

DIPALI G. MAINKAR (B.S.L., LL.B)

ADVOCATE HIGH COURT

Highland Corporate Center, 4th Flr., Office No. 4B – 11 to 17, Next to Goenka International
School, Kapurbavdi Junction, Majiwade, Thane (W) – 400 607. Mob.: 9833433021

Email: deepamainker@gmail.com.

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FORMAT – A
(Circular No.:- 28/2021)


To,
Maha RERA Authority,
6th Floor, Housefin Bhavan,
Plot No C-21, E Block,
BKC, Bandra East,
Mumbai – 400051.

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to All that piece and parcel of land bearing Survey No.151/A(part) having new survey No.151/A/5 corresponding to C.T.S. No.460 (having new CTS Nos.460A, 460B, 460C, 460D & 460E), 461, 462 and 531 (pt.) (having new CTS Nos.531B, 531C, 531D, 531E, 531F and 531H) totally admeasuring about 38,374.72 sq. mtrs., and situated at Village-Nahur, Taluka-Kurla, in the Registration District and Sub-District of Bombay Suburban and in the District of Mumbai City and Suburban (For brevity's sake hereinafter to as the said "**Property/Plot**").

1. I have investigated the title of the said Property on the request of **ATUL PROJECTS INDIA PVT. LTD.** and following documents i.e.:

1) Description of the property:

All that piece and parcel of land bearing Survey No.151/A(part) having new survey No.151/A/5 corresponding 

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to C.T.S. No.460 (having new CTS Nos.460A, 460B, 460C, 460D & 460E), 461, 462 and 531 (pt.) (having new CTS Nos.531B, 531C, 531D, 531E, 531F and 531H) totally admeasuring about 38,374.72 sq. mtrs., and situated at Village-Nahur, Taluka-Kurla, in the Registration District and Sub-District of Bombay Suburban and in the District of Mumbai City and Suburban.

2) The documents of allotment of plot:


- i. Deed of Settlement dated 14.01.1971 duly registered with the office of Sub-registrar of assurances at Bandra bearing Serial No. Bom./R/1617/1971.
- ii. Deed of Conveyance dated 28th October, 2009 registered vide Deed of Confirmation dated 14.08.2012 duly registered with the office of the Assistant Sub-Registrar, Kurla-4 bearing Serial No. BDR-14/6796/1-158/2012.
- iii. Copy of the order dated 3rd April, 2014 passed in NM (L) No.69 of 2013 in Suit No.58 of 2013 (downloaded on 31/03/2022 from the website of Hon'ble High Court of Judicature at Bombay).
- iv. Index-II issued by the Sub-Registrar, Kurla-4 issued with respect to the said Property.
- v. Order dated 15th February, 2022 passed by Collector, M.S.D. under No. सी/कार्य-२ड/पो.वि./एसआरके-२३३३ thereby 

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- ordering/approving sub-division of CTS No.460 and 531(pt.) Forming part of said Property.
- vi. Certified copy of new PR Cards bearing CTS Nos. Nos.460A, 460B, 460C, 460D & 460E (Old CTS No.460) and CTS Nos.531B, 531C, 531D, 531E, 531F and 531H (Old CTS No.531(pt.)), forming part of said property.
2. Property Card of CTS Nos. Nos.460A, 460B, 460C, 460D & 460E (Old CTS No.460) and CTS Nos.531B, 531C, 531D, 531E, 531F and 531H (Old CTS No.531 (pt.)), mutation entry no. 1188.
3. Search report for 61 years from 1962 till 2023.
4. 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 **ATUL PROJECTS INDIA PVT. LTD** is clear, marketable and free from reasonable doubts subject to encumbrances mentioned in title certificate annexed with the report.
5. Owners of the land bearing C.T.S. No.460 (having new CTS Nos.460A, 460B, 460C, 460D & 460E), 461, 462 and 531 (pt.) (having new CTS Nos.531B, 531C, 531D, 531E, 531F and 531H) is **ATUL PROJECTS REALTY PVT. LTD** 

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6. The report reflecting the flow of the title of said Property i.e. C.T.S. No.460 (having new CTS Nos.460A, 460B, 460C, 460D & 460E), 461, 462 and 531 (pt.) (having new CTS Nos.531B, 531C, 531D, 531E, 531F and 531H) is enclosed herewith as **Annexure 'T'**.

Encl.: Annexure.

Date: 08/09/2023

Advocate.



(Stamp)

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Date: 08/09/2023.

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF TITLE

RE: All that piece and parcel of land bearing Survey No.151/A(part) having new survey No.151/A/5 corresponding to C.T.S. No.460 (having new CTS Nos.460A, 460B, 460C, 460D & 460E), 461, 462 and 531 (pt.) (having new CTS Nos.531B, 531C, 531D, 531E, 531F and 531H) totally admeasuring about 38,374.72 sq. mtrs., and situated at Village-Nahur, Taluka-Kurla, in the Registration District and Sub-District of Bombay Suburban and in the District of Mumbai City and Suburban (said **“Property”**).

