



SNG & PARTNERS
Advocates & Solicitors

REF/KHB/SNG/ST

Date: 01.06.2018

TITLE SEARCH REPORT

Rupvakula Properties Pvt. Ltd.
B-112, Kailash Plaza,
Vallabh Daugh Lane,
Ghatkopar, Mumbai - 400 077

Kind Attn: - Mr. Pritesh Bilakhia

Re: Property being development rights of the Said property including Free Sale FSI approved under (i) letter of Intent dated bearing number SRA/ENG/359/N/MHL-STGL/LOI and revised letter of Intent dated 06/02/2018 bearing number SRA/ENG/359/N/MHL-STGL/LOI (hereinafter referred to as "Said Portion") issued by the Slum Rehabilitation Authority to be constructed on the land, ground or plot admeasuring 6575.82 sq. mtrs. bearing CTS No. 184C (part) and 222 of village Ghatkopar and 1/A (part) of Village Vilchroli, Taluka Kurla, District Mumbai Suburban belongs to the Maharashtra Housing and Area Development Authority (hereinafter referred to as "the Said Property").

1. NAME OF THE OWNER

Maharashtra Housing and Area Development Authority (MHADA)

2. NAME OF THE DEVELOPER:

Rupvakula Properties Pvt. Ltd.

3. DESCRIPTION OF THE PROPERTY:

Property being Free Sale FSI approved under (i) letter of Intent dated bearing number SRA/ENG/359/N/MHL-STGL/LOI and revised letter of Intent dated 06/02/2018 bearing number SRA/ENG/359/N/MHL-STGL/LOI (hereinafter referred to as "Said Portion") issued by the Slum



Rehabilitation Authority to be constructed on the land, ground or plot admeasuring 6575.82 sq. mtrs. bearing CTS No. 184C (part) and 222 of village Ghalkopar and 1/A (part) of Village Vikhroli, Taluka Kurla, District Mumbai Suburban belongs to the Maharashtra Housing and Area Development Authority (hereinafter referred to as "the Said Property").

4. LIST OF DOCUMENTS PERUSED/SCRUTINISED:

In relation to the above, we have been provided with and have examined photocopies of the following documents:

1. Indenture of Lease dated 18th December 1992 executed by MHADA in favour of Ghalkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited.
2. Development Agreement dated 20th April 1995 executed by and between Ghalkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited and Rupvakula Properties Pvt. Ltd.
3. General Power of Attorney dated 08th April 1995 executed by Ghalkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited in favour of Rupvakula Properties Pvt. Ltd.
4. NOC issued by MHADA dated 09.08.1996 bearing reference number SRD/Ghalkopar (E)/NOC/4836 for the redevelopment project over the Said Plot.
5. Letter dated 02.01.1997 bearing reference no. Dy. CE/SRA/503 issued by SRA in favour of Architect M/s Ranjit Naik Architect Pvt. Ltd. for including 101 slum dwellers coming in the alignment of 13.40m wide D.P. Road abutting the plot bearing CTS No. 184(pt.) of Village Ghalkopar Laxmi Nagar Rameshwar C.H.S. Ltd.
6. General Body Resolution dated 06.08.2002 for appointment of Rupvakula Properties Pvt. Ltd. as the Developer of the Said Property.

7. Letter of Intent dated 07th March 2012 issued by the Slum Redevelopment Authority in favour of Rupvakula Properties Pvt. Ltd., revised by Letter of Intent dated 06th February 2018, both bearing reference no. SRA/ENG/359/N/MHL-STGL/LOI.
8. Approval Letter dated 18.12.2012 issued by SRA in favour of Grit Architectural Consultancy Pvt. Ltd. in respect of the Amended Layout/Amalgamation of the Said Property.
9. Intimation of Approval issued by SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 30.11.2012 in respect of the Rehab Building No. 1.
10. Commencement Certificate issued by the SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 14.07.2014 in respect of the Rehab Building No. 1.
11. Proposed amendment of Rehab Building No. 1 as Sale Building No. 1 issued by SRA vide reference no. SRA/ENG/2998/N/MHL-STGL/AP dated 20.02.2018.
12. Intimation of Approval issued by SRA vide No. SRA/ENG/468/N/PL/AP dated 21.08.1999 in respect of the Composite Building No. 2.
13. Commencement Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL-STGL/AP/Composite Building No. 2 dated 21.08.1999 in respect of the Composite Building No. 2 duly endorsed on 02.03.2002 as per approved amended plan dated 15.01.2002.
14. Part Occupation Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL/AP/Composite Building No. 2 dated 30.09.2003 in respect of Composite Building No. 2.

