Ms. RAMA SUBRAMANIAN
Advocate, High Court
Ph. 9867227212, E-mail: ramatalks@gmail.com

(Format A – Circular No.28/2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th and 7th Floor, Housefin Bhavan,
Plot C-21, E -Block, Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

Sir/Madam,

LEGAL TITLE REPORT

Sub: Title Certificate with respect to plot bearing CTS No. 638 /1 (later on after order dated 23.10.2015 subdividing the said property into two parts i.e. (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs.) [forming part of Survey No. 105A, H. No. 11/1(Pt) and 11/2(Pt)] admeasuring 3,068-50 square metres, situated at J.P. Road, Opp. Dena Bank, Andheri (West), Mumbai 400058, in the revenue village: Ambivali, Taluka – Andheri In the District and Registration District and Sub-District of Mumbai City and Mumbai Suburban within the limits of Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said property").

I have investigated the title of the above said property on the request of **M/s Integrated Spaces Ltd,** Developer, having its Registered Office at D Wing, Karma Sankalp, Corner of 6th & 7th Road of Rajawadi, Ghatkopar (East), Mumbai 400077 and perused the following documents, namely-

(i) Conveyance dated 14.03.1947 between (a) Gool, W/o Maneki Gazdar and D/o Behramji Bhikaji Patel, (b) Behramji Bhikaji Patel and Sher Mohammed Feroz Khan – (ME No. 513 dt. 17.10.1947) – in respect of S. No. 105A, H.No. 11/1(Pt) admeasuring about 1,912 yards and S.No. 122A, H. No. 11/1 (Pt).

(ii) Conveyance dated 06.11.1947 between Sher Mohammed Feroz Khan and Mrs. Sardar Kaur Bhupiya (ME No.555 dt 01.09.1948). in respect of S. No. 105A, H.No. 11/1(Pt) admeasuring about 1,912 yards and S.No. 122A, H. No. 11/1 (Pt).

(iii) Conveyance dated 14.03.1947 between (a) Gool, W/o Maneki Gazdar and D/o Behramji Bhikaji Patel, (b) Behramji Bhikaji Patel and Hasam Abdulla Tayab –(ME No. 512 dt. 17.10.1947) – in respect of S. No. 105A, H. No. 11/2(Pt) admeasuring about 1,912 yards and S.No. 122A, H. No. 11/2 (Pt).

(iv) Conveyance dated 30.10.1947 between Hasam Abdulla Tayab and Mrs. Sardar Kaur Bhupiya. (ME No. 543 dt 18.12.1947)- in respect of S. No. 105A, H. No. 11/2(Pt) admeasuring about 1,912 yards and S.No. 122A, H. No. 11/2 (Pt).

(v) Mortgage deed for Rs.11,000/- dt 30.01.1957 between Mrs. Sardar Kaur Bhupiya and others and Salebhai Ebrahim Machiswala in respect of S. No.105, H. No. 11 (Part) and Survey No.122, H. No. 11 (Pt). (ME No.805 dt 06.11.1960).

(vi) Registered Deed of Re-conveyance dt 07.04.1959 between Salebhai Ebrahim Machiswala and Mrs. Sardar Kaur Bhupiya and Ors, duly registered with Sub-Registrar, Mumbai Under Sl. No. BOM/R/2884/1959. (ME No. 942 dt 13.06.1964).

(vii) Conveyance Deed dated 07.04.1959 between Mrs. Sardar Kaur Bhupiya and (i) Noor Mohammed Usman Sayed Ahmed, (ii) Ahmed Noor Mohammed, (iii) Noor Mohammed Abdul Karim Noor Mohammed. (ME No. 818 dt 21.11.2021)

(viii) Conveyance Deed dated 09.08.1961 between (i) Ahmed Noor Mohammed, (ii) Abdul Karim Noor Mohammed and Tilakram Nihalchand (Confirming Party) and Andheri Vile Parle Punjabi Co-operative Housing Society Ltd. (ME No. 882 dt 15.12.1962), in respect of S. No. 122A, H. No.11 (Pt), S. No. 105-A, H. No.11 (Pt) admeasuring about 1912 sq. yards, S. No. 122A, H. No. 11 (Pt) and S. No. 105, H. No. 11 (Pt) admeasuring about 1,912 sq. yards.

