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ADVOCATE HIGH COURT, BOMBAY

: 07045686608
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To,
Maharashtra Real Estate Regulatory Authority,
BKC, Housefin Bhavan, Near RBI,
E Block, Bandra Kurla Complex,
Bandra East, Mumbai -400051

Sub: Title clearance with respect to development rights pertaining to all that piece and parcel of land admeasuring 795.94 sq. Mtrs. bearing survey No. 67 to 71 (part) and CTS No.828 (Part) Sub 828/94 to 828/117 at Subhash Nagar, Chembur (East), Mumbai-400071 in the registration District and Sub-district of Kurla Chembur Mumbai Suburban District (**"the said Land"**) together with building standing thereon known as Building No.45 now known as " Subhash Nagar Chembur Trinity Co-operative Housing Society Limited" (**"the said Building"**). (the "said Land" and the "said Building" herein after referred to as the **("the Trinity Property")**.

AND

Title clearance with respect to development rights pertaining to all that piece and parcel of land admeasuring 838.95 sq. Mtrs., bearing survey No. 67 to 71, City survey No. 828 (Part) Sub 828/106 to 828/117 of village Chembur at Subhash Nagar, Chembur (East), Mumbai - 400071 in the registration District and Sub-district of Bandra Mumbai Suburban district (**"the said Land"**) together with building standing thereon known as Building No.44 now known as "Chembur Jyoti Niketan Co-operative Housing Society Limited" (**"the said Building"**). ("the said Land" and "the said Building" herein after referred to as the **("the Jyoti Niketan Property")**.

(The 'Trinity Property' and the 'Jyoti Niketan Property' are hereinafter collectively referred to as **"the said Properties"**)

Sub: Supplementary Title Report Cum Certificate to the Title Report Cum Title Certificate dated this 21st day of November 2023 issued by Adv. Ashwini Patil- Mane with respect to the said Properties.

Upon request of M/s. Roha Realty Private Limited (Roha). I had investigated the title with respect to the development rights of Roha ("Developer") in respect of the said Properties

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and issued Title Report Cum Certificate dated 21st day of November 2023 (hereinafter referred as the "said Title Certificate"). The copy of said Title Certificate is annexed herewith and marked as **"Annexure-A"**

This Supplementary Title Report cum Certificate will be read concurrently with the said Title Certificate except those facts which are specified herein below in detailed. All the facts and contents stated in the said Title Certificate shall deemed to have been incorporated herein in verbatim.

Upon perusal of the Development Agreements executed with the Societies i.e. Subhash Nagar Chembur Trinity Co-operative Housing Society Limited and Chembur Jyoti Niketan Co-operative Housing Society Limited by the Developer more particularly described in the said Title Certificate, I observe that, the property description of the said Properties are as follow which includes the TIT BIT area as well

TRINITY PROPERTY

All that piece and parcel of land admeasuring 795.94 sq. Mtrs. bearing survey No. 67 to 71 (part) and CTS No.828 (Part) Sub 828/94 to 828/117 at Subhash Nagar, Chembur (East), Mumbai-400071 in the registration District and Sub-district of Kurla Chembur Mumbai Suburban District (**"the said Land"**) and Tit Bit area of 121.22 mtrs. or thereabout (hereinafter referred to as **"the said Tit Bit area"**) aggregating to 917.16.sq.mtrs. together with building standing thereon known as Building No.45 now known as "Subhash Nagar Chembur Trinity Co-operative Housing Society Limited" (**"the said Building"**). (the "said Land", the "said Tit Bit area" and the "said Building" herein after referred to as the **("the Trinity Property")**

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AND

JYOTI NIKETAN PROPERTY

All that piece and parcel of land admeasuring 838.95 sq. Mtrs., bearing survey No. 67 to 71, City survey No. 828 (Part) Sub 828/106 to 828/117 of village Chembur at Subhash Nagar, Chembur (East), Mumbai - 400071 in the registration District and Sub-district of Bandra Mumbai Suburban district (**"the said Land"**) and Tit Bit area of 35.24 sq.mtrs. or thereabout (hereinafter referred to as **"the said Tit Bit area"**) aggregating to 874.19 sq.mtrs. together with building standing thereon known as Building No.44 now known as "Chembur Jyoti Niketan Co-operative Housing Society Limited" (**"the said Building"**). ("the said Land", the "said Tit Bit area" and "the said Building" herein after referred to as the **("the Jyoti Niketan Property")**

