



INDIALAW

BY HAND DELIVERY

To,
L&T Asian Realty LLP,
L&T Business Park,
Gate No. 5, 10th Floor,
Powai, Mumbai.

23rd August, 2023

Dear Sirs,

Re: TITLE CERTIFICATE

Sub: Redevelopment of Eklas Co-operative Housing Society (Limited) standing on all those parts & parcels of land totally admeasuring 17,635.76 Sq. Mtrs. in C.S. Nos. 231 (Part), 232, 446, 448, 450, 451 (part), 453 (part), 454 (part), 455 (Part), 456 (part), 457 to 471, 472, 1/472, 473, 474(pt), 475, 476 and 699 of F/South Ward, Parel Sewree Division, Mumbai ("said Land").

Owner: Municipal Corporation of Greater Mumbai
Developer: M/s. Rubberwala & Royal Developers

We have been instructed by L&T Asian Realty LLP to issue Title Certificate in respect of the said Land and we have, accordingly, conducted the investigation of title to the said Land.

I. COPIES OF THE FOLLOWING DOCUMENTS WERE FURNISHED FOR PERUSAL:

Date	Document
3 July 2006	Brief note on Flow of the Title (Sewree) Annexure II bearing No. AC/ESTATES/5572/AO(SOC.) issued by the Assistant Commissioner (Estate), MCGM in favour of Shriram Developers pertaining to redevelopment of Eklas Co-operative Housing Society (Proposed) on Municipal property bearing C.S. No. 476(part), Building No. 22-A, B.M.C. Chawl, having a plot area of 788 Sq. Mtrs. consisting of 35 residential tenants, 13 commercial tenants, 1 vacant land tenancy (commercial), 2 residential occupants and 2 commercial occupants.
30 June 2008	Annual General Meeting Resolution – Meeting held by 1) Green Maharashtra CHS, 2) Sewree Tenant Welfare

Mumbai | Delhi | Chennai | Kolkata | Bengaluru | Hyderabad | Cochin

Reg. & Head office- INDIALAW LLP, Apeejay Chambers, Ground flr, Wallace St, Fort, Mumbai - 400 001.

LLPIN - AAC - 7831 | w - www.indialaw.in | e - mumbai@indialaw.in | t - 022-69247400



	Association and 3) Eklas Co-operative Housing Society Ltd. Around 228 members, who were present in the said AGM, have given their consent.
12 August 2014	Annexure II bearing Ref. No. AC/ESTATES/11509/A.O.(SOC.)-II/A.E.(I) issued by the Asst. Commissioner (Estate), MCGM permitting redevelopment of the said Property under the Regulation 33(7) of Development Control Regulations, 1991.
21 August 2014	Committee Report bearing No. DY.CH.ENG.(P.P.P.)/824 issued by the Asst. Commissioner (Estates) / MCGM recording recommendations made to the Technical Committee.
2 September 2014	Letter No. M.CHI./6759/MCGM issued by MCGM records the Resolutions No. 72 dated 26 August 2014 and No. 571 dated 27 August 2018 issued by the Improvement Committee/MCGM.
24 October 2017	Letter No. SRDP201710111144720 issued by the Office of Chief Engineer (Development Plan), MCGM sanctioning the revised Development Plan remarks for the said Land. Enclosed with plan.
23 February 2018	Letter of Intent (LOI) bearing No. SA/Property/21306/PR.A.(SAGRAS)/SOC-2 issued by the Asst. Commissioner (Estates), MCGM in favour of said Society, Architect M/s. Shaikh & Associates and the Developer.
31 August 2018	Intimation of Disapproval (IOD) under Section 346 of Mumbai Municipal Corporation Act bearing Ref. No. CHE/CTY/4765/S/337(NEW) granted by the Executive Engineer, Building Proposal Zone, MCGM in respect of Rehabilitation building proposed to be constructed on the said Land.
31 August 2018	IOD under Section 346 of Mumbai Municipal Corporation Act bearing Ref. No. CHE/CTY/4764/S/337(NEW) granted by the Executive Engineer, Building Proposal Zone, MCGM, in respect of Sale building proposed to be constructed on the said Land.
31 August 2018	MCGM vide Letter No. CHE/CTY/4454/F/S/302(Layout) has sanctioned the layout proposal submitted by the Developer with respect to the said Land.
15 September 2018	No Objection Certificate issued by the Dy. Chief Fire Officer, Mumbai Fire Brigade, MCGM for the proposed construction of High Rise Rehabilitation Building on the said Land. Enclosed with approved plans.
21 September 2018	No Objection Certificate issued by the Dy. Chief Fire Officer, Mumbai Fire Brigade, MCGM for the proposed



