Himanshu Vinod. Kode

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FORMAT – A
(Circular No.: - 28/2021)

To
MahaRERA
Housefin Bhavan,
Plot No. C-12, E-Block,
Bandra- Kurla Complex,
Bandra East, Mumbai – 400 051

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to Plot bearing FP no 130/A of TPS II of Village Vile Parle, Ram Mandir Road (Malviya Road), Vile Parle (East), Mumbai – 400057, situated at Andheri Taluka in the Mumbai Suburban District called by the name "Vidyalankar Cooperative Housing Society Limited" (hereinafter referred as the said plot)

I have investigated the title of the said plot on the request of M/s. Desai Residency Private Limited and following documents i.e.: -

1) Description of the property - Plot bearing FP no 130/A of TPS II of Village Vile Parle, Ram Mandir Road (Malviya Road), Vile Parle (East), Mumbai – 400057 situated at Andheri Taluka in the Mumbai Suburban District called by the name "Vidyalankar Cooperative Housing Society Limited"
2) The documents of allotment of plot –
   i) Development Agreement dated - 4th November, 2015 having no. BDR15-9223-2015.
   ii) Supplementary DA dated - 3rd December, 2021 having no. BDR4-11123-2021.
3) 7/12 extract or property card issued by City Survey Officer, Vile Parle dated 12.03.2021, mutation entry no. 1480.
4) Search report for 30 years from 1991 till 2021

2/- On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of (following owner/promoter/developer/company) is clear, marketable and without any encumbrances. (If any encumbrances please mention in separate sheet)

Owners of the land: -

(1) "Vidyalankar Cooperative Housing Society Limited": -
Plot bearing FP no 130/A of TPS II of Village Vile Parle, Ram Mandir Road (Malviya Road), Vile Parle (East), Mumbai – 400057 situated at Andheri Taluka in the Mumbai Suburban District.

3/- The report reflecting the flow of the title of the (owner/promoter/ developer/company) on the said land is enclosed herewith as annexure.

Encl.: Annexure.

Date:22/8/2023

Himanshu V. Kode B.S.L. LL.B. Advocate

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FLOW OF THE TITLE OF THE SAID LAND.

Sr. No.

1) 7/12 extract/P.R. Card as on date of application for registration.

2) Mutation Entry No. 1480 dated 31.05.2016.

3) Search report for 30 years from 1991-2021 Taken from Sub-Registrar office at Vile Parle.

4) Any other relevant title- NIL

5) Litigations if any- We hereby declare that there is a litigation pending with respect to the Project, details of the same are as follows:

Court: -	City Civil Court at Bombay
Branch: -	Dindoshi
Suit No: -	445 of 2023
Plaintiff: -	Mrs. Hiravatee Shah Mr. Siddharth Shah Vs. M/s. Desai Residency Pvt. Ltd

Court: -	Hon'ble High Court, Bombay
Branch: -	Bombay
Case No. -	Interim Application No. 3815 of 2023 In Appeal from Order No. 303 of 2023
Applicant / Appellant: -	M/s. Desai Residency Pvt. Ltd
Respondents:-	M/s. Hiravatee Shah & Ors.

Himanshu V. Kode B.S.L. LL.B. Advocate

Advocate

Date:22/8/2023

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Devolution of Title

1.1 Land bearing Final Plot No. 130 C, of T.P.S Scheme - II admeasuring 1348.66 Sq, Mtrs of thereabouts situated lying and being at Malviya Road, Vile Parle East was originally owned and possessed by one Smt. Sushilaben N. Patel (**the Owner**).

1.2 The Owner constructed two multistoried buildings being "Vallabh Niwas No.1" having ground plus 2 upper floors consisting of 12 flats and 2 garages and one store room below the stair case and "Vallabh Niwas No. 2" having ground plus 2 upper floors consisting of 15 flats and 1 garage on the said larger piece of land admeasuring 1348.66 Sq, Mtrs of thereabouts and let out the said flats and garages to various tenants on monthly tenancy basis.

1.3 The Owner intended to sub divide the said larger piece of land admeasuring 1348.66 Sq, Mtrs of thereabouts into two Sub Plots namely Sub Plot A measuring 851.5 square yards equivalent to 712.5 square meters (hereinafter called as **the said Land**) along with building known as Vallabh Niwas No.1 (hereinafter called as **the said Building**) having 12 flats, two garages and one store room standing thereon and another Sub Plot B with the Building known as "Vallabh Niwas No. 2" having 15 flats and one garage standing thereon respectively. The said Land and the said Building are hereinafter collectively referred to as "**the said Property**".

