

Pritesh D. Patel

*B. Com, D.F.M., LL.B.
Advocate, Mumbai High Court*

FORMAT- A

(Circular No. 28/2021)

To,

MahaRERA

Housefin Bhavan, Near RBI,

E Block, Bandra Kurla Complex, Bandra East,

Mumbai – 400 051.

LEGAL TITLE REPORT

Sub.: All that piece and parcel of land bearing Survey No. 163/5(part) corresponding to CTS No. 128/A/2(part) of Village Kandivali, Taluka Borivali, Mumbai Suburban District situate admeasuring 10269.53 square meters (as per LOI) out of larger area admeasuring 29392.10 square metres and situate, lying and being at Shraavan Nagar, near Ekta Nagar, Dahanukarwadi, Kandivali (West), Mumbai – 400 067 ("**said Property**").

I have investigated the title of **M/s. Rushabh Developers ("Developer")** to the said Property on the request of M/s. Rushabh Developers:

a. **Description of the said Property:**

All that piece and parcel of land bearing Survey No. 163/5(part) corresponding to CTS No. 128/A/2(part) of Village Kandivali, Taluka Borivali, Mumbai Suburban District situate admeasuring 10269.53 square meters (as per LOI) out of larger area admeasuring 29392.10 square metres and situate, lying and being at Shraavan Nagar, near Ekta Nagar, Dahanukarwadi, Kandivali (West), Mumbai – 400 067 ("**said Property**").

b. The documents and papers made available to us ("**Annexure-A**").

c. Property Register Card dated 16th December, 2022 in respect of CTS No.128/A/2 OF Village Kandivali.

d. Search report dated 25th January 2023 issued by Mr. Ashish Javeri for a period of 30 years from 1993 to 2023.

On perusal of the above-mentioned documents and all other relevant documents relating to the title of the said Property, we are of the opinion that Maharashtra Housing Area and Development Authority ("MHADA") is the owner of the said Property and the said Property is clear and marketable and declared as a slum land. M/s. Rushabh Developers have been granted development rights under the Letter of Intent dated 20th May 2021 bearing reference no. SRA/ENG/1543/RS/MHL/LOI ("LOI") issued by the Slum Rehabilitation Authority ("SRA") and the same are free from encumbrances, valid subsisting and marketable.

Owners of the Property:

- i. MHADA is the owner of the said Property.
- ii. Qualifying remarks / comments if any: Subject to detailed Title Report dated [●].

The report reflecting the flow of title of the said Property is enclosed herewith as an annexure.

Encl: Annexures

Date: 16th day of March, 2023

Yours truly,


PRITESH D PATEL
Advocate

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FLOW OF THE TITLE OF THE SAID PROPERTY

1. It appears that in or around 1978, the said Property was encroached by various slum dwellers. Therefore, the Slum Rehabilitation Authority ("**SRA**") declared the said Property i.e. an area admeasuring 10,269.53 square meters bearing Survey No. 163/5(part) corresponding to CTS No. 128/A/2(part) of Village Kandivali, Taluka Borivali, Mumbai Suburban District situate admeasuring 10269.53 square meters situate, lying and being at Shraavan Nagar, near Ekta Nagar, Dahanukarwadi, Kandivali (West), Mumbai – 400 067 as a slum area and as such the said Property is a censused slum.
2. The slum dwellers occupying structures standing on the Property proposed to form themselves into a co-operative housing society limited to be known as Shree Ganesh Shraavan Nagar SRA Co-operative Housing Society Limited (Proposed) (hereinafter referred to as the "**Society**").
3. The Society *vide* its resolution passed in the Special General Body Meeting held on 23rd June 2006 inter alia resolved to appoint the Developer viz. M/s. Rushabh Developers to develop the Property in the manner contained therein.
4. By and under an unregistered Development Agreement dated 15th July 2006 ("**Development Agreement**") executed between the Shree Ganesh Shraavan Nagar SRA Co-operative Housing Society (Proposed), therein referred to as the said Society of the First Part and M/s. Rushabh Developers, therein referred to as the Developers of the Other Part, the Society granted unto the Developer, development rights in respect of the Property at or for the consideration and on the terms and conditions more particularly stated therein.
5. By and under a notarised General Power of Attorney dated 15th July 2006 ("**Power of Attorney**") executed by the Shree Ganesh Shraavan Nagar SRA Co-operative Housing Society (Proposed), therein referred to as the said Society through its Chief Promoter Ramnaresh Suryabali Mishra, Hon. Secretary Anant Govind Kamekar, Hon. Treasurer Atmaram Shripat Dhumak appointed, nominated and constituted (i) Ramji Harakchand Shah and (ii) Mansukh Harakchand Shah, being the partners of M/s. Rushabh Developers, to be their true and lawful Attorney to execute and perform all acts, deeds, matters and things as more particularly set out therein in relation to the development of the said Property .

