


**REPORT ON TITLE**  
**TO WHOMSOEVER IT MAY CONCERN**

On request of Mr. Haresh K. Nanwani, Director of M/s. Veekaylal Investment Co. Pvt. Ltd. having office at 1017/1018, Dalamai Tower, Nariman Point, Mumbai-400021 ("**the said Company**"), I have investigated the title of land bearing Survey No.151 Hissa No. 5 corresponding to CTS No. 2603 (part) admeasuring 4802.83 Sq.Mtrs of Village: Dahisar, Taluka: Borivali, Mumbai Suburban District (hereinafter referred to as "**the said land**") and more particularly described in the **schedule "A"** written hereunder). I have also gathered information and explanation in connection thereof.

On perusal thereof, I observe as follows:

**A: Flow of title of the said land:**

1. One Mr. Haji Ali Mohammed Haji Cassum, original owner of the various properties including properties situated at Village Dahisar, Mumbai, died on 07<sup>th</sup> November 1946 (hereinafter referred to as the said deceased) and after the death of the said deceased, Bai Fatimabai Agboatwala and Ors., being legal heirs of the said deceased, filed an Administrative Suit bearing Suit No. 3415 of 1947 before Hon'ble High Court Bombay, for the administration of estate of the said deceased.

2. Hon'ble High Court vide its order dated 30/06/1950 in the aforesaid suit appointed Court Receiver, High Court, Bombay as Receiver of properties of the estates of the deceased with all power under order XL Rule 1(d) of the Code of Civil Procedure Code, 1908.
  3. Hon'ble High Court, Bombay, vide an order dated 25/11/1952, empowering and directing the Court Receiver to sell Estate of said deceased including said land by Public Auction and by virtue of the order dated 25.11.1952, the Ld. Court Receiver submitted his report before Hon'ble High Court inter alia, stating that the meeting of the parties to the said suit held before the Court Receiver office on 28<sup>th</sup> February 1962 and it was decided that the Court Receiver should invite private offers for sale of certain lands admeasuring about 644 Acres including the said land belonging to the said deceased at Dahisar Village including the said land.
  4. Thereafter, the Court Receiver with the consent of the parties to the said Suit prepared a Form to invite such offers. Accordingly the Court Receiver published Notices in daily news papers viz. Times of India & Bombay Samachar Patra on 01.03.1962 and 08.03.1962 regarding the Auction Sale of certain properties of Village Dahisar. It was further mentioned in the said Notices that interested parties can fill the prescribed form for Auction till 10.03.1962 at 4 pm.
  5. Pursuant to the above mentioned notices, Mr. K. Lalchand, predecessors-in-interest of the said Company, filled the prescribed Form and submitted to the Court Receiver along with the earnest money on 10.03.1962 and subsequently, the Court Receiver,
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calling upon the interested parties in the said Auction, held before the Court Receiver on 27.03.1962, wherein the Court Receiver accepted the highest bid of Mr. K. Lalchand for Rs.13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand only) on the terms and conditions set out in the said Form of offer, but subject to the sanction of the Hon'ble High Court. Subsequent thereon the Court Receiver then submitted his report dated 29.03.1962 to the Hon'ble High Court.

6. Pursuant to the Court Receiver Report dated 29.03.1962 the Hon'ble High Court vide its order dated 30.3.1962, in the said Suit, was pleased to allow and authorize the Court Receiver to accept the offer cum bid of Mr. K. Lalchand of Rs.13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand only) for land admeasuring 644 Acre situated at Village Dahisar and further directed to complete the sale of the said property in favour of the said Mr. K Lalchand and or his nominee/nominees. The amount of Rs.13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand only) being full and final consideration, was deposited with the Court Receiver in respect of the purchase of the Dahisar land including the said land.
7. After demise of said Mr. K. Lalchand, the Hon'ble High Court vide its order dated 29.07.1970, was pleased to authorize the Court Receiver to execute one or more conveyances in respect of the said lands at Dahisar in the name of nominee or nominees of the said Company and the legal heirs of the said K. Lalchand (deceased) to be joined as confirming parties.