15. Intimation of Approval issued by SRA vide No. SRA/ENG/2862/N/STGL/MHL/AP dated 29.06.2012 in respect of the Composite Building No. 3.
16. Commencement Certificate issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 16.10.2012 in respect of the Composite Building No. 3 duly endorsed on 19.12.2013 as per approved plan dated 29.06.2012.
17. Full Occupation Permission issued by the SRA vide No. SRA/ENG/2862/N/MHL-STCL/AP dated 21.03.2017 in respect of Composite Building No. 3.
18. Intimation of Approval issued by SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 21.01.2004 in respect of the Building No. 4.
19. Commencement Certificate issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP dated 20.04.2004 in respect of the Building No. 4 duly endorsed on 07.03.2005 as per amended plan dated 26.10.2004.
20. Full Occupation Permission issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 16.11.2006 in respect of Rehab Building No. 4.
21. Intimation of Approval issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 16.01.2015 in respect of the Sale Building No. 5.
22. Commencement Certificate issued by the SRA vide No. SRA/ENG/3176/N/MHL-STCL/AP dated 02nd April 2016 in respect of the Sale Building No. 5 duly endorsed on 07.04.2018 as per approved amended plan dated 20.02.2018.

23. Proposed amendment of Sale Building No. 5 as Composite Building No. 5 issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 20.02.2018.
24. Intimation of Approval issued by SRA vide reference no. SRA/ENG/N/MHADA/0020/19900512/AP/A6 dated 20.02.2018 in respect of the Rehab Building No. 6.
25. Certified Annexure II issued by the Maharashtra Housing and Area Development Authority.
26. Registration Certificate of Ghatkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited issued by the Assistant Registrar of Cooperative Societies, SRA registering the said Society dated 23.09.1992
27. Property Card in respect of the Said Property.
28. Architect Letter dated 31.05.2018 issued by Grit Architectural Consultancy Pvt. Ltd. in respect of the Said Property.

5. SCOPE OF WORK:

The scope of our opinion is limited to the Said Property only based upon the documents provided to us in respect of the Said Property and searches conducted with the concerned Sub-Registrar of Assurances for the last 30 years and Registrar of Companies.

6. TRACING OF TITLE:-

A. CTS NO. 184 (C) OF VILLAGE GHATKOPAR (E), BOMBAY SUBURBAN DISTRICT

On perusal of the documents provided to us, we observe as under:-

1. On perusal of the property card, we observe that Maharashtra Housing and Area Development Authority (MHADA), a Corporation constituted under the Maharashtra Housing and Area Development Act, 1976 (Mah.

XXVIII of 1977) is absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece or parcel of land, ground or plot admeasuring 4163 sq. mtrs. bearing CTS No. 184(pt.) of village Chalkopar (E), Bombay Suburban District ("Said Plot").

2. Subsequently, it appears that the Said Plot was occupied by total 206 slum/ hutment dwellers who formed themselves into a co-operative society in the name of Chalkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited (hereinafter referred to as "Society") with a view to redevelop the Said Plot. The said Society has been duly registered as a Co-operative Housing Society bearing reference no. BOM/WN/HSG/70/6301/1992/93 dated 23.09.1992 under the provisions of the Maharashtra Co-operative Societies Act, 1960 by the Assistant Registrar, Cooperative Societies (SRA). Further, the Draft Annexure II was prepared and submitted to Maharashtra Housing and Area Development Board who is the competent authority for the certification of the Annexure II in respect of the land owned by the Board.
3. Further, it appears that the Society with an intention to develop the Said Plot obtained consent of 70% of eligible members and in its general body meeting held on 13.04.1995 appointed one Rupvakula Properties Pvt. Ltd. for re-development of the Said Plot.
4. Pursuant to above, the Society granted development rights over the Said Plot in favour of Rupvakula Properties Pvt. Ltd. ("Developer") vide a Development Agreement dated 20.04.1995 on terms and conditions mentioned therein.
5. In pursuance of the aforesaid Development Agreement, an Irrevocable General Power of Attorney was also executed by the Society through its committed members in favour of the Developer on 08.04.1995 to do various acts, deeds, things necessary and ancillary to the Development Agreement with respect to the Said Plot.



**B. CTS NO. 1-A OF VILLAGE OF VIKTIROLI BOMBAY
SUBURBAN DISTRICT**

6. It appears that land bearing CTS No. 1-A admeasuring 1853809.8 sq. mtrs. is owned by Government of Maharashtra. We understand from the Developer that the said land is adjacent to Said Plot i.e. land bearing CTS No. 184(pt.) of Village Ghalkopar Laxmi Nagar Rameshwar C.H.S. Ltd.