	construction of High Rise Sale Residential Building on the said Land. Enclosed with approved plans.
27 November 2018	Development Agreement executed between Eklas Co-operative Housing Society Ltd. and the Developer.
5 August 2019	Letter issued by the Office of the District Collector & District Magistrate sanctioning the joint demarcation plan of the said Land.
23 September 2019	Commencement Certificate No. CHE/CTY/4765/S/337(NEW)-CC granted by the Executive Engineer, Building Proposal Zone, MCGM in favor of the Developer permitting construction of Rehabilitation Building up to plinth level. Commencement Certificate has been revalidated for a further period up to 2 October 2022
7 July 2021	Deed of Admission and Reconstitution of Partnership has been executed between Tabrez Shafi Ahmed Shaikh & others, NDW Bay Realty to admit NDW Bay Realty to the partnership of M/s. Rubberwala & Royal Developers.
9 December 2021	Tripartite Agreement bearing Document No. 15781/2021 executed between MCGM, Joint Municipal Commissioner (Improvements), said Society and Developer with respect to the redevelopment of the said Property.
28 th June 2023	Deed of Retirement executed between Tabrez Shafi Ahmed Shaikh & others, NDW Bay Realty to record the retirement of NDW Bay Realty from the partnership of M/s. Rubberwala & Royal Developers.
3 rd July 2023	IOD Note sheet prepared by Licensed Surveyor M/s. Shaikh and Associates requesting the Deputy Chief Engineer (City) to record the earlier IOD issued u/no CHE/CTY/4764/F/S/337(NEW) dated 31 st August 2018, to forfeit earlier scrutiny fees and to consider earlier payments made towards IOD Deposits & Debris deposits however revised Scrutiny fees of Rs 1,75,18,200/- will be recovered before reissue of IOD and to continue the same file no. CHE/CTY/4764/F/S/337(NEW) & to re-issue fresh IOD for the proposed building & to continue the earlier concessions approved by Competent Authority in the file under reference.

II. SRO SEARCH:

We have conducted SRO Search with respect to the said Land vide Search Receipt dated 22nd June 2023, bearing Sr. No.



MH004026230202324E, MH004026997202324E, MH004027779202324E,
MH004028128202324E, MH004028668202324E, MH004030984202324E,
MH004031364202324E, MH004031754202324E, MH004032140202324E,
MH004032820202324E, MH004033216202324E, MH004033680202324E,
MH004034118202324E, MH004034498202324E, MH004035437202324E,
MH004036117202324E, MH004036595202324E, MH004036947202324E,
MH004037374202324E, MH004042357202324E, MH004043838202324E,
MH004044492202324E, MH004045383202324E, MH004046297202324E,
MH004046664202324E, MH004047599202324E, MH004060566202324E,
MH004061002202324E, MH004061363202324E, MH004062359202324E,
MH004062758202324E, MH004063563202324E, for the period from

1993 to 2023 (30 Years) during the course of our search, one entry of a of Mortgage bearing document number Doc No. 9609/2021/BBE-4. We have been provided with a copy of Deed of Reconveyance dated 22/06/2023 and bearing number BBE – 2/12537/2023 reconveying the property which was the subject matter of the Mortgage document Number Doc No. 9609/2021/BBE-4 aforesaid. Kindly note that the Search Report of the SRO Search does not mention the entry regarding reconveyance, aforesaid, since the said Search Report is dated 22.06.2023, and the Deed of Reconveyance, aforesaid, was also registered the same day. There are certain entries of 2007, 2018, 2019, 2021 and 2022 in the SRO Search Report (“**said certain entries**”) wherein parts of certain common CTS numbers are reflecting in the transactions beyond the said land. The Counsel for the Developers has by email dated 26.06.2023 (forwarded by the Client), confirmed that the said certain entries are not in relation with the said land and that they “may have appeared in the search because the property we are concerned with comprises of portions of several large CTS Nos.”

