

KMV/**1385** /2021

To,
Maha RERA

LEGAL TITLE REPORT

Re: Title clearance certificate with respect to land bearing CTS No. 51 of Village Mandapeshwar, Taluka Borivali, District Mumbai Suburban District and originally admeasuring 5175 square meters or thereabouts and after deduction of the setback area of 180.30 square meters for DP Road, at present admeasuring 4994.7 square meters as per the Property Register Card situate, lying and being Opposite Mary Immaculate Girls School, Laxman Mhatre Road, Village Dahisar (West), Mumbai 400 068 (hereinafter referred to as the “said Property”)

1. We have investigated the title of the said Property on the request of Kolte Patil Developers Limited and have been furnished with the following documents:

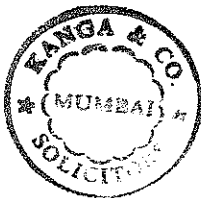
- i. Original Certificate of Registration dated 17th April, 1979 bearing Registration No. CHE/5814/ 1979 issued under the provisions of the Maharashtra Co-operative Societies Act, 1960 in favour of Sagar Vaibhav Co-operative Housing Society Limited;
- ii. Certified True Copy of the Indenture dated 13th March, 1980 made between Vishwasrao Manik Pathare, Shailendra Vishwasrao Pathare, Lata Shailendra Pathare, Sanket Shailendra Pathare and Niyati Shailendra Pathare therein referred to as the “First Vendors” of the First Part, Vasant Manik Pathare and Kamlakar Vasant Pathare therein referred to as the “Second Vendors” of the Second Part, Arvind Shankar Chawak and Purshottam Vasudeo Agarkar therein referred to as the “Confirming Party” of the Third Part and Sagar Vaibhav Co-operative Housing Society (“Society”) therein referred to as the “Purchasers” of the Fourth Part and registered with the office of the



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- Sub-Registrar of Assurances at Mumbai under Serial No. S-603 of 1980;
- iii. Original Indenture dated 27th May, 1983 made between Sagar Vaibhav Co-operative Housing Society Limited therein referred to as the "Grantor" of the One Part and Dahisar Om Sanchayeeta Co-operative Housing Society Limited therein referred to as the "Grantee" of the Other Part and registered with the office of the Sub-Registrar of Assurances at Mumbai under Serial No. S-1590 of 1983;
 - iv. Original Occupation Certificates all dated 20th August, 1983 issued by the Municipal Corporation of Greater Mumbai ("MCGM") in respect of buildings 'A' to 'F' of Sagar Vaibhav Co-operative Housing Society Limited;
 - v. Original Special General Body Resolution of the Society dated 26th January, 2012;
 - vi. Original Special General Body Resolution of the Society dated 29th January, 2012;
 - vii. Certified True Copy of the Property Card dated 13th December, 2012 issued by City Survey Officer, Borivali with respect to the said Property;
 - viii. Original Special General Body Resolution of the Society dated 29th March, 2013;
 - ix. Original Special General Body Resolution of the Society dated 30th October, 2014;
 - x. Original Development Plan Remarks dated 7th October, 2013 bearing Reference No. CHE/800/DPWS issued by Assistant Engineer, Development Plan, MCGM;
 - xi. Original Special General Body Resolution of the Society dated 14th June, 2015;
 - xii. Original letter dated 22nd June, 2015 addressed by the Deputy Registrar of Co-operative Societies to the Society;

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- xiii. Letter of Intent dated 29th June, 2015 alongwith Corrigendum dated 14th July, 2015 addressed by the Society to Kolte Patil Developers Limited;
- xiv. Letter of Acceptance dated 20th July, 2015 addressed by Kolte Patil Developers Limited to the Society;
- xv. Redevelopment Agreement dated 31st March, 2016 made between Sagar Vaibhav Co-Operative Housing Society Ltd therein referred to as the "Society" of the One Part and Kolte Patil Developers Limited therein referred to as the "Developer" of the Other Part and registered with the office of the Sub-Registrar of Assurances at Borivali under Serial No. BRL/7/2522 of 2016;
- xvi. Specific Power of Attorney dated 31st March, 2016 executed by Sagar Vaibhav Co-Operative Housing Society Ltd in favour of Kolte Patil Developers Limited and registered with the office of the Sub-Registrar of Assurances at Borivali under Serial No. BRL/7/2423 of 2016;
- xvii. Supplemental Development Agreement dated 13th March, 2020 made and entered into between Sagar Vaibhav Co-Operative Housing Society Ltd, therein referred to as the "Society" of the One Part and the said Developers namely Kolte Patil Developers Limited, therein referred to as "the Developer" of the Other Part and registered with the office of the Sub-Registrar of Assurances at Borivali under serial no. BRL/6/3268 of 2020;
- xviii. ROC Search Report dated 10th August, 2016 issued by Deep Shukla and Associates, Company Secretaries;
- xix. Search Report dated 28th August, 2015 issued by Nilesh Vagal, Search Clerk_ with respect to the said Property;
- xx. Property tax bill alongwith the receipt for the period 1st April, 2016 to 31st March, 2017.

