VIRENDRA KANOJIA

ADVOCATE

9, 1st floor, Western India House, Above Bombay Store, Sir P.M. Road, Fort, Mumbai 400 001.
Cell: 98692 48901 / 93249 68252

REPORT ON TITLE

Date: 04.05.2022

Re.: All that piece and parcel of (i) private land alongwith structures standing thereon bearing C.T.S. No.723E (pt) admeasuring about 536.97 sq. mtrs. and (ii) government land alongwith structures standing thereon bearing C.T.S. No. 746 (pt), 747A (pt) and 750 (pt.) in aggregate admeasuring 5035.58 sq. mtrs. or thereabouts and both private land and government land aggregately admeasuring about 5572.55 sq. mtrs. or thereabouts, lying being and situate at Village - Mulund, Taluka –Kurla, District – Mumbai Suburban, Astik Manek Road, Sarojini Naidu Cross Road, Mulund (W), Mumbai 400 080 (**Said Property**).

A. **PROPERTY:**

The said Property being (i) private land alongwith structures standing thereon bearing C.T.S. No.723E (pt) admeasuring about 536.97 sq. mtrs. and (ii) government land alongwith structures standing thereon bearing C.T.S. No. 746 (pt), 747A (pt) and 750 (pt.) in aggregate admeasuring 5035.58 sq. mtrs. or thereabouts and both private land and government land aggregately admeasuring about 5572.55 sq. mtrs. or thereabouts, lying being and situate at Village - Mulund, Taluka –Kurla, District – Mumbai Suburban, Astik Manek Road, Sarojini Naidu Cross Road, Mulund (W), Mumbai 400 080.

B. **NAME OF DEVELOPER:**

MAGNAACASA REALTY PRIVATE LIMITED (erstwhile SHREE AKSHAY HOUSING) (hereinafter referred to as "**the said Developer**") (**CIN NO.U45309MH2021PTC373607**) a Company duly incorporated under the Indian Companies Act, 2013 (**PAN NO.AAPCM2927A**), having its registered office at B 601, Guru Ganesh Co. Op. HSG. Soc., Nr. Deshmukh Garden, Mahatma Phule Cross Road, Mulund (East), Mumbai 400 081.

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C. DOCUMENTS PRODCUED:

The Developer has handed over the following documents for the purpose of issuance of title in respect of the said property:

a) Title Certificate dated 19th January 2019 issued by me to the Developer which was erstwhile known as Shree Akshay Housing. A copy of the said Title Certificate dated 19th January 2019 is annexed and enclosed herewith and marked as **"Enclosure – 1"**.

b) Property Card of CTS NO.723E, 746, 747, 750, Village - Mulund (West), Taluka – Kurla, District – Mumbai Suburban.

c) (i) LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 29.11.2018, (ii) LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 06.05.2019, (iii) Revised LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 02.03.2021 and (iv) Revised LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 31.03.2022.

d) (i) IOA bearing No.SRA/ENG/3917/T/STGL/AP' dated 10.05.2019, (ii) IOA bearing No.SRA/ENG/3916/T/STGL/AP dated 28.05.2019, (iii) Amended IOA bearing No.SRA/ENG/3917/T/STGL/AP dated 17.03.2020, (iv) Amended IOA bearing No.SRA/ENG/3916/T/STGL/AP' dated 04.03.2021, (v) Amended IOA bearing No.SRA/ENG/3917/T/STGL/AP' dated 10.03.2021, (vi) Amended IOA bearing No.SRA/ENG/3917/T/STGL/AP dated 13.04.2022, (vii) Amended IOA bearing No.SRA/ENG/3916/T/STGL/AP dated 13.04.2022 and (viii) IOA bearing No.STGOVT/0034/20140214/R3 (Rehab Building No.3) dated 13.04.2022.

e) (i) CC bearing No.SRA/ENG/3917/T/STGL/AP dated 31.08.2019 for Rehab Bldg. - 01 with endorsement of extensions of CC dated 15.07.2020 and 07.04.2021 and (ii) CC bearing No.SRA/ENG/3916/T/STGL/AP' dated 08.11.2019 for Composite Bldg. - 02 with endorsement of extension of CC dated 14.10.2020, 21.10.2021 and 22.11.2021.

