

To
MahaRERA
E-Block, Housefin Bhavan,
Near RBI, Bandra Kurla Complex,
Bandra East, Mumbai – 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate in respect of all that piece or parcel of land lying, being and situate at Laxminarayan Lane, Ghatkopar, Mumbai – 400086 being Final Plot bearing No.20 of Ghatkopar TPS-II and bearing C.T.S. No.3809 to 3833 (both inclusive) of Revenue village/Ghatkopar Kirol admeasuring 3113.73 Square meters equivalent to 3724 sq. yards as per Property Register Card and lying being and situate at Revenue village Ghatkopar Kirol and in the Registration District and District Mumbai Suburban and within Municipal Ward “N” of Municipal Corporation of Greater Mumbai (hereinafter referred to as “**the said Property**” for convenience).

We have investigated the title of the said Property at the request of Neelyog Builders Private Limited.

1) DESCRIPTION OF THE PROPERTY

All that piece or parcel of land lying, being and situate at Laxminarayan Lane, Ghatkopar, Mumbai – 400 086 being Final Plot bearing No.20 of Ghatkopar TPS-II and bearing C.T.S. No.3809 to 3833 (both inclusive) of Revenue village / Ghatkopar Kirol admeasuring 3113.73 Square meters equivalent to 3724 sq. yards as per Property Register Card and lying being and situate at

Revenue village Ghatkopar Kirol and in the Registration District and District Mumbai Suburban and within Municipal Ward "N" of Municipal Corporation of Greater Mumbai (hereinafter referred to as "**the said Property**" for convenience).

2) **DOCUMENTS RELATING TO THE SAID PROPERTY**

2.1 We have perused photocopies of the following documents:-

- (a) Probate issued by the Hon'ble District Court, Thane on 17th August 1926 of the Last Will and Testament dated 19th February 1922 of Bai Zaverbai widow of Purushottam Nathu.
- (b) Order dated 18th September 1942 by Hon'ble Justice Shri. M.C. Chagla on a Petition filed in the High Hon'ble Court.
- (c) Writing/Trust Deed dated 6th April 1943 registered under No. BOM/3160/1943 executed by the then Trustees of Bai Zaverbai Purshottam Nathu Charitable Trust.
- (d) Scheme for administration of the Trust framed by the Assistant Charity Commissioner by and under its judgment and order dated 18th June 1997.
- (e) Schedule – I of the Register maintained by the Office of Charity Commissioner, Mumbai wherein the said Property is shown as property of the Trust.
- (f) Lease dated 7th March 1979 executed by the Trust in favour of Mr.Kishor Chag.
- (g) Lease dated 13th December 1983 executed by the Trust in favour of Mr. Kishor Chag and Ors.

- (h) Order dated 21st February 2020 passed by the Hon'ble High Court at Bombay in Writ Petition No. 3338 of 2019.
- (i) Conveyance dated 31.03.2022 registered under serial no. KRL3/8939/2022 on 18.05.2022 executed between the Trust and its then present Trustees of one part (Vendors) and Neelyog Builder Private Ltd. of the other Part (Purchasers).
- (j) Deed of Lease dated 31.03.2022 registered under serial no. KRL3-8945-2022 executed by Neelyog Builders Private Limited as Lessors of one part and Bai Zaverbai Purshottam Nathu Charitable Trust through its Trustees as Lessee of the Other Part.
- (k) Deed of Rectification dated 25.10.2023 registered under no. KRL1/21280/2023 executed between the Neelyog Builder Private Ltd. of One Part and Trust of the other Part.
- (l) Deed of Rectification dated 25.10.2023 registered under no. KRL1/21281/2023 executed between the Neelyog Builder Private Ltd. of One Part and Trust of the other Part.

3) 7/12 EXTRACT OR PROPERTY CARD

3.1 Property Register Cards dated 22.06.2023 for C.T.S. No. 3809 to 3833 digital copies downloaded from Maharashtra Government's website.

