

LeRoy Collaco
Prachi Collaco
Satyanarayan Hegde

LeRoy Collaco & Associates

Advocates

To,
The Director
Romell Real Estate Pvt. Ltd.,
Gharkul Building, B-wing,
Azad Road, Vile Parle (East)
Mumbai – 400 057
20th March 2015,

Legal opinion

1. Title reports on property owned by :- Romell Real Estate Pvt. Ltd.,
2. Description of Documents scrutinized:-
 - A photocopy of Development Agreement dated 30th November 2004 between Mrs. Sunita Anant Mahant & others (Owners) & Romell Real Estate Pvt. Ltd (Developers). The said Agreement is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10986/2004;
 - A photocopy of Development Agreement dated 30th November 2004 between Mrs. Sunita Anant Mahant & others (Owners) & Romell Real Estate Pvt. Ltd (Developers). The said Agreement is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10987/2004;
 - A Photocopy of Power of Attorney dated 30th November 2004 granted by Mrs. Sunita Anant Mahant & others to Mr. Jude Romell. The said POA is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10989/2004;
 - A Photocopy of Power of Attorney dated 30th November 2004 granted by Mrs. Sunita Anant Mahant & others to Mr. Jude Romell. The said POA is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10993/2004;
 - A photocopy of Deed of Surrender of Lease executed at Mumbai dated 8th March 2006 between Mr. Prakash R. Sharma & Others (Lessee) & Mrs. Sunita Anant Mahant & others (Owners) & Romell Real Estate Pvt. Ltd (Developers). The said Deed of Surrender of Lease is registered at the office of Sub-Registrar of Assurances BDR-10 at Serial No. 01721/2006;
 - A Photocopy of letter dated 25th January 2008 from BMC approving amalgamation and sub-division of layout plot;
 - A photocopy of approved layout dated 24th July 2007;
 - A Photocopy of 7/12 extract dated 22nd June 2010;
 - Photocopies of mutation entry no. 1,947, 630, 15151092, 1203
 - A Photocopy of Property cards;
 - A photocopy of Title Certificate given by Advocate M.P. Salva & Co. dated 13th May 2013,



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- Photocopy of certified copy of roznama of Suit No. 52 of 2009 containing order dated 3rd August 2013;
- Photocopy of Order dated 2nd September 2014 in Appeal No. 257 of 2014 filed before the High Court of Bombay in Notice of Motion No. 2578 in suit no. 2505 of 2010;
- A Photocopy of Development Permission issued by Municipal Corporation Greater Mumbai dated 8th June 2006 bearing No. CHE/ 160/DPWS/ P & R;
- A Photocopy of IOD issued by Slum Rehabilitation Authority dated 5th February 2013, order No. SRA/ENG/DDTP/667/PN/PL/AP;
- Photocopies of plan approved by SRA dated 5th February 2013;
- A Photocopy of Commencement Certificate issued by Slum Rehabilitation Authority dated 4th April 2013, order No. SRA/ENG/DDTP/667/PN/PL/AP;
- A Photocopy of ULC order issued Addl. Collector & Competent Authority Municipal Corporation Greater Mumbai Urban Agglomeration Collectorate dated 13th October 2006, order No. C/ULC/D-XV/WS-463/06;
- Photocopy of Corrigendum issued by Order dated 4th June 2003 bearing no. C/ULC/D-XV/6(i)/SR-IV792/310
- A Photocopy of N.A. Permission issued by Collector Mumbai Suburban District dated 16th July 2009, Order No. C/Desk- VII-A/LND/NAP/SRB-8663;
- A Photocopy of Tax Receipt for the year 2011-2012;
- A Photocopy of Electricity Permission from Reliance Infra dated 15th September 2011;
- A Photocopy of Storm Water Drain permission from Municipal Corporation of Grater Mumbai dated 24th December 2008;

3. Description of Property/ properties/Nature of title:-

All that part and parcel of the land bearing Survey Nos. 454 Hissa No. 1 & 4, corresponding to C.T.S. Nos. 954, 955 & 956, aggregating to 3387.80 Sq. Mtrs. & Survey No. 454, Hissa No. 5, corresponding to C.T. S. No. 957 admeasuring area 1169.2 Sq. Mtrs. all amalgamated to be now identified as C.T. S. No. 954 D situated at Village- Malad, Taluka- Borivali, Mumbai and in the registration District and Sub- District of Mumbai City & Suburban.