2. We are issuing this Report on Title on the basis of the documents and papers that have been furnished to us. Our observations are limited only to the extent of the said documents, papers and information. We take no responsibility of the authenticity of the documents furnished to us. Further, we take no responsibility of any information, declaration or undertakings that may be contained in such documents and

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papers that have not been provided to us for the purpose of issuing this Report on Title or such information, particulars or details that may not have been disclosed to us.

3. On perusal of the aforesaid documents, we are of the opinion that subject to the right of way subsisting in respect of 60 sq.mtrs of land forming part of the said Property, more particularly described in the Schedule hereunder written, it can be said that Sagar Vaibhav Co-operative Housing Society Limited is entitled to the said Property and the buildings standing thereon as the Owner in respect thereof and by virtue of the Redevelopment Agreement dated 31st March, 2016 read with the Supplemental Development Agreement dated 13th March, 2020, Kolte Patil Developers Limited is entitled to redevelop the said Property on the terms and conditions contained in the said Redevelopment Agreement read with the said Supplemental Development Agreement by availing full benefit arising out of the said Property and after handing over the areas earmarked for the society members of Sagar Vaibhav Co-operative Housing Society Limited, Kolte Patil Developers Limited is entitled to sell the free sale areas in such manner it may deem fit and proper.

4. The report reflecting the flow of title of Sagar Vaibhav Co-operative Housing Society Limited to the said Property and the development rights of Kolte Patil Developers Limited to the said Property is enclosed herewith as **Annexure 'A'**.

THE SCHEDULE ABOVE REFERRED TO

Land bearing CTS No. 51 of Village Mandapeshwar, Taluka Borivali, District Mumbai Suburban District and originally admeasuring 5175 square meters or thereabouts and after deduction of the setback area of 180.30 square meters for DP Road, at present admeasuring 4994.7 square meters as per the Property Register Card situate, lying and being Opposite Mary Immaculate Girls School, Laxman Mhatre Road, Village Dahisar (West), Mumbai 400 068.

Dated this 17th day of March, 2021.

Kanga and Company,



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Partner

Advocates and Solicitors

ANNEXURE 'A'

1. On perusal of the documents and papers we observe as under:-

- 1.1 It appears that prior to 13th March, 1980 one Vishwasrao Manik Pathare, Shailendra Vishwasrao Pathare, Lata Shailendra Pathare, Sanket Shailendra Pathare, Niyati Shailendra Pathare, Vasant Manik Pathare and Kamlakar Vasant Pathare were absolutely seized and possessed of or otherwise well and sufficiently entitled to the piece or parcel of land bearing CTS No. 51 (Old Survey No. 11 Hissa No. 1) of Village Mandapeshwar, Taluka Borivali, District Mumbai Suburban District admeasuring 6189 sq. yards or thereabouts equivalent to 5175 square meters or thereabouts (**"the said Original Property"**).
- 1.2 It appears that by an Agreement for Sale dated 6th July, 1978, Vishwasrao Manik Pathare, Shailendra Vishwasrao Pathare, Lata Shailendra Pathare, Sanket Shailendra Pathare, Niyati Shailendra Pathare, Vasant Manik Pathare and Kamlakar Vasant Pathare agreed to sell the Original Property in favour of Manohar Raghunath Pathare, Arvind Shankar Chawak and Purshottam Vasudeo Agarkar in their capacity as the Promoters of the Sagar Vaibhav Co-operative Housing Society Limited (**"the said Society"**) at or for the consideration and on the terms and conditions therein contained.
- 1.3 The said Society was registered under the provisions of the Maharashtra Co-operative Societies Act under Registration No. CHE/5814/1979. A Certificate of Registration dated 17th April, 1979 was issued by the Registrar of Co-operative Societies evidencing the same.
- 1.4 By an Indenture dated 13th March, 1980 made between Vishwasrao Manik Pathare, Shailendra Vishwasrao Pathare, Lata Shailendra Pathare, Sanket Shailendra Pathare and Niyati Shailendra Pathare therein referred to as "the First Vendors" of the First Part, Vasant Manik Pathare and Kamlakar Vasant Pathare therein referred to as "the Second Vendors" of the Second Part, Manohar Raghunath Pathare, Arvind Shankar Chawak and Purshottam Vasudeo Agarkar, the Promoters of the said Society therein referred to as "the Confirming Party" of the Third Part and the said Society therein referred to as "Purchasers" of the Fourth Part and registered with the office of the Sub-Registrar of Assurances at Mumbai under Serial No. S-603 of 1980, the said Vishwasrao Manik Pathare, Shailendra Vishwasrao Pathare, Lata Shailendra



