



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 together with structure standing thereon known as Shefali Villa situated lying and being at Plot No.4, Road No.3, I. C. Colony, C.T.S No.1133 corresponding Survey No.107, Hissa No.4 (part) of Village Eksar, Taluka Borivali admeasuring 727.20 sq.mtrs. after deduction of 101.4 sq.mtrs. towards the setback area as per the Building Plan approved by Municipal Corporation of Greater Mumbai situated at Borivali (West), Mumbai 400 103 (hereinafter referred as the “**said Property**”).

I have investigated the title of the said Property on the request of **M/S. EMPIRE REALTY** and following documents i.e.:-

1) Description of the property:

All that piece and parcel of land or ground together with the building standing thereon and known as “**SHEFALI VILLA**” (“**said Building**”) consisting of Ground plus 3 Upper floors having 24

Flats/units and the said Building is registered under the provisions of Maharashtra Co-operative Societies Act, 1961 known as **SHEFALI VILLA CO-OPERATIVE HOUSING SOCIETY LTD.** ("said Society") situated on land bearing Plot No.4, Road No.3, I. C. Colony, C.T.S No.1133 corresponding Survey No.107, Hissa No.4 (part) of Village Eksar, Taluka Borivali admeasuring 727.20 sq.mtrs. after deduction of 101.4 sq.mtrs. towards the setback area as per the Building Plan approved by Municipal Corporation of Greater Mumbai situated at Borivali (West), Mumbai 40 0103, admeasuring about 727.20 square meter. or thereabout at I. C. Colony, Borivali (West), Mumbai 400 103, Mumbai Suburban District.

2) The documents of allotment of plot:

- i) Deed of Conveyance (Deemed/Unilateral) dated 22nd October, 2020 registered before the Sub-Registrar of Assurances under Sr.No.BRL5-7899-2020
- ii) Development Agreement dated 9th day of February, 2023 registered before the Sub-Registrar of Assurances vide Sr.No.BRL5-2640-2023.
- iii) Power of Attorney dated 9th February, 2023 registered before the Sub-Registrar of Assurances vide Sr.No.BRL5-2641-2023

3) Property Registration Card:

As per Property Registered Card the name of the said Society is not mutated on the property card.



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4) Search report from years 1979 till 2023

On perusal of the abovementioned documents and all other relevant documents relating to title of the said Property, I am of the opinion that the title of the said property is clear, marketable and without any encumbrances.

Owners of the Land

- a) By virtue of Deed of Conveyance (Deemed/Unilateral) dated 22nd October, 2020 registered before the Sub-Registrar of Assurances under Sr.No.BRL5-7899-2020, Shefali Villa Co-operative Housing Society Ltd is the Owner of the said Property.

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

Adv. Satish Sharma

Bombay High Court

SATISH SHARMA

B.Com, L.L.B

ADVOCATE HIGH COURT

101, Shree Vallabh Residency, Daulat Nagar,
Road No. 3, Borivali (East), Mumbai - 400 066

Date: 16/08/2023

Place: Mumbai

Encl.: Annexure



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FLOW OF THE TITLE OF THE SAID LAND

The brief facts relating thereto are as under:

- 1) That 1) Joaquim Santana Zacarias Mederia, 2) Dr. Harish G. Jhamnani (as the Owners) were seized, possessed of or otherwise where is sufficiently entitled to All that piece and parcel of land bearing Plot No.4, Road No.3, I. C. Colony, C.T.S No.1133 of Village Eksar, Taluka Borivali situated at Borivali (West), Mumbai 40 0103, admeasuring about 727.20 square meter. or thereabout at I. C. Colony, Borivali (West), Mumbai 400 103, Mumbai Suburban District.
- 2) That by an Agreement for sale dated 10th January 1979 the said Joaquim Santana Zacarias Mederia the owner of Plot No.4 agreed to sell the said plot of land and M/s. Alpha Enterprises, agreed to purchase the said Plot No.4 for the price and conditions therein contained.
- 3) That M/s. Alpha Enterprises have paid the full sale consideration and the Owners have put the said M/s. Alpha Enterprises in possession of the said piece of land on 8th July 1980 and authorised them to deal with the said piece of land in any manner they liked either by transferring in or whatsoever manner deemed fit or by developing the said piece of land in manner they desired.