4. Trace of Title/ History of Passing of title. Details of antecedent title deeds:-

- All that part and parcel on constructed on land bearing Survey Nos. 454 Hissaa No. 1 & 4; corresponding to C.T.S. Nos. 954, 955 & 956 aggregating to 3387.80 sq. mtrs. is owned by Mr. Anandrao Narayan Mahant & others situated at Village- Malad, Taluka- Borivali and in the registration District and Sub-District of Mumbai City & Suburban was owned by Mr. Yashwant Ganpat Kini;
- One Narayan Waman Mahant during his lifetime was seized and possessed of or otherwise well and sufficiently entitled to all that piece and



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parcel of immovable land bearing Survey No. 544 1 & 4 corresponding to C.T., S. Nos. 954, 955 & 956

- The said Narayan Died intestate at Mumbai on or about 3rd December 1952 survived by his widow Smt. Laxmibai and five sons viz Antant, Shamrao, Balwant, Ramakant and Ramkrishna, as his only heirs and next of kin;
- The said Ramkrishna died intestate as a bachelor leaving his mother the said Laxmibai and his brothers the said Antant , the said Shamrao, the said Balwant and the said Ramakant as his legal heir;
- The said Smt. Laxmibai died intestate on 11th November, 1985 leaving the said Antant , the said Shamrao, the said Balwant and the said Ramakant as his only heirs and next of kin;
- The said Anant Narayan Mahant died intestate on 10th December, 1990 without any issues leaving his widow Smt. Sunita Anant Mahant as his only heirs and next of kin;
- The said Balwant died intestate on 30th September 1994, leaving his widow Smt. Sunita son Rajesh and two daughters viz. Smt. Jayshree and Smt. Sulbha as his only heirs and next of kin;
- The said Ramakant died intestate on 6th February 1996, leaving his widow Smt. Surekha as his only heirs and next of kin;
- In the premises the said Sunita Anant Mahant & others are absolutely seized and possessed of the said property.
- By Development Agreement dated 30th November 2004 the said Mrs. Sunita Anant Mahant & others (Owners) agreed to transfer development rights in respect of Survey Nos. 454 Hisaa No. 1 & 4, corresponding to C.T.S. Nos. 954, 955 & 956 aggregating to 3387.80 sq. mtrs. to Romell Real Estate Pvt. Ltd (Developers). The said Agreement is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10986/2004;
- In pursuance thereof the said Mrs. Sunita Anant Mahant & others (Owners) have also executed irrevocable power-of-attorney in favour of Mr. Jude Romell, a representative of Romell Real Estate Pvt. Ltd.
- One Mr. Prabhakar Karhadkar & Anr. filed a civil suit before the Hon'ble Bombay High Court being Suit No. 988 of 1988 against Laxmibai Narayan Mahant for specific performance of the purported agreement for sale dated 8th January 1983. The said suit was dismissed vide judgment and decree dated 18th December 2001. The said Prabhakar Karhadkar & Anr. challenged the judgment and decree before the Division Bench of the Bombay High Court by filing Appeal No.1015 of 2002. The said Appeal was dismissed vide Order dated 17th February 2009. The said Mr. Prabhakar Karhadkar & Anr. filed Special Leave Petition no. 27110 of 2009 before the Hon'ble Supreme Court challenging the Order Order dated 17th February 2009. The said SLP is also dismissed by the Hon'ble Supreme Court by Order dated 11th December 2009.
- Likewise, Survey No. 454, Hissa No. 5, corresponding to C.T. S. No. 957 admeasuring area 1169.2 Sq. Mtrs. situated at Village- Malad, Taluka- Borivali, Mumbai and in the registration District and Sub-District of Mumbai



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City & Suburban was also owned by Mr. Narayan Waman Mahant. However, the 7/12 extract was shown in the name of one Mr. Yashwant Ganpat Kini. Mr. Yashwant Ganpat Kini died intestate leaving behind his widow Smt. Devkabai and his son Mr. Anil Yashwant Kini.

