

# SAYED WAHID & CO.

**S. M. Asif**

(B. Com., LL. B.)

ADVOCATE HIGH COURT  
& TAX CONSULTANT



'B' Wing, 1st Floor, 102, Baitun Noor Society,  
Opp. Shanti Niketan Bldg.,  
Near Kurla Bus Depot, C.S.T. Road,  
Kurla (W), Mumbai - 400 070.  
E-mail : advocate.shaikhmohdasif.1966@gmail.com



To,

Maharashtra Real Estate Regulatory Authority,  
6<sup>th</sup> & 7<sup>th</sup> Floor, Housefin Bhavan,  
Plot No. C - 21, E - Block, Bandra Kurla Complex,  
Bandra (East), Mumbai - 400051.

## : LEGAL TITLE REPORT:

Subject: Title Clearance Certificate with respect to plot bearing Survey No. 189, Hissa Nos. 1 & 2 (Pt), and C.T.S. Nos. 834, 835, 836/A & 836/B of Village-Kurla (2), Taluka - Kurla, District - Mumbai Suburban and situated at 13.40 M. wide New Hall Road, Kurla (W), Mumbai in the Registration Sub-District of Mumbai admeasuring 1564.80 Square Meters or thereabouts (hereinafter referred as the "said plot").

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I have investigated the title of the said plot on the request of M/s. Dadamiya Infrastructure LLP, a Limited Liability Partnership incorporated under the provisions of the Limited Liability Partnership Act, 2008, bearing LLPIN AAN-5758 and having its registered office at F-53, Kohinoor City Mall, Kirol Road, Off. L.B.S. Marg, Kurla (W), Mumbai - 400 070 (hereinafter referred to as "the Developer") and perused the following documents and information i.e.:



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**(i) Description of the property:**

ALL THAT pieces and parcels of land or ground situate, lying and being at 13.40 M. wide New Hall Road, Kurla (W), Mumbai in the Registration Sub-District of Mumbai admeasuring 1564.80 Square Meters or thereabouts bearing Survey No. 189, Hissa Nos. 1 & 2 (Pt), and C.T.S. Nos. 834, 835, 836/A, 836/B of Village- Kurla (2), Taluka – Kurla, District – Mumbai Suburban and assessed by the Assessor and Collector of Municipal Rates and Taxes of Bombay under L-Ward Nos. L-2798 (1A) & L-2798 (2AB-2AC) and Street Nos. 399AB & 399AB and bounded as follows:

- On or towards the North : C.T.S. No. 830G of Village- Kurla (2)  
On or towards the East: 13.40 M. wide New Hall Road.  
On or towards the West: C.T.S. No. 833 of Village- Kurla (2)  
On or towards the South: C.T.S. Nos. 838 (Pt.) & 837 of Village- Kurla (2)

**(ii) The documents of allotment of said plot:**

- Certificate of Registration of Sheetal Chandrika Co-operative Housing Society Limited, registered under Maharashtra Co-operative Society Act, 1960, bearing No. BOM/HSG/5962 of 1979 Dated 21/12/1979.
- Certificate of Registration of Al-Qadri Co-operative Housing Society Limited, registered under Maharashtra Co-operative Society Act, 1960, bearing No. MUM-2/W-L/HSG/T.C./11092/2019-2020 Dated 14/03/2020.
- DDR-II order dated 18/12/2018 in Application No. DC-1004232 of 2018 filed by Sheetal Chandrika Co-operative Housing Society Limited for unilateral Deemed Conveyance.
- DDR-II order dated 26/04/2022 in Application No. DC-48/2020 of 2020 filed by Al-Qadri Co-operative Housing Society Limited for unilateral Deemed Conveyance.





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- c) The extracts of the Village Forms VII and XII issued under the provisions of Rules 3, 5, 6 and 7 of the Maharashtra Land Revenue Record of Rights and Registers (Preparations and Maintenance) Rules, 1971, under rule 3, 5, 6 and 7. As per the said Extracts the said property bears Survey No. 189, Hissa Nos. 1 & 2 (Pt) of Village-Kurla.
- f) Property Card issued by the Government of Maharashtra for plots bearing C.T.S. Nos. 834, 835, 836/A of Village – Kurla (2).
- g) Search Report for 53 years issued by the title investigator Mr. Rakesh Kubal dated 5<sup>th</sup> April, 2022, from the year 1970 till the year 2022.
- h) Development Agreement dated 15<sup>th</sup> October, 2023 registered in the office of the Joint Sub Registrar Kurla -1, Mumbai Suburban District, under Serial Nos. 20605 of 2023 & 20614 of 2023 both dated 15<sup>th</sup> October, 2023.
- i) Power of Attorney's dated 15<sup>th</sup> October 2023 registered in the office of the Joint Sub Registrar of Kurla-1, Mumbai Suburban District under Serial Nos. 20608 of 2023 & 20615 of 2023 both dated 15<sup>th</sup> October, 2023.

