Mumbai Office:
20/1, 5th Floor, Surya Mahal, B Bharucha Marg,
Kala Ghoda, Fort, Mumbai 400 001.
M: +91 93247 65244
E: walimbe.preeti@gmail.com

Preeti Walimbe
Advocate High Court

FORMAT – A

(Circular No. 28 dated 8th March, 2021)

Date: 27.10.2023

To,

MahaRERA

E Block, Bandra Kurla Complex,

Bandra (East), Mumbai 400051.

LEGAL TITLE REPORT

Sub: Title clearance with respect of proposed redevelopment of Rang Rekha C.H.S. Ltd, Building No.8 to be constructed on all that piece and parcel of land bearing survey No.181 and CTS No. 1665 (Pt) of Shailendra Nagar, Dahisar (East), Mumbai-400068 admeasuring approximately 978.36 sq. mtrs. or thereabout within the limits of Greater Mumbai, (hereinafter referred to as the "said Land"); the redevelopment Project to be known as "Rang Rekha CHS Ltd."

I have investigated the title for the said Land on the request of **(M/S. ASHAPURA INFRATECH)** and on the basis of the following documents i.e.:

1) **DESCRIPTION OF THE PROPERTY:**

Project known as **"Rang Rekha CHS Ltd."**, to be constructed on all that piece and parcel of land bearing Survey No. 181 and CTS No. 1665 (Pt) of Shailendra Nagar, Dahisar (East), Mumbai-400068 admeasuring approximately 978.36 sq. mtrs. or thereabout within the limits of Greater Mumbai.

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Advocate High Court

2) THE DOCUMENTS OF ALLOTMENT OF PLOT:

SR. No.	DATE	DESCRIPTION OF DOCUMENTS
1.		The Maharashtra Housing and Development Authority (MHADA) constructed the said Building No.8 on all that piece and parcel of land bearing Survey No. 181 and CTS No. 1665 (Pt) of Shailendra Nagar, Dahisar (East), Mumbai-400068 admeasuring approximately 978.36 sq. mtrs. The said building comprised of 40 tenements and it was allotted to 40 individual allottees on rental basis under the MHADA scheme.
2.	30.11.1974	The said 40 Allottees, their assignees, transferees, occupants or Tenants as the case may be, formed a Co-operative Housing Society namely "RANG REKHA Co-operative Housing Society Ltd.", duly registered under the Maharashtra Co-operative Societies Act, 1960. Under registration No. BOM/HSG/4361 of year 1974.
3.	06.04.1994	By an **'INDENTURE OF LEASE'** duly registered under the seal of Sub-Registrar at Mumbai Suburban Dist. (Bandra) executed between MHADA and the said Society, a lease of the said

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		Land along with the said Building standing thereon, was granted in favor of the said Society for a period of 99 years commencing from 21.04.1975.
4.	06.04.1994	By a **'DEED OF SALE'** duly registered under the seal of Sub-Registrar at Mumbai Suburban Dist. (Bandra) executed between MHADA and the said Society, the said building was sold to the said Society for a full and final consideration of Rs.5,72,720/- (Rupees Five Lakhs Seventy-Two Thousand Seven Hundred and Twenty only).
5.	28.01.2023 & 26.02.2023	Special General Body meeting of the said Rang Rekha CHS Ltd. took place and M/s Ashapura Infratech was appointed as the developer for the redevelopment of the said society.
6.	09.07.2023	The said Society and M/s. Ashapura Infratech entered into and executed a Tripartite Development Agreement, duly registered with the Sub-Registrar at Borivali-3 (Dist- Bandra) under Serial No. BRL-3/8088/2023 whereby the said Society granted redevelopment rights of the said property to M/s. Ashapura Infratech. The Society also executed a Registered Power of Attorney duly registered with the Sub-Registrar at Borivali-3 (Dist- Bandra) under Serial No. BRL-3/8089/2023 in favour of M/s. Ashapura Infratech.

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3) Property card issued by Assistant Superintendent cum City Survey Officer, Mumbai.

4) Search report for 30 years from 1994 till 2023 carried out and prepared by Shri. Prakash Digrale (Search Clerk) in his report dated 21.10.2023.

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 the society on the said land is clear, marketable and without any encumbrances, and in view of the Registered Development Agreement and Registered Power of Attorney, both registered on 09.07.2023 executed by the said Society in favour of M/s. Ashapura Infratech, the said M/s. Ashapura Infratech has full right and absolute authority to sell, assign, transfer and/or otherwise dispose-off, all balance F.S.I., which shall remain balance after allotting all existing members of the said Society their respective entitlement subject to what is stated above and subject to the terms and conditions as stated in the Registered Development Agreement registered on 09/07/2023. Therefore, a clear opinion can be drawn that title of Developer M/s. Ashapura Infratech in respect to the balance free sale area is clear, marketable and without any encumbrances.

Owners of the land

1. All that piece and parcel of land bearing Survey No. 181 and CTS No. 1665 (Pt) Shailendra Nagar, Dahisar (East), Mumbai-400068 admeasuring approximately 978.36 sq. mtrs. or thereabout within the limits of Greater Mumbai is owned by MHADA whereas the same has been leased to Rang Rekha Co-operative Housing Society Ltd for 99 years as per Indenture of lease dated 06.04.1994.

