

FORMAT - A  
(Circular No. 28/2021)

To,  
Maha RERA  
3<sup>rd</sup> Floor, A-Wing,  
Slum Rehabilitation Authority  
Administrative Building,  
Anant Kaneka Marg,  
Bandra East, Mumbai - 400 051

## **LEGAL TITLE REPORT**

Sub: **Title Certificate with respect to Plot No. 2 of approve layout scheme on Survey No. 38 (Part) and CTS No. 390 (part) & 392 (part) & 394 (part) and New CTS No. 390A Village Deonar situated at Taluka - Kurla / District Mumbai Near Telecom Factory, Sion Trombay Road, Deonar, Mumbai - 400 088. (Hereinafter referred as the said Plot")**

1. I have investigated the title of the said plot on the request of **M/s. Jai Mata Di Home Construction Pvt. Ltd. (Developers)** and following documents i.e.:-

**A. Description of the property:**

All Piece and parcel of land building premises situated lying and being at Deonar Village, Mumbai Greater Mumbai within the Registration District and Suburban District of Mumbai containing by measurement 3265.80 sq. mtrs. or thereabouts registered in the Book of collector - I and Revenue under Plot No. 2 of approve layout scheme on Survey No. 38 (Part) and CTS No. 390 (part) & 392 (part) & 394 (part) and New CTS No. 390A of village Deonar, Mumbai suburban District and in the Book of Assessor and Collector of Mumbai Rates & Taxes under "M" ward No. 506(2), Plot No. 2 Sion Trombay Road, Deonar, Mumbai - 400 088 and more particularly described in the Schedule hereunder written (hereinafter referred to as the "said property").

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**B. The documents of allotment of plot:**

1. The Deed of Conveyance (Deemed/ Unilateral) dated 23.03.2015 duly registered on 03.01.2013 with the office of sub-registrar at Chembur under registration No. KRL-1/3718/2015, Where by pursuant to the order cum certificate bearing No. outward no. Mumbai/ GUN - 2/ Housing/ Deem Conveyance/ 403/ 2015 dated 03.02.2015, the property described in the schedule hereunder written was conveyed by District Deputy Registrar, Co-operative Societies, II, Mumbai Suburban District (East), Competent Authority in favour of Pujari Apartment Co-operative Housing Society limited.
2. The Development Agreement dated 26.12.2020 executed by and between the Pujari Apartment Co-operative Housing Society Limited and M/s. Jai Mata Di Home Construction Pvt. Ltd. and Members/ Occupants of the society which was duly registered with the office of sub-registrar at Kurla - 1 under registration No. KRL-1/12511/2020.
3. The Power of Attorney dated 26<sup>th</sup> December 2020 executed by and between Pujari Apartment Co-operative Housing Society Limited in favour of M/s. Jai Mata Di Home Construction Pvt. Ltd. on the terms and conditions mentioned therein and the same was duly registered with the office of sub-registrar at Kurla - 1 under Registration No. KRL-1/12517/2020.

**C. Property card issued by City Survey Officer dated 08<sup>th</sup> March, 2019; mutation entry No. 560 dated 15<sup>th</sup> April, 2015.**

  
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- D.** The Search Report for 30 years from 1992 till 2021 conducted by the Search Clerk Mr. Pradip Fatkare
- (i) at Mumbai SRO Registrar Office from 1992 to 2021,
  - (ii) at Bandra SRO Registrar Office from 1992 to 2021,
  - (iii) at Kurla SRO Registrar Office from 1995 to 2021,
  - (iv) At Chembur & Nahur SRO Registrar Office from 2002 to 2021 in respect of the said property.

2. 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. Jai Mata Di Home Construction Pvt. Ltd. (Developer) is clear, marketable and without any encumbrances. As per Registered Development Agreement dated 26<sup>th</sup> December 2020 with the Society and the Society has also executed the Power of Attorney dated 26<sup>th</sup> December 2020 in favour of my client (As per Annexure - A)

Owners of the land

(1) Pujari Apartments Co-op. Housing Society Ltd CTS No. 390 A, Village Deonar, Taluka - Kurla, District - Mumbai Suburban.

