



SHIRALKAR & CO

ADVOCATES AND SOLICITORS

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To,
MahaRERA
E-Block, Housefin Bhavan,
Near RBI, Bandra Kurla Complex,
Bandra East, Mumbai – 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate in respect of all that pieces and parcels of land admeasuring 24^{3/4} Gunthas equivalent to 2795 sq. yards and equivalent to 2336.98 sq. meters or thereabout as per deed of conveyance dated 21st June 1966 and admeasuring about 2504.2 sq. meters as per Property Registered Card and originally bearing Survey No. 211(A) now bearing C.T.S.Nos.552, 552(1) to (5) of the Revenue Village - Vile Parle and Taluka Andheri abutting Swami Vivekanand Road, (earlier known as Ghodbunder Road), Andheri (West), Mumbai - 400053 in the Municipal Corporation K ward and in the Registration District and Sub District of Mumbai City and Mumbai Suburban ('Plot of Land') togetherwith the building that was standing thereon known as 'Shalimar' ('Building') belonging to 'Shalimar Apartment Co-operative Housing Society Limited' and the said land and the building are hereinafter collectively referred to as "**the said Property**".

We have investigated the title of the said Property at the request of M/s. Mesacon Spaces LLP.

1) DESCRIPTION OF THE PROPERTY

All that pieces and parcels of land admeasuring 24^{3/4} Gunthas equivalent to 2795 sq. yards and equivalent to 2336.98 sq. meters or thereabout as per the deed of conveyance dated 21st June 1966 and admeasuring about 2504.2 sq. meters as per Property Registered Card and originally bearing Survey No. 211(A) now bearing C.T.S.Nos.552,

552(1) to (5) of the Revenue Village - Vile Parle and Taluka Andheri abutting Swami Vivekanand Road, (earlier known as Ghodbunder Road), Andheri (West), Mumbai - 400053 in the Municipal Corporation K ward and in the Registration District and Sub District of Mumbai City and Mumbai Suburban ('Plot of Land') togetherwith the building standing thereon known as 'Shalimar' ('Building') belonging to 'Shalimar Apartment Co-operative Housing Society Limited' and the said land and the building are hereinafter collectively referred to as the "said Property".

2) THE DOCUMENTS RELATING TO THE SAID PROPERTY

2.1 We have perused the photocopies of following documents:-

- (a) Deed of Conveyance dated 27th April 1959 registered in the office of Sub-Registrar of Assurance at Bombay under Registration No. BOM/3262/1959 executed between Mr. Dhunmai Hormusji Billimoria of the One Part and (i) Mr. Gulabbhai Kalidas Desai, (ii) Amritlal Kalidas Desai and (iii) Dolatrai Kalidas Desai of the Other Part;
- (b) Deed of Conveyance dated 22nd August 1962 registered in the office of Sub-Registrar of Assurances at Bombay under Serial No. BOM/R/2445/1962 executed by (i) Mr. Gulabbhai Kalidas Desai, (ii) Amritlal Kalidas Desai and (iii) Dolatrai Kalidas Desai of the one Part and Mr. Narayandas Jinabhai Patel and five others as partners of M/s. Viviana Constructions of the Other Part;
- (c) Deed of Conveyance dated 21st June 1966 registered in the office of Sub-Registrar of Assurances at Bombay under No. Mumbai/R 3440/1966 executed between M/s. Viviana Constructions of One Part and Shalimar Apartments Co-operative Housing Society Ltd. ('the said Society') of the Other Part;
- (d) Development Agreement dated 24th December 2021 registered in the office of Sub-Registrar of Assurances at Andheri under Serial No. BDR-15-13851 / 2021

