

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

## LEGAL TITLE REPORT

Sub: Title clearance report with respect to all those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part) 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai 400031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban ("**Property**")

1. We have investigated the title of the Property based on the request of Godrej Projects Development Limited ("**Company**").

(1) **Description of Property:**

All those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part) 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai 400031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban.

(2) **The Documents pertaining to the Property:**

We have perused the copies of the title documents of the Property, listed under the report annexed hereto as **Annexure "A"**.

(3) **7/12 Extract / Property Register Card:**

The Survey Register cards pertaining to C.S. Nos. 339, 340, 341, 342, 347, 348, 351, 352, 353 and 354 reflect the name of MCGM as the owner thereof.

(4) **Search Report:**

- Land Search Report dated November 3, 2020 issued by Mr. Ashish Javeri, Title Investigator for searches taken at the office of the Sub-Registrar of Assurances; and
- Other search reports as listed under the report, annexed hereto as **Annexure "A"**, hereto.

2. Upon perusal of the above-mentioned documents and all other relevant documents pertaining to the title of the Property, we are of the opinion that the title of the Company – Godrej Projects Development Limited to develop the Property i.e., all those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part) 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai 400031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban is clear, marketable and without any encumbrance (except as disclosed hereunder):
  - (1) Qualifying comments/ remarks, if any – There are various pending litigations between Shree Azad Nagar Society, and (ii) Om Azad Nagar Society and East & West Builders, details whereof are listed under the report annexed hereto as **Annexure "A"**.
3. The report reflecting the flow of title in respect of the Property is enclosed herewith as **Annexure "A"** hereto.

Dated this 24<sup>th</sup> day of February, 2022.



Sagar Kadam  
Partner  
DSK Legal

Encl.: As above

### **Annexure "A"**

**Re:** All those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part) 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai 400031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban ("**Property**")

Pursuant to your instructions we have investigated the title of Godrej Projects Development Limited ("**Company**") in respect of the Property, and for the same, perused copy of the documents listed in **Annexure "1"** hereto:

For the purposes of this Legal Title Report:

1. We have caused searches to be conducted by Mr. Ashish Javeri (Title Investigator) in the concerned office of the Sub-Registrar of Assurances in respect of the Property who has issued his report dated November 3, 2020, copy whereof is separately provided.
2. We have issued public notices in Times of India and Maharashtra Times both dated July 13, 2021, inviting claims / objections from the public in respect of the Property and we have received an objection, which have been dealt with later in our report.
3. We have not opined on the development potential of the Property.
4. Since our scope of work does not include considering aspects within the domain of an architect and surveyor, we have not carried out any physical inspection of the Property.
5. We have assumed the devolution of title of the Property on the basis of the documents provided to us.
6. Since verifying pending litigations in respect of the properties become difficult due to various reasons including (i) litigations can be filed/instituted in various fora depending upon the relief claimed; and/or (ii) records of litigations maintained by courts and other authorities (judicial or otherwise) are not updated nor maintained descriptively and not easily available/accessible; and/or (iii) there are no registers maintained in respect of matters referred to arbitration, we have not conducted any searches before any court of law or before any other authority (judicial or otherwise) to verify whether the Property is subject matter of any litigation. However, we have caused online litigation searches by Cubictree Technology Solutions Private Limited on (i) Shree Azad Nagar Society, and (ii) Om Azad Nagar Society (collectively referred to as the "**Societies**") and on the Erstwhile Developer (defined below) to ascertain if there are any litigation proceedings initiated against them which pertains to the Property and have relied on their reports, copies whereof are separately provided.
7. We have relied upon:
  - copies of the documents where original documents of title were not available; and
  - information provided by the representatives of the Company.
8. We have assumed that:

- all documents submitted to us as photocopies or other copies of originals conform to the originals and all such originals are authentic and complete;
- all signatures and seals on any documents submitted to us are genuine;
- there have been no amendments or changes to the documents examined by us;
- the legal capacity of all natural persons are as they purport it to be.

