

***Kajal Dedhia***  
**Advocate, High Court**

**FORMAT-A**  
**(Circular No. 28/2021)**

To,

**Maharashtra Real Estate Regulatory Authority**

6<sup>th</sup> & 7<sup>th</sup> floor, Housefin Bhavan,

Plot No. C-2, E-Block,

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 of ground admeasuring 1134 sq. Yards., bearing C.T.S. No. 1180/A admeasuring 681.3 sq. Meters or thereabout (as per P.R. Cards) of Revenue Village-Kandivali, Taluka Borivali in the registration district and sub-district of Mumbai City and Mumbai Suburban together with the existing buildings, known as "SUKAN CO-OPERATIVE HOUSING SOCIETY LIMITED" (The Society) situated at Mahatma Gandhi Road, Kandivali (West), Mumbai 400 067 ("the said Property").**

I, have investigated the title of the said Property i.e. Sukan Co-operative Housing Society Limited (being the Owner/Society) on the request of **M/s. YASHODANAND INFRA** (being the Co-Developer/Promoter of the said

Address: A/402, Sant Sudhama CHSL, Shivaji Nagar Road, Vakola Bridge, Santacruz (East),  
Mumbai- 400 055,

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**property)**, a firm registered under the provisions of Partnership Act 1932 having its registered office Address at 102, Rite Perinto, Gumpha Darshan CHSL A & B, Ashra Colony, Borivali East, Mumbai 400 066 (hereinafter referred as “**my Client**”).

**1. Description of the Property:**

Plot bearing CTS No. 1180/A admeasuring 681.3 Sq. Mtrs. or thereabout (as per P.R. Cards) of Revenue Village-Kandivali, Taluka Borivali in the registration district and sub-district of Mumbai City and Mumbai Suburban together with old structures standing thereon situated at Mahatma Gandhi Road, Kandivali (West), Mumbai 400 067 together with the existing buildings known as “**SUKAN CO-OPERATIVE HOUSING SOCIETY LIMITED**” (“**The said Property**”).

A building known as “Sukan’ (consisting of ground plus four upper floors without lift, having 18 (Eighteen) residential flats & 10 (ten) shops, in all 28 (twenty-eight) units i.e. total 28 (twenty eight) members. ‘**Sukan Co-operative Housing Society Ltd.**’ Registered under the Maharashtra Co-operative Societies Act, 1960 and Rules framed thereunder bearing No. BOM/HSG/R/9672 of 1984 dated 30<sup>th</sup> January 1984.

**2. Document of Title:**

*R. Dedhia*



Vide Deed of Conveyance dated 05/08/2017 and registered on 05/08/2017 with the office of sub-registrar of assurance bearing Registration No. BRL/9/6633/2017 the said Property has been conveyed in favour of the Society.

2. By and under a Redevelopment Agreement dated 12<sup>th</sup> January, 2022 duly registered vide bearing No. BRL-9-530- 2022 on 12<sup>th</sup> January, 2022 (hereinafter

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referred to as “**the said Redevelopment Agreement**”) made and executed between the said Sukan Co-operative Housing Society Limited (The Society) of the One Part and M/s. Gokaldas Developers as the Developers of the Second Part and the members of the Society of the Third Part, the Society therein granted development rights unto the Developers in respect of the said Property upon terms and conditions mentioned therein.

3. In furtherance to the aforesaid, the Owners therein also executed and delivered a Power of Attorney dated 12<sup>th</sup> January, 2022 (hereinafter referred to as “**the said Power of Attorney**”) duly registered vide bearing No. BRL-9-530- 2022 on 12<sup>th</sup> January, 2022, unto the nominees of Developers, to do various acts, deeds matters and things in respect of the development of the said Property
4. I perused vide Joint Development Agreement dated 18<sup>th</sup> July, 2024 duly registered vide bearing No. BRL-7-15323-2024 on 18<sup>th</sup> July, 2024 (hereinafter referred to as “**the said Joint Development Agreement**”) made and executed between the M/s. Gokaldas Developers as the Developers of the One Part and M/s. Yashodanand Infra as the Co-Developers of the Second Part, the Developer granted joint development rights unto the Co-Developers in respect of the said Property upon terms and conditions mentioned therein.



