

To  
**Maha RERA,**  
Housefin Bhavan,  
Plot No. C - 21,  
Bandra Kurla Complex,  
Bandra (East),  
Mumbai 400051.

**LEGAL TITLE REPORT**

**Re:** Title Clearance Report of ALL THAT piece or parcel of portion of land admeasuring 4700 sq.mtrs. or thereabout including the Phase II FSI i.e. 25,157.8 square mtrs. FSI ("**the said property**") forming part of larger land comprised bearing New CTS No. 102A/2 and 102A/4 admeasuring 22,786.70 sq. mtrs. as per the Property Card and admeasuring 23165 sq.mtrs. or thereabouts as per documents situate lying and being at Village Tirandaz, Taluka Kurla, Bombay Suburban District in the Registration District and Sub-Registration District of Mumbai City and Mumbai Suburban and situated at Powai, Mumbai Suburban, 400 076 ("**the said larger Property**").

1. I have been instructed by my client Macrotech Developers Limited ("**My Client**") to investigate its title to the captioned Property and for the said purpose, I have perused photo copies of following documents made available for my inspection and information and explanation provided in connection therewith.
  - (i) photocopies of documents of title, papers and revenue records, more particularly mentioned hereunder, furnished to me from time to time in respect of the said larger Property;
  - (ii) Search Report dated 01/11/2021 issued by Mr. Vishwas Daware, Search Clerk in respect of the searches conducted in the office of the concerned Sub-Registrar of Assurances at Mumbai, Bandra and Online Search on portals of IGR Website in respect to larger property ;
  - (iii) Search Report dated 18<sup>th</sup> October, 2021, issued by Jinal Dawda, Company Secretary in respect of searches carried out on Central Registry of Securitization Asset Reconstruction and Security Interest of India related to Rajesh Estate and Nirman Private Limited and the said larger property ;
  - (iv) Search Report dated 6<sup>th</sup> October, 2021 issued by Jinal Dawda, in respect of the searches conducted on the website of the Ministry of Corporate Affairs in respect of Rajesh Estates and Nirman Private Limited ("**RENPL**") and the said larger property as well ;
  - (v) Legal Audit Report dated 22<sup>nd</sup> October, 2021 issued by Cubictree Technology Solutions Private Limited in respect of RENPL and said larger property
  - (vi) Information and explanation gathered by me in connection therewith.
  - (vii) Since my scope of work does not include to take into consideration aspects within the domain of an Architect or a Surveyor, I have not carried out any physical inspection of the Property nor commented on development aspects thereof.
  - (viii) Dhaval Vussanji & Associate's issued a Public Notice inviting objection/claim in respect of the said larger Property from public at large published in (i) Economic Times (English Mumbai Addition) and (ii) Maharashtra Times (Marathi Edition) both dated 05/01/2022 and have received one claim/objection as on date, pursuant to the same, which has been dealt in detailed in Legal Title Report.

2. **DESCRIPTION OF THE PROPERTY**

ALL THAT piece or parcel of portion of land admeasuring 4700 sq.mtrs. or thereabout together with FSI of larger property ("**the said property**") and more particularly described in the Part B of Schedule in Annexure "A" forming part of larger land comprised New CTS No. 102A/2 and

102A/4 admeasuring 22,786.70 sq. mtrs. as per the Property Card and admeasuring 23165 sq.mtrs. or thereabouts as per documents situate lying and being at Village Tirandaz, Taluka Kurla, Bombay Suburban District in the Registration District and Sub-Registration District of Mumbai City and Mumbai Suburban and situated at Powai, Mumbai Suburban, 400 076 (**"the said larger Property"**) and more particularly described in the Part A of Schedule in Annexure "A".