III. PUBLIC NOTICE:

Public Notices were given in Times of India (Mumbai Edition) and Maharashtra Times (Mumbai Edition) on 20th April, 2022 inviting objections, claims, if any, with respect to the said Property within a period of 14 days from the date of Public Notices. We



received 16 objections (shared by email), inter alia, impeaching the bona fides of the Developer. We have communicated the same to the Client by our letter dated 20/09/2022.

IV. SEARCH FROM THE REGISTRAR OF FIRMS:

We have conducted search at the office of Registrar of Firms, Mumbai in the name of M/s. Rubberwala & Royal Developers and have found that the said Partnership Firm is not registered and hence, no records were found at the said ROF office. However, we have been provided with Form E regarding Change in the Constitution of the Firm, submitted to the Registrar of Firms dated 11/04/2022 and receipt regarding fees paid in respect thereof, dated 08/04/2022.

V. DEVOLUTION OF TITLE

Based on our examination of the documents furnished to us in 2017 and based on the documents provided thereafter, the devolution of title of the said property is as under:

1. Municipal Corporation of Greater Mumbai (**MCGM**) is the owner and absolutely seized and possessed of and is sufficiently entitled to all those parts and parcels of land bearing C.S. Nos. 231 (Part), 232, 446, 448, 450, 451 (part), 453 (part), 454 (part), 455 (Part), 456 (part), 457 to 471, 472, 1/472, 473, 474(pt), 475, 476 and 699 of Parel Sewree Division, totally admeasuring about 17,635.76 Sq. Mtrs. or thereabouts, lying, being and situated at Sewree Cross Road and Rafi Ahmed Kidwai Marg, in F/South Ward in the Mumbai Island City within the limits of MCGM ("**said Land**").
2. Three (3) Co-operative Societies were formed by the municipal tenants/occupants residing in the old structures standing on the different portions of the said Land, namely 1) Green Maharashtra CHS, 2) Sewree Tenant Welfare Association and 3) Eklas Co-operative Housing Society Ltd. (collectively referred to as the "**said Societies**"). As per the Committee Report of 21 August 2014, these old structures exist on the said



Land prior to the year 1940 (“Old Structures”). *We have not been provided with the registration certificates of the said 3 Co – operative Societies.*

3. The Old Structures standing on the said Land are hereinafter jointly called as the “**said Property**”.
4. The municipal tenants/occupants of their respective societies were desirous of redeveloping the said Property in accordance to the Development Control Regulations, 1991.
5. Said Societies had appointed 1) Rubberwala Developers, 2) Royal Properties and 3) Shreeram Developers respectively to re-develop the said Property.
6. Subsequently, the municipal tenants/occupants had given their irrevocable consent in favour of respective Developers and the Societies through their Developers had submitted the proposal to MCGM for redevelopment of said Property on the said Land in accordance to the provisions of Regulation 33(7) of the Development Control Regulations, 1991.
7. The Assistant Commissioner (Estate), MCGM had issued Annexure II bearing No. AC/ESTATES/5572/AO(SOC.) dated 3 July 2006 in favour of Shriram Developers thereby requesting submission of proposed scheme of redevelopment of Eklas Co-operative Housing Society (Proposed) on Municipal property bearing C.S. No. 476(part), Building No. 22-A, B.M.C. Chawl, having a plot area of 788 Sq. Mtrs. This Building consists of 35 residential tenants, 13 commercial tenants, 1 vacant land tenancy (commercial), 2 residential occupants and 2 commercial occupants.
8. Later, MCGM vide Letter bearing Ref. No. U/NOAC/EST/13469/AO(SO) dated 20 June 2008 had informed that it has decided to encourage development of Municipal properties in cluster with better amenities and hence MCGM called upon the Societies / their architects to consider redevelopment in cluster with 70% notarized consents of the tenants.



