

Title Certificate

Re: All that piece and parcel of land or ground along with the building standing thereon known as Vishal II Co-operative Housing Society Ltd. Situate lying and being at Chicken Villa Lane, Opposite Soniwadi, Off-Shimpoli Road, Borivali (West), Mumbai- 400 092 containing by admeasuring 2006 sq. yards or thereabouts equivalent to 1677.20 sq. meters bearing survey No. 114, Hissa No. 1A, FP No. 743 at Village Borivali, Taluka Borivali in the registration district of Mumbai City and Mumbai Suburban. (hereinafter referred to as the "said property").

I. For the purpose of this opinion we have relied upon :-

1. Property Card extracts dated 14th July, 2015 bearing Final Plot No. 743, with respect to the said property.
2. Photo copy of the registration certificate of the society under the Maharashtra Co-operative Societies Act, 1960 known as Vishal II Co-

Operative Housing Society Ltd Bearing registration
no.BOMWR/HSG/TC/2850/87-88 dated 9/07/1987.

3. Search Report dated 5th January, 2017 of Mr. Shrinivas A Chipkar, Search Clerk from the year 1977 to 2016 (40 Years) in the office of Sub-Registrar of Assurances at Mumbai, Bandra, Borivali, Kandivali, Goregaon & Charkop with respect to the said property.
4. Development Plan remark dated 13th July, 2015 bearing No. CHE/245/DPWS/R issued by Assistant Engineer Development Plan R Ward, Municipal Corporation of Greater Mumbai with respect to the said property.
5. Town Planning Scheme remarks dated 9th July, 2015 bearing No. CHE/DP/209/TPS/R issued by Assistant Engineer (Town Planning), Municipal Corporation of Greater Mumbai in respect the said property.
6. Deed of Conveyance dated 1st October, 2016 bearing registration no. BRL-5-10167-2016 Gautam Builders (India) through its partner Mr. Hiralal Jethmal Sanghavi grant, conveyed, transfer the said property in favour of Vishal II Co-operative Housing Society Ltd.
7. Development Agreement dated 1st October, 2016 bearing registration no. BRL-5/10168/2016Vishal II Co-operative Housing Society Limited

through Managing Committee members (1) Mr. Haresh M. Shah Chairman, (2) Mr. Hitesh K. Sangani, Secretary and (3) Mr. Hemant N. Desai, Treasurer in favour of M/s. Prasham Relators, a partnership firm registered under the Indian Partnership Act, 1932 with respect to the said property.

8. Power of Attorney dated 6th October, 2016 bearing registration no.BRL-5-10169-2016 through authorized signatories Mr. Haresh M Shah (Hon. Chairman), Mr. Hitesh K Sanghani (Hon.Secretary) and Mr. Hemant N. Desai (Hon. Treasurer) with respect to the said property and in favour of partners of PRASHAM REALTORS namely Hardik Shah and Hiren Parekh with respect to the re-development of the said property.
9. Public notice dated 26th December, 2016 issued by SRM Law Associates published in newspapers namely The Free Press Journal (English) and Navshakti (Marathi) in Bombay.
10. Registrar of Firms letter dated 13th February, 2017 bearing No. AN/9/R/103982/116/529/17 issued by Registrar of Firm at Bandra under the Indian Partnership Act, 1932 stating that namely Gautam Builders (India) firm is not registered as per the index card.



11. Prasham Relators through Application No. 47800001863861 and bearing Receipt No. M000044616 dated 8th March, 2017 paid Rs.1600/- (Rupees Sixteen hundred Only) and bearing receipt No. M000044617 paid Rs. 200/- (Rupees Two Hundred Only) in Registrar of Firm at Bandra under the Indian Partnership Act, 1932 for the purpose of towards the registration of firm and delay application charges in the formation of Partnership Firm.

II. **Original documents Verified for the purpose of title verification:-**

1. Property Card extracts dated 14th July, 2015 bearing Final Plot No. 743, with respect to the said property.
2. Photo copy of the registration certificate of the society under the Maharashtra Co-operative Societies Act, 1960 known as Vishal II Co-Operative Housing Society Ltd bearing registration no. BOM/WR/HSG/TC/2850/87-88 dated 9/07/1987.
3. Search Report dated 5th January, 2017 of Mr. Shrinivas A Chipkar, Search Clerk from the year 1977 to 2016 (40 Years) in the office of Sub-Registrar of Assurances at Mumbai, Bandra, Borivali, Kandivali, Goregaon & Charkop with respect to the said property.