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f) (i) Receipt of Land Rate Premium of Rs.48,64,200/- issued vide Receipt No.42733 and Challlan No.49058 dated 03.06.2019, (ii) Receipt of Land Rate Premium of Rs.72,96,250/- issued vide Receipt No.44633 and Challlan No.50966 dated 23.10.2019, (ii) Receipt of Land Rate Premium of Rs.48,64,200/- issued vide Receipt No.45336 and Challlan No.51670 dated 03.12.2019 and (iv) Receipt of Land Rate Premium of Rs.13,68,300/- issued vide Receipt No.58793 and Challlan No.65282 dated 31.03.2022, all issued by Asst. Accounts Officer, Slum Rehabilitation Authority, Mumbai towards Land Rate Premium.

g) Deed of Conveyance dated 21.12.2020 executed by and between Smt. Nutan Shashikant Keni & 7 others in favour of Shree Akshay Housing in respect of area admeasuring 483.273 sq. mtrs. out of private plot bearing CTS No.723E. The Conveyance Deed is registered under document at Sr. No.KRL-4-13664-2020 dated 21.12.2020.

h) Deed of Rectification dated 21.12.2020 executed by and between Smt. Nutan Shashikant Keni & 7 others and Shree Akshay Housing in respect of certain rectification in the above-mentioned Deed of Conveyance dated 21.12.2020. The said Deed of Rectification is registered under document at Sr. No.KRL-4.13666-2020 dated 21.12.2020.

i) Deed of Conveyance dated 21.12.2020 executed by and between Smt. Dr. Pratibha Vikas Gupte in favour of Shree Akshay Housing in respect of area admeasuring 53.697 sq. mtrs. out of private plot bearing CTS No.723E. The Conveyance Deed is registered under document at Sr. No.KRL-4-13667-2020 dated 21.12.2020.

j) Development Agreement dated 04.11.2020 (duly notarized on 07.11.2020) executed by SAMTA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) and SHREE AKSHAY HOUSING for redevelopment of property occupied by slum holders of said Society under SRA Scheme.

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k) Power of Attorney duly notarized on 07.11.2020 executed by SAMTA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) in favour of SHREE AKSHAY HOUSING.

l) Search Report of Title Investigator, Mr. Amit Kadam, dated 27.04.2022 for plot bearing CTS No.723E and 747 form 1993 to 2022 (30 years).

m) Search Report of Title Investigator, Mr. Amit Kadam, dated 27.04.2022 for plot bearing CTS No.746 and 750 form 2017 to 2022 (6 years).

n) Article of Association and Memorandum of Association both dated 15.12.2021 of Magnaacasa Realty Private Limited.

o) Certificate of Incorporation dated 20.12.2021 of Magnaacasa Realty Private Limited issued by the Registrar of Companies.

p) Mortgage Deed dated 12.04.2022 executed by and between Magnaacasa Realty Private Limited as Mortgagor and IDBI Trusteeship Services limited as Debenture Trustee whereby the Developer namely Magnaacasa Realty Private Limited have mortgaged all right, title, interest, benefits and entitlements and other benefits on the said Private Land CTS No.723E and also all right, title, interest, benefits and entitlements with respect to the development, marketing and sale and other benefits on the said Government Land CTS No.746 (pt), 750 (pt) and 747 (pt). The Mortgage Deed is registered under document at Sr. No.KRL-3-6588-2022 dated 12.04.2022.

D. **DEVELOPER'S DECLRATION:**

i. The Developer through its Director Mr. Nandkishor Anant Gawade has issued a Declaration Cum Indemnity on solemn affirmation stating that they are entitled to the development rights in respect of the said Property as the Developer and shall develop the same in accordance with the terms and conditions of the LOIs and IOAs as mentioned herein above.

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ii. The Developer have further represented that there is no litigation/lis pendense pending or threatened against Developer for its ownership right of said private land bearing CTS No.723/E (part) and also its right to redevelop the said Property and/or against their appointment as developer by all 4 societies and/or against breach of any terms of said development agreements executed by all 4 societies.

iii. The Developer have further represented that the hutment dwellers occupying the portion said Property and members of SAMTA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) have passed a General Body Resolution dated 26.09.2020 appointed SHREE AKSHAY HOUSING as the developer for the implementation of the slum rehabilitation scheme. The slum dwellers have also executed individual agreements with SHREE AKSHAY HOUSING suggesting their consent for the scheme of rehabilitation.

iv. The Developer have further represented that they have the necessary consent of more than 70% of the eligible hutment dwellers for the Slum Rehabilitation Project for the development of said Property.