In furtherance to the aforesaid, the Owners therein also executed and delivered a Power of Attorney dated 18<sup>th</sup> July, 2024 (hereinafter referred to as “**the said Power of Attorney**”) duly registered vide bearing No. BRL-7-15324-2024 on 18<sup>th</sup> July, 2024, unto the partners of Co-Developers, to confirm the rights of do all to do various acts, deeds matters and things in respect Development of the said property given under the Joint Development Agreements by M/s. Gokaldas Developers and hence society vests all power in respect of Development of Property in favour of partner of M/s. Yashodanand Infra.

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**3. Owner of the Land :**

I perused that “**SUKAN CO-OPERATIVE HOUSING SOCIETY LIMITED**” being **society is owner of the said land** i.e. the said Plot bearing CTS No. 1180/A admeasuring 681.3 Sq. Mtrs. or thereabout (as per P.R. Cards) of Revenue Village-Kandivali, Taluka Borivali in the registration district and sub-district of Mumbai City and Mumbai Suburban together with old structures standing thereon situated at Mahatma Gandhi Road, Kandivali (West), Mumbai 400 067

**4. Property Registration Card issued by City Survey Office:**

The Property Card for the property is muted in the name of Sukan Co-operative Housing Society Limited as owner of the said property.

**5. Search Report:**

Mr. Rakesh Pawar has searched for the 40 years and in the entire notes of search re are no entries found affecting the title.

**MCGM Approval:**

Accordingly on the plans and proposals being submitted vide file No. CHE/WSII/4459/R/S/337 (New) by M/s. Gokaldas Developers and MCGM sanctioned the plans and issued I.O.D. under reference No. CHE/WSII/4459/R/S/337/IOD/1/New dated 21<sup>st</sup> January, 2023 for the purpose of construction of the proposed building commercial cum residential consists of Ground floor plus 13 or more upper floor.

2. The Developer has amended plans and proposals submitted vide file No. CHE/WSII/4459/R/S/337(NEW)/IOD/1/Amended \*by M/s. Gokaldas Developers and MCGM sanctioned the plans and issued I.O.D. under ZERO FSI

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vide reference No. CHE/WSII/4459/R/S/337(NEW)/IOD/1/Amended dated 1<sup>st</sup> August, 2024 and Plinth CC dated 19<sup>th</sup> August 2024, for the purpose of construction of the proposed building.

**7. Litigation:**

Society had filed Commercial Suit bearing No. 34892 of 2023 at High Court of Judicature at Bombay due to difference and dispute against the Developers, and as per High Court order matter is been transferred to City Civil Court and numbered as Commercial Suit No. 100754 of 2024 and Notice of Motion No. 1142 of 2024 subsequently after negotiating and as per the mutual arrangement arrived at between the parties the Society and the Developer executed consent terms on dated 16<sup>th</sup> March 2024 and filed consent term in City Civil Court, Mumbai on 18<sup>th</sup> March, 2024 in Notice Motion No. 1142 of 2024 and as per the Consent Term Notice of Motion disposed off and modified certain terms and conditions as detailed therein

The Report reflecting the flow of the title of the said property i.e. Sukan (The said property) and Co-Developer **M/s. Yashodanand Infra** on the said land is enclosed herewith as annexure.

Encl: Annexure

Date: 30<sup>th</sup> December, 2024

Place: Mumbai



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**FLOW OF THE TITLE OF THE LAND**

1. I perused all the documents provided to me, Legal title flow is as under originally By and under a Deed of Conveyance dated 7<sup>th</sup> January, 1959 executed between Mr. Bomashaw Pestonji Markar (therein referred to as 'the Vendor') of one part and (1) Mr. Mohammed Rasool Belim (2) Mr. Hassam Rasool Belim & (3) Mr. Hamed Rasool Belim therein referred to as 'the Purchasers' and therein after referred to as 'the Original Owners') whereby the said Bomashaw Pestonji Markar forever sold, transferred, conveyed and assigned all right, title and interest in respect of ALL that pieces or parcels of land of ground bearing C.T.S. No. 1180, 1180/1 to 1180/5 admeasuring 934.40 Sq. Meters or thereabout (as per P.R. Cards) [referred to as the '**said plot of land**'] coupled with incidental benefits of FSI which was available, in lieu of the land admeasuring 253.1 Sq. Meters or thereabout which was affected under D.P. Roads, of Revenue Village-Kandivali, Taluka Borivali, Mumbai Suburban District together with old structures standing thereon situated at Mahatma Gandhi Road, Kandivali (West), Mumbai 400 067, at or for a consideration and on the terms and conditions recorded therein.

