

Ref:

HAND DELIVERY / REGD. A.D. / U.P.C./
COURIER / SPEED POST

Date:

To, **FORMAT-A**
(Circular No. 28/2021)
MAHARERA,
Housefin Bhavan,
Near RBI, E Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai - 400 051.

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to Plot of Land bearing Survey No.53 Hissa No. 3 corresponding to C. T. S. No.123/A, (Old 123), 123/1 to 78, 123/80 to 84, 123/97 to 99 admeasuring 2538.83 sq. mtrs. or thereabouts situate, lying and being at Village Mogra, Taluka-Andheri in the Registration District and Sub-District of Mumbai Suburban (Hereinafter referred to as the Said Property).

I have investigated the title of the Said Property on request of M/s. M/S. ELEGANT BUILDERS & DEVELOPERS - Owner / Promoters a partnership firm duly registered under the provisions of Indian partnership Act, 1932 having registered office at Heeralay, Juhu Cross Road, Juhu, Mumbai - 400 049 and following documents i.e. :-

- 1) Description of Property : Plot of land bearing Survey No.53 Hissa No. 3 corresponding to C. T. S. No.123/A, (Old 123), 123/ 1 to 78, 123/80 to 84, 123/97 to 99 admeasuring 2538.83 sq. mtrs. or thereabouts Situate, lying and being at Village Mogra, Taluka-Andheri in the Registration District and Sub-District of Mumbai Suburban.
- 2) Indenture dated 08.06.2007 duly registered with Sub Registrar of Assurances BDR / 4 at Sr. No. 4272 dated 08.06.2007.
- 3) Property Register Card bearing C.T.S. No.123/A, (Old 123), 123/1 to 78, 123/80 to 84, 123/97 to 99, Village Mogra, Taluka - Andheri, Mumbai Suburban District issued by City Survey Officer, Andheri, Mumbai Suburban, Mutation Entry No. 589.
- 4) Search Report for 30 years from 1993 to 2022 .

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 M/s. Elegant Builders & Developers Owner / Promoter is clear, marketable and free from encumbrances subject to compliance of payment terms stipulated in Indenture dated 08.07.2007.

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Owner of Land:

- 1) M/s. Elegant Builders & Developers C. T. S. No.123/A, (Old 123), 123/1to 78, 123/80 to 84, 123/97 to 99 lying, being and situate at Village Mogra, Taluka - Andheri, Mumbai Suburban District.
- 2) Qualifying comments / Remarks:

i) The Owner M/s. Elegant Builders & developers will have to abide by the payment terms stipulated in the Indenture dated 08.06.2007 failing which there is stipulation for charge.

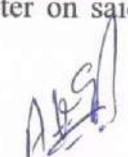
ii) The City Survey Officer, Andheri has vide Mutation Entry (Ferfar) No. 589 recorded M/s. Elegant Builders & Developers M/s. Prabhav Property Pvt. Ltd. "Holder" in the Property Register Card bearing C. T. S. No. 123 New C. T. S. No. 123/A, 123/ 1 to 78, 123/80 to 84, 123/97 to 99. M/s. Prabhav Property Pvt. Ltd. is one of partner M/s. Elegant Builders & Developers. Since M/s. Prabhav Property Pvt. Ltd. have not been described as partner of M/s. Elegant Builders & Developers it is an ambiguity. M/s. Prabhav Property Pvt. Ltd. are partner of M/s. Elegant Builders & Developers and have been described in the Indenture dated 08.06.2007 as partner and have signed Indenture dated 08.07.2007 as partner. M/s. Elegant Builders & Developers, have preferred Appeal No. 171 of 2022 alongwith Application for Condonation of Delay before the District Superintendent of Land Record, Mumbai Suburban District challenging the Mutation Entry No. 589 for deleting the name of M/s. Prabhav Property Pvt. Ltd. from Property Register Cards. The Ld. District Superintendent of Land Record, Mumbai Suburban District has by Order dated 17.10.2022 condoned delay in filing Appeal. You have informed me that M/s. Prabhav Property Pvt. Ltd. have agreed to consent for deleting their name from Property Register Cards as they are one of the partner and not co-owners. The Appeal is pending for hearing and final disposal.