7. The land bearing CIS no. 1-A is occupied/encroached by 101 slum dwellers who formed a proposed society in the name of Namrata Co-operative Housing Society (prop) for the redevelopment of the land bearing CTS no. 1-A and SRA vide it's letter dated 02.01.1997 bearing reference no. Dy. CE/SRA/503 directed the then Architect M/s Ranji Naik Architect Pvt. Ltd. to include the said 101 slum dwellers coming in the alignment of 13.40m wide D.P. Road abutting the Said Plot bearing CTS No. 184(pt.) of Village Ghalkopar Laxmi Nagar Rameshwar C.H.S. Ltd. who were not included in the list of slum dwellers to be rehabilitated in the Slum Rehabilitation Development Scheme;

8. Further, we have been provided a letter dated 31.05.2018 issued by GRII Architectural Consultancy Pvt. Ltd. and as per point no. 5, it has been confirmed that the Dy. Collector (ENC & REMO) carried out survey in the year 2004 inter alia certified that 100 slum dwellers were eligible for the benefit of free housing tenement. The said slum dwellers formed proposed society in the name of Namrata. It appears these slum dwellers were habituating on CTS No. 1A (pt.) and the said CIS No. 1A (pt.) was ascertained only after demarcation of plot boundary carried out by City Survey Department.

9. Namrata Co-operative Housing Society post its general body meeting held on 06/04/2003 entered into a Development Agreement dated 15/05/2003 with Rupvakula Properties Pvt. Ltd. As per the said agreement, we observe that the said land is a creek land and a nalla is running along the said land i.e. CTS No. 1-A and is also primarily affected by proposed D.P. Road and portion of the land is under road development and permanent exhibition ground.

C. CTS NO. 222 ADMEASURING 5615.2 SQ. MTRS. OF VILLAGE GHATKOPAR (E), BOMBAY SUBURBAN DISTRICT

10. The land bearing CTS No. 222 admeasuring 5615.2 sq. mtrs. is owned by Government of Maharashtra as evidenced from the property card.

D. COMMON TRACING:

11. Subsequently, it appears that Grit Architectural Consultancy Pvt. Ltd. submitted plans for the amended layout/ amalgamation/ sub division of Plot bearing C.T.S. No. 184C(pt.), 222 of village Ghatkopar & 1A(pt.) of village Vikhroli at Laxmi Nagar, Link Road, Ghatkopar (East), Mumbai ("Said Property") and SRA vide its Approval Letter dated 18.12.2012 issued in favour of Grit Architectural Consultancy Pvt. Ltd. approved the same in respect of the Said Property.

12. Thereafter, a Letter of Intent dated 07.03.2012 bearing reference no. SRA/ENG/359/N/MHL-STGL/LOI was issued by the Slum Rehabilitation Authority in favour of Rupvakula Properties Pvt. Ltd. and in principal the approval of 2.73 FSI was granted for the re-development of the Said Property in accordance with D.C. Regulation No. 33 (10) and Appendix IV of amended D.C. Regulations under the modified Regulation 33(10) of the DCR subject to the terms and conditions mentioned therein which got further revised vide Letter of Intent dated 06.02.2018 bearing reference no. SRA/ENG/359/N/MHL-STGL/LOI issued by the Slum Rehabilitation Authority in favour of Rupvakula Properties Pvt. Ltd. and accordingly SRA approved the in principal FSI of 3.00 for the re-development of the Said Property.

Salient Features of the aforesaid Letter of Intent dated 06.02.2018:

- a. This Amended Letter of Intent was approved for the sanctioned FSI of 3.00 in accordance with the provisions of Appendix - IV of Regulation 33 (10) of amended D.C. Regulations, 1991;
- b. Maximum in-situ FSI of 3.00 shall be allowed to be consumed on the plot, subject to the terms and conditions mentioned therein;
- c. That the Developer shall restrict the built-up area meant for sale in the open market and built up area of rehabilitation as per the scheme parameters provided therein;
- d. That the Developer shall pay a total amount of Rs. 70,20,000/- towards Maintenance deposit to be kept with Slum Rehabilitation Authority at the rate of Rs. 20,000/- per tenement as decided by the SRA and a total amount of Rs. 63,52,400/- towards Infrastructural Development charges.
- e. LOI is valid for 3 months from the date of issue, however, if IOA/CC are obtained for any one building of the project then this LOI shall remain valid till completion of project;

Sr. No.	Description	Area in Sq. Mt.		
		Plot area for FSI 2.50	Plot area for FSI 3.00 for 25.00 sq.mt. carpet area.	Total
1.	Plot area	4496.61	2079.21	6575.82
	Deductions for			
2.	i. MAP		655.14	655.14
	ii. Permanent Exhibition Ground		388.21	388.21
	iii. 13.40 mt. D.P.		1136.92	1136.92


