

1/12/12

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TO WHOMSOEVER IT MAY CONCERN

This is to certify that I have for the purpose of investigating the title of **K. D. LITE DEVELOPERS PRIVATE LIMITED**, (formerly known as M/s. K. D. Lite Developers) a company incorporated under the Companies Act, 1956 ("**the Developers**") having its registered office at 6, Datta Prasad, 2nd Floor, Plot No. – 274 A, Veer Savarkar Marg, Shivaji Park, Dadar, Mumbai – 400 028, to all that pieces and parcel of land together with the structures standing thereon bearing CTS No. 470 (part) admeasuring 6784.30 sq.mtrs., of Village Chembur, situated at Village Chembur, lying, being and situated at Off Eastern Express Highway, Near Swastik Park, Mumbai 400 071, within the Registration District of Mumbai and Mumbai Suburban-District (hereinafter referred to as "**THE SAID PROPERTY**") have caused searches to be taken with the Sub-Registrar of Assurances at Bombay for the year 1983 to 2012 (for 30 years) through my search clerk, Mr. N. D. Rane.

1. I have perused the Revenue Records viz certified copy of the extract of the Property Registered Card. The Property Card in respect of the said property reflects the Government of Maharashtra as the Owners of the said Property.
2. One M/s. Markand Gandhi & Co., Advocates & Solicitors published a public notice inviting claims in respect of the said property. The public notice was published in two newspapers namely in Free Press Journal and Nav-Shakti on 19 September, 2011. The said M/s. Markand Gandhi & Co., vide their Letter dated 19 July 2012 informed that they have not received any claims and/or objection to the said Public Notice. I have not issued any public notice thereafter.
3. The said property is not under any reservation under the development plan save and except as stated shown in the D.P. Remark dated 9 October 2009 bearing No. CHE/305/DPES/M.




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4. The brief facts of the said Property are as under:-
- (a) Maharashtra Housing & Area Development Authority (MHADA) was the owner of the land/Property to be developed under SRA Scheme/Provisions bearing C.T.S. No. 470 (part) together with the structures standing thereon, situated at Village Chembur, lying, being and situated at Off Eastern Express Highway, Near Swastik Park, Mumbai 400 071, within the Registration District of Mumbai and Mumbai Suburban-District.
 - (b) The above property was occupied by slum dwellers/occupants/tenants who were residing with their respective families in their respective structures / hutments. These slum dwellers/occupants/tenants who had formed themselves into a society namely N. G. Acharya Nagar Co-op. Hsg. Soc. Ltd. a society registered under the Maharashtra Co-op. Soc. Act 1960 bearing No. BOM / WM / HSG / TO / 4950 / 1989 – 90 (hereinafter referred to as "the said Society").
 - (c) By an Indenture of Lease dated 25 January 1994 duly registered with the Sub-Registrar of Assurances at Bandra under No. P 500/1994 on 25th January, 1994 entered into between "N.G. Acharya Nagar Co-op. Hsg. Society Ltd." i.e. the said society on one hand and MHADA on other hand, MHADA has interalia granted lease of the Property bearing CTS No.470 (part) of Village Chembur in the Registration District and Sub-District of Mumbai Suburban District in favour of the said Society, for consideration and on the terms, conditions and covenants mentioned therein. 

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- (d) In the events that occurred, the society as a Lessee became entitled to the property bearing CTS No. 470 (part) admeasuring 6784.30 sq. mtrs. together with structures thereon of Village Chembur in Mumbai Suburban District, lying being and situate at Off Eastern Express Highway, Near Swastik Park, Mumbai 400 071 (hereinafter referred to as "**the said Property**").
- (e) By Special General Body Meeting dated 22 February 2004, the said Society interalia vide Resolution No. 2 resolved to adopt Slum Rehabilitation Scheme, by way of development and to acquire free of cost permanent alternate accommodation each having carpet area of 225 sq. ft.. The development of the said Property was assigned to one M/s. Midas Builders having its address at 36/1, T N Sadanand CHS Ltd. Tilak Nagar, Chembur, Mumbai 400089, the development work of the said Property to be carried out, under Regulation no. 33 (10) of the Development Control Regulation for Greater Mumbai 1991.
- (f) The appropriate authority i.e. the Chief Officer, Mumbai Board of Competent Authority issued Annexure II on 31 December 2004, setting out details of the eligible and non-eligible slum dwellers in respect of the said Property.
- (g) By a Development Agreement dated 6th April 2004, made and entered into between the Society through its authorized committee members/office bearers (therein referred to as "the Society") of the one part and M/s. Midas Builders (therein referred to as "the Developers") of the other part, the Society therein agreed to grant all the development rights in respect of the said Property to M/s. Midas Builders, for the consideration and on the terms and conditions more particularly set out therein.