iii) The name of Owner/Promoter is recorded as Holder in Property Register Card Bearing C. T. S. No. 123/A, 123/1 to 78, 123/80 to 84 and 123/97 to 99. The Slum Rehabilitation Authority has recorded the C. T. S. No. 123, 123/1 to 84 and 123/97 to 99 in revised Letter of Intent bearing No. SRA / ENG / 844 / KE / PL / LOI dated 12.05.2011, Letter of Approval bearing No. SRA / ENG / 844 / KE / PL / AP dated 30.09.2020 for Sale building No. 3 and Commencement Certificate bearing No. SRA / ENG / 844 / KE / PL / LOI dated 10.3.2022 for Sale Building No. 3. You should get C. T. S. Numbers corrected in LOI, LOA and Commencement Certificate.

4) Report reflecting flow of title of Owner/Promoter on said Property is annexed herewith;

3) Enclosure: Annexure

Date: 11/ 11/2022


Ashok Kumar Singh
Advocate, High Court.

ASHOK KUMAR SINGH
BA,LLB,
Advocate, High Court
1203, A Wing, Cayenne, Near D Mart,
Nahar Amrit Shakti, Chandivali,
Mumbai-400 072.

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FORMAT - A

(Circular No. 28/2021)

FLOW OF TITLE of M/S. ELEGANT BUILDERS & DEVELOPERS TO All those pieces and parcels of land or ground bearing Survey No.53 Hissa No. 3 corresponding C. T. S. No.123/A, (Old 123), 123/1to 78, 123/80 to 84, 123/97 to 99 admeasuring 2538.83 sq. mtrs. or thereabouts situate, lying and being at Village Mogra, Taluka Andheri in the Registration District and Sub- District of Mumbai Suburban.

1. Property Register Card bearing No. 123/A, 123/1 to 78, 123/80 to 84, 123/97 to 99 Village Mogra, Taluka - Andheri, Mumbai Suburban District.
2. Mutation Entry No. 589.
3. Search Report for 30 years from year 1993 to 2022 taken from the Sub Registrar Office, Mumbai and Bandra by N. D. Rane, Search Clerk.
4. A) Indenture dated 08.06.2007 duly registered with Sub Registrar of Assurances BDR / 4 at Sr. No. 4272 dated 08.06.2007.
B) Declaration cum Deed of Confirmation dated 05th October, 2004 alongwith Agreement for Sale dated 30.10.1984 was duly registered with Sub Registrar of Assurances Andheri - 3 BDR-9-5353/2004 dated 05.10.2004.
C) The Slum Rehabilitation Authority has sanctioned the Slum Rehabilitation Scheme on the Said property for the rehabilitation of eligible slum dwellers and No. SRA / ENG / 672 / KE / PL / LOI dated 22.08.2002 for implementing the Slum Rehabilitation Scheme of on Said Property. The Slum Rehabilitation Authority issued revised Letter of Intent bearing No. SRA / ENG / 844 / KE / PL / LOI dated 12.05.2011. The Slum Rehabilitation Authority has granted FSI for construction of Sale Building No. 3 for sale in open market.
5. Litigation: As per documents produced by the Promoters there is no litigation claiming right in the above referred property.
 - 1) Lis Pentence is reflected in the Search Report.
Mohini Mohan Dhawade had filed S. C. Suit No. 1770 of 2008 in the Bombay City Civil Court, at Dindoshi, Goregaon for accounts and other reliefs. The Hon'ble Bombay City Civil Court was by order dated 20.11.2008 pleased to dismissed the suit as bared u/s. 69 (3) of Indian Partnership Act, 1932. Mohini Mohan Dhawade filed Suit No. 313 of 2009 in the Hon'ble Bombay High Court for refund of amount paid by her with interest based on admission of Defendant No. 1 of loan transaction in S. C. Suit No. 1770 of 2008. In the pleading and evidence she has denied the loan. The Suit has been transferred to Bombay City Civil Court at Bombay on account of enhancement of pecuniary jurisdiction of

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Bombay City Civil Court. The Suit is simply for refund of alleged loan and interest. She has not claimed any interest in the Said Property. Hence the suit will not impact the title of the owner/promoter or has any impact on the development.

