Sharma & Associates
Adv. Satish Sharma B.Com., LL.B. Adv. Suman Sharma B.Com., LL.B. Adv. Manan Sharma B.Com., LL.B.
Bombay High Court

FORMAT – A

(Circular No.:-28/2021)

To
Maharashtra Real Estate Regulatory Authority,
6th & 7th Floor, Housefin Bhavan, Plot No. C - 21,
E - Block, Bandra Kurla Complex,
Bandra (East), Mumbai 400 051

LEGAL TITLE REPORT

Sub: **Title clearance certificate with respect to All that piece or parcel of land bearing Sub-Plot No. 19 forming part of Old Final Plot No. 324 and New Final Plot No. 275, T.P.S. III Borivali West of Village Eksar admeasuring 828 sq.yards or thereabouts equivalent to 690 sq.mtrs. along with a structure/building standing thereon namely "Gurukrupa" consisting of ground plus four upper floors situated at Kastur Park Road, Shimpoli Road, Borivali (West), Mumbai 400 092 of Village Eksar, Taluka Borivali (hereinafter referred as "the Gurukrupa Property".**

AND

All that piece or parcel of land bearing CTS No. 511 of Village Eksar, Sub-Plot No. 18 forming part of Old Final Plot No. 324 and New Final Plot No. 275, T.P.S. III Borivali West admeasuring about 772 Sq. yards or thereabouts equivalent to 644 sq. mts along with a structure/ building standing thereon namely the "Mahavir" consisting of ground plus four upper floors situated at Kastur Park Road, Borivali (West), Mumbai 400 092 of Village Eksar, Taluka Borivali, (hereinafter referred to as the "said Kastur Park Mahavir Property".

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I have investigated the title of the aforesaid Property on the request of M/S SHRI NEELKANTH DEVELOPERS AND BUILDERS and following documents i.e.:-

1) Description of the property:

All that piece or parcel of land bearing Sub-Plot No.19 forming part of Old Final Plot No.324 and New Final Plot No.275, T.P.S. III Borivali West of Village Eksar, Taluka Borivali, Mumbai Suburban District along with a structure/building standing thereon namely "Shimpoli Gurukrupa" consisting of ground plus four upper floors situated at Kastur Park Road, Shimpoli Road, Borivali (West), Mumbai 400 092. That said Gurukrupa Property consists of Shimpoli Gurukrupa Co-operative Housing Society Ltd.

AND

All that piece or parcel of land bearing CTS No. 511 of Village Eksar, Sub-Plot No. 18 forming part of Old Final Plot No. 324 and New Final Plot No. 275, T.P.S. III Borivali West along with a structure/building standing thereon namely "Mahavir" consisting of ground plus four upper floors situate at Kastur Park Road, Borivali (West), Mumbai 400 092 of Village Eksar, Taluka Borivali. The said Kastur Park Mahavir Property consists of the Kastur Park Mahavir Co-operative Housing Society Ltd..

The said Gurukrupa Property and the said Kastur Park Mahavir Property shall hereinafter collectively be referred to as the **"said Properties"**.

2) The documents of allotment of plot:

i) Development Agreement dated 28th day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-5225-2022 in respect of

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Shimpoli Gurukrupa Co-operative Housing Society Ltd. has granted development rights in favour of M/s. Shri Neelkanth Developers and Builders.

ii) Development Agreement dated 23rd day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-4860-2022 wherein Kastur Park Mahavir Co-operative Housing Society Ltd. has granted development rights in favour of M/s. Shri Neelkanth Developers and Builders.

3) Property Registration Card:

As per Property Registered Card the name of both the Society are not yet mutated on the property card.

4) Search report from years 1988 till 2022 in respect of the said Gurukrupa Property. Search report from years 1985 till 2020 in respect of the said Kastur Park Mahavir Property.

2. On perusal of the abovementioned documents and all other relevant documents relating to title of the said Properties and subject to what is stated above, I am of the opinion that the title of the said Properties is clear, marketable and without any encumbrances.

Owners of the Land

a) That by an Indenture dated 29/01/1985 registered before the Office of the Sub-Registrar of Assurances, under Sr.No.S/409/85 dated 29/01/1985, the Shimpoli Gurukrupa Co-

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operative Housing Society Ltd. has become the sole and absolute owner of the said Gurukrupa Property,

b) That by a Deed of Conveyance dated 20/10/2008 registered before the office of the Sub-Registrar of Assurances, under Sr.No.BDR6/219/2009, the Kastur Park Mahavir Co-operative Housing Society Ltd. has become the sole and absolute owner of the said Kastur Park Mahavir Property.

