

Sanjay Sinha

Advocate

CERTIFICATE OF TITLE

TO WHOMSOEVER IT MAY CONCERN

Re: Property being all that parcel of land bearing CTS No.265-B admeasuring 2,024.27 square meters, corresponding to the old CTS No.265(pt) admeasuring 1882.27 square meters or thereabouts and old CTS No.266(pt) admeasuring 142.00square meters or thereabouts situate at Village Borla, Govandi, Mumbai in the Mumbai Suburban District situate at N G Acharya Marg, Govandi East, Chembur, Mumbai 400088(the "said Property").

I have investigated the title of Shilpashree Premises Co-operative Housing Society Ltd., a Co-operative Housing Society duly registered under the Maharashtra Co-operative Societies Act, 1960 bearing Registration No.BOM/WM/HSG/TC/4119 of 1990, having its registered office at Shilpashree Building, N G Acharya Marg, Govandi East, Chembur, Mumbai 400088 (the "Society") and have to opine as under:

- (a) By various means and assigns in law, Nagesh Waman Patil (2) Amarnath Waman Patil And (3) Yashwant Waman Patil (the "Original Owners") were jointly seized and possessed of and otherwise well and sufficiently entitled to a large piece of land bearing Survey No. 39, Hissa No. 5(part) and bearing CTS Nos.265 and 266 of village Borla (the "Larger Plot").
- (b) It appears that by an Agreement dated 10th September 1970, the Original Owners agreed to sell certain rights in a portion of the Larger Plot, which portion admeasures 2421 square yards i.e. 2,024.27 square metres to Mr. R.S. Kochikar and Mr. M.L. Bhat (the "Plot").

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- (c) It appears that by Deed of Agreement for Sale dated 22nd April 1971, Mr. Kochikar and Mr. Bhat in turn agreed to sell their rights in the said Plot to M/s Vaibhav Builders.
- (d) In these circumstances M/s Vaibhav Builders came to be in possession of the said Plot and came to be entitled to the right to develop the said Plot.
- (e) M/s Vaibhav Builders constructed on the said Plot a building comprising of ground plus three upper floors having residential and shops/commercial premises, known as "Shilpashree", (the "Existing Building") and sold premises therein by executing agreements for sale in respect of individual premises.
- (f) After the construction of the said Existing Building was completed, M/s Vaibhav Builders put the purchasers of premises in possession of their respective premises. The purchasers of premises came together and formed the said Society.
- (g) M/s Vaibhav Builders had mortgaged a portion of the said Plot admeasuring 1,600 square yards i.e. 1,337.76 square metres (the "Mortgaged Land") in favour of Mr. Milan Chahwalla and Mrs. Kokila Chahwalla. M/s Vaibhav Builders committed defaults in its repayment obligations, Mr. Milan Chahwalla and Mrs. Kokila Chahwalla obtained a decree against M/s Vaibhav Builders in Suit No. 1723 of 1977 filed before the Bombay High Court and applied for execution of the decree.
- (h) In the execution of the said decree, the said Society purchased the Mortgaged Land by depositing an amount of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only) with the Commissioner, High Court, Bombay.

- (i) On account of M/s Vaibhav Builders and the Owners having failed to convey the share, right, title and interest in the Existing Building and the said Plot, the Society filed an Application under section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 to issue a Certificate for unilateral deemed conveyance or registration of Declaration in favour of the Purchaser Society before the District Deputy Registrar-II bearing application No.342 of 2013 for obtaining Conveyance in favour of the Purchaser Society as per the provisions of the said Act;
- (j) Vide order dated January 27, 2014 passed by the District Deputy Registrar-III, the District Deputy Registrar-III ordered the Deemed Conveyance in favour of the said Society. The said Deemed Conveyance dated May 27, 2014 is registered under Serial No.5302 of 2014 dated June 24, 2014 (the "Deed of Conveyance") wherein the area under CTS No.265(pt) was mentioned as 1932.27 square meters and CTS No.266(pt) as 92.00 square meters.
- (k) Pursuant to a Deed of Rectification dated October 27, 2015 registered under Serial No.10242 of 2015 dated October 27, 2015, the area under the said Deed of Conveyance was rectified as CTS No.265(pt) admeasuring 1882.27 square meters and CTS No.266(pt) as 142.00 square meters (the "Deed of Rectification").
- (l) Pursuant to an order No.C/OFF-2 D/SUB.DIV-AMAL/SRK-1934 dated March 3, 2016, the Collector, Mumbai Suburban Division approved sub-division of the Larger Plot and accordingly CTS No.265 was sub-divided into CTS No. 265-A admeasuring 2575.63 square meters CTS No.265-B admeasuring 1882.27 square meters, and CTS No.266 was sub-divided into CTS No.266-A admeasuring 211.80 square meters and 266-B admeasuring 142.00 square meters. In the said order the Collector further approved amalgamation of sub-