E. CONCLUSION / OPINION:

On perusal of above mentioned Documents read with what is stated herein subject to what is stated in Title Certificate dated 19th January 2019 issued by me annexed/enclosed herewith as **"Enclosure – 1"** and also subject to charge, encumbrances created vide Mortgage Deed dated 12.04.2022 in favour of IDBI Trusteeship Services Limited, and also in furtherance of Title Certificate dated 19th January 2019 issued by me, I am of the opinion that:

i. Pursuant to Development Agreement dated 04.11.2020 (duly notarized on 07.11.2020) executed by SAMTA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) in favour of Developer, and also pursuant to above mentioned LOIs

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and IOAs the slum dweller and members of this fourth Society namely SAMTA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) is amalgamated and joint with the said project which was earlier consisting of 3 Societies namely (i) Vasant Kripa S.R.A. Co-Operative Housing Society (Proposed), (ii) Vasant S.R.A. Co-Operative Housing Society (Proposed) and (iii) Siddharth S.R.A. Co-Operative Housing Society (Proposed) as mentioned in Title Certificate dated 19th January 2019.

ii. Pursuant above mentioned LOIs and IOAs the area of the project is increased from CTS No.746 (pt) and CTS No.750 (pt) aggregately admeasuring 3,331.90 sq. mtrs. or thereabouts to (i) private land bearing C.T.S. No.723E (pt) admeasuring about 536.97 sq. mtrs. and (ii) government land bearing C.T.S. No. 746 (pt), 747A (pt) and 750 (pt.) in aggregate admeasuring 5035.58 sq. mtrs. or thereabouts and both private land and government land aggregately admeasuring about 5572.55 sq. mtrs. or thereabouts.

iii. Pursuant to above mentioned documents the Developer namely MAGNAACASA REALTY PRIVATE LIMITED (erstwhile SHREE AKSHAY HOUSING) is lawful owner of (i) private land bearing C.T.S. No.723E (pt) admeasuring about 536.97 sq. mtrs., subject to mutation entry in the name of Developer be made upon the PR Card/Revenue records for CTS No.723E (pt).

iv. Pursuant to above mentioned documents the Developer namely MAGNAACASA REALTY PRIVATE LIMITED (erstwhile SHREE AKSHAY HOUSING) is very well entitled to develop the said Property viz. all that piece and parcel of (i) private land bearing C.T.S. No.723E (pt) admeasuring about 536.97 sq. mtrs. and (ii) government land bearing C.T.S. No. 746 (pt), 747A (pt) and 750 (pt.) in aggregate admeasuring 5035.58 sq. mtrs. or thereabouts and both private land and government land aggregately admeasuring about 5572.55 sq. mtrs. or thereabouts, lying being and situate at Village - Mulund, Taluka -Kurla, District – Mumbai Suburban, Astik Manek Road, Sarojini Naidu Cross Road, Mulund (W),

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Mumbai 400 080, as per provisions of Maharashtra Slum Areas (Improvement clearance & Re-development) Act, 1971 and as per the terms and conditions described in the above mentioned LOI's as well as terms and conditions mentioned in the above-mentioned IOAs and entitled to sell the units in respect of the sale building/wings to the prospective purchasers, subject to completion of the SRA building/wings as per the terms and conditions of the LOIs and IOAs.

It may be noted that:

i. My report is based on the documents and information obtained from the Developer and also based on the and in furtherance of Title Certificate dated 19th January 2019 issued by me annexed/enclosed herewith as **"Enclosure – 1"**.

ii. The title is subject to charge, encumbrances created vide Mortgage Deed dated 12.04.2022 in favour of IDBI Trusteeship Services Limited.

iii. The aspects of zoning, permitted user, reservation/set-back (if any), development potential/ Floor Space Index and developability of the Property and the structures/ buildings thereon fall within the scope of an architect review and I express no views about the same;

Yours faithfully,

VIRENDRA KANOJIA ADVOCATE

Virendra Kanojia
Advocate, High Court
Reg. No.MAH/3917/1999

Encl. Copy of Title Certificate dated 19th January 2019.

