

# DHIREN H. SHAH

Advocate & Solicitor

Ref. No. : 295/24

Date : 04/06/24

## FORMAT - A

(Circular No. 28/2021 dated 08/03/2021)

To,  
MAHARERA  
BKC, Housefin Bhavan, near RBI,  
E Block, Bandra Kurla Complex, Bandra East,  
Mumbai, Maharashtra 400051.

### LEGAL TITLE REPORT

**Sub:** Title report with respect to the property being all that piece of land bearing Old N.A. No. 114 (Part) and Old City Survey No.432, subsequent City Survey Nos. 432A, 432-A1 to A14 of Village Andheri and New/Current City Survey No.432A/B, Taluka Andheri, Mumbai Suburban District and admeasuring about 2156.3 square meters, together with the buildings and structures standing thereon, situate, lying and being at V.P. Road, Andheri (West), Mumbai 400 058 (**'said Property'**).

Sir,

I have gone through the title of **M/S. JET BUILDERS LLP**, a Limited Liability Partnership firm, duly registered under the provision of Indian Limited Liability Partnership Act, 2008 having its registered office at 50, Pravasi Ind. Estate, C Wing, 2<sup>nd</sup> floor, Off Aarey Road, Goregaon (East), Mumbai - 400063 (**"the said Firm"**), in respect of the property more particularly described in the schedule hereunder written and as regards the same, I have to state as under:

#### **I. Description of Property:**

All that piece of land bearing Old N.A. No. 114 (Part) and Old City Survey No.432, Subsequent City Survey Nos. 432A, 432-A1 to A14

and New/Current City Survey No.432A/B of Village Andheri, Taluka Andheri, Mumbai Suburban District and admeasuring about 2156.3 square meters, together with the buildings and structures standing thereon, situate, lying and being at V.P. Road, Andheri (West), Mumbai 400 058 and bounded as under:

Towards the East :by the property belonging to Fidai Baugh building

Towards the West :by property given to the share of Ravinath Anandrao Patil (Parsian Apartment)

Towards the North :by the office of the Municipal Corporation of Greater Mumbai

Towards the South :by a Private road (V. P. Road) and beyond that by the property of the Khoja Shia Ismail Trust (Fidai Baugh)

## **II. Documents referred to:**

1. Decree dated 21.12.2009 alongwith the Judgment and Order dated 01.12.2009 passed in the S. C. Suit No.4410 of 2006.
2. Order dated 03.05.2012 of the Registrar of Co-operatives Societies.
3. Deed of Conveyance dated 12.06.2014 executed by the Registrar, City Civil Court Dindoshi, Goregaon, pursuant to the Decree dated 21.12.2009 and the Judgement and Order dated 01.12.2009 passed in the S.C. Suit No.4410 of 2006.
4. Letter dated 14.01.2018 addressed by Atul Projects India Ltd., to the said firm.
5. Letter dated 20.01.2018 addressed by the said firm to the Common Wealth Co-operative Housing Society Limited and M/s. Atul Projects India Ltd.

6. Letter dated 17.02.2018 addressed by the Common Wealth Co-operative Housing Society Limited to the said firm.
7. Tri-partite agreement/MOU dated 17<sup>th</sup> March 2018 executed between the Common Wealth Co-operative Housing Society Limited, Atul Projects India Ltd., and the said firm.
8. Declaration and Indemnity dated 13.03.2018 executed by Atul Projects India Ltd.
9. Letter of Approval from the Office of the Registrar of Co-operatives Societies dated 23.08.2019.
10. Development Agreement dated 25<sup>th</sup> October, 2019 between Common Wealth Co-operative Housing Society Limited, the said firm and Mr. Umeshchandra Agarwal & Ors.
11. Power of Attorney dated 22<sup>nd</sup> November, 2019.
12. Copies of the public notices published in news papers i.e. JanmaBhoomi & Free Press Journal on 10.10.2020.
13. Search Reports dated 4<sup>th</sup> June, 2018 and 4<sup>th</sup> June, 2024 of search clerk Mr. Nilesh B. Vagal in respect of the said property for the period from 1975 upto 4<sup>th</sup> June, 2024.
14. Paper and Proceedings of First Appeal (L) No. 17555 of 2012 filed by M/s. Vijay Construction Company, through its Sole Proprietor Shri Popatlal P. Shah, before the Hon'ble High Court of Bombay.
15. Latest Property card issued by the City Survey Officer in respect of the said property.