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- (h) Subsequently, the appropriate authority i.e. Slum Rehabilitation Authority issued Annexure III, setting out details of the SRA Scheme.
- (i) By a Declaration dated 21st July, 2007 made and executed by the said Society (therein referred to as "the Owners") the Society has interalia confirmed the above Development Agreement dated 6th April, 2004. The said Declaration is duly registered in Sub-Registrar of Assurances at Kurla under No.BDR/30/5772 of 2007.
- (j) Thereafter the said Society executed an Irrevocable Power of Attorney dated 18th August 2007, registered with the Sub-Registrar of Assurances under serial no BDR/13/6480/2007 dated 18th August 2007, in favour of the said M/s. Midas Builders interalia to obtain various statutory permissions, carry on construction / development works on the said Property, to sell the premises to be constructed from the FSI available and to appropriate the sale proceeds thereof and to do various acts, deeds, matters and things in respect of the said property.
- (k) The said M/s. Midas Builders also obtained individual irrevocable consents and have entered into separate individual agreements with all slum dwellers/tenants/occupants on the said property.
- (l) The Slum Rehabilitation Authority issued Letter of Intent dated 8th November 2007, bearing no. SRA/ENG/881/MW/MHL/LOI, to M/s. Midas Builders, granting permission for the proposed Slum Rehabilitation Scheme on the said Property in accordance with Development Regulation No. 33 (10) and Appendix – IV of the amended Development Control Regulation for Greater Mumbai 1991, on the terms and condition setout therein.



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- (m) By Development Agreement dated 24th December 2007, registered with the Sub-Registrar of Assurances under serial no BDR/7/06396/2007 dated 24th December 2007, the Society (therein referred to as "the Society") of the First Part and the said M/s. Midas Builders, (therein referred to as "the said Developers") of the Other Part and the Developers herein *i.e.* *K.D. Lite Developers*, (therein referred to as "the said Sub-Developers") of Second Part whereby the said Society and the said M/s. Midas Builders granted the development rights to the Sub-Developer therein free from all encumbrances, claims, demands and burdens, in respect of Sale Building/s, to be constructed on a portion of the said property by utilizing FSI as more particularly set out therein for consideration and on the terms and conditions mentioned therein.
- (n) Pursuant to the Resolution passed in Special General Meeting of the Society held on 30 December 2011 it was resolved to grant development right of the said property to the Developers herein.
- (o) By a Common Consent dated 10 January 2012, the members of the said Society consented to redevelopment of the said property by the Developers herein.
- (p) Pursuant to the above resolution by Development Agreement dated 9th April, 2012, made and entered into between the Society through its authorized committee members/office bearers (therein referred to as "the Society") of the one part and the Owners (therein referred to as "the Developers") of the other part, the Society therein agreed to grant all the development rights in respect of the said Property to the Developers, for the consideration and on the terms and conditions more particularly set out therein.



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- (q) Thereafter the said Society executed an Irrevocable Power of Attorney dated 9th April 2012, in favour of the Developers interalia to obtain various statutory permissions, carry on construction / development works on the said Property, to sell the premises to be constructed from the FSI available and to appropriate the sale proceeds thereof and to do various acts, deeds, matters and things in respect of the said property.
- (r) By an Undertaking dated 8th May 2012, registered with the Sub-Registrar of Assurances under serial no BDR-3-04426-2012 on 9th May 2012, executed by Mrs. Irene Edwyn D'Mello, sole proprietor of M/s. Midas Builders in favour of The Chief Executive Officer, SRA, Mumbai, the said Irene Edwyn D'Mello has interalia recorded her 'No Objection' for deleting the name of M/s. Midas Builders from the records of the SRA and appointing the Developers herein as the developers in respect of the said Property and in furtherance granted her 'No Objection' to SRA issuing revised Letter of Intent in favour of Developers herein as the developer of the said Property.
- (s) Pursuant to the aforesaid the Slum Rehabilitation Authority issued Letter of Intent (Revised) dated 16 May, 2012, bearing no. SRA/ENG/881/MW/MHL/LOI, ("the said LOI") interalia granting permission for proposed Slum Rehabilitation Scheme on the said Property under Regulation no. 33 (10) of the Development Control Regulation for Greater Mumbai 1991, to the Developers, subject to the terms and conditions set out therein and in the LOI dated 8 November, 2007.



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- (t) Thereafter the Developers obtained the Intimation of Approval (IOA) dated 17 May 2012 bearing No. SRA/ENG/2775/MW/MHL/AP in respect of the said Property.
- (u) Thereafter the Developers herein obtained the Commencement Certificate ("CC") bearing No. SRA/ENG/2775/MW/MHL/AP for the said Property.
- (v) Subsequently the said M/s. K. D. Lite Developers a partnership firm got converted into a private limited i.e. K. D. Lite Developers Private Limited, registered with Registrar of Companies vide Certificate of Registration dated 2 August 2012 bearing Corporate Identity No. U70101MH2012PTC234084.
5. In the premises the Developers i.e., the said K. D. Lite Developers Private Limited are absolutely entitled to the development rights in respect of the said Property and also have a clear and marketable right free from all encumbrances in respect of the said Property in the manner as they may deem fit and proper.

Dated this 1st day of December, 2012.


Ms. Preeti Brahmnia
Advocate