- By an indenture of Lease dated 10th June 1964 registered with Sub-Registrar of assurance Bombay under serial no. BOM/R/1722 Mr. Yashwant Ganpat Kini created lease in favour of one Smt. Moolibai Ramkumar Sharma for tenure of 97 years. Smt. Moolibai Ramkumar Sharma died intestate leaving behind Mr. Prakash Sharma & Ors. as her legal heirs.
- By mutation entry no. 1203 it has been recorded that the said Survey No. 454, Hissa No. 5 was wrongly recorded in the name of Mr. Yashwant Ganpat Kini and therefore his name was deleted and name of Mr. Anant Narayan Mahant was recorded. However, 7/12 extract does not seem to have been accordingly rectified;
- By Agreement for Sale dated 3rd August 1992 Smt. Devkabai and Mr. Anil Yashwant Kini agreed to sell the said Survey No. 454, Hissa No. 5, corresponding to C.T. S. No. 957 to Mr. Ramdular Tiwari subject to lease created in favour of Smt. Moolibai Ramkumar Sharma.
- By a Development Agreement is made at Mumbai dated 30th November 2004 between Mrs. Sunita Anant Mahant & others (Owners) sold the said land to Romell Real Estate Pvt. Ltd (Developers). The said Agreement is registered at the office of Sub-Registrar of Assurances BDR-2 at Serial No. 10987/2004. In pursuance thereof Mrs. Sunita Anant Mahant & Ors. also granted irrevocable power-of-attorney dated 30th November 2004;
- By Deed of Surrender of Lease dated 8th March 2006 registered with the office of the Sub-Registrar of Assurances Borivali -1 under serial no. BDR-10-1721 of 2006 Mr. Prakash Sharma and others have surrendered their lease hold rights over the said Survey No. 454, Hissa No. 5. By the said indenture Devkabai Kini, Anil Kini on the one hand and Ramdular Tiwari on the other hand released their rights on the said Survey No. 454, Hissa No. 5.
- However, Devkabai Kini & Anil Kini filed suit no. 52 of 2009 before the Hon'ble High Court Bombay for declaration of ownership on the said Survey No. 454, Hissa No. 5. However, by order dated 3rd August 2013, the suit has been dismissed for default.
- One Santoshkumar Babulal Agarwal has filed a suit in Bombay High court being Suit no. 2505 of 2010 for specific performance of purported agreement dated 7th July 1993 against Mr. Prakash Sharma & Ors. Santoshkumar Babulal Agarwal preferred notice of motion no. 2578 of 2010 in the said suit seeking interim injunction. The said notice of motion was rejected by the Hon'ble High Court Bombay vide Order dated 24th September 2010. The said Santoshkumar Babulal Agarwal filed an appeal no. (Id.) 257 of 2014 against the said order before Division Bench of Bombay High Court. The said Appeal also was rejected. The said suit is pending for adjudication before the Hon'ble High Court, Bombay.



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- It must be noted that the one of the conditions laid down in Development Permission granted by BMC dated 8th June 2006 is to remove name of Yashwant Kini and Moolibai Sharma from the 7/12 extract of Survey No. 454, Hissa No. 5 and to include name of the present owners. The said condition is required to be fulfilled. All the 7/12 extracts /property cards are required to be rectified in accordance with the registered documents.

