NIKHIL SURYAKANT RAJESHIRKE
B.A., L.L.B.
Advocate, High Court
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FORMAT – A
(Circular No.: 28 / 2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th & 7th Floor, House fin Bhavan, Plot No. C - 21,
E - Block, Bandra Kurla Complex,
Bandra (E), Mumbai 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to the Project – **Galaxy Heights, Tower-III, Wing L to P**, situated on Plot C2, bearing C.T.S. No. 3525 (Pt.), Survey No.263 (Part) admeasuring area 7960.15 (including undivided area of the project - Galaxy Heights, Tower-II, Wing G to K), situated at Village Malvani, Taluka Borivali, District Mumbai Suburban (hereinafter referred as "**the said Plot**").

Sir,

I have investigated the title of the said plot on the request of The Maharashtra Police Co-Operative Housing Federation Ltd. of **Project Galaxy Heights, Tower III Wing L to P,** (Landowner / Promoter / Developer) and the following documents *i.e.*:

1) Description of the property.
2) The documents of allotment of the plot.
3) 7 / 12 extract or property card issued by City Survey Officer-Goregaon dated 15/02/2020, Mutation entry No. Nil dated 28/06/1999.
4) Search report for 30 years from 1993 till 2023.

2) On perusal of the above-mentioned documents and all other relevant documents relating to the 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.

Lessees of the land: **The Maharashtra Police Co-Operative Housing Federation Ltd** for C.T.S. No. 3525 (Pt.) Survey No.263 (Part).

3) The report reflecting the flow of the title of the (~~Owner~~ / Promoter / Developer / ~~Company~~) on the said land is enclosed herewith as an annexure.

Encl.: Annexure.

Date: 02.08.2023.

(Nikhil S. Rajeshirke)
Advocate, High Court, Mumbai.

FORMAT – A
(Circular No.:- 28 / 2021)

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. Nil dated 28/06/1999

3) Search report for 30 years from the Year 1993 to 2023, Taken from Sub-Registrar's offices at Mumbai, Bandra, Goregaon and Borivali.

4) No Litigation for the said Plot.

Date: 02/08/2023

(Nikhil S. Rajeshirke)
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FLOW OF THE TITLE OF THE SIAD LAND

Sr. No.

1. The entry on the **PR Card** reflects that The Maharashtra Housing and Area Development Authority – an Authority constituted under the provisions of the Maharashtra Housing Area Development Act, 1976 (hereinafter referred to as "MHADA" for the sake of brevity) was seized and possessed of or otherwise well and sufficiently entitled to all that piece or parcel of land admeasuring 7,49,436.9 sq. meters or thereabouts at CTS No.3525/A/1/(Part) situated at Dadasaheb Gaikwad Nagar, Malwani, Malad (West) Mumbai in the registration Sub-District of Bandra Mumbai Suburban district.

2. Based on the Search Report dt. 27.03.2021 taken by Adv. Pushkal Kumar for last 30 years in respect of the larger plot bearing CTS No.3525/A (part), Survey No.263 (part) of village Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095 and on perusal of the documents submitted by the Federation, I hereby give my observation as to the title of the said property.

    a. By and under an **Indenture of lease dated 14th of May, 1999**, registered with the Sub-Registrar of Assurances at Bombay under serial No.2122 and executed between the MHADA therein referred to as 'the Authority' of the one part and the Federation, therein referred to as the 'the society' of the other part, the MHADA demised by way of lease unto the Federation the 23 hectares i.e. 2,30,000 sq. meters of said CTS No.3525/A (Part) represented by Survey No.263 (part) for a term of thirty years commencing from 15th May, 1999 on the terms and conditions as mentioned in the said Lease Deed. The search

report reflects the Index II as maintained by the office of the Sub-Registrar of Assurances has wrongly recorded the area under the said lease deed being 230 sq. meters, but on verification of the original document, the area demised under the said Lease Deed is mentioned as 2,30,000 sq. meters.

b. The said Indenture of the lease being having typographical error and wrongly recorded the CTS No.35235 instead of CTS No.3525 (part), the parties to the said Indenture entered into a **Rectification Deed on 11th of June,1999** and registered with the office of Sub-Registrar of Assurances under serial No.2550 of 1999 dated 15th of June 1999. By said Deed of Rectification, the said typographical error has been rectified.

c. In terms of the above-referred documents, the MHADA handed over possession of the said property to the said society on or about 15th May 1999, and the same has been recorded by the **Possession receipt dated 15th of May 1999** executed between the parties.

d. The name of the said Federation has been incorporated in PR Card of the said CTS No.3525/A/1 (part) [previously referred as 3525 (part)] under the column new holders vide entry dated 28th June 1999.

e. Federation submitted a proposal to Slum Rehabilitation Authority – an Authority constituted under the provisions of the Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act, 1971 and also a "Planning Authority" as defined under section 2 (19) of the Maharashtra Regional and Town Planning Act, 1966 - (hereinafter referred to as "SRA" for the sake of brevity) for development of the said Larger Land as per the terms and conditions of the said Indenture of

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lease dated 14th May, 1999 and in accordance with the Rules and Regulations prevailing at that time.

f. On 13th July, 1999 the SRA approved the development proposal submitted by the Opposite party no.2 and granted Letter of Intent for the purposes of development of the said Larger Land in accordance with the terms and conditions more particularly set out in the said Letter of Intent dated 13th July, 1999.

g. On or about March, 1999 some of the tenants of MHADA on the said Larger Land filed a Public Interest Litigation being Writ Petition No. 984 of 1999 before the Hon'ble Bombay High Court and challenged the allotment of the said Larger Land to the Federation. Before the Hon'ble Bombay High Court, out of the said 2500 tenants, 1429 tenants opted to join the Ownership Scheme of 1987 and the remaining tenants opted to join the scheme to be implemented by the Federation.

