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ADVOCATE HIGH COURT

Off.: Lawyers Chamber, 2nd Floor, Bandra Court, Anant Kanekar Marg, Bandra (East), Mumbai - 400 051.

TO WHOMSOEVER IT MAY CONCERN

This is to certify that, I have for the purpose of investigating the title of (i) **RUPAREL INFRA & REALTY PRIVATE LIMITED**, a company incorporated under the Companies Act, 1956, and having its registered office at Ruparel Iris, 1st Floor, Plot No. 273, Senapati Bapat Marg, Matunga West, Mumbai 400016, (hereinafter referred to as "**the First Developer**"), to develop all that piece and parcel of land bearing City Survey No.471 A (pt), admeasuring 7,987.95, sq. mtrs. or thereabouts corresponding to Survey No.157 and Survey No. 54/2 alongwith the structures standing thereon, of Kandivali Village, Borivali Taluka, within the Registration District and Sub-District of Mumbai Suburban District, lying, being and situate at Ganesh Nagar, Charkop Link Road, Kandivali (West), Mumbai 400067 within the limits of Municipal Corporation of Greater Mumbai, in the final Development Plan of "R/South" Ward of Brihan Mumbai Municipal Corporation, within the Registration District of Mumbai and Mumbai Suburban-District, (hereinafter referred to as "**THE SAID FIRST PROPERTY**") and (ii) **M/S. SKODA CONSTRUCTION – GANESH NAGAR (REGD.)**, a Partnership Firm, duly registered under the provisions of the Indian Partnership Act, 1932, having its registered office at 1st Floor, Iris Bldg., Plot No. 273, Senapati Bapat Marg, Matunga Road (West), Mumbai 400016, (hereinafter referred to as "**the Second Developer**"), to develop all that piece and parcel of land bearing City Survey No.471 A (pt), admeasuring 17,309.34 sq. mtrs or thereabouts out of the total area admeasuring 2,73,552.9 sq. mtrs, corresponding to Survey No.157 and Survey No. 54/2 alongwith the structures standing thereon, of Kandivali Village, Borivali Taluka, within the Registration District and Sub- District of Mumbai Suburban District, lying, being and situate at Ganesh Nagar, Link Road, Cross Jagdish Shetty Marg, Charkop, Kandivali (West), Mumbai 400067 within the limits of Municipal Corporation of Greater Mumbai, in the final Development Plan of "R/South" Ward of Brihan Mumbai Municipal Corporation, within the Registration District of Mumbai and Mumbai Suburban-District, (hereinafter referred to as "**THE SAID SECOND PROPERTY**"). Hereinafter the said First Property and the said Second Property are jointly referred to as "**THE SAID PROPERTIES**".

1. I have perused the Revenue Records viz certified copy of the 7/12 Extract in respect of the said Properties shows the name of the Government of Maharashtra ("**the Government**") as the absolute owner of the said Properties.
2. One M/s. Markand Gandhi & Co., Advocates & Solicitors have caused to be published a public notice inviting claims in respect of the said Second Property. The public notice was published in two newspapers namely in (1) Free Press Journal (Mumbai English Edition)



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and (2) Navshakti (Mumbai Marathi Edition) both on 8th March 2016. The said M/s. Markand Gandhi & Co., has not received any claims and/or objection to the said Public Notice. I have thereafter not issued any public notice for inviting further claims.

3. The said Properties, as per the Development Plan Remarks dated 7th April 2016, bearing Sr. No. CHE/277376391/DPWS/R, the Assistant Engineer, Development Plan, "R" Ward, reflects that there are reservations for Industrial Estate (2), Welfare Center (2) and playground (3) forming larger part of reservation and that the said Properties are affected by the D P Road. However, it is obvious from the plans that there are no reservations.
4. The Concession Report dated 30/06/2017 of the SRA shows that the said Properties is accessible by an existing D. P. Road, i.e. 27.45 meters wide Link Road as well as 13.40M wide road and is also accessible directly from Link Road and as per Development Plan Remarks (DRDP – 2034), the said Properties is accessible by an existing Link Road, 27.45 meters wide (R.L.) and 13.40M wide proposed road D. P. Road. The Properties is partly affected by reservation of Ware House and Bank. It is further stated that as per DRDP – 2034 the Properties falls in a Residential Zone (R).
5. I have relied on the search taken by search clerk, Mr. Pradeep S. Waghmare with respect to the said properties at the Bombay Sub Registrar Office for the period from 1967 to 2016, at Bandra Sub Registrar Office from 1967 to 2016 and also at Borivali-1 to Borivali-9 Sub Registrar Offices from 2002 to 2016.
6. The brief facts of the said Properties are as under:-