**III** On perusal of the above mentioned documents, I am of the opinion that the title of the said Firm to develop the said Property, is free from all encumbrances, litigations [save and except to the extent of the First Appeal (L) No.17555 of 2012 pending before the Hon'ble High Court of Bombay], mortgages and has marketable title.



**IV. Owner of the said Property**

Commonwealth Co-operative Housing Society Ltd: All that piece and parcel of land bearing Old N.A No. 114 (Part) and Old City Survey No. 432, Subsequent City Survey Nos. 432A, 432-A1 to A14 and New/Current City Survey No.432A/B admeasuring 2156.3 sq. mtrs situated at Village: Andheri, Taluka: Andheri, District: Mumbai Suburban.

**V. Developer of the said Property**

M/s. Jet Builders LLP: All that piece and parcel of land bearing Old N.A No. 114(Part) and Old City Survey No. 432, Subsequent City Survey Nos. 432A, 432-A1 and New/Current City Survey No.432A/B admeasuring 2156.3 sq. mtrs, situated at Village: Andheri, Taluka: Andheri, District: Mumbai Suburban.

**VI. The report reflecting the flow of the title of the said Property is enclosed herewith as an annexure.**

Yours truly,



(Dhiren H. Shah)  
Advocate & Solicitor

Encl. as above.

**FORMAT – A**

Circular 28/2021 dated 08/03/2021

**FLOW OF THE TITLE OF THE SAID PROPERTY**

- (a) Order and the Judgment dated 1<sup>st</sup> December, 2009 passed in S.C. Suit No. 4410 of 2006 filed by the Common Wealth Co-operative Housing Society Limited against the Mr. Padmanath A. Patil & Ors., interalia for conveyance of the said property;
- (b) Decree dated 21<sup>st</sup> December, 2009 issued in furtherance of the Order and the Judgment dated 1<sup>st</sup> December, 2009 passed in S.C. Suit No. 4410 of 2006;
- (c) By a Deed of Conveyance dated 12<sup>th</sup> June 2014 and duly registered with the Joint Sub-Registrar of Assurances, Andheri-1 under No.BDR1-5456 of 2014 on 08.07.2014, made and executed between (1) Mr. Padmanath A. Patil, (2) Mrs. Kumud P. Patil, (3) Mr. Ashish P. Patil and (4) Mr. Tanay P. Patil, therein referred to as the "Owners" and M/s. Vijay Construction Company, being the Sole Proprietorship concern of Shri Popatlal P. Shah, therein referred to as the "Confirming Party", both the Owners and the Confirming Party collectively therein referred to as "the Promoters" of the First Part and the Common Wealth Co-operative Housing Society Limited, a society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 bearing Registration No.BOM/HSG/5719(A) of 1979 having its registered office at 114, 1/4, V. P. Road, Andheri (West), Mumbai – 400 058, therein referred to as the Purchasers of the Second Part, the Promoters sold, transferred and conveyed in favour of the Society, the property being plot bearing CTS Nos.432A, 432A1 to 14 of Village Andheri admeasuring 2156.3 square meters or thereabouts ("Plot") together with the



buildings standing thereon consisting of Wings A and B of ground and four upper floors, interalia comprising of residential flats (“Existing Buildings”) and other structures, situated at V.P. Road, Andheri (West), Mumbai – 400 058 in the registration district and sub-district of Mumbai City and Mumbai Suburban, for the consideration and on the terms and conditions mentioned therein;