9. Accordingly, Annual General Meeting (AGM) was held on 30 June 2008 by the said Societies and it was unanimously decided to re-develop the said Property jointly in cluster under one single society. Thus, the said Societies have formed a co-operative housing society under the name of Eklas Co-operative Housing Society (Proposed) ("**said Society**") under the provisions of Maharashtra Co-operative Societies Act, 1960. *We have not been provided with the name reservation certificate of Eklas Co-operative Housing Society (Proposed) or registration certificate if the said Eklas Co-operative Housing Society has been registered.*
10. Further, the respective Developers of the said Societies namely 1) Rubberwala Developers, 2) Royal Properties and 3) Shreeram Developers have also formed a common partnership firm for the redevelopment of the old structures on the said Land under the name & style of M/s. Rubberwala & Royal Developers. M/s. Rubberwala & Royal Developers ("**said Developer**") has been appointed as the Developer to undertake the redevelopment of the said Property. 228 members, who were present in the said AGM, have given their consent.
11. The Asst. Commissioner (Estate), MCGM has accorded sanction to the redevelopment of the said Property under the Regulation 33(7) of Development Control Regulations, 1991 in the form of Annexure II bearing Ref. No. AC/ESTATES/11509/A.O.(SOC.)-II/A.E.(I)I dated 12 August 2014. As stated in the said Annexure II;
- a) This Annexure II includes the earlier approved scheme vide Annexure II dated 3 July 2006 for redevelopment of Eklas Co-operative Housing Society Ltd. standing on C.S. No. the old structures on plot of C.S. No. 476(part), Building No. 22-A, B.M.C. Chawl, having a plot area of 788 Sq. Mtrs. This Building consists of 35 residential tenants, 13 commercial tenants, 1 vacant land tenancy (commercial), 2 residential occupants and 2 commercial occupants.
 - b) As per the D.P. Remarks issued by A.E.D.P.(City) bearing No. CHE/286/DPCITY/F/S dated 25 June 2012, Ref. No. CHE/1012/DPCITY/F/S dated 28 March 2014 and Ref. No. CHE/01/DPCITY/F/S dated 30 March 2014 for the said



Land, the same is partly reserved (part of the larger reservation) for public purpose of garden, public housing, road widening, proposed D.P. road and for proposed island freeway and their junction.

- c) The said Land is situated in residential zone and falls within the range of 30 mtrs from railway boundary. Hence, NOC will be required from the Railway Authority and Free Way Authority before issuance of NOC & C.C. of rehab building. *We have not been provided with NOC from the Railway Authority and Free Way Authority before issuance of NOC & C.C. of rehab building.*
- d) There exists 1 (one) Municipal Chowky and 1 (one) Hanuman Temple on the said Land and there is not extra amenity.
- e) Property Cards for C.S. Nos. 232, 446, 448, 450, 453 (part), 454 (part), 455 (Part), 456 (part), 457 to 471, 1/472, 473, 474(pt), 475, 476 and 699 respectively records MCGM as the owner of these lands. The Property Cards for C.S. Nos. 231 (Part), 451 (part) and 472 does not record MCGM as the owner but states that these lands were acquired by MCGM under the Wadala Sewree Scheme No. 57 vide a Govt. Declaration dated 20 November 1919.
- f) The total area of the said Land as per Property Cards is 24,988,95 Sq. Mtrs. while as calculated as per the triangulation method, the said Land totally admeasures 17,635.76 Sq. Mtrs. *We have not been provided with the latest Property Card.*

12. The list of eligible Municipal Estate Tenants with area in possession, as given below;

CATEGORY	NO. OF TENANTS	AREA (SQ. METERS)
<u>Municipal Estate Tenants</u> i) Residential – 74 ii) Commercial- 76 iii) Mixed – 1	151	4669.55
<u>Vacant Land Sub Tenants</u> i) Residential- 21 ii) Commercial – 33	54	2001.37
<u>Unauthorised Structure</u> i) Residential – 30 ii) Commercial – 9	39	264.81
<u>Affected By Road Widening – Building Tenancy</u>	23	830.64



i) Residential – 8 ii) Commercial - 15		
<u>Affected By Road Widening –</u> <u>Vacant Land Tenants</u>	15	523.60
i) Residential – 11 ii) Commercial - 4		
<u>Annexure II issued in 2006</u>	53	639.32
i) Residential – 35 ii) Commercial – 14		
<u>Slum Structure</u>		
i) Residential – 2 ii) Commercial - 2		
<u>Slum Dwellers Structure</u>	109	1387.24
i) Residential – 102 ii) Commercial – 7		
<u>Other Structures</u>	2	175.06
1 Municipal Chowky 1 Hanuman Temple		
<u>TOTAL</u>	446	10491.59