**(2) Qualifying Comments:**

- a.** The Notice/s dated 11<sup>th</sup> February 2019 & 9<sup>th</sup> March 2019 issued by the Pujari Apartment Co-operative Housing Society limited to Reliance Realtors Builders & Developers, inter alia terminating the Redevelopment Agreement dated 07.09.2007 and Supplementary Agreement dated 31.12.2012.
- b.** Copy of the Arbitration proceeding filed by the Reliance Realtors Builders & Developers against the Pujari Apartment Co-operative Housing Society Limited being Commercial Arbitration Petition (Lodging) No. 531 of 2019 seeking urgent reliefs that Pujari Apartment Co-operative Housing Society Limited should be restrained from taking steps and the termination notice should be stayed.

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- c. Copy of the Order dated 16<sup>th</sup> May 2019 passed by His Lordship Mr. Justice A. S. Gadkari in the said Commercial Arbitration Petition (Lodging) No. 531 of 2019 whereby His Lordship ordered that “No case for ad-interim relief is made out” and did not grant Ad-interim reliefs in favour of Reliance Realtors Builders & Developers. The said Arbitration proceeding is pending before the Hon’ble Bombay High Court.
3. The report reflecting the flow of the title of the Developer M/s. Jai Mata Di Home Construction Private Limited on the said land is enclosed herewith as annexure.

Encl: Annexure A, Annexure 1

Date: 23.03.2021



Advocate

Stamp

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Reg. No. MAH : 176 / 2012

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FLOW OF THE TITLE OF THE SAID LAND

Sr. No.

- 1) Property Card as on 8<sup>th</sup> March, 2019 as on date of application for registration which is duly verified online. (<https://mahabhunakasha.mahabhumi.gov.in/27/index.jsp> dated 23<sup>rd</sup> March 2021)
- 2) Mutation Entry No. 530 dated 15<sup>th</sup> April 2015
- 3) The Search Report for 30 years from 1992 till 2021 conducted by the Search Clerk Mr. Pradip Fatkare
  - i. at Mumbai SRO Registrar Office from 1992 to 2021,
  - ii. at Bandra SRO Registrar Office from 1992 to 2021,
  - iii. at Kurla SRO Registrar Office from 1995 to 2021,
  - iv. At Chembur & Nahur SRO Registrar Office from 2002 to 2021 in respect of the said property.
- 4) Any other relevant Title:
  - a. By a Redevelopment Agreement dated 7<sup>th</sup> September 2007 executed by and between Pujari Apartment Co-operative Housing Society limited ("**the Society**") and Reliance Realtors Builders & Developers which was duly registered with the office of sub-registrar at Kurla - 1 under registration No. BDR-3/06573/2007, Reliance Realtors Builders & Developers was appointed as the Developer to redevelop the said property.

  
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- b. Pursuant to which a Supplementary Agreement dated 31<sup>st</sup> December 2012 was executed by and between the Society and Reliance Realtors Builders & Developers on the terms and conditions mentioned therein and the same was duly registered on 3<sup>rd</sup> March 2013 with the office of sub-registrar at Kurla - 1 under Registration No. KRL-1/64/2013. ,
- c. The Title Certificate dated 8<sup>th</sup> July 2013 was issued by Ashwin Ankhad & Associates, Advocate, Solicitor & Notary whereby it was opined that the Society is the registered owner of the property which is described in the schedule hereunder written and Reliance Realtors Builders and Developers have the right to develop the said property.
- d. The Pujari Apartment Co-operative Housing Society limited unanimously with full majority has passed a resolution in Special General Meeting terminating the Redevelopment Agreement dated 07.09.2007 and Supplementary Agreement dated 31.12.2012 and resolution dated 28.02.2021.
- e. Notices dated 11<sup>th</sup> February 2019 & 9<sup>th</sup> March 2019 were issued by the Society to Reliance Realtors Builders & Developers, whereby the Society, *inter alia*, terminated the Redevelopment Agreement dated 07.09.2007 and Supplementary Agreement dated 31.12.2012.