NOW My Client has handed over me the copy of Offer Letter dated 18th August 2023 bearing reference No.CO/MB/REE/NOC/F-1293/2217/2023 obtained from MHADA, which is after execution and registration of aforesaid Development Agreements with the Societies. Upon perusal of the above Offer Letter I understand that, the Ld. Authority MHADA has rectified the Tit Bit area to the Trinity Society. My Client also requested me to rectify sub plot Nos. of Trinity property

Accordingly the **Modified description** of the **said Properties** are as follow:-

All that piece and parcel of land admeasuring 795.94 sq. Mtrs. bearing survey No. 67 to 71 (part) and CTS No.828 (Part) Sub 828/94 to 828/105 at Subhash Nagar, Chembur (East), Mumbai-400071 in the registration District and Sub-district of Kurla Chembur Mumbai Suburban District (**"the said Land"**) and Tit Bit area of 83.65 mtrs. or thereabout (hereinafter referred to as **"the said Tit Bit area"**) aggregating to 879.59 sq.mtrs. together with building standing thereon known as Building No.45 now known as "Subhash Nagar Chembur Trinity Co-operative Housing Society Limited" (**"the said Building"**). (the "said

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Land", the "said Tit Bit area" and the "said Building" herein after referred to as the **("the Trinity Property")**

AND

JYOTI NIKETAN PROPERTY

All that piece and parcel of land admeasuring 838.95 sq. Mtrs., bearing survey No. 67 to 71, City survey No. 828 (Part) Sub 828/106 to 828/117 of village Chembur at Subhash Nagar, Chembur (East), Mumbai - 400071 in the registration District and Sub-district of Bandra Mumbai Suburban district ("**the said Land**") and Tit Bit area of 35.24 sq.mtrs. or thereabout (hereinafter referred to as **"the said Tit Bit area"**) aggregating to 874.19 sq.mtrs. together with building standing thereon known as Building No.44 now known as "Chembur Jyoti Niketan Co-operative Housing Society Limited" ("**the said Building**"). ("the said Land", the "said Tit Bit area" and "the said Building" herein after referred to as the **("the Jyoti Niketan Property")**

In view of the aforesaid, I hereby certify that the development rights of M/s. Roha Realty Private Limited with respect to the said Properties (modified description) referred hereinabove are clear and free from any encumbrances.

Dated this 15th day of April, 2024

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Advocate High Court
9/A, 2nd Floor, Girisameep CHS,
Sector -7, Shree Nagar,
Wagle Estate, Thane-400604

Encl as above

Annexure - A

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To,
Maharashtra Real Estate Regulatory Authority,
BKC, Housefin Bhavan, Near RBI,
E Block, Bandra Kurla Complex,
Bandra East, Mumbai -400051

LEGAL TITLE REPORT

Sub:- Title clearance with respect to development rights pertaining to all that piece and parcel of land admeasuring 795.94 sq. Mtrs. bearing survey No. 67 to 71 (part) and CTS No.828 (Part) Sub 828/94 to 828/117 at Subhash Nagar, Chembur (East), Mumbai-400071 in the registration District and Sub-district of Kurla Chembur Mumbai Suburban District ("**the said Land**") together with building standing thereon known as Building No.45 now known as " Subhash Nagar Chembur Trinity Co-operative Housing Society Limited" ("**the said Building**"). (the "said Land" and the "said Building" herein after referred to as the ("**the Trinity Property**").

AND

Title clearance with respect to development rights pertaining to all that piece and parcel of land admeasuring 838.95 sq. Mtrs., bearing survey No. 67 to 71, City survey No. 828 (Part) Sub 828/106 to 828/117 of village Chembur at Subhash Nagar, Chembur (East), Mumbai - 400071 in the registration District and Sub-district of Bandra Mumbai Suburban district ("**the said Land**") together with building standing thereon known as Building No.44 now known as "Chembur Jyoti Niketan Co-operative Housing Society Limited" ("**the said Building**"). ("the said Land" and "the said Building" herein after referred to as the ("**the Jyoti Niketan Property**").

