



PARTH CHANDE

(BLS. LL.B.)

Advocate Bombay High Court

FORMAT -A

(Circular 28/2021 dated 08/03/2021)

To,

MahaRERA

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to Plot No. 39 area admeasuring about 919.40 square meters, forming part of Survey No. 47 (Part), C.T.S. No. 97/A/27 situated at Village Chincholi, Taluka - Borivali, District - Mumbai Suburban and together with building "ASHIYANA APARTMENT" (hereinafter referred as the "said plot").

I have investigated the title of the said plot on the request of **M/s. PEARL INFRA** and following documents i.e.: -

- 1) Description of the property.
- 2) Deed of Conveyance dated 30/12/1974, bearing registered document serial no. 652/75.
- 3) Article of Agreement dated 01/08/1986 bearing registered document Serial No. 4457/1986.
- 4) Conveyance Deed dated 23/06/2020, bearing registered document Serial No. BRL-9/3731/2020.
- 5) PLAINT AND ROZNAMA IN Civil Suit no. 0001200/2022 Ifiled before City Civil and Additional Sessions Judge.
- 6) Development Agreement dated 29/03/2023, bearing registered document Serial No. BRL-6/6320/2023.





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- 7) Power of Attorney dated 29/03/2023, bearing registered document Serial No. BRL-6/6323/2023.
- 8) Search report for 14 years from 2010 till 2023

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said plot, I am of the opinion that the title of **ASHIYANA APARTMENT CO OP HSG SOC LTD** as the Owner and **M/s. PEARL INFRA** as the Developer is clear, marketable and without any encumbrances except the encumbrances mentioned under this report.

Owners of the plot:

ASHIYANA APARTMENT CO OP HSG SOC LTD: All that piece and parcel of land bearing Plot No. 39 area admeasuring about 919.40 square meters, forming part of Survey No. 47 (Part), C.T.S. No. 97/A/27 situated at Village Chincholi, Taluka - Borivali, District - Mumbai Suburban and together with building "**ASHIYANA APARTMENT**".

Developers of the plot:

M/s. PEARL INFRA: All that piece and parcel of land bearing Plot No. 39 area admeasuring about 919.40 square meters, forming part of Survey No. 47 (Part), C.T.S. No. 97/A/27 situated at Village Chincholi, Taluka - Borivali, District - Mumbai Suburban and together with building "**ASHIYANA APARTMENT**".

The report reflecting the flow of the title of **ASHIYANA APARTMENT CO OP HSG SOC LTD** as the Owner and **M/s. PEARL INFRA** as the Developer on the said plot is enclosed herewith as annexure.

Encl : Annexure.





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FLOW OF THE TITLE OF THE SAID PLOT.

Sr.No.

- 1) Search report for 14 years from 2010 - 2023 taken from Online Search Report, bearing receipt No.: **1113229678** dated **23/12/2023**.
- 2) At the relevant time, **SEKSARIA SUGAR MILLS PRIVATE LIMITED** was absolutely seized and possessed of the land bearing Plot No. 39 area admeasuring about 919.40 square meters, forming part of Survey No. 47 (Part), C.T.S. No. 97/A/27 lying and being situated at Village Chincholi, Taluka - Borivali, District - Mumbai Suburban ("**the said Plot**").
- 3) Vide Deed of Conveyance dated **30/12/1974**, **SEKSARIA SUGAR MILLS PRIVATE LIMITED** sold, transferred and conveyed all their rights, title, interest and benefits with respect to the said plot in favour of **Standard Batteries Employees Co-Operative Housing Society Ltd** on terms and conditions and consideration more particularly mentioned therein. The same was duly registered with the sub-registrar of assurance at Bombay, bearing Registered Document Serial no. **652/75**.
- 4) Vide Articles of Agreement dated **01/08/1986**, M/s. Standard Batteries Employees Co-Operative Housing Society Ltd have agreed to sell, assign and transfer development rights with respect to the said Plot in favour of M/s. **ASHIRWAD ENTERPRISES** on the terms and conditions and consideration





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mentioned therein. The same was duly signed and registered before the Joint District Registrar of Assurance at Bandra, bearing Registered Document Serial No. **4457/1986** dated **15/10/2019**.

