

**MILIND BALKRISHNA NAR.**

**ADVOCATE, HIGH COURT,**

**MOBILE NO. 8080651995**

**Add:- B/407, Classic Apartment, Shree Shivshakti CHSL., Kurar Village, Malad, East, Mumbai 400097.**

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**TITLE CERTIFICATE**

Re: All that piece or parcel of land admeasuring about 3,916 sq.mtrs., bearing C.T.S. No. 328 Village Deonar, Taluka Kurla, MSD situated at Ganeshwadi, Behind Lakme Co. M.S.D. Marg, Deonar, Mumbai - 400088 for 'Morya SRA CHS (Prop.)' (hereinafter referred as the 'S.R. Scheme').

**Developer: M/s. Concrete Builders.**

I have perused documents pertaining to the title of the said property i.e. Property Register Card (PRC) which has presumptive value as per the provisions of MLRC and the rights of M/s. Concrete Builders, a Sole Proprietary concern, having its registered office at 429, Arena Corner, Sector- 17, Vashi, Navi Mumbai- 400703 ("the Developer") in respect of the development thereof.

1. On perusal of the record, I have perused copies of the relevant order from Slum Rehabilitation Authority and High Power Committee as well as Property Register Card (PRC) and also the relevant approvals such as Letter of Intent, Intimation of Approval produced by the Developer and have also caused search taken of relevant records at the offices of Sub-Registrar of Assurances at Mumbai.
2. The title chain of the said property is as follows:
  - a. State Government of Maharashtra ("STGM") is the owner of a piece or parcel of land admeasuring about 3916 sq. mtrs., bearing C.T.S. No. 328 Village Deonar, Taluka Kurla, MSD situated at Ganeshwadi, Behind Lakme Co. M.S.D. Marg, Deonar, Mumbai - 400088 (hereinafter referred as "said property") and most of the part is encroached by the slum dwellers who formed a proposed society by name and style of Morya SRA CHS (Prop.)



(Hereinafter referred as "the society") this is registered on 30.9.2009 bearing registration number MUM/ SRA/ HSG/ (T.C)/ 11660/ 2009.

- b. The said Society by General Body Resolution dated 11<sup>th</sup> March, 2006 appointed M/s. Morya Homes as their developer for implementation of the S.R. Scheme under DC Regulation 33(10) of 1991 read with Appendix-IV. Thereafter the Architect Mr. Suresh Mhatre of M/s. Mhatre & Associates on behalf of M/s. Morya Homes for the said society submitted the proposal and which was duly accepted by Slum Rehabilitation Authority on 29/8/2006.
- c. Additional Collector (Enc & Rem) and Competent Authority (Eastern Suburban) issued certified Annexure-II on 3/10/2007 for total 218 slum dwellers and out of which all 218 slum dwellers are held eligible as on date. On the basis of said certified Annexure-II, SRA sanctioned the said S.R. Scheme and issued LOI on 11/9/2008 and revised LOI on 28/9/2009.
- d. The M/s. Morya Homes for the last 10 years had not taken any steps for speedy implementation of the subject S.R. Scheme and also failed to pay monthly rent/compensation to the eligible slum dwellers who have vacated their respective huts, therefore the said Society filed Application dated 23/06/2016 under section 13(2) of the Maharashtra Slum Areas (I, C &R) Act, 1971 before Chief Executive Officer, SRA and requested to terminate the appointment of M/s. Morya Homes as their developer for implementation of their scheme.
- e. Pursuant to the said Application , Secretary, SRA by exercising delegated power of CEO/SRA , heard all concerned parties and passed an order dated 24/11/2016 and terminated the appointment of M/s. Morya Homes as



developer of said S.R. Scheme and granted liberty to society to appoint new developer of their choice as per rules and regulations.

f. Pursuant to the order passed by the Secretary, SRA dated 24/11/2016 society by General Body Resolution dated 25/12/2016 passed in the presence of duly appointed Administrator Mr. Sunil Shinde, 172 members of society who were present in the General Body meeting dated 25/12/2016 resolved and appointed M/s. Concrete Builders as their Developer for further implementation of S.R. Scheme. Thereafter the said newly appointed developer viz M/s. Concrete Builders executed new Development Agreement with the slum dwellers Society viz. Morya CHS Ltd on 17/03/2017 and the said society assigned development rights with respect to the said property in favour of M/s Concrete Builders. Even out of total 218 numbers of eligible slum dwellers, about 202 number of eligible slum dwellers have executed individual consents in favour of the said new developer as per the requirement of Regulation 33(10) of DCR-1991.

g. In the meantime being aggrieved by the order dated 24/11/2016 passed by the Secretary, SRA, the old developer M/s. Morya Homes filed Application No. 253 of 2016 before High Power Committee, Government of Maharashtra. In the said Application, after hearing the arguments of all concerned parties, the High power Committee, please to pass an order on 27/4/2017 and dismissed the application No. 253 of 2016 filed by M/s. Morya Homes and upheld the order dated 24/11/2016 passed by Secretary, SRA.

h. Being aggrieved by the order dated 24/11/2016 passed by the Secretary, SRA, and order dated 27/4/2017 passed by High Power Committee, Government of Maharashtra, the old developers M/s. Morya Homes had filed Writ Petition No. 2189/2017 in the Hon'ble Bombay High Court. The Hon'ble

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Bombay High Court after hearing the concerned parties, has dismissed the Writ Petition No. 2189/2017 vide its order dated 23<sup>rd</sup> July, 2018.

- i. Thereafter M/s. Concrete Builders have obtained the revised LOI dated 30/5/2017 bearing No. SRA/ENG/1599/ME/STGL/LOI in its name in respect of the said S.R. Scheme from SRA.

Conclusion:

I hereby confirm that STGM is the owner of the said property and M/s. Concrete Builder has obtained all the requisite documents such as 70% consent of the eligible slum dwellers on the said property, development agreement, and Power of Attorney etc and permissions from the Slum Rehabilitation Authority in its name to re-develop the said property and implement the said S.R. Scheme under Regulation 33(10) of DCR - 1991 read with Appendix-IV.

In view of these facts, I hereby certify that subject to what is stated hereinabove, the plot under the subject S. R. Scheme is owned by State Government and the developer M/s. Concrete Builder has obtained development rights from the registered slum dwellers Society for implementation of the said S.R. Scheme. The said property is clear, marketable and free from all encumbrances and the Developer M/s. Concrete Builders is entitled to sell the premises of the free sale component which will generate in the said S.R. Scheme.

Dated this 10<sup>th</sup> day of August, 2018.

Yours faithfully,



(Milind B. Nar)