  
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- f. Thereafter, an Arbitration proceeding was filed by the Reliance Realtors Builders & Developers against Pujari Apartment Co-operative Housing Society Limited being Commercial Arbitration Petition (Lodging) No. 531 of 2019, *inter alia*, seeking urgent reliefs that the Society should be restrained from taking steps and the termination notice should be stayed.
- g. By the Order dated 16<sup>th</sup> May 2019 passed by His Lordship Mr. Justice A. S. Gadkari in the said Commercial Arbitration Petition (Lodging) No. 531 of 2019, His Lordship ordered that "No case for ad-interim relief is made out" and did not grant Ad-interim reliefs in favour of Reliance Realtors Builders & Developers. The said Arbitration proceeding is pending before the Hon'ble Bombay High Court.
- h. The Title Certificate dated 23rd November 2020 was issued by Advocate Prayag Joshi whereby it was opined that the Society is the registered owner of the property.
- i. A Development Agreement dated 26<sup>th</sup> February 2020, duly registered with the office of sub-registrar at Kurla - 1 under Registration No. KRL-1/12511/2020 was executed by and between the Society and M/s. Jai Mata Di Home Construction Pvt. Ltd. and the Members/ Occupants of the society whereby the Society appointed M/s. Jai Mata Di Home Construction Pvt. Ltd. the developer to redevelop the said property.

  
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- j. A Power of Attorney dated 26<sup>th</sup> December 2020 was executed by and between Pujari Apartment Co-operative Housing Society Limited in favour of M/s. Jai Mata Di Home Construction Pvt. Ltd. on the terms and conditions mentioned therein and the same was duly registered with the office of sub-registrar at Kurla - 1 under Registration No. KRL-1/12517/2020.
- k. The Title Certificate dated 13<sup>th</sup> February 2021 was issued by Prayag Joshi, Advocate confirming the title of the Society to the said Property.
- l. Public Notice was issued on 18<sup>TH</sup> FEBURAY 2021 by The Times of India, The Free Press Journal & Nava Bharat Times
- m. On the basis of the aforesaid documents and all other relevant documents relating to the title of the said property, it is revealed that the Development rights of the erstwhile Developer have been terminated. A Section 9 Petition has been filed by the erstwhile developer for the interim reliefs as mentioned therein, however the same have not been granted by the Hon'ble High Court. The Termination is not challenged. The Termination is final. My client has entered into a Registered Development Agreement dated 26<sup>th</sup> December 2020 with the Society and the Society has also executed the Power of Attorney dated 26<sup>th</sup> December 2020 in favour of my client. I am of the opinion that on the basis of the aforesaid

  
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Development Agreement and Power of Attorney, my client is entitled to proceed with the Redevelopment of the said property more particularly described in the schedule hereunder written.

5) Litigations if any:

- a. The Arbitration proceeding filed by the Reliance Realtors Builders & Developers against the Pujari Apartment Co-operative Housing Society Limited being Commercial Arbitration Petition (Lodging) No. 531 of 2019 seeking urgent reliefs that Pujari Apartment Co-operative Housing Society Limited should be restrained from taking steps and the termination notice should be stayed.
- b. Copy of the Order dated 16<sup>th</sup> May 2019 passed by His Lordship Mr. Justice A. S. Gadkari in the said Commercial Arbitration Petition (Lodging) No. 531 of 2019 whereby His Lordship ordered that "No case for ad-interim relief is made out" and did not grant Ad-interim reliefs in favour of Reliance Realtors Builders & Developers. The said Arbitration proceeding is pending before the Hon'ble Bombay High Court.

Date: 23/03/2021  
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Advocate.  
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