- 5) As per clause 10(e) in Article of Agreement, Developer have power and authority to enter into agreement or documents for sale or other wise and to allot flats, tenements and other premises in the building to the prospective purchaser thereof and to transfer the said Plot to a co-operative society or limited company or body co-operate.
- 6) **M/s. ASHIRWAD ENTERPRISES** constructed the building named "**ASHIYANA APARTMENT**" consisting of ground plus 3upper floors having 23 residential Flats plus 2 covered garages standing thereon and also formed society named "**ASHIYANA APARTMENT CO OP HSG SOC LTD**" under registration no. **BOM/(W-P)/HSG/(TC)/4169/88-89** dated **04/03/1989** (referred to as the said "**Society**").
- 7) As per Article 5(g-a) of Bombay Stamp Act 1958, stamp duty of Rs. 10 was paid which was held to be deficit and therefore under Article 32A the collector of stamp directed to pay additional stamp duty of Rs. 22,200/- vide its letter dated 07/10/2019 and the same was duly paid and index II to that effect was issued on **15/10/2019** acknowledging the payment of deficit stamp duty amount.
- 8) Vide Conveyance Deed dated **23/06/2020**, **M/s. ASHIRWAD ENTERPRISES** Conveyed, transferred and assigned all their rights, title, interest and benefits with respect to the said Plot in favour **ASHIYANA APARTMENT CO OP HSG SOC LTD** on the terms and conditions mentioned therein. The same was duly registered





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with the Sub-registrar of Assurances at Borivali-9, bearing Registered Document Serial No. **BRL-9/3731/2020** dated **23/06/2020**.

9) A Civil Suit no. 0001200/2022 has been filed before City Civil and Additional Sessions Judge, by Standard Batteries Employees Co-operative Housing against MCGM and ASHIYANA APARTMENT CO OP HSG SOC LTD. The said plot is the subject matter of the said suit and it has been informed by the Developer here, that the said suit is still pending and no adverse order/decreed/judgment has been passed in the suit. We have gone through the Roznama and the copy of the plaint and prima facie it appears that the plaintiff has not challenged the title of ASHIYANA APARTMENT CO OP HSG SOC LTD to the said plot and it further appears that no relief of whatsoever nature, interim or otherwise, has been granted to the plaintiff.

10) Further, Vide Development Agreement dated **29/03/2023**, whereby **ASHIYANA APARTMENT CO OP HSG SOC LTD** party of the First Part therein referred to as "Society" and Girdhari Fulchand Agarwal and 22 others party of the Second Part therein referred to as "Members/Confirming Party" sold, transferred and assigned all their development rights, title, interest and benefits with respect to the Said Plot in favour of **M/s. PEARL INFRA** through its Partners 1) Saleem Shaikh 2) Sameer Suresh Lad 3) Mahesh Ramniranjan Chamaria party of the Third Part therein referred to as "The Developers" The same is duly registered with Sub-Registrar of Assurances at Borivali-6, bearing Registration Document Serial No. **BRL-6/6320/2023** dated **29/03/2023**.

11) In pursuance of the said Development Agreement, a separate power of attorney dated **29/03/2023** has been executed by **ASHIYANA APARTMENT CO OP HSG**





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SOC LTD through its authorized Managing Committee member being 1) Giridhari P Agarwal, 2) Secretary, Mukesh A Chadha and 3) Treasurer, Chandrakant D Jain in favour of 1) Mr Saleem S Shaikh 2) Mr Sameer S Lad, the Partners of **M/s. PEARL INFRA** and the same was duly registered with the Sub-Registrar of Assurances at Borivali, bearing Registration Document Serial No.**BRL-6/6323/2023** dated **29/03/2023**.

Date: **23/12/2023**



Adv Parth Chande

Advocate

