

To
MahaRERA
Bandra, Mumbai

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to property being pieces, parcels or plots of land bearing CTS no. 50A (Part) admeasuring about 1685.00 sq. meters lying and being at Revenue Village Pahadi Goregaon West, Taluka: Borivali in the P/South Ward of MCGM within Mumbai Suburban (hereinafter referred to as the "**said property**")

I have investigated the title of the said entire property on the request of **M/s Laxmidevi Developers**, a Partnership Firm duly constituted and registered under the provisions of Indian Partnership Act, 1932 having its address at 1st Floor, Laxmi Callista, Plot no. 283, Road no. 3, Jawahar Nagar, Near Suvidha Hospital, Goregaon West, Mumbai – 400 062 and following documents i.e.: -

- I) Property Card in respect of the said entire property being CTS no. 50A totally admeasuring about 90742.60 sq. meters issued by City Survey Officer, Goregaon (hereinafter referred to as "**said entire property**")
- II) Search report of the said entire property for 30 years from 1991 to 2021 carried out by Mr. Ashish Mohite.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of **M/s Laxmidevi Developers** is clear, marketable and without any encumbrances.

III) Owners of the land:

As per the records made available to me, the owners in respect of the said entire property is Maharashtra Housing and Area Development Authority (MHADA), a statutory housing authority, a nodal agency of State of Maharashtra, inter alia engaged into providing affordable housing in the State of Maharashtra.

(IV) Qualifying comments/remarks if any:

The said property is admeasuring about 1685.00 sq. meters out of total plot layout admeasuring about 90742.60 sq. meters. The said property was encroached by nearly 142 slum-dwellers. The said property was declared "slum area" under provisions of section 4(1) of Maharashtra Slums (I. C. & R.) Act, 1971.



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- (V) The report reflecting the flow of the title of the M/s Laxmidevi Developers on the said property is enclosed herewith as annexure.

Dated this 16/06/2021

V. S. Kothari

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Advocate

Enclosure: Annexure reflecting flow of title

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ANNEXURE REFLECTING FLOW OF THE TITLE OF SAID LAND.**A) The following documents were placed before me:**

- 1) Property Cards in respect of the said entire property.
- 2) LOI u/r no SRA/ENG/2189/PS/MHL/LOI dated 17/12/2020 issued by Slum Rehabilitation Authority in respect of said property.
- 3) Intimation of Approval u/r no. SRA/ENG/P-S/MHADA/0047/20090506/AP/R dated 05/03/2021 issued by Slum Rehabilitation Authority
- 4) Commencement Certificate u/r no. PS/MHADA/0047/20090506/AP/R dated 24/05/2021 issued by Slum Rehabilitation Authority.
- 5) Copy of Development Agreement dated 30/09/2018 executed by said Slum Society in favour my Clients for development of said property under regulation no. 33(10) of DCPR-2034.
- 6) Copy of Power of Attorney dated 30/09/2018 dated executed by said Slum Society in favour my Clients for development of said property.
- 7) Common Consent dated 25/09/2018 executed by slum-dwellers of said Slum Society in favour of my Clients thereby recording their consent in favour of the said development of said property under regulation no. 33 (10) of DCPR-2034.
- 8) Order dated 11/09/2018 passed under section 13 (2) of Maharashtra Slum Areas (I. C. & R.) Act, 1971 – hereinafter referred to as “**said Slums Act**” passed by Dy. Collector (Western Suburbs), Mumbai, SRA.
- 9) Search report dated 31/05/2021 for past 30 years conducted for period 1992 to 2021 in the office of concerned Sub-Registrar of Assurances, Borivali 1 to 9 & Bandra conducted by Mr. Ashish Mohite, Search Clerk.
- 10) Documents regarding disputes or litigations in respect of the said property are not produced before me, hence disclaimer to that effect is recorded accordingly.

B) Observations & Findings:

All the offices of Sub-Registrar of Assurances, Borivali -1 to 9 and Bandra are collectively referred to “**said Sub-Registrar offices**”.

For the sake of brevity, the Search Report dated 31/05/2021 is referred to as “**said Search Report**”.

At the outset, it is pertinent to mention that as per the said Search Report, the records maintained with the said Sub-Registrar offices are not maintained in an intact manner and records of several years are either torn or missing. It will further not be out of place to mention that the records for several intermittent years at all the offices mentioned above are not maintained property, as is stated in the said Search Report. As a result, only those records, as were traceable from Index-II and the Day book entry, could be inspected and accordingly the Search Report could be prepared by the said Search Clerk. 

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This is to certify that I have caused the investigation of title in respect of the said property being pieces, parcels or plots of land bearing CTS no. 50A (Part) admeasuring about 1685.00 sq. meters lying and being at Revenue Village Pahadi Goregaon West, Taluka: Borivali in the P/South Ward of MCGM within Mumbai Suburban and relying upon the said Search Reports, the photocopies of the Property Cards and other documents (*supra*) placed in our hands, I have to state that I have perused the entire Search Report dated 31/05/2021 prepared by Mr. Ashish Mohite, Search Clerk and it appears that the same pertains to the said entire property being CTS no. 50A of Village Pahadi Goregaon West which totally admeasures about 90742.60 sq. meters whereas, I am only required to submit my opinion in respect of the said property admeasuring about 1685.00 sq. meters which forms part and parcel of said entire property.

As it appears from the Property Cards; the said entire property belongs to MHADA. The said property is declared "slum area" u/s 4 (1) of the said Slums Act. The said property was encroached by slum-dwellers. Further it appears from available records that the slum dwellers of the said property came together and proposed to form a society in the name and style of "Amrapali Mahila Co-operative Housing Society (Proposed)".