6. (A) HISTORY IN RESPECT OF THE SAID FIRST PROPERTY :

- (i) The Government of Maharashtra ("the Government") is the absolute owner of land bearing City Survey No.471 A (pt), admeasuring 7,987.95, sq. mtrs. or thereabouts corresponding to Survey No.157 and Survey No. 54/2 alongwith the structures standing thereon, of Kandivali Village, Borivali Taluka, within the Registration District and Sub District of Mumbai Suburban District, lying, being and situate at Ganesh Nagar, Charkop Link Road, Kandivali (West), Mumbai 400067, in the final Development Plan of "R/South" Ward of Brihan Mumbai Municipal Corporation, within the Registration District of Mumbai and Mumbai



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Suburban-District (hereinafter referred to as **"the said FIRST PROPERTY"**).

- (ii) The said First Property was declared as a census slum and photo pass has been issued by the concerned authority.
- (iii) The said First Property was fully occupied by slum dwellers/occupants/tenants who were residing with their respective families in their respective structures / hutments and is to be developed under SRA Scheme/Provisions (**"the Slum Dwellers"**). These Slum Dwellers who have proposed to form SRA Co-Operative Housing Societies Proposed", namely **"Sahara SRA Cooperative Housing Society (Proposed)" "THE SAID FIRST SLUM SOCIETY"**.
- (iv) By a Special General Body Resolution dated 15th May, 2017, the said First Slum Society, vide its Resolution No. 4, interalia resolved that, they have granted development rights in respect of the said First Property, unto the First Developers.
- (v) Pursuant thereof the slum dwellers of the said First Slum Society of the First Property have given their irrevocable consent, for developing the said First Property and have executed necessary agreements with the First Developers.
- (vi) By a Development Agreement dated 2nd June 2017 (hereinafter referred to as **"the Development Agreement of the said First Slum Society"**), made and entered into between the said First Slum Society through its authorized committee members/office bearers (therein referred to as **"the Managing Committee"**) of the One Part and the First Developers (therein referred to as **"the Developers"**) of the Other Part and, the said First Slum Society, interalia granted development rights in respect of the said First Property to the First Developers, for the consideration and on the terms and conditions more particularly set out therein.
- (vii) Thereafter, an Irrevocable Power of Attorney dated 2nd June 2017 (hereinafter referred to as **"the Power of Attorney of the First Slum Society"**) was issued by the First Slum Society in favour of the First



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Developers and its nominee interalia permitting it to obtain various statutory permissions, carry on construction / development works on the said property, to sell the premises to be constructed from the FSI / benefit available (free sale component) and to receive the consideration amount from the sale thereof and to do various acts, deeds, matters and things in respect of the said First Property.

6. (B) HISTORY IN RESPECT OF THE SAID SECOND PROPERTY :