- 4) The said erstwhile Owners also executed an Irrevocable Power of attorney on 08th July, 1980 appointing irrevocably Mrs. Marry Faria, a Partner of M/s. Alpha Enterprise as Constituted attorney to enable M/s. Alpha Enterprise to develop, manage and deal with the said piece of land and to do all acts, deeds and things mentioned in the said Power of attorney.
- 5) By an Agreement for sale dated 10th April, 1979 the said M/s. Alpha Enterprise agreed to cause the said piece and parcel of land conveyed and Dr. Harish G. Jhamnani agreed to purchase the said Property for the price and on the terms and conditions contained in the said Agreement.
- 6) By an Agreement for sale dated 27th April, 1982, Dr. Harish G. Jhamnani agreed to sell the said piece of land M/s. Sanman Constructions for the price and on the terms and conditions contained in the said Agreement.
- 7) The said M/s. Sanman Constructions for and on behalf of Dr. Harish G. Jhamnani paid to M/s. Alpha Enterprise balance amount receivable of the purchase price on 24th February, 1983, M/s. Alpha Enterprise put Dr. Harish G. Jhamnani in vacant possession of the piece of land on 24th February, 1983.
- 8) That the said Dr. Harish G. Jhamnani in turn put M/s. Sanman Constructions in vacant possession of the said piece of land on the same day i.e 24th February, 1983 to enable M/s. Sanman Constructions to commence the work of development and construction on the said piece of land.



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- 9) The said M/s. Sanman Constructions as the builders after getting all necessary permission from the authorities constructed and completed the building known as "Shefali Villa" consisting of Ground plus 3 Upper floors having 24 Flats/units and the said Building on land bearing Plot No.4, Road No.3, I. C. Colony, C.T.S No.1133 corresponding Survey No.107, Hissa No.4 (part) of Village Eksar, Taluka Borivali situated at Borivali (West), Mumbai 40 0103, admeasuring about 727.20 square meter. or thereabout at I. C. Colony, Borivali (West), Mumbai 400 103, Mumbai Suburban District. hereinafter referred to as the **"said Property"**.
- 10) Various flat purchasers of the said Building formed and registered a Co-operative Societies under the Maharashtra Co-operative Societies Act, 1960 under Registration No.BOM/WR/HSG/(TC)2235/86-87 of 1986.
- 11) That the then Promoter and land owners failed to execute conveyance in favour of the Society, which the Society was legally entitled to under MOFA and the rules made thereunder.
- 12) That the Society filed an Application being Application No.150 of 2019 before the District Deputy Registrar of Co-operative Societies, Mumbai City (4) against the Erstwhile Owners and the Builder, being the Competent Authority, under Section 5A of MOFA for grant of Deemed Conveyance in favour of the Society in respect of the said Property.

13) That after hearing the Society and on the basis of documents and information submitted by the Society to the aforesaid Competent Authority under MOFA, the District Deputy Registrar of Co-operative Societies, Mumbai City (4), passed an Order on 03.12.2019, allowing the Application and issued a Certificate of Unilateral Deemed Conveyance of the said Property in favour of the said Society.

14) By a Deed of Conveyance (Deemed/Unilateral) dated 22nd October, 2020 registered before the Sub-Registrar of Assurances under Sr.No.BRL5-7899-2020 executed between i) Joaquim Santana Zacarias Mederia, ii) Alpha Enterprises and iii) Dr. Harish G. Jhamnani through District Deputy Registrar Dr. Kishore Mande, therein called as "the Vendors" of the First Part and M/S. Sanman Constructions, through District Deputy Registrar Dr. Kishore Mande therein called as "The Confirming Party" of the Second Part and Shefali Villa Co-operative Housing Society Ltd, therein called as "The Society" of the Third Part, the District Deputy Registrar on behalf of the Vendors and the Confirming Party conveyed the said Property in favour of the said Society.

15) By a Development Agreement Dated 9th day of February, 2023 registered before the Sub-Registrar of Assurances vide Sr.No.BRL5-2640-2023 made and entered into between the said Shefali Villa Co-operative Housing Society Ltd., therein called as "the Owners/Society" of the One Part and Mr. Gilory Gomes & others, therein called as "The Members of the Society " of the Second Part and M/S. EMPIRE REALTY, therein called as "The



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Developers" of the Third Part, the said M/S. EMPIRE REALTY, have acquired the Development rights of the said property at or for the price and on the terms and conditions mentioned in the said Development Agreement.

16) The said Society also executed a Power of attorney, registered before the Sub-Registrar of Assurances at Sr. No.BRL5-2641-2023 whereby the said society nominated, constituted and appointed Mr. Sahil M. Virani Partner of M/s. Empire Realty, as the true and lawful constituted attorney for the redevelopment of the said Property.

17) That the name of the said Society is not mutated in the Property Registered Card.

18) Public notices in respect of the said Property were issued and published in two News Papers namely The Free Press Journal (English) and Aapla Mahanagar (Marathi) on 21/02/2023 by me, inviting the objections, if any, from the public at large, however, I have not received objection in response to the public notice till date.

19) Search is also taken in respect of the said property from the year 1979 to 2023 through the search clerk Mr. Rajesh Bhandari and I have not found any adverse remark in respect of the said Property.

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

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



ADV. SATISH SHARMA

BOMBAY HIGH COURT

SATISH SHARMA

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ADVOCATE HIGH COURT

101, Shree Vallabh Residency, Daulat Nagar,
Road No. 3, Boriveli (East), Mumbai - 400 066