8. The Court Receiver, High Court, Bombay has from time to time executed Power of Attorney dated 11.12.1970, 19.06.1972, 24.08.1978 and 26.10.1982 in favour of said Company for managing as well as instituting or defending litigations before court or revenue authorities with respect to properties bought in aforesaid Auction.
9. Since 1972, the Hon'ble Court Receiver, High Court Bombay has executed about 141 Conveyances of various pieces and parcel of lands admeasuring about 269 Acres in favour of Veekaylal Investment Company Private Limited and or their nominee/nominees. The draft of the Conveyance with respect to said land has been submitted before Court Receiver which pending for execution.
10. One M/s. Khushi Builders and Developers, a partnership firm registered under the Indian Partnership Act, 1932 having its principal place of business at Shop No. 1, Golders Green Building No. 1, Holy Cross Road, I C Colony Extension, Near Shivdham, Borivali ( west), Mumbai-400103 ( hereinafter referred as "the Khushi" ) , being under impression that the said land belonged to the Government and had approached to the slum dwellers and subsequently initiated redevelopment of the said land under the provision of Maharashtra Slum Area (Improvement, Clearance and Rehabilitation) Act , 1971 (hereinafter referred as said scheme) and thereafter by submitting the requisite documents to S.R.A, the Khushi managed to get Letter of Intent (LOI) dated 14<sup>th</sup> January 2011 bearing No. SRA/ENG/1958/RN/STGI/LOI.

11. Meanwhile, the Khushi came to know that the said Company is lawful owner of the said land and the Khushi then negotiated with the said Company and agreed for the said company becoming a partner into the said scheme for which Khushi had received the L.O.I.
12. Pursuant to Reconstitution of Partnership dated 10.10.2013 the said Company empowered the Khushi to develop the said land. Pursuant to said Partnership Deed the Khushi has obtained further sanctions, Plans, specifications, elevations, and other requisite approvals as mentioned hereinabove.
13. Further on 16.04.2016 a Deed of Assignment was made between the Khushi at one part and one Tyabji Estate Private Limited at other part and the said Company as confirming party (hereinafter collectively referred as the Developers/Promoters) wherein the Khushi assigned their development right to the Tyabji Estate Private Limited on the terms and condition set out therein.
14. City Survey records reveals that the Deputy Collector (Encroachment), Borivali and Competent Authority vide its Order dated 31<sup>st</sup> October 1977 declared area of the CTS Nos. 2603 admeasuring in aggregate 5034 Sq.mtrs. or thereabout as Slum Areas under the provision of Maharashtra Slum Area (Improvement, Clearance and Rehabilitation) Act, 1971 hereinafter referred as the "Slum Act" and Notification of the said orders has been published in Maharashtra Government Gazette dated 10<sup>th</sup> November 1977.

15. City Survey records also reveals that since the Maharashtra Government has acquired the land bearing CTS No. 2603 (pt) area admeasuring 5034.0 square meters on 25.09.2006 and from the said date the land has been transferred to the Maharashtra Government with free from all the tax as per letter of the Addl. Collector and Competent Authority (ULCA) Brihnmumbai vide letter No. C/ULC/D-13/C.S.O./ Notification/350 dated 26-09-2005 and letter No. C/ULC/D-5/6(i1)/SR-18/721/13-341 and as per Notification dated 10.08.2006 under section 10 sub-section (3) of the Urban Land (Ceiling and Regulation) Act, 1976. Any transaction about the said land cannot be done without prior permission of the Hon'ble Collector, Mumbai Suburban District.
16. Being aggrieved by the order of the Addl. Collector and Competent Authority (ULCA), the said company had filed Writ Petition bearing No 3314 of 2008 before Hon'ble High Court and succeeded by obtaining order dated 22<sup>nd</sup> September 2008 which resulted that vide Notification/Gazette bearing No. ULC/ULC/6(1)/SR-XVIII-721/XIII - 341 dated 30.09.2010 passed by Addl. Collector and Competent Authority (ULC), Municipal Corporation of Greater Mumbai, the aforesaid Mutation Entry No. 7296 was cancelled and the name of the original land owners was restored.
17. The City Survey Records also shows that the name entry of the Maharashtra Government dated 13.10.2006 has been deleted and the earlier entry of the owner has been restored as per Notificat<sup>io</sup>n No. ULC/6(1)/SR-XVIII-721 XIII-341 dated 30.09.2010;