- (d) Pursuant to the above, the Common Wealth Co-operative Housing Society Limited (“Society”) is seized and possessed of and/or otherwise well and sufficiently entitled to the Plot and the Existing Buildings etc. The Plot and the Existing Buildings and other structures are hereinafter collectively referred to as the “said Property” and is more particularly described in the Schedule hereunder written.
- (e) As per the Development Control Regulations for Greater Mumbai, 1991 in force or the proposed revised Development Control Regulations for Greater Mumbai (the “D.C. Regulations”), it is was possible to construct a new building on the Plot by demolishing the Existing Buildings and other structures standing thereon and utilizing FSI of the Plot, FSI by way of Transferable Development Right (“TDR”) as also Compensatory/Fungible F.S.I. in accordance with any of the prevailing regulations and/or schemes and/or policies under the D.C. Regulations.
- (f) Accordingly, the Society and its Members decided to invite proposals from developers for redevelopment of the said Property and called for bids from various builders/ developers of repute;

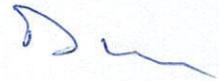
- (g) In compliance with the Circular dated January 3, 2009 issued by the Government of Maharashtra under Section 79(A) of the Maharashtra Co-operative Societies Act, 1960, the Society applied to the Registrar of Co-operative Societies for appointment of an authorized officer to attend the Special General Meeting of the Society for selection of a developer.
- (h) Accordingly, a Special General Body Meeting was held on 25/04/2012 in the presence of the authorized representative from the Office of the Deputy Registrar and the offer given by one Atul Projects India Ltd., was considered and after considering their antecedents, financial strength and track records, the members present at the meeting accepted the said offer of the said Atul Projects India Ltd., on the basis that the same was most beneficial and in the interest of the Society and its Members and accordingly, the General Body of the Society passed necessary Resolution at the said meeting interalia appointing the said Atul Projects India Ltd., to re-develop the said property.
- (i) The Registrar of Co-operative Societies, by its order dated 3<sup>rd</sup> May 2012 approved the appointment of the aforesaid Atul Projects India Ltd., as the developer for the said Property.
- (j) The Society was however unable to obtain the consent of all its members and as a result thereof, no development agreement could be executed between the Society and the aforesaid Atul Projects India Ltd., and neither could any development activity be commenced on the said property. As such, the said M/s Atul Projects India Ltd., by their letter dated 14.01.2018 expressed their willingness to assign all their rights, title and interest as arose in its favour in pursuance of



their appointment as the Developer of the society to and in favour of M/s Jet Builders LLP i.e. the said Firm herein and sought the No Objection and consent of the Society to that effect vide a letter dated 14.01.2018.

- (k) By a Letter dated 20.01.2018, the said Firm herein also expressed its willingness to accept the Assignment of development rights from the said Atul Projects India Ltd. and to act as the Developer of the society in place and instead of the said Atul Projects India Ltd.
- (l) That after various meetings, the members of the said Society in the Special General Body Meeting of its Members by over whelming majority resolved and agreed, accepted and consented to the assignment of the development rights as sought by said Atul Projects India Ltd. to and in favor of the said Firm herein i.e. M/s. Jet Builders LLP and accordingly, conveyed their acceptance in that regard vide their letter dated 17.02.2018 interalia permitting the assignment of all the right, title and interest of Atul Projects India Ltd. in the redevelopment of the said Property, unto and in favour of the said Firm herein and further agreed to execute the Development Agreement in respect of the said property, directly with the said Firm.
- (m) Further, the Society, Atul Projects India Ltd. and the said Firm also executed a tri-partite agreement/MOU dated 17<sup>th</sup> March 2018 interalia confirming that all right, title and interest of the said Atul Projects India Ltd., in the re-development of the said property has been assigned unto and in favour of the said Firm herein.