5. Observations:-

We have caused search at the office of Sub-Registrar of Assurances Bandra for last 30 years and the same is as follows:-

| YEAR | Index | Year | Index |
|------|-------|------|--------|
| 1985 | Nil | 1999 | Nil |
| 1986 | Nil | 2000 | Nil |
| 1987 | Nil | 2001 | Nil |
| 1988 | Nil | 2002 | office |
| 1989 | Nil | 2003 | Office |
| 1990 | Thane | 2004 | Entry |
| 1991 | Thane | 2005 | Nil |
| 1992 | Thane | 2006 | Entry |
| 1993 | Nil | 2007 | Office |
| 1994 | Torn | 2008 | Nil |
| 1995 | Torn | 2009 | Nil |
| 1996 | Torn | 2010 | Nil |
| 1997 | Torn | 2011 | Nil |
| 1998 | Torn | 2012 | Office |
| | | 2013 | Nil |
| | | 2014 | Nil |
| | | 2015 | Nil |

Note:- This Title Clearance Certificate and Search Report is subject to the indexes which are in torn condition and indexes which are sent to the Thane Collector and the indexes which are not ready for inspection which please note.



Entry in 2004

Agreement for Sale

Amount :- 4,700000.00/-

Market Value :- 54205000.00/-;

C.T.S. 954, 955, 956

Area- 3387.80 Sq. Mtrs.

Vendor :- Mrs. Sunita Anant Mahant & others

Purchaser :- Romell Real Estate Pvt. Ltd. through Director Mr. Jude Romell through Power Attorney Holder Arvind Zimaan;

Stamp Duty :- 542050/-

Dated :- 30th November 2004;

Document No. :- 10986/2004;

Registration Fees :- 30,000/-;

Registration date :- 30th November 2004;.

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- **Entry in 2004**
Agreement for Sale
Amount :- 3,300,000.00/- Market Value :- 18707500.00/-;
C.T.S. 957, Area- 1159.2 Sq. Mtrs.
Vendor :- Mrs. Sunita Anant Mahant
Purchaser :- Romell Real Estate Pvt. Ltd., through Director Mr. Jude Romell through Power Attorney Holder Arvind Zimaan;
Stamp Duty :- 187080.000/- Dated :- 30th November 2004;
Document No. :- 10987/2004; Registration Fees :- 30,000/-;
Registration date :- 30th November 2004;
- **Entry in 2004**
Power of Attorney
Amount :- 0/- Market Value :- 0/-;
Vendor :- Mrs. Sunita Anant Mahant & others
Purchaser :- Romell Real Estate Pvt. Ltd., through Director Mr. Jude Romell through Power Attorney Holder Arvind Zimaan
Stamp Duty :- 100.00/- Dated :- 30th November 2004;
Document No. :- 10989/2004 Registration Fees :- 0.01/-;
Registration date :- 30th November 2004
- **Entry in 2004**
Power of Attorney
Amount :- 0/- Market Value :- 0/-;
203/ 2nd Floor, Unique Corner, Building No. 1, Area. 790 Sq. Fts;
Vendor :- Mrs. Sunita Anant Mahant & others
Purchaser :- Romell Real Estate Pvt. Ltd., through Director Mr. Jude Romell through Power Attorney Holder Arvind Zimaan
Stamp Duty :- 100.00/- Dated :- 30th November 2004;
Document No. :- 10993/2004 Registration Fees :- 0.01/-;
- **Entry in 2006**
Surrender of Lease Deed
Name- Mr. Prakash R. Sharma;
Amount- 2100000/-
Stamp Duty :- 105000/-
Dated :- 8th March 2006
Document No. :- 1721/2006;

9. Title Certificate

On the basis of the documents produced for our perusal and on the basis of the search carried out in respect of the said property in the office of the sub-registrar of Assurances –Mumbai we hereby certify that Romell Real Estate Pvt. Ltd., has absolute & clear and marketable title over all that part and parcel of the land bearing Survey Nos. 454 Hissa No. 1 & 4, corresponding to C.T.S. Nos. 954, 955 & 956, aggregating to 3387.80 Sq. Mtrs. & Survey No. 454, Hissa No. 5, corresponding to C.T. S. No. 957 admeasuring area 1169.2



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Sq. Mtrs. all amalgamated to be now identified as C.T. S. No. 954 D situated at Village- Malad, Taluka- Borivali, Mumbai and in the registration District and Sub- District of Mumbai City & Suburban.

Yours truly,
For LeRoy Collaco & Associates

A handwritten signature in black ink, appearing to read 'Prachi Collaco', with several horizontal lines drawn underneath it.

Prachi Collaco
Advocate