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	Road		
iv.	Road Setback (9.15 mt. D. P. Rd.)	37.01	37.01
	Total	2217.28	2217.28
3.	Net area of Plot (1 - 2)	4358.51	4358.51
4.	Plot area for FSI Purpose (3 + 2)	4496.61	2079.21
5.	Permissible BUA for the scheme in situ (4X 2.50/3.00)	11241.53	6237.69
6.	Rehab. BUA for FSI (excluding staircase, lift, lift lobby area)	9195.06	9195.06
7.	Area under Passage & Amenity	2104.25	2104.25
8.	Rehab Component (6 + 7)	11299.31	11299.31
9.	Sale Component Permissible (8 x 1.00)	11299.31	11299.31
10.	Total area Permissible for the Project (6 + 9)	20494.37	20494.37
11.	FSI sanctioned for the project (10/1)	-	3.12
12.	TDR (already released)	3330.00	3330.00
13.	Sale BUA Permissible in Situ	7969.31	7969.31
14.	Total BUA Proposed on the Plot (6 + 13) in Situ	17164.37	17164.37
15.	FSI Consumed on the Plot (14/4)	2.61	2.61

16.	Area of unbuildable reservation/ road to be surrendered a) 13.40 mt. wide D. P. Road b) Permanent Exhibition Ground c) Road Setback (9.15mt. D. P. Road)	1136.92 388.21 37.01	1136.92 388.21 37.01
17.	Area of Buildable Reservation to be handed over to MCGM free of Cost (MAP)	771.16	771.16
18.	No of slum dwellers to be re accommodated Rehab Residential - 323 nos. Rehab Commercial - 12 nos. R/C - 08 nos. Existing Amenity (Dalwadi) 04 nos. Welfare Centres - 04 nos. Society Offices - 03 nos.	343	1.

13. Further, the said Rupvakula Properties Private Limited through its Architect submitted plans/proposals for the redevelopment of the Said Property and accordingly SRA approved the same as under:

E. APPROVALS:

SALE BUILDING NO. 1:

1. Intimation of Approval issued by SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 30.11.2012 in respect of the Rehab Building No. 1.
2. Commencement Certificate issued by the SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 14.07.2014 in respect of the Rehab Building No. 1.
3. Proposed amendment of Rehab Building No. 1 as Sale Building No. 1 issued by SRA vide reference no. SRA/ENG/2998/N/MHL-STGL/AP dated 20.02.2018.

COMPOSITE BUILDING NO. 2:

4. Intimation of Approval issued by SRA vide No. SRA/ENG/468/N/PL/AP dated 21.08.1999 in respect of the Composite Building No. 2.
5. Commencement Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL-STGL/AP/Composite Building No. 2 dated 21.08.1999 in respect of the Composite Building No. 2 duly endorsed on 02.03.2002 as per approved intended plan dated 15.01.2002.
6. Part Occupation Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL/AP/Composite Building No. 2 dated 30.08.2003 in respect of Composite Building No. 2.

COMPOSITE BUILDING NO. 3:

7. Intimation of Approval issued by SRA vide No. SRA/ENG/2862/N/STGL/MHL/AP dated 29.06.2012 in respect of the Composite Building No. 3.
8. Commencement Certificate issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 16.10.2012 in respect of the Composite Building No. 3 duly endorsed on 19.12.2013 as per approved plan dated 29.06.2012.
9. Full Occupation Permission issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 21.03.2017 in respect of Composite Building No. 3.

REHAB BUILDING NO. 4:

10. Intimation of Approval issued by SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 21.01.2004 in respect of the Building No. 4.
11. Commencement Certificate issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP dated 20.04.2004 in respect of the Building No. 4 duly endorsed on 07.03.2005 as per amended plan dated 26.10.2004.
12. Full Occupation Permission issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 16.11.2006 in respect of Rehab Building No. 4.

COMPOSITE BUILDING NO. 5:

13. Intimation of Approval issued by SRA vide reference no. SRA/ENG/2126/N/MHL-STGL/AP dated 16.01.2015 in respect of the Sale Building No. 5.

14. Commencement Certificate issued by the SRA vide No. SRA/ENG/3176/N/MHL-STGL/AP dated 02nd April 2016 in respect of the Sale Building No. 5 duly endorsed on 07.04.2018 as per approved amended plan dated 20.02.2018.
15. Proposed amendment of Sale Building No. 5 as Composite Building No. 5 issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 20.02.2018.

REHAB BUILDING NO. 6:

16. Intimation of Approval issued by SRA vide reference no. SRA/ENG/N/MHADA/0020/19900512/AP/A6 dated 20.02.2018 in respect of the Rehab Building No. 6.

7. APPROVALS/PERMISSIONS:

Sale Building No. 1:

1. Intimation of Approval issued by SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 30.11.2012 in respect of the Rehab Building No. 1.
2. Commencement Certificate issued by the SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 14.07.2014 in respect of the Rehab Building No. 1.
3. Proposed amendment of Rehab Building No. 1 as Sale Building No. 1 issued by SRA vide reference no. SRA/ENG/2998/N/MHL-STGL/AP dated 20.02.2018.

