



MARKAND GANDHI & CO.

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*Suburban Off.: 202, 2nd Flr, Mahek Plaza, Above Mehsana Urban Co-op. Bank, Maharashtra Nagar, Borivali (W), Mumbai - 400 092

Ref. No.: MGT/T-05/2021

TITLE REPORT

To

Maharera
6th & 7th floor, Housefin Bhavan,
Plot No. C-21, E-Block,
Bandra Kurla Complex,
Bandra (E),
Mumbai – 400 051

Sir,

Sub: All that piece and parcel of the land bearing City Survey No. 470 (part) and 471 A (part) admeasuring 12,123.50 Sq. mtrs. or thereabouts of Village Kandivali, Taluka Borivali, within the Registration District and Sub-District of Mumbai Suburban, situate, lying and being at Bhabherkar Nagar, Kandivali (West), Mumbai 400 067, in the final Development Plan of "R" Ward of Brihanmumbai Municipal Corporation (hereinafter referred as "the Said Property").

1. We refer to the Notes on Title issued by us on 17th September 2016. A copy of the said Notes on Title is annexed hereto as **ANNEXURE "1"** and subsequent thereto on the request of M/s Gauri Land Developers LLP we have perused the following documents i.e.:
 - a) Amended LOI dated 1st December 2020 issued by SRA in favour of Lakdawala Developers Pvt. Ltd.
 - b) The property cards issued by City Survey Office dated 25th June, 2021 in respect of CTS No. 470 and 471A, (pt) of Village Kandivali, Taluka Borivali within the Registration District and Sub District of Mumbai suburban situated at Bhabherkar Nagar, Kandivali (West), Mumbai 400 067 show Maharashtra State Government as the owner of the property. The Property Card in respect of property bearing CTS No. 470 of Village Kandivali, Taluka Borivali shows that the property admeasures 1011.60 Sq.Mtrs. The Property Card in respect of property bearing CTS No. 471A of Village Kandivali, Taluka Borivali shows that the entire property admeasures 268301.60 Sq.Mtrs.
 - c) Search Report dated 29th June, 2021 issued by Mr. N. D. Rane of the online search of the said property for the year 2016-2021. The same shows the following documents:-



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- i. Indemnity Bond dated 16-4-2016 made by M/s. Lakdawala Developers Ltd and registered at Borivali SRO under Sr. No. BRL/9/2717/2016 on 16-4-2016.
- ii. Deed of Mortgage dated 31-1-2018 made between M/s. Gauri Land Developers and Ors. of the one part and State Bank of India of the other part and registered at Borivali SRO under Sr. No. BRL/4/1429/2018 on 31-1-2018.
- iii. Deed of Mortgage dated 24-2-2020 made between M/s. Girija Developers and Ors. of the one part and Khush Housing Finance Pvt. Ltd. of the other part and registered at Borivali SRO under Sr. No. BRL/7/822/2020 on 24-2-2020. The said Mortgage appears to be in respect of office premises owned by one M. I. Construction Pvt. Ltd.
- iv. Deed of Mortgage dated 24-2-2020 made between M/s. Gauri Land Developers, LLP and ors. of the one part and Khush Housing Finance Pvt. Ltd. of the other part and registered at Borivali SRO under Sr. No. BRL/7/823/2020 on 24-2-2020. The said Mortgage appears to be in respect of office premises owned by one M. I. Construction Pvt. Ltd.

A copy of the said Search Report is annexed hereto as **ANNEXURE "2"**.

- d) Negative Index Search Report dated 30th June, 2021 issued by Mr. Ashish Suryavanshi, Advocate, High Court taken from the Official Website of the Bombay High Court for the period 2016 upto 2021 as on 30th June, 2021 with regards to the proceedings filed against Gauri Land Developers LLP (wrongly spelt as Gowri Land Developers Pvt. Ltd. in the under mentioned Petition) shows that there are two Petitions, namely Writ Petition No. 1488 of 2019 and Writ Petition (L) No.274 of 2020. A copy of the said Negative Index Search Report is annexed hereto as **ANNEXURE "3"**. (We have also caused to be taken search in the name of Gowri Land Developers Pvt. Ltd. as and by way of abundant caution).
- e) Negative Index Search Report dated 30th June, 2021 issued by Mr. Ashish Suryavanshi, Advocate, High Court taken from the Official Website of Bombay City Civil Court at Bombay and Dindoshi for the period 2016 upto 2021 as on 30th June, 2021 with regards to the

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proceedings filed against Gowri Land Developers Pvt. Ltd. shows that there are no proceedings filed against Gowri Land Developers Pvt. Ltd. A copy of the said Negative Index Search Report is annexed hereto as **ANNEXURE "4"**. (We have also caused to be taken search in the name of Gowri Land Developers Pvt. Ltd. as and by way of abundant caution).