- executed between Shalimar Apartments Co-operative Housing Society Limited of the First Part and M/s. Mesacon Spaces LLP of the Second Part and the Executing Members/Confirming Parties of the said Society of the Third Part;
- (e) Power of Attorney dated 29th December 2021 registered in the office of Sub-Registrar of Assurances at Andheri under Serial No.BDR-15-14071 / 2021 executed by the said Society in favour of partner of M/s. Mesacon Spaces LLP and Mr. Vikram R. Mehta Partner of M/s. Mesacon Spaces LLP;
- (f) Supplemental Agreement dated 18th May, 2023 registered under no. BDR15-8470-2023 executed between Shalimar Apartments Co-operative Housing Society Limited of the One Part and M/s. Mesacon Spaces LLP, of the Other Part;
- (g) Tripartite Agreement dated 5th April 2023 registered under serial number BDR17-5401-2023, executed between the said Shalimar Apartments Cooperative Housing Society Ltd. of the First Part, Jeevan Sudha Cooperative Housing Society of the Second and Mesacon Spaces LLP of the Third Part;
- (h) Deed of Mortgage dated 26th March 2024 registered under no. BDR-16-4714-2024 executed by M/s. Mesacon Spaces LLP & Another in favour of Aditya Birla Finance Ltd.
- (i) Deed of Rectification dated 30th April 2024 registered under no. BDR-16-6672-2024 rectifying the aforesaid Deed of Mortgage dated 26th March 2024.

3. 7/12 EXTRACT OR PROPERTY REGISTER CARD ISSUED BY CITY SURVEY OFFICE

3.1. Property Register Card which is available on the website of Office of City Survey State of Maharashtra dated 23rd December 2022.

4. SEARCH REPORT FOR OVER 30 YEARS

4.1 Search Report of Mr. Pradeep Waghmare dated 20th August 2021 in respect of the search taken in the records of the Sub-Registrar of Assurances at Bombay from the year 1959-2021, Bandra and Andheri-1 from 1959 to 2021 and also at Andheri-1 to Andheri-8 from the year 2002 to 2022 in respect of the said Property.

Owners of the Property

- 1) C.T.S. No. 552 – Shalimar Apartments Co-operative Housing Society Limited
- 2) C.T.S. No. 552(1) to (5) – Shalimar Apartments Co-operative Housing Society Limited.

5. QUALIFYING COMMENTS/REMARKS -

A. The aforesaid search report has following quantification:-

Note-1

The Search Report is subject to torn and mutilated records; misplaced records, non-ready and unavailable records in the Office, withdrawal of registers of certain years for binding and rewriting. The search (& online search) conducted is only on the basis of available documents and records as maintained by the department at the time of the search.

Note-2

Index-II Book for the year 1960 & 1968 is not available for Search at Bombay Sub Registrar Office.

Note-3

Index-II record of the said Vileparle Village is either partly or completely in torn conditions as shown below.

Bombay S.R.O – 1959 to 1965, 1971 to 2013, 2016 to 2019.

Bandra S.R.O – 1959 to 1966, 1971 to 1984.

B. the Conveyance dated 21st June 1966 registered in the office of Sub-Registrar of Assurances at Bombay under No. Mumbai/R 3440/1966, whereby the partners of the said Viviana Constructions conveyed and transferred by way of absolute sale the said Property to the said Shalimar Apartments Co-operative Housing Society Ltd. free from encumbrances and together with the buildings and structures standing thereon provided and is subject to the right of way in favour of the owners/ occupants of the adjoining property bearing Survey No.209(A) Hissa No.2 and also Survey No.285(Part) and now bearing CTS Nos.551, 551/1 and 551/2 (“the said Adjoining Property” for brevity). The said Right of Way was provided over 15 feet wide strip of land, (the said right of way has since been reduced to 7.5 feet by way of an Order dated 4th February 1976 passed in terms of Consent Terms entered into by and between the Society herein and one Jeevan Sudha Co-operative Housing Society) at the southern side of the said Property from the Swami Vivekanand Road (earlier known as Ghodbunder Road) to access the said Adjoining Property. The said Right of Way is now being used by the said Jeevan Sudha Co-operative Housing Society, who are Successors-in-title of the aforesaid M/s. Viviana Constructions in respect of the aforesaid Adjoining Property. By and under the above-mentioned Tripartite Agreement dated 5th April 2023, the said Jeevan Sudha Co-operative Housing Society has agreed for a realignment of the said right of way during the subsistence of the said Tripartite Agreement.

The report reflecting the flow of the title of the (owner/promoter/developer/ company) to the said Property is enclosed herewith as an annexure and considering the same and the aforesaid facts, we are of the opinion that the title of the Owners i.e. Shalimar Apartment Co-operative Housing Society Limited in respect of its Property is clear, marketable and without any encumbrances. Similarly, the rights of Developers

viz. M/s. Mesacon Spaces LLP to develop and sell the flats to third parties subject to the obligations of providing flats to existing members of the Society is clear and subject to the mortgage created in favour of Aditya Birla Finance Ltd. as regards the entitlement of the Developers under the Development Agreements is otherwise free from encumbrances

Dated this 14th day of May 2024.