On perusal of the abovementioned documents and all other relevant documents relating to the title of redevelopment of the said property, I am of the opinion that the title of M/s. Dadamiya Infrastructure LLP to the said property more particularly described in the Schedule hereunder written is clear, marketable and without any encumbrances.

### 3. Owners of the Land :

- |                  |  |
|------------------|--|
| C.T.S. No. 834   | - M/s. Sheetal Chandrika CHS Ltd.                          |
| C.T.S. No. 835   | - M/s. Sheetal Chandrika CHS Ltd. & M/s. Al-Qadri CHS Ltd. |
| C.T.S. No. 836/A | - M/s. Al-Qadri CHS Ltd.                                   |
| C.T.S. No. 836/B | - Brihanmumbai Municipal Corporation                       |



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4. The report reflecting the flow of title of M/s. Dadamiya Infrastructure LLP to the said property is enclosed herewith as Annexure "A".



Adv. Shaikh Mohd. Asif.

Date: 18<sup>th</sup> March, 2024

Encl.: Annexure "A"





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## Annexure "A"

Format—A

(Circular No.:- 28/ 2021)

### FLOW OF TITLE OF THE SAID LAND

- A. By an Indenture of Lease dated 13<sup>th</sup> June 1981 (registered at the Sub-Registrar's Office at Bombay under No. 3878 of 1961 in Book No. 1 on 26<sup>th</sup> October 1962) and made between Mahomed Siddiq Abdul Rahiman, the Vendor and Mr. Jerves Coelho, the Purchaser, the said Mahomed Siddiq Abdul Rahiman, the Vendor had demised unto the Purchaser a piece of land admeasuring 606 Sq. Yards or thereabouts out of H. No. 2 of S. No. 189 situated at Kurla in Greater Bombay in the Registration Sub-District of Bandra or the Bombay Suburban District for a period of 11 years commencing from 13<sup>th</sup> June 1961 on terms and conditions more - particularly set out in the said Indenture of Lease
- B. The above recited Indenture of Lease *inter alia* provided that the Vendor (therein called the Lessor) shall sell the demised land to the Purchaser (therein called the Lessee) at the lump sum price of Rs.4,800/- to be paid at any time before the expiration of the said lease.



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- C. Mr. Jerves Coelho, the Purchaser paid the aforesaid sum of Rs.4,800/- and purchased the said property from Mahomed Siddiq Abdul Rahiman, the Vendor and registered with the Sub-Registrar of Assurance at Bombay under no. BND/1118/1967 of Book No. \_\_\_\_ on 17<sup>th</sup> May, 1967.

(Sheetal Chandrika CHSL)

- D. Mr. Jerves Coelho had submitted the plan for the sanction with the MCGM and after considering all the documents, MCGM sanctioned the plan under No. CE/1781/BS-II/AL dated 28/05/1975 and commencement certificate issued by the MCGM.
- E. Mr. Jerves Coelho constructed building namely now known as 'Sheetal Chandrika' comprising of Ground Floor plus Three upper Floors with 21 flats.
- F. Mr. Jerves Coelho had sold/allotted the Flats to the Prospective Purchasers and the tenants on what is known as on "OWNERSHIP BASIS" under the Maharashtra Flats Ownership Act, 1963.
- G. The said parties who have entered into the Agreement with Mr. Jerves Coelho have constituted and formed a Co-operative Housing Society known as "Sheetal Chandrika Co-Operative Housing Society Ltd." (being the Purchasers therein) which is registered under No. BOM/HSG/5962 of 1979 Dated 21/12/1979 and having registered office at 399, New Hall Road, Kurla (West), Mumbai - 400 070.