f) Negative Search Report dated 30th June, 2021 issued by Mr. Ashish Suryavanshi, Advocate, High Court taken from the Official Website of the Bombay High Court for the period 2016 upto 2021 as on 30th June, 2021 with regards to the proceedings filed against Gauri Land Developers LLP which shows that there are no proceedings filed against Gauri Land Developers LLP. A copy of the said Negative Index Search Report is annexed hereto as **ANNEXURE "5"**.

g) Negative Search Report dated 30th June, 2021 issued by Mr. Ashish Suryavanshi, Advocate, High Court taken from the Official Website of Bombay City Civil Court at Bombay and Dindoshi for the period 2016 upto 2021 as on 30th June, 2021 with regards to the proceedings filed against Gauri Land Developers LLP which shows various Summary Suits filed against Gauri Land Developers LLP as set out therein. A copy of the said Negative Index Search Report is annexed hereto as **ANNEXURE "6"**.

h) D. P. Remarks dated 1st July, 2021 obtained online show that the property being CTS No. 470 is in Residential Zone and property bearing CTS No. 471 is in Commercial and Residential Zone. Save and except proposed road, and proposed road widening there is no other reservation. Copy of the DP Remarks are annexed hereto as **ANNEXURE "7"**.

2. a. It appears that Writ Petition bearing No.1488 of 2019 was filed by one T. T. Varghese against The Chief Executive Officer, SRA & Ors. The said Writ Petition was disposed of by an Order dated 26th June, 2019 inter alia directing The CEO, SRA to, after hearing the Petitioner and the Developer, pass appropriate orders including the Order with regard to the claim of the Petitioner of enhanced compensation receivable by the Petitioner from the Developer.



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- b. By an Order dated 2nd November, 2019 passed by the CEO, SRA, the representation of the Applicant being Mr. T. T. Varghese was rejected and Respondent No.1 namely Lakdawala Developers Pvt. Ltd. was directed to pay rent enhancement to the applicant as set out therein. A copy of the said Order dated 2nd November, 2019 is annexed hereto as **ANNEXURE "8"**.
- c. Thereafter the said Mr. T. T. Varghese filed Writ Petition (L) No. 274 of 2020 in the Hon'ble Bombay High Court against CEO SRA and Ors. *inter alia* challenging the Order dated 2nd November, 2019 passed by CEO SRA and for other reliefs as set out therein. The said Writ Petition is pending.
3. We have not given any further Public Notice inviting claims in respect of the said property after the Public Notice given on 29th July, 2016 as set out in our Notes on Title dated 17th September, 2016.
4. In these circumstances subject to what is afore-stated and in continuation to the aforesaid Notes on Title dated 17th September 2016 and subject to Declaration on Title dated 2nd July, 2021 made by Gauri Land Developers LLP through its Partner/s namely, (1) Naresh Gogari (2) Ramesh Gogari (3) Piyush Shah and (4) Manoj Gogari, and subject to the above mentioned mortgages and separate Property Card in respect of property bearing CTS No. 471/A (part) being issued and further subject to what is stated hereinabove including what is stated in the D. P. Remarks dated 1ST July, 2021 Gauri Land Developers LLP have in our opinion right to construct and consume the said sale FSI/Benefit on the said property.
5. a. A determination, opinion or the like will not be binding on any Indian Court or any arbitrator or judicial or regulatory body which would have to be independently satisfied, despite any provision in the documents to the contrary.
- b. Even though this document is titled "Title Report", it is in fact our opinion based on the documents etc. perused and/or relied on by us. The notes have been so given at the request of the client i.e., Gauri

*No correspondence in Suburban Office



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Land Developers LLP to whom it is addressed for its knowledge and record.

c. You are aware that we have not visited the said property.

6. On perusal of the above mentioned documents and all other relevant documents relating to the said property we are of the opinion that M/s Gauri Land Developers LLP's right to construct and consume the sale FSI/Benefit on the said property as per the said revised LOI is clear, marketable and without any encumbrances.

Owners of the land:

State of Maharashtra as recorded in the property register card (PRC) for CTS No. 470 and 471A of Village Kandivali Taluka Borivali, Mumbai Suburban District.

The Notes on Title reflecting the flow of the title of the Gauri Land Developers LLP on the said land is enclosed herewith as Annexure "1".

Dated this 2nd day of July, 2021.

FOR M/S. MARKAND GANDHI & CO.

Advocates & Solicitors

Encl:

1. Annexure -1 - Notes on Title issued by us on 17th September 2016
2. Annexure -2 - Search Report dated 29th June, 2021
3. Annexure -3 - Negative Index Search Report dated 30th June, 2021
4. Annexure -4 - Negative Index Search Report dated 30th June, 2021
5. Annexure -5 - Negative Index Search Report dated 30th June, 2021
6. Annexure -6 - Negative Index Search Report dated 30th June, 2021
7. Annexure -7 - D. P. Remarks dated 1st July, 2021
8. Annexure -8 - Order dated 2nd November, 2019