2. By and under an Agreement for Sale dated 26<sup>th</sup> December 1975 executed between the Original Owners i.e. Mr. Mohammed Rasool Belim & Others of one part and Mr. B.S. Jain of the other part whereby the Original Owners agreed to sell, transfer and convey the old Property to the said B.S. Jain at or for a consideration and on the terms and conditions recorded therein, which was registered with the Sub-Registrar of Assurances at Bombay under Serial

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No.S-4568 of 1976 on 19<sup>th</sup> February 1976 and the concerned Registering Authority issued Index II thereof.

3. Further, by and under an Agreement for Sale dated 30<sup>th</sup> October 1978, executed between the said B.S. Jain of the first part, the Original Owners i.e. Mr. Mohammed Rasool Belim M/s. Vidyut Enterprises, a partnership firm registered under the provisions of the Partnership Act, 1932 whereby the said B.S. Jain, with the consent and confirmation of the Original Owners, agreed to sell, the said plot of land, to the Original Owners i.e. Mr. Mohammed Rasool Belim M/s. Vidyut Enterprises, at or for consideration and on the terms and conditions recorded therein.
4. The said Vidyut Enterprises initiated necessary steps for development of the old Property by demolishing the old structures (after settlement of the respective claims of the various tenants/occupants of the said old structures) and accordingly, the said Vidyut Enterprises got necessary approval/sanction/amendment of the plans under File No. CE/2794/BSII/AR from the Municipal Corporation of Greater Mumbai for the construction of the new building (consisting of ground and four upper floors) on the said plot of land in accordance with the then prevailing Development Control Regulations.

The said Society by an Application under the provisions of Sub-Section (3) of Section 11 of the Maharashtra Ownership of Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 applied to the Competent Authority appointed under the said Act for obtaining Unilateral Deemed Conveyance in favour of the Society. Accordingly, Accordingly, the Competent Authority and District Deputy Registrar Co-operative Societies "R/South-Ward", Mumbai vide its Order No. DDR-4/Mum./D.C./Sukan CHSL/2389/2015 dated 17<sup>th</sup> July 2015 passed an order for granting/issuing a Certificate for Unilateral Deemed Conveyance in favour of the Society. Further by

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a Deed of Conveyance dated 05/08/2017 and registered on 05/08/2017 with the office of sub-registrar of assurance bearing Registration No. BRL/9/6633/2017 the said Property has been conveyed in favour of the Society.

6. I perused Sub division and amalgamation order issued by collector dated 30<sup>th</sup> May, 2019 wherein the said Plot bearing C.T.S. No. 1180, 1180/1 to 5 amalgamated to CTS No. 1180/A admeasuring 681.3 Sq. Mtrs. or thereabout (as per P.R. Cards) of Revenue Village-Kandivali, Taluka Borivali in the registration district and sub-district of Mumbai City and Mumbai Suburban together with old structures standing thereon situated at Mahatma Gandhi Road, Kandivali (West), Mumbai 400 067 together with the existing buildings known as **“SUKAN CO-OPERATIVE HOUSING SOCIETY LIMITED” (“the said Property”)**.

7. By and under a Redevelopment Agreement dated 12<sup>th</sup> January, 2022 duly registered vide bearing No. BRL-9-530- 2022 on 12<sup>th</sup> January, 2022 (hereinafter referred to as **“the said Redevelopment Agreement”**) made and executed between the said Sukan Co-operative Housing Society Limited (The Society) of the One Part and M/s. Gokaldas Developers as the Developers of the Second Part and the members of the Society of the Third Part, the Society therein granted development rights unto the Developers in respect of the said Property upon terms and conditions mentioned therein.