4. Development Plan remark dated 13th July, 2015 bearing No. CHE/245/DPWS/R issued by Assistant Engineer Development Plan R Ward, Municipal Corporation of Greater Mumbai with respect to the said property.
5. Town Planning Scheme remarks dated 9th July, 2015 bearing No. CHE/DP/209/TPS/R issued by Assistant Engineer (Town Planning), Municipal Corporation of Greater Mumbai in respect the said property.
6. Deed of Conveyance dated 1st October, 2016 duly registered on 6th October, 2016 and bearing registration no. BRL-5-10167-2016 Gautam Builders (India) through its partner Mr. Hiralal Jethmal Sanghavi grant, conveyed, transfer the said property in favour of Vishal II Co-operative Housing Society Ltd.
7. Development Agreement dated 1st October, 2016 duly registered on 6th October, 2016 and bearing registration no. BRL-5/10168/2016 Vishal II Co-operative Housing Society Limited through Managing Committee members 1) Mr. Haresh M. Shah Chairman, (2) Mr. Hitesh K. Sangani, Secretary and (3) Mr. Hemant N. Desai, Treasurer in favour of M/s.



Prasham Relators, a partnership firm registered under the Indian Partnership Act, 1932 with respect to the said property.

8. Power of Attorney dated 1st October, 2016 duly registered on 6th October, 2016 and bearing registration no. BRL-5-10169-2016 through authorized signatories Mr. Haresh M Shah (Hon. Chairman), Mr. Hitesh K Sanghani (Hon. Secretary) and Mr. Hemant N. Desai (Hon. Treasurer) with respect to the said property and in favour of partners of M/s. PRASHAM REALTORS namely Hardik Shah and Hiren Parekh with respect to the re-development of the said property.
9. Public notice dated 26th December, 2016 issued by SRM Law Associates and published in newspapers namely The Free Press Journal (English) and Navshakti (Marathi) in Bombay.
10. Photo copy of Registrar of Firms letter dated 13th February, 2017 bearing No. AN/9/R/103982/116/529/17 issued by Registrar of Firm at Bandra under the Indian Partnership Act, 1932 stating that namely Gautam Builders (India) firm is not registered as per the index card.
11. Photo copy of Prasham Relators through Application No. 47800001863861 and bearing Receipt No. M000044616 dated 8th March, 2017 paid Rs.1600/- (Rupees Sixteen hundred Only) and bearing receipt

No. M000044617 paid Rs. 200/- (Rupees Two Hundred Only) to the Registrar of Firm at Bandra under the Indian Partnership Act, 1932 for the purpose of towards the registration of firm and delay application charges in formation of Partnership Firm.

III. History of the root of the Title:-

1. Whereas Gautam Builders (India) were seized and possessed or otherwise well and sufficiently entitled to all those pieces of land, hereditaments and premises situate lying and being at Chiken Villa Lane, Soniwadi, off. Shimpoli Road, Borivali (West), Mumbai- 400 092, and bearing Final Plot No. 743, TPS III, Survey No. 114, Hissa No. 1-A, C.T.S. No. 803/B (old CTS No. 802, old FP No. 722 A) containing by admeasurements 1677.20 sq. meters approximately (As per property registered card admeasuring 1677.20 sq. meters) or thereabouts of village Borivali (West), Mumbai- 400 092.
2. Whereas as and by way of Deed of Partnership dated 20th June, 1980 executed between Mr. Rajendra Manharlal Sayani, Mr. Hiralal Jethmal Sanghvi, Mr. Avtar Singh Isher Singh Sachdev and Mr. Ghevar Chand Lalchand Jogani formed a partnership namely M/s. Gautam Builders (India) to develop the said property.