18. The Slum Dwellers and the occupants have formed themselves into a society known as Ekta Nagar SRA CHS LTD. ( Hereinafter referred as "said society") for the redevelopment of the said land in accordance with the slum Act and Development Control Regulations No. 33 (10) of Greater Mumbai and amendment made in respect thereof;
19. By an Agreement dated 18.03.2008 executed between the society of one part and the Khushi of the other part, the Society granted , conferred and entrusted development rights in respect of the said land on the term and condition set out therein;
20. The Society has also executed a power of Attorney dated 18.03.2008 authorizing Khushi to do all acts, deeds, matters and things for the development of the said land;
21. The Khushi has also obtained the consent of about 94 % of the individual slum dwellers of the society and have executed Individual Agreement with them;
22. The Additional Commissioner has issued Annexure II dated 29.01.2010;
23. The SRA has granted its approval for redevelopment of the said land by the Khushi and has issued its Letter of Intent (LOI) dated 14<sup>th</sup> January 2011 bearing No. SRA/ENG/1958/RN/STGI/LOI, Intimation of Approval ( IOA) dated 12.09.2014 bearing No. SRA/ENG/3067/PL/AP and Commencement Certificate (CC) dated 10<sup>th</sup> August 2015 bearing No. SRA/ENG/3067/RN/PL/AP ;

**B: There are certain legal proceedings taken out for and against the said Company by certain persons who claimed to be tenants including Anthony D'souza and others in respect of the said land, the details of which are as follows:**

**a) CHAMBER SUMMONS BEARING NO. 664 of 2012 AT BOMBAY CITY CIVIL COURT IN SUIT NO 7002 OF 1947:**

**(i) GIST OF THE CASE:**

The said company has taken out Chamber Summons bearing No 664 of 2012 before Hon'ble High Court thereby praying for direction against the Court Receiver to execute Conveyance with respect to various lands including said land. The said Chamber Summons was pleased to allow by Her Ladyship Justice R. S. Dalvi vide order dated 13.07.2012 thereby directing Court Receiver to execute Conveyance. This order was challenged by the legal heirs of the said deceased stating that the said company must disclose the conveyances already been executed wherein the division bench comprising Justice Mohit Shah and Justice Jamdar was pleased to direct the Court Receiver to file Report before executing conveyance before Trial Court. Accordingly the Ld. Court Receiver has filed their Report bearing No. 526 of 2012. Subsequently the said suit got transferred to City Civil Court at Bombay for want of Jurisdiction and the said Chamber Summons and Court Receiver Report is pending for hearing.

**(ii) STATUS OF THE CASE:**

The Roznama of the aforesaid case reveals that the said Chamber Summons is pending for hearing.



**b) RTS APPEAL BEARING NO. C/RTS/9/1994 BEFORE DY. COLLECTOR (APPEALS):**

**(i) GIST OF THE CASE :**

One Anthony D'souza claimed to be tenants on the said land filed an application before Addl. Collector Bombay on 19.04.1979 thereby praying that his name to be recorded on records of rights. The Ld. Addl. Collector was pleased to direct the then Ld. Tahsildar to make necessary inquiry and to affect Mutation Entry. The Ld. Tahsildar has ordered to record his name in other rights column vide its order dated 30.06.1980. The said order of Ld. Tahsildar was challenged by the legal heirs of the said deceased before Ld. Sub-Divisional Officer, Bandra East bearing Appeal No.DLN/RTS-A-14/93. The said Appeal was dismissed by the Ld. SDO vide its order dated 15.02.1994. The said order of Sub Divisional Officer was challenged by the legal heirs of said deceased through Appeal No. C/RTS/ 9/1994 before Ld. Dy. Collector (Appeals) wherein the Ld. Dy. Collector was pleased to admit the said Appeal and further stayed the Appeal for Sine die.

**(ii) STATUS OF THE CASE:**

Vide Order dated 08.08.2002 passed by the Dy. Collector (Appeals), Mumbai Suburban District, Bandra; Mumbai the said case is stayed for sine die (indefinite period).

**c) L.C. SUIT BEARING NO 474 OF 2011 AT CITY CIVIL COURT AT DINDOSHI:**

**(i) GIST OF THE CASE**

L.C. Suit No. 474 of 2011 has been filed before Hon'ble City Civil Court at Dindoshi by one Anthony D'souza and others ( the "Plaintiffs")

against The Chief Executive Officer SRA and others (the "Defendants") inter alia seeking certain declarations and also for injunction as regards to the said land.

