

6. Property Registered Card wherein the name of MHADA appears as the holder/owner of the property, and the name of Society NEW PANT NAGAR PRABHAT CO-OPERATIVE HOUSING SOCIETY LIMITED appears as the Lessee of the above mentioned property.
7. MHADA had vide Offer letter bearing ref. no.CO/MB/Arch/NOC/F-122/2505/2010 dated 17.04.2010 had offered for allotment of Additional Buildable area of 762.98 sq.mtrs for residential use, on the plot admeasuring about 1192.70 sq.mtrs. (i.e. 640.55 sq.mtrs. as per Lease Deed + 500.00 sq.mtrs. Recreational Ground + 52.15 sq.mtrs. Additional Land), to the Society on the terms and conditions and towards the payment of premium and other charges for availing the use and benefit of additional BUA in the said plot.
8. MHADA had granted NOC bearing ref. no.CO/MB/ARCH/NOC/F-122/1766/2010 dated 21.03.2011 permitting Existing Build-up Area of 968.77 sq.mtrs. and Additional Build-up Area of 762.98 sq.mtrs. i.e. total Build-up Area of 1731.75 sq.mtrs. which is restricted to residential purpose only.
9. I.O.D. was received from Executive Engineer Building Proposal (ES) of MCGM on 3rd October 2011 vide ref. No.CE/6561/BPES/AN for the said redevelopment project. Thereafter revised I.O.D. was obtained on 14th January 2015 vide ref. no. CE/6561/BPES/AN and the Layout Plans were approved on the compliance of the conditions mentioned therein.
10. Addendum to the Development Agreement dated 16th January 2013 executed between the Society NEW PANT NAGAR PRABHAT CO-OPERATIVE HOUSING SOCIETY LTD. and the Developer M/S. SHIVAM PARIVAR DEVELOPERS PVT. LTD.
 - (i) The said Addendum was executed in accordance with the arrangement arrived at between the Society and the Developer,

wherein the developer had proposed to construct (on obtaining permission from MHADA, MCGM and all other Concerned Authorities) one multi-storeyed building of Ground Car Parking + 14th Upper Floors for the residence and allotment of existing members of the Society and all other Surplus Flats to be sold by the Developer on Ownership basis to prospective buyers.

- (ii) As per the Addendum, each of the existing members shall be provided with Flat Free of Cost on Ownership Basis inclusive of F.S.I. along with the amount of Inconvenience and Hardship compensation and the Displacement Compensation for Temporary Accommodation to each members of the Society as per the terms and conditions mentioned therein.
- (iii) The said Addendum is duly Notarised on 05.02.2013 and Stamp Duty of Rs.100/- paid for e-stamp vide certificate no.IN-MH14888818751033L on 15.01.2013.

- 11. The Developer had obtained NOC for Malaria & Dengue for the above mentioned property from the Pest Control Office, Public Health Department of MCGM vide ref. No. PCO/N/1159/SR dated 19.03.2016. The Pest Control Officer of MCGM had vide ref. no. PCO/N/450/SR dated 11.09.2019 had granted the developer with permission to allow to bore a new Bore Well and the use of water from the Bore Well for Non-Potable Purposes at the above mentioned property subject to compliance of the conditions mentioned therein.
- 12. The Developer have also obtained Tree NOC from the Supdt. Of Gardens & Tree Officer of Tree Authority, MCGM vide ref. no. DySG/TA/542/ES dated 30.04.2016 for the said above mentioned property.
- 13. The search for title of the above mentioned property has been caused in the office of Sub-registrar of Assurances at Mumbai, Bandra S.R.O., Chembur S.R.O. & other revenue authorities through the Title

Investigator Mr. Manoj N. Satam, who have furnished the Search Report dated 09.01.2017, and during the course of search save and except the documents mentioned hereinabove no other deeds and documents have been found to be registered in respect of the above mentioned property.

14. The Developer had also obtained from the Solid Waste Management Department of MCGM vide ref. no.EE/SWM/2134/Zone-5/6 dated 17.10.2019, Approval to Construction and Demolition Waste Management Plan for allowing to transport Construction & Demolition Waste from the above mentioned property.
15. Further the Building Permission Cell, Greater Mumbai/MHADA had granted I.O.D. for ZERO FSI vide ref. no.EE/BP Cell/GM/MHADA-01/322/2019 dated 07.06.2019 for the said above mentioned property having plot area which includes Lease area 640.55 sq.mtrs. + Tit-Bit/ Additional area 52.15 sq.mtrs. + R.G. 500 sq.mtrs. as per I.O.D.
16. And thereafter the Building Permission Cell, Greater Mumbai/MHADA had also granted Commencement Certificate on 07.11.2019 vide Ref. no.MH/EE/(B.P.)/GM/MHADA-01/322/2019 through which the Developer was granted Commencement Certificate u/s 44/69 of MRTP Act, 1966 to carry out development and building permission u/s 45 of MRTP Act, 1966 to existing building No.151 known as Pant Nagar Prabhat CHS Ltd.

I have investigated through the available legal, valid and registered documents produced before me for my scrutiny and in the facts and circumstances and subject to what is stated hereinabove in my view that M/s. Shivam Parivar Developers Pvt. Ltd. a company incorporated under the Companies Act, 1956, of Mumbai, having its Corporate office at 1, Washington Plaza, off. S.V. Road, Goregaon (West), Mumbai - 400062, referred to as the Developer has got the clear and

marketable title related to the redevelopment of the above mentioned property including sole exclusive right to develop, sell, transfer, assign after development all saleable flats, office, units and premises to the prospective purchasers after the allotment to the original existing members of the Society in accordance with the Development Agreement dated 05.09.2007 and subsequent Addendum, of the said property mentioned in reference of the above referred property Goregaon (West) Mumbai 400062.

THE SCHEDULE OF THE PROPERTY ABOVE REFERRED TO :

All that piece and parcel of land bearing Survey No.236A corresponding to C.T.S. No. 5740 (pt.) admeasuring area including Lease area 640.55 sq.mtrs. + Tit-Bit area 52.15 sq.mtrs. i.e. equivalent to total area of 692.70 sq.mtrs. of Village Ghatkopar, Taluka Kurla, Mumbai situated lying and being at Pant Nagar, Ghatkopar (East), Mumbai - 400075 within the Registration District and Suburban District of Mumbai City and Mumbai Suburban and standing thereon is a building known as Building No.151 owned by New Pant Nagar Prabhat Co-operative Housing Society Ltd., MHADA Layout, Pant Nagar, Ghatkopar (East), Mumbai - 400075 consisting of ground + 3 upper floors, having plot area including Lease area 640.55 sq.mtrs. + Tit-Bit area 52.15 sq.mtrs. i.e. equivalent to total area of 692.70 sq.mtrs., and containing 32 (thirty-two) residential tenements standing thereon within the Registration District and Sub-district of Mumbai City and Mumbai Suburban.

Dated this 2nd day of December 2019.

Mrs. Marysubha M Pillai



Advocate High Court