Based on the aforesaid, we have to report as under:

**FLOW OF TITLE:**

- Upon perusal of the papers we note that the Municipal Corporation of Greater Mumbai ("**MCGM**") is seized and possessed of and or otherwise well and sufficiently entitled to all those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part) 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai – 400 031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban ("**Property**"), which is more particularly described in the Schedule hereunder written.
- We further note that there were 32 chawls of ground floor structures ("**Structures**") accommodating therein 318 residential tenements, 3 commercial tenements, 4 municipal employees, 4 temples, 2 VLTs, 1 gymnasium, 1 municipal chowky, 28 residential huts and 2 commercial huts.
- The 4 temples/religious' structures standing upon the Property are as under:
  - i. Saibaba Mandir near Building No. B-4 admeasuring 548.96 square meters;
  - ii. Temple behind Building No. 3 admeasuring 129.17 square meters which is registered as a public charitable trust under the name of Shree Pimpaleshwar Mahadev Seva Sanstha bearing Registration No. F-66092 (Mumbai);
  - iii. Ganesh Mandir in front of Building No. 23 admeasuring 236.81 square meters; and
  - iv. Pimpleshwar Mahadev Mandir near Building No. 17 admeasuring 444.02 square meters which is registered as a public charitable trust under the name of Shree Pimpaleshwar Mahadeo Mandir Bhakta Mandal bearing Registration No. A-3916 (Mumbai).
- A portion of the Property was also encroached upon by slum dwellers, who later formed themselves into a registered society namely 'Om Azad Nagar Society' (defined below).
- For the purposes of this report, we have recorded our observations pertaining to both the aforementioned Societies separately hereinbelow.

**Shree Azad Nagar Society**

- In pursuance of the LOI (defined below), the tenants occupying the Structures standing upon the Property came together and incorporated a co-operative housing society namely Shree Azad Nagar Co-operative Housing Society Limited (formerly known as

Shree Azad Nagar Bhadut Mandal) in accordance with the provisions of the Maharashtra Co-operative Societies Act, 1960 on September 22, 2005, bearing Registration No. MUM/W-FN/HSG/(TC)/8566 of 2005-06 ("**Shree Azad Nagar Society**").

- The Structures occupied by the members of Shree Azad Nagar Society were constructed around 1947 and were in old and dilapidated condition. The members of Shree Azad Nagar Society in their general meetings held on March 16, 2003, and April 6, 2003, decided to implement the reconstruction/redevelopment scheme of the Property in their use and occupation under the aegis of Regulation 33 (7) of the Development Control Regulations for Greater Mumbai, 1991.
- By and under an Agreement dated April 6, 2003, read with the Deed of Confirmation and Declaration dated May 18, 2006, and read with the Supplementary Deed of Confirmation cum Declaration dated March 24, 2013, Shree Azad Nagar Society granted development rights *inter alia* in respect of the Property to East & West Builders ("**Erstwhile Developer**"), for the consideration and on the terms and conditions as contained therein.
- Pursuant to the Agreement dated April 6, 2003, Shree Azad Nagar Society, through its office bearers also executed an Irrevocable Power of Attorney dated April 6, 2003, in favour of Mr. Anilkumar Agarwal, Mr. Anubhav Agarwal and Ms. Saranga Agarwal, to undertake all the necessary acts, deeds, matters and things *inter alia* pertaining to the redevelopment of Property in the manner as stated therein.
- By and under a Tripartite Agreement dated June 12, 2006, entered between the Joint Municipal Commissioner/Deputy Municipal Commissioner (Improvement), MCGM, Shree Azad Nagar Society, and the Erstwhile Developer, MCGM granted permission to the Erstwhile Developer and Shree Azad Nagar Society to redevelop the Property, on the terms and conditions contained therein.
- Upon perusal of the papers, we note that a Supplementary Agreement dated March 4, 2009, was executed in respect of the redevelopment of the Property.