6. I have been furnished with a Common Consent executed 2006 addressed to CEO, SRA whereunder around 430 have consented to the implementation of the slum rehabilitation scheme on the said Property.
7. Thereafter, SRA issued Annexure II dated 3rd June, 2016 in respect of the said Property.
8. By and under a Letter of Intent dated 20th May 2021 bearing reference no. SRA/ENG/1543/RS/MHL/LOI addressed by SRA ("LOI") to (1) Shree Pradeep Jain, as the architect, (2) the Developer i.e. M/s. Rushabh Developers as developer and (3) the Society i.e. Shree Ganesh Shravan Nagar SRA Co-operative Housing Society Limited as the society, approving the scheme of redevelopment of the said Property on the terms and conditions more particularly contained therein.
9. I have been furnished with the Property Register Card dated 16th December, 2022 in respect of CTS No.128/A/2 of Village Kandivali and on perusal thereof we note as under:
 - a. Area: 29392.10 square metres
 - b. Tenure: Agriculture
 - c. Holder : Not recorded
10. I have been furnished with the 7/12 extract dated 24th August, 2022 in respect of Survey No.163/5 of Village Kandivali and on perusal thereof we note that Maharashtra Housing and Area Development is recorded as holder.
11. I have caused searches to be conducted in the Office of the Sub – Registrar of Assurances at Bombay for a period of 30 (thirty) years i.e.1993 to 2022 in respect of the said Property and have been provided with the Search Report i.e. search report dated 25th January, 2023 issued by Ashish Javeri, our Search Clerk in that regards. Upon perusal of the Search Report, I have not come across any adverse entries affecting the said Property.
12. In view of the foregoing, the Developer came to be entitled to develop the said Property in terms of the LOI, Development Agreement and the Power of Attorney.

Date: 16th day of March, 2023

Yours Truly


PRITESH D PATEL
Advocate

Pritesh D. Patel

*B. Com, D.F.M., LL.B.
Advocate, Mumbai High Court*

ANNEXURE "A"

LIST OF DOCUMENTS

For the purpose of this Report on Title, I have been furnished with a copy of the below-mentioned documents:

1. Property Register Card dated 16th December, 2022 in respect of CTS No.128/A/2 of Village Kandivali;
2. 7/12 extract dated 24th August, 2022 in respect of Survey No.163/5 of Village Kandivali;
3. Letter of Intent dated 20th May 2021 bearing reference no. SRA/ENG/1543/RS/MHL/LOI addressed by SRA;
4. Development Agreement dated 15th July 2006 executed between the Shree Ganesh Shravan Nagar SRA Co-operative Housing Society (Proposed), therein referred to as the said Society of the First Part and M/s. Rushabh Developers, therein referred to as the Developers of the Other Part;
5. General Power of Attorney dated 15th July 2006 executed by the Shree Ganesh Shravan Nagar SRA Co-operative Housing Society (Proposed), therein referred to as the said Society through its Chief Promoter Ramnaresh Suryabali Mishra, Hon. Secretary Anant Govind Karnekar, Hon. Treasurer Atmaram Shripat Dhumak appointed, nominated and constituted (i) Ramji Harakchand Shah and (ii) Mansukh Harakchand Shah, being the partners of M/s. Rushabh Developers;
6. Resolution passed in the Special General Body Meeting of Shree Ganesh Shravan Nagar SRA Co-operative Housing Society Limited (Proposed) held on 23rd June 2006.

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Advocate, Mumbai High Court

ANNEXURE "B"

ENCUMBRANCES

I note that there are no existing charges / mortgages created in respect of the development rights of the Developers to the said Property.

Date: 16th March, 2023

Yours truly



PRITESH D PATEL
Advocate

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ANNEXURE "C"

LITIGATIONS

I note that there are no litigation in respect of the said Property and/or the development rights of the Developers in respect of the same.

Date: 16th March, 2023

Yours truly



PRITESH D PATEL
advocate