4) SEARCH REPORT FOR OVER 30 YEARS

4.1 Search Reports of Mr. Pradeep Waghmare, search clerk in respect of the said Property dated 27th April 2015 for 76 years from the year 1939 till 2015 and dated 4th November 2022 for the further period of 8 years from 2014 to 2022. We have not found any adverse entry in respect of the said Property.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said Property, we are of the opinion that the

title of **Neelyog Builder Private Limited** (“Owners” for brevity) in respect of the said Property is clear, marketable and without any encumbrances.

Owner of the Property:

Neelyog Builder Private Limited - C.T.S. No. 3809 to 3833 (both inclusive) of village Kirol - Ghatkopar.

5) QUALIFYING COMMENTS / REMARKS -

1. The Property Register Card reflects the name of the Trust and its then Trustees namely (1) Dwarkadas Gordhandas, (2) Gokuldas Vassanji, (3) Ramdas Vithaldas, (4) Dwarkadas Velji (5) Kalyanji Mulji and (6) Narandas Tulsidas and the Neelyog Builders private Limited have applied for addition of their name in place of the original owners. The said Property Register Card is not yet updated.
2. The Owners have as required under a Deed of Conveyance executed a Deed of Lease dated 31st March 2022 as modified by Deed of Rectification dated 25th October 2023 in favour of the Trust in respect the Temple Portion.
3. The said Property had old building occupied by tenants and occupants.
4. There is a portion of land admeasuring 334.45 square metres, which was leased by Trust and the said lease has expired by efflux of time. The building constructed by the lessees is occupied by the lessees and or their assignees as set out in the paragraph 4 (h) of flow of title attached hereto.
5. The aforesaid Search Report dated 27th April 2015 has the following qualifications:-

Note-1

Index II record of the said Ghatkopar Village is either partly or completely in torn conditions as shown below.

At Bombay S.R.O - 1947 to 1850, 1954, 1955, 1958 to 1961, 1963 to 1965, 1971 to 1986, 1988 to 1994, 1998, 2000 to 2006, 2010, 2011.

At Bandra S.R.O - 1939 to 1964, 1971 to 1975, 1977 to 1981, 1983 to 1995, 1997 to 2010.

Note-2

Index II record for the period from 2002 to 2014 is not maintained properly at Kurla-1 to Kurla-4 Sub Registrar Offices.

Note-3

Index II record for the period from 1995 to 2015 is not available (Custody of Sub Registrar Office for rebinding/recopying) for search at Kurla Sub Registrar Office.

Note-4

Index-II record for the year 1987 is not available (custody of Sub Registrar Office) for search at Bombay Sub Registrar Office.

Note-5

Index-II record for the year 1970, 1976, 1982 & 1996 is not available (custody of Sub Registrar Office) for search at Bandra Sub Registrar Office.

Note-6

Index-II record for the period from 1st January 2015 is not available for search at Kurla-1 to Kurla-4 Sub Registrar Offices.

Note-7

Index-II record for the year 2013, 2014 (sent for binding) & 2015 is not available for search at Bandra Sub Registrar Office.

The aforesaid Search Report dated 4th November 2022 has the following qualifications:-

Note-1

Index II record of the said Ghatkopar Village is either partly or completely in torn conditions as shown below.

At Bombay S.R.O - 2014 to 2019.

Note-2

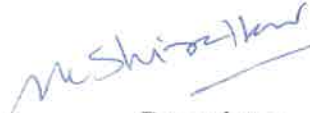
The search (& online search) conducted is only on the basis of available documents and records as maintained by the department at the time of search. Search is taken up to date – 19.10.2022

6. The report reflecting the flow of the title of the Owners to the said land is enclosed herewith as Annexure 'A'. We are of the opinion that considering the flow of the title and subject to the aforesaid facts, the title of the Owners i.e. Neelyog Builders Pvt. Ltd. in respect of its Property is clear, marketable and without any encumbrances.

Encl: Annexure.

For Shiralkar & Co.

