

FORMAT – A
(Circular No. 28 / 2021)

To,
MahaRERA,
Mumbai.

LEGAL TITLE REPORT

Sub:- Title Clearance Certificate with respect to Plot C.T.S. No. 223/B, admeasuring 1256.1 Square Meters or thereabouts (after deduction of the road set back area of 251.61 Square Meters but including the additional road set back area of 165.28 Square Meters, resulting in the net Plot area as 1090.82 Square Meters), of Village Kanheri, Mumbai Suburban District (hereinafter referred as “the said Plot”).

We have investigated the title of the said Plot on the request of M/s. **Samarpan Homes and Developers**, and perused the following documents i.e. :-

1) Description of the Plot:-

Land bearing C.T.S. No. 223/B, admeasuring 1256.1 Square Meters or thereabouts (after deduction of the road set back area of 251.61 Square Meters but including the additional road set back area of 165.28 Square Meters, resulting in the net Plot area as 1090.82 Square Meters), of Village Kanheri, Mumbai Suburban District, situated at Dattapada Road, Borivali (East), Mumbai – 400 066.

2) The documents of allotment of Plot:

- (i) Copy of the Deed of Unilateral Conveyance dated 31st December, 2020, registered with the Sub-Registrar of Assurances at Borivali, Mumbai, under Serial No. BRL-9/4843/2021, made between Dr. Kishor Mande, the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority, on account of the defaulting owners/predecessor in title Mrs. Lilavati Jagganath Kale and the defaulting builder M/s. Vishal Builders (Vendors) and Swanand Co-operative Housing Society Limited (Purchaser).
- (ii) Development Agreement dated 9th August 2023, registered with the Sub-Registrar of Assurances, Borivali No. 8 at Mumbai, under Serial No. BRL-8/10924/2023, made between Swanand Co-operative Housing Society Limited (Society), Ivan D’mello & others (Existing Members) and M/s. Samarpan Homes and Developers (Developer).

3) Digitally singed Property Card issued by City Survey Officer, Goregaon, Mumbai.

4) Search Report dated 23rd January, 2024 for 30 years from 1995.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said Plot we are of the opinion that the title of the following owner/promoter is clear, marketable and without any encumbrances.

Owners of the Plot

Swanand Co-operative Housing Society Limited.

Promoter of the Plot

M/s. Samarpan Homes and Developers

Qualifying comments/remarks if any:

- (a) We have caused to issue Public Notices in local Newspapers viz. Free Press Journal in English language and Navshakti in Marathi language on 19th December, 2023. We have not received any claim or objection in response to the said Public Notices issued in the News Papers.
- (b) We have relied on the aforesaid Search Report, after assuming the same to be true, accurate and not misleading. The search conducted at the office of the Sub-Registrar at Mumbai and Bandra are subject to the availability of records and also to records being torn and mutilated. We, therefore, disclaim any responsibility for the consequences which may arise on account of non-availability of records or on account of records being torn and mutilated. We also disclaim any responsibility for the consequences which may arise on account of non-availability of records or on account of records being not uploaded or improperly uploaded on the official Website of the Department of Registration & Stamps, Government of Maharashtra viz. <https://esearchigr.maharashtra.gov.in>.
- (c) Unless specifically stated otherwise, we have not inspected or perused the original documents in respect of the said Plot.
- (d) We are not qualified to and have not independently verified the area of the said Plot and have referred to and retained the admeasurements as we have found them in various documents.
- (e) We express no view about zoning/user/reservations/FSI or developability of the said Plot.
- (f) For the purpose of this Legal Title Report, we have assumed:
 - (i) The legal capacity of all natural persons, genuineness of all signatures and authenticity of all documents submitted to us as photocopies;
 - (ii) That the photocopies provided to us are accurate photocopies of the originals;
 - (iii) That all documents have been adequately stamped and duly registered, as required in law;
 - (iv) The accuracy and completeness of the factual representations made in the documents;
 - (v) Each document binds the parties intended to be bound thereby.
 - (vi) All information, including the photocopies of documents,

supplied to us is complete, accurate and not misleading.

