CHARUSHILA J. RAORANE, B.COM, LL.B,

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FORMAT – A

(Circular No:- 28/2021)

To

Maharashtra Real Estate Regulatory Authority (MahaRERA)

6th & 7th Floor, Housefin Bhuvan,

Plot C 21E – Block, Bandra Kurla Complex,

Bandra (East), Mumbai – 400051.

Date :25/09/2023

LEGAL TITLE REPORT

Sub.: Title Clearance Certificate with respect to plot bearing Survey No. 100, Hissa No. 4-B (New Hissa No.4-C) bearing Original C.T.S. No.1499/A of Village Eksar, Taluka Borivali, Mumbai Suburban District, situate, lying and being at Shanti Ashram Borivali (West). Mumbai 400 103 ("Land"), together with the buildings standing thereon comprising of wing A comprising of Ground plus Four Floors and Wing-B comprising of Ground plus Three Floors ("Buildings"), (collectively, referred to as "the said Property").

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1. I have investigated the title of the said plot on the request of M/s. Namo Shreen Venture LLP and following documents i.e. :-

i) Description of the property :

All that piece or parcel of land containing by admeasurement 850.2 Sq. Mtrs. bearing Survey No. 100, Hissa No. 4-B (New Hissa No.4-C) bearing Original C.T.S. No.1499/A of Village Eksar, Taluka Borivali, Mumbai Suburban District, situate, lying and being at Shanti Ashram Borivali (West), Mumbai 400 0103 ("**Land**"), together with the buildings standing thereon ("**Buildings**"), (collectively, the "**Property**") and bounded as follows:

On or towards North	:	By CTS No.1461/A
On or towards South	:	By CTS No.1504
On or towards East	:	By CTS No.1499B Vide Existing Road
On or towards West	:	By CTS No.1497/A

Charushila J. Raorane MUMBAI MAH/5674/2011 Advocate High Court

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ii) Documents of allotment of plot :

a) Agreement dated 19/06/1982

b) Agreement dated 05/09/1986

c) The District Deputy Registrar of Co-operative Societies issued an Order cum Certificate bearing No.DDR-4/ MUM/DC / Borivali Shantikrupa CHSL/ 1340/2017 dated 31st May,2017

d) Unilateral Deed of Conveyance dated 18/06/2018

e) Development Agreement dated 12/04/2023

f) Power of Attorney Dated 12/04/2023

iii) Property Card :

The property card in respect of the said land records an area admeasuring 850.20 Sq. mt. and the said 7/12 extract in respect of the said land is standing in the name of Mr. Bernadette Menezes and Milton Menezes.

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 Borivali Shanti Krupa Co-operative Housing Society Ltd. is clear, marketable and without any encumbrances and M/s. Namo Shreen Ventures LLP is entitled to redevelop the said property.

Owner of the land : Borivali Shanti Krupa Co-operative Housing Society Ltd.

Developer of the land :M/s. Namo Shreen Ventures LLP

3. The report reflecting the flow of the title of Borivali Shanti Krupa Co-operative Housing Society Ltd. as owners and M/s. Namo Shreen Ventures LLP as Developer on the said land is enclosed herewith as annexure.

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Adv. Charusheela J. Raorane

Bombay High Court

Encl : Annexure

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FLOW OF THE TITLE OF THE SAID LAND.

The brief facts relating thereto are as under:

1. The Property Card in respect of the said Land, records an area admeasuring 850.20 Sq. Mtrs., and the said 7/12 extract in respect of the said land is standing in the name of Mr. Bernadette Menezes and Milton Menezes.

2. Title of the Property :

   i Originally, one Bernadette Menezes and Milton Menezes came to be sized and possessed of and well and sufficiently entitled to the said Land **("The erstwhile Owner")**

   ii By an agreement dated 19/06/1982 made between the said Bernadette Menezes and Milton Menezes and M/s. Shivam Builders, the said Bernadette Menezes and Milton Menezes agreed to sell the said property to the said M/s. Shivam Builders at the price and on the terms and Conditions set out therein.

   iii The said Bernadette Menezes died intestate at Mumbai on or about 14/10/1982 leaving behind her husband Salvador Menezes, four sons Milton Menezes, Winston Menezes, Wilson Menezes & Clifton Menezes & four daughters Chlorice D' Souza, Lactitia Menezes, Patrice Menezes and Prudence Menezes as her only legal heirs and representatives in accordance with the Indian Sucession Act by which she was governed at the time of her death.

   iv The said daughters Chlorice D'Souza Lactitia Menezes, Patrice Menezes and Prudence Menezes by a declaration & Deed of disclaimer both dated 19/08/1986 have disclaimed all their rights, title & interest in the estate of late Bernadette Menezes.

