



**PRASANNA S. TARE**

B. Com, L.L.B

Advocate High Court, Mumbai

To,

The Maharashtra Real Estate  
Regulatory Authority,  
Housefin Bhavan, B. K. C.  
Bandra (East)  
Mumbai – 400 021.

Legal Title Certificate

Sub: All that piece and parcel of land bearing CTS Nos. 771, 771/1 to 771/35, 806, 806/1 to 806/11, admeasuring 1557.07 square meters or thereabouts situate, lying and being in the revenue Village of Mulund, Taluka Kurla, within District and Sub-District of Mumbai and Mumbai Suburban at Gaothan Road, Mulund (West), Mumbai 400080, within the limit of 'T' Ward of Municipal Corporation of Greater Mumbai. (herein after referred to as the "Said Plot").

I have investigated the Title of the said plot, on the request of Nexzone Buildcon LLP, (LLP), having their registered office at 702 Marathon Max, Mulund – Goregaon Link Road, Mulund (West), Mumbai – 400 080.

- Description of the Property:** All that piece and parcel of land bearing CTS Nos. 771, 771/1 to 771/35, 806, 806/1 to 806/11, admeasuring 1557.07 square meters or thereabouts situate, lying and being in the revenue Village of Mulund, Taluka Kurla, within District and Sub-District of Mumbai and Mumbai Suburban at Gaothan Road, Mulund (West), Mumbai 400080, within the limit of 'T' Ward of Municipal Corporation of Greater Mumbai.
- Document of the allotment of the Plots:** By Virtue of the Conveyance Deed dated 31<sup>st</sup> December, 2013, entered between Shri. Ramniklal Zaverbhai Shah, therein referred to as Vendor of the First Part and Nexzone Buildcon LLP, therein referred to as Purchaser of the Other Part, duly registered with the office of Sub-Registrar of Assurances Kurla 2, under Serial No. KRL2-1269-2014 on 07<sup>th</sup> February, 2014, whereby the Vendor therein had conveyed all his right, title and interest with respect to the said Plot admeasuring 1557.07 square meters, in favour of Nexzone Buildcon LLP in the manner contained therein.
- Property Card and Mutation Entry:** I have perused the property card of CTS Nos. 771, 771/1 to 771/35, 806, 806/1 to 806/11, Village of Mulund Taluka Kurla, within District and Sub-District of Mumbai and Mumbai Suburban, issued by City Survey Officer Mulund, Taluka -Kurla, Mumbai Suburban District dated 15<sup>th</sup> December, 2021. I have also perused the Mutation Entries No. 79, 1104, 1355, 1508 and 1732 in respect of said Plot.
- Search Report:** I have caused search to be taken in the Offices of Sub-Registrar of Assurances at Mumbai and Mumbai Suburban District, Property Title Investigator, for the period of 1968 – 2021.
- Nexzone Buildcon LLP, (LLP), developing the said Plot, pursuant to the approvals obtained from Statutory Planning Authority i.e. Slum Rehabilitation Authority, from time to time.
- On perusal of the above mentioned documents and all other relevant documents relating to the title of the said plot, I am of the opinion that the Nexzone Buildcon LLP, (LLP), has a clear and marketable title free from all encumbrances with respect to the said plot, and in accordance with statutory approvals obtained by Nexzone Buildcon LLP, (LLP), from Statutory Planning Authority, developing the said plot pursuant thereto.
- The Report reflecting the flow of the title of the Owner, on said plot is annexed herewith as Annexure –A, Litigation Report of the said Plot is annexed herewith as Annexure – B.

Dated this 21<sup>st</sup> day of December, 2021

Prasanna S. Tare  
Advocate

Encl: A.A.

Address : 601, 6<sup>th</sup> Floor, Shree Samarth Viscaria Co-Op. Hsg. Society Ltd., Shivdarshan Path, T. P. Road,  
Next to Shivdarshan SRA Building, Near Gadhav Naka, Bhandup (West), Mumbai - 400 078.  
Tel.: 022-25942599, Cell : +91 9892632599, Email : pramahijit@gmail.com