The Report reflecting the flow of the title of the Owner and Promoter on the said Plot is enclosed herewith as Annexure.

Encl: Annexure.

Date: 16.12.2024.

For M/s. MV Law Partners

Shreela

Partner
Advocates & Solicitors

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FLOW OF THE TITLE OF THE SAID PLOT

1. We are informed by Swanand Co-operative Housing Society Ltd. at all material times, one Mrs. Lilavati Jagganath Kale (“**Lilavati**” for short) was seized and possessed of or otherwise well and sufficiently entitled to the said Plot.
2. We are further informed by Swanand Co-operative Housing Society Ltd. that by an unregistered Agreement dated 20th February, 1974, Lilavati had granted the development rights of the said Plot to one M/s. Vishal Builders, and in pursuance thereof M/s. Vishal Builders constructed a building on the said Plot known as “Swanand”, consisting of 3 Wings viz. Wings-“A”, “B” and “C” all of Ground + 4 upper floors, containing 14 shops on the ground floor and 23 residential flats on the upper floors, after obtaining the permissions and sanctions for construction thereof from the Municipal Corporation of Greater Mumbai (hereinafter referred to as “**the said Old Building**”).
3. We are further informed by Swanand Co-operative Housing Society Ltd. that M/s. Vishal Builders sold all the said shops and flats constructed in the said Old Building to the respective Purchasers thereof under various Agreements and after obtaining the Occupation Certificate in respect of the said Old Building, M/s. Vishal Builders handed over possession of each of the said shops and flats in the said Old Building to the respective Purchasers thereof;
4. We are further informed by Swanand Co-operative Housing Society Ltd. the Purchasers of the respective Shops and Flats in the said Old Building have formed a Co-operative Housing Society, being Swanand Co-operative Housing Society Limited, and registered the same under the Maharashtra Co-operative Societies Act, 1960, bearing Registration No. BOM/(W-R)/HSG/(TC)/2619/86.
5. By a Deed of Unilateral Conveyance dated 31st December, 2020, registered with the Sub-Registrar of Assurances at Borivali, Mumbai, under Serial No. BRL-9/4843/2021, and made between Dr. Kishor Mande, the District Deputy Registrar, Co-operative Societies, Mumbai City (4) & Competent Authority, on account of the defaulting owners/predecessor in title Mrs. Lilavati Jagganath Kale and the defaulting builder M/s. Vishal Builders (Vendors) and Swanand Co-operative Housing Society Limited (Purchaser), the Vendors named therein sold, transferred and conveyed the said Plot unto and in favour of Swanand Co-operative Housing Society Limited.
6. By a Development Agreement dated 9th August 2023, registered with the Sub-Registrar of Assurances, Borivali No. 8 at Mumbai, under Serial No. BRL-8/10924/2023, Swanand Co-operative Housing Society Limited (Society) and Ivan D’mello & others (Existing Members) have granted the redevelopment rights of the said Plot unto and in favour of M/s. Samarpan Homes and Developers

Am..

(Developer).

Sr. No.

- 1) Digitally singed Property Cards.
- 2) Search Report dated 23rd January, 2023 for 30 years from 1995, taken from Sub-Registrar office at Mumbai, Bandra and Borivali, including on the official Website of the Department of Registration & Stamps, Government of Maharashtra, <https://esearchigr.maharashtra.gov.in>.
- 3) Any other relevant title: Nil
- 4) Litigations, if any: There is one litigation pending i.e. S. C. Suit No. 3416 of 2023 filed by one Mr. Jogesh M. Hatkar (one of the members of Swanand Co-operative Housing Society Ltd.), for reliefs as more particularly prayed for in the said Suit. No restraining orders have been passed in the said Suit. However, the said litigation does not affect the title to the said Plot.

Date: 16.12.2024