(The 'Trinity Property' and the 'Jyoti Niketan Property' are hereinafter collectively referred to as "**the said Properties**")

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I have investigated the title for the said properties on the request of **M/s. Roha Realty Private Limited** ("ROHA") and following documents

- **TRINITY PROPERTY.**

i) **Description of the Property :**

As aforesaid in the subject.

ii) **The documents of allotment of Trinity Property :**

Sr No	Date of Documents	Description of Documents
1.	23rd November, 2000	Original Indenture of Lease dated 23rd November, 2000 executed between the Maharashtra Housing and Area Development Authority and Subhash Nagar Trinity Co-operative Housing Society Limited duly registered with Sub Registrar of Assurance of Mumbai bearing Sr.No.PBDR-3/3715 of 2000.
2.	23rd November, 2000	Original Deed of Sale dated 23rd November, 2000 executed between the Maharashtra Housing and Area Development Authority and Subhash Nagar Trinity Co-operative Housing Society Limited duly registered with Sub Registrar of Assurance of Mumbai under serial No.PBDR-3/3718 of 2001.
3.	15th March 2023	Original Development Agreement dated 15th March 2023 executed by and between Subhash Nagar Chembur Trinity Co-operative Housing Society Limited, M/s. Roha Realty Private Limited and all Members of the society duly registered with Sub Registrar of Assurance of Mumbai bearing Sr. No. Kurla-1 under serial No. KRL-1-5071 of 2023.
4.	11th April 2023	Original Special Power of Attorney dated 11th April 2023 executed by Subhash Nagar Chembur Trinity

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		Co-operative Housing Society Limited in favour of directors of M/s. Roha Realty Private Limited duly registered with Sub Registrar of Assurances of Mumbai bearing Sr. No. KRL-1-7016 of 2023;
5.	29th May 2023	Amalgamation Order dated 29th May 2023 issued by MHADA

iii) Property Card issued by Superintendent of Land Record.

iv) Search Report for 31 years from 1993 till 2023.

- <u>JYOTI NIKETAN PROPERTY</u>

i) **Description of the Property :**

As aforesaid in subject.

ii) **The documents of allotment of Jyoti Niketan Property**

Sr No	Date of Documents	Description of Documents
1.	29th February, 1992	Original Indenture of Lease dated 29th February, 1992 executed between Maharashtra Housing and Area Development Authority and Chembur Jyoti Niketan Co-operative Housing Society Limited as duly registered with Sub Registrar of Assurances of Mumbai bearing Sr. No. PBDR- 2680 of 1992.
2.	29th February, 1992	Original Deed of Sale dated 29th February, 1992 executed between Maharashtra Housing and Area Development Authority and Chembur Jyoti Niketan Co-operative Housing Society Limited duly registered with Sub Registrar of Assurances of Mumbai bearing Sr. No. P2682 of 1992.

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3.	19th April, 2023	Original Development Agreement dated 19th April 2023 executed by and between Chembur Jyoti Niketan Co-operative Housing Society limited and M/s. Roha Realty Private Limited and members of the society duly registered with Sub Registrar of Assurances of Mumbai bearing Sr. No. KRL-1-7687 of 2023.
4.	19th April, 2023	Original Irrevocable General Power of Attorney dated 19th April 2023 executed by Chembur Jyoti Niketan Co-operative Housing Society limited in favour of directors of M/s. Roha Realty Private Limited duly registered with Sub Registrar of Assurances of Mumbai bearing Sr.No. KRL-1-7688 of 2023.
5.	29th May 2023	Amalgamation Order dated 29th May 2023 issued by MHADA

iii) Property Card issued by Superintendent of Land Record.

iv) Search Report for 31 years from 1993 till 2023.

On perusal of the above mentioned documents and all other relevant documents relating to title with respect to development rights pertaining to the said properties, I am of the opinion that Subhash Nagar Chembur Trinity Co-operative Housing Society Limited and Chembur Jyoti Niketan Co-operative Housing Society Limited has leasehold interest in the said Lands and ownership of the said Building as aforesaid who have appointed M/s. Roha Realty Private Limited as a Developer through registered Development Agreements.

- Owner / Leasee of the Land :

Trinity Property- Subhash Nagar Chembur Trinity Co-operative Housing Society Limited.