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Pathare, Sanket Shailendra Pathare and Niyati Shailendra Pathare Vasant Manik Pathare and Kamlakar Vasant Pathare with the consent and confirmation of Manohar Raghunath Pathare, Arvind Shankar Chawak and Purshottam Vasudeo Agarkar granted, conveyed and sold and transferred the Original Property in favour of the Society at or for the consideration therein contained.

- 1.5 By virtue of the aforesaid, the said Society became the absolute Owner of the Original Property and was put in possession of the said Original Property. The Property Register Card relating to the Original Land was updated to reflect the name of the said Society as the owner of the said Original Land.
- 1.6 Pursuant to the aforesaid Indenture, in or about the year 1983, the Society constructed 6 (six) buildings identified as "A" to "F" on the said Original Property (hereinafter referred to as the ("**said Buildings**") and Occupation Certificates all dated 20th August, 1983 were issued by the Municipal Corporation of Greater Mumbai ("**MCGM**") in respect of the said Buildings.
- 1.7 It appears that the land bearing CTS No. 50 adjoining the said Original Property belonging to one Dahisar Om Sanchayeeta Co-operative Housing Society Limited did not have direct access to their property. By an Indenture dated 27th May, 1983 made between the said Society therein referred to as the "Grantor" of the One Part and Dahisar Om Sanchayeeta Co-operative Housing Society Limited therein referred to as the "Grantee" of the Other Part and registered with the office of Sub-Registrar of Assurances at Mumbai under Serial No. S-1590 of 1983, the said Society granted a right of way in favour of Dahisar Om Sanchayeeta Co-operative Housing Society Limited in respect of a part of the Original Property which part / portion admeasures 60 sq.mtrs and is a 15' wide at or the terms contained in the said Indenture.
- 1.8 The said Indenture provides that the said right of way shall be used in common by the said Society and Dahisar Om Sanchayeeta Co-operative Housing Society Limited. The said right of way is marked as A, B,C and D and is shown in burnt sienna on the plan annexed to the said Indenture.
- 1.9 The said Indenture clarifies that the right of Dahisar Om Sanchayeeta Co-operative Housing Society Limited in respect of the aforesaid access area shall only be limited to the right of way and that the said access shall always belong to the said Society. On perusal of the said Indenture it can be construed that though the right of way was granted, the ownership continued to vest with the

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said Society and by reason thereof all benefits (including FSI benefits) relating to the said access area / right of way continued to vest with the Society.