2. The City Survey Officer, Andheri has vide Mutation Entry (Ferfar) No. 589 recorded M/s. Elegant Builders & Developers M/s. Prabhav Property Pvt. Ltd. "Holder" in the Property Register Card bearing C. T. S. No. 123/A, 123/1 to 78, 123/80 to 84, 123/97 to 99. M/s. Prabhav Property Pvt. Ltd. is one of partner M/s. Elegant Builders & Developers. Since M/s. Prabhav Property Pvt. Ltd. have not been described as partner of M/s. Elegant Builders & Developers, it is an ambiguity. M/s. Elegant Builders & Developers have preferred Appeal No. 171 of 2022 alongwith Application for Condonation of Delay before the District Superintendent of Land Records, Mumbai Suburban District challenging the Mutation Entry No. 589 for deleting the name of M/s. Prabhav Property Pvt. Ltd. from the Property Register Cards. The Ld. District Superintendent of Land Record, Mumbai Suburban District has by Order dated 17.10.2022 condoned delay in filing appeal. M/s. Prabhav Property Pvt. Ltd. have agreed to consent for deleting their name from Property Register Cards as they are one of the partner and not co-owners. The Appeal is pending for hearing and final disposal.

Date: 11.11.2022.



Ashok Kumar Singh

Advocate, High Court

ASHOK KUMAR SINGH
B.A.,LLB,
Advocate, High Court
1203, A Wing, Cayenne, Near D Mart,
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ANNEXURE

Report reflecting flow of title of Owner/Promoter on Said Property:

M/S. ELEGANT BUILDERS & DEVELOPERS to All those pieces and parcels of land or ground bearing Survey No.53 Hissa No. 3 corresponding to CTS No.123/A, (Old 123), 123/1to 78, 123/80 to 84, 123/97 to 99 admeasuring 2538.83 sq. mtrs. or thereabouts Situate, lying and being at Village Mogra, Taluka Andheri Mumbai in the Registration District and Sub- District of Mumbai City and Mumbai Suburban.

Under your instructions and based upon the documents furnished and representations made by M/s. Elegant Builders & Developers through it's partner Mr. Ravishankar Mishrilal Gupta, I have investigated the title in respect of the property more particularly described in the Schedule hereunder written, I submit my report inter-alia as under;

1. Prior to 2nd May, 1947, one Mrs. Rojubai Dunning Kini, Christian inhabitant of Govindi, Borle Pokhani was absolutely seized, possessed and/or well and sufficiently entitled to all that piece or parcel of land situate at Village Mogra, bearing Survey No. 53, Hissa No. 3, C. T. S. No. 123, 123/1 to 99 Parsi Panchayat Road, Andheri (East), Mumbai - 400 069 admeasuring 1 Acre, 6-3/4 Gunthas equivalent to 5650.50 Sq. Yards apx. Hereinafter called the "Said Large Property" for the sake of brevity.
2. Smt. Rojubai Dunning Kini by Indenture dated 2nd May 1947, the Owner therein of the One Part sold the said large Property to Shri Mohamedshah Sayedali Shah @ Mohamed Khan Pathan. By virtue of the aforesaid Indenture Shri Mohamedshah Sayedali Shah became Owner of the Said Large Property.
3. Shri Mohamedshah Sayedali Shah by Agreement dated 17.04.1965 being the Vendor therein sold a portion of the Said Large Property admeasuring about 700 Sq. Yards to one Shri Mirza Tajamul Hussain the Purchaser therein.
4. Shri Mohamedshah Sayedali Shah was during his lifetime absolute Owner of the remaining portion of Said Large Property all that piece or parcel of land bearing Survey No. 53, Hissa No. 3, C.T.S. No. 123, 123/1 to 99, Admeasuring 5000 Sq. Yards, togetherwith structures standing thereon lying, being and situate at Village- Mogra, Taluka- Andheri, Mumbai Suburban District. Hereinafter called the "Said Property".
5. By a Declaration of HIBA dated 18.08.1970 Said Shri Mohamed Shah Sayedali Shah @ Mohamed Khan Pathan made a gift to Bibi Zaitoon wife of Altaf Naubatali Shah D/o. Kudrat Shah Sayedali Shah of structures described in Municipal Assessment Bill as Tiled House and outhouse as kitchen bearing No. 37 C on the Said Property