13. Committee Report bearing No. DY.CH.ENG.(P.P.P.P.)/824 dated 21 August 2014 was issued by the Asst. Commissioner (Estates) / MCGM recommending the Technical Committee for amalgamation of all the C.S. Nos. comprising the said Land and single Property Card to be issued in the name of MCGM, prior to issuing NOC to Occupancy Certificate and certain other recommendations as stated therein.
14. Letter No. M.CHI./6759/MCGM dated 2 September 2014 issued by MCGM records that; the Improvement Committee/MCGM vide their Resolutions No. 72 dated 26 August 2014 and No. 571 dated 27 August 2018 respectively have accorded approval for the scheme of redevelopment of the said Property under Regulation No. 33(7) of Development Control Regulations, 1991 and also granted permission to demise the said Land unto the Society on leasehold basis for a tenure of 30 years for the lease rent as particularly mentioned therein and with a renewal clause of additional 30 years, for the terms & conditions stated therein.
15. Letter of Intent (LOI) bearing No. SA/Property/21306/PR.A.(SAGRAS)/SOC-2 dated 23 February 2018 has been issued by the Asst. Commissioner (Estates), MCGM in favour



of said Society, Architect M/s. Shaikh & Associates and the Developer, sanctioning the scheme of redevelopment of the said Property, subject to the compliance of terms & conditions as mentioned therein.

- a) Clause 4 of the said LOI states that the name of MCGM shall be recorded as owner in respect of C.S. Nos. 231 (Part), 451 (part) and 472 (acquired by MCGM under Wadala Sewree Scheme No. 57) prior to granting a NOC for issuance of Occupancy Certificate for Rehab Buildings.
 - b) Clause 13 of the LOI states that; in accordance to the revisions made in Regulation 33(7) of the Development Control Regulations, 1991, it is mandatory to provide 300 Sq. Ft (fixed) area (increased from 225 Sq. Ft.) in the new units / flats allotted to the existing tenants / occupants.
 - c) Clause 13A of the LOI states that; all those portions of the said Land which fall under the scheme of redevelopment should be amalgamated into one land prior to the construction of Rehab Buildings.
16. The said Society, in the AGM held on 30 June 2008, has appointed M/s. Rubberwala & Royal Developers as the Developer to redevelop the said Property. Hence, to record the terms & conditions pertaining to the said redevelopment a Development Agreement dated 27 November 2018 has been executed between the parties i.e. the said Society and the Developer.
17. Subsequently, a Tripartite Agreement dated 9 December 2021 registered before the Sub-Registrar, Mumbai City -3 under Document No. 15781/2021 was executed between MCGM, Joint Municipal Commissioner (Improvements) of the First Part, said Society as the party of the Second Part and Developer as the party of the Third Part with respect to the redevelopment of the said Property, for the term, conditions and compliances as particularly mentioned therein.

VI. PARTNERSHIP DETAILS OF M/S. RUBBERWALA & ROYAL DEVELOPERS

1. We have been provided with a copy of Deed of Admission and Reconstitution of Partnership dated 7 July 2021 has been executed between;



- a) 1) Tabrez Shafi Ahmed Shaikh as the party of the First Part, 2) Parvez Shafi Ahmed Shaikh as the party of the Second Part, 3) Humayun Shafi Ahmed Shaikh as the party of the Third Part, 4) Kantilal Ranglal Kothari as the party of the Fourth Part, 5) Khyalilal Ranglal Kothari as the party of the Fifth Part, 6) Bhairumal Sesmal Oswal as the party of the Sixth Part, 7) Chandrakumar Kundanmal Jain as the party of the Seventh Part, as the Continuing Partners of M/s. Rubberwala & Royal Developers; AND
- b) NDW Bay Realty as the party of the Eighth Part being the Incoming Partner;
To admit NDW Bay Realty to the partnership of M/s. Rubberwala & Royal Developers for the purpose of redeveloping the said Property, for the terms, conditions & covenants as mentioned therein.
2. This Deed of Admission and Reconstitution records that M/s. Rubberwala & Royal Developers have applied for registration before the Registrar of Firms, Mumbai under the provisions of Indian Partnership Act, 1932.
3. Deed of Retirement dated 28th June 2023 executed between Tabrez Shafi Ahmed Shaikh & others, NDW Bay Realty records the retirement of NDW Bay Realty from the partnership of M/s. Rubberwala & Royal Developers.
4. However, we have conducted a search at the office of Registrar of Firms, Mumbai in the name of M/s. Rubberwala & Royal Developers and have found that the said Partnership Firm is not registered till date and hence, no records were found at the said ROF office.