Date: 19th March 2024


Proprietor

ANNEXURE 'A'**FLOW OF THE TITLE OF THE SAID PROPERTY****Sr. No.**

1. Property Register Cards with respect to the said Property.
2. **Mutation Entry No:** Not applicable in view of P. R. Card

3. **Search Report for 83 years :-**

Search Reports dated 27th April 2015, at Bombay Sub Registrar Office from the year 1939-2015 at Bandra; Sub-Registrar's Office from 1939 to 2015 at Kurla; Sub-Registrar's Office from 1995 to 2015 and also at Kurla-1 to Kurla-4 Sub Registrar Offices' from 2002 to 2015 and dated 4th November 2022, at Bombay Sub Registrar Office from the year 2014-2022 at Bandra; Sub-Registrar's Office from 2014 -2022 at Kurla; Sub-Registrar's Office from 2014-2022 and also at Kurla-1 to Kurla-6 Sub Registrar Offices' from 2014 – 2022.

4. **Any other Relevant Title :-**

a) Originally Bai Zaverbai widow of Purushottam Nathu was entitled to all that piece or parcel of land along with structures standing thereon lying, being and situate at Laxminarayan Lane, Ghatkopar, Mumbai – 400 086 being Final Plot bearing No.28 of Ghatkopar TPS-II and bearing C.T.S. No.3809 to 3833 (both inclusive) of Revenue village / Ghatkopar Kirol, admeasuring 3113.73 Square meters equivalent to 3724 sq. yards as per Property Register Card and lying being and situate at Revenue village / Ghatkopar Kirol and in the Registration District and District Mumbai Suburban and within

Municipal ward "N" of Municipal Corporation of Greater Mumbai (hereinafter referred to as '**the said Property**' for brevity)';

b) The said Bai Zaverbai expired on 28th November 1924 after making a last Will and Testament dated 19th February 1922, whereby she appointed Tulsidas Velji & Ors. as Trustees and bequeathed her properties including the said Property to the said Trustees upon Trust;

c) Probate in respect of the said Will was granted on 17th August 1926 by the Hon'ble District Court, Thane, to (i) Tulsidas Velji, (ii) Govardhandas Govindji (iii) Vithaldas Dharamsay (iv) Ratansey Premji;

d) Thereafter by an Order dated 18th September 1942 passed by Hon'ble Justice M. C. Chagla on a Petition filed in the High Hon'ble Court of Bombay, whereby the Court held that all properties set out in the said Will of the said Bai Zaverbai and as set out in Schedule 'A' of the said Order shall vest in the Trustees;

e) The said Will of Bai Zaverbai provided that, the Executors shall make a pucca (regular) Trust Deed for management of her estate and in pursuance of the said direction, the Trustees, who were appointed by the original Trustees under their power of appointment of new Trustees executed a writing dated 6th April 1943 registered under No.BOM/3160/1943 to act as a Regular Trust Deed setting out its' Charitable and religious objects and other provisions for administration and management of the Trust. The said Property is shown as the property of the said Trust;

f) By and under a Judgment and Order dated 18th June 1997, the Assistant Charity Commissioner, under the powers conferred upon him under the provisions of Bombay Public Trusts Aact 1950 (now

known as Maharashtra Public Trusts Act 1950), framed a Scheme in respect of the said Trust on the application of the Trustees of the said Trust to modify and settle the new objects of the Trust and for better and efficient management of the Trust;

g) The Trust is thus a Public Charitable Trust registered with the Charity Commissioner, Maharashtra State, Mumbai in the name of "Bai Zaverbai Purshottam Nathu Charitable Trust" at Serial No. A-53-Mumbai;

h) The Trust by a Deed of Lease dated 7th March 1979 registered in the office of Sub Registrar of Assurances at Bombay under No.S/1260/ 1979 had leased and demised a small portion of the said Property admeasuring 400 square yards equivalent to 334.45 square metres to Kishore R. Chag for a term of 3 (three) years from 1st April 1979 with a permission to construct a building thereon of Ground plus Four upper floors. The said Lessee, thereafter, constructed a structure on the portion of the said property comprising of Ground plus Four upper floors. Thereafter, that is, after the expiry of the term of the said Lease dated 7th March 1979, the Trust by and under another Deed of Lease dated 13th December 1983 registered in the office of Sub registrar of Assurances at Bombay under No.S /143/1984 granted Lease in respect of the said leased portion jointly in favour of the said original Lessee Kishor R. Chag and two others viz. Bhupendra K. Rawal and Harishkumar N. Thakkar (as the said Kishor Ghag claimed that the said Lease of 1979 was taken by him for himself and the aforesaid Bhupendra K. Rawal, Harishkumar N. Thakkar) for a further term of 3 (three) years from 1st August 1983 and which term has also expired by efflux of time. The said building on the Leased Portion is occupied by various occupants;