9/A, 2nd floor, Girisameep CHS., Sector-7, Shree Nagar, Wagle Estate, Thane-400604

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Jyoti Niketan Property Chembur Jyoti Niketan Co-operative Housing Society Limited.

- **Qualifying comments / remarks if any :**

The report reflecting the flow of the title with respect to development rights of M/s. Roha Realty Private Limited pertaining of the said properties are enclosed herewith as **Annexure – A.**

Encl : As above

Dated this 21st day of November 2023

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ANNEXURE-A

FLOW OF THE TITLE OF THE SAID PROPERTY

"TRINITY PROPERTY" title flow upto execution of Development Agreement

a) Originally, Maharashtra Housing Board, a corporation established under the Bombay Housing Board Act, 1948 (Bom LXIX of 1948) (hereinafter referred as **'the said Board"**) was the owner and possessed of or otherwise well and sufficiently entitled to a piece and parcel of all that piece and parcel of land admeasuring 795.94 sq. mtrs. bearing survey No. 67 to 71 (part) and CTS No.828 (Part) Sub 828/94 to 828/117 at Subhash Nagar, Chembur (East), Mumbai-400071 in the registration District and Sub-district of Kurla Chembur Mumbai Suburban District (the **"said Land"**).

b) The Government of India formulated a Housing Scheme for construction and allotment of tenements on rental basis to Industrial worker known as Subsidized Industrial Housing Scheme. In pursuance to the said scheme the said board had constructed Building No. 45 on the said Lease land. The tenements of the said Buildings were allotted to individual allottees by the said Board on rental basis.

c) Subsequently, the said Board had stood dissolved in the year 1977 by operation of section 15 of the Bombay Housing Board Act, 1948. Thereafter, the Maharashtra Housing and Development Authority was constituted under Government Notification in Public Works and housing Department No. ARD 1077(1)/Desk-44 dated 5th December, 1977 which came into effect from 5th December, 1977 (hereinafter referred as **"the said Authority"**)

d) Pursuant to clauses (a) and (b) of section 189 of the Bombay Housing Board Act, 1948 all the property, rights, liabilities and obligation including Agreement or Contract through which the respective properties vested in the name of said Board shall be deemed to be the properties, rights, liabilities and obligations of the said Authority.

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Accordingly, the said Authority is fully entitled to the said Land and the said Building along with all rights, liabilities and obligations of the said Board.

e) Taking into consideration the persistent demands by the occupant's industrial workers, the Government of India had permitted to the State Government to transfer such tenements to the occupants on certain conditions laid down by the Government of India in this behalf. Pursuant to the said permission, Government of Maharashtra have inter alia directed that, buildings built by the said board and other agencies under certain schemes should be offered for sale in "as is and where is condition" to the authorized and unauthorized occupants whose occupation is regularized on their paying the penalty amounting to 50% of cost of the tenements in lump sum for residential purpose on the basis of hire-purchase provided the occupants of such tenements should have formed a co-operative Housing Society.

f) In the view of such direction, the allotees/occupants of the said Building have formed themselves into a Co-operative housing Society known as the "Subhash Nagar Trinity Co-operative Housing Society Limited" (hereafter referred to as "the Trinity Society") which is registered under the Maharashtra Co-Operative Societies Act, 1960 bearing registration No. BOM/HSG/7646 dated 30th June, 1981.

g) Since the said Authority was well and sufficiently entitled to the said Lease land and the said Buildings, the said authority after considering the request of the Trinity society had decided to convey the right, title, interest of the said Building and the said Land by way of Sale Deed and by way of Lease Deed respectively in favour of the Trinity Society.

h) Accordingly, Indenture of Lease dated 23rd November, 2000 executed between the Maharashtra Housing and Area Development Authority as "the Authority" and Subhash Nagar Trinity Co-operative Housing Society Limited as "the society" duly registered with Sub Registrar of Assurance of Mumbai bearing Sr.No.PBDR-3/3715 of 2000, whereby the Authority had granted lease in favour of the Society for a period of 99 years with effect from 1st April, 1980 in respect of the said Land referred in aforesaid Trinity Property description.

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i) Simultaneously, the Deed of Sale dated 23rd November, 2000 executed between the Maharashtra Housing and Area Development Authority as "the Authority" and Subhash Nagar Trinity Co-operative Housing Society Limited as "the society" duly registered with Sub Registrar of Assurance of Mumbai under serial No.PBDR-3-3718 of 2001 whereby the Authority had sold, conveyed and transferred the said Building referred in aforesaid Trinity Property description in favour of the Trinity Society.