In furtherance to the aforesaid, the Owners therein also executed and delivered a Power of Attorney dated 12<sup>th</sup> January, 2022 (hereinafter referred to as **“the said Power of Attorney”**) duly registered vide bearing No. BRL-9-530- 2022 on 12<sup>th</sup> January, 2022, unto the nominees of Developers, to do various acts, deeds matters and things in respect of the development of the said Property.

9. Accordingly on the plans and proposals being submitted vide file No. CHE/WSII/4459/R/S/337 (New) by M/s. Gokaldas Developers and MCGM

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sanctioned the plans and issued I.O.D. under reference No. CHE/WSII/4459/R/S/337/IOD/1/New dated 21<sup>st</sup> January, 2023 for the purpose of construction of the proposed building commercial cum residential consists of Ground floor plus 13 or more upper floor.

10. I perused Advocates Letter dated 31<sup>st</sup> January, 2023 wherein the Society had terminated the Developer and terminated the Redevelopment Agreement dated 12<sup>th</sup> January, 2022, Power of Attorney dated 12<sup>th</sup> January, 2022, and other ancillary documents.

11. In furtherance, due to difference and dispute against the Developers Society had filled commercial Suit bearing No. 34892 of 2023 at High Court of Judicature at Bombay, and as per High Court order matter is been transferred to City Civil Court and numbered as Commercial Suit No. 100754 of 2024 and Notice of Motion No. 1142 of 2024 subsequently after negotiating and as per the mutual arrangement arrived at between the parties the Society and the Developer executed consent terms on dated 16<sup>th</sup> March 2024 and filed consent term in City Civil Court, Mumbai on 18<sup>th</sup> March, 2024 in Notice Motion No. 1142 of 2024 and as per the Consent Term Notice of Motion disposed off and modified certain terms and conditions as detailed therein.

12. I perused vide Joint Development Agreement dated 18<sup>th</sup> July, 2024 duly registered vide bearing No. BRL-7-15323-2024 on 18<sup>th</sup> July, 2024 (hereinafter referred to as “**the said Joint Development Agreement**”) made and executed between the M/s. Gokaldas Developers as the Developers of the One Part and M/s. Yashodanand Infra as the Co-Developers of the Second Part, the Developer granted joint development rights unto the Co-Developers in respect of the said Property upon terms and conditions mentioned therein

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13. In furtherance to the aforesaid, the Owners therein also executed and delivered a Power of Attorney dated 18<sup>th</sup> July, 2024 (hereinafter referred to as “**the said Power of Attorney**”) duly registered vide bearing No. BRL-7-15324-2024 on 18<sup>th</sup> July, 2024, unto the partners of Co-Developers, to confirm the rights of do all to do various acts, deeds matters and things in respect Development of the said property given under the Joint Development Agreements by M/s. Gokaldas Developers and hence society vests all power in respect of Development of Property in favour of partner of M/s. Yashodanand Infra.

14. The Developer has amended plans and proposals submitted vide file No. CHE/WSII/4459/R/S/337(NEW)/IOD/1/Amended by M/s. Gokaldas Developers and MCGM sanctioned the plans and issued I.O.D. under ZERO FSI vide reference No. CHE/WSII/4459/R/S/337(NEW)/IOD/1/Amended dated 1<sup>st</sup> August, 2024 and Plinth CC dated 19<sup>th</sup> August 2024, for the purpose of construction of the proposed building.

15. I observed that there are no other litigation pending before any court of law with respect to the property except Commercial Suit No. 100754 of 2024 in City Civil Court, Mumbai and Mr. Premji Makwana, member of society being applicant has filed Chamber Summons in Commercial Suit No. 100754 of 2024 which is also pending before Hon'ble Court.

16. The said property is free, clear, marketable and free from any encumbrances.

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*Dedhia*



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In the aforesaid premises my client is the Co-Developer/Promoter M/s. Yashodanand Infra of the said property and well sufficiently entitled for the redevelopment of the said property.

On the perusal of the above-mentioned document and all other relevant documents relating to Title of the said property i.e. Sukan Co-operative Housing Society Limited (Owner of the Property) I am of the opinion that my client **Yashodanand Infra (being the Co-Developer/Promoter of the said property)** has clear, marketable and without any encumbrances.

Date: 30<sup>th</sup> December, 2024

Place: Mumbai



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