

MRS. KALPANA S. BANE

B-402, YASH PARADISE
SECTOR -8A, AIROLI
NAVI MUMBAI - 400 708
MOBILE NO. : 8828494609

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ADVOCATE, HIGH COURT

TITLE REPORT TO WHOMSOEVER IT MAY CONCERN

1. This title report is being issued at the request of M/s. Mazagon Dock Mandar C.H.S. Ltd., having its address at Plot No. 3 (Sub Plot No.'E'), Sector 21, New Panvel (West), Navi Mumbai. The title report is being asked in respect of Plot No. 3 (Sub Plot No.'E'), admeasuring about 6309.00 sq.mtrs. situated at Sector 21, New Panvel (West), Navi Mumbai.
2. For the aforesaid purpose of title report, the aforesaid society has provided to the undersigned the following documents :-
 - (a) Agreement to Lease dated 18.03.1997 executed between CIDCO Ltd. and Mazagon Dock Ltd. in respect of a Plot of land admeasuring about 53799.99 sq.mtrs. (hereinafter referred to as "the said larger plot") at New Panvel on the terms and conditions recorded therein.
 - (b) Copy of Permission dated 18.03.1997 granted by CIDCO Ltd. permitting the aforesaid Mazagon Dock Ltd. to enter upon the abovementioned larger plot.
 - (c) Copy of CIDCO letter bearing Ref. No. CIDCO/M(TS)/P & K/2002/1130 dated 30.07.2002 granting permission for transfer of Sub Plot No. 'E' admeasuring about 6309.00 sq.mtr. out of the aforesaid larger plot in favour of the above Society.
 - (d) Copy of Certificate of Registration (being Registration No.NBOM/CIDCO/HSG(OH)/1370/JTR/Year 2002-2003 dated 13.11.2002 of the society.

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- (e) Copy of CIDCO Letter bearing Ref.No. CIDCO/estate/08/WS/2851 dated 24.07.2008 requiring to pay an aggregate differential lease amount of Rs. 21,02,95,961/- (Twenty-one Crore Two lakhs Ninety-five Thousand Nine Hundred Sixty-one only) to be paid against the Original larger plot admeasuring 53799.99 sq.mtr.
- (f) Copy of CIDCO letter being its demand letter No.CIDCO/Estate/08 /WS/3141 dated 09/09/2008.
- (g) Copy of Board Resolution No. 10591 dated 22.12.2011 of the CIDCO Ltd. in respect of regularization of sub division of the aforesaid larger plot of land admeasuring 53799.99 sq.mtr. in 15 sub-plots and transfer thereof in favour of 15 Co-operative Societies.
- (h) Copy of letter bearing Ref.No. CID/1812/Case No. 106/UD-10 Dated 17.08.2013 and letter bearing Ref.No. CID/1812/Case No. 106/UD-10 dated 26.06.2015 issued by State Govt. of Maharashtra approving the aforesaid Board Resolution No. 10591 of the CIDCO Ltd.
- (i) Copy of letter regularising of transfer No. CIDCO/EMS/M (TS-III) /2018/427 dated 18.01.2018 intending to regularize the transfer of Sub Plot No.'E' admeasuring 6309.00 sq.mtr. in favour of the abovementioned society against the lease premium of Rs.16,26,01,857/- (Rupees: Sixteen Crores Twenty-Six Lacs One thousand Eight Hundred Fifty Seven only).
- (j) Copy of Intent letter regularization of Sub-Plot No.'E' adm. 6309.00 M2 in Sector 21, bearing Ref. No. CIDCO/Estate (III)/18/3368 Dated 03.10.2018 informing them about the revision

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of rate as per directive of PUC to Rs.14,437.50/M2 & additional Lease Premium reduction to Rs. 9,10,86,187.50.

- (k) Copy of letter bearing No.CIDCO/MTS-III/2019/4417 dt. 07/01/2019 informing society to pay an amount of Rs. 9,10,86,187.50 plus GST of Rs.1,63,95,514/- totally amounting Rs.10,74,81,702/-.
 - (l) Copy of payment receipt/challan no. 900005108/2018 dated 18/02/2019 for payment of Rs.5,37,40,851/- & receipt/challan no. 3200010471/2019 dated 16/10/2019 for payment of Rs.5,37,40,850.92 by the Society to the CIDCO Ltd. against balance additional Lease Premium including GST in respect of the said Sub Plot No. 'E'.
 - (m) Copy of modified Agreement dated 27.01.2020 executed between the CIDCO Ltd. and the abovementioned society in respect of Sub Plot No.'E' in aforesaid larger Plot No. 3, Sector 21, New Panvel (West), Navi Mumbai.
 - (n) Copy of Commencement Certificate No.2020/PMC/TP/BP/811 /2020 dated 12.06.2020 issued by Panvel Municipal Corporation in respect of development of the aforesaid Sub Plot No.'E' by the aforesaid Society.
 - (o) Copy of Search Report dated 05.03.2020 given by Search Clerk Mr. Rohit Gangal in respect of search made in respect of aforesaid Sub Plot No. 'E'.
3. Perused the copies of above documents and based on them, my observations are as under :-