Composite Building No. 2:

1. Intimation of Approval issued by SRA vide No. SRA/ENG/468/N/PL/AP dated 21.08.1999 in respect of the Composite Building No. 2.
2. Commencement Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL-STGL/AP/Composite Building No. 2 dated 21.08.1999 in respect of the Composite Building No. 2 duly endorsed on 02.03.2002 as per approved amended plan dated 15.01.2002.
3. Part Occupation Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL/AP/Composite Building No. 2 dated 30.08.2003 in respect of Composite Building No. 2.

Composite Building No. 3:

1. Intimation of Approval issued by SRA vide No. SRA/ENG/2862/N/STGL/MHL/AP dated 29.06.2012 in respect of the Composite Building No. 3.
2. Commencement Certificate issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 16.10.2012 in respect of the Composite Building No. 3 duly endorsed on 19.12.2013 as per approved plan dated 29.06.2012.
3. Full Occupation Permission issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 21.03.2017 in respect of Composite Building No. 3.

Rehab Building No. 4:

- a. Intimation of Approval issued by SRA vide No. SRA/ENG/1003/N/MHL/AP dated 21.01.2004 in respect of the Building No. 4.

- b. Commencement Certificate issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP dated 20.04.2004 in respect of the Building No. 4 duly endorsed on 07.03.2005 as per amended plan dated 26.10.2004,
- c. Full Occupation Permission issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 16.11.2006 in respect of Rehab Building No. 4.

Composite Building No. 5:

- 1. Intimation of Approval issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 16.01.2015 in respect of the Sale Building No. 5.
- 2. Commencement Certificate issued by the SRA vide No. SRA/ENG/3176/N/MHL-STGL/AP dated 02nd April 2016 in respect of the Sale Building No. 5 duly endorsed on 07.04.2018 as per approved amended plan dated 20.02.2018.
- 3. Proposed amendment of Sale Building No. 5 as Composite Building No. 5 issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 20.02.2018.

Rehab Building No. 6:

- 1. Intimation of Approval issued by SRA vide reference no. SRA/ENG/N/MHADA/0020/19900512/AP/A6 dated 20.02.2018 in respect of the Rehab Building No. 6.

8. DEVELOPMENT OF PROJECT:

- a) We have been informed by the developer that they have constructed Rehab/Composite buildings as per sanction given by SRA and so far have allotted permanent free housing tenements admeasuring 225 Sq. Ft. carpet area on "Ownership Basis" to near about 216 eligible slum dwellers out of 343 eligible slum dwellers.
- b) Further, the developer proposes to accommodate remaining slum dwellers in Composite Bldg. No. 5 and Free Sale area in Bldg. No. 1

9. ENCUMBRANCES

I. SEARCH WITH THE CONCERNED SUB-REGISTRAR OF ASSURANCES:

At your instruction, we have caused to conduct the search of the Said Property from search clerk Sachin Pawar for the past 30 years i.e. from 1989 to 24.05.2018, a copy of which is attached herewith as Annexure II. As per the said Report, we observe that there are no adverse entries registered with respect to the Said Property.

II. SEARCH IN THE REGISTRAR OF COMPANIES:

We have caused to conduct ROC search of Rupvakula Properties Private Limited from Manish Baldeva in respect of the Said Property, the report is hereto annexed as Annexure III. On perusal of the report, we have not come across any charges filed with the ROC for the Said Property.

III. ONLINE LITIGATION SEARCH:

We have caused to conduct online litigation search of Rupvakula Properties Private Limited from Cubic Tree. Report of the same is annexed hereto as Annexure IV. On perusal of the said report, we

observe that the following suit appears to be pending in respect of the Said Property.

Case No: CP/11725/2018{stamp}

Court: High Court of Bombay

Case Details: Rupvakula Properties Private Limited v/s The State of Maharashtra

Case Status: Pending

We have perused copy of the aforesaid Contempt Petition. The said Petition is filed by Shree Rameshwar SRA CHS Ltd and Rupvakula Properties Private Limited Against State of Maharashtra and others:

Facts:

As stated by the Petitioner property bearing CTS No. 184(C) and 222 (pt) of village Ghalkopar, Mumbai is owned by MHADA and the same is occupied by near about 243 eligible slum dwellers.

Mahada on 09/08/1996 has issued its No-objection for development of the aforesaid land. Accordingly, SRA i.e Respondent No. 4 approved and issued letter of Intent dated 31/10/1996.

Respondent no. 5 and 7 being the eligible slum dwellers, as their structures were coming in the way of development and therefore Respondent no. 5 and 7 were required to vacate their structure and hence on application made by the petitioners i.e. Shree Rameshwar SRA CHS Ltd and Rupvakula Properties Private Limited to Respondent No. 3 for taking an action against Respondent no. 5 and 7 under section 33 and 38 of the Slum Act.

Hence Respondent No 2 and 3 i.e. Additional Collector and Dy. Collector issued Show Cause Notice to Respondent no. 5 and 7 after hearing both the sides and accordingly passed an Order dated

09/05/2017 and directed Respondent No. 5 to shift to rehabilitation and Respondent No. 7 to accept tent of transit.

