

SHILPA GONDALIA

Advocate High Court

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Contact: (M) 98 92 11 27 72.

Add.: C-002, Kusumbharti Co-operative Housing Society Ltd., Dattapada Road, Borivali (East) Mumbai 400 066.

REPORT ON TITLE

Re: In the Matter of an Immoveable Property being a plot of land adm. 669.45 sq.mtrs. alongwith the structure/building of ground and two upper floors having 30 tenements/flats) standing thereon and forming part of the land bearing Survey. No. 236 A, CTS No. 5662 (part) situated at Village Ghatkopar, Taluka Kurla, Pant Nagar Ghatkopar (East), Mumbai - 400 075, in the registration district and sub-district of Mumbai.

1. I, Shilpa Gondalia, Advocate, having more than 10 years' experience as required under DCPR 10(3)(ii), am investigating the title of Pantnagar Prasanna Co-op. Housing Society Ltd., situated on the land bearing Survey. No. 236 A. City Survey No. 5662 (part), situated at Village Ghatkopar, Taluka Kurla, Pantnagar, Ghatkopar (East), Mumbai 400 075. I have perused the certified copies of the Property Registry Card, Registered Deed of Conveyance between MHADA & the said society, Society Registration Certificate and Registered Development Agreement with the Developer HS CHETANA ENTERPRISES NX LLP.
2. From the perusal of the aforesaid following facts are revealed:-
 - i. Maharashtra Housing and Area Development Authority (MHADA) was the owner of a plot of land adm. 669.45 sq.mtrs. forming part of the land bearing Sr. No. 236-A, CTS No. 5662 (part) situated at Pantnagar, Ghatkopar (East), Mumbai -400 075 (hereinafter referred to the "said Plot"), in the registration district and Sub-district of Mumbai City and Mumbai Suburban within the limits of Municipal Corporation of Greater Mumbai.



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- ii. The Government of India had formulated a Housing Scheme for construction and allotment of tenements on rental basis to Industrial workers known as the subsidized Industrial Housing Scheme.
- iii. The said MHADA in pursuance of the said Government of India scheme constructed a building numbered as building no. 34 (hereinafter referred to as the "said Building") consisting of ground and two upper floors having 30 tenements / flats on the said plot for housing industrial workers as provided in that scheme. The Tenements in the said building No. 34 were allotted by the said MHADA to Individual allottees on rental basis.
- iv. On the basis of the guidelines laid down by the Government of India the Maharashtra Government have direct that the buildings built by the MHADA and other agencies under certain schemes should be offered for sale on "as is and where is condition" to the authorised and unauthorised occupants whose occupation is regularised and unauthorised occupants whose occupation is regularized on their paying the penalty amounting to fifty percent of the cost of the tenements in lump sum for residential purpose on the basis of hire purchase after the occupants of such tenements having formed a Co-operative Housing Society.
- v. The allottees of building no. 34 have formed themselves into a Co-operative Housing Society and got the same registered as Pantnagar Prasanna Co-operative Housing Society Ltd. under No. BOM/HSG/8005/DATED 30/04/1983 (hereinafter referred to as the 'said Society').
- vi. The MHADA being the owner/s of the said plot and/or otherwise well and sufficient entitled to the said plot and the said building No.34 constructed thereupon, sold and conveyed to the said society the said building No. 34 consisting of 30 tenements standing



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on the said plot vide a Deed of Sale dated 28th February, 2000 registered with the Sub-Registrar at Kurla under No. PBDR/3/647/2000, for consideration and upon the terms and conditions more particularly mentioned therein.

- vii. By an Indenture of Lease dated 28th February, 2000 registered with the Sub-registrar at Kurla under No. P BDR-3/649/2000 executed between MHADA and the said Society, MHADA granted to the said society lease of the said plot for a period of 99 years with effect from 1st April, 1980 for the consideration and upon the terms and conditions therein mentioned.
 - viii. Thus by virtue thereof the society is well and sufficiently entitled to the said building as owners and holder of the said plot on lease for a period of 99 years from MHADA (together referred to as the "said property") .
 - ix. The name of the society is mutated in the property Registry card.
 - x. I have presently not given any public notice, however I have relied upon the documents provided to me by the said society and search taken by the search clerk Jayant Chipkar on 10/10/2019 for issuance of the title report.
3. The said Society has also given a notarised Undertaking cum Indemnity confirming the aforesaid facts and has inter alia declared as follows:
- i. That the aforesaid facts mentioned in my title report are true and correct and that the said Society is the owner of the building and Lessee of the said plot. The photocopies of the documents provided by the said Society for perusal are genuine, true and correct.

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- ii. The said Society has not mortgaged or created any third party rights except for the Development Agreement with HS CHETANA ENTTERPRISES NX LLP Vide registered Development Agreement dated 10/12/2018 registered under Sr. No. KRL/3/11999/2018 in respect of the said property and HS CHETANA ENTTERPRISES NX LLP by virtue thereof, has all the right and authority to re-develop the said property by taking necessary permissions for construction from the concerned authorities.
- iii. The said Society has not committed any acts, deeds or things nor has omitted to do any such acts, deeds or things whereby they are prevented from making the declarations and confirmations appearing herein above.

In the aforesaid premises, after perusing the documents provided to me, search report of the search clerk and relying upon the declarations and representations of the said Society, I hereby certify that the title of the said Society to the said property is clear and marketable and free from all encumbrances.

Dated this 08th Day of November, 2019.

Shilpa Gondalia
Advocate