

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.

Sub: All that piece or parcel of land bearing Sub-Plot No. 1, New F.P. No. 275 (Old F.P. No. 324) of T.P.S.-III, Borivali (West), Mumbai – 400 092, Village Borivali, Taluka Borivali, in the Registration District Mumbai and Sub-District Mumbai Suburban (“**Land**”), admeasuring 779 Sq. Meters along with a building known as ‘Shree Aradhana’ consisting of ground + 4 upper floors standing thereon (“**Building**”) (collectively, the “**Property**”).

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1. INTRODUCTION :

I have investigated the title of Shree Aradhana Co-operative Housing Society Limited (“**Society**”) to the said property, on the request of my client **M/s. H Rishabraj Realty** (“**Developer**”) having its office at 103, Jai Tirth Building, Daulat Nagar, Road No.10, Borivali (East), Mumbai- 400066, on perusal of the copies of documents mentioned below, I observe as under



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2. DESCRIPTION OF THE PROPERTY

All that piece or parcel of land bearing Sub-Plot No. 1, New F.P. No. 275 (Old F.P. No. 324) of T.P.S.-III, Borivali (West), Mumbai – 400 092, Village Borivali, Taluka Borivali, in the Registration District Mumbai and Sub-District Mumbai Suburban (“Land”), admeasuring 779 Sq. Meters along with a building known as ‘Shree Aradhana’ consisting of ground + 4 upper floors standing thereon (“Building”) and bounded as follows:

On or towards the North : By property belonging to Third Party

On or towards the South : Sub plot No.4 Old F.P. No.324 New F. P. 275

On or towards the East : By Open plot (recreation ground)

On or towards the West : Public Road 60’ wide of the said layout

3. DOCUMENTS OF ALLOTMENT OF PLOT PERUSED AND GRANT OF DEVELOPMENT RIGHTS IN RESPECT THEREOF:

- i) A Deed of Conveyance dated 28th April, 2014 registered with Sub-Registrar at Borivali - 9 vide Sr. No. BRL-09-2966 of 2014
- ii) Development Agreement Dated 09th June, 2023 registered with Jt. Sub-Registrar at Borivali -02 vide Sr. No. BRL-02/8757 of 2023, Dated 12th June, 2023
- iii) Power of Attorney Dated 9th June, 2023 with duly registered with the sub-registrar of Assurance under Sr. No. BRL-02/8758 of 2023, Dated 12th June, 2023
- iv) Society Registration Certificate dated 16th April 1992 Registration No. BOM/WR/HSG (TC)/6203 of 1991-92 dated 16th April 1992

4. PROPERTY CARD AND REVENUE RECORD:

The property card in respect of the said property is standing in the name of the M/s. L. K. Builders through its Partner 1) Shri. B. V. Almoula (2) Shri. K. L. Seth 3) Mr A.B. Almoula 4) Shri. N. C. Seth 5) Shri. S. C. Shah 6) Shri. A. S. Doshi and 7) Shri. A. R.



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Doshi in Sub-Plot bearing No. 1, New F.P. No. 275 (Old F.P. No. 324) of T.P.S.-III, Village Borivali, Taluka Borivali.

5. OWNERS OF THE LAND

Pursuant to the aforesaid Deed of Conveyance, the Society i.e. “Shree Aradhana Co-operative Housing Society Limited”, situated at Sub-Plot bearing No. 1, New F.P. No. 275 (Old F.P. No. 324) of T.P.S.-III, Village Borivali, Taluka Borivali **situate at** Kastur Park, Shimpoli Road, Borivali (West), Mumbai – 400 092 was seized, possessed and sufficiently entitled of the Property.

6. 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 Shree Aradhana Co-operative Housing Society Limited is clear, marketable and without any encumbrances and **M/s. H Rishabraj Realty** is entitled to redevelop the said property.

Owner of the land

Shree Aradhana Co-operative Housing Society Ltd.

Developer of the land

M/s. H Rishabraj Realty

7. The report reflecting the flow of the title of Shree Aradhana Co-operative Housing Society Ltd. as owners and **M/s. H Rishabraj Realty** as Developer on the said land is enclosed herewith as Annexure-A.