Being aggrieved by the aforesaid Order dated 09/05/2017 Respondent No. 5 and Respondent No. 7 filed Slum Appeal No. 21 of 2017 before Respondent No 2 under section 35 of the Slum Act and vide an Order dated 30/06/2017 the said Appeal was dismissed.

Being aggrieved by the aforesaid Order dated 30/06/2017 the Civil Writ Petition No. 19183 of 2017 was filed (details as mentioned herein below. Hence vide an interim- order dated 19/07/2017 it was agreed by Respondent No. 5 and Respondent No. 7 that they shall vacate their structure on or before 28/08/2017.

As the aforesaid order did not mention that Respondent No. 5 and Respondent No. 7 shall not create third party interest in respect of their structure during such period and hence Hon'ble Court directed Respondent No. 5 and Respondent No. 7 to file their Undertaking on or before 21/07/2017 vide an Order dated 20/07/2017. The said Undertaking was eventually filed by the Respondent No. 5 and Respondent No. 7 and the said Undertaking was accepted on 21/07/2017 passed by the Hon'ble Court and hence the said Petition was disposed off.

On Account of no fulfillment of the said undertakings and willful disobedience of Orders dated 19/07/2017, 20/07/2017 and 21/07/2017 passed in Writ Petition No. 19183 of 2017, petitioners have filed the said Contempt Petition.

Status: Pending

CIVIL WRIT PETITION NO. 19183 OF 2017:

Filed by Mrs. Shobha Navale against State of Maharashtra and Others.

Facts: The petitioners are the eligible slum dwellers who are holding the necessary documents as are evident to prove their eligibility to the property being CTS No. 184 C, 222 of village Ghatkopar I A (pl) of village Vikhroli situated at Laxmi Nagar, Chatkopar (E).

As stated by the Petitioner a new resolution has been passed by the Government of Maharashtra wherein it has been declared that the area of 269 sq.ft carpet area is to be given under the SRA scheme to the eligible slum dwellers. According to the petitioner, in spite of having knowledge of the fact of new G.R of 269 sq. ft. area the Respondent no. 5 i.e. Rupvakula Properties Private Limited has sanctioned the plan of 225 sq. ft. carpet area.

However, we understand from a request letter dated 13.03.2018 sent by the Developer to The Competent Authority and Land Manager whereby the Developer urged that despite giving an Undertaking before the Hon. High Court and also having taken rent for their structure, Shobha Maruli Navale and others have not vacated the same, hence necessary action under 33 & 38 be initiated against them.

10. PUBLIC NOTICE:

At your instruction, we have caused public notice issued on 22.05.2018 in newspapers known as Free Press Journal and Navshakti Times (Marathi Translation) inviting third party claim, interest and/or right of any kind whatsoever, if any, with respect to the Said Property within 07 (seven) days from the date of issuance of the notice. As on date we have received no objection in respect of the Said Property. Annexed herewith is No Claim Certificate dated 29.05.2018.

11. RECOMMENDATIONS:

An Architect Certificate to be provided for total area admeasurement.



12. PROPERTY CARD:

In view of the property card, we observe as follows:

CTS No. 184/C/1

- a. The land bearing 184 C is admeasuring 72201.0 sq. mtrs.;
- b. Vide an Order dated 30.10.2014 and Rectification Order dated 20.10.2015, issued by the concerned department of SRA, we observe that an area of 246.8 sq. mtr. falls under slum rehab scheme.
- c. Pursuant to the aforesaid Orders, Sub division took place, whereby an area admeasuring 246.8 sq. mts. falls under CTS No. 184/C/2 and the balance area falls under CTS No. 184/C/1 admeasuring 71955.00 sq. mts. and the same is recorded in the property card dated 27.11.2015 vide mutation entry no. 300.

CTS No. 222

- a. The land bearing CTS No. 222 is admeasuring 5615.20 sq. mtrs.;
- b. The said land is recorded in the name of Maharashtra of Government;
- c. As per order dated 01/06/2004 and 26/07/2004 issued by the Collector pertaining to the CTS No. 222, the area of the land admeasuring 5615.2 sq. mtrs. is recorded in the revenue record vide order dated 16/02/2015 issued by the concerned officer.

CTS No. 1 - A

- a. The land bearing CTS No. 1A is admeasuring 1853809.8 sq. mtrs.;
- b. Vide an Order dated 16.02.2015 and 17.12.2015, issued by the concerned land officer, we observe that the land bearing CTS No.



1-A admeasures 1853809.0 sq. mtrs. and the same is recorded in the property card dated 17.12.2015 vide mutation entry no. 120.