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divided plot No.265-A admeasuring 1882.27 square meters and CTS No.266-B admeasuring 142 square meters, and the total area of the final plot of the Society was fixed as 2024.27 square meters.

- (m) Pursuant to a Mutation Entry No.589/15 dated November 4, 2015, the Society's name was entered on the respective P R Cards for CTS No.265 for 1,882.27 square meters and CTS No.266 for 142.00 square meters.
- (n) Thereafter the City Survey Officer, Chembur opened a new PR Card in respect of the sub-divided CTS No.265-B admeasuring 1882.27 square meters and amalgamated CTS No.266-B admeasuring 142.00 square meters with CTS No.265-B, and accordingly the area of CTS No.265-B was fixed as 2024.27 square meters and a separate P R Card was issued.
- (o) The Society is thus the absolute owner of the said Property and is entitled to deal with it in its own discretion.
- (p) The Society has entered into an Agreement for Development with Vedhas Realtors Private Limited dated 23rd June, 2014 registered under No.KRL-4/5527/2014 dated 23rd June, 2014. The Society has also entered into a Supplementary Development Agreement with Vedhas Realtors Private Limited dated 22nd January, 2019 registered under No.KRL-1/858/2019. The Development Agreement and Supplementary Development Agreement are hereinafter collectively referred to as the "Development Agreement".
- (q) The Society has granted an Irrevocable Power of Attorney dated June 23, 2014 duly registered No. KRL-4-5528-2014 dated June 23, 2014 and Irrevocable Power of Attorney dated 25th January, 2019 duly registered under No.KRL-1/1062/2019 dated 25th January, 2019, whereby the Society has appointed Mr. Dinesh Thapar and Mr. Paresh Mahant, Directors of the Developer as

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Constituted Attorneys of the Society, conferred with powers more particularly mentioned therein. The 2014 Power of Attorney and the 2019 Power of Attorney are hereinafter collectively referred to as the "Power of Attorney".

(r) I have taken inspection of the following documents:

- i. Registered Deed of Conveyance dated 27th May, 2014
- ii. Registered Deed of Rectification dated October 27, 2015
- iii. P R Card of CTS No.265-B
- iv. Registered Agreement for Development with Vedhas Realtors Private Limited dated 23rd June, 2014
- v. Registered Supplementary Development Agreement with Vedhas Realtors Private Limited dated 22nd January, 2019
- vi. Registered Irrevocable Power of Attorney dated June 23, 2014
- vii. Registered Irrevocable Power of Attorney dated 25th January, 2019

In view of the foregoing, I am of the opinion that the title of the said Society to the said Property is clear and marketable, and based on the Development Agreement and the Power of Attorney, the said Vedhas Realtors Pvt Ltd are entitled to redevelop the said Property by demolishing the existing building and constructing a new building in accordance with the approved building plans, and to lease, allot, sell, transfer, mortgage flats out of the Developer's Portion and to appropriate the consideration in respect thereof.

SCHEDULE OF THE PROPERTY

All that piece or parcel of free-hold non-agricultural land or ground situate lying and being on N G Acharya Marg, Govandi East, Chembur, Mumbai 400088 in the Revenue Village of Borla, Mumbai Suburban District and falling in M East Ward

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of Municipal Corporation of Greater Mumbai and bearing CTS No.265-B admeasuring 2,024.37 square meters, corresponding to the old CTS No.265(pt) admeasuring 1882.27 square meters or thereabouts and old CTS No.266(pt) admeasuring 142.00 square meters or thereabouts and bounded as follows:

On or towards East by: CTS No. 264

On or towards West by: CTS No. 267

On or towards North by: CTS No. 267

On or towards South by: N. G. Acharya Marg

Mumbai dated this 18th day of November, 2019



Sanjay Sinha
Advocate, High Court

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