- (n) That the Society has also obtained the Declaration and Indemnity dated 13.03.2018 from Atul Projects India Ltd., inter alia confirming that they do not have any share, right, title and/or interest in the property and/or the development rights thereof and also that they have not created any third party rights of any nature whatsoever in respect of the property and/or any part thereof;
- (o) Despite the above, the Society in order to comply with the directions issued by the Government of Maharashtra under Section 79(A) of the Maharashtra Co-operative Societies Act, 1960, gave advertisements in newspapers inter alia inviting bids/offers from developers for the development of the said property and pursuant thereto, in the Special General Body meeting held on 10<sup>th</sup> August, 2019, the members of the Society unanimously accepted the offer of the said Firm and selected the said firm as their developer for the development of the said property. The Society also obtained the letter of approval dated 23.08.2019 in that regard from the Office of the Registrar of Co-operative Societies.
- (o) Accordingly, by a Development Agreement dated 25<sup>th</sup> October, 2019 made and executed between the said Society therein referred to as the Society of the One Part, the said Firm herein therein referred to as the Developer of the Second Part and 1) Mr. Umeshchandra Agarwal, 2) Mr. Pinakin Shah & Dr. Samir Shah, 3) Laxmi Radio House, through its only partners Partner Mr. Bhupendra Mishra, Partner Mr. Yogendra Mishra, Partner Mr. Surendra Mishra, 4) Mr. Mansoor Bhamani & Others, 5) Mrs. Lajja Shah & Mr. Suresh Shah, 6) Mr. Ajit Dhawde, Mr. Vinit Dhawde & Mr. Sandeep Dhawde, 7) Mr. Yogendra Mishra & Mr. Surendra Mishra, 8) Mrs. Narikutty



Achuthan, Mr. Rajesh Achuthan, Mr. Prakash Achuthan, Ms. Roja Sudish & Ms. Jeeja Gokhale, 9) Mr. Nilesh Dalvi, Mr. Devendra Dalvi, Mr. Shriram Dalvi & Mr. Nameet Dalvi, 10) Mr. Vidhyadhar Kamat, 11) Mrs. Damyanti Gada & Mrs. Manisha Satra, 12) Mr. Sagar Jain, 13) Mr. Gopakumar Kesava Menon, Mr. Ranjit Gopakumar Menon, 14) Mrs. Gyani Desai, 15) Mr. Papatlal Gogri, 16) Mrs. Prabhavati Gogri, 17) Mr. Laxmichand Shah, Mrs. Javer Shah & Mr. Jukesh Shah, 18) Mrs. Uma Tamboskar & Others, 19) Mr. Prabhakar Bhat, 20) Mr. Kamlesh Jajal, 21) Mr. Dattaram Kambli, 22) Mrs. Sitabai Pednekar, 23) Mr. Binu Patel, Mrs. Daxa Patel, 24) Mr. Upendra Tiwari, 25) Mr. Surendranath Tiwari, 26) Mrs. Damayanti Vora, 27) Mr. Mahendra Shah, 28) Mrs. Damayanti Vora, Mr. Pankaj Vora & Mr. Prakash Vora, 29) Mrs. Kasturben Savla, 30) Mr. Shashikant Savla, 31) Mr. Sudhan Yardi and 32) Mr. Ramanlal Nayak, all being the members of the said Society therein referred to as the Members of the Third Part, the said Society with the confirmation of all its Members granted the development rights in respect of the said Property to and in favour of the said Firm and upon the terms and conditions therein mentioned. The said Development Agreement dated 25<sup>th</sup> October, 2019 is duly registered with the Sub-Registrar of Assurances at Andheri under Serial No. BDR-1-11756-2019 on 25<sup>th</sup> October, 2019.