The said Slum Society had passed a General Body Resolution dated 13/09/2008 for appointing M/s V3IBIZ Properties Pvt. Ltd. as Developers for developing the said property under Regulation no. 33 (10) of DCPR-2034 and for the same purpose, also appointed Mr. Ketan Belsare of M/s Ellora Enterprises Consultant as Licensed Surveyor.

Accordingly, a proposal dated 18/02/2009 under Regulation no. 33 (10) of DCPR-2034 came to be submitted by M/s V3IBIZ Properties Pvt. Ltd. on behalf of the said Slum Society for development of the said property. The said Proposal came to be accepted on 06/05/2009. It appears that after submission of proposal, the said M/s V3IBIZ Properties Pvt. Ltd. could not carry out any other substantial activities in respect of the said project and as such; the said Slum Society made an application dated 14/08/2018 to the SRA for termination of appointment of M/s V3IBIZ Properties Pvt. Ltd. and appoint my Client as their new Developers.

As per the prevailing provisions of law, the office of Dy. Collector (Western Suburbs), SRA, Mumbai organized a hearing of all parties concerned to decide upon said application dated 14/08/2018. The representative of M/s V3IBIZ Properties Pvt. Ltd. expressed No-objection for change of developer in respect of the said project and accordingly, vide an Order dated 11/09/2018 passed by Dy. Collector (Western Suburbs), SRA, Mumbai u/s 13 (2) of the said Slums Act, terminated the appointment of said M/s V3IBIZ Properties Pvt. Ltd. and further directed the said Slums Society to appoint new Developers.

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Accordingly, the said Slum Society called for a General Body Meeting of their members on 27/09/2018. The members present in the said meeting voted for appointment of my Clients namely M/s Laxmidevi Developers for development of the said property and further appointed M/s Rasik P. Hingoo & Associates as Architect for their project. Consequently, vide Development Agreement dated 30/09/2018; the said Slum Society appointed M/s Laxmidevi Developers as their new Developer for implementing the said Slum Scheme in respect of the said property. In pursuance of the said Development Agreement, the said Slums Society also executed a Power of Attorney dated 30/09/2018 (referred herein *supra*) in respect of the said property in favour of my Clients. The members of the said Slums Society had also executed Common Consent in favour of my Clients for implementation of slum scheme in respect of the said property. It appears that the said Common Consent was signed by 123 out of total 128 members of the said Society.

My Clients have already entered into a prescribed agreement by Council Of Architects with the architect Mr. Rasik P. Hingoo of M/s Rasik P. Hingoo Associates registered with the Council of Architects and also appointed Mr. Vikas Gokhale of M/s Associated Consultants, Thane as Structural Designers and RCC Consultants for preparing structural design and drawings and specification of the said Composite Building.

It also appears that DP Remarks-2034 dated 24/12/2018 in respect of the said entire property downloaded from the official website of MCGM reveals that the said entire property being a larger layout is affected by several reservations viz., ROS 1.5, RE 1.1., ROS 2.4, RE 1.3, ROS 1.4, RH 1.2, RR 2.2 and further affected by 9/15 meters (2 numbers), 12.20 meters (5 numbers), 13.40 meters (2 numbers). However, since the said property is only a small portion of the larger layout i.e., CTS no. 50A; the superimposed plan prepared by M/s Rasik P. Hingoo & Associates, Architects in respect of the said reflects that the said property is affected by RE 1.3 and existing road.

And whereas, as per the proposal submitted by my Clients; it appears that they have proposed to build a Hostel admeasuring about 367.44 sq. meters (Built-up area) as per Regulation no. 17 (3)(D)(a)(4) of DCPR-2034 in the Rehab Wing-A of composite building and upon entire construction of said project; the possession thereof to be handed over to SRA.

After compliance of several conditions, the SRA was pleased to issue LOI dated 17/12/2020 (as mentioned herein *supra*) in respect of said property in favour of Developers M/s Laxmidevi Developers subject to further compliance of terms of the said LOI. In view of provision of Clause no. 2.8 of Regulation no. 33 (10) of DCPR-2034; MHADA is deemed to have issued NOC in respect of the proposed project and accordingly, after following necessary compliance; the SRA was pleased to issue IOA dated 05/03/2021 (as mentioned herein *supra*) thereby approving the said proposal and permitting the Developers to construct a composite building consisting of Rehab Wing (A-Wing) and

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Sale Wing (B-Wing) – hereinafter for the sake of brevity, referred to as “**said Composite Building**”.

Upon compliance of conditions of IOA dated 05/03/2021; the Developers have also submitted a Undertaking dated 07/04/2021 to the SRA. The said Undertaking is duly registered at Sr. no. BRL-4/5401/2021. In view thereof and compliance of other terms and conditions, the Developers also obtained Commencement Certificate dated 24/05/2021 for construction of said Composite Building upto Plinth Level from SRA.

In view of the foregoing chain of events and documents produced before me, I hereby certify that my Clients, M/s Laxmidevi Developers have clear and marketable title in respect of the Sale Wing (B-Wing) of the proposed Composite Building proposed to be constructed on the said property subject to the compliance of other terms and conditions, stipulations and restrictions imposed by the Slum Rehabilitation Authority and/or other Competent Authority including but not limited to stipulations and conditions, as may be imposed by MahaRERA.

Dated: 16th day of June, 2021



V.S. Kothari
Advocate



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