**Comment:**

*We have not perused copy of the aforesaid Agreement.*

- Pursuant to the proposal made in that regard, the Assistant Municipal Commissioner (Estate) vide a Letter of Intent dated March 7, 2005, bearing reference No. AC/Estates/19897/AC(Soc.)/33(7) ("**LOI**"), approved the development to be undertaken upon the Property, under the aegis of Regulation 33(7) of the Development Control Regulations for Greater Mumbai, 1991, on the terms and conditions contained therein. The LOI was revalidated from time to time and lastly it was revalidated on August 21, 2018 and was valid till August 20, 2021.
- MCGM vide a letter dated February 26, 2020, addressed to the Erstwhile Developer and with a copy endorsed to Shree Azad Nagar Society, has *inter alia* terminated/revoked the LOI.

**Om Azad Nagar Society**

- The slum dwellers occupying the Property came together and formed a society namely Om Azad Nagar Co-operative Housing Society Limited, duly registered with the Registrar of Co-operative Societies under the provisions of the Maharashtra Co-operative Societies

Act, 1960` on March 17, 2017, bearing Registration No. MUMBAI/WF-N/HSG/(TC)/9473/2016-17 ("**Om Azad Nagar Society**").

### **Annexure II**

- After conducting the requisite survey for eligibility, Annexure II dated November 14, 2005, read with Revised/Supplementary Annexure II dated April 25, 2019, was issued by MCGM, certifying the eligibility of tenants/occupants of Shree Azad Nagar Society.
- After conducting the requisite survey for eligibility, Annexure II dated February 1, 2021, was issued by MCGM, certifying the eligibility of tenants/occupants of Shree Azad Nagar Society and also Om Azad Nagar Society.

### **Communication from MCGM**

- Vide a letter dated January 15, 2021, MCGM has recognized that Shree Azad Nagar Society proposes to redevelop the Property and has appointed the Company as its developer. MCGM has further informed Shree Azad Nagar Society that prior to granting permission of redevelopment, Shree Azad Nagar Society will have to clear tax dues in respect of the Property.

### **Appointment of the Company**

- By and under a Development Agreement dated August 16, 2021, the Societies granted development rights in respect of the Property to the Company, on the terms and conditions contained therein.
- Pursuant to the proposal made in that regard, the Assistant Municipal Commissioner (Estate), MCGM vide a Letter of Intent dated October 29, 2021, bearing reference No. AC/Estates/11539/A.O(Soc.) I/ A.E. (I) II ("**Revised LOI**"), approved the development to be undertaken by the Company upon the Property, on the terms and conditions contained therein.

### **OBJECTION TO THE PUBLIC NOTICE**

Pursuant to the public notices issued by us, we have received the following objection:

- **Objection from Ms. Dipashri Raorane, Advocate**

On July 23, 2020, we have received an objection from Ms. Dipashri Raorane, Advocate on behalf of the Erstwhile Developer *inter alia* stating that subject matter of the development of the Property and the rights of the Erstwhile Developer are sub-judice before the competent court.

*As recorded hereinabove, MCGM vide a letter dated February 26, 2020, issued to the Erstwhile Developer has inter alia terminated the Tripartite Agreement dated June 12, 2006, LOI, Deed of Confirmation dated February 15, 2007 and also cancelled all the approvals granted and correspondence made by MCGM for redevelopment scheme. Further, MCGM has vide Annexure II dated February 1, 2021, recognized the Company as the new developer. In view thereof, the rights of the Erstwhile Developer stands terminated.*

**LITIGATION:**

There are various pending litigations between the Societies and the Erstwhile Developer, details whereof are more particularly set out in **Annexure '2'** hereto.

**SCHEDULE REFERRED TO HEREINABOVE  
(DESCRIPTION OF THE PROPERTY)**

All those pieces and parcels of land admeasuring 30,442.51 square meters or thereabouts bearing Cadastral Survey No. 437 (part), 335 (part), 338 (part), 339 (part), 340 (part), 341 (part), 342 (part), 346 (part), 347 (part), 348 (part), 350 (part), 351 (part), 352 (part), 353 (part), 354 (part) and 356 (part) of Dadar Naigaon Division situated at Rafi Ahmed Kidwai Road, Wadala, Mumbai 400031 in F/North Ward in the Registration District and Sub-District of Mumbai City and Mumbai Suburban.

This report is based on the provisions of applicable law, prevailing at the present time and the facts of the matter, as we understand them to be. Our understanding is based upon and limited to the information provided to us. Any variance of facts or of law may cause a corresponding change in our report.