### 3. THE DOCUMENTS PERTAINING TO THE SAID LARGER PROPERTY

- a) Indenture dated 18<sup>th</sup> September, 1987 (**"First Indenture of 1987"**) and registered with the Office of the Sub-Registrar of Assurances under Serial No.BDR-4370/1987 executed between the Chandrabhan, therein referred to as the Vendor of the First Part and Chittaranjan, therein referred to as the Purchaser of the Second Part
- b) Indenture dated 18<sup>th</sup> September, 1987 (**"Second Indenture of 1987"**) registered with the Office of the Sub-Registrar of Assurances under Serial No.BDR-4371/1987, executed between Chandrabhan, therein referred to as the Vendor of the First Part and Chittaranjan, therein referred to as the Purchaser of the Second Part
- c) Articles of Agreement dated 14<sup>th</sup> October, 1987 (**"Agreement of 1987"**) executed between Chittaranjan in his capacity as the proprietor of the Bombay Stone Crushing Company (**"Bombay Stone"**), therein referred to as the party of the First Part and M/s. Vaikunthadham Developers (**"Vaikunthadham"**), therein referred to as party of the Second Part
- d) Consent Decree dated 21<sup>st</sup> July, 2000 (**"Consent Decree"**) passed by the Hon'ble High Court of Judicature at Bombay, in Suit No. 1033 of 1997
- e) Deed of Confirmation dated 30<sup>th</sup> October, 2004 and registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-7-11333-2004 and registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-7-11333/2004, Vaikunthadham confirmed Agreement dated 14th October, 1987 executed between Chittaranjan and Vaikunthadham
- f) Agreement to Assign dated 17<sup>th</sup> November, 2004 executed between Vaikunthadham through its partners being (a) Chandrika Tulsidas Sharma, (b) Neeraj Tulsidas Sharma, (c) Lokesh Tulsidas Sharma, (d) Indira Kuldipsingh Dewan and (e) Sanjay K. Dewan, (therein referred to as 'the Assignors' of the One Part) and M/s. Rajesh Construction Co.
- g) Deed of Declaration and Confirmation dated 16<sup>th</sup> April, 2005 and registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-7-2567-2005, Vaikunthadham
- h) Indenture of Conveyance dated 5<sup>th</sup> May, 2005 and registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-7-3039 of 2005 (**"First Indenture of 2005"**) executed between Chittaranjan through Constituted Attorney Narottam (therein referred to as the Vendor) of the One Part and the RENL (therein referred to as the Purchaser of the Other Part)
- i) Indenture of Conveyance dated 5<sup>th</sup> May, 2005 and registered with the Office of the Sub-Registrar of Assurances under Serial No.BDR-7-3040 of 2005 (**"Second Indenture of 2005"**), and executed by and between Chittaranjan through his constituted attorney Narottam, (therein referred to as the Vendor of the First Part), Vaikunthadham through its partners being (a) Chandrika Tulsidas Sharma, (b) Neeraj Tulsidas Sharma, (c) Lokesh Tulsidas Sharma, (d) Indira Kuldipsingh Dewan and (e) Sanjay K. Dewan, (therein referred to as the Confirming Parties) of the Second Part and Rajesh Estates and Nirman Limited (**"RENL"**), (therein referred to as the Purchasers) of the Third Part
- j) Amalgamation Order - Order dated 13<sup>th</sup> November, 2007 bearing reference no. C/Office-2D/POV/SRK-930 read together with Corrigendum dated 25<sup>th</sup> February, 2008 bearing reference No. C/Office-2D/LND/POV/SRK-930, both issued by the Office of the Collector, Mumbai Suburban District, CTS Nos. 102A, 63A/8, 98C, 100A/1/3
- k) Deed of Confirmation dated 28<sup>th</sup> March, 2011 and registered with the Office of Sub-Registrar of Assurances under Serial No. BDR-3-3379/2011 executed between Jagruti (therein referred to as the Confirmer of the First Part) and RENL (therein referred to as the Purchasers of the Second Part)
- l) By and under Certificate dated 6<sup>th</sup> June, 2011, the Architect Kalpesh B Sheth
- m) Updated Title Report dated 5<sup>th</sup> February, 2015 bearing No. NL/DDA/10107 issued by Wadia Ghandy & Co, Advocates, Solicitors and Notary
- n) Property Card of land bearing City Survey No. 102A/2 and 102A/4 admeasuring 22,786.70 square meters or thereabouts
- o) Search Report dated 1<sup>st</sup> November, 2021 issued by Mr. Vishwas Daware, Search Clerk

