

ANAND T. BHAUTIK

LL.B.,M.M.S.
ADVOCATE HIGH COURT MUMBAI

To,
MahaRERA
Mumbai, Maharashtra

LEGAL TITLE REPORT

Sub: Title Clearance Report with respect to ALL THAT piece and parcel of land admeasuring approximately 3,600.50 square meters, bearing Survey no. 5 Hissa no. 1 (part), corresponding CTS no. 218/A, Plot Nos. 1, 46 (part) and 48 of Jogeshwari Estates situate, lying and being at Village Bandivali, Jogeshwari (West), in the Registration Sub-District and District of Bombay City and Suburban, Swami Vivekanand Road, Jogeshwari West, Mumbai (hereinafter together referred to as "**the said Land**") together with the New building to be constructed on the said Land and known as "**24 KARAT**" comprising of Wing "A" of 1 Basement + Ground + 2 Podium + 15 Upper Floors and Wing "B" of 1 Basement + Ground + 2 Podium + 14 Upper Floors (hereinafter referred to as "**the said Building**") situate, lying and being at Swami Vivekanand Road, Jogeshwari West, Mumbai 400102 and bounded as follows: The said Land and said Building unless referred independently shall hereinafter collectively referred to as "**the said Project**".

On or towards the North: By the property bearing CTS no. 219A;
On or towards the South: By the property bearing CTS no. 217A;
On or towards the East: By the property bearing CTS no. 216A;
On or towards the West: By the property bearing CTS no. 218A (S.V. Road).

1. I have investigated the title of the said Land on the request of M/s Paper Mill Plant and Machinery Manufactures Limited ("**PMPMML**"), a company incorporated under the Companies Act, 1956, and existing under the



Companies Act, 2013, having its registered office at 181, S. V. Road, Jogeshwari (West), Mumbai 400 102 and perused following information, documents and relied upon it i.e.:

1) Description of Property -

Survey no. 5 Hissa no. 1 (part), corresponding CTS no. 218/A, Plot Nos. 1, 46 (part) and 48 of Jogeshwari Estates situate, lying and being at Village Bandivali, Jogeshwari (West), in the Registration Sub-District and District of Bombay City and Suburban, Swami Vivekanand Road, Jogeshwari West, Mumbai admeasuring approximately 3,600.50 square meters out of total area of 3616.40 Square meters.

(hereinafter together referred to as "the said Land")

- 2) Property Card of the said land dated 16/08/2022;
- 3) IOD, bearing no. P-9632/2021/(218A)/KW/Ward/Bandivali-KW/337/1/New Dated 13 January 2023 issued by Municipal Corporation of Greater Mumbai;
- 4) Commencement Certificate; dated 11 April 2023 bearing No. P-9632/2021/(218A)/KW Ward/BANDIVALI-KW/CC/1/New.
- 5) Photocopy of Deed of Indenture dated 9th August, 1960, made by and between Hirji Thakersey Patel, Prabhudas Ramji Patel and Himatlal Bhagwan Patel, the then partners of 'Jogeshwari Estates' as the vendors' of the One Part and Paper Mill Plant and Machinery Manufactures Limited as 'the Company' of the Other Part, registered in the Office of the Sub-Registrar of Assurances at Bombay bearing Serial no. BOM/6373/1960;
- 6) Photocopy of Development Agreement dated 29th March 2023 between M/s Jaipur Multiplex Entertainment and M/s Paper Mill Plant and Machinery Manufactures Limited which is registered at Sub Registrar Office Andheri - 7, vide Sr.No.5436/2023 on dated 29th March 2023;



ANAND T. BHAUTIK

LL.B.,M.M.S.

ADVOCATE HIGH COURT MUMBAI

- 7) Photocopy of Deed of Partnership dated 1st March, 1999 Messrs. Jaipur Multiplex Entertainment ("JME"), Deed of Retirement and Deed of Reconstitution of Partnership both dated 15th November, 2021 of JME;
- 8) I have relied upon the Index II Search Report issued by Adv. Dnyaneshwar M. Barhate dated 06/04/2023 for 30 years i.e. 1994 to 2023 search taken. The search is subject to the availability of records and qualified.
- 9) Litigation Search Report issued by Cubictree Technology Solutions Pvt. Ltd. Dated 13/08/2022.
- 10) I have publish paper notice in Daily Newspaper "Mumbai Lakshdeep" on dated 31/03/2023;
- 11) I have in the course of my investigation assumed the authenticity and completeness of all documents furnished to me and the authenticity of the signatures of all the executing parties to such documents;
- 12) I have in the course of my investigation relied on the copies of documents made available to me which are more particularly listed herein above and rendered my opinion only on the basis of documents perused by me;

2. On the perusal of the above mentioned documents and based on the steps taken for investigating the title of the said Land, I am of the opinion that the title of M/s Paper Mill Plant and Machinery Manufactures Limited as a owner of the said Land is clear, marketable and that to develop the said Land and sell the Flats/Units in the said Building to be constructed on the said Land to its prospective purchasers in the manner they deem fit and proper; subject to:

- (i) the rights of M/s Jaipur Multiplex Entertainment under the Development Agreement dated 29th March 2023;



- (ii) compliance of the terms and conditions of above referred permissions, documents and deeds and law of the land.
3. The report reflecting the flow of title of M/s Paper Mill Plant and Machinery Manufactures Limited to the said Land is enclosed herewith as Format "A".

