

KHANDEPARKAR & ASSOCIATES

Advocates, High Court

Office: 204, 2nd floor, Rehman House, Behind Prospect Chambers,
Nadirsha Sukhia Street, Fort, Mumbai:400 001.

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FORMAT – A

(Circular No.:- 28/2021)

Date: 7th October 2023

To MahaRERA,

501, Express Building,

14-E Road. Churchgate,

Mumbai-400020.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to plot bearing no. C.S.No.93/74 (pt.), 96/74(pt.), 97/74 (pt.) and 88/74 (pt.) including proposed scheme road bearing Plot no.137 (pt) ,138 (pt) and 147 (pt) of Supari Baug Estate Scheme No.31, F/South Ward, Parel- Sewree Division,Parel, Mumbai-400012 admeasuring 1494.55 sq mt. Known as Shree Mahapurush Co-op Hsg. Society (proposed) Koli Chawl situated at junction of Earnest Borges Road and Parmar Guruji Marg, Parel, Taluka/District Mumbai – 400012. (hereinafter referred as “the said plot”)

I have investigated the title of the said plot on the request of GBD Infra Project LLP and following documents i.e.:-

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1) **Description of the property:-** Plot no.137 (pt) ,138 (pt) and 147 (pt) of Supari Baug Estate, Scheme No. 31, Parel Sewree Division, F/South Ward Known as Koli Chawl situated at junction of Earnest Borges Road and Parmar Guruji Marg, Parel, Taluka/District Mumbai.

2) **The documents of allotment of plot:-** Redevelopment Agreement dated 29th January 2022 between Shree Mahapurush Co-operative housing society and GBD Infra Project LLP.

3) Records from the Old Custom House are issued in respect of above property.

4) Search report for 29 years from 1993 till 2022.

2. 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 GBD Infra Project LLP as a lessee is clear, marketable and without any encumbrances.

3. The report reflecting the flow of the title of the GBD Infra Project LLP on the said land is enclosed herewith as annexure.

Encl: Annexure

Mrs. Apoorva Khandeparkar

Stamp

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FLOW OF THE TITLE OF THE SAID LAND.

- 1) Demarcation done by City survey on application of MCGM and extracts from the Old Custom House showing the property known as Koli Chawl (Shree Mahapurush Co-op Hsg. Society, Proposed)
- 2) Search report for 29 years from 1993 till 2022. Taken from Sub-Registrar' office at Mumbai.
- 3) The Redevelopment Agreement dated 29th January 2022 between Shree Mahapurush Co-operative housing society and GBD Infra Project LLP.
- 4) Records from the Old Custom House are issued in respect of above property. and Irrevocable Power of Attorney between Shree Mahapurush Co-operative housing society and GBD Infra Project LLP.
- 5) Litigations :- There is an entry of Lis pendence Notice dated 11.05.2011 at serial no. 4223/2011. However, the records show that the said Suit no. 659/2011 has been settled and disposed off.

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The Subject Property is owned by Brihanmumbai Municipal Corporation (BMC).

The said property has old Chawls which were tenanted to Municipal Tenants. There were a total of 3 buildings known as (i) Parsi Chawl A, (ii) Parsi Chawl B (iii) Koli Chawl which were owned by the MCGM. In or about the year 1991, the occupants of Parsi Chawl and Koli Chawl came together and proposed to form Shree Mahapurush Co-operative Housing Society for the redevelopment under the provisions of D.C. Regulation 33(7) of the Development Control Regulations for Greater Mumbai, 1991 (“DCR”).

Sometime in or about the year 2001, the Society submitted a proposal to the Estate Department of the MCGM through the then Architect. In accordance with the proposal, the MCGM granted its no objection and preliminary approval for the redevelopment proposal.

In or about the year 2001, the Society submitted a proposal to the Estate Department of the MCGM through then Architect. In accordance with the proposal, the MCGM granted it's no objection and preliminary approval for the redevelopment proposal. However, unfortunately, in the intermittent time, dispute arose between the Developer and the members resulting in the resignation of the Managing Committee Members. This was informed to the MCGM on 21st May 2004.

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The General Body Meeting was held on 11th July 2004 and was resolved that the Society represented by an Executive / Managing Committee of President and 1 or more other members in order to execute the Development Agreement of Shree Mahapurush Co-operative housing society and further to execute the Power of Attorney and such other documents as be necessary for redevelopment.

Due to the resignation of the members of the Managing Committee, the MCGM by its letter dated 16th August 2004, cancelled/revoked the no objection for redevelopment granted by it.

The 71 occupants of Parsi Chawl Distanced themselves from the Society and proposed to form another society named as Pavanputra Co-operative Housing Society and further pursued the proposal for redevelopment independently.