- (p) In pursuance of the said Development Agreement dated 25<sup>th</sup> October, 2019, the said Society through Mr. Pankaj V. Vora (Secretary), Mr. Gaurav P. Gogri (Chairman) and Mr. Kamlesh J Jajal (Treasurer), granted the Power of Attorney dated 22<sup>nd</sup> November, 2019 unto and in favour of (i) Mr. Keyur H. Shah and (ii) Mrs. Smita H. Shah, the designated Partners of the said Firm and the

same is registered with the Sub-Registrar of Assurance at Andheri under Serial No.BDR-1-12758 of 2019 on 22<sup>nd</sup> November, 2019.

- (q) I had caused Public Notices to be issued interalia inviting claims in respect of the said Property and which were published in the JanmaBhoomi and Free Press daily on 10<sup>th</sup> October, 2020 and I have not received any claim/s in respect of the said Property.
- (r) I have further caused search to be taken in respect of the said Property through search clerk Mr. Nilesh B. Vagal, in the office of Sub-Registrar at Mumbai and Bandra office from 1975 to 2018 and at Bandra Sub-Registrar office Nos.1 to 7 computers from 2002 to 2018 and further online search of the said Property at Bandra Sub-Registrar office Nos.1 to 7 computer from 2018 upto 4<sup>th</sup> June, 2024 and on perusal of the search reports dated 4<sup>th</sup> June, 2018 and 4<sup>th</sup> June, 2024, I have noticed that the said search reports state that some part of the record at the office of the sub-registrar are in torn state and further that the offices of the Sub-Registrar have also not maintained the records of the Computer Index II properly. After going through the aforesaid search reports, I have not come across any encumbrances in respect of the said property, subject however to the reference made in the aforesaid search record that some records are not available in view of the same being in torn state and also in view of the office of the Sub-Registrar not maintaining the Index Register properly.
- (s) The aforesaid M/s. Vijay Construction Company, through its Sole Proprietor Shri Popatlal P. Shah, has filed a First Appeal i.e. First



Appeal (L) No.17555 of 2012 before the Hon'ble High Court of Bombay interalia challenging the Judgment and order dated 01.12.2009 passed by the Hon'ble City Civil Court in S.C. Suit No. 4410 of 2006 filed by the Society. However, the said First Appeal has neither been admitted nor has any order whatsoever been passed in the said First Appeal.

- (t) Pursuant to an Order dated 31.05.2021 bearing Ref. No.2155/77489 passed by the Collector, Mumbai Suburban, the City Survey No.432/A has been cancelled and the said Property has been allotted a new consolidated CTS number i.e. CTS No.432/A/B.
- (u) The aforesaid property card in respect of the said property stands in the name of the said Society as the Owner thereof.
- (v) In view of what is stated hereinabove and subject to what is stated hereinabove, the title of the said Firm to develop the said Property, is free from all encumbrances, litigations [save and except to the extent of the First Appeal (L) No.17555 of 2012 pending before the Hon'ble High Court of Bombay], mortgages and has marketable title.

**THE SCHEDULE ABOVE REFERRED TO:**

All that piece of land bearing Old N.A. No. 114 (Part) and Old City Survey No.432, Subsequent City Survey Nos. 432A, 432-A1 to A14 and New/Current City Survey No.432A/B of Village Andheri, Taluka Andheri, Mumbai Suburban District and admeasuring about 2156.3 square meters, together with the buildings and structures

standing thereon, situate, lying and being at V.P. Road, Andheri (West), Mumbai 400 058 and bounded as under:

Towards the East: by the property belonging to Fidai Baugh building

Towards the West: by property given to the share of Ravinath Anandrao Patil (Parsian Apartment)

Towards the North: by the office of the Municipal Corporation of Greater Mumbai

Towards the South: by a Private road (V. P. Road) and beyond that by the property of the Khoja Shia Ismail Trust (Fidai Baugh)

**Dated this 4<sup>th</sup> day of June, 2024**

Yours truly,



[Dhiren H. Shah]  
Advocate & Solicitor

Housiey.com