h. On 16th December, 1999 the Hon'ble Bombay High Court directed the State Government to submit on Affidavit a Revised Scheme which will protect the interests of all the parties i.e. the tenants who had opted to join the Ownership Scheme of 1987, the tenants who opted to join the Scheme to be implemented by the Federation and its members.

i. On 21st February 2000 the Government of Maharashtra filed an Affidavit before the Hon'ble Bombay High Court and submitted a revised scheme so as to accommodate and / or protect the interests of all the parties to the said Writ Petition No. 984 of 1999 that is to say the 1429 tenants who opted to join the Ownership Scheme of 1987, the remaining tenants who opted to join the Scheme to be implemented by the Federation.

Along with the said Affidavit, the government also submitted a Plan showing/indicating sub-division of the said Larger Land into various sub plots out of which Plot –A, duly demarcated in the said plan and admeasuring around 09 hectares, was earmarked for the said 1429 tenants who opted to join the Ownership Scheme of 1987. The remaining plots numbered as Plot- B, Plot- C, Plot- D and Plot– E totally admeasuring around 14 hectares and duly demarcated on the said plan were to remain with the Federation for the purposes of implementation of its projects as per the said Indenture of lease dated 14th May, 1999 albeit with suitable modifications necessitated due to the aforesaid developments.

j. By and under the Hon'ble Bombay High Court's order dated 14th March 2000, which was clarified by the Hon'ble Court vide its order dated 13th June 2000 the said Revised Scheme was approved and the said Writ Petition No. 984 of 1999 came to be disposed of.

k. The Vice President and CEO MHADA by its order dated 9th of October 2001 cancelled the said allotment of the land in favour of the Federation and further revoked the said lease granted in favour of the Federation. The Federation challenged the said order by filing Writ Petition before the Hon'ble Bombay High Court bearing WP No. 2741 of 2001. The said Writ Petition was decided by the **Hon'ble Bombay High Court vide its order and Judgement dated 6th of May 2005**. The Hon'ble High Court vide said Judgement has quashed and set aside the said order. Inconsequent to that, the said Lease Deed and allotment of the said larger land in favour of the said Federation survived.

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l. The said Federation has informed that they had obtained financial assistance from Dewan Housing Finance Corporation Ltd. And Punjab National Bank. They have cleared the dues and obtained the **No Dues Certificate dated 02.07.2009** and **Loan Closer Certificate dated 22.01.2010** from the said financial institutions, respectively.

m. Given the joint development scheme implemented by the said Federation with MHADA, the Federation has agreed to hand over certain flats to MHADA towards the land cost regarding the said property viz. Plot C-1 admeasuring about 12,000 sq. meters at Survey No. 263 (Part), C.T.S. No. 3525/A/1 (Part) of village Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095.

n. The MHADA vide its **Letter dated 29th of January, 2021**, in lieu of taking physical possession of the said flats earmarked for handing over to MHADA has proposed and granted permission to Federation to sell 209 flats situated in buildings No. 2 and 4 constructed on the said property viz. Plot C-1 admeasuring about 12,000 sq. meters at Survey No. 263 (Part), C.T.S. No. 3525/A (Part) of village Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095 subject to payment of premium as agreed to be paid by the Federation as referred in the said letter.

o. The Federation vide its letters dated 18.11.2019, 08.07.2021 and 29.07.2021 has submitted the subjective proposal for the utilisation of additional BUA under DCPR 2034.

p. The V.P./A of MHADA vide its sanction dated 05.08.2021 has issued the approval for the said subjective proposal on the said Plot C2 admeasuring about 11,876.20 sq. meters of 72,542.66

sq. meters at S. No. 263 (Part), C.T.S. No. 3525/A/1 (Part) of village Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095.

q. The MHADA vide its offer letter dated 10.08.2021 has called upon the Federation to fulfil certain conditions and make the payment of premium as required to be paid under the said offer letter dated 10.08.2021 towards the approval of the proposal towards the BUA in respect of Plot C2 admeasuring about 11,876.20 sq. meters of 72,542.66 sq. meters at S. No. 263 (Part), C.T.S. No. 3525A (Part) of village Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095 as submitted by the Federation in respect of the said property.

r. For the purpose of Phase wise development, the Promoter/Federation has segregated the entire Plot C2 into three (3) parts i.e. (1) the area of 3,916.05 Sq. Mtrs. for the ongoing project – Galaxy Heights, Tower-I (consisting of Wings A to F) and as per the Architect Certificate dated _ _ _ _ _ (2) the area of _ _ _ _ _ _ Sq. Mtrs. for the proposed project – Galaxy Heights, Tower-III, Wing L to P and (3) the area of _ _ _ _ _ _ Sq. Mtrs. for the proposed project – Galaxy Heights, Tower-II, Wing G to K.

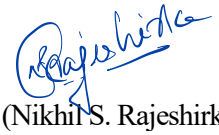
3. On perusal of the search report for 30 years viz. 1993 till 2023 in respect of the said property, it corresponds with registered documents as referred herein.

4. There is no pending litigation as to the title of the subject property viz. entire Plot C2 admeasuring about 11,876.20 sq. meters of 72,542.66 sq. meters at S. No. 263 (Part), C.T.S. No. 3525/A/1 (Part) of village

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Malwani, Situated at Dadasaheb Gaikwad Nagar, Gate No. 8, Malwani, Malad – West, Mumbai – 400 095.

Date: 02/08/2023



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