(ix) Registered Agreement for Development dated 17th April, 2004 between Andheri Vile Parle Punjabi Co-operative Housing Society Ltd and M/s Shah Construction Co, duly registered with Sub-Registrar of Assurances, Andheri – 3, Mumbai Suburban District vide document sl. no. BDR9-01198-2004 dated 23rd April, 2004 in respect of S. No. 105, H. No.11/1 (Pt) and S. No. 105, H. No. 11/2 (Pt) admeasuring about 3,428.50 sq. mtrs.

(x) Property Card bearing CTS No. 638/1 admeasuring 3,428.50 sq. mtrs in the name of Andheri Vile Parle Punjabi Co-operative Housing Society Ltd.

(xi) The Collector (MSD) order dated 23.10.2015 subdividing the said property into two parts ie (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs.

(xii) Possession receipt dated 12.03.2015.

(xiii) Term sheet dt 24th June. 2015 between the Society and the Developer.

(xiv) Order of Hon'ble Bombay High Court dated 25.02.2020 in Writ Petition No. 677 / 2019.

(xv) Search report of Shri. D. K. Patil, Title Investigator, for the period from 1972 to 2012.

(xvi) Property Card bearing No.3912 and 3433 dated 18/01/2019 for CTS No. 638/1A admeasuring 3,068.50 sq. mtrs. And CTS No. 638/1B for area admeasuring 10 sq. mtr. in the name of Andheri Vile Parle Punjabi Co-operative Housing Society Ltd.

(xvii) Revised Plans and Commencement Certificate.

2. **OWNER OF THE LAND :-**

M/s Andheri Vile Parle Punjabi Co-operative Housing Society is sole and absolute owner with respect to plot bearing CTS No. 638 /1 (later on after order dated 23.10.2015 subdividing the said property into two parts ie (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs.) , [forming part of Survey No. 105A, H. No. 11/1(P) and 11/2(P)] admeasuring 3,068.50 square mtrs, situated at J.P. Road, Opp. Dena Bank, Andheri (West), Mumbai 400058, in the revenue village : Ambivali, Taluka – Andheri in the District and Registration District and Sub-District of Mumbai City and Mumbai Suburban within the limits of Municipal Corporation of Greater Mumbai.

3. On perusal of the above-mentioned documents and all other relevant documents relating to title and development rights of the said property, I am of the opinion that the title of M/s Integrated Spaces Limited as a developer is clear, marketable and that there is no bar/ restrictions/ impediments/ stay on the construction, development and sale on the said plot.

4. The report reflecting the flow of the title of the developer on the said land is enclosed herewith as annexure.

Rama

Ms. Rama Subramanian,
Advocate.

Encl.: Annexure.

1. Flow of the title of the land.
2. P.R. Card as on date of application for registration.
3. Search report for 30 years from 1972 to 2008 taken from Sub-Registrar Office, Bandra and Mumbai (Manual) and at Sub Registrar Office, Bandra (Computerised Index) from 2002 to 2023).
4. Any other relevant title : Nil.
5. Litigations if any : Nil.

Date: 5th August, 2023.

Rama

Ms. Rama Subramanian,

No.501, B-Wing, Vasundhara CHS Ltd, Bengalee Compound, Krishna Vatika Marg, Gokuldham, Goregaon (East), Mumbai 400063

Mumbai
5th August 2023.

Title Report

Description of property: Title clearance certificate with respect to plot bearing CTS No. 638 /1 (later on after order dated 23.10.2015 subdividing the said property into two parts i.e. (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs.) [forming part of Survey No. 105A, H. No. 11/1(P) and 11/2(P)] situated at J.P. Road, Opp. Dena Bank, Andheri (West), Mumbai 400058, admeasuring about 3,068.50 sq. mtrs, in the revenue village : Ambivali, Taluka – Andheri in the District and Registration District and Sub-District of Mumbai City and Mumbai Suburban within the limits of Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said plot").