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6. Shri Mohamedshah Sayedali Shah by Will dated 19.07.1971 devised and bequeathed the Said Property to his three adopted sons namely 1) Shri Abdul Rehaman Shah, 2) Shri Altaf Hussein and 3) Shri Noor Nabi Shah. After demise of Shri Mohemadali Shah Sayedali Shah on 18.12.1974, by virtue of Will dated 19.07.1971 1) Shri Abdul Rehaman Shah, 2) Shri Altaf Hussein and 3) Shri Noor Nabi Shah became the owners of the Said Property and their names have been vide mutation entry No. 587 recorded in the Property Register Card bearing No. 123/A, 123/1 to 78, 123/80 to 99 Village- Mogra, Taluka- Andheri,
7. Shri Noor Nabi Shah died on or about 18.03.1978 leaving behind him his heirs 1) Mrs. Khairunissa - wife, 2) Imtiaz Hussein -son 3) Zulekha - Daughter and 4) Shaukat Hussein - Son to inherit his share in the Said Property. In the premises they became the owner of share of Noor Nabi Shah in said Property. Shri Imtiaz Hussain S/o. Noor Nabi shah executed Power of Attorney dated 26.10.1984 in favour Mrs. Khairunissa W/o. Noor Nabi Shah to deal with, sell and dispose of his share in the Said Property.
8. Shri Shaukat Hussein died on or about 27.07.1979 leaving behind him 1) Mrs. Akhtari - Wife, 2) Zakir Hussein age 16 years - son 3) Sajid Hussein age 12 years - Son 4) Shri Anwar Hussein age 10 years -Son and 5) Shahanaaz 7 years - daughter the only heirs to inherit and claim his share in said property. In the premises they became the owner of the share of late Shri Shaukat Hussein in said property. Mrs. Akhtari w/o. Shaukat Hussein executed power of attorney dated 26th October, 1984 on her behalf and behalf of minor children in favour of Mrs. Kharunissa w/o. Noor Nabi Shah empowering her to deal with, sell and/or dispose off share of Shaukat Hussein in said property.
9. 1) Shri Abdul Rehman Shah 2) Shri Altaf Hussien 3) Smt. Khairunissa W/o late Shri Noor Nabi Shah for herself and being the constituted attorney of Imtiaz Hussain, and Constituted Attorney of Mrs. Akhtari W/o Shaukat Hussein and her minor children 4) Bibi Zaton D/o Kudarat Shah Sayadali Shah through her constituted attorney, the Owners of the Said Property by Agreement for Sale dated 30th October, 1984 being the vendors therein of the One Part, the vendors therein agreed to sell transfer Said Property more particularly described in Schedule thereunder written to Mrs. Sulina Shivajirao Katkar, Proprietress of M/s. Sunit Construction Company - the Purchaser therein for the consideration and on the terms and conditions mentioned therein. Since the time limit for registration of Agreement was over and the Owners did not appear to register Agreement, Mrs. Sulina Shivajirao Katkar, Proprietress of M/s. Sunit Construction Company - the Purchaser presented the Agreement for Sale dated 30th October, 1984 alongwith Declaration cum Deed of Confirmation 5th October, 2004 to Sub registrar of Assurances Andheri - 3 and Declaration cum Deed of Confirmation dated 05th October, 2004 alongwith Agreement for Sale dated 30.10.1984 was duly registered with Sub Registrar of Assurances Andheri - 3 BDR-9-5353/2004 dated 05.10.2004. The Purchaser therein paid the entire consideration to the Vendors therein payable under the

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said Agreement for Sale dated 30th October 1984. The Vendors therein executed General Power of Attorney dated 09.11.1984 in favour of Mrs. Sulina Shivajirao Katkar to develop and dispose off the Said Property. In pursuance of the said Agreement for Sale dated 30th October 1984 constructed a residential building named RATNA TARANG on the portion of the Said Property.

