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ADVOCATES

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(Circular No:-28/2021)

To,
Maha RERA
HousefinBhavan,
Plot No. C – 21,
Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

LEGAL TITLE REPORT

SUB: Title Clearance Certificate with respect of land bearing CTS Nos. 704(pt) admeasuring 601.1 square meters and CTS No. 704/79(pt) admeasuring 39.0 square meters thus aggregating to 640.1 square meters or thereabouts corresponding to Survey No. 48 Hissa No. 4 (pt) of Village Oshiwara, Taluka Andheri in the registration district and subdistrict of Mumbai Suburban ("said Property").

- 1) I have investigated the title of the said Property on the request of (1) Transcon Triumph Phase 2 Private Limited (formerly known as Messrs Transcon Enterprises) (TTPPL), (2) Transcon Developers Private Limited(TDPL),and (3) Transcon Cassiopeia Private Limited(formerly known as Messrs MNP Associates)(TCPL),and following documentsi.e.
 - (i) Description of the said Property:All that piece and parcel of land bearing C.T.S. Nos. 704(pt) admeasuring 601.1 square meters and C.T.S. No. 704/79(pt) admeasuring 39.0 square meters thus aggregating to 640.1 square meters or thereabouts corresponding to Survey No. 48 Hissa No. 4(pt) of Village Oshiwara, Taluka Andheri in the registration district and sub district of Mumbai Suburban together with the structures standing thereon.
 - (ii) The documents of allotment of the said Property: as mentioned in Annexure "1".
 - (iii) The Property Register Card issued by the Superintendent, Mumbai City Survey and Land Records on March 2nd, 2022.
 - (iv) Search Report for 30 years from 1991 to 2022.
- 2) On perusal of above mentioned documents and all other relevant documents relating to the title of the said Property and subject to what is stated herein below, I am of opinion that the title of TTPPL, TDPLand TCPLis clear, marketable and encumbrances as mentioned in Annexure in Annexure "1".

Owners of land

- (i) Transcon Cassiopeia Private Limitedof CTS No. 704 (pt) and 704/79 (pt)
- (ii) Qualifying comments/remarks as mentioned herein below.
- 3) The report reflecting the flow of title in respect of the (owner/ promoter/ developer/ company) on the said Property is enclosed herewith as Annexure "1"hereto.

Enclosed: **Annexure 1**

Dated this 13th day of April, 2022

Partner


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Annexure 1

I. Title Documents

1. Indenture dated July 24, 1951 executed by Nanabhoy Byramjee Jeejeebhoy in favour of Byramjee Jeejeebhoy Limited duly registered before the Sub-Registrar of Assurances vide no. BOM/4213 of 1951.
2. Notification issued by Government of Maharashtra dated April 30, 1979, bearing reference No. DC/ENC/B/143-1979.
3. Deed of Assignment dated February 17, 1994, duly registered vide no. BDR-827 of 1994 executed by Gangubai Bharguram Kadam & 7 others in favour of MNP Associates.
4. Indenture of Conveyance executed by Byramjee Jeejeebhoy Limited in favour of MNP Associates dated December 21, 2004 duly registered before the Sub-Registrar of Assurance at Andheri vide No. BDR-9/1366 of 2005.
5. Agreement dated December 6, 2005, duly registered before the Sub-Registrar of Assurance at Bandra vide No. BDR-9/11548 of 2005 between M/s Evershine Developers and M/s. MNP Associates.
6. Power of Attorney dated December 8, 2005, duly registered before the Sub-Registrar of Assurance at Bandra vide No. BDR-9/11549 of 2005 executed in favour of M/s Evershine Developers.
7. Development Agreement executed by MNP Associates in favour of TDPL dated June 2, 2011.
8. Development Agreement executed by MNP Associates in favour of TDPL dated September 24, 2012.
9. Deed of Cancellation dated October 5, 2012, duly registered before the Sub-Registrar of Assurances at Bandra vide No. BDR-9/8507 of 2012 between M/s Evershine Developers and M/s. MNP Associates.
10. Amendment Agreement dated April 3, 2017, executed by MNP Associates in favour of TDPL.
11. Permanent Alternate Accommodation dated September 16, 2021 executed by and between TCPL, TDPL, TTPPL, and Mr Gautam Venkatesh Shanbhag Sole Proprietor of M/S. Opal Products duly registered before the Sub-Registrar of Assurances at Bandra vide No. BDR-17/10301 of 2022.



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12. Revised Letter of Intent bearing no. SRA/DDTP/0219/KW/PL/LOI dated March 23, 2022
13. Intimation of Approval ("IOA") bearing no. SRA/DDTP/633/KW/PL/AP dated March 31, 2022.
14. Photocopy of Property Register Card.
15. Photocopy of Kami Jasti Patrak.
16. Papers and proceedings of the pending litigations

II. Search Report:

We have caused searched to be conducted by Mr. Santosh B. Shinde, Title Investigator who has conducted independent searches / investigations inter alia in respect of the said Property in the offices of the Registrar / Sub Registrar of Assurance in Mumbai and his reports dated October 24th 2019, August 22nd 2020, January 19th 2021, and February 24th 2022.