2. M/s. Ashapura Infratech is the Developer appointed for the redevelopment of Building No.8 standing on land bearing Survey No. 181 and CTS No. 1665 (Pt) Shailendra Nagar, Dahisar (East), Mumbai-400068 admeasuring approximately

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Preeti Walimbe
Advocate High Court

978.36 sq. mtrs. or thereabout within the limits of Greater Mumbai as per the Development Agreement dated 09.07.2023. The said Building No.8 is owned by the Rang Rekha Co-operative Housing Society Ltd. pursuant to the Deed of sale dated 06.04.1994.

The report reflecting the flow of the title of the M/s. Ashapura Infratech on the said land is enclosed herewith as annexure.

Dated this 27th day of October, 2023

Advocate Preeti B. Walimbe
Bombay High Court

Enclosed: Annexure

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FLOW OF TITLE OF THE SAID PLOT

1. The Maharashtra Housing Area Development Authority (hereinafter referred to as "MHADA"), an Authority duly constituted under Section – 3 of the Maharashtra Housing and Area Development Act, 1976 having its office at Gruh Nirman Bhavan, Kala Nagar, Bandra (East), Mumbai had constructed a building bearing Building No. 8, on a piece and parcel of land situated at Survey No. 181 and C.T.S. No. 1665 (Pt.), admeasuring around 978.36 Sq. Mtr. as per Indenture of Lease and/or Sale Deed, (ad measuring around 992.14 sq. mtrs as per demarcation of plot) at Shailendra Nagar, S.V. Road, Dahisar (East), Mumbai 400068 (Hereinafter referred as "SAID PLOT"). The said Building No. 8 is comprising of 40 Residential Tenements constructed by MHADA and it was allotted to 40 individuals allottees on rental basis under the said Scheme.

2. On 30.11.1974, the said 40 Allottees, their assignees, transferees, occupants or Tenants as the case may be, formed a Co-operative Housing Society namely "RANG REKHA Co-operative Housing Society Ltd.", duly registered under the Maharashtra Co-operative Societies Act, 1960. Under registration No. BOM/HSG/4361 of year 1974 (hereinafter referred to as the "SAID SOCIETY").

3. By an INDENTURE OF LEASE dated 06.04.1994 duly registered under the seal of Sub-Registrar at Mumbai Suburban Dist. (Bandra) executed between MHADA and the said Society, a lease of the said Land along with the said Building standing thereon, was granted in favor of the said Society for a period of 99 (ninety-nine) years commencing from 21.04.1975 and on terms and conditions as mentioned therein.

4. By a DEED OF SALE dated 06.04.1994 duly registered under the seal of Sub-Registrar at Mumbai Suburban Dist. (Bandra) executed between MHADA and the said Society, the said Building was sold to the said Society for a full and final consideration of Rs.5,72,720/- (Rupees Five Lakhs Seventy-Two Thousand Seven Hundred and Twenty only) and on the terms and conditions as mentioned therein.

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5. In pursuance of the above Indenture of Lease dated 06.04. 1994 and the Deed of Sale of the even date, the said Society became absolute owner of the Building No.8 and Lessee of the said Plot underneath and appurtenant to the said Building with full right and absolute authority to deal with and/or otherwise dispose of the said building subject to NOC being obtained from Appropriate Authorities.

6. That all the members of the Said Society had unanimously decided to redevelop their society and had accordingly convened a Special General Body Meeting, wherein all 40 members of the Society agreed to appoint/consented for appointment M/s. Ashapura Infratech, as Developer for redevelopment of the said Property and a resolution to that effect was passed under Minutes of the Special General Body Meeting dated 28.01.2023 & 26.02.2023.

7. The said Society and M/s. Ashapura Infratech entered into and executed a Tripartite Development Agreement registered on 09.07.2023 duly registered with the Sub-Registrar at Borivali-3 (Dist- Bandra) under Serial No. BRL-3/ 8088/2023 whereby the said Society granted redevelopment rights of the said property to M/s. Ashapura Infratech on the terms and conditions more specifically set out in the said Agreement of Redevelopment. The Society also executed a Registered Power of Attorney dated 09.07.2023, duly registered with the Sub-Registrar at Borivali-3 (Dist- Bandra) under Serial No. BRL-3/8089/2023 in favour of M/s. Ashapura Infratech.

8. In terms of the said Registered Development Agreement registered on dated 09.07.2023, the said M/s. Ashapura Infratech shall provide to each member of the society, a self-contained flat admeasuring about 590 Square feet MOFA carpet area equivalent to 610 Sq. Ft RERA Carpet Area in the new building to be constructed on the said plot, as consideration and the said Society with consent - of all its members has thereby sold, transferred and assigned to the said M/s. Ashapura Infratech, all the balance full potential FSI on the said plot with irrevocable right to sell and/or otherwise dispose of the same as it may deem fit.

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9. That in furtherance to the proposed re-development, the said M/s. Ashapura Infratech has paid/applied to the concerned authorities for approval and has also paid all premium, charges, fees, deposits etc to MHADA/ BMC on behalf of the said Society.

Date: 27.10.2023