History of Title:

1. One Mrs. Gool, W/o Manekji Gazdar and D/o Behramji Bhikaji Patel and Mr. Behramji Bhikaji Patel were the absolute owners of the lands being, (i) S. No. 105A, H.No. 11/1(Pt) admeasuring about 1,912 yards, (ii) S.No. 122A, H. No. 11/1 (Pt), (iii) S. No. 105A, H. No. 11/2(Pt) admeasuring about 1,912 yards and (iv) S. No. 122A, H. No. 11/2 (Pt) in the revenue village: Ambivali, Taluka – Andheri, Mumbai.

2. Mrs. Gool, W/o Manekji Gazdar and D/o Behramji Bhikaji Patel and Mr. Behramji Bhikaji Patel sold part of lands, namely S. No. 105A, H.No. 11/1(Pt) admeasuring about 1,912 yards and S. No. 122A, H. No. 11/1 (Pt) to one Mr. Sher Mohammed Feroz Khan by conveyance dated 14.03.1947, which came to be duly recorded in the revenue records vide ME No. 513 dt. 17.10.1947. The said Sher Mohammed Feroz Kahn, sold the said lands to Mrs. Sardar Kaur Bhupiya, vide conveyance dated 06.11.1947, which came to be duly recorded in the revenue records vide ME No.555 dt 01.09.1948.

3. Mrs. Gool, W/o Manekji Gazdar and D/o Behramji Bhikaji Patel and Mr. Behramji Bhikaji Patel also sold the remaining part of lands, namely S. No. 105A, H.No. 11/2 (Pt) admeasuring about 1,912 yards and S. No. 122A, H. No. 11/2 (Pt), to Mr. Hasam Abdulla Tayab by conveyance dated 14.03.1947, which also came to be duly recorded in the revenue records vide ME No. 512 dt. 17.10.1947. The said Mr. Hasam Abdulla Tayab sold the said lands Mrs. Sardar Kaur Bhupiya, vide conveyance dated 30.10.1947, which came to be duly recorded in the revenue records vide ME No.543 dt 18.12.1947.

4. Mrs. Sardar Kaur Bhupiya, along with two others, mortgaged the lands bearing S. No.105, H. No. 11 (Part) and Survey No.122, H. No. 11 (Pt) to Mr. Salebhai Ebrahim Machiswala for a sum of Rs.11,000/- vide a mortgage deed dt 30.01.1957, which also came to be recorded in the revenue records vide ME No.805 dt 06.11.1960. Mrs. Sardar Kaur Bhupiya redeemed her said lands under a registered Deed of Re-conveyance dt 07.04.1959 executed by Mr. Salebhai Ebrahim Machiswala in favour of Mrs. Sardar Kaur Bhupiya and duly registered with the Sub-Registrar, Mumbai Under Sl. No. BOM/R/2884/1959. This redemption was also duly recorded in the revenue records vide ME No. 942 dt 13.06.1964.

5. Mrs. Sardar Kaur Bhupiya sold all the above four pieces of lands to (i) Mr. Noor Mohammed Usman Sayed Ahmed, (ii) Mr. Ahmed Noor Mohammed, (iii) Mr. Noor Mohammed Abdul Karim Noor Mohammed under a conveyance deed dated 07.04.1959. This also came to be duly recorded in the revenue record vide ME No. 818 dt 21.11.1960.

6. Mr. Ahmed Noor Mohammed, Mr. Abdul Karim Noor Mohammed and Tilakram Nihalchand (Confirming Party) sold the lands namely (i) S. No. 105-A, H. No.11 (Pt) admeasuring about 1912 sq. yards, (ii) S. No. 105, H. No. 11 (Pt) admeasuring about 1,912 sq. yards (iii) S. No. 122A, H. No. 11/1 (Pt) and (iv) S. No. 122A, H. No. 11/2 (Pt) to M/s Andheri Vile Parle Punjabi Co-operative Housing Society Ltd, under a conveyance deed dated 09.08.1961. The name of M/s Andheri Vile Parle Punjabi Co-operative Housing Society Ltd was recorded in the 7/12 extract vide ME No. 882 dt 15.12.1962.