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v In the premises the Salvador Menezes and four others (namely Milton Menezes, Winston Menezes, Wilson Menezes & Clifton Menezes) became entitle to one half of the Bernadette in the said land.

vi By an Agreement for Sale dated 05/09/1986 executed between the said Milton Menezes, Salvador Menezes and four Others (namely Milton Menezes, Winston Menezes, Wilson Menezes & Clifton Menezes) agreed to sell to the M/s. Pragati Construction Corporation wherein M/s. Shivam Builders was a Confirming Party to the same herein the aforesaid plot at the price and on the terms mentioned therein. In pursuance of the said Agreement the said Milton Menezes, Salvador Menezes and the said four others have relieved and discharged the said M/s. Shivam Builders and the said M/s. Shivam builders have nominated the M/s. Pragati Construction Corporation as the Developers of the said property.

vii The Competent Authority (U.L.C) Greater Mumbai by its order dated 05/06/1986 bearing No. C/ULC/6 (1) SR – IV/214/1729 UNDER Sec. 8/4 of ULC ACT, allowed to retain the Property the same being within the ceiling limit under the said Act.

viii Pursuant to the same the said M/s. Pragati Construction Corporation entered into possession of the said Property as a Licensee for construction of a building and to sell the Flat/ Shops / Garages therein on ownership basis to the prospective buyers.

ix The said M/s. Pragati Construction Corporation commenced the development of the said plot of land by constructing a building known as Borivali Shantikrupa Co-operative housing Society Ltd. situated at Eksar Village, Shanti Ashram, Borivali West, Mumbai – 400 103, consisting of Flat / Shop / Garages and Parking Spaces in accordance with the plans and specifications approved and sanctioned by Municipal Corporation of Greater Mumbai & commenced selling of Flat / Shops / Garages and Parking Spaces in such Building on what is popularly known as "ownership Basis" and appropriation of the sale proceeds.

x The Purchasers of the flats and shops formed a Housing Society and the same is registered by the name of Borivali Shantikrupa Co-operative Housing Society Ltd., under the provisions of Maharashtra Co-operative Housing Societies Act, 1963 under

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Registration No. BOM/WR/HSG/TC/8806/1991-92 dated 22nd July, 1991 **(" the Society")** .

xi The said M/s. Pragati Construction Corporation did not execute a Conveyance in favour of the Society in respect of the said Property alongwith the said Building standing thereon despite repeated requests made by the Society to execute a conveyance.

xii The Society, therefore, made an Application No.10 of 2017, before the District Deputy Registrar of Co-operative Societies, Mumbai City – 4 under the provisions of Sub-Section 3 of Section 11 of MOFA for issuing a Certificate granting a Unilateral Deemed Conveyance in favour of the Society.

xiii The District Deputy Registrar of Co-operative Societies issued Notices to M/s. Pragati Construction Corporation as also to the heirs of the Erstwhile Owners and also issued Public Notices in newspapers for inviting objections/ claims in respect of the said Property and if anyone had any claim then to remain present at the time of the hearing of the matter as mentioned in the Public Notice.

xiv The District Deputy Registrar of Co-operative Societies issued an Order cum Certificate bearing No. DDR-4/MUM/DC/Borivali Shantikrupa CHSL/1340/2017 dated 31st May, 2017, certifying that the Society is entitled to a execute Deed of Unilateral Conveyance and have the same registered as per the provisions of Registration Act, 1908.

xv By a Unilateral Conveyance Deed dated 18th June, 2018, Mr. Rajendra Veer, District Deputy Registrar of Co-operative Societies, Mumbai City (4) has for and on behalf of M/s. Pragati Construction Corporation through its Partner i) Mr. Daulatrai Kantila Mehta ii) Mr. Natverlal Mathurdas Lal iii) Mr. Jivandas Morarji Lal and iv) Mr. Anantrai Kantilal Mehta and on behalf of heirs of Mr. Bernedette Menezes and Mr. Salvador Menezes viz. Milton Menezes, Wilson Menezes, Clifton Menezes, Winston Menezes, Chlorice D'Souza, Lactitia Menezes, Patrice Menezes and Prudence Menezes and also on behalf M/s. Shivam Builders (therein referred to as Vendors/ landowners/ Builders/ Developer/s/ Opponents) had conveyed the aforesaid

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immoveable property alongwith the said Building standing thereon more particularly described in the above Schedule thereunder as well as hereunder written in favour of the Society. The said Conveyance Deed is duly registered with the Sub-Registrar of Assurances under Serial No. BRL-6/ 7673 of 2018.

xvi Pursuant to the aforesaid Deed of Conveyance (Deemed/ Unilateral), the Society became absolutely entitled to the said Property along with the building "Borivali Shantikrupa" standing thereon (Hereinafter the said Land alongwith the said Building is collectively referred to as "**the Property**") .

xvii The Society thereafter approached M/s. Namo Shreen Ventures LLP with a proposal to redevelop the said Property and the offer given by them for the redevelopment was accepted by the Society in the meeting held on 8th January, 2023 and appointed M/s. Namo Shreen Ventures LLP as the Developers for the redevelopment of the said Property.

xviii The Said society by and under Development Agreement dated 12th April, 2023 executed by and between the said society And the Developer and duly registered with the sub-registrar of assurances under Sr. No. BRL-05/6255 of 2023, Dated 12/04/2023 the Society and Members therein did thereby grant and assign Development Rights in respect of the said property for consideration and on terms, conditions and covenants therein recorded. The said society have also issued Registered Power of Attorney dated 12/04/2023 duly registered with the sub-registrar of Assurance under Sr. No. BRL-05/6256 of 2023, Dated 12th April, 2023. The said documents are not the subject matter of any litigation and the same is valid, subsisting and binding upon the parties thereto.

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I have been informed that there are no litigation pending in respect of the said Property. On the basis and subject to whatever is stated hereinabove, I am of the opinion that the title of the said Property is clear and marketable.



Adv. Charushila J. Raorane

Bombay High Court

N.B.: The Title Report thereto are issued for my client's use and are based on copies of the documents furnished to me as mentioned therein.