3. The report reflecting the flow of the title of the said Properties is enclosed herewith as annexure.

Adv. Satish Sharma
Bombay High Court

Date: 15/11/2022
Place: Mumbai
Encl.: Annexure

SATISH SHARMA
B.Com, L.L.B.
ADVOCATE HIGH COURT
101, Shree Vallabh Residency, Daulat Nagar,
Road No. 3, Borivali (East), Mumbai - 400 066

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FLOW OF THE TITLE OF THE SAID LAND

The brief facts relating thereto are as under:

1) That by an Indenture dated 29/01/1985 registered before the Office of the Sub-Registrar of Assurances, under Sr.No. S/409/85 on 29/01/1985 M/s R. K. Construction, through its partners, Mr. Jaysukhlal H. Shah and Others have sold, transferred and conveyed the property viz. All that piece or parcel of land bearing Sub-Plot No. 19 forming part of Old Final Plot No. 324 and New Final Plot No. 275, T.P.S. III Borivali West of Village Eksar admeasuring about 828 Sq. yards or thereabouts equivalent to 690 sq. mts along with a structure/building standing thereon namely "Gurukrupa" consisting of ground plus four upper floors on situate, lying, being at Shimpoli Road, Borivali West, Mumbai 400 092 of Village Eksar and Taluka Borivali ("said Plot") to Shimpoli Gurukrupa Co-operative Housing Society Limited., registered under the Maharashtra State Co-operative Societies Act, 1960 under No. BOM/WR/HSG/PR/7491/1981 dated 09th June 1981.

2) That by a Deed of Conveyance dated 20/10/2008 registered before the Office of the Sub-Registrar of Assurances, under Sr.No.BDR6/219/2009 M/s. L. K. Builders have sold, transferred and conveyed the property viz. All that piece or parcel of land bearing CTS No. 511 of Village Eksar admeasuring about 772 Sq. yards or thereabouts equivalent to 644 sq.

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mts on Sub-Plot No. 18 forming part of Old Final Plot No. 324 and New Final Plot No. 275, T.P.S. III Borivali West situate, lying, being at Shimpoli road, Borivali West, Mumbai 400092 of Village Eksar and Taluka Borivali along with a structure/building standing thereon namely "Mahavir" consisting of ground plus four upper floors on situate, lying, being at Shimpoli Road, Borivali West, Mumbai 400092 of Village Eksar and Taluka Borivali ("said Plot") to Kastur Park Mahavir Co-operative Housing Society Limited., registered under the Maharashtra State Co-operative Societies Act, 1960 under No. BOM/WR/HSG/TC/5459/1990-91 dated 28th January 1991.

3) That the name of both the said Societies are not yet mutated in the Property Registered Card.

4) Public notices in respect of the said Shimpoli Gurukrupa Co-operative Housing Society Ltd., were issued and published in two News Papers namely The Free Press Journal (English) and Aapla Mahanagar (Marathi) on 05/09/2022 and also Public notices in respect of the said Kastur Park Mahavir Co-operative Housing Society Ltd., were issued and published in two News Papers namely The Asian Age (English) and Aapla Mahanagar (Marathi) on 19/12/2019 by me, inviting the objections, if any, from the public at large, however, I have not received objection in response to the aforesaid public notices till date.

5) Search is also taken in respect of the said Properties and I have not found any adverse remark in respect of the said Properties.

6) By a Development Agreement dated 28th day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-5225-2022 made and entered into between the said Shimpoli Gurukrupa Co-operative Housing Society Ltd., therein called as the

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Bombay High Court

"Society" of the One Part and M/S. Shri Neelkanth Developers And Builders, therein called as the "Developers" of the Other Part, M/S. Shri Neelkanth Developers and Builders have acquired the development rights of the said Shimpoli Gurukrupa Co-operative Housing Society Ltd., at or for the price and on the terms and conditions mentioned in the said agreement.

7) The said Society also executed a Power of attorney 28th day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-5227-2022 whereby the said society nominated, constituted and appointed Mr. Kishor H. Patel Partner of M/s. Shri Neelkanth Developers and Builders, as the true and lawful constituted attorney for the development of the said Shimpoli Gurukurpa Property.

8) By a Development Agreement dated 23rd day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-4860-2022 made and entered into between the said Kastur Park Mahavir Co-operative Housing Society Ltd., therein called as the "Society" of the One Part and M/S. Shri Neelkanth Developers and Builders, therein called as the "Developers" of the Other Part, M/s. Shri Neelkanth Developers and Builders have acquired the development rights of the said Kastur Park Mahavir Co-operative Housing Society Ltd., at or for the price and on the terms and conditions mentioned in the said agreement.

9) The said Society also executed a Power of attorney 23rd day of March, 2022 registered before the Sub-Registrar of Assurances vide Sr.No.BRL9-4862-2022 whereby the said society nominated, constituted and appointed Mr. Kishor H. Patel Partner of M/s. Shri Neelkanth Developers and Builders, as the true and lawful constituted attorney for the development of the said Kastur Park Mahavir Co-operative Housing Society Ltd.,.

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10) I have been informed that there are no litigation pending in respect of the said Properties.

On the basis and subject to whatever stated hereinabove, I am of the opinion that the title of the said Properties is clear and marketable.

Adv. Satish Sharma
Bombay High Court

SATISH SHARMA
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ADVOCATE HIGH COURT
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