

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

DATE:- 06.10.2023

To

MahaRERA
HousefinBhavan,
E-Block, BKC,
Bandra, Mumbai 400 051.

Sub: 1) All that piece and parcel of land being Plot No.1, now bearing CTS No. 102, 102/1 to 102/8 admeasuring 721 sq. yards equivalent to 602.75 sq. mtrs. or thereabouts as per conveyance and 621.20 sq. mtrs as per Property Card of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as "Sanjeevani CHSL", situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 ("Said Property-1").

2) All that piece and parcel of land being Plot No.2, now bearing CTS No. 99, 99/1 to 99/8 admeasuring 810 sq. yards equivalent to 741 sq. mtrs. or thereabouts as per conveyance and 611 sq. mtrs. as per Property card of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as "Kalapi CHSL", situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 ("Said Property-2").

3) All that piece and parcel of land being Plot No.3, bearing CTS No. 98/A/1 (pt) and now bearing CTS no 98/A/1/2 admeasuring 618 sq. yards equivalent to 516.70 sq. mtrs. or thereabouts of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as "The Borivali Kaumudi CHSL", situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 ("Said Property-3")

I have investigated the title of M/s. Samarpan Homes & Developers, a partnership having its office address at Shop No 1 & 2, Swayambhu Residency, Kasturba Road no 2, Opp. BMC Hospital, Borivali (E), Mumbai – 400 066.

- For the purpose of this opinion, I have assumed the legal capacity of all natural persons, genuineness of all signatures and all documents submitted to me are authentic.
- For the purpose of this opinion, I have assumed that there are no amendments, rectification, modification to the documents perused by me.

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

- A determination, opinion or report will not be binding on any Indian Court or any arbitrator or judicial or regulatory body which would have to be independently satisfied, despite any provision in the documents to the contrary.
- Even though this document is titled “Title Report”, this is in fact our opinion based on the documents etc.. perused and relied on by me.
- I am not certifying the boundary of the said Property nor I am qualified to express my opinion on physical identification at the said Property

1) **Description of Property:**

- 1) All that piece and parcel of land being Plot No.1, now bearing CTS No. 102, 102/1 to 102/8 admeasuring 721 sq. yards equivalent to 602.75 sq. mtrs. or thereabouts as per conveyance and 621.20 sq. mtrs as per Property Card of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as “Sanjeevani CHSL”, situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 (“Said Property-1”).
- 2) All that piece and parcel of land being Plot No.2, now bearing CTS No. 99, 9/1 to 99/8 admeasuring 810 sq. yards equivalent to 741 sq. mtrs. or thereabouts as per conveyance and 611 sq. mtrs. as per Property card of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as “Kalapi CHSL”, situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 (“Said Property-2”).
- 3) All that piece and parcel of land being Plot No.3, bearing CTS No. 98/A/1 (pt) and now bearing CTS no 98/A/1/2 admeasuring 618 sq. yards equivalent to 516.70 sq. mtrs. or thereabouts of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban, together with the building standing thereon, known as “The Borivali Kaumudi CHSL”, situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066 (“Said Property-3”).

2) **The list of documents presented to me for scrutiny:**

- a. Photocopy of Indenture dated 10th November 1966 registered under serial no BND/2567/1966. (Sanjeevani)

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

- b. Photocopy of Registration Certificate of Sanjeevani Co-operative Housing Society Ltd. bearing registration no BOM/HSG/1261 of 1966 dated 05.10.1966.
- c. Photocopy of Property Card digitally signed on 08.11.2019 and downloaded on 05.10.2023 in respect of CTS no 102, 102/1 to 8
- d. Photocopy of Indenture dated 26th April 1967 registered under serial no BND/910/1967 (Kalapi)
- e. Photocopy of Registration Certificate of Kalapi Co-operative Housing Society Ltd. bearing registration no BOM/HSG/1297 of 1966 dated 29.12.1966
- f. Photocopy of Reconveyance Deed dated 20th July 2018 registered under serial no BRL/7872/2018.
- g. Photocopy of Deed of Rectification dated 24th February 2023 registered under serial no BRL2/2894/2023
- h. Photocopy of Property Card digitally signed on 02.12.2019 and downloaded on 05.10.2023 in respect of CTS no 99, 99/1 to 8
- i. Photocopy of Indenture dated 7th December 1970 registered under serial no BND/2438/1970 (Kaumudi)
- j. Photocopy of Registration Certificate of The Borivali Kaumudi Co-operative Housing Society Ltd. bearing registration no BOM/HSG/2515 of 1970 dated 20.06.1970.
- k. Photocopy of Property Card in respect of CTS no 98/A/1/2
- l. Photocopy of Development Agreement dated 5th December 2022 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL9/19031/2022.
- m. Photocopy of Power of Attorney dated 29th December 2022 registered with the Sub-registrar of Assurances at Borivali under Serial No. BRL9/19036/2022

3) Property Card:

As Property Card of the Said Property – 1 is bearing CTS No. 102, 102/1 to 102/8 admeasuring 621.20 sq. mtrs.