1.4 The Owner namely, Smt. Sushilaben N. Patel, agreed to sale the said Land and the said Building to the tenants under an Agreement For Sale dated November 13, 1975 entered into between the Owner was entered by the owner and the tenants thereby Shri Trilok Amarsey Gajjar, Smt. S. Sitalakshami Narayan, Shri. Kantilal Gohdhandas Mehta, Smt. Dayantiben Jayabhai Shah, Shri. Champaklal Devakhadab Mehta, Smt. Vijayaben Mohanbhai Mistry, Shri. Vasanji Morarji Shah, Shri. Hasanlal Nagindae Maniar, Shri. Shaligram Bhankarlal Oza, Shri. Ramchandra Nanalal Shroff, Shri. Gendalal Maliwar, Shri. Dalichand Dharamesh Parekh, Shri Harish Manilal Amin and Rayon Agents Pvt. Ltd. (hereinafter collectively referred to as "**the Tenants**" selling on ownership basis the said Land and their respective premises in the said Building with benefits of the balance F.S.I, to the Tenants for the consideration of Rs.1,25,000/- and on the terms and conditions mentioned therein.

Himanshu V. Kode B.S.L. LL.B. Advocate

1.5 The Tenants of the Vallabh Niwas No.1 formed a cooperative housing society and got it registered under the provisions of Maharashtra Cooperative Societies Act, 1960 in the name of Vidyalankar Co-operative Housing Society Limited (**the Society**) as seen from the certificate dated 5th April 1977 bearing registration no. BOM/HSG/5121 of 1977 issued by the Deputy Registrar of Cooperative Societies, Bandra, Mumbai.

1.6 The provisions of Urban Land (Ceiling & Regulation) Act, 1976 came into force with effect from 17th February, 1976. The said Property was situated in Bombay Urban Agglomeration. The Office of the Additional Collector and Competent Authority, (ULC) Greater Bombay, in exercise of the power under section 27 (3) of ULCR Act, vide its order No. C/ULC/SR-27/4591 dated 30th September, 1977 granted permission to Smt. Sushilaben N. Patel to sell the said Property to the Society.

1.7 Thereafter, Smt. Sushilaben N. Patel executed an Indenture of Conveyance dated 3rd December, 1977 (Document No. **BBJ-2101-1977**) with Vidyalankar Co-operative Housing Society Limited thereby conveying, transferring and selling the Plot of land bearing C.T.S No. 1327, 1327/1 to 4 admeasuring 791.16 Sq Mtrs of Vile Parle East Village, Final Plot No. 130 (Part) of T.P.S Vile Parle No. II, Taluka Andheri District Mumbai Suburban located at Vallabh Niwas No. 1, Malviya Road, Vile Parle East, Mumbai – 400 057 together with the said Building and benefits available to the said Property to the Society for a total consideration of INR 1,25,000/-.

1.8 Since the Vidyalankar Co-op. Housing Society building was in dilapidated condition, the Society at its Special General Body Meeting held on 5th May, 2012 passed a resolution for redevelopment of the said Building. The Society invited tenders from the builders/developers for redevelopment of the said Building. The proposal submitted by Spark Builders & Infra Projects Pvt. Ltd., a company under the provisions of Indian Companies Act, 1956 and a company within the meaning of the Companies Act, 2013 and having its registered office at 102, Saroj Apartment, Nathalal Parekh Marg, Opp. Matunga Gujarati Club, Kings Circle, Matunga Mumbai – 400 019, (herein referred to as "the Developer") was approved by the members of the Society in the Special General Body Meeting held on 15th September, 2013.

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Thereafter, the members of the Society in the Special General Body Meeting held on 31st May, 2015 authorised the Office Bearers of the Society to enter into a Development Agreement with the Developer. Subsequently, the Society entered into a Development Agreement dated November 4, 2015 (Document No. BDR-15-9223 of 2015) with Spark Builders & Infra Projects Pvt. Ltd., for development of the said Property, for the consideration and on the terms and conditions mentioned in the Development Agreement therein.

1.9 Simultaneously with the execution of the Development Agreement, the Society executed a General Power of Attorney dated November 4, 2015 (Document No. BDR-15-9224 of 2015) in favour of Shri Ajay D. Desai (Director) M/s. Spark Builders & Infra Projects Pvt. Ltd. (Developer) to be the nominee and lawful attorney to facilitate various activities on behalf of the Society.

Himanshu V. Kode
B.S.L. LL.B.
Advocate

Date: 22/8/2023

Advocate