Enclosure - 1

VIRENDRA KANOJIA

ADVOCATE

9, 1st Floor, Western India House, Above Bombay Store, P.M. Road, Fort, Mumbai 400 001.
Tel. 67432603 Cell. 98692 48901 / 93249 68252

REPORT ON TITLE

Date: 19.01.2019

Re.: All that piece and parcel of land alongwith structures standing thereon bearing C.T.S. No. 746 (pat) and 750 (pt.) aggregately admeasuring 3,331.90 sq. mtrs. or thereabouts as per LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 29th November 2018, lying being and situate at Village - Mulund, Taluka –Kurla, District – Mumbai Suburban, Astik Manek Road, Sarojini Naidu Cross Road, Mulund (W), Mumbai 400 080 **(Said Property).**

INTRODUCTION:

i) PROPERTY:

The said Property is bearing C.T.S. No. 746 (pat) and 750 (pt.) aggregately admeasuring 3,331.90 sq. mtrs. or thereabouts as per LOI bearing No. SRA/ENG/2775/T/STGL/LOI dated 29th November 2018 situate at Village - Mulund, Taluka –Kurla, District – Mumbai Suburban, Astik Manek Road, Sarojini Naidu Cross Road, Mulund (W), Mumbai 400 080 as more particularly stated herein and shown in the Plan annexed hereto surrounded by red color boundary.

ii) NAME OF DEVELOPER:

M/s. SHREE AKSHAY HOUSING (hereinafter referred to as **"the said Firm/Developer"**) duly registered under the provisions of the Indian Partnership Act 1932, having its registered office at 601, 6th Floor, Guru Ganesh CHS, Behind C. D. Deshmukh Garden, Mahatma Phule Cross Road, Mulund (East), Mumbai 400 081 and also at 604, 6th Floor, Ratan Galaxy, J. N. Road, Mulund (West), Mumbai-400 080.

iii) DOCUMENTS PRDOCUED:

The Developer has handed over the following documents for the purpose of investigation of title in respect of the said property:

a) Property Card of City Survey No. 746 and City Survey No. 750, Village - Mulund (West), Taluka –Kurla, District – Mumbai Suburban.

b) City Survey Plan,

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c) Development Plan Remark date 15.12.2018 issued by the office of the Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai.

d) L.O.I. bearing No. SRA/ENG/2775/T/STGL/LOI dated 29th November 2018.

e) Payment and receipt of Rs.48,64,200/- (Rupees Forty Eight Lakhs Sixty Four Thousand Two Hundred only) vide Receipt No.40437 and Challan No.46747 dated 20.11.2018 towards Land Rate Premium.

f) Development Agreement dated 3rd March 2012 executed by VASANTKRUPA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) and SHREE AKSHAY HOUSING having its registered office at 601, 6th Floor, Guru Ganesh CHS, Behind C. D. Deshmukh Garden, Mahatma Phule Cross Road, Mulund (East), Mumbai 400 081.

g) Power of Attorney dated 28th May 2012 executed by VASANTKRUPA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) in favour of SHREE AKSHAY HOUSING.

h) Development Agreement dated 5th September 2012 executed by VASANT SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) and SHREE AKSHAY HOUSING having its registered office at 601, 6th Floor, Guru Ganesh CHS, Behind C. D. Deshmukh Garden, Mahatma Phule Cross Road, Mulund (East), Mumbai 400 081.

i) Power of Attorney dated 6th September 2012 executed by VASANT SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) in favour of SHREE AKSHAY HOUSING.

j) Development Agreement dated 11th March 2012 executed by SIDDHARTH SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) and SHREE AKSHAY HOUSING having its registered office at 601, 6th Floor, Guru Ganesh CHS, Behind C. D. Deshmukh Garden, Mahatma Phule Cross Road, Mulund (East), Mumbai 400 081.

k) Power of Attorney dated 29th March 2012 executed by SIDDHARTH SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) in favour of SHREE AKSHAY HOUSING.

l) Public Notice dated 18.12.2018 published in Free Press Journal and Nav Shakti.

m) Search Report of Search Clerk, Mr. Manoj N. Satam, dated 26.04.2017, 28.04.2017 and 20.12.2018 form 1988 to 2018 (30 years).