Dated this 1st day of June, 2023



Adv. Anand T. Bhautik

Advocate

Encl. Format "A"



Housiey.com

ANAND T. BHAUTIK

LL.B.,M.M.S.
ADVOCATE HIGH COURT MUMBAI

FORMAT "A"

FLOW OF TITLE OF THE SAID LAND

(1). By and under the Indenture dated 9th August, 1960 ("1960 Indenture"), made by and between Hirji Thakersey Patel, Prabhudas Ramji Patel and Himatlal Bhagwan Patel, the then partners of 'Jogeshwari Estates' as the 'Vendors' of the One Part and Paper Mill Plant and Machinery Manufactures Limited ("PMPMML"), as 'the Company' of the Other Part, registered in the Office of the Sub-Registrar of Assurances at Bombay bearing Serial no. BOM/6373/1960, Hirji Thakersey Patel, Prabhudas Ramji Patel and Himatlal Bhagwan Patel sold, transferred, conveyed and assigned to PMPMML, portion of the land, admeasuring approximately 4,915 square yards, that is, approximately 4,109.57 square meters (admeasuring approximately 3,746.3 square meters as per city survey records), bearing Survey no. 5, Hissa no. 1 (part), corresponding to earlier CTS no. 218 (since subdivided), and Plot nos. 1, 46 (part) and 48 ("Larger Land"), situate, lying and being at Village Bandivali in the Registration Sub-District and District of Bombay City and Suburban together with Right, Title and Benefits therein at or for the purchase price and consideration (which entire purchase price and consideration was paid in full by PMPMML) and upon the terms and conditions recorded and contained therein.

(2). By and under the Order dated 30th June, 1993 ("1993 Order"), passed by the Hon'ble Justice Mr. D. R. Dhanuka in Company Petition No. 447 of 1990 connected with Company Application No. 144 of 1990 in Company Petition No. 337 of 1987 ("1990 Company Application") filed by Mr. Pravin Arjunbhai Patel against PMPMML in the Hon'ble High Court of Bombay, the Hon'ble Court pursuant to a scheme of reconstruction ("Reconstruction Scheme") directed the stay of all



winding up proceedings of PMPMML passed by the Hon'ble Bombay High Court under Order dated 9th June, 1988, for a period of one year from 30th June, 1993 with liberty to all the parties to the proceeding to apply for further directions and orders if any occasion arises. PMPMML informed that the 1993 Order is still standing well in the eyes of law and propositions therein are complied with.

(3). By and under the Deed of Partnership dated 1st March, 1999, made by and between the PMPMML as 'the Company' of the First Part, Vimalchand Surana, Hindu Undivided Family, through its Karta and Manager Mr. Vimalchand Surana ("Surana HUF"), as 'Surana' of the Second Part, K. G. Kothari Hindu Undivided Family, through its Karta and Manager Mr. Navrattan G. Kothari ("Kothari HUF"), as 'Kothari' of the Third Part, Padam Sacheti Hindu Undivided Family, through its Karta and Manager Mr. Padam Sacheti ("Sacheti HUF"), as 'Sacheti' of the Fourth Part, and Mrs. Deepa Surana ("Deepa"), as 'Deepa' of the Fifth Part, the Parties therein agreed to carry on partnership business, in the firm name and style of "Messrs. Jaipur Multiplex Entertainment" ("JME") with effect from 1st April, 1999 ("1999 Partnership Deed"). The said partnership deed further, *inter alia*, states as follows:

(a). pursuant to the Reconstruction Scheme, the Hon'ble Bombay High Court by the 1993 Order revoked the order of winding up of PMPMML and PMPMML was re-instated. Surana HUF, Kothari HUF and Sacheti HUF as guarantors and promoters of the Reconstruction Scheme infused substantial monies in PMPMML with the intent that PMPMML may start a new business.

(b). the parties to the 1999 Partnership Deed have constituted a partnership business to construct, own and run leisure centres consisting of cinemas and other facilities on the property belonging to PMPMML.



ANAND T. BHAUTIK

LL.B.,M.M.S.

ADVOCATE HIGH COURT MUMBAI

(c). PMPMML granted unto JME, irrevocable and exclusive license to use and occupy the Larger Land, and to develop and construct thereon a leisure centre, or any other structure or structures for the business of JME.