**Annexure "1"**  
**List of documents in respect of the Property**

- Agreement dated April 6, 2003, executed between Shree Azad Nagar Bhadut Mandal and the Erstwhile Developer;
- Irrevocable Power of Attorney dated April 6, 2003, granted Shree Azad Nagar Society in favour of Mr. Anilkumar Agarwal, Mr. Anubhav Agarwal and Ms. by Saranga Agarwal;
- Letter of Intent dated March 7, 2005, bearing reference No. AC/Estates/19897/AC(Soc.)/33(7);
- Registration Certificate of Shree Azad Nagar Society dated September 22, 2005;
- Deed of Confirmation and Declaration dated May 18, 2006, executed between Shree Azad Nagar Society and the Erstwhile Developer;
- Tripartite Agreement dated June 12, 2006, entered between the Joint Municipal Commissioner/Deputy Municipal Commissioner (Improvement), MCGM, Shree Azad Nagar Society, and the Erstwhile Developer;
- Supplementary Deed of Confirmation cum Declaration dated March 24, 2013, executed between Shree Azad Nagar Society and the Erstwhile Developer;
- Registration Certificate of Om Azad Nagar Society dated March 17, 2017;
- Annexure II dated November 14, 2019 issued by MCGM;
- Annexure II dated April 25, 2019 issued by MCGM;
- Letter dated February 26, 2020, addressed by MCGM to the Erstwhile Developer;
- Letter dated January 15, 2021, addressed by MCGM;
- Annexure II dated February 1, 2021, issued by MCGM;
- Development Agreement dated August 16, 2021, executed between GPDL and the Societies;
- Letter of Intent dated October 29, 2021, bearing reference No. AC/Estates/11539/A.O(Soc.) I/ A.E. (I) II;
- Papers and proceedings in respect of the pending litigations set out in **Annexure '2'**.



**Annexure "2"**  
**List of pending litigations**

- Notice of Motion (L) No. 827 of 2018 in Contempt Petition No. 38 of 2017, filed before the Hon'ble Bombay High Court by the Erstwhile Developer against Mr. Shyamsunder Narvekar, one of the members of Shree Azad Nagar Society.
- Notice of Motion (L) No. 533 of 2019 in Contempt Petition No. 38 of 2017, filed before the Hon'ble Bombay High Court by one of the members of Shree Azad Nagar Society against the Erstwhile Developer.
- Notice of Motion (L) No. 562 of 2019 in Contempt Petition No. 38 of 2017, filed before the Hon'ble Bombay High Court filed by one of the members of Shree Azad Nagar Society against the Erstwhile Developer.
- Notice of Motion (L) No.1712 of 2019 in Contempt Petition No. 38 of 2017, filed before the Hon'ble Bombay High Court by the Erstwhile Developer.
- Contempt Petition (L) No. 174 of 2019 filed before the Hon'ble Bombay High Court by Shree Azad Nagar Society against the Erstwhile Developer.
- Interim Application No.2042 of 2020 in Contempt Petition (L) No.174 of 2019, filed before the Hon'ble Bombay High Court.
- Appeal (L) No. 68 of 2020 filed before the Hon'ble Bombay High Court, by the Erstwhile Developer.
- Appeal (L) No. 78 of 2020 filed before the Hon'ble Bombay High Court, by the Erstwhile Developer.
- Writ Petition (L) No. 5389 of 2021 filed before the Hon'ble Bombay High Court, by Kisan K. Patil against (i) State of Maharashtra, (ii) MCGM, (iii) Municipal commissioner of the MCGM, (iv) Assistant Municipal commissioner of the MCGM, (v) GPD, (vi) Shree Azad Nagar Society, and (vii) the Erstwhile Developer.
- Interim Application No. 1 of 2020 filed by the Erstwhile Developer.
- Interim Application No. 3 of 2020 filed by the Erstwhile Developer.
- Interim Application No. 4 of 2020 filed by the Erstwhile Developer.
- Writ Petition (L) No. 6095 of 2020 filed by Shree Azad Nagar Society against State of Maharashtra & Others.