10. By Agreement for Sale dated 03.08.2000 made and entered into between Smt. Sulina Shivajirao Katkar Proprietress of M/s. Sunit Construction Company - the Vendor therein of the One Part and M/s. ELEGANT BUILDERS & DEVELOPERS - the Purchasers of the Other Part- the Promoters herein, the Vendor therein agreed to sell with development rights of the Said Property to the Promoters of the Other Part therein upon the terms and conditions and for considerations more particularly set out therein and in First Schedule hereunder written.
11. By Indenture dated 08.06.2007 duly registered with Sub Registrar of Assurances BDR / 4 at Sr. No. 4272 dated 08.06.2007 executed by 1) Abdul Rehman Shah 2) Shri Altaf Hussain 3) Shimati Khairunissa wife of Shri Noor Nabi Shah and 4) Smt. Bibi Zaitoon - the Vendors therein through their constituted attorney Smt. Sulina Shivajirao Katkar Proprietress of M/s. Sunit Constructions of First Part - the Vendors therein sold, transferred, conveyed land admeasuring 2538.83 sq. meters on the terms and conditions contained therein more particularly described in Second Schedule written thereunder out of Said Property Described in First Schedule therein to the Purchasers therein the Promoters herein a partnership firm duly registered under the provisions of Indian Partnership Act, 1932 comprising of 1. Mr. Anand G. Parab, 2. Ravishankar M. Gupta 3. Mrs. Feroz Akram Sahikh and 4. M/s Prabhav Properties Pvt. Ltd. and Smt. Sulina Shivajirao Katkar Proprietress of M/s. Sunit Constructions the confirming Party therein of the Third Part confirmed the sale between Vendors and Purchasers therein on the terms and conditions contained therein. The Purchasers therein - the Promoters herein have paid part of consideration and the balance consideration is statutory charge on the property under section 55 (4) of The Transfer of Property Act, 1882. You will have to make payments stipulated in Indenture dated 08.06.2007 failing which it will amount to charge more particularly stated therein.
12. In pursuance of order dated 16.04.2012 and corrigendum dated 13.09.2013 passed by Hon'ble Collector, Mumbai Suburban District and order dated 08.10.2013 passed by the City Survey officer, Andheri, Mumbai Suburban District Mutation Entry No. 478 dated 08.10.2013 effected recording the sub division of the Property Register Card bearing C. T. S. No. 123 whereby the new Property Register Card bearing C. T. S. No. 123/A was opened recording the area of Property admeasuring 2362.20 sq. meters. Vide mutation entry No. 589 dated 27.10.2016 name of Owners/Promoters M/s. Elegant Builders & Developers and M/s. Prabhav Properties Pvt. Ltd was entered in the Property

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- Register Card bearing C. T. S. No. 123/A as Holder for area admeasuring 1261.93 sq. meters. However the M/s. Prabhav Properties Pvt. Ltd. are not described as partner in Property Register Cards. In the premises the Promoters are owners of land admeasuring 2538.83 sq. meters bearing Property Register Card bearing C. T. S. No. 123/A (Old C. T. S. No. 123), 123/1 to 78, 123/80 to 84 123/97 to 99, Village Mogra, Taluka Andheri, Mumbai Suburban District.
13. Vide mutation entry No. 589 name of Owners/Promoters and M/s. Prabhav Properties Pvt. Ltd was entered in the Property Register Card. However the M/s. Prabhav Properties Pvt. Ltd. are not described as partner in Property Register Cards. The Owners/Promoters have filed Appeal No. 171 of 2022 before District Superintendent of Land Records, Mumbai Suburban challenging the mutation entry No. 589 for deleting the name of M/s. Prabhav Properties Pvt. Ltd. from Property Register Cards. Upon deletion of name of M/s. Prabhav Properties Pvt. Ltd. M/s. Elegant Builders & Developers will be owners thereof in inters of Indeture dated 08.06.2007.
14. Search Report shows Lis Pendence registered By Mrs. Mohini Mohan Dhawade. You have informed that Mohini Mohan Dhawade had filed S. C. Suit No. 1770 of 2008 in the Bombay City Civil Court, at Dindoshi, Goregaon for accounts and other reliefs. The Hon'ble Bombay City Civil Court was by order dated 20.11.2008 pleased to dismissed the suit as bared u/s. 69 (3) of Indian Partnership Act, 1932. Mohini Mohan Dhawade field Suit No. 313 of 2009 in the Hon'ble Bombay High Court for refund of amount paid by her with interest based on admission of Defendant No. 1 of loan transaction in S. C. Suit No. 1770 of 2008. In the pleading and evidence she has denied the loan. The Suit has been transferred to Bombay City Civil Court at Bombay on account of enhancement of pecuniary jurisdiction of Bombay City Civil Court. The Suit is simply for refund of alleged loan and interest. She has not claimed any interest in the Said Property. Hence the suit will not impact the title of the owner/promoter or has any impact on the development.
15. The City Survey Officer, Andheri has vide Mutation Entry (Ferfar) No. 589 recorded M/s. Elegant Builders & Developers M/s. Prabhav Properties Pvt. Ltd. "Holder" in the Property Register Card bearing C. T. S. No. 123/A, 123/1 to 78, 123/80 to 84, 123/97 to 99. M/s. Prabhav Properties Pvt. Ltd. is one of partner M/s. Elegant Builders & Developers. Since M/s. Prabhav Properties Pvt. Ltd. have not been described as partner of M/s. Elegant Builders & Developers, it is an ambiguity. M/s. Elegant Builders & Developers have preferred Appeal No. 171 of 2022 alongwith Application for Condonation of Delay before the District Superintendent of Land Records, Mumbai Suburban District challenging the Mutation Entry No. 589 for deleting the name of M/s. Prabhav Properties Pvt. Ltd. from the Property Register Cards. The Ld. District Superintendent of Land Record, Mumbai Suburban District has by Order dated 17.10.2022 condoned delay in filing appeal. You have informed me that M/s.