13. OBSERVATIONS:

- a) We understand from the developer that Rupvakula Properties Private Limited that two societies i.e. Namrata Co-operative Housing Society (proposed) and Shree Rameshwar CHS Ltd is amalgamated into one society as the development of the Said property is undertaken, as per direction from SRA under no. Dy. CE/SRA/503 dt. 02.01.1997 address to the then Architect M/s. Ranjit Naik Architect Pvt. Ltd.
- b) Development agreement dated 15/05/2003 executed by Namrata Co-operative Housing Society (proposed) in favour of Rupvakula Properties Private Limited does not mention CTS No. of the land and we understand from the developer that the slum dwellers of Namrata Society encroached upon land adjacent to Laxmi Nagar major malla therefore, CTS no. was not identified.
- c) Further, we understand from the developer that pursuant to demarcation carried out by the City Survey Officer, the said property is assigned CTS No. 184 (C), 222 of Village Ghatkopar and CTS No. 1/A of Village Vikhroli.

14. CONCLUSION:

In view of the above we conclude as under:

- (i) The land bearing CTS no. 184 (c) (pt.) is owned by Maharashtra Housing and Area Development Authority, ("MHADA") and land bearing CTS No. 1-A and CTS no. 222 is owned by Government of Maharashtra.
- (ii) Rupvakula Properties Private Limited is entitled to re-develop the Said Property in view of the (i) letter of Intent dated bearing number SRA/ENG/359/N/MH1-STGI/1.01 and revised letter

of Intent dated 06/02/2018 bearing number SRA/ENG/359/N/MHL-STGL/LOI issued by Slum Rehabilitation Authority, Development Agreements dated and dated 20.04.1995 and 15/05/2003 Power of Attorney dated 09.04.1995 and 15/05/2003 executed by Societies in favour of Rupvakula Properties Private Limited;

(iii) It may be noted that for the implementation of SRA Scheme following are the essentials to be complied:

- a. The slum should be a declared/notified slum;
- b. The occupants of the habitments should be eligible slum dwellers;
- c. Consent of minimum 70% of eligible slum dwellers is required to join slum rehabilitation scheme and to form a society of slum dwellers through a society's board resolution. Pursuant to circular dated 27/08/1997 annexure II format was introduced that is required to be filled by the promoter/co-operative society for submitting building proposal to SRA.
- d. The Developer/promoter chosen by the society has to enter into an agreement with every eligible slum dwellers while putting up the slum rehabilitation proposal before the SRA for approval.
- e. The financial capability of the promoter/developer has to be certified by the SRA (annexure III) and it is only thereafter that the stage of LOI comes.
- f. Post issuance of the LOI the developer is entitled to the free sale FSI on the terms and conditions mentioned therein.

(iv) In view of what is stated in point (iii) above and pursuant to issuance of LOI in favour of Rupvakula Properties Private Limited.; M/s. Rupvakula Pvt. Ltd is entitled to deal with and dispose off the free sale FSI without requirement of any prior

consent, approval or permission from SRA and/ or any other government authority for mortgage of the saleable FSI/ free sale FSI. Further, no permission, approval or consent is required from the Society for creation of mortgage in respect of the saleable FSI/ free sale FSI by Rupvakula Properties Private Limited. We hereby clarify that in our opinion there are no restrictions of any nature whatsoever in the title deeds and documents as also the approvals/ permissions perused by us including without limitation the Development Agreement, Power of Attorney, Resolutions, Consents, LOIs, IOAs, Commencement Certificates mentioned hereinabove regarding the mortgage of the saleable FSI/ free sale FSI by Rupvakula Properties Private Limited.

(v) Hence, in view of the above Rupvakula Properties Private Limited is entitled to the development rights pursuant to the aforesaid development agreements, Power of attorney's and letter of Intent which includes right to construct over the Said Property and the right to sell, dispose of and/ or deal in any manner whatsoever the saleable component constructed over the Said Property.

(vi) Hence, Rupvakula Properties Private Limited is entitled to create a charge by way of a registered mortgage over the development rights of the Said Property including the saleable FSI being the Said Portion after obtaining documents mentioned in Annexure I herein below.

15. QUALIFICATIONS AND ASSUMPTIONS:

This Report is given subject to the following qualifications:

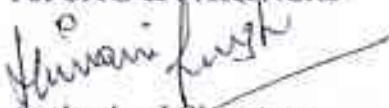
- i. We have presumed that the documents as shown to us are final and have not been amended or modified in any manner.
- ii. We presume that in relation to the documents provided to us such documents are within the capacity and powers of and have been or

shall be duly authorized, executed and delivered by and are binding on the parties thereto.