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- (a) Initially the CIDCO Ltd. (City and Industrial Development Corpn. of Maharashtra Ltd.) allotted a Plot of land bearing No. 3, admeasuring about 53799.99 sq.mtr. situated in Sector 21, Trans Railway Area Panvel, New Panvel (West), Navi Mumbai to M/s. Mazagon Dock Ltd., a Central Govt. undertaking, (in short referred to as "Mazagon Dock Ltd.,") and upon payment of a lease premium of Rs. 43,03,999.20 (Rupees: Forty-three Lakhs three thousand nine hundred ninety-nine and paise Twenty only) executed an Agreement to Lease dated 18.03.1997 with the aforesaid Mazagon Dock Ltd., and also handed over the possession of the aforesaid plot to Mazagon Dock Ltd., with permission to enter thereupon for the purposes and on the terms and conditions mentioned in the aforesaid Agreement to Lease.
- (b) Originally the aforesaid plot was allotted to Mazagon Dock Ltd., for construction of dwelling units for employees of Mazagon Dock Ltd.,.
- (c) Subsequently, due to certain reasons, the Mazagon Dock Ltd., dropped its plan to construct dwelling units for its employees on its own and that the employees of the Mazagon Dock Ltd., wished that the aforesaid larger plot be sub-divided in 15 different groups of employees of Mazagon Dock Ltd., and such groups be permitted to construct dwelling units as per the requirements of Group Members.
- (d) However, for sub-division of aforesaid larger plot and allotting the same to 15 different groups of employees of Mazagon Dock Ltd., the necessary permission were required from the CIDCO Ltd. and the same was granted by the CIDCO Ltd. upon payment

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- of transfer charges. One of the requirement from CIDCO Ltd. was to form a Co-operative Housing Society Ltd. by the respective group seeking transfer of sub-divided plot.
- (e) One of the group out of the aforesaid 15 groups of employees of Mazagon Dock Ltd. formed a society named as Mazagon Dock Mandar CHS Ltd. and was duly registered with the Certificate of Registration as mentioned above.
- (f) Accordingly the permission for transfer of a part of land i.e. Sub-Plot No. 'E' admeasuring about 6309.00 sq.mtr. out of the aforesaid larger plot No. 3 admeasuring about 53799.99 sq.mtr. was allowed to be transferred in favour of the subject society on or around 16.06.2003.
- (g) Subsequently, the CIDCO Ltd. took an opinion that sub-division of the aforesaid larger plot in 15 sub plots and transfer thereof to 15 Co-operative Housing Societies amounted to transfer of plot to a Private party whereas the Original allotment was on subsidized rate to Mazagon Dock Ltd., and therefore the current applicable lease premium should be applicable and be recovered. Accordingly the CIDCO Ltd. by its Letter No. CIDCO/estate/08/WS/2851 dated 24.07.2008 required additional payment i.e. an aggregate amount of Rs.21,02,95,961/- (Rupees:Twenty One Crores Two Lakhs Ninety-five thousand nine hundred sixty-one only) for sub-division of the aforesaid larger plot into 15 sub-plots and transfer thereof in favour of 15 Co-operative Housing Societies.

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- (h) Out of the aforesaid 15 Societies, one was the subject society i.e. Mazagon Dock Mandar CHS Ltd. and Sub-Plot No.'E' admeasuring about 6309.00 sq.mtr. was transferred in favour of subject society, therefore an amount of Rs. 2,46,60,933/- was demanded by the CIDCO Ltd. by its letter No. CIDCO/Estate/08/WS/3141 dated 09/09/2008 in two equal instalments from the subject society. However the Society could not pay the same so the regularization could not take place.
- (i) Subsequently, the CIDCO Ltd. passed one Board Resolution No. 10591 dated 22.12.2011 resolving to regularize the sub-division of the said larger plot of land in 15 sub-plots and the transfer thereof in favour of 15 Co-operative Societies as mentioned above and further resolving by the same Board Resolution that such societies shall be entitled to admit additional members provided that the additional members should be employees either of the Mazagon Dock Ltd., or that of Central Govt. or of its undertaking of that of Local Body or that of any Govt. autonomous body and who shall be eligible as per the provisions of the Rule/Regulation No. 6 of the CIDCO (Lease of Land to Housing Co-operative Societies) amended Regulations, 2008.
- (j) The CIDCO Ltd. sent the above Board Resolution No. 10591 to the State Govt. of Maharashtra (to Ministry of Urban Development) for approval and that the State Govt. of Maharashtra (through its Ministry of Urban Development) by its Letter bearing No. CID-1812/case No. 106 / UD-10 dated 17.08.2013 and Letter bearing Ref. No. CID- 1812/case No.