VII. PERMISSIONS FOR DEVELOPMENT

a) Revised DP Remarks:

Vide Letter No. SRDP201710111144720 dated 24 October 2017; Office of the Chief Engineer (Development Plan), MCGM has sanctioned revised Development Plan remarks for the said Land. Reservations affecting the said Land are Public Housing and Garden; D.P. roads affecting the said Land are East Island Freeway and DP Road. Enclosed with plans.



b) Intimation of Disapproval & Layout Plan:

- i. Intimation of Disapproval (IOD) under Section 346 of Mumbai Municipal Corporation Act bearing Ref. No. CHE/CTY/4765/S/337(NEW) dated 31 August 2018 has been granted by the Executive Engineer, Building Proposal Zone, MCGM thereby intimating the Developers the compliance and the terms & conditions to be fulfilled as set out therein, in respect of Rehabilitation building proposed to be constructed on the said Land.
- ii. IOD under Section 346 of Mumbai Municipal Corporation Act bearing Ref. No. CHE/CTY/4764/S/337(NEW) dated 31 August 2018 has been granted by the Executive Engineer, Building Proposal Zone, MCGM thereby intimating the Developers the compliance and the terms & conditions to be fulfilled as set out therein, in respect of Sale building proposed to be constructed on the said Land. We have also been provided with IOD Note sheet prepared by Licensed Surveyor M/s. Shaikh and Associates requesting the Deputy Chief Engineer (City) to record the earlier IOD issued u/no CHE/CTY/4764/F/S/337(NEW) dated 31st August 2018, to forfeit earlier scrutiny fees and to consider earlier payments made towards IOD Deposits & Debris deposits however revised Scrutiny fees of Rs 1,75,18,200/- will be recovered before reissue of IOD and to continue the same file no. CHE/CTY/4764/F/S/337(NEW) & to re-issue fresh IOD for the proposed building & to continue the earlier concessions approved by Competent Authority in the file under reference.
- iii. MCGM vide Letter No. CHE/CTY/4454/F/S/302(Layout) has sanctioned the layout proposal submitted by the Developer with respect to the said Land.

c) Rehab Fire NOC:

- i. No Objection Certificate dated 15 September 2018 has been issued by the Dy. Chief Fire Officer, Mumbai Fire Brigade, MCGM stipulating fire protection and firefighting requirements for the proposed construction of High Rise Rehabilitation Building on



the said Land, for the terms & conditions as set-out therein. Enclosed with approved plans.

- ii. Rehabilitation residential composite building comprises of 2 (two) buildings i.e. Building A & B having common 2 level basements for car parking; lower & upper ground floor for commercial use + 1st floor for commercial tenants + service floor.
- iii. Building A further comprises of 2 (two) Wings i.e. Wing A1 & A2 each wing having 2nd to 17th upper floors for residential usage with a total height of 56.00 Mtrs. from general ground level to terrace level.
- iv. Building B is also divided into 2 (two) Wings i.e. Wing B1 & B2 each wing having 2nd to 15th upper floors for residential usage with a total height of 50.20 Mtrs. from the general ground level to terrace level.

d) Sale Fire NOC:

- i. No Objection Certificate dated 21 September 2018 has been issued by the Dy. Chief Fire Officer, Mumbai Fire Brigade, MCGM stipulating fire protection and firefighting requirements for the proposed construction of High Rise Sale Residential Building on the said Land, for the terms & conditions as set-out therein. Enclosed with approved plans.
- ii. Sale residential composite building comprises of 2 (two) Wings i.e. Wing A & B having common single basement for car parking; ground floor, upper ground floors & 2 podium floors for car parking.
- iii. Both Wings i.e. Wing A & B are having 1st + 17th upper floors for residential usage with a total height of 66.30 Mtrs. from general ground level.