(4). On perusal of PRC (defined hereinafter), we observe that, in pursuance of the letter bearing reference no. KW/20023/AEM/503 dated 25th November, 2003 addressed by Assistant Engineer (Maintenance) K/West Division, and pursuant to Order of Survey conducted by the Office of City Survey Officer vide Survey Register No. G-82 dated 26th May, 2004, an area admeasuring 3,746.3 square meters of CTS no. 218 was sub-divided from the Larger Land, and an area admeasuring 129.9 square meters which was reserved for road widening was deleted from the land bearing CTS no. 218, and new Property Register Card was opened as CTS no. 218/B having an area admeasuring 129.9 square meters and recorded the name of Municipal Corporation of Greater Mumbai ("MCGM") as the holder of the land with tenure occupancy class "F". Further the area of the land bearing CTS no. 218 has stood reduced to 3,616.4 square meters and the same is amended to CTS no. 218/A and recorded the name of PMPMML as the owner of the same and tenure occupancy class "C".

(5). By and under the Deed of Retirement dated 15th November, 2021, made by and between Surana HUF of the First Part, Sacheti HUF of the Second Part, Deepa of the Third Part, Kothari HUF of the Fourth Part and PMPMML of the Fifth Part, Surana HUF, Sacheti HUF and Deepa Surana retired as partners of JME from 15th November, 2021.

(6). By and under the Deed of Reconstitution of Partnership dated 15th November, 2021, made by and between Kothari HUF as "Continuing Partner 1" and PMPMML as "Continuing Partner 2" of the



One Part and KGK Developers LLP ("KGK") as "Incoming Partner" of the Other Part, KGK was admitted as a partner of JME on the terms and conditions mentioned therein.

(7). By and under a Development Agreement dated 29th March, 2023 registered with the office of Sub-Registrar of Assurances at Andheri – 7, vide Sr.No.5436/2023 on dated 29th March 2023 which is executed between JME of the One Part and PMPMML of the Other Part (hereinafter referred to "the Development Agreement"), JME has granted irrevocable and absolute development rights in respect of the entire area of 3,616.4 square meters of CTS no. 218/A unto PMPMML, at and for a consideration and on the terms and conditions contained therein.

(8). MCGM u/s 346 of the Mumbai Municipal Corporation Act has issued Intimation of Disapproval No. P-9632/2021/(218A)/K/W Ward/Bandivali-KW/337/1/New Dated – 13 January 2023 whereby plans for Development of Building comprising of Wing "A" of 1 Basement + Ground + 2 Podium + 15 Upper Floors and Wing "B" of 1 Basement + Ground + 2 Podium + 14 Upper Floors on the said Land is approved whereby PMPMML is entitled to develop the said Land on the terms and conditions therein.

(9). MCGM u/s 44 & 69 of the Maharashtra Regional and Town Planning Act, 1966 has issued Development Permission and granted Commencement Certificate vide No. P-9632/2021/(218A)/K/W Ward/BANDIVALI-KW/CC/1/New on Dated – 11 April 2023 upto top of basement.

(10). The digital Property Register Card dated 27th October, 2018, issued by Settlement Commissioner and Director of Land Records, State Government of Maharashtra, downloaded on 16th August, 2022,



ANAND T. BHAUTIK

LL.B.,M.M.S.
ADVOCATE HIGH COURT MUMBAI

in respect of CTS no. 218/A ("PRC"), *inter alia*, records (a) PMPMML as the owner of the Land admeasuring area admeasuring 3,616.40 square meters, and (b) the tenure of the Land as 'C' (that is, paying altered assessment to the Government under the Land Revenue Code, 1966).

(11). Although the PMPMML's ROC Search reflects that there are certain mortgages/charges in respect of PMPMML's assets, property, etc., is created/registered, PMPMML has repaid all the amounts to respective banks. PMPMML has represented and confirmed that at present there are no charge on the said Project and the necessary forms in respect of satisfaction of charge have been filed by PMPMML with the Registrar of Companies.

(12). I have carried out the Index II search in respect of the said Land through Adv. Dnyaneshwar M. Barhate who has conducted the search for 30 years from 1994 to 2023 and submitted its report dated 06/04/2023 to me. I have not come across any entry adversely affecting the Title of the PMPMML to the said Land in the aforesaid report.

(13). PMPMML has represented and confirmed to us that currently no structure is situated on the said Land and there are no suits, actions, proceedings, complaints, enquiries, or other proceedings of any nature whatsoever, have been threatened or filed or pending in, or before, any courts of law, or judicial or quasi-judicial bodies, or authorities, or revenue, municipal, tax or other authorities, bodies, or tribunals concerning, touching, or affecting, the said Project, or any part thereof, and/or sale, conveyance, alienation, license, mortgage, lease, or transfer thereof, and no notices, directives or orders have been received either by PMPMML and/or JME in respect of the said Project



or any part thereof, from the Central Government of India, the State Government of Maharashtra, the MCGM, MHADA, the Collector, the Income Tax Department, the Police Department, or any other authorities which can adversely affect the said Project or any part thereof, and/or the sale, conveyance, alienation, license, mortgage, lease or transfer thereof.

(14). On the basis of our aforesaid investigation and relying on what is stated above, and subject to what is mentioned above, PMPMML is well and sufficiently entitled to develop the said Land and PMPMML and JME are entitled to sell the Flats/Units of their share in the said Building to be constructed on the said Land to its prospective purchasers in the manner they deem fit and proper.

Date: 1st June, 2023

Place: Navi Mumbai


(Anand T. Bhatik)
Advocate

