



**Sandeep Kumar Singh**

M. Sc., LL. B.

Mob.: 9167598501

☎ : 8600844972

**ADVOCATE HIGH COURT**

Office : Opp. Bandra Court, Suruchi Corner, Anant Kanekar Marg, Bandra (E), Mumbai - 400 051.  
E-mail: suruchicarner@gmail.com

**TO WHOMSOEVER IT MAY CONCERN**

This is to certify that, I have for the purpose of investigating the title of **NEHRU NAGAR SHANTI BHUVAN CO-OPERATIVE HOUSING SOCIETY LIMITED**, a Society registered under the Maharashtra Co-operative Societies Act, 1960 under No. BOM (WL) / HSG (OH) / 2433 / 86-87 dated 26/11/1986 and having its registered office at Building No.-88, Nehru Nagar, Mother Dairy Road, Kurla (East), Mumbai 400024, (hereinafter referred to as "**the Society**") to all that piece and parcel of land bearing Survey No. 229 and 267 and CTS No. 6 (part) of Kurla Division, within the Registration District and Sub-District of Kurla and Mumbai Suburban District admeasuring 831.08 sq. mts. (As per the Lease Deed dated 29<sup>th</sup> May 2008) or thereabouts (*out of total area admeasuring 85,761.20 as per the P.R. Card*) together with building standing thereon being Building No. 88, consisting of Ground plus 4 (Four) Upper Floors of Building No 88, lying, being and situated at Nehru Nagar, Mother Dairy Road, Kurla (East), Mumbai 400024 (hereinafter referred to as "**the PROPERTY**").

1. I have perused the extract of Property Registered Card in respect of land bearing CTS No 6 A as admeasures 85,761.20 sq. mtrs. or thereabouts (hereinafter the entire Property bearing CTS No 6 A of Kurla Division is referred to as "**the said Larger Property**"). The said Property is required to be transferred in name of Society.
2. The said Property, as per the Development Plan Remarks 8<sup>th</sup> February 2007, bearing Sr. No. CHE/242/DPES, is partly reserved for proposed 27.mt, wide D. P. Road to be widened to 45.70 mtrs. and for widening, if any, and by Khadi and pipe line, save and except there are no reservation on the said Larger Property. It is further stated that the Property falls in a Residential Zone (R).
3. The brief facts of the said Property are as under :-
  - A. The Maharashtra Housing Board, a corporation was established under the Bombay Housing Board Act, 1948 (Bom. Act LXIX of 1948) (hereinafter 'the Maharashtra Housing Board' is referred to as "**The Board**").
  - B. The Maharashtra Housing and Area Development Authority (hereinafter referred to as "**MHADA**") was duly constituted with effect from the 5<sup>th</sup> day of December, 1977 under the Government Notification in the Public Works and Housing Department No.ARD-1077 (1)/Desk-44 dated the 5<sup>th</sup> December, 1977 and under the



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Maharashtra Housing and Area Development Act, 1976 (hereinafter 'the Maharashtra Housing and Area Development Act, 1976' is referred to as 'the said Act').

- C. The said board stood dissolved by the operation of Section 15 of the said Act;
- D. As per the provisions under Clauses (a) and (b) of Section 189 of the said Act, all the property, rights, liabilities and obligations of the said dissolved Board including those arising under any agreement or contract have become the properties, rights, liabilities and obligations of MHADA.
- E. The Maharashtra Housing and Area Development Authority (hereinafter referred to as "MHADA") has on the portion of the said Larger Property constructed one building having 40 tenements numbered as Building No. 88 having Ground and Four Upper Floors without lift (hereinafter referred as "Old Building") on the land bearing Survey No. 229 and 267 and CTS No.- 6 (Part) situated at Nehru Nagar, Mother Dairy Road, Kurla (East), Mumbai 400024, in the Registration Sub-District of Kurla and Mumbai Suburban District, admeasuring 831.08 Sq. Mts. (as per the Lease deed with MHADA) and 963.00 sq. mtrs. being the Plot area as per site measurement (as stated in the Revised Demarcation letter from MHADA dated 01<sup>st</sup> June 2016 (hereinafter referred to as "the said Land").
- F. Each of the 40 tenements in the Old Building admeasures 22.51 sq. mtrs. i.e. 242.29 sq. ft., the said tenements are hereinafter referred to as "the said Old Premises".
- G. Originally the Board was the absolute owner of and well and sufficiently, seized and possessed of and otherwise well and sufficiently entitled to a piece or parcel of land bearing City Survey No. 6 (Part) of Village Kurla (East), Nehru Nagar bearing Survey No. 229 & 267 and admeasuring 831.08 sq. mts. or thereabouts) and 963.00 sq. mts. being the Plot area as per site measurement (as stated in the Revised Demarcation letter from MHADA dated 01<sup>st</sup> June 2016) (being part of the larger Property belonging to the Board) in the Registration District and Sub-District of Kurla and Mumbai Suburban District, lying, being and situate at Nehru Nagar, Mother Dairy Road, Kurla (East), Mumbai 400024.
- H. Thereafter the Government of India had formulated a Housing Scheme for the construction and allotment of tenements on rental basis to industrial workers known as the Subsidized Industrial Housing Scheme and the said Board had in pursuance



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of the said Government of India Scheme built the Building No. 88, on the said land (hereinafter referred to as "**the said Building**"), for housing industrial workers as provided in the Scheme for residential use (hereinafter the said land and the said building standing thereon are together referred to as "**the said Property**").