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DEVOTION OF TITLE:

i) Government of Maharashtra is the owner of the said Property as per Property Card which shows in aggregate area of **10304.8 Sq.mtr,** but this is only with reference to part of said entire plots viz. said property admeasuring **3,331.62 sq. mtrs.** or thereabouts as per LOI bearing No. SRA/ENG/2772/T/STGL/LOI dated 29th November 2018 i.e. the portion of the entire plot was/is occupied by slum dwellers.

ii) The said Property is census slum as photo passes are issued to some slum dwellers and therefore deemed as slum area within the meaning of Maharashtra slum Areas (Improvement clearance & Re-development) Act, 1971.

iii) The said Property is encroached and occupied by several slum dwellers/occupants (**"Hutment Dwellers"**), who have constructed various structures, hutments on the said Property and have come together and formed 3 (three) co-operative societies viz.

a) Vasant Kripa S.R.A. Co-Operative Housing Society (Proposed) (**"Vasant Kripa Society"**),

b) Vasant S.R.A. Co-Operative Housing Society (Proposed) (**"Vasant Society"**), and;

c) Siddharth S.R.A. Co-Operative Housing Society (Proposed) (**"Siddharth Society),**

iv) Vide a Development Agreement dated 3rd March 2012 executed by and between said VASANTKRUPA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) (therein referred to as "the Society") and SHREE AKSHAY HOUSING (therein referred to as "the Developer") whereby the said Society has granted the Development rights to Developer M/s. SHREE AKSHAY HOUSING on terms and conditions more particularly stated therein. The said Development Agreement is duly notarized on 4th March 2012 by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

v) Vide a Development Agreement dated 5th September 2012 executed by and between said VASANT SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) (therein referred to as "the Society") and SHREE AKSHAY HOUSING (therein referred to as "the Developer") whereby the said Society has granted the Development rights to Developer M/s. SHREE AKSHAY HOUSING on terms and conditions more particularly stated therein. The said Development Agreement is duly notarized by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

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vi) Vide a Development Agreement dated 11th March 2012 executed by and between said SIDDHARTH SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) (therein referred to as "the Society") and SHREE AKSHAY HOUSING (therein referred to as "the Developer") whereby the said Society has granted the Development rights to Developer M/s. SHREE AKSHAY HOUSING on terms and conditions more particularly stated therein. The said Development Agreement is duly notarized on 22nd March 2012 by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

vii) the said Society namely VASANTKRUPA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) has vide a Power of Attorney dated 28th May 2012 executed in favour of SHREE AKSHAY HOUSING represented by its Partner Shri Nandkishore Anant Gawde whereby authorized to do various acts, deeds as stated therein. The said Power of Attorney is duly notarized by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

viii) the said Society namely VASANT SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) has vide a Power of Attorney dated 6th September 2012 executed in favour of SHREE AKSHAY HOUSING represented by its Partner Shri Nandkishore Anant Gawde whereby authorized to do various acts, deeds as stated therein. The said Power of Attorney is duly notarized by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

ix) the said Society namely SIDDHARTH SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) has vide a Power of Attorney dated 29th March 2012 executed in favour of SHREE AKSHAY HOUSING represented by its Partner Shri Nandkishore Anant Gawde whereby authorized to do various acts, deeds as stated therein. The said Power of Attorney is duly notarized by Mr. Hemant Jangam, Notary, Government of India, Mumbai Maharashtra.

x) Pursuant to the execution of the Development Agreements by all the 3 Societies in favour of the Developer, the Society has authorized the Developer to do various acts deeds in respect of the development of the said Property.

xi) Pursuant to its appointment as developer and in furtherance of implementation of scheme the Developer have made payment of Land Rate Premium to the Slum Rehabilitation Authority being the amount of Rs.48,64,200/- (Rupees Forty Eight Lakhs Sixty Four Thousand Two Hundred only) vide Receipt No.40437 and Challan No.46747 dated 20.11.2018.