- (i) The Government of Maharashtra ("the Government") is the absolute owner of land bearing City Survey No. 471 A (pt), admeasuring 17,309.34, sq. mtrs., or thereabouts (*out of the total area admeasuring 2,73,552.9 sq. mtrs.*), corresponding to Survey No.157 and Survey No. 54/2 alongwith the structures standing thereon, of Kandivali Village, Borivali Taluka, within the Registration District and Sub- District of Mumbai Suburban District, lying, being and situate at Ganesh Nagar, Link Road, Cross Jagdish Shetty Marg, Charkop, Kandivali (West), Mumbai 400 067, in the final Development Plan of "R/South" Ward of Brihan Mumbai Municipal Corporation, within the Registration District of Mumbai and Mumbai Suburban-District (hereinafter referred to as "**the said SECOND PROPERTY**").
- (ii) The said Second Property was declared as a census slum and photo pass has been issued by the concerned authority.
- (iii) The said Second Property was fully occupied by slum dwellers/occupants/tenants who were residing with their respective families in their respective structures / hutments and is to be developed under SRA Scheme/Provisions ("**the Slum Dwellers**"). These Slum Dwellers who have proposed to form 5 (five) Sra Co-Operative Housing Societies Proposed", namely (1) "Shiv Sagar SRA Cooperative Housing Society (Proposed)" ("**the Second Slum Society**"), (2) "Ganesh Nagar Bahar SRA Cooperative Housing Society (Proposed)" ("**the Third Slum Society**"), (3) "Ganesh Nagar SRA Cooperative Housing Society (Proposed)", ("**the Fourth Slum Society**"), (4) "Adarsh Co-operative Housing Society SRA (Proposed)" ("**the Fifth Slum Society**") and (5)



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"Janpriya Cooperative Housing Society SRA (Proposed)" (**"the Sixth Slum Society"**) in respect of the said Second Property. Hereinafter *"the Second Slum Society"*, *"the Third Slum Society"*, *"the Fourth Slum Society"*, *"the Fifth Slum Society"* and *"the Sixth Slum Society"* jointly referred to as **"THE SAID FIVE SLUM SOCIETIES"**.

- (iv) The said Five Slum Societies have in their respective Special General Body Meetings dated 19th February, 2006, 26th February, 2006, 28th January, 2006 and 14th February, 2006 and 17th April, 2006, vide their respective Resolutions interalia resolved that, to grant Development rights in respect of the said Second Property to Second Developer, under Regulation no. 33 (10) of the Development Control Regulation for Greater Mumbai 1991.
- (v) The said Five Slum Societies through its respective authorized committee members/office bearers have executed Development Agreements dated 20th February, 2006, 12th April, 2006, 15th April, 2006, 17th April, 2006 and 13th May, 2006 respectively with the said Partnership Firm interalia granted development rights in respect of the said Five Slum Societies to the Second Developers for the consideration and on the terms and conditions more particularly set out therein (hereinafter collectively referred to as **"the Development Agreements of the Second Developer"**).
- (vi) The said Five Slum Societies have also granted its Power of Attorneys dated 21st February, 2006, 12th April, 2006, 15th April, 2006, 17th April, 2006 and 13th May, 2006 respectively (hereinafter collectively referred to as **"the Power of Attorneys of the Second Developer"**) in favour of the said Second Developers interalia to obtain various statutory permissions, carry on construction / development works on the said Second Property, to sell the premises to be constructed from the FSI / benefit available and to receive the consideration amount from the sale thereof and to do various acts, deeds, matters and things in respect of the said Second Property.



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- (vii) The said Slum Dwellers of the said Five Slum Societies have also given their respective irrevocable consents on 25th June, 2006, 25th May, 2006, 20th June, 2006, 25th June, 2006 and 20th June, 2006 respectively to the said Second Developer to develop the said Second Property.
- (viii) The Ward Officer of R/South Ward of Municipal Corporation of Greater Mumbai has on 23rd May 2007, issued Annexure II bearing its reference no UPG/ATI/NISHKA/BORI/KASH-8/KAVI-165/07 and the list of hutmen/slum dwellers of the Slum Societies of the Second Property declaring the eligible and non-eligible slum dwellers of the said Five Slum Societies, thereafter the same has been revised on 19th November 2016.
- (ix) The Finance Controller of Slum Rehabilitation Authority has on 28th September 2016, issued the Annexure III, bearing no. SRA / ACCT / ANNEXIII / CERT / 2583 / 2016 / 3697, setting out details of the SRA Scheme, has also been issued.
- (x) The Slum Rehabilitation Authority has on 7th October 2016 issued the Letter of Intent ("LOI") bearing No. SRA/ENG/1499/RS/STGL/LOI, in respect of the said Second Property, on the terms and conditions more particularly setout therein.