Thus, the Trinity Society is now become the owner of the said Building and Lessees in respect of the said Land mentioned hereinabove in the Trinity Property description.

j) I have perused copy of the Development Agreement dated 15th March, 2023 executed between Subhash Nagar Chembur Trinity Co-operative Housing Society Limited as "the Society" of the First Part, M/s. Roha Realty Private Limited as "the Developer" of the Second Part and Members of the Society as the Members of the Third part, duly registered with the Sub Registrar of Assurances of Mumbai under Sr. No. No. KRL-1-5071 of 2023, whereby the Trinity Society has granted development rights in respect of the Trinity Property in favour of M/s. Roha Realty Private Limited.

k) In furtherance to the aforesaid Development Agreement, Subhash Nagar Chembur Trinity Co-operative Housing Society Limited have also executed Special Power of Attorney dated 11th April, 2023 in favour directors of M/s. Roha Realty Private Limited duly registered with Sub Registrar of Assurances of Mumbai bearing Sr.No. KRL-1-7016 of 2023 whereby the Trinity Society authorized M/s. Roha Realty Private Limited to do all necessary acts, deeds etc. to carry out redevelopment work on behalf of the Trinity Society as stated thereunder.

- **Litigation if any :** I have observed that, No litigation filed in respect of Trinity Property

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"JYOTI NIKETAN PROPERTY" title flow upto execution of Development Agreement

a) Originally, Maharashtra Housing Board, a corporation established under the Bombay Housing Board Act, 1948 (Bom LXIX of 1948) (hereinafter referred as 'the said Board") was the owner and possessed of or otherwise well and sufficiently entitled to a piece and parcel of all that piece and parcel of land admeasuring 838.95 Sq. Mtrs., bearing survey No. 67 to 71, City survey No. 828 (Part) Sub 828/106 to 828/117 of village Chembur at Subhash Nagar, Chembur (East), Mumbai - 400071 in the registration District and Sub-district of Bandra Mumbai Suburban district ("the said Land").

b) The Government of India formulated a Housing Scheme for construction and allotment of tenements on rental basis to Industrial worker known as Subsidized Industrial Housing Scheme. In pursuance to the said scheme the said board had constructed Building No. 44 on the said Lease land. The tenements of the said Buildings were allotted to individual allottees by the said Board on rental basis.

c) Subsequently, the said Board had stood dissolved in the year 1977 by operation of section 15 of the Bombay Housing Board Act, 1948. Thereafter, the Maharashtra Housing and Development Authority was constituted under Government Notification in Public Works and housing Department No. ARD 1077(1)/Desk-44 dated 5th December, 1977 which came into effect from 5th December, 1977 (hereinafter referred as "the said Authority")

d) Pursuant to clauses (a) and (b) of section 189 of the Bombay Housing Board Act, 1948 all the property, rights, liabilities and obligation including Agreement or Contract through which the respective properties vested in the name of said Board shall be deemed to be the properties, rights, liabilities and obligations of the said Authority.

Accordingly, the said Authority is fully entitled to the said Land and the said Building along with all rights, liabilities and obligations of the said Board.

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e) Taking into consideration the persistent demands by the occupant's industrial workers, the Government of India had permitted to the State Government to transfer such tenements to the occupants on certain conditions laid down by the Government of India in this behalf. Pursuant to the said permission, Government of Maharashtra have inter alia directed that, buildings built by the said board and other agencies under certain schemes should be offered for sale in "as is and where is condition" to the authorized and unauthorized occupants whose occupation is regularized on their paying the penalty amounting to 50% of cost of the tenements in lump sum for residential purpose on the basis of hire-purchase provided the occupants of such tenements should have formed a co-operative Housing Society.

f) In the view of such direction, the allotees/occupants of the said Building have formed themselves into a Co-operative housing Society known as the "Chembur Jyoti Niketan Co-operative Housing Society Limited" (hereafter referred to as "**the Jyoti Niketan Society**") which is registered under the Maharashtra Co-Operative Societies Act, 1960 bearing registration No. BOM/HSG/7568 dated 03rd April 1981.