As Property Card of the Said Property – 2 is bearing CTS No. 99, 99/1 to 99/8 admeasuring 611 sq. mtrs.

As Property Card of the Said Property – 3 is bearing CTS no 98/A/1/2 admeasuring 516.70 sq. mtrs.

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

4) Search Report:

Search Report dated 04.10.2023 of the said property as taken by the search clerk and 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, Bandra, and Borivali for the period 1994 to 2023 (30 years)

On perusal of the above mentioned documents and all other relevant documents relating to title of the said properties, I am of the opinion that the development rights of M/s. Samarpan Homes And Developers. i.e. Promoter/Developer are clear and marketable to carry out the redevelopment of the said properties.

Owner of the land:

- 1) Sanjeevani Co-Operative Housing Society Limited in respect of land bearing CTS No. 102, 102/1 to 102/8 of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066
- 2) Kalapi Co-Operative Housing Society Limited in respect of land bearing CTS No. 99, 9/1 to 99/8 of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066.
- 3) The Borivali Kaumudi Co-Operative Housing Society Limited in respect of land bearing CTS No. 98/A/1 (pt) and now bearing CTS no 98/A/1/2 of Village: Magathane, Taluka: Borivali, within the Registration Sub-District of Borivali and District - Mumbai Suburban situated at Jaya Nagar, Dattapada Road, Borivali (East), Mumbai 400066

The report reflecting the flow of the title of the Promoter/Developer on the said land is enclosed herewith as annexure.

Date: 6/10/2023

Encl: Annexure.

Mansi Jani
Advocate

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

FORMAT – A

(Circular No.:- 28/2021)

FLOW OF THE TITLE OF THE SAID LAND

- A. Vide an Indenture dated 10th November 1966, registered with the Sub Registrar of Assurances at Bandra under serial no BND/2567/1966, executed by and between, Rajtej Bhadrasen Khot, Harishchandra Bhadrasen Khot and Manhar Bhadrasen Khot, therein referred to as the “Vendors” of the One Part and Krishnanand Bhavanishankar Burde, Kishor Gajanan Pandit and Satish Gopal Adur, therein referred to as the Confirming Parties and Sanjeevani Co-operative Housing Society Limited (Herein after referred to as the **“Said Society-1”**), therein referred to as “the Purchasers” of the Third part, the said Rajtej Bhadrasen Khot, Harishchandra Bhadrasen Khot and Manhar Bhadrasen Khot, sold, conveyed, assigned and transferred unto the said Society-1, Plot no 1 admeasuring 721 sq. yards equivalent to 602.75 sq. mtrs. or thereabouts as per conveyance and 621.20 sq. mtrs as per Property Card and forming portion of Larger Land bearing Survey No 21, Hissa no 8(pt), Survey no 22, Hissa no 2B(pt), Survey no 23, Hissa No 4A (pt), Survey no 24, Hissa no 4D(pt) and now bearing CTS no 102, 102/1 to 8 of Village Magathane Taluka Borivali within the Registration Sub-District of Borivali and District - Mumbai Suburban (Herein after referred to as the **“Said Property-1”**).
- B. The Said Property-1 stands in the name of Said Society-1 in PR Card as Original Owner. Area of the Said Property-1 as per Property Registered Card is 621.2 Sq. Mtrs.
- C. Search Report shows entry of a Deed of Reconveyance bearing Registration no BBM1/1379/1993 from Shyamrao Vitthal Co-operative Bank Limited in favour of Said Society-1. However, the copy of the said document is not provided for perusal.
- D. Vide an Indenture dated 26th April 1967, registered with the Sub Registrar of Assurances at Bandra under serial no BND/910/1967, executed by and between, Rajtej Bhadrasen Khot, Harishchandra Bhadrasen Khot and Manhar Bhadrasen Khot, therein referred to as the “Vendors” of the One Part and L. J Patel, T. K. Patel and D. B. Burde, therein referred to as the Confirming Parties and Kalapi Co-operative Housing Society Limited (Herein after referred to as the **“Said Society-2”**), therein referred to as “the Purchasers” of the Third part, the said Rajtej Bhadrasen Khot, Harishchandra Bhadrasen Khot and Manhar Bhadrasen Khot, sold, conveyed, assigned and transferred