III. FLOW OF TITLE OF THE SAID PROPERTY

1. By and under diverse deeds / documents / writings, TCPL is entitled to *inter alia* the ownership rights in respect of all that pieces and parcels of land bearing CTS No. (i) 704(pt) admeasuring 601.10 square meters, (ii) 704/79(pt) admeasuring 39.0 square meters, totally admeasuring 641.10 square meters or thereabouts corresponding to Survey No. 48 Hissa No. 4(pt) situated in the revenue Village Oshiwara, Taluka Andheri, Mumbai Suburban District along with structure/s standing thereon.
2. By and under an Agreement dated June 2, 2011 read along with Agreement dated September 24, 2012, and Amendment Agreement dated April, 3rd 2017, TCPL granted development rights in respect of the said Property along with certain other parcels of land to TDPL, for the consideration and on the terms and conditions more particularly mentioned therein.
3. In view of the aforesaid TDPL is entitled to the development rights in respect of the said Property.
4. TDPL and TTPPL are in a process of developing the said Property along with several adjoining / adjacent land parcels and have accordingly obtained a Revised Letter of Intent bearing no. SRA/DDTP/0219/KW/PL/LOI dated March 23rd, 2022, issued in the joint names of TDPL and TTPPL (as the Developer) which includes the said Property. Pursuant to the said Revised Letter of Intent dated March 23rd, 2022, the TTPPL is entitled to develop the said Property along with TDPL.



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5. In view of the aforesaid, TCPL is entitled to the ownership rights in respect of the said property and TDPL is entitled to develop the said property along with TTPPL in respect of the property bearing C.T.S. Nos. 704 (pt) and 704/79(pt).

IV. MORTGAGES

By and under a registered Deed of Mortgage dated February 23, 2021, Transcon Developers Private Limited, Transcon Triumph Phase 2 Private Limited (formerly known as M/s. Transcon Enterprises) along with its other entities have *inter alia* created a first ranking charge on the said Property, as more particularly described therein and subject to the terms and conditions mentioned therein, in favour of IDBI Trusteeship Services Limited. The said Deed of Mortgage dated February 23rd, 2021, is duly registered vide no. BDR-17-2624-2021.

V. LITIGATION

We have caused litigation searches to be conducted by Cubictree Technology Solutions Private Limited having its office at Shop No.16-22, Basant Court C.H.S. Ltd. Opp. Sion Railway Station, Sion, Mumbai – 400 002, for any pending litigation against the said property and against TTPPL, TDPL and TCPL. The said search reports reflect several litigations. However, TTPPL, TDPL and TCPL have confirmed that, save and except following litigations, there is /are no litigation/s pending with respect to the said Property and other litigations are related to the larger layout which includes the said Property.

- (i) S.C. Suit No. 1890 of 2014 filed by Bholanath Hariram Yadav (Plaintiff) Versus M/s. MNP Associates (Respondent) in the Hon'ble City Civil Court at Dindoshi;
- (ii) S.C. Suit No. 1891 of 2014 filed by Bholanath Hariram Yadav (Plaintiff) Versus M/s. MNP Associates (Respondent) in the Hon'ble City Civil Court at Dindoshi;
- (iii) Writ Petition no. 2982 of 2017 filed by the Company (Petitioner) Versus The State of Maharashtra and Ors. (Respondents) in the Hon'ble High Court of Bombay, Ordinary Original Civil Jurisdiction;
- (iv) Writ Petition no. 2983 of 2017 filed by the Company (Petitioner) Versus The State of Maharashtra and Ors. (Respondents) in the Hon'ble High Court of Bombay, Ordinary Original Civil Jurisdiction;
- (v) Writ Petition No. 996 of 2019 filed by Mr. Rupesh Jatan Singh & Mr. Bhaskar Vishram Gawde (Petitioners) and The State of Maharashtra & Ors. (Respondents) in the Hon'ble High Court of Bombay, Civil Appellate Jurisdiction;
- (vi) Suit No. 3355 of 2018 filed by Nooruddin Ismile Qureshi (Plaintiff) against M/s. Shajanand Enterprises & Ors. (Defendants) before the Bombay City Civil Court At

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Dindoshi, Goregaon Mumbai before the Bombay City Civil Court At Dindoshi,
Goregaon Mumbai;

- (vii) Application No. 296 of 2019, filed by Roopesh Jitan Singh, Priti Diwakar Bhatkar, Saberabi Malang Shaikh, Milind Gundu Patkar and Ritika Bhaskar Gawade (Applicants) against The Chief Executive Officer, The Dy. Chief Engineer, Kadam Chawl SRA CHS Ltd., M/s MNP Associates, M/s. Transcon Developer, M/s. Sahajanand Enterprises and M/s. Sainath CHS (Respondents), before Apex Grievance Redressal Committee, Government of Maharashtra.

Dated this 13th day of April, 2022

Partner

Universal Legal