g) Since the said Authority was well and sufficiently entitled to the said Lease land and the said Buildings, the said authority after considering the request of the Jyoti Niketan society had decided to convey the right, title, interest of the said Building and the said Land by way of Sale Deed and by way of Lease Deed respectively in favour of the Jyoti Niketan Society.

h) Accordingly, Indenture of Lease dated 29th February, 1992 executed between the Maharashtra Housing and Area Development Authority as "the Authority" and Chembur Jyoti Niketan Co-operative Housing Society Limited as "the society" duly registered with Sub Registrar of Assurance of Mumbai bearing Sr. No. PBDR/2680 of 1992, whereby the Authority had granted lease in favour of the Society for a period of 99 years with effect from 1st April, 1980 in respect of the said Land referred in aforesaid Jyoti Niketan Property description.

i) Simultaneously, the Deed of Sale dated 29th February, 1992 executed between the Maharashtra Housing and Area Development Authority as "the Authority" and

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Chembur Jyoti Niketan Co-operative Housing Society Limited as "the society" duly registered with Sub Registrar of Assurance of Mumbai under serial No. PBDR/2682 of 1992 whereby the Authority had sold, conveyed and transferred the said Building referred in aforesaid Jyoti Niketan Property description in favour of the Jyoti Niketan Society.

Thus, the Jyoti Niketan Society is now become the owner of the said Building and Lessees in respect of the said Land mentioned hereinabove in Jyoti Niketan Property description.

j) I have perused copy of the Development Agreement dated 19th April, 2023 executed between Chembur Jyoti Niketan Co-operative Housing Society Limited as "the Society" of the First Part, M/s. Roha Realty Private Limited as "the Developer" of the Second Part and Members of the Society as the Members of the Third part, duly registered with the Sub Registrar of Assurances of Mumbai under Sr. No. No. KRL-1-7687 of 2023 whereby the Jyoti Niketan Society has granted development rights in respect of the Jyoti Niketan Property in favour of M/s. Roha Realty Private Limited.

k) In furtherance to the aforesaid Development Agreement, Chembur Jyoti Niketan Co-operative Housing Society Limited have also executed Irrevocable General Power of Attorney dated 19th April, 2023 in favour directors of M/s. Roha Realty Private Limited duly registered with Sub Registrar of Assurances of Mumbai bearing Sr. No. KRL-1-7688 of 2023, whereby Jyoti Niketan Society authorized M/s. Roha Realty Private Limited to do all necessary acts, deeds etc. to carry out redevelopment work on behalf of the Jyoti Niketan Society as stated thereunder.

- Litigation if any :

ROHA has provided me copy of Appeal filed by one Smt. Jayashree Ganpat Panchal before Hon'ble Joint Chief Executive Officer (CEO) at MHADA. Upon perusal I understand that the said Appeal filed with respect to illegal structure standing on the Jyoti Niketan Property which is in use and occupation of Smt. Jayashree Ganpat Panchal. The Appeal is still pending before Ld. Authority and no interim/adverse

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order passed in her favour Smt. Jayashree Ganpat Panchal as on date which may affect redevelopment of the said Properties.

- ROHA has further informed that they intend to jointly redevelop Trinity and Jyoti Niketan Property. Pursuant to which they have obtained amalgamation Order dated 29th May 2023 from Sub Registrar of Co. Operative Societies, MHADA, whereby Chembur Jyoti Niketan Co-operative Housing Society Limited and Chembur Trinity Co-operative Housing Society Limited has been merged and all further process of redevelopment will be done in the name of Chembur Trinity Co-operative Housing Society Limited.

For the purpose of title verification, I have also carried out inspection of the records maintained in the offices of Sub Registrar at Mumbai for the last 31 years through my search clerk Mr. Sameer M. Sawant. During the search of the Index-II Register no entries adversely affecting the title of said properties were found.

IN VIEW OF THE AFORESAID, I hereby certify that the development rights of M/s. Roha Realty Private Limited in respect of the said Properties referred hereinabove are clear and free from any encumbrances.

Dated this 21st day of November 2023

ASHWINI PATIL-MANE
LLB,D.C.L& D.I.P.L
Advocate High Court
9/A, 2nd Floor, Girisameep CHS,
Sector -7, Shree Nagar,
Wagle Estate, Thane-400604