- 1.10 On perusal of the Property Register Card relating to the Original Land, we observe that by an Order dated 23rd November, 1989 passed by the City Survey Officer No.6, Mumbai Suburban District, an area admeasuring 180.30 sq.mtrs or thereabouts forming part of the Original Property was handed over to the MCGM for the purpose of road setback.
- 1.11 By virtue of the aforesaid, the area of the said Original Property was reduced from 5175 sq. mtrs. to 4994.7 square meters. The said area admeasuring 4994.7 sq.mtrs shall hereinafter be referred to as “**the said Property**” and the same is described in the Schedule hereunder written.
- 1.12 The condition of the buildings that were constructed on the said Property were in a dilapidated condition. We have been given to understand that Society has, from time to time, undertaken steps to repair the Buildings in order to keep them in a habitable condition, however considering the dilapidated condition of the Buildings, the Society was of the view that any further expenditure towards repairs would not be in the best interest of the Society and the Existing Members.
- 1.13 In light of the aforesaid circumstances, the Society convened several meetings when the dilapidated conditions of the Buildings were discussed and a decision to redevelop the said Property by demolishing the said Buildings and constructing new buildings in place and stead thereof was taken.
- 1.14 Pursuant thereto, a Special General Body Meeting was convened on 26th January, 2012 wherein it was unanimously decided by the Society to redevelop the said Property by following the “Directive for Redevelopment of Buildings of Co-operative Housing Societies” issued vide Govt. Circular No. S.G.Y. 2007/L. No.554/14-C dated 3rd January, 2009 under the provisions of Section 79(A) of Maharashtra Co-operative Societies Act, 1960.
- 1.15 Another Special General Body Meeting of the Society was convened on 29th July, 2012 when it was unanimously resolved to appoint Space Design and Development as the Project Management Consultant (“**PMC**”) of the Society in compliance with the aforesaid notification dated 3rd January, 2009.
- 1.16 Pursuant to its appointment, it appears the Society and the PMC had several rounds of discussions when the feasibility and potential of the redevelopment



was discussed. Thereinafter, PMC prepared the draft of the tender document and the same was tabled at the Special General Body Meeting of the Society held on 24th March, 2013 when the same was duly approved by the General Body of the Society.

- 1.17 Several interested developers including Kolte Patil Developers Limited (**“the said Developer”**) collected the tender documents from the Society and submitted the same alongwith the requisite details back to the Society. Thereafter, the Society convened a Special General Body Meeting on 30th October, 2014 which was attended by the managing committee members, interested developers including the said Developer and the PMC wherein the sealed bids/ offers submitted by the interested developers were opened.
- 1.18 The Society thereafter made an application to the Deputy Registrar of Co-operative Societies for the appointment of an officer for attending the Special General Body Meeting of the Society to be convened for finalizing the developer for the proposed redevelopment of the said Property and Deputy Registrar of Co-operative Societies in turn appointed an Officer to preside over the Special General Body Meeting of the Society to be held on 14th June, 2015 for the purpose of appointing a developer for the redevelopment of the said Property.
- 1.19 The notice and agenda for the Special General Body Meeting of the Society to be held on 14th June, 2015 for the selection of a developer was circulated amongst the Existing Members of the Society. Accordingly the Special General Body Meeting was convened on 14th June, 2015 in the presence of the Officer appointed by the Deputy Registrar of Co-operative Societies wherein detailed discussion and due deliberation relating to appointment of the Developer herein was put to vote and the Existing Members of the Society who were present voted at the said Meeting in favour of the said Developer and accordingly the Developer was selected for the redevelopment of the said Property.
- 1.20 The Deputy Registrar of Co-operative Societies by its letter dated 22nd June, 2015 granted its no-objection for the redevelopment of the said Property and the selection of the said Developer by the Society for the purpose of carrying out the work of redevelopment of the said Property.
- 1.21 A Letter of Intent dated 29th June, 2015 read with Corrigendum dated 14th July, 2015 was issued by the Society in favour of the Developer and

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Developer in turn accepted it by issuing a Letter of Acceptance dated 20th July, 2015 to the Society.