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CONSENT OF HUTMENT DWELLERS:

i) The hutment dwellers occupying the portion said Property and members of VASANTKRUPA SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) have passed a General Body Resolution dated 21st January 2012 appointed SHREE AKSHAY HOUSING as the developer for the implementation of the slum rehabilitation scheme. The slum dwellers have also executed individual agreements with SHREE AKSHAY HOUSING suggesting their consent for the scheme of rehabilitation.

ii) The hutment dwellers occupying the portion said Property and members of VASANT SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) have passed a General Body Resolution dated 15th August 2012 appointed SHREE AKSHAY HOUSING as the developer for the implementation of the slum rehabilitation scheme. The slum dwellers have also executed individual agreements with SHREE AKSHAY HOUSING suggesting their consent for the scheme of rehabilitation.

iii) The hutment dwellers occupying the portion said Property and members of SIDDHARTH SRA CO-OPERATIVE HOUSING SOCIETY (PROPOSED) have passed a General Body Resolution dated 12th August 2012 appointed SHREE AKSHAY HOUSING as the developer for the implementation of the slum rehabilitation scheme. The slum dwellers have also executed individual agreements with SHREE AKSHAY HOUSING suggesting their consent for the scheme of rehabilitation.

iv) I have been informed by SHREE AKSHAY HOUSING that they have the necessary consent of more than 70% of the eligible hutment dwellers for the Slum Rehabilitation Project for the development of said Property.

STATUTORY PROVISIONS:

i) Housing and Special Assistance Department of the Government of Maharashtra and The Municipal Corporation of Greater Mumbai (hereinafter called (The Corporation") has formulated a scheme for the redevelopment of slums through participation of slum dwellers under the Regulation No.33 (10) of the Development Control Regulations for the Greater Mumbai, 1991 and now replaced with Regulation No.33 (10) of the Development Control and Promotion Regulations for

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the Greater Mumbai, 2034, **(DCPR 2034)** which has been approved by the Government of Maharashtra (hereinafter referred to as the said Scheme and which expression shall also mean to include all amendments made to it from time to time).

ii) Under the said scheme, various norms have been fixed for rehabilitation of the existing slum dwellers who hold Foto Passess and/or whose names appear in the Assembly Election Rolls of 1995/2000.

iii) Under the said scheme, the slum dwellers are required to form a co-operative housing society, within the meaning of Maharashtra Co-operative Societies Act, 1960 and the Registrar of Societies may approve the same by such name as per provisions of the Maharashtra Co-operative Societies Act, 1960.

iv) Property so occupied by the members of such societies is permitted to be re-developed by private participation.

v) Regulation No.33 (10) of the Development Control Regulations for the Greater Mumbai, 1991 and now replaced with Regulation No.33 (10) of the Development Control and Promotion Regulations for the Greater Mumbai, 2034, (DCPR 2034) sets guidelines for rehabilitation of slum dwellers through owners/developers/co-operative housing societies for redevelopment or re-constructions of census slums or such slums as more particularly stated in the said DCPR 2034 and in accordance with the said DCPR 2034, FSI is granted for the re-development of such slum areas.

vi) Vide a Circular of the Government of Maharashtra, in its Urban development Department bearing No.TPB-4306/3672/CR-302/06/UD-11 dated 27.12.2006, the Government has permitted amalgamation of 2 or more Slum Rehabilitation Scheme by the same owners/developers/NGO's/co-operative housing societies. In the aforesaid order, it has been further clarified that "the entire free sale component or rehabilitation component including PAP tenements generated on norms of 500 tenements per Ha. of one slum rehabilitation scheme site can be permitted to be shifted to the other slum rehabilitation scheme site, provided the other conditions of Appendix IV, clause 7.8 of (DCPR 2034) are fulfilled.

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PUBLIC NOTICE:

I have caused Public Notice in the daily edition of Free Press Journal (English) and Nav Shakti (Marathi) on 18th December 2018 inviting objections from general public in respect of said property. I say that I have received no response or objection from any person whatsoever in respect to the aforesaid Public Notice.

