers and/or its partners and nominees;
- d. Intimation of Disapproval dated 25.04.2024 bearing reference no. P-18831/2024/(CTS No. 172 and other)/R/C Ward/FP/IOD/1/New
- e. Property card issued by City Survey digitally signed on 19.12.2018 and downloaded on 03.01.2024.

- f. Search Report dated 14.01.2024 of the said property as taken by the search clerk by Mr. Vikas Yadav, Title Investigator, about the title investigation/search as conducted by him in the office of the Sub-Registrars at Mumbai (Old Custom), Bandra (MHADA Office) and Borivali Nos. 1 to 9 for the period 1995 to 2024 (30years).
- g. The Society has entered into registered Development Agreement dated 03.04.2012 with M/s. S M. Construction for the redevelopment of the said property. The said Development Agreement dated 03.04.2012 is duly registered with the Office of Sub-Registrar of Assurance at Bandra under reference no. BDR/16/4621/2012 on 22.05.2012. The Society herein also executed registered Power of Attorney dated 01.06.2012 in the favour of M/s. S M. Construction, which is duly registered Office of Sub-Registrar of Assurance at Bandra under reference no. BDR/16/4998/2012 on 02.06.2012.
- h. M/s. S M. Construction has obtain I.O.D dated 23.08.2013 under no CHE/A-5243/BP(WS)/AR of 2013-14 but thereafter failed to initiate further steps for the Redevelopment project of the Society and hence the Society in the Special General Body meeting of the Society held on 27.07.2014, decided to terminate the said M/s. S M. Construction and accordingly, the Society through its Advocate's letter dated 11.08.2014 terminated

the Development Agreement and Power of Attorney executed in favour of M/s. S M. Construction. The Society also published a public notice dated 12.08.2014 in Free Press Journal (English Version) and Navshakti (Marathi Version) Newspapers for the termination of the M/s. S M. Construction.

- i. M/s. S M. Construction has thereafter filed Commercial Arbitration Petition (L) No. 33201 of 2022 against the Society before the Hon'ble High Court but no injunctive/adverse order is passed against the Society and there is no legal impediments for the Developer i.e. M/s. Samarpan Buildtech LLP to carry out redevelopment of the said property as per the sanctioned plans and specifications.

2/- On perusal of the above mentioned documents and all other relevant documents relating to title of the said property, I am of the opinion that the title of Borivali Rajdeep Co-Operative Housing Society Limited and title to carry out the redevelopment of the said property M/s. Samarpan Buildtech LLP i.e. Promoter/Developer has clear, marketable and without any encumbrances.

Owner of the land:

Borivali Rajdeep Co-Operative Housing Society Limited situated at CTS no 172, 172/1 to 7, bearing Final Plot no 38

Final Plot no 38 now bearing Final Plot no 38C of Botivali Town Planning Scheme II admeasuring 1538.6 Sq. Mtrs. as per Property Card and 1622.09 sq. mtrs. as per Conveyance of Maouje Kanheri Taluka Borivali, Registration Sub District of Mumbai City and Mumbai Suburban District, situate and lying at Kasturba Cross Road No. 1, Borivali (East), Mumbai 400 066 and bounded as follows:

On or towards East : By Plot no 49
On or Towards West : By D. N. Dubey Road
On or towards South : By Plot no 39
On or towards North : By Public Road

Qualifying comments/remarks if any:

No injunctive/adverse order is passed against the Society for the redevelopment of the said property and appointment of M/s. Samarpan Buildtech LLP as their Developer.

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

Dated this 28th day of July, 2024


Dharmesh S. Jain
Advocate High Court

Encl: Annexure.

Dharmesh S. Jain

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FORMAT - A

(Circular No.:- 28/2021)

FLOW OF THE TITLE OF THE SAID LAND

1. P.R. Card digitally signed on 01.07.2020 and downloaded on 04.01.2024
2. Property cards transferred in the name of Borivali Rajdeep Co-Operative Housing Society Limited on 09.02.1973 by City Survey Office.
3. Search Report dated 14.01.2024 of the said property as taken by the search clerk, as issued by Mr. Vikas Yadav, Title Investigator, about the title investigation/search as conducted by him in the office of the Sub-registrars at Mumbai (Old Custom), Bandra (MHADA Office) and Borivali Nos. 1 to 9 for the period 1995 to 2024 (30 years).
4. Any other relevant title:
NA

5. Litigations, if any:

Commercial Arbitration Petition (L) No. 33201 of 2022 filed by M/s. S M. Construction has filed against the Society before the Hon'ble High Court and the same is pending but no injunctive/adverse order is passed against the Society and there is no legal impediments for the Developer i.e. M/s. Samarpan Buildtech LLP to carry out redevelopment of the said property as per the sanctioned plans and specifications.

Dated this 28th day of July, 2024


Dharmesh S. Jain
Advocate High Court

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