- p) Online Search Report dated 6<sup>th</sup> October, 2021, issued by Ms. Jinal Dawda, Company Secretary.
- q) Search Report dated 5<sup>th</sup> October, 2021 issued by Ms. Jinal Dawda, Company Secretary
- r) Search Report dated 18<sup>th</sup> October, 2021 issued by Ms. Jinal Dawda, Company Secretary.
- s) Report dated 22<sup>nd</sup> October, 2021 issued by Cubictree Technology Solutions Private Limited.
- t) Respective Property Register Card of the said Property.
- u) Joint Development Agreement dated 09<sup>th</sup> February, 2022 executed and registered under by and between Rajesh Estate and Nirman Private Limited (for short RENPL) therein referred to as 'Owner' of the First Part, Macrotech Developers Limited therein referred to as 'Developer' of the Second Part and Odeon Construction and Developers Pvt. Ltd therein referred as Investor of the Third Part registered with the Office of Sub-Registrar of Assurances at Kurla under Serial No. KRL 1 2197 of 2022 with the Office of the Sub-Registrar Kurla-1.
- v) Irrevocable Power of Attorney dated 09<sup>th</sup> February, 2022 executed and registered under Serial No. under Serial No. KRL 1 2198 of 2022 with the Office of the Sub-Registrar Kurla-1 by Rajesh Estate and Nirman Private Limited through its authorized person in favour of authorized person of Macrotech Developers Limited

**4. SEARCH OF LAND RECORD IN THE OFFICE OF CONCERNED SUB REGISTRAR**

In order to ascertain title that there are any claims of any third party against the said larger Property, Mr. Vishwas Daware, Search Clerk who has conducted searches in the concerned offices of the Sub-Registrar of Assurances for the period 1972 to 2001 (30 years) as per Record available for the Physical Search and also taken Online Index-II Searches (E-Search), on the portal of Inspector of General of Registration from year 2002 to 2021 (20 Years) in respect of the said larger Property.

**5. SEARCHES ON ONLINE PORTAL OF MINISTRY OF CORPORATE AFFAIRS**

- i. I have perused Search Report dated 06/10/2021 of Rajesh Estates and Nirman Private Limited issued by Jeenal Dawda, Company Secretary with respect to online Searches conducted at the instance of Dhaval Vussonji & Associates in connection with outstanding charges of Rajesh Estates and Nirman Private Limited in respect of larger property. On perusal thereof, I note that save and except, the mortgage created in favour of HDFC, dealt in detail in Clause No. 7 (iii) hereunder, the Search Report does not reveal any adverse entry/ies in respect of the larger Property.
  - (a) Debenture Trust Deed dated 6<sup>th</sup> July, 2020 executed between Vistra ITCL (India) Limited and Rajesh Estates and Nirman Private Limited for Rs.7,00,00,000/- bearing Charge ID-100431571.
  - (b) Indenture of Mortgage dated 16<sup>th</sup> June, 2017 executed between Indusind Bank Ltd. and Rajesh Estates and Nirman Private Limited for Rs.1,81,800,000/- bearing Charge ID-100113804.