3. Whereas as and by way of Deed of Retirement dated 25th November, 1980, Mr. Rajendra Manharlal Sayani retired from the Partnership Firm known as M/s. Gautam Builders (India).
4. Whereas as and by way of decree dated 29th October, 1980 passed by Hon'ble High Court of Bombay in Suit No. 1737 of 1980 filed by M/s. Gautam Builders (India) against Mr. Manharlal Kalidas Sayani for specific performance of the agreement for sale dated 17th May, 1980 with respect to the said property wherein M/s. Gautam Builders (India) became the owners of the said property.
5. That M/s. Gautam Builders (India) constructed a building on the said property as Vishal II apartment consisting of stilt + 7 upper floors with 28 flats and 5 Row Houses.
6. Whereas as and by way of Deed of Conveyance dated 1st October, 2016 duly registered on 6th October, 2016 and bearing registration no. BRL-5-10167-2016 Gautam Builders (India) through its partner Mr. Hiralal Jethmal Sanghavi grant, conveyed, transfer the said property in favour of Vishal II Co-operative Housing Society Ltd.

7. Development Agreement dated 1st October, 2016 duly registered on 6th October, 2016 and bearing registration no. BRL-5/10168/2016 Vishal II Co-operative Housing Society Limited through Managing Committee members 1) Mr. Haresh M. Shah Chairman, (2) Mr. Hitesh K. Sangani, Secretary and (3) Mr. Hemant N. Desai, Treasurer in favour of M/s. Prasham Relators, a partnership firm registered under the Indian Partnership Act, 1932 interalia demolishing the existing building and constructing new building on the said plot of land by consuming/utilizing F.S.I. of the said Plot and additional F.S.I. permitted either by way of TDR including Fungible FSI or in any other mode as may be permitted from time to time due to change in the DCR rules and policy at or for the valuable consideration and upon the terms and conditions therein mentioned.
8. Vishal II Co-operative Housing Society Limited through Mr. Haresh M Shah (Hon. Chairman), Mr. Hitesh K Sanghani (Hon.Secretary) and Mr. Hemant N. Desai (Hon. Treasurer) has granted Power of Attorney dated 1st October, 2016, duly registered on 6th October, 2016 and bearing registration no. BRL-5-10169-2016 in favour of partners of M/s. Prasham Relators namely Mr. Hardik Shah and Mr. Hiren Parekh.
9. The said Building standing on the said plot was constructed in the year 1985 being more than 30 years old and in dilapidated condition and



needed heavy structural repairs and considering the cost thereof, Vishal II Co- operative Housing Society Ltd consider it desirable to demolish the same and reconstruct a new building by utilizing the Plot FSI and TDR- FSI/Fungible FSI relating to and arising out of the said property.

10. The said property being occupied by a registered co-operative housing society under the Maharashtra Co-operative Societies Act, 1960 bearing registration no.BOM/WR/HSG/TC/2850/87-88 dated 9/07/1987 namely Vishal II Co-operative Housing Society Ltd has appointed M/s. Prasham Relators as re-developer with respect to the said property (hereinafter referred to as the "said Developer").
11. Property registry card reflect the name of Gautam Builders in the year 2009 as and by way of Consent Decree bearing No. OM/911/80 Dated 29th February, 1981 Suit No.2. In Suit No. 1737of 1980 dispute came to be settled between M/s. Gautam Builders (India) and Mr. Manharlal Kalidas Sayani for specific performance of the agreement for sale dated 17th May, 1980 with respect to the said property wherein M/s. Gautam Builders (India) became the owners of the said property.