7. M/s Andheri Vile Parle Punjabi Co-operative Housing Society is a society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 (formerly, the Bombay Co-operative Societies Act, 1925) vide Registration No. B-3127 of 1961, having its Registered Office at No.92, J.P. Road, Opp. Dena Bank, Andheri (West), Mumbai 400058 (hereinafter referred to as `the said Society'). A property card bearing CTS No. 638/1 (later on after order dated 23.10.2015 subdividing the said property into two parts ie (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs.) came to be issued in the name of the said Society.

8. The said Society had constructed two buildings in or about the year 1968. There were 36 flats in the said two buildings, owned by 36 members of the said Society. Further, there were 6 shops on the ground floor of the building, facing the JP Road, where were in use, occupation and possession of 6 tenants of the Society. On 8th June, 2003, the said Society in its Special General Meeting unanimously resolved to invite offers from developers for re-development of its property. After several negotiations, the said Society in its SGM held on 26th July 2003, resolved to award the re-development work to M/s Pranay Properties.

9. At the request of M/s Shah Construction Co, on City Survey Office conducted physical survey of the said Society's property under M.R. Order No. A57 on 5th September, 2003 and the area of the said property was found to be only 3,078.50 Sq. Mtrs, instead of 3,428.50 sq. mtrs, shown in the Property Register Card. Accordingly, the City Survey Office endorsed the correct area of the Society's property at 3,078.50 Sq. Mtrs on Property Register Card of property bearing CTS No. 638/1 of Village Ambivali.

10. M/s Pranay Properties decided to develop the Society's property through their sister concern, M/s Shah Construction Co, a partnership firm and accordingly submitted a revised offer. The said Society accepted the said revised offer vide its letter dated 5th August 2003. The said Society in its AGM held on 04.10.2003 resolved to grant the development rights to M/s Shah Construction Co. Accordingly, an agreement for development came to be executed by the said society on 17th April, 2004 in favour of M/s Shah Construction Co. The said agreement for development was duly registered with the Sub-Registrar of Assurances, Andheri – 3, Mumbai Suburban District vide document sl. no. BDR9-01198-2004 dated 23rd April, 2004.

11. M/s Shah Construction Co submitted building plans to the Building Proposal Department of MCGM and the same was approved subject to terms and conditions mentioned in Intimation of Disapproval bearing No. CE/8534/WS/AK dated 24.10.2005.

12. On 11th December, 2008, M/s Shah Construction Co was converted into a joint stock company under Chapter IX of the Companies Act, 1956 and it was incorporated as Integrated Spaces Limited (CIN U45200MH2008PLC). As such all the assets and liability of erstwhile M/s Shah Construction Co came to be vested in M/s Integrated Spaces Ltd. This was duly communicated to the said Society on 31st March 2009.

13. Though the said Society had unanimously resolved to entrust the re-development work of its property, three of its members did not agree to the same and refused to vacate and hence, the re-development work could not be taken up immediately. Later, the Government of Maharashtra vide its notification bearing No. TPB/4305/2342/CR-302/05/UD-11 dated 26.01.2007 modified the requirements for new constructions and vide Notification No. CMS 4311/452/CR-58/2011 UD 11 dated 6th January 2012, modified the Development Control Regulations, which necessitated change in the building plans. Accordingly, M/s Integrates Spaces Ltd submitted revised plans and the same was approved by the Building Proposal Department of MCGM subject to the terms and conditions mentioned in Intimation of Disapproval bearing No. CE/8534/WS/AK dated 27.12.2012. Thereafter, M/s Integrated Spaces Ltd submitted amended plans and it was approved by the Building Proposal Department of MCGM vide letter bearing No. CE/8534/WS/AK dated 16.09.2013. Upon complying with the terms of Intimation of Disapproval, the Building Proposal Department issued Commencement Certificate No.

CE/8534/BS/WS/AK dated 22.11.2013 to commence the construction of building 'Wing-A' up to Plinth level and accordingly, M/s Integrated Spaces Ltd commenced construction.