Since after the proposal of Pavanputra was pursued separately, the proposal of 106 members of the Society could not be pursued on the balance plot of land admeasuring 1494.55 sq mt.

Thereafter, in the General Body Meeting held on 14 June 2006, Shivam Parivar Developers Pvt Ltd was appointed as a Developer for 106 members of balance plot of land admeasuring 1494.55 sq.mt. The Managing Committee entered into a

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Development Agreement on 9th November 2009 and also executed a Power of Attorney.

Annexure – II was issued on 3rd April 2012 vide No. Ac/Estate/29088/AO(Soc.) after that 9 attorned cases sanction by MCGM was on 21st November 2014. On 26th June 2015, the MCGM by its letter bearing Outward No. GA/Estate/1375/RD(CSC)/society-2 issued the Letter of Intent in favour of the Chief Promoter of the Society approving the Architect and the previous Developer, Shivam Parivar Developers Pvt. Ltd.

Even after several reminders to earlier Developers, Shivam Parivar Developers Pvt. Ltd the rent of the past 3 years was not paid nor were the MCGM taxes paid by developer, for various reasons. Therefore, Shivam Parivar Developers Pvt. Ltd. were not in a position to execute and complete the redevelopment project. By letter dated 14th August 2021, the said Shivam Parivar Developers Pvt. Ltd. expressed its inability to complete the project and tendered its resignation as a Developers.

The Society in it's Special General Body Meeting dated 19th October 2021 deliberated and unanimously passed a Resolution accepting the resignation of Shivam Parivar Developers Pvt. Ltd. and thereby cancelling / revoking their appointment as the Developer for the redevelopment project.

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The said Shivam Parivar Developer Pvt. Ltd. placed on record their no objection for appointing new Developer for the Society's redevelopment project and issuing a letter of appointment to that effect by their letter dated 9th November 2021 addressed to the Executive Engineer, City-II (Building Proposal).

By identical letters dated 30th November 2021, the said fact of accepting the Developer's resignation was duly intimated by the Society to the Executive Engineer, City-II (Building Proposal), Deputy Chief Engineer Proposal (City) and Assistant Commissioner (Estates).

On 19th December 2021, the Society in its Special General Body Meeting considered the appointment of the new Developer (M/S GBD INFRA PROJECT LLP) and after discussing the offer given by the Developers, the Society unanimously appointed the Promoter as the Developers for the redevelopment project in place of the said Shivam Parivar Developers Pvt. Ltd. who had tendered their resignation and further appointed Smt. Kalyani Mhatre-Patil (Mhatre Associates) as the Architect for the project.

A document of Warranty seems to have been registered by **Shri. Mahapurush CHS through Chief promoter Shri. Chandrakant Sutar.** The said document is

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registered at serial no. 1140/2020 at Sub Registrar Mumbai no. 2. An Affidavit also seems to have been registered at Mumbai 2 serial 15324/2021.

The said parties executed Development Agreement whereby terms and conditions of re-development was stated in pursuant to the said Resolution dated 19th December 2021 appointing M/S GBD INFRA PROJECT LLP as the Developers of the project for redevelopment of the Society's building.

Thereafter, the Redevelopment Agreement and Power of Attorney was executed between Shree Mahapurush Housing Society through the chief promoter, Mr. Chandrakant Sadashiv Sutar and GBD Infra Project LLP on 29th January 2022.

The Promoter is now in possession of the project land. The Promoter has thus commenced the construction of the permanent alternate accommodation for the eligible occupants of Koli Chawl who are the members of the said society.

On 15th August 2023 by publishing in the Lokmat and Business Standard the public notice was published in three languages being Marathi, English and Hindi, respectively. Our office has not received any claims till date or within the stipulated time frame. Therefore, it is presumed that no such claim exists.

Therefore, from the aforementioned documents, it is abundantly clear that GBD Infra Project LLP is well and sufficiently entitled to, and possesses a free and clear

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marketable title to deal with the sale component of the proposed building being constructed on bearing Plot no.137 (pt) ,138 (pt) and 147 (pt) of Supari Baug Estate Scheme No.31, F/South Ward, Parel- Sewree Division, Parel, Mumbai-400012.

There is no doubt that the undertakings if any, given to the Hon'ble Court are binding on parties. However, the same is not considered in this title certificate as it is not reflected in the Search in Office of Sub Registrar, Mumbai, as well as Mumbai 1, Mumbai 2, Mumbai 3, Mumbai 4 and Mumbai 5.

Apart from the above there are no encumbrance on the legal and finance of the property.

Khandeparkar & Associates



Apoorva A. Khandeparkar

Advocate, High Court.