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

- unto the said Society-2, Plot no 2 admeasuring 810 sq. yards equivalent to 741 sq. mtrs. or thereabouts as per conveyance and 611 sq. mtrs. as per Property card and forming portion of Larger Land bearing Survey No 21, Hissa no 8(pt), Survey no 22, Hissa no 2B(pt), Survey no 23, Hissa No 4A & 4B, Survey no 24, Hissa no 1(pt) and now bearing CTS no 99, 99/1 to 8 of Village Magathane Taluka Borivali within the Registration Sub-District of Borivali and District - Mumbai Suburban (Herein after referred to as the "Said Property-2").
- E. Vide a Mortgage Deed dated 28th June 1968 (*Copy not provided for perusal*) registered under serial no 2560, the said Society-2 mortgaged the said Property-2 unto and in favour of SVC Co-operative Bank Ltd (Shamrao Vitthal Co-operative Bank Limited) for the mortgage value and on the terms and conditions as recorded therein.
- F. Vide an Indenture dated 20th July 2018, registered with the Sub Registrar of Assurances under serial no BRL2/7872/2018 readwith the Deed of Rectification dated 24th February 2023, registered with the Sub Registrar of Assurances under serial no BRL2/2894/2023, SVC Co-operative Bank Ltd., has released the charge created vide Indenture dated 28th June 1968 and has re-conveyed the said Property-2 unto and in favour of the said Society-2.
- G. The Property card shows the entry of "Shamrao Vitthal Co-operative Bank Ltd" in other charge column. The said Shamrao Vitthal Co-operative Bank Ltd vide a Deed of Indenture dated 20th July 2018, registered under serial no BRL2/7872/2018 readwith the Deed of Rectification dated 24th February 2023, registered with the Sub Registrar of Assurances under serial no BRL2/2894/2023 has re-conveyed unto the said Society-2 the said Property-2 which was mortgaged vide a Deed of Mortgage dated 28th June 1968, registered under serial no 2560. But, release, re-conveyance or entry for deletion of charge created is not found on PR Card.
- H. The Said Property-2 stands in the name of Said Society-2 in PR Card as Original Owner. Area of the Said Property-2 as per Property Registered Card is 611 Sq. Mtrs.
- I. Vide an Indenture dated 7th December 1970, registered with the Sub Registrar of Assurances at Bandra under serial no BND/2438/1970, executed by and between, Rajtej Bhadrassen Khot, Harishchandra Bhadrassen Khot and Manhar Bhadrassen Khot, therein referred to as the "Vendors" of the One Part and Gajanan Gopal Pandit and Sopan Rama Jadhav, therein referred to as the Confirming Parties and Borivali Kaumudi Co-operative Housing Society Limited (Herein after referred to as the "Said Society-3"), therein referred to as "the Purchasers" of the Third part, the said Rajtej Bhadrassen Khot,

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

Harishchandra Bhadrassen Khot and Manhar Bhadrassen Khot, sold, conveyed, assigned and transferred unto the said Society-3, Plot no 3 admeasuring 618 sq. yards equivalent to 516.70 sq. mtrs. or thereabouts forming portion of Larger Land bearing Survey No 21, Hissa no 8(pt), Survey no 22, Hissa no 2(pt), Survey no 23, Hissa No 4A & 4B, Survey no 24, Hissa no 1(pt) and bearing CTS no 98/A/1 (pt) of Village Magathane Taluka Borivali within the Registration Sub-District of Borivali and District - Mumbai Suburban (Herein after referred to as the **"Said Property-3"**).

- J. As per entry dated 26.04.2023 on Property Card, as per Sub-division order of Collector, Mumbai Suburban District, bearing no C/Karya-7B/Po.Vi./SRB-5924 dated 13.02.2023, Sub-division M.R. No 898/2023 dated 03.04.2023, CTS no 98/A/1 has been Subdivided and two new Property cards bearing CTS no 98/A/1/1 and CTS No 98/A/1/2 have been opened. The name of the Said Society – 3 has been recorded in Property Card bearing CTS no 98/A/1/2.
- K. The Said Property-3 stands in the name of Said Society-3 in PR Card bearing CTS No. 98/A/1 as per entry dated 14.07.1976. Area of the Said Property-3 as per Property Registered Card is 516.70 Sq. Mtrs.
- L. The Said Society-1, Said Society-2 and Said Society-3 are herein after collectively referred to as the Said Societies. The Said Property-1, Said Property-2 and the Said Property-3 are here in after collectively referred to as the Said Properties.
- M. By and under the Development Agreement dated 5th December 2022, registered under serial no BRL9/19031/2022 (**"the said Development Agreement"**), executed between the Said Society-1 of the First part, Said Society-3 of Second Part, Said Society-2 of the Third Part, and M/s. SAMARPAN HOMES AND DEVELOPERS of the Fourth part, and Members of Said Society-1 of the Fifth Part, Members of the Said Society-3 of the Sixth Part and members of the Said Society-2 of the Seventh Part, registered with the Sub-Registrar of Assurances at Borivali, Mumbai, under Sr. No. BRL9/19031/2022, the Said Societies have granted the right of development in respect of the said Properties, unto and in favour of M/S. SAMARPAN HOMES AND DEVELOPERS, at and for the consideration and on the terms and conditions more particularly recorded therein.
- N. Pursuant to the said Development Agreement, the Said Societies have also executed a Power of Attorney dated 29th December 2022 duly registered with the Registrar of Assurances at Borivali district Mumbai Suburban under No. BRL9/19036/2022 in favour of M/s. Samarpan Homes and Developers and its Nominees inter alia to execute

ADV. MANSI JANI

B-1004, Ratna Mohan (Triveni) CHSL, Rajendra Nagar, Borivali (E), Mumbai – 400 066.

and perform on behalf of and in the name of the Society any of the acts, deeds, matters and things that may be required to carry out redevelopment of the said Property in accordance with the provisions of the Development Agreement.

Date: 06.10.2023

Mansi Jani

Advocate

Housiey.com