14. On 23.10.2015, the Collector (MSD), the City Survey Office issued an order, subdividing the said property into two parts and allocated new City Survey number to each sub-divided plot ie (i) CTS No. 638/1A for area admeasuring 3,068.50 Sq. Mtrs and (ii) CTS No. 638/1B for area admeasuring 10.00 sq. mtrs, which has been reserved for 18.30 mtrs D.P road in the sanctioned Development Plan of K-West Ward of MCGM. Accordingly, M/s Integrated Spaces Ltd handed over CTS No. 638/1B to the MDGM under Possession Receipt No. CAN/65738/AEN dated 12.03.2015.

15. On 5th January 2015, the Assistant Engineer (Building & Factory) of K-West Ward of MCGM issued a notice bearing No. KW/354/76/BF/ABF-01/2015 under section 354 of MMC Act, 1889, directing the Society to demolish the existing old structures as they had become dangerous for human habitation. Hence, M/s Integrated Spaces Ltd stopped the construction activities at the site.

16. On 28th September, 2014, the Society in its SGM approved the revised terms of development with M/s Integrated Spaces Ltd and the Managing Committee of the Society executed a term sheet on 24th June. 2015, enumerating therein revised terms of development of its property.

17. M/s Integrated Spaces Limited entered into Agreement for Alternate Accommodation with individual members of the Society and registered the same.

18. On 5th October, 2018, the TAC Committee submitted a report "*that the Society's building / structures are deteriorated and dilapidated in condition and may collapse without giving any warning thereby endangering life and property of residents and people residing in adjoining properties and passers thereby. Hence, the structure under referenced needed to be vacated and demolished immediately. In view of the above, it was unanimously declared that the structure known as Andheri Vile Parle Punjabi CHS Ltd, two buildings in premises situated at 92, J.P. Road, Opp. Dena Bank, Andheri (West), Mumbai 400058 falls in C-1 Category (to be vacated and demolished immediately)*".

19. On 15th January 2019, three members of the Society namely, Mr. Joginder Singh Mokha, Mr. Vinay Savahne, Ms. Jyoti Rajiv Behi, who were opposed to the re-development, filed a Writ Petition No. 677 / 2019 challenging the TAC's findings. The said Writ Petition was dismissed by the Hon'ble Justice Shri. S.J. Kathawalla and the Hon'ble Justice Shri. R.I. Chagla on 25th February 2020. The MCGM assured the Hon'ble High Court to commence the demolition work within two days from the date of the order. Accordingly, the existing structures were demolished on 19th March 2020 and since then, M/s Integrated Spaces Ltd has been in possession of the said property.

20. Further few dissenting members Mr. Joginder Singh Mokha, Mr. Vinay Savahne, Ms. Jyoti Rajiv Behi alongwith 7 Others, who were opposed to the re-development, approached the Hon'ble High Court again and filed Suit No.53/ 2022. The matter is pending and posted for filing of consent terms.

21. Further, revised plans for the building/s to be constructed on the said Property was approved by the Building Proposal Dept. of M.C.G.M. subject to terms and conditions mentioned in Amended Plan Approval Letter bearing No. CE/8534/WS/AK/337/2/Amended dated 31.03.2023 and subsequently the Commencement Certificate Plinth C.C. of Wing 'B & C' up to top of plinth level (i.e. height up to 1.00mt. AGL) and re-endorsement of earlier C.C. of Wing 'A' and further C.C. up to top of 10th upper floor slab level (i.e. height up to 33.50mt. AGL), as per approved amended plan dated 31/03/2023 was obtained.

22. Further, it is to be noted that;

(i) I have not visited/ inspected the said Sale Plot or any part thereof;
(ii) The aspect of zoning, permitted user, reservation/set-back (if any), development potential/ Floor Space Index and developability of the said Sale Plot, fall within the scope of an architect review and I express no views about the same.

On the basis of and subject to the above, and in particular subject to the charges, in my opinion, the Developer, M/s Integrated Spaces Limited, is well and sufficiently entitled to development rights in respect of the said Said Plot with right to sell/deal/mortgage the premises/ areas to be constructed upon the said Sale Plot in accordance with the terms and conditions of the various building approvals, plans and LOIs issued in its favour.

Ms. Rama Subramanian,
Advocate.