12. Search Report dated 5th January, 2017 of Mr. Shrinivas A Chipkar, Search Clerk from the year 1977 to 2016 (40 Years) in the office of Sub-Registrar of Assurances at Mumbai, Bandra, Borivali, Kandivali, Goregaon & Charkop which reflects the deeds mentioned herein above i.e.:-(i) (I) decree dated 29th October, 1980 passed by Hon'ble High Court of Bombay in Suit No. 1737 of 1980 filed by M/s. Gautam Builders (India) against Mr. Manharlal Kalidas Sayani for specific performance of the agreement for sale dated 17th May, 1980 with respect to the said property wherein M/s. Gautam Builders (India) became the owners, (ii) Deed of Partnership dated 20th June, 1980 executed between Mr. Rajendra Manharlal Sayani, Mr. Hiralal Jethmal Sanghvi, Mr. Avtar Singh Isher Singh Sachdev and Mr. Ghevar Chand Lalchand Jogani formed a partnership namely M/s. Gautam Builders (India) to develop the said property (iii) Deed of Retirement dated 25th November, 1980, Mr. Rajendra Manharlal Sayani retired from the Partnership Firm known s M/s. Gautam Builders (India) , (iv) Development Agreement dated 1st October, 2016 bearing registration no. BRL-5/10168/2016Vishal II Co-operative Housing Society Limited through Managing Committee members 1) Mr. Haresh M. Shah Chairman, (2) Mr. Hitesh K. Sangani, Secretary and (3) Mr. Hemant N. Desai, Treasurer in favour of M/s. Prasham Relators, a partnership firm with respect to the said property.



13. Public notice dated 26th December, 2016 issued by M/s. SRM Law Associates published in newspapers namely The Free Press Journal (English) and Navshakti (Marathi) in Bombay, wherein no objections are received in any form and/or in nature with respect to the said property.
14. The Development Plan remark dated 13th July, 2015 bearing No. CHE/245/DPWS/R issued by Assistant Engineer Development Plan H/W Ward, Municipal Corporation of Greater Mumbai with respect to the said property shows that the said property falls under the residential zone.
15. Town Planning Scheme remarks dated 9th July, 2015 bearing No. CHE/DP/209/TPS/R issued by Assistant Engineer (Town Planning), Municipal Corporation of Greater Mumbai in respect the said property show that the said property is under Town Planning Scheme Borivali No.III (Principal) (Final) .The ownership of the said property stands transferred as per the City Survey records in the property registry card on Gautam Builders.
16. Registrar of Firms letter dated 13th February, 2017 bearing No. AN/9/R/103982/116/529/17 issued by Registrar of Firm at Bandra under the Indian Partnership Act, 1932 stating that namely Gautam Builders (India) firm is not registered as per the index card.

17. Prasham Relators through Application No. 47800001863861 and bearing Receipt No. M000044616 dated 8th March, 2017 paid Rs.1600/- (Rupees Sixteen hundred Only) and bearing receipt No. M000044617 paid Rs. 200/- (Rupees Two Hundred Only) in the Registrar of Firm at Bandra under the Indian Partnership Act, 1932 for the purpose of towards the registration of firm and delay application charges in formation of Partnership Firm.

IV. Observation and Conclusion:-

We have perused the relevant Property Registry Card, Development Agreement, Power of Attorney, Search Report from 1977 to 2016; Public Notices dated 26th December, 2016 placed before me in respect to the said property as mentioned herein above with respect to the said property.

In view of the aforesaid circumstances in our opinion the title of the said property of Vishal II Co-operative Housing Society Limited is marketable, free, clear from encumbrances and the M/s. Prasham Realtors have free clear and transferable development rights with respect to the said property and further are entitled to re-develop the said property subject to the sanctions and approvals to be obtained from statutory authorities including section 79 (A) of the Maharashtra Co-operative Societies Act, 1960 under the Development Agreement dated 1st October,



2016 bearing registration no. BRL-5/10168/2016 Vishal II Co-operative Housing Society Limited through Managing Committee members 1) Mr. Haresh M. Shah Chairman, (2) Mr. Hitesh K. Sangani, Secretary and (3) Mr. Hemant N. Desai, Treasurer in favour of M/s. Prasham Relators, a partnership firm registered under the Indian Partnership Act, 1932 in the building to be re-constructed on the said Property.

In view of the above facts and circumstances, we are of the prima facie opinion that the M/s. Prasham Realtors are entitled to sell flat/premises to third parties except the flats allotted to the 33 members of Vishal II Co-operative Housing Society Limited.

This opinion is issued at the request of Mr. Hiren Parekh and Mr. Hardik Shah, Partners of M/s. Prasham Relators and is addressed to Mr. Mr. Hiren Parekh and Mr. Hardik Shah.

Dated this 18th Day of March, 2017.


M/s. SRM Law Associates

Partner