- I. Pursuant to the guidelines laid down by Government of India, the Government of Maharashtra directions were laid down, that the buildings built by Housing board and other agencies under certain schemes should be offered for sale on "as is and where is condition" to the authorized and unauthorized occupants whose occupation is regularized on their paying the penalty amounting to 50% of the Price of the tenements in lump sum for residential purpose on the basis of hire purchase after the occupants have formed Co-operative Housing Society.
- J. Thereafter Consequentially; the allottees of the said 40 (Forty) tenements comprised in the Building No.88 have formed themselves into a co-operative housing society known as the "Nehru Nagar Shanti Bhuvan Co-operative Housing Society Limited", being the society herein, registered under the Maharashtra Co-operative Societies Act, 1960 under No. BOM (WL) / HSG (OH) / 2433 / 86-87 dated 26/11/1986, having its registered office at Bldg. No. 88, Nehru Nagar, Mother Dairy Road, Kurla (E), Mumbai- 400 024. Each of the allottees were the members of the said Society (hereinafter referred to as "**the said Society**").
- K. Thereafter, by an Indenture of Lease dated 29<sup>th</sup> May, 2008 registered in the office of the Sub-Registrar of Assurances at Kurla -3 Mumbai under Sr. No. BDR-13-4021-2008 executed by and between MHADA (therein referred to as "the Authority") of the One Part and the Society herein, (therein referred to as "the Society") of the Other Part, the MHADA therein did thereby grant to the society leasehold rights in respect of the said Land for a period of 99 (ninety-nine) years upon the terms, conditions and covenants as mentioned therein; (hereinafter said Indenture of Lease dated 29<sup>th</sup> May, 2008 is referred to as "**the said Lease Deed**").
- L. By Deed of Sale dated 29<sup>th</sup> May, 2008, duly registered with the Sub-Registrar of Assurances at Kurla-3, under Registration No. BDR-13-4022-2008, executed by and between MHADA (therein referred to as "The Authority") of the One Part and the Society herein, (therein referred to as "The Society") of the Other Part, the MHADA did thereby convey, grant and assure the property consisting of 40 tenements in the



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said Building No. 88 standing on said land for the consideration on the terms and conditions set out therein.

- M. The said Building of the Society was in a dilapidated condition and required extensive structural repairs as well as internal and external plastering, painting, waterproofing, etc. which required substantial funds. Considering the heavy expenses for repairs of the said Building, the Society has decided to redevelop the said Property by demolishing the said Building and by construction of new building on the said Land by utilizing the entire available Floor Space Index ("FSI") (including premium / pro-rata / TDR / fungible FSI etc.) and obtaining of Transferable Development Rights ("TDR / MHADA FSI") as per the prevailing rules and regulations.
- N. The Society being unable to re-develop the said Property by itself decided to issue a notice inviting tenders for redevelopment of the said Property through a notice. From amongst the offers received by the Society, the offer of the Shree Siddhivinayak Infrastructure & Realty was the best bid and was accepted by the Society.
- O. In the Special General Body Meeting of the Society held on 27<sup>th</sup> July 2016 held in the presence of its Authorised Officer, Shri Chandrashekhar Dongarvar duly appointed by MHADA, the members had unanimously resolved interalia to appoint the developer for redevelopment of the said Property. The Society had also further resolved to execute a fresh Development Agreement along with a Power of attorney and all other relevant papers and documents and supplementary agreements as necessary and required in favour of the Shree Siddhivinayak Infrastructure & Realty.
- P. At the Special General Body meeting of the Society held on 27<sup>th</sup> July, 2016 in the presence of 39 out of 40 members the draft of this Development Agreement and Power of Attorney to be executed by the Society and its members in favour of the Shree Siddhivinayak Infrastructure & Realty was duly approved.
- Q. The Deputy Registrar Co-Operative Society Mumbai by their Letter dated 20<sup>th</sup> August, 2016 have confirmed that in the Special General Body Meeting held by the said Society 39 members out of total 40 were present and all members present there had duly elected the developer herein by raising their hands in their favour. The letter further stated and confirmed that the Society had represented, warranted and assured that all the aforesaid meetings were validly and legally called and held in



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accordance with the requirement of 3<sup>rd</sup> January 2009 guidelines and as per the procedure laid down in S.79 A for redevelopment to be carried out with respect to the said Property.

R. The said Shree Siddhivinayak Infrastructure & Realty have is developing the said Property through **SHREE SIDDHIVINAYAK CLASSIC CONSTRUCTION PVT. LTD.** which is its sister concern / group company and the Society and / or its members have granted its 'No Objection' to the same on 03<sup>rd</sup> May 2018.

S. Accordingly the Society and its the Members have Confirmed the appointment of **Shree Siddhivinayak Classic Construction Pvt. Ltd.** as the Co-Developer for redevelopment of the said Property and that the Shree Siddhivinayak Infrastructure & Realty have agreed to transfer all their rights, title and interest as developer of the said Property to be constructed by its said Co-Developer.

4. In the premises, the "**Nehru Nagar Shanti Bhuvan Co-operative Housing Society Limited**" are the Lessee of the said Land and absolute Owners of the said Building and also have a clear and marketable right free from all encumbrances in respect of the said Property, subject to the Members s rights and further and are entitled to grant and assign the developments rights to "**Shree Siddhivinayak Infrastructure & Realty**" alongwith and / or to its "Co-Developer" namely "**Shree Siddhivinayak Classic Construction Pvt. Ltd.**" to redevelop the said Property.

Dated this 30 day of 05, 2018

Mr. Sandeep Kumar Singh

Advocate

**SANDEEP KUMAR SINGH**  
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