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- H. The Sheetal Chandrika CHSL pursuant to its resolution dated 21/04/2016 members of the said society therefore made application vide DC1004232 of 2018 to Component Authority appointed under section 5A of Maharashtra Ownership Flats Act, 1963 viz the District Dy. Registrar of Cooperative Society, Mumbai Suburban under the provisions of sub-section (3) of section 11 of MOFA for issuing a Certificate of Entitlement to the Purchaser society to have a Deemed Conveyance executed in its favour and to have it registered.
- I. The learned DDR-II vide order dated 18/12/2018 in Application No. DC1004232 of 2018 filed by the Purchaser society for unilateral Deemed Conveyance and for certificate of its registration in favour of the Sheetal Chandrika CHSL, it has been made absolute and it was held by the learned DDR-II that the Sheetal Chandrika CHSL is entitled to the certificate having unilateral Deemed Conveyance and to get the same registered unilaterally and DDR-II issued unilateral/single party Deemed Conveyance registration certificate dated 18/12/2018 in favour of the Sheetal Chandrika CHSL /Third Part therein.



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- J. By and under a deed of deemed conveyance dated 22/05/2019 and duly registered under Serial No. KRL-1/8118/2019 dated 24/06/2019, the said competent Authority acting through the Authorized Officer conveyed the said land unto the Sheetal Chandrika CHSL. (Hereinafter referred to as the "*said Indenture*"), the Sheetal Chandrika CHSL has acquired all the right, title and interest into and upon the said Property, at and for the consideration and on the other terms and conditions more particularly set out therein.
- K. The name of the Sheetal Chandrika CHSL is presently reflected in the Property Register Cards in respect of the said Land as owner thereof.
- L. The Society are seized and possessed, as the sole and absolute owner *inter alia* of all that piece and parcel of land admeasuring 982.00 Square Meters or thereabouts (as per the title documents) bearing C.T.S. Nos. 834 & 835 (Pt.) of Village- Kurla (2), Taluka- Kurla, Mumbai Suburban District and situate, lying and being at 13.40 M. wide New Hall Road, Kurla (West), Mumbai 400070, (hereinafter referred to as the "*said Land*"), together with the buildings known as "Sheetal Chandrika Co-Operative Housing Society Ltd." comprising of Ground plus 3 upper floors and containing 21 Nos. (Twenty-One) self-contained residential flats (hereinafter referred to as the "*said Existing Building*").





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- M. The Sheetal Chandrika CHSL presently has 21 (Twenty-One) members who are holding shares issued by the Sheetal Chandrika CHSL and corresponding thereto occupying their respective premises in the Existing Building.
- N. In the Special General Body Meeting of the Society held on 30/07/2023 the Sheetal Chandrika CHSL have considered the offer made by the Developer and have thereafter resolved to appoint the Developer herein as the developer to undertake the redevelopment of the said Property.

## (Al-Qadri CHSL)

- O. Mr. Jerves Coelho had granted the right of development of the said Property to the Builder, M/s. Qadri Builders more particularly written on the terms and conditions contained therein. Under the Development Agreement the Builder, M/s. Qadri Builders had agreed to convey the said land with structure of building thereon to the said society.
- P. M/s. Qadri Builders through Mr. Jerves Coelho had submitted the plan for the sanction with the MCGM and after considering all the documents, MCGM sanctioned the plan under No. CE/1781/BS-II/AL dated 06/03/1976. That M/s. Qadri Builders, thereafter, constructed building as per the sanctioned plans under No. CE/1781/BS-II/AL dated 06/03/1976 and commencement certificate issued by the Municipal Corporation of Greater Mumbai. That M/s. Qadri Builders constructed



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- Q. building namely now known as Al-Qadri Apartments comprising of Ground Floor plus Three upper Floors with 7 shops & 19 flats.
- R. M/s. Qadri Builders had sold/allotted the Flats to the Prospective Purchasers and the tenants on what is known as on "OWNERSHIP BASIS" under the Maharashtra Flats Ownership Act, 1963.
- S. The said parties who have entered into the Agreement with M/s. Qadri Builders have constituted and formed a Co-operative Housing Society known as "Al Qadri Co-Operative Housing Society Ltd." (being the Purchasers herein) which is registered under No. MUM-2/W-L/HSG/T.C./11092/2019-2020 Dated 24/02/2020 and having registered office at 399, New Hall Road, Kurla (West), Mumbai – 400 070.
- T. The Al-Qadri CHSL pursuant to its resolution dated 20/12/2020 members of the said society therefore made application vide DC-48/2020 of 2020 to Component Authority appointed under section 5A of Maharashtra Ownership Flats Act, 1963 viz the District Dy. Registrar of Cooperative Society, Mumbai Suburban under the provisions of sub- section (3) of section 11 of MOFA for issuing a Certificate of Entitlement to the Al-Qadri CHSL to have a Deemed Conveyance executed in its favour and to have it registered.