6 (C) COMMON HISTORY IN RESPECT OF THE SAID FIRST PROPERTY AND THE SAID SECOND PROPERTY :

- A. Since the said First Property and the said Second Property are adjoining and contiguous to each other and or in the vicinity capable of/suitable for development by amalgamation and or clubbing of the said Societies (i.e. the First Slum Society and the said Five Slum Societies) by the said First Developer and the said Second Developer respectively.
- B. Accordingly, the First Developer and the Second Developer have entered into joint venture for amalgamating of the scheme of the said Societies (i.e. the First Slum Society and the said Five Slum Societies) and to develop the said First Property and the said Second Property, whereby the First Developer and the Second Developer shall jointly be entitled to develop the



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said Properties, for the consideration and on the terms and conditions as agreed between them.

- C. Accordingly, the proposal was submitted for obtaining the revised LOI for implementation of the above Slum Rehabilitation Scheme and had also proposed the amalgamation of the aforesaid all Slum Societies to the Slum Rehabilitation Authority in respect of the said Properties and the First Developer and the Second Developer have agreed to implement their respective S.R. Scheme as a single scheme, hence the Slum Rehabilitation Scheme have allowed the amalgamation of the aforesaid Societies / Schemes as per the provisions of the Clause 7.7. of Appendix – IV of Regulations No 33 (10) of the D. C. Regulations 1991 and as amended upto date.
- D. Accordingly, the Slum Rehabilitation Authority has on 28th September 2017 issued the Revised Letter of Intent ("Revised LOI") bearing No. SRA/ENG/1499/RS/STGL/LOI, in respect of the said Properties (i.e. both the said First Property and the said Second Property), on the terms and conditions more particularly setout therein.
- E. Thereafter, the concerned authorities have thereafter also issued following permissions and approvals :
- (i) Intimation of Approval ("IOA") dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-R1 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of REHAB Building No 1, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.
- (ii) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-R2 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of REHAB Building No 2, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.



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- (iii) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-R3 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of REHAB Building No 3, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.
- (iv) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-R4 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of REHAB Building No 4, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.
- (v) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-R5 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of REHAB Building No 5, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.
- (vi) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-S1 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of SALE Building No 1, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.
- (vii) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-S2 under Sub-Regulation 2.3 of Appendix – IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of SALE Building No 2, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.



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(viii) IOA dated 28th September, 2017 bearing No. SRA/ENG/RS/STGOVT/0013/20060721/AP-S3 under Sub-Regulation 2.3 of Appendix - IV of DCR No 33 (10) dated 15/10/1997 of Brihanmumbai, in respect of SALE Building No 3, in favour of the First Developer and the Second Developer herein. The said IOA may be if required will be revised from time to time.

F. In the premises aforesaid the First Developer (i.e. Ruparel Infra & Realty Private Limited) and the said Second Developer (i.e. M/s. Skoda Construction - Ganesh Nagar (Regd.)) have absolute right to construct and develop the said Properties as one single scheme in terms of the Revised LOI, as set out therein, by utilising the full permissible Floor Space Index (FSI) in respect of the said Properties and also FSI by way of Transfer of Development Rights (TDR) and Fungible Area and any other benefits available on the said Properties and deal with the premises constructed therein in the manner it deems fit and proper and appropriate the consideration arising therefrom.

7. In the premises the Developers i.e., the said **RUPAREL INFRA & REALTY PRIVATE LIMITED** and **M/S. SKODA CONSTRUCTION - GANESH NAGAR (REGD.)** are jointly entitled to the development rights in respect of the said Properties in the manner as it may deem fit and proper, *(save and except the area to be provided for the Rehabilitation of the Slum Dwellers)* and also have a clear and marketable right free from all encumbrances in respect Sale portion of the said Properties in the manner as they may deem fit and proper.

Dated this 07^{nth} day of OCTOBER, 2017.

Mr. Sandeep Kumar Singh
Advocate

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