- iii. This opinion does not extend to any oral amendments of any term of the aforementioned documents, which may be amended orally by the parties and substantiated by their conduct despite provisions in the aforementioned documents to the contrary;
- iv. This opinion does not cover any litigation, suits etc. filed in any court in respect of the said Property, except for those which have been disclosed and covered in this report.
- v. All information including documents that has been supplied to us by the client or client's representatives has been accepted as being correct unless otherwise stated. Our maximum aggregate liability to any involved parties arising from, or in relation to, this appointment (in contract, tort, negligence or otherwise) howsoever arising shall not in any circumstances exceed the professional fee payable to SNG & Partners for this specific mandate.
- vi. It may be pertinent to note that searches at the office of the Sub-Registrar of Assurances are subject to availability of records and also to records being torn and mutilated. We therefore disclaim any responsibility for the consequences which may arise on account of such non-availability of records or on account of records being torn and mutilated.

vii. This opinion is solely for the benefit of the addressee and maybe relied upon by potential syndicate lenders and is permitted to be shared by them with other parties for advisory purposes only. However, the same is not to be referred to and relied upon by any other person whatsoever without our written consent.

Thanking you,
Yours faithfully,
For SNG & PARTNERS


Julian Housiey
Authorized Signatory

Housiey.com

9. Certified copy of Commencement Certificate issued by the SRA vide No. SRA/ENG/2998/N/MHL-STGL/AP dated 14.07.2014 in respect of the Rehab Building No. 1.
10. Certified copy of Proposed amendment of Rehab Building No. 1 as Sale Building No. 1 issued by SRA vide reference no. SRA/ENG/2998/N/MHL-STGL/AP dated 20.02.2016.
11. Certified copy of Intimation of Approval issued by SRA vide No. SRA/ENG/468/N/PL/AP dated 21.08.1999 in respect of the Composite Building No. 2.
12. Certified copy of Commencement Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL-STGL/AP/Composite Building No. 2 dated 21.08.1999 in respect of the Composite Building No. 2 duly endorsed on 02.03.2002 as per approved amended plan dated 15.01.2002.
13. Certified copy of Part Occupation Certificate issued by the SRA vide No. SRA/ENG/468/N/MHL/AP/Composite Building No. 2 dated 30.08.2003 in respect of Composite Building No. 2.
14. Certified copy of Intimation of Approval issued by SRA vide No. SRA/ENG/2862/N/STGL/MHL/AP dated 29.06.2012 in respect of the Composite Building No. 3.
15. Certified copy of Commencement Certificate issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 16.10.2012 in respect of the Composite Building No. 3 duly endorsed on 19.12.2013 as per approved plan dated 29.06.2012.
16. Certified copy of Full Occupation Permission issued by the SRA vide No. SRA/ENG/2862/N/MHL-STGL/AP dated 21.03.2017 in respect of Composite Building No. 3.

17. Certified copy of Intimation of Approval issued by SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 21.01.2004 in respect of the Building No. 4.
18. Certified copy of Commencement Certificate issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP dated 20.04.2004 in respect of the Building No. 4 duly endorsed on 07.03.2005 as per amended plan dated 26.10.2004.
19. Certified copy of Full Occupation Permission issued by the SRA vide No. SRA/ENG/1033/N/MHL/AP4 dated 16.11.2006 in respect of Rehab Building No. 4.
20. Certified copy of Intimation of Approval issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 16.01.2015 in respect of the Sale Building No. 5.
21. Certified copy of Commencement Certificate issued by the SRA vide No. SRA/ENG/3176/N/MHL-STGL/AP dated 02nd April 2016 in respect of the Sale Building No. 5 duly endorsed on 07.04.2018 as per approved amended plan dated 20.02.2018.
22. Certified copy of Proposed amendment of Sale Building No. 5 as Composite Building No. 5 issued by SRA vide reference no. SRA/ENG/3176/N/MHL-STGL/AP dated 20.02.2018.
23. Certified copy of Intimation of Approval issued by SRA vide reference no. SRA/ENG/N/MHADA/0020/19900512/AP/A6 dated 20.02.2018 in respect of the Rehab Building No. 6.
24. Certified copy of Letter dated 02.01.1997 bearing reference no. Dy. CE/SRA/503 issued by SRA in favour of Architect M/s Ranjil Naik Architect Pvt Ltd. for including 101 slum dwellers coming in the alignment of 13.40m wide D.P. Road abutting the plot bearing CTS No. 184(pL) of Village Ghatkopar Laxmi Nagar Rameshwar C.H.S. Ltd.

25. True copy of Architect Letter dated 31.05.2018 issued by Grit Architectural Consultancy Pvt. Ltd, in respect of the Said Property.
26. Certified copy of Registration Certificate of Chalkopar Laxminagar Shree Rameshwar Co-operative Housing Society Limited issued by the Assistant Registrar of Cooperative Societies, SRA registering the said Society dated 23.09.1992.
27. Certified copy of Property Card in respect of the Said Property.
28. MOA and AOA of Rupvakula Properties Private Limited.
29. Board Resolution of Rupvakula Properties Private Limited for creation of mortgage in favour of Bank.
30. List of present Board of Directors of Rupvakula Properties Private Limited.