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106/UD-10 dated 26.06.2015 approved the said Board Resolution No. 10591 of the CIDCO Ltd.


- (k) At this stage it seems that the CIDCO Ltd. took an opinion that the effective rate as to lease premium applicable to Co-operative Housing Society should be applied to the aforesaid 15 societies also and accordingly the current applicable rate of Rs. 25,773/- (Rupees: Twenty-five thousand seven hundred seventy-three only) per sq.mtr. was required to be applied in respect of sub-divided plots including Sub Plot No. 'E' allotted to the subject society, which seems to have been accepted by the subject society.
- (l) The CIDCO Ltd. issued its Letter regularising of transfer No. CIDCO/EMS/M (TS-III) /2018/427 dated 18.01.2018 intending to regularize the transfer of Sub-Plot No. 'E' admeasuring 6309.00 sq.mtr. in favour of the subject society i.e. Mazagon Dock Mandar CHS Ltd. against the lease premium of Rs.16,26,01,857/- (Rupees : Sixteen Crores Twenty-Six Lacs One thousand Eight Hundred Fifty Seven only). However as per PUC directive the Lease Premium was revised to Rs. 14,437.50/M2 & the same was intimated to Society by revised Intent letter Regularisation of transfer No. CIDCO/Estate III/18/3368 dated 3.10.2018 for amount of Rs. 9,10,86,187.50 + Applicable G.S.T. which the society paid.
- (m) The CIDCO Ltd. subsequently executed a Modified Agreement dated 27/01/2020 with the subject society i.e. Mazagon Dock Mandar CHS Ltd. in respect of the aforesaid Sub-Plot No. 'E' admeasuring about 6309.00 sq.mtr. (part of original larger Plot

3.10.2018
14.437.50/M2
9,10,86,187.50


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No. 3, Sector 21, New Panvel (West) and in the Modified Agreement, it has been recorded that the lease premium of Rs. 9,10,86,187.50 has been paid by Mazagon Dock Mandar CHS Ltd. Thus, from the contents of the modified agreement, it is clear that the aforesaid lease Premium amount has been paid. The abovementioned copies of 2 Payment Receipts/Cidco Challans show payment of Rs.10,74,81,702/- (Rs. 5,37,40,851/- and Rs. 5,37,40,851/-) including G.S.T.

- (n) Further that the aforesaid Modified Agreement requires the subject society to complete the construction of building/buildings on the subject plot 'E' and obtain Occupancy Certificate for the same from the competent authority within 4 years from the date of Modified Agreement i.e. within 4 years from 27/01/2020.
- (o) The concerned Planning Authority i.e. the Panvel Municipal Corporation has issued Commencement Certificate bearing No. 2020/PMC/TP/BP/811/2020 dated 12/06/2020 in favour of the society i.e. of M/s. Mazagon Dock Mandar CHS Ltd. for construction of Proposed Residential Bldg. i.e. Stilt + 14 upper floors for "A" wing & stilt + 7 upper floors for 'B' wing Built-up area of 6303.358 sq.mtr. having 156 Residential units. The aforesaid Commencement Certificate is issued currently upto Plinth level only and that the further permission would be granted after the plinth is completed and the same is inspected by the PMC and the Plinth Completion Certificate is issued by the PMC.


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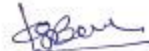
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The development permission by the aforesaid amended Commencement Certificate is granted on the terms and conditions recorded therein.

- (p) At the instruction of the society, I requested one Mr. Rohit Gangal to take search of the aforesaid Sub-Plot No.'E' and Mr. Rohit Gangal has submitted a copy of the Search Report dated 5.3.2020 with the office of the undersigned. In the Search Report, the aforesaid Search Clerk has not given any negative remarks nor have pointed out any third party claims, Mr. Rohit Gangal in his Search Report has given a note that the Search Report is qualified in value and submitted from the records available on as is where is basis without any liability on the part of the Search clerk.

Conclusion :

Based on the abovementioned documents especially the aforesaid modified agreement, the aforesaid Commencement Certificate etc; the Society i.e. M/s. Mazagon Dock Mandar CHS Ltd. is entitled to construct dwelling units on the said subject Sub Plot No. 'E' for the use of its members and the same be allotted to the members of the said society on the terms and conditions mentioned in the aforesaid Modified Agreement and/or in the aforesaid Commencement Certificate.



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Dated this 16th day of
June, 2020.

Mrs. KALPANA S. BANE
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