**6. SEARCHES ON ONLINE PORTALS OF VARIOUS COURTS AND TRIBUNAL**

Dhaval Vussonji & Associates caused searches to be conducted online in relation to pending suits filed by and/or against RENPL before various Courts in India in connection with the said larger Property vis-à-vis vis a vis Rajesh Estates and Nirman Private Limited. I have been provided with the Report dated 22<sup>nd</sup> October, 2021 issued by Cubictree Technology Solutions Private Limited. I have relied on their Search Report dated 22<sup>nd</sup> October, 2021 (hereinafter referred to as "Litigation Report-1"). On perusal of the said Report, we note that there are pending litigations and/or proceedings and disposed of proceedings that are filed by and/or against RENPL detailed hereto. It is represented by my client that my client has been informed by RENPL that none of the pending litigations and/or proceedings that are filed by and/or against RENPL pertain to the said Property vis a vis larger property affect the rights, title, and interest of RENPL in respect of the said Property vis a vis larger property. Hence, the said pending litigations will not vitiate rights of the RENPL to the said Property and carry out development thereon in as much as there is no restraining order passed in the said litigations pertaining to the said Property.

**7. SEARCHES ON ONLINE PORTALS OF CENTRAL REGISTRY OF SECURITISATION ASSET RECONSTRUCTION AND SECURITY INTEREST OF INDIA (Cersai)' i.e. [www.cersai.org.in](http://www.cersai.org.in)**



- i. I have perused Search Report dated 05/10/2021 of Rajesh Estates and Nirman Private Limited issued by Jeenal Dawda, Company Secretary with respect to online Searches conducted at the instance of Dhaval Vussonji & Associates in connection with creation of security interest on the Company Rajesh Estates and Nirman Private Limited in connection with the larger property. On perusal of the aforesaid Search Report, I note that, there is no charge/security interest reflected therein in respect of said larger Property and name of Rajesh Estates and Nirman Private Limited reflected as Borrowers.
- ii. I have perused Search Report dated 18/10/2021 of Rajesh Estates and Nirman Private Limited issued by Jeenal Dawda, Company Secretary with respect to online Searches conducted at the instance of Dhaval Vussonji & Associates in connection with creation of security interest on the Company of Rajesh Estates and Nirman Private Limited pertaining to larger property. On perusal of the aforesaid Search Report, I note that there is no charge/security interest reflected therein in respect of said larger Property and name of Rajesh Estates and Nirman Private Limited reflected as Borrowers.

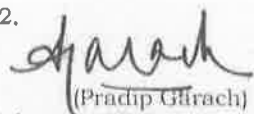
8. **PROPERTY REGISTER CARD**

Upon perusal of the Property Register Card in respect of property comprising City Survey Nos. 102A/2 and 102A/4, I observed as mentioned in summary as follows:

CTS No.	Area (in square meters)	Tenure	Holder as per PRC	Remarks
102A/2	20,205.4	C	Rajesh Estates and Nirman Limited	Residential and Non Agricultural use for Commercial Purpose
102A/4	2,581.3	C-1	Rajesh Estates and Nirman Limited	D.P. Road
<b>Total</b>				

9. Upon perusal of the above document and all other document pertaining to the title of Property, subject to subsisting mortgages, I am of opinion that Macrotech Developers Limited is the Developer of the land admeasuring 4700 sq.mtrs. or thereabout including the Phase II FSI i.e. 25,157.8 square mtrs. FSI ("the said property") forming part of larger land comprised bearing New CTS No. 102A/2 and 102A/4 admeasuring 22,786.70 sq. mtrs. as per the Property Card and admeasuring 23165 sq.mtrs. or thereabouts and has clear, marketable title without any encumbrances.
10. Based on above aforesaid Owner of land admeasuring 4700 sq.mtrs. or thereabout including the Phase II FSI i.e. 25,157.8 square mtrs. FSI ("the said property") forming part of larger land comprised bearing New CTS No. 102A/2 and 102A/4 admeasuring 22,786.70 sq. mtrs. as per the Property Card and admeasuring 23165 sq.mtrs. or thereabouts is Rajesh Estates and Nirman Private Limited.
11. The report reflecting the flow of title in respect of the said Property / Larger Property is enclosed herewith as Annexure "A" hereto:

Dated this 17<sup>th</sup> day of February, 2022.

  
(Pradip Girach)  
Advocate, High Court Bombay

Encl.: Annexure "A" -Flow of Title