The said company has taken out Chamber Summons No. 1035 of 2015 to be impleaded as a party Defendant to the above suit which is pending for hearing.

Some of the Defendant (Plaintiffs in Suit No. 1692 of 2016) have taken out one Contempt Notice of Motion bearing No. 1252 of 2016 which is pending since then for service upon the Defendants.

**(ii) STATUS OF THE CASE:**

Roznama of the case reveals that the chamber summons of the said company is pending for hearing and Notice of Contempt is pending for service.

**d) S.C. SUIT BEARING NO 1692 OF 2016 AT CITY CIVIL COURT AT DINDOSHI:**

**(i) GIST OF THE CASE:**

S.C. Suit No. 1692 of 2016 has been filed before Hon'ble City Civil Court at Dindoshi by one Blaise Godfrey D'souza and others ( the " Plaintiffs") against M/s. Khushi Builders and Developers Pvt. Ltd. and others (the "Defendants") inter alia seeking certain declarations and also for injunction as regards to the said land. The Plaintiffs therein had moved the case before Court for ad-interim relief to restrain the Defendants therein to develop the said land which was rejected by the Ld. Judge vide its order dated 07.09.2016.

Being aggrieved by order dated 07.09.2016 the Plaintiffs filed an Appeal from Order bearing No. 830 of 2016 before Hon'ble High Court

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- ✓ which was subsequently rejected by the Hon'ble High Court. And as of today there is no interim or ad-interim relief in favor of the Plaintiffs which affect the Development of the said land.

(ii). **STATUS OF THE CASE:**

As per Roznama of the case, the case is pending for hearing on Notice of Motion.

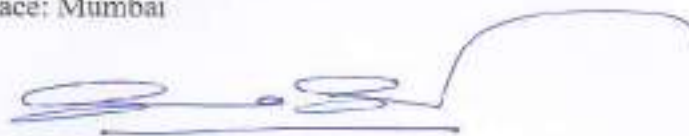
Based on the perusal of the aforesaid documents and various Courts order I observed that the said Company..has a valid, clear right, title and interest over the said land subject to the details of litigations mentioned hereinabove.

**SCHEDULE "A"**

All that piece and parcel of property or ground together with building structures standing thereon situated at Village: Dahisar Taluka: Borivali, Mumbai Suburban District and in the registration District and sub-District of Mumbai City and Mumbai Suburban and bearing Survey No.151/5Corresponding to CTS No 2603.(part) admeasuring 4802.83 Sq.mtrs. bounded as follows:

1. On North: CTS No. 2016
2. On South: CTS No. 2596
3. On East: CTS No. 2604
4. On West: CTS Nos. 2598

Dated on this 20<sup>th</sup> day of July 2017  
Place: Mumbai



Advocate High Court

**RAJEEV R SHARMA**  
BSc. (I.T.), LLB, PGCL  
ADVOCATE HIGH COURT

1015, 10<sup>th</sup> Floor, Dalamal Tower, Nariman Point, Mumbai-400 021

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**TO WHOMSOEVER IT MAY CONCERN**

**NO ENCUMBRANCE CERTIFICATE**

**SUB:** All that piece and parcel of property situated at Village: Dahisar Taluka: Borivali, Mumbai Suburban District and in the registration District and sub-District of Mumbai City and Mumbai Suburban and bearing Survey No.151/5 Corresponding to CTS No.2603(part) admeasuring 4802.83 Sq.mtrs.

After going through the relevant documents of the title such as various Court orders of Hon'ble High Court, Property Cards, Extract of form 7/12, and the financial accounts maintained by them and referring the Title Report dated 20.07.2017 made by me, I hereby observe that there are no other encumbrances of any nature whatsoever except the litigations mentioned in the Title Report dated 20.07.2017 and municipal taxes , if any, on the said property which is under implementation under Regulation 33(10) of DCR 1991 as per approvals, guidelines and procedures outlined by the Slum Rehabilitation Authority, being the Planning Authority.

Dated on this 25<sup>th</sup> day of July 2017

Place: Mumbai



Rajeev R Sharma