**Title Flow of the Said Plot**

- a. In pursuance of Warrant of Attachment issued under Section 203, 207A (3) of the Mumbai Municipal Corporation Act, 1888 dated 29<sup>th</sup> July, 1975, the Municipal Commissioner of Greater Mumbai caused to be sold by public auction the said Property.
- b. One Shri. Ramniklal Zaverbhai Shah, had purchased the said property through public auction, conducted on 30<sup>th</sup> January, 1978 and paid the payment of auction price on 15<sup>th</sup> February, 1978 and became the lawful owner of the said Property.
- c. In the year 1978, Shri Mahadeo Damodar Vaithy and four others, filed the L. C. Suit before the Hon'ble City Civil Court at Bombay, bearing L. C. Suit No. 404 of 1978, for declaration the auction Sale of the said Plot dated 30<sup>th</sup> January, 1978, is illegal, bad-in-law and Void, the said suit was dismissed by the His Hon'our Judge Shri. Makhijani by its order dated 11<sup>th</sup> April, 1983. Being aggrieved by the said Order dated 11<sup>th</sup> April, 1983, the Appellant (Original Plaintiff) i. e. Shri Mahadeo Damodar Vaithy and four others, filed the First Appeal before Hon'ble Bombay High Court, Civil Appellate Jurisdiction, bearing First Appeal No. 352 of 1983. The said First Appeal was dismissed by His Lordship the Hon'ble Mr. Justice J. A. Patil on 7<sup>th</sup>/8<sup>th</sup> December, 1999.
- d. Being aggrieved by the order passed in First Appeal No. 352 of 1983 dated 7<sup>th</sup>/8<sup>th</sup> December, 1999. Shri Mahadeo Damodar Vaithy and four others, had filed Letters Patent Appeal No. 340 of 2000, before the Hon'ble Bombay High Court, bearing Letters Patent Appeal No. 340 of 2000 and same was dismissed by Hon'ble Division Bench, comprising of His Lordship the Hon'ble Mr. Justice B. P. Singh and His Lordship the Hon'ble Mr. Justice S. A. Bobade Patil on 11<sup>th</sup> December, 2000.
- e. In the year 2001, Original Owner Shri Mahadeo Damodar Vaithy and four others, being aggrieved by the order dated 11<sup>th</sup> December, 2001 passed in Letters Patent Appeal No. 340 of 2000, filed Special Leave Petition, before Hon'ble Supreme Court of India, bearing Special Leave Petition (Civil) No. 6195 of 2001, in the said Special Leave Petition, Hon'ble Court, passed an Order dated 20<sup>th</sup> April, 2001 and directed to parties to said Special Leave Petition to maintain Status Quo and the said Petition is converted into the Civil Appeal. The Said Civil Appeal No. 5357 of 2001, was finally heard by His Lordship the Hon'ble Mr. Justice A. K. Matur and His Lordship the Hon'ble Mr. Justice Markandey Katju and dismissed the said Appeal, by its Order dated 13<sup>th</sup> November, 2007.
- f. Shri. Ramniklal Zaverbhai Shah requested to Municipal Corporation of Greater Mumbai, vide Letter dated 26<sup>th</sup> November, 2007, to complete the procedure of sale of the said Property in accordance with Order dated 13<sup>th</sup> November, 2007 passed by the Hon'ble Supreme Court of India.
- g. The Municipal Corporation of Greater Mumbai, have honored the request and issued the Sale Certificate towards the said Property dated 12<sup>th</sup> March, 2008, (hereinafter for sake of brevity it referred to as "the said Certificate of Sale").
- h. Shri. Ramniklal Zaverbhai Shah desired to record and confirms the said Certificate of Sale, by registering same as per the provisions of Indian Registration Act and executed by franking the requisite stamp duty and the same was adjudicated under No. ADJ/179/19/K from the office of Collector of Stamps, Kurla and have accordingly paid the stamp duty Rs. 2,710/- and penalty of Rs. 5,420/- vide challan No. 5895/5896 dated 31<sup>st</sup> July, 2009. However, the Shri. Ramniklal Zaverbhai Shah, has failed to appear before the Sub-Registrar of Assurance at Chembur/Kurla/Mumbai to register the said Certificate of Sale within the prescribed period as per the provision of Indian Registration Act, 1908.
- i. The Original said Certificate of Sale, is misplaced and the information regarding the same is recorded with Mulund Police Station, under Outward No. 3041/2010 dated 09th July, 2010.
- j. Upon the request of Shri. Ramniklal Zaverbhai Shah, on 14th July, 2010, the Collector of Stamps, Kurla, issued the true copy of the said Certificate of Sale on 30th November, 2010.



- k. The Municipal Commissioner for Greater Mumbai, is exempted under the provision of Section 38 of Indian Registration Act, XVI, 1908 to appear before the Sub-Registrar to admit the execution of the said Certificate of Sale referred in letter No. Dy/AC/ES/Legal/407/07-08.
- l. The Shri. Ramniklal Zaverbhai Shah, registered unilaterally the said Certificate of Sale through Deed of Declaration dated 21<sup>st</sup> December, 2010, vide registration no. BDR/09499/2010 on 21<sup>st</sup> December, 2010
- m. By a Conveyance Deed dated 31<sup>st</sup> December, 2013 made between Shri. Ramniklal Zaverbhai Shah therein referred to as Vendor of the First Part and Nexzone Buildcon LLP therein referred to as Purchaser of the Other Part, and registered with the office of Sub-Registrar of Assurances Kurla 2, under Serial No. KRL2-1269-2014 on 07<sup>th</sup> February, 2014, the Vendor therein had conveyed all his right, title and interest with respect to the said Property admeasuring 1557.07 square meters in favour of Nexzone Buildcon LLP at or for consideration and in the manner contained therein.
- n. By a Power of Attorney dated 07<sup>th</sup> February, 2014 and registered with the office of Sub-Registrar of Assurances Kurla 2, under Serial No. KRL2-1268-2014 on 07<sup>th</sup> February, 2014, the said Shri. Ramniklal Zaverbhai Shah appointed Chetan Ramniklal Shah and Mayur Ramniklal Shah as their constituted attorney to do all acts, deeds, matter and things more particularly described therein in respect of the said Property.



Annexure – “B”

**Litigation of the Said Plot**

There is Litigation pending pertaining to the said Plot, One Pramod Baburao Bhoir and others (as legal heirs of deceased Smt. Gangabai Bhaurao Bhoir), had filed the Appeal u/s 247 of Maharashtra Land Revenue Code 1966, before the District Superintendent of Land and Record, Mumbai Suburban District, Bandra, bearing Appeal No SR-995 of 2021, for cancellation of mutation entries Nos. 1404, 1155 and 1732, passed by City Survey officer, Mulund Taluka Kurla, Mumbai Suburban District in respect of said Plot the passed in the said Appeal is pending till today and there is no adverse order against the Respondents in the said Appeal.