SEARCH REPORT:

Mr. Manoj N. Satam, Search clerk has on my instructions carried out independent search upon the said Property by carrying out search in the offices of the Sub-Registrar of Assurances at Mumbai & Bandra from the year 1988 to 2018 (30 years), Chembur S.R.O. from the year 1995 to 2018 (23 years) and Chembur, Nahur, Vikhroli computer Records from the year 2002 to 2018 (16 years) and has issued 3 independent reports dated 26.04.2017, 28.04.2017 and 20.12.2018. The Search Report of the said Search Clerk does not indicate any discreet entries which would draw as adverse inference on the title of the said Property i.e. in respect of aggregate are admeasuring 3,331.90 sq. mtrs.

ORDERS/APPROVALS:

i) The Slum Rehabilitation Authority had sanctioned the scheme on said plot bearing CTS No.746 (pt) and CTS No.750 (pt) aggregately admeasuring 3,331.90 sq. mtrs. or thereabouts of village Mulund for (i) Vasantkrupa SRA Ch-operative Housing Society (Proposed), (ii) Vasant SRA Ch-operative Housing Society (Proposed) and (iii) Siddharth SRA Ch-operative Housing Society (Proposed) under Reference SRA/ENG/2775/T/STGL/LOI and LOI is issued in favour of Developer Shre Akshay Housing on 29th November 2018.

ii) The Slum Rehabilitation Authority have issued LOI dated 29th November 2018 by putting certain conditions upon the Society/Developer/Architect as mentioned therein and on compliances and agreeable of same they may submit proposal for approval of plans separately for each building, in conformity with DC Regulations within 90 days from the date of receipt of LOI.

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iii) The developer informed me that they shall get approval of plan within 90 days and shall also get issued IOA and CC from the Competent Authority of Slum Rehabilitation Authority in due course.

PARTNERS' DECLARATION:

i) Mr. Nandkishor Anant Gawade, Mr. Abhijeet Babu Panchal, Mr. Ashok Gaurishankar Trivedi, Mr. Laxman Anand Angane, Mr. Dnyaneshwar Shankar Malvankar, Mrs. Deepali Nandkishor Gawade and Mrs. Pradnya Dnyaneshwar Malvankar, all the existing Partners of Shree Akshay Housing has issued a Declaration Cum Indemnity stating that they are entitled to the development rights in respect of the said Property as the Developer and shall develop the same in accordance with the terms and conditions of the LOI as mentioned herein.

ii) They have further represented that there is no litigation/lis pendense pending or threatened against Shree Akshay Housing for its right to redevelop the said Property and/or against their appointment as developer by all 3 societies and/or against breach of any terms of said development agreements executed by all 3 societies.

OPINION:

On the basis of the aforesaid documents and submission, in my opinion, subject to issuance of IOA and CC by the Competent Authority of SRA, M/s. SHREE AKSHAY HOUSING is very well entitled to develop the said Property as per provisions of Maharashtra Slum Areas (Improvement clearance & Re-development) Act, 1971 and as per the terms and conditions described in the LOI as well as terms and conditions to be mentioned in the IOA (subject to issued by SRA) and entitled to sell the units in respect of the sale building/wings to the prospective purchasers, subject to completion of the SRA building/wings as per the terms and conditions of the LOI and IOA (subject to issued by SRA).

AMALGAMATION AND JOINING OF ADJOINING SLUM DWELLERS:

Mr. Nandkishor Anant Gawade, Mr. Abhijeet Babu Panchal, Mr. Ashok Gaurishankar Trivedi, Mr. Laxman Anand Angane, Mr. Dnyaneshwar Shankar Malvankar, Mrs. Deepali Nandkishor Gawade and Mrs. Pradnya Dnyaneshwar Malvankar, all the existing Partners of Shree Akshay Housing has issued a Declaration Cum Indemnity stating that they are also intending to redevelop the adjoining plot bearing C.T.S. No.723-E (part) under SRA Scheme by joining the existing slum dwellers residing on said Plot bearing C.T.S. No.723-E (part) alongwith redevelopment of said Property for which Shree Akshay Housing is negotiating with the owners of said adjoining Plot bearing C.T.S. No.723-E (part). Thus later on said adjoining Plot bearing C.T.S. No.723-E (part) and its occupants will be joined under the said redevelopment scheme of said Property under SRA scheme, subject to approval of Competent Authority and consent of owners of said adjoining Plot.

VIRENDRA KANOJIA
ADVOCATE

Virendra Kanojia
Advocate, High Court
Reg. No.MAH/3917/1999