M/s. Shiralkar & Co.


Proprietor

Encl : Annexure.

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AnnexureFLOW OF THE TITLE OF THE SAID PROPERTY1. **7/12 extract/ P.R. Card**

Property converted into N.A. and therefore no 7/12 extracts.

2. **Mutation Entry:** Not Applicable in view of P.R. Card.3. **Search Report** dated dated 20th August 2021 in respect of the search taken in the records of the Sub-Registrar of Assurances at Bombay from the year 1959-2021, Bandra and Andheri-1 from 1959 to 2021 and also at Andheri-1 to Andheri-8 from the year 2002 to 2022.

4. We have perused the documents mentioned in the main title report and on the basis of the same we have derived the devolution of title of the Society in respect of the above property as under:-

a. originally one Mr. Dhunmai (alias Dhunbai) Hormusji Billimoria was absolutely seized and possessed of and otherwise well and sufficiently entitled to a large tract of land in the area known as Vile Parle in registration Sub-District of Bandra and Bombay Suburban District and admeasuring in aggregate 14954 sq. yards and the said pieces and parcels of land also included a land bearing Survey No.211(A) of Vile Parle admeasuring 24 and 3/4th Gunthas equivalent to 2995 sq. yards;

b. the said Mr. Dhunmai Hormusji Billimoria by and under a Deed of Conveyance dated 27th April 1959 registered in the office of Sub-Registrar of Assurance at Bombay registered under Registration No.BOM/3262/1959 sold and conveyed by way of absolute sale all those pieces and parcels of land including the aforesaid piece of land bearing Survey No.211(A) of Vile Parle admeasuring 24 and 3/4th Gunthas that is about 2995 sq. yards unto and to (i) Mr. Gulabbhai Kalidas Desai, (ii) Amritlal Kalidas Desai

and (iii) Dolatrai Kalidas Desai to be held by them absolutely and forever as Tenants-in-Common each having equal share in the said Property;

c. thereafter, by Deed of Conveyance dated 22nd August 1962 registered in the office of Sub-Registrar of Assurances at Bombay under Serial No.BOM/R/2445/1962, the said (i) Mr. Gulabbhai Kalidas Desai, (ii) Amritlal Kalidas Desai and (iii) Dolatrai Kalidas Desai sold and conveyed by way of absolute sale the aforesaid piece and parcel of land and property bearing Survey No.211(A) of Vile Parle admeasuring about 24 and 3/4th Gunthas equivalent to 2795 sq. yards or thereabout and lying, being and situate at abutting a Road then known as Godbunder Road at Vile Parle and Bombay Suburban District unto and to Mr. Narayandas Jinabhai Patel and five others as partners of M/s. Viviana Constructions;

d. thereafter, the said M/s. Viviana Constructions constructed buildings on the said property being consisting of building "A" and building "B" both consisting of ground plus two floors and having 24 flats in each building that is in all 48 flats and two Garages and known as "**Shalimar**" (hereinafter referred to as the "said Buildings") on the said property then bearing Survey No.211(A) mentioned above as per the building plans duly sanctioned by the Mumbai Municipal Corporation. The flat purchasers of the flats in the said buildings had thereafter constituted and formed themselves into Co-operative Housing Society called "Shalimar Apartments Co-operative Housing Society Limited" (being "**the Society**" herein) having in all 48 members and at the request of the said Society and as per the provisions of the Maharashtra Ownership Flats Act 1963;

e. the partners of the said M/s. Viviana Constructions by and under Deed of Conveyance dated 21st June 1966 registered in the office of Sub-Registrar of Assurances at Bombay under No. Mumbai/R 3440/1966 conveyed and transferred by way of absolute sale the said Property being Survey No. 211(A) of Vile Parle admeasuring 24 and 3/4th Gunthas admeasuring as per the said Deed of Conveyance,

