

Ajay D. Gaikwad



B.L.S., LL.B., D.C.L.

ADVOCATE, HIGH COURT

Off:- Shop No.229, Ground Floor, , Sector-2, Xerox Lane, Near Abbott Hotel, Vashi Navi Mumbai-400703.
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Ref:

FORMAT – A
(Circular No 28/2021)

26/05/2025

To,
MahaRERA,
4th Floor, Housefin Bhavan, Plot No. C-21,
E-Block, Near Kamgar Bhavan, Behind RBI Building,
Bandra Kurla Complex, Bandra (East),
Mumbai – 400 051.

LEGAL TITLE REPORT

Sub: Legal Title report with respect to building named as “Agrawals Phoenix” (“Project”) being constructed on all that piece and parcel of land bearing Plot bearing CTS No.596 (pt) of Village Bandra (East), admeasuring 1,487.45 square meters situate, lying and being at Khernagar, Bandra (East), Mumbai – 400 051, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban (hereinafter referred as the “said plot of land”).

We have investigated the title of the said project on the request of Rosate Estates Pvt. Ltd. (“Developer”), and perused the following documents i.e.:

- Description of the property:** Building named as “Agrawals Phoenix” (“Project”) being constructed on all that piece and parcel of land bearing Plot bearing CTS No.596 (pt) of Village Bandra (East), admeasuring 1,487.45 square meters, situate, lying and being at Khernagar, Bandra (East), Mumbai – 400 051, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban and bounded as follows, this is to say:

On or towards the North : Ram Mandir Road
On or towards the South : Bldg No 35
On or towards the East : 13.25 mtr. Wide Road
On or towards the West : 18.30 mtr. Wide Road



The said plot of land is hereinafter referred to as the "said Property".

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

- (a) Copy of letter bearing reference no 14544/HC-L dated 9th Oct 1973 allotting lease of the said property to Apex Gas Services by MHADA
- (b) Copy of Writ Petition No.1380 of 2001 and Interim Application (L) No.26072 of 2022;
- (c) Copy of Bombay High Court Order dated 13th December, 2023 passed in Interim Application (L) No.26072 of 2022.
- (d) Copy of Development Agreement dated 22/08/2024 executed between Kherwadi Rajhans CHS Ltd. and Rosate Estates Pvt. Ltd duly registered with the Sub-Registrar of Assurances at BDR- 15-15160/2024, vide its Registration Receipt No.16617 and Registration Document Serial No.15160.
- (e) Copy of Power of Attorney dated 22/08/2024 executed between Kherwadi Rajhans CHS Ltd. and Rosate Estates Pvt. Ltd duly registered with the Sub-Registrar of Assurances at BDR- 15-15161/2024, vide its Registration Receipt No.16619 and Registration Document Serial No.15161.
- (f) Copy of the Order dated 7th February, 2025 passed by the Hon'ble Supreme Court of India passed in Special Leave Petition (Civil) Diary No.18909 of 2024.
- (g) Copy of letter bearing reference no EE/BD/S.Div-IV/MB/ dated 22nd Feb 2025 allotting lease of the said property to Kherwadi Rajhans CHS Ltd by MHADA
- (h) Copy of Property Register Card issued on 24th February, 2016 bearing no 87479456707.
- (i) Search Report for Seventy-Five (75) years from 1950 to 2024.



- 1) 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 Rosate Estates Pvt. Ltd. is clear, marketable and without any encumbrances.

Owners of the land

- 1) CTS/ C.S.No. :- CTS No.596(pt) of Village Bandra (East), earing CTS No.596 (pt)of village Bandra ((East), situate, lying and being at Khernagar, Bandra (East), Mumbai – 400 051, belonging to MHADA in the Registration District and Sub-District of Mumbai City and Mumbai suburban as per property card. By Bombay High Court Order dated 13th December, 2023 passed in Interim Application (L) No.26072 of 2022 and lease deed between MHADA and Kherwadi Rajhans CHS Ltd dated 22/05/25 “Kherwadi Rajhans CHS Ltd” is lease holder society

Qualifying comments/remarks if any:

- 2) The report reflecting the flow of the title of the Rosate Estates Pvt. Ltd. on the said land is enclosed herewith as annexure.

Encl: Annexure

Date: 26/05/ 2025



Advocate
26/05/2025
Email id: adv.jaygaikwal@gmail.com
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FLOW OF TITLE OF THE SAID PLOT OF LAND

1. Copy of Property Register Card issued on 24th February, 2016 bearing on 87479456707.
2. Mutation Entry No - None
3. Search Report for Seventy-Five (75) years from 1950 to 2024 sub-registrar assurances at Andheri & Mumbai S.R.O. Record
4. **TITLE FLOW**
 - (i) In 1973, Maharashtra Housing & Area Development Authority (“MHADA”) granted a lease of the said Property to one Mr. Jairam Chawla and Mrs. Deepali Jairam Chawla (“Lessees”).
 - (ii) Thereafter, the Lessees got plans approved from the BMC Authorities and with concessions from MHADA and constructed a building known as Govinda Towers (“said Building”). Kherwadi Rajhans CHS Ltd. (“Society”) was formed by the flat purchasers of the said Building bearing REGD.NO. MUM/MHADA.HSG/(TC)/12367/YR.2007-08
 - (iii) Some of the members of the Society filed a Writ Petition No.1380 of 2001 (“said Writ Petition”) before the Hon’ble Bombay High Court against MHADA and others inter-alia seeking reconstruction of the said Building and other reliefs.



- (iv) During the proceedings of the said Writ Petition, on 28th June, 2012, minutes of order were filed in the said Writ Petition and one A. A. Estates Pvt. Ltd. ("**Erstwhile Developer**") was appointed as the Developer by the Society.
- (v) Since the Erstwhile Developer failed to comply with his obligations, an Interim Application being Interim Application (L) No. 26072 of 2022 ("**said Interim Application**") was filed in the said Writ Petition inter-alia for appointment of new Developer.
- (vi) By an Order dated 13th December, 2023 ("**said Order**"), the Hon'ble Bombay High Court was pleased to allow the said Interim Application inter-alia granting liberty to the Petitioners i.e. the members of the Society to appoint a Developer of their choice.
- (vii) A Special Leave Petition being SLP (C) (diary) No. 18909 of 2024 ("**said SLP**") challenging the said Order has been filed before the Hon'ble Supreme Court of India.
- (viii) In the meantime, pursuant to the said Order, Society has entered into a Development Agreement dated 22nd August, 2024 with the Developer duly registered with the Sub-Registrar of Assurances at BDR- 15-15160/2024, vide its Registration Receipt No.16617 and Registration Document Serial No.15160.
- (ix) By an order dated 7th February 2025, the said SLP has been dismissed by the Hon'ble Supreme Court of India.

5. **Litigations if any: NO**

Date: 26/05/2025



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