- i) In the circumstances, the Trust through its Trustees was prior to execution of conveyance in favour of present owners was the Owner of and as such is fully otherwise well and sufficiently entitled to the said property along with the structures and temple standing thereon;
- j) Out of the said three buildings, two buildings/structures occupied by various tenants/occupants were in an extremely dilapidated condition and the Municipal Corporation of Greater Mumbai (MCGM) for that reason in or about 02.09.2020 demolished the same under the provisions of Section 354 of Mumbai Municipal Corporation Act 1888. The Trust had sought sanction for sale of the said Property from the office of Charity Commissioner under Section 36 of Maharashtra Public Trusts Act 1950. However, since the said sanction was originally refused by the office of Charity Commissioner, the Trust had challenged the said order of refusal of permission by filing a Writ Petition in the Hon'ble High Court of Bombay. The Hon'ble Bombay High Court, thereafter set aside the Order of Charity Commissioner and by an Order dated 21st February 2020 accorded sanction to the Trust under Section 36 of Maharashtra Public Trust Act 1950;
- k) By and under a Deed of Conveyance dated 31.03.2022 registered with the office of sub-registrar of assurance under serial no. KRL3/8939/2022 on 18.05.2022, the Trust sold, transferred, and conveyed the said Property along with its structures save and except the structure of the temple that is standing on the said Property, subject to the terms and for a consideration mentioned therein unto and to the said Neelyog herein;
- l) Simultaneously with the aforesaid Deed of Conveyance dated 31st March 2022 the Neelyog as agreed therein executed a Deed of Lease

dated 31.03.2022 registered under serial no. KRL3-8945-2022 executed by Neelyog Builders Private Limited as Lessors of one part and Bai Zaverbai Purshottam Nathu Charitable Trust through its Trustees as Lessee of the Other Part in respect of the part of the said Property admeasuring 455.81 square metres with exclusive path way of 5 meters wide, which is occupied by a Temple (the said '**Temple Portion**' for brevity). As per the said lease the Trust has been granted a lease in perpetuity of the said Temple Portion;

m) Thereafter, since certain errors had crept in on account of inadvertence in the said Deed of Conveyance as regards (i) the area of the land mentioned as Temple Portion, (ii) the built up area of the Temple and (iii) the details of the rooms in possession of the Trust, the said Neelyog and the said Trust executed a Deed of Rectification dated 25.10.2023 registered under no. KRL1/21280/2023, rectified the said Deed of Conveyance, for the limited purpose of placing on record and mentioning the correct and actual area of the land forming part of the Temple Portion and the correct Built Up Area of the existing temple, which is to be leased to the trust and as regards the rooms in actual possession of the Trust and the area of the Flats to be allotted/provided to the Owners in the New Building;

n) Thereafter, since the said Deed of Conveyance was rectified, the said Neelyog and the said Trust executed a Deed of Rectification dated 25.10.2023 registered under no. KRL1/21281/2023, to give effect to the above-mentioned changes in the Deed of Conveyance, in the Deed of Lease executed by Neelyog in favour of the Trust;

o) We had prior to the execution of the conveyance in favour of the said Neelyog in order to investigate the title of the Trust issued Public Notices for inviting claims from the General Public in the issue

of the following daily Newspapers, "Free Press Journal" and "Janmabhoomi" both dated 10th November 2021 having circulation in Mumbai. We state that we have not received any claims or objections in pursuance of the said Public Notices;

p) Subject to what is stated above, the aforesaid, Neelyog Builders Private Limited are the Owners of the said Property are entitled to develop the said Property by constructing buildings thereon and further to sell/allot on what is known as 'ownership basis' the Flats/Premises/Units in the proposed new building/s to be constructed on the said Property.

4. **Litigation if any :-** Not Applicable.

For Shiralkar & Co.



Proprietor

Date: 19/03/2024