e) Joint Demarcation Plan:

The Office of the District Collector & District Magistrate vide Letter dated 5 August 2019 issued in the name of the Developer has sanctioned a joint demarcation plan of the said Land.



f) **Commencement Certificate:**

- i. Commencement Certificate No. CHE/CTY/4765/S/337(NEW)-CC dated 23 September 2019 has been granted by the Executive Engineer, Building Proposal Zone, MCGM in favor of the Developer permitting construction of Rehabilitation Building up to plinth level, as per the plans annexed with above referred IOD and on certain terms and conditions as particularly mentioned therein. This Commencement Certificate was valid up to 22 September 2020.
- ii. Above referred Commencement Certificate has been revalidated for a further period up to 2 October 2022. *We have not been provided with the revalidated Commencement Certificate from 2nd October 2022 onwards.*

VIII. MORTGAGE

By virtue of an Indenture of Mortgage dated 14 July 2021 registered before the Office of the Sub-Registrar, Mumbai-4 under Document No. 9609/2021; Developer had mortgaged the said Land in favor of M/s. Zara Properties, a Partnership Firm against a loan of Rs. 55,00,00,000/- (Rs. Fifty-Five Crores Only), for the terms & conditions mentioned therein. M/s. Zara Properties has created a first legal mortgage, to secure its debt, over an area admeasuring 45,800 Sq. Ft. or thereabouts (carpet area) in the said redevelopment project. We have been provided with a copy of Deed of Reconveyance dated 22/06/2023 and bearing number BBE – 2/ 12537/2023 reconveying the property which was the subject matter of the Mortgage document Number Doc No. 9609/2021/BBE-4 aforesaid.

IX. LITIGATION SEARCH

We have conducted search in name of M/s. Rubberwala & Royal Developers in the Supreme Court of India;

High Courts of Delhi, Bombay, Aurangabad, Nagpur, Goa, Calcutta, Port Blair, Gujarat, Allahabad, Lucknow, Amravati, Chattisgarh, Aizwal, Assam, Itanagar, Kohima, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Bangalore, Dharwad, Gulbarga, Kerala, Gwalior, Indore, Jabalpur, Madras, Madurai, Manipur,



Meghalaya, Orissa, Patna, Punjab & Haryana, Jaipur, Jodhpur, Sikkim, Telangana (at Hyderabad), Tripura, Uttarakhand;

National, State & District Consumer Courts;

Income Tax Appellate Tribunal;

Central Administrative Tribunal;

Customs, Excise & Service Tax Appellate Tribunal;

Maharashtra Administrative Tribunal;

National Green Tribunal;

Real Estate Regulatory Authority – RERA;

Securities & Exchange Board of India – SEBI; Securities Appellate Tribunal;

Telecom Disputes, Settlement & Appellate Tribunal;

Appellate Tribunal for Electricity;

Intellectual Property Hearing;

District Courts in each State, and found the below mentioned Litigation: -

1. We have found the below mentioned cases filed before the **Hon'ble High Court of Bombay**;

SR. NO.	CASE NO.	PARTY NAME
1.	WP/57/2019	Rubberwala & Royal Developers & Anr. Vs. State of Maharashtra & 2 others
2.	WPL/3974/2018	Rubberwala & Royal Developers & Anr. Vs. State of Maharashtra & 2 others

2. We have found the below mentioned cases filed before the **District Court**;

SR. NO.	COURT	CASE DETAILS
1.	City Civil Court – Mumbai	S/100064/2021 Rubberwala And Royal Developers Vs. Nabi Shah Gaibu Shah (P.D. Gandhi And Associates)
2.	City Civil Court – Mumbai	NMS/100685/2021 next Hearing Date:- 26-03-2021 Rubberwala And Royal Developers Vs. Nabi Shah Gaibu Shah (P. D. Gandhi And Associates)
3.	City Civil Court – Mumbai	S/102097/2018 Rubberwala And Royal Developers Vs.