- 1.22 Pursuant to the aforesaid a Redevelopment Agreement dated 31st March 2016 was made between the Society therein referred to as “the Society” of the One Part and the said Developers namely Kolte Patil Developers Limited therein referred to as “the Developer” of the Other Part and registered with the office of the Sub-Registrar of Assurances at Borivali under Serial BRL/7/2522 of 2016, the said Society granted development rights in respect of the said Property in favour of the said Developers at or for the consideration and on certain terms and consideration therein contained.
- 1.23 Simultaneously against the execution of the aforesaid Redevelopment Agreement dated 31st March, 2016, the Society executed a Power of Attorney dated 31st March, 2016 in favour of Kolte Patil Developers Limited which Power of Attorney was registered with the Office of the Sub-Registrar of Assurances at Borivali under Serial No. BRL/7/2423 of 2016, whereby the said Society nominated and appointed directors and authorized signatories/representatives of the Developers to do certain acts, deeds, matters and things in respect of the redevelopment of the said Property.
- 1.24 By a Supplemental Development Agreement dated 13th March, 2020 made and entered into between the Society, therein referred to as the “Society” of the One Part and the said Developers namely Kolte Patil Developers Limited therein referred to as “the Developer” of the Other Part and registered with the office of the Sub-Registrar of Assurances at Borivali under serial no. BRL-6-3268 of 2020, the parties therein modified certain terms and conditions of the Redevelopment Agreement dated 31st March 2016.
- 1.25 By virtue of the aforesaid Redevelopment Agreement dated 31st March, 2016 read with the Supplemental Development Agreement dated 13th March, 2020, Kolte Patil Developers Limited became entitled to the development rights in respect of the said Property.
- 1.26 A Development Plan Remarks dated 7th October, 2013 bearing Reference No. CHE/800/DPWS was issued by Assistant Engineer, Development Plan, MCGM. On perusal of the said Development Plan Remarks we observe, that (i) the said Property falls within the Residential Zone (R), (ii) reservations affecting the said Property are Public Housing/High Density Housing (part of larger reservation) and (iii) Road setback of 18.30 meters for DP Road. It appears that the road setback of 18.30 meters for DP Road that is reflected in

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the Development Plan Remarks dated 7th October, 2013 is the same DP Road that has already been handed over to MCGM as referred to in Paragraph 4.10 above. Further, as stated on Paragraph 4.11 above, effect of the said handover has already taken place in the Property Register Card relating to the said Property.

- 1.27 The Property Register Card records that the user of the land is non-agricultural.
2. We have caused searches to be taken in the office of the Sub Registrar of Assurances at Mumbai through Nilesh Vagal, Search Clerk. Nilesh Vagal has submitted his Search Report dated 28th August, 2015 on perusal whereof we observe that save and except the aforesaid documents, no other documents of title have been found to be registered which affect the ownership right of the said Society in respect of the said Property and/or the rights of Kolte Patil Developers Limited to develop the said Property. We have not caused fresh searches to be taken prior to issuance of our Report on Title.
3. We have been furnished with a ROC Search Report dated 10th August, 2016 issued by Deep Shukla and Associates, Company Secretaries to the effect that they have carried out an online search through the official website of the Ministry of Corporate Affairs and no documents and/or papers recording the creation of any charge /mortgage /encumbrance by Kolte Patil Developers Limited in respect of the said Property have been found. We have not caused fresh searches to be taken prior to issuance of our Report on Title.
4. We have been provided with the property tax bill alongwith the receipt for the period 1st April, 2016 to 31st March, 2017 evidencing payment made in respect thereof and we observe that there is no outstanding property tax payable in respect of the said Property. We have not been furnished with the latest property tax bill and receipt evidencing payment thereof.
5. (i) We have caused public notices to be issued in the local newspapers namely Times of India and Maharashtra Times on 25th April, 2016 inviting claims from public in respect of the said Property and save and except the following claims, no other claims have been received by us till date:-
 - (a) Dahisar Om Sanchayeeta Co-operative Housing Society Limited in respect of the right of way granted in its favour by the said Society;

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(b) Jyotirmoy Dineshchandra Bhattacharjee and Diptimoy Dineshchandra Bhattacharjee through their Advocate Rajshekhar Govilkar's letter dated 16th December, 2015 have raised certain claims in respect of the flat bearing No.5 on the first floor of Building "E". However, the claim made by the said Jyotirmoy Dineshchandra Bhattacharjee and Diptimoy Dineshchandra Bhattacharjee is the internal matter of the Society and the Society shall be required to address the claim made by Jyotirmoy Dineshchandra Bhattacharjee and Diptimoy Dineshchandra Bhattacharjee in such manner as the Society may deem fit. The said claim does not, in any manner, affect the right of Kolte Patil Developers Limited to redevelop the said Property.

(ii) We have not caused a fresh Public Notice to be given prior to issuance of our Report on Title.

6. We have been informed by Kolte Patil Developers Limited that the said Property is not the subject matter of any pending litigation or dispute or attachment either before or after judgment nor is there any restraint order or injunction passed by any court or judicial authority restraining the present owner from dealing with their rights in respect of the said Property or any part thereof. We have not caused any searches to be carried out in any court/s and/or tribunal records.

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