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- U. The learned DDR-II vide order dated 26/04/2022 in Application No. DC-48/2020 of 2020 filed by the Al-Qadri CHSL for unilateral Deemed Conveyance and for certificate of its registration in favour of the Purchaser society, it has been made absolute and it was held by the learned DDR-II that the Al-Qadri CHSL is entitled to the certificate having unilateral Deemed Conveyance and to get the same registered unilaterally and DDR-II issued unilateral/single party Deemed Conveyance Registration Certificate dated 24/04/2022 in favour of the Al-Qadri CHSL /Third Part herein.
- V. By and under a deed of deemed conveyance dated 04/11/2022 and duly registered under Serial No. KRL-1/20007/2022 dated 04/11/2022, the said competent Authority acting through the Authorized Officer conveyed the said land unto the said Society. (Hereinafter referred to as the "*said Indenture*"), the Al-Qadri CHSL has acquired all the right, title and interest into and upon the said Property, at and for the consideration and on the other terms and conditions more particularly set out therein.
- W. The name of the Al-Qadri CHSL is presently reflected in the Property Register Cards in respect of the said Land as owner thereof.



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- X. The Society are seized and possessed, as the sole and absolute owner *inter alia* of all that piece and parcel of land admeasuring 582.80 Square Meters or thereabouts (as per the title documents) bearing C.T.S. Nos. 835 (Pt.) & 836/A of Village- Kurla (2), Taluka- Kurla, Mumbai Suburban District and situate, lying and being at 13.40 M. wide New Hall Road, Kurla (West), Mumbai 400070, (hereinafter referred to as the "*said Land*"), together with the buildings known as "Al Qadri Co-Operative Housing Society Ltd." comprising of Ground plus 3 upper floors and containing 07 Nos. of Shops & 19 Nos. residential tenements (hereinafter referred to as the "*said Existing Building*").
- Y. The Al-Qadri CHSL presently has 26 (Twenty-Six) members who are holding shares issued by the Society and corresponding thereto occupying their respective premises in the Existing Building (which also includes the Confirming Members herein) (hereinafter collectively referred to as the "Existing Members").
- Z. In the Special General Body Meeting of the Al-Qadri CHSL held on 10/09/2023, the Society have considered the offer made by the Developer and have thereafter resolved to appoint the Developer herein as the developer to undertake the redevelopment of the said Property.
- Z (A). The society/owner has handed over Plot bearing CTS No. 836/B to BMC for road set back handing over. The name of the BMC has been mutated and entered on the property register card by the city survey office as the owner of the plot bearing CST No. 836/B.





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(Dadamiya Infrastructure LLP)

AA. The Societies were desirous of developing the Property and pursuant to the negotiations and understanding arrived with the Developer, the Parties had entered into a Development Agreements dated October 15<sup>th</sup>, 2023 registered with the Sub-Registrar of Assurances at Kurla-1 under Serial No. 20605 of 2023 & 20614 of 2023 (hereinafter referred to as the "Development Agreements"), for undertaking the development and construction of the Property, in accordance with the terms and conditions set out in the Development Agreements. The Societies have granted unto the Developer, rights to develop and construct the Property by utilising the Floor Space Index/ Built-Up Area set out therein, for the consideration and on the terms and conditions more particularly mentioned therein.



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BB. Pursuant to the Development Agreements, the Societies have executed Power of Attorney's dated October 15<sup>th</sup>, 2023 registered with the Sub-Registrar of Assurances at Kurla-I under Serial Nos. 20608 of 2023 & 20615 of 2023, appointing the Developer as it's constituted attorney to enable the Developer to undertake certain acts, deeds and matters on its behalf in relation to the construction and development of the Property, as more particularly mentioned therein.

CC. In view of the aforesaid, the Developer is sufficiently well entitled to develop the said Property.

Date: 18<sup>th</sup> March, 2024

Adv. Shaikh Mohd. Asif.



18/3/24



**SHAIKH MOHAMMED ASIF**

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