In pursuance of the instructions from my Clients **MR. ATUL N. PATEL**, Director of **ATUL PROJECTS INDIA PRIVATE LIMITED**, a private limited company incorporated under the provisions of the Companies Act having its registered office at 5th Floor, Trade Avenue, Suren Road, off. Western Express Highway, Andheri (East), Mumbai – 400 093. I have perused and scrutinized the following documents furnished to me by my client interalia:

1. Deed of Settlement dated 14.01.1971 duly registered with the office of Sub-registrar of assurances at Bandra bearing Serial No. Bom./R/1617/1971. 

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2. Deed of Conveyance dated 28th October, 2009 registered vide Deed of Confirmation dated 14.08.2012 duly registered with the office of the Assistant Sub-Registrar, Kurla-4 bearing Serial No. BDR-14/6796/1-158/2012.
3. Copy of the order dated 3rd April, 2014 passed in NM (L) No.69 of 2013 in Suit No.58 of 2013 (downloaded on 31/03/2022 from the website of Hon'ble High Court of Judicature at Bombay).
4. Order dated 15th February, 2022 passed by Collector, M.S.D. under No. सी/कार्य-रड/पो.वि./एसआरके-२३३३ thereby ordering/approving sub-division of CTS No.460 and 531(pt.) Forming part of said Property.
5. Certified copy of new PR Cards bearing CTS Nos. Nos.460A, 460B, 460C, 460D & 460E (Old CTS No.460) and CTS Nos.531B, 531C, 531D, 531E, 531F and 531H (Old CTS No.531(pt.)), forming part of said property.
6. 7/12 extract, mutation entry no. 1188.
7. DP Remark (electronically generated report) for said Property.
8. Search Report

THIS IS TO CERTIFY THAT I have investigated the title of the aforesaid Property and accordingly my findings are as under:


1. From the documents made available from recital, By Deed of Settlement dated 14th January, 1971 duly Registered at Sub-Registrar of Assurances at Bombay under Serial NO.1617/1971 

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executed between Ratnasey Karsondas & Ors., of the party of the One Part and the Bafna Charitable Trust of the party of the other part wherein the said Bafna Charitable Trust acquired the said Property. Thereafter, said property were recorded in the records of Public Trust Register of the Charity Commissioner, Greater Bombay Region vide Entry No.440/71.


2. As represented and declared and from recital of record, vide Memorandum of Understanding ("MOU") dated 21st January, 2008 executed between Mrs. Prabha Bhavan Kataria and Mr. Rajendra R. Singh (claiming themselves holding Development rights) and M/s. Atul Builders & Estate Limited, (now known as M/s. Atul Projects India Private Limited), wherein said Mrs. Prabha Bhavan Kataria and Mr. Rajendra R. Singh agreed to grant conveyance in unto and in favour of my client and further agreed to handover quite, vacant and peaceful possession of land bearing C.T.S. No.461, 461/1 and 462 admeasuring about 7523.16 sq. mtrs., forming part of the said Property. Subsequently, M/s. Atul Builders & Estate Limited (now M/s. Atul Projects India Private Limited), learnt that Mrs. Prabha Bhavan Kartaria and Mr. Rajendra R. Singh were never in the possession of the portion of the said property. Upon inquiry with the original Owners i.e. Bafna Charitable Trust about the rights of Mrs. Prabha Bhavan Kartaria and Mr. Rajendra R. Singh in portion of the said Property, Bafna Charitable Trust informed that Mrs. 

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Prabha Bhavan Kartaria and Mr. Rajendra R. Singh were never in possession of the said portion of the said property and also does not have any right, title and interest with respect to the said portion of the said Property. Consequently, by virtue of Deed of Cancellation dated 08th May, 2009 executed between Mrs. Prabha Bhavan Kartaria and Mr. Rajendra R. Singh and M/s. Atul Builders & Estate Limited (now M/s. Atul Projects India Private Limited) the aforesaid MOU dated 21st January, 2008 was mutually cancelled, terminated and revoked upon terms, conditions and consideration mentioned therein.