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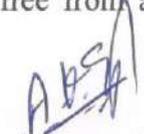
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Prabhav Property Pvt. Ltd. have agreed to consent for deleting their name from Property Register Cards as they are one of the partner and not co-owners. The Appeal is pending for hearing and final disposal. You will have to get the name of M/s. Prabhav Properties Pvt. Ltd. deleted from the Property Register Card as it is an ambiguity showing M/s. Prabhav Properties Pvt. Ltd. as co-owner instead of one of partner.

16. You have informed that The Dy. Collector (ENC) and Competent Authority vide Order bearing No. DCA/ENC/ 297 dated 9th May, 1986 published in Maharashtra Government Gazette dated 03.02.1990 declared Said Property "SLUM AREA" under the provisions of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.
17. The government of Maharashtra has formulated the Slum Rehabilitation Scheme for the free Housing of slum dwellers occupying structures since prior to year 01.01.1995 under the provisions of Development Control Regulation 33 (10) amended. Under the scheme Promoters are entitled to saleable FSI after accommodating the eligible slum dwellers.
18. You have informed that the tenants/occupants of the properties described in the Schedule formed Vrindavan SRA Co-operative Housing Society (Proposed) now registered Om Vrindavan SRA Co-operative Housing Society Ltd. passed resolution for the implementation of slum Rehabilitation Scheme for their free housing under provisions of Development Control Regulation 33 (10) amended and appointed you Developers to implement the slum rehabilitation scheme.
19. Pursuant to your appointment as developers you have submitted the slum Rehabilitation scheme to Slum Rehabilitation Authority. Slum Rehabilitation Authority has approved the slum scheme for the all three properties described hereunder and issued Letter of Intent bearing No. SRA / ENG / 672 / KE / PL / LOI dated 22.08.2002. The Intimation of Approval No. SRA / ENG / 844 / KE / PL / AP dated 28.11.2002. The Slum Rehabilitation Authority issued revised Letter of Intent bearing No. SRA / ENG / 672 / KE / PL / LOI dated 12.05.2011. You entitled to the benefits of Saleable FSI and to construct building after rehabilitating the eligible slum dwellers under provision of D. C. Regulation 33 (10) by complying conditions imposed under LOI.
20. I have examined the title of the aforesaid owners/ promoters based upon the revenue records, registered Indenture dated 08.06.20007, document and information furnished by Mr. Ravishankar Gupta partner of M/s. Elegant Builders & Developers. Subject to what is stated hereinabove I am of the opinion that title of Owners in respect of the property described in the Second Schedule hereunder written is marketable free from all encumbrances and beyond reasonable doubt.

Date: 11.11.2022


Ashok Kumar Singh
Advocate High Court**ASHOK KUMAR SINGH**
B.A.,LLB,
Advocate, High Court
1203, A Wing, Cayenne, Near D Mart,
Nahar Amrit Shakti, Chandivali,
Mumbai-400 072.