**Adv. Charushila J. Raorane
Bombay High Court**

Encl : Annexure -A

Date :

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.

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Annexure-A

(Circular No:-28/2021)

FLOW OF THE TITLE OF THE SAID LAND.

Sub: All that piece or parcel of land bearing Sub-Plot No. 1, New F.P. No. 275 (Old F.P. No. 324) of T.P.S.-III, Borivali (West), Mumbai – 400 092, Village Borivali, Taluka Borivali, in the Registration District Mumbai and Sub-District Mumbai Suburban (“**Land**”), admeasuring 779 Sq. Meters along with a building known as ‘Shree Aradhana’ consisting of ground + 4 upper floors standing thereon (“**Building**”) (collectively, the “**Property**”).

My observation relating to the title of the “Shree Aradhana Co-Operative Housing Society Limited” to the said property described in the Schedule hereunder written and also the entitlement of **M/s. H Rishabraj Realty**, to undertake the redevelopment of the said property is as under:

- (i) Originally, the said Land was owned and possessed by one M/s. L. K. Builders (a partnership concern), as part of a larger approved layout. After obtaining the requisite approvals and permissions from the concerned authorities, the said M/s. L. K. Builders constructed the said Building and sold various flats therein to the respective purchasers;
- (ii) M/s. L. K. Builders as the developer/promoter made necessary applications to the Municipal Corporation of Greater Mumbai in respect of the said Land and in terms of the approved plans, constructed buildings ‘Shree Aradhana’ consisting of ground + 4 upper floors standing thereon to 25 residential Flat (“**Building**”).



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- (iii) The Occupation Certificate dated 10th January 1992 No. CE/4642/BSII/A/R was issued by Municipal Corporation of Greater Mumbai in respect of the said Building.
- (iv) The said M/s. L. K. Builders sold all the flat in the said Building to various purchasers and handed over possession of their respective premises against the payment of the entire consideration amount.
- (v) The purchasers of the premises formed a co-operative society by the name of “Shree Aradhana Co-Operative Housing Society Ltd.”, under the provisions of Maharashtra Co-operative Societies Act, 1960 under Registration No. BOM/WR/HSG (TC)/6203 of 1991-92 dated 16th April 1992 (“**Society**”).
- (vi) By and under a Deed of Conveyance dated 28th April, 2014 executed by and between M/s. L. K. Builders (therein referred to as the Vendor/Owners) of the One Part; and the said Society i.e. Shree Aradhana Co-operative Housing Society Limited (therein referred to as the Purchaser) of the Other Part and duly registered under with the concerned Sub-Registrar of Assurances at Mumbai under Sr. No. BRL-09-2966 of 2014 (“**Deed of Conveyance**”), the Vendors therein granted, conveyed, transferred and assured unto the said Society, the said Property, for the consideration and in the manner contained therein.
- (vii) Pursuant to the aforesaid Deed of Conveyance, the Society became absolutely entitled to the said Property.
- (viii) The Society thereafter approached **M/s. H Rishabraj Realty** with a proposal to redevelop the said Property and the offer given by **M/s. H Rishabraj Realty** for the redevelopment was accepted by the Society in the meeting held on 18th December 2022 and appointed **M/s. H Rishabraj Realty** as the Developers for the redevelopment of the said Property.



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- (ix) The Said society by and under Development Agreement dated 9th June, 2023 executed by and between the said society and the Developer and duly registered with the sub- registrar of assurances under Sr. No. BRL-02/8757 of 2023, Dated 12th June, 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 9th June, 2023 with duly registered with the sub- registrar of Assurance under Sr. No. BRL-02/8758 of 2023, Dated 12th June, 2023. The said documents are not the subject matter of any litigation and the same is valid, subsisting and binding upon the parties thereto.
- (x) Thus, the appointment of **M/s. H Rishabraj Realty** as Developers of the said property by the Society is valid and legal and as Developers **M/s. H Rishabraj Realty.**, is fully entitled to implement redevelopment of the said property.
- i) Any other relevant title – Not Applicable
ii) Litigations if any – Not Applicable



Yours faithfully,

Adv. Charusheela J. Raorane
Bombay High Court

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