2795 square yards equivalent to 2336.98 sq. metres to the said Shalimar Apartments Co-operative Housing Society Ltd. free from encumbrances and together with the buildings and structures standing thereon subject however, to the right of way or right of entry from the Swami Vivekanand Road (earlier known as Ghodbunder Road) to access the Adjoining Property bearing Survey No.209(A) Hissa No.2 and also Survey No.285(Part) now bearing CTS nos. 551, 551/1 and 551/2 ("the said Adjoining Property" for brevity). The said Right of Way was originally provided over a 15 feet wide strip of land, (the said right of way has since been reduced to 7.5 feet by way of an Order dated 4th February 1976 passed in terms of Consent Terms entered into by and between the Society herein and Jeevan Sudha Co-operative Housing Society) at the southern side of the said Property from the Swami Vivekanand Road (earlier known as Ghodbunder Road) to access the said Adjoining Property. The Jeevan Sudha Co-operative Housing Society and the said Shalimar Apartment Co-operative Housing Society have by and under a Tripartite Agreement dated 5th April 2023 as mentioned in the later part of this annexure agreed to share the common areas and as per the said agreement the said Jeevan Sudha has agreed to realign the said right of way;

f. in the circumstances aforesaid, the Shalimar Apartment Co-operative Housing Society Ltd. is absolutely seized and possessed of and is otherwise well and sufficiently entitled to the said Property and the Buildings and structures standing thereon;

g. the said Society by and under a Development Agreement dated 24th December 2021 registered in the office of Sub-Registrar of Assurances at Vile Parle, Mumbai under Serial No. BDR-15-13851/2021, executed between the said Society of the First Part, M/s. Mesacon Spaces LLP, of the Second Part, and Members of Society of the Third Part, granted development rights in respect of the said Property to M/s. Mesacon Spaces LLP, which entitles the said M/s. Mesacon Spaces LLP to develop the said Property owned by the said Society. Pursuant to the terms of the said Development

Agreement, the said Society has also granted an irrevocable Power of Attorney dated 29th December 2021 in favour of the said M/s. Mesacon Spaces LLP and its partners to do all acts deeds and things necessary with respect to development of the said Property. On account of increase in development potential, the Developers and the Society executed Supplemental Agreement dated 18th May, 2023 registered under no. BDR15-8470-2023 to record the said additional benefit arising out of incremental development potential and other consequential terms as agreed between them.

h. the Developers have by and under a Development Agreement dated 22nd December 2022 registered in the office of sub-registrar of assurances at Andheri under Serial No.BDR18-21326-2022 acquired development rights in respect of property belonging to one Jeevan Sudha Cooperative Housing Society Ltd. (**'Jeevan Sudha Society'**) being all that piece and parcel of plot of land a bearing Survey No.209-A Hissa No.2 (part) (now bearing C.T.S. Nos.551 and 551/1 and 551/2) and admeasuring 1-Acre and 4-Gunthas equivalent to 5324 sq. yards equivalent to 4457.39 sq. meters or thereabouts and admeasuring as per Property Register cards 4460.6 square meters and lying, being and situate at C. D Barfiwala Marg (earlier known as Juhu Lane) in the Revenue Village/ Ville Parle – Mumbai 400058 in the Municipal Corporation K ward and in the Registration District and Sub District of Mumbai City and Mumbai Suburban. The Developers shall be independently developing the said Properties belonging to the respective Societies. However, since the property belonging to the said Shalimar Society and the Property belonging to Jeevan Sudha Cooperative Housing Society Ltd. are adjoining to each other the Societies have by and under a Tripartite Agreement dated 5th April 2023 registered under serial number BDR17-5401-2023, executed between the said Shalimar Society of the First Part, Jeevan Sudha Cooperative Housing Society Ltd. of the Second and M/s. Mesacon Spaces LLP of the Third Part, agreed to share certain common areas and amenities as set out in the said Tripartite Agreement.

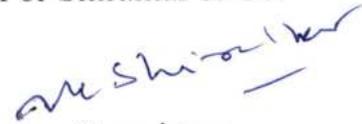
i. the Developers have by and under a Deed of Mortgage dated 26th March 2024 registered under no. BDR- 16-4714-2024 read with Rectification Deed dated 30th April 2024 registered under no. BDR-16-6672-2024 mortgaged their entitlement under the said Development Agreements.

j. it is further stated that, Public Notice was issued by us on behalf of M/s. Mesacon Space LLP inviting claims from the General Public in the issue of the following daily Newspapers, "Time of India" and "Janmabhoomi" both dated 18th August 2021 having circulation in Mumbai. We state that we have not received any claims or objections in pursuance of the said Public Notices.

5. **Litigation if any:** Not Applicable

Date: 14th May 2024

For Shiralkar & Co.



Proprietor