		1.Sallahuddin Shaikh 2.Sirajuddin M. Y. Shaikh (Tushar Goradia)
4.	City Civil Court – Mumbai	S/102333/2018 Rubberwala And Royal Developers Vs. Nilofer Sirajuddin Shaikh (Tushar Goradia)
5.	City Civil Court – Mumbai	S/103169/2018 Rubberwala And Royal Developers Vs. Sirajuddin M. Y. Shaikh (Tushar Goradia)
6.	City Civil Court – Mumbai	S/102925/2019 Rewati Sharan Goswami Vs. M/S. Rubberwala And Royal Developers (Sanket M. Mungale)
7.	City Civil Court – Mumbai	NMS/104402/2019 Rewati Sharan Goswami Vs. M/S. Rubberwala And Royal Developers And Ors. (Sanket Mungale)
8.	City Civil Court – Mumbai	NM 101972 of 2018 in Suit Stamp No. 6553 of 2018 1. Jyoti Janardan Mhatre 2. Nitesh Mhatre 3. Nikhil Mhatre V/s. 1. MCGM 2. Rubberwala and Royal
9.	City Civil Court – Mumbai	Suit No. 100050 of 2019 1. Jyoti Janardan Mhatre 2. Nitesh Mhatre 3. Nikhil Mhatre V/s. 1. MCGM 2. Rubberwala and Royal
10.	Additional Metropolitan Magistrate, Bhoiwada, Dadar, Mumbai	SS Cases W/1300023/2021 next Hearing Date: 02- 09-2021 Rubberwala And Royal Developers Vishal Vasant Nangre Vs. Nabi Shah Gaibu Shah (Sameer P Nangre)

X. We have been informed by the Developer regarding the below mentioned cases;

SR. NO.	CASE NO. & COURT	PARTY NAME	REMARKS
1.	WPL/2296/2019 Bombay High Court	Ayub Khan V/S MCGM	FOR BMC REPLY (ELIGIBILITY)
2.	SUIT NO:820/822/2019 BCCC	Ahmed J Bakali, Yunus Sagiri Vs. MCGM	PROTECTED (NM DISMISS)
3.	SUIT NO:818/821/819/815/ 2019 BCCC	Haji Yusuf, Asian Fisheries, Firoz Dhorajiwala, Om Trading	against 48 hrs notice (nm reject)
4.	AO/9477/83/87/93/00 /10/2019	Ahmed Bakali & 5 Ors Vs. MCGM &	



	Bombay High Court	Rubberwala	
5.	AO(L)/9477/9493/2019 Bombay High Court	Yunus Sagiri & Ors Vs. MCGM & Rubberwala	
6.	AO(L)/9487/9500/01/2019 Bombay High Court	Firoz Abdul Sattar & 5 Ors Vs. MCGM & Rubberwala	
7.	SUIT NO:3169/2018 BCCC	Rubberwala Vs. Siraj & Others	for framing of issue
8.	SUIT NO:2333/2018 BCCC	Rubberwala Vs. Nilofer & Siraj	for framing of issue
9.	SUIT NO:2097/2018 BCCC	Rubberwala Vs. Siraj & Others	for framing of issue
10.	WP/57/2019 Bombay High Court	Rubberwala Royal Vs. MCGM	against Development charges
11.	WP/2964/2019 Bombay High Court	Mohd Parvez Patel & 5 Ors Vs. MCGM	AGAINST ELIGIBILITY

XI. OBSERVATIONS:

1. *We have not been provided with the registration certificates of the said 3 Co – operative Societies viz. 1) Green Maharashtra CHS, 2) Sewree Tenant Welfare Association and 3) Eklas Co-operative Housing Society Ltd.*
2. *We have not been provided with the name reservation certificate of Eklas Co-operative Housing Society (Proposed) or registration certificate, in case the said Eklas Co-operative Housing Society has been registered.*
3. *We have not been provided with NOC from the Railway Authority and Free Way Authority before issuance of NOC & C.C. of rehab building.*
4. *We have not been provided with the latest Property Card.*
5. *We have not been provided with the revalidated Commencement Certificate from 2nd October 2022 onwards.*



XII. CONCLUSION:

In view of what is stated hereinabove and subject to our observations as set out herein, we conclude that M/s. Rubberwala & Royal Developers hold valid and clear rights as the Developers to the said Property.

Yours faithfully,

Shyam B. Mohite
Associate Partner
INDIALAW LLP