3. From the documents made available from recital, the said Bafna Charitable Trust through its Trustees, pursuant to Agreement dated 10th March, 2008 agreed to sell, assign and transfer all its right, title and interest in the said Property unto and in favour of M/s. Atul Builders & Estate Limited (now known as M/s. Atul Projects India Private Limited), upon terms, conditions and considerations more particularly mentioned therein. Accordingly, said Bafna Charitable Trust to procure the sanction towards sale of the said property, made application bearing No.J-4/116 of 2008 before the Ld. Jt. Charity Commissioner, Maharashtra State, Bombay whereas Ld. Jt. Charity Commissioner, vide its order dated 29th April, 2009 was pleased to grant sanction u/s. 36(1) of the Bombay Public Trust Act, for sale of the said Property owned by 


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- said Bafna Charitable Trust in favour of M/s. Atul Projects India Limited (now known as M/s. Atul Projects India Private Limited).
4. Pursuant to Deed of Conveyance dated 28th October, 2009 entered and executed between the Trustees of said Bafna Charitable Trust (therein referred to as the “Vendors”) and Atul Builders & Estates Limited (now known as Atul Projects India Private Limited) (therein referred to as the “Purchasers”) registered vide Deed of Confirmation dated 14th August, 2012 duly registered at office of the Assistant Sub-Registrar, Kurla-4 under Sr. No.BDR-14/6796/1-158/2012, wherein Atul Builders & Estates Limited (now known as Atul Projects India Private Limited) purchased and acquired the said property bearing Survey No.151(pt.) to Atul Builders & Estates Limited (now known as Atul Projects India Private Limited) upon terms, conditions and consideration mentioned therein. Subsequently, the Trustees of said Barna Charitable Trust also granted Power of Attorney dated 29th October, 2009 unto and in favour of Atul Builders & Estates Limited (now known as Atul Projects India Private Limited), for carrying out all such acts, deeds and things incidental thereto.
 5. As represented and declared and from recital of record, vide Deed of Surrender dated 12th July, 2012 executed by (1) Mrs. Jayashree Jaywant Patil, (2) Mr. Nikesh Jaywant Patil, (3) Mr. Nilesh Jaywant Patil and (4) Mrs. Neeta Charan Patil (being the only legal heirs of )


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said Mr. Jaywant J. Patil who claimed to be the Protected Tenant in possession of the said property) thereby surrendered their all of their rights, title and interest in said property for valuable consideration therein unto and in favour of Atul Builders & Estates Limited (now known as Atul Projects India Private Limited). The said Mrs. Jayashree Jaywant Patil, Mr. Nikesh Jaywant Patil, Mr. Nilesh Jaywant Patil and Mrs. Neeta Charan Patil (being the only legal heirs of said Mr. Jaywant J. Patil) also executed a Power of Attorney dated 12th July, 2012 in favour of Atul Builders & Estates Limited (now known as Atul Projects India Private Limited) for carrying out all such acts, deeds and things incidental thereto.

6. As per record, the said Mrs. Prabha Bhavan Kartaria and Mr. Rajendra R. Singh filed a Suit bearing No.58 of 2013 before Hon'ble High Court of Judicature at Bombay against the owners claiming their right, title and interest in respect of the portion of the said property recorded under the aforesaid MOU dated 21st January, 2008 (which was subsequently cancelled under said Deed of Cancellation dated 8th May, 2009). The Hon'ble High Court, Bombay vide its order dated 3rd April, 2014 passed in NM(L) No.69 of 2013 in said Suit No.58 of 2013 thereby restricted the owners from creating any third party rights in respect of the portion of the said property and thus the Suit is pending for its adjudication". The schedule of the suit property and the schedule of the said MOU is 

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same i.e. plot of land bearing C.T.S. No.461, 461/1 and 462 admeasuring about 7523.16 sq. mtrs., out of said Property. Hence, with respect to the remaining part of the said property viz. land bearing CTS No.460 and CTS No.531 (pt.) totally admeasuring about 30851.56 sq. mtrs., situated at Village-Nahur, Taluka-Kurla, in the Registration District and Sub-District of Bombay Suburban and in the District of Mumbai City and Suburban, there are no-prohibitory orders.

7. As per record, as per Conveyance Deed dated 28th October, 2009, the owners of the said property thereafter made application to concerned revenue officer and their name was entered at 7/12 Extract of the said Property. That, as per various orders of Revenue authorities the Mutation Entry recording the name of the owners in 7/12 Extract of the said property was under challenged by various other claimants. That, after hearing concerned the parties the Hon'ble Additional Commissioner, Konkan Division, At Mumbai as per his order dated 14th November, 2018 in Appeal/Desk/RTS/Rev.-444/2017, was pleased to confirm/restore the name of the owners in the 7/12 Extract of the said property under Mutation Entry No.1137. The Survey Number for the said property was previously bearing number as Survey No.151/A (pt.) and whereas as per fresh 7/12 extract it appears that the said property has been assigned with fresh survey number as Survey *R*

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- No.151/A/5. Name of Atul Builders & Estates Limited (now known as Atul Projects India Private Limited) is recorded in 7/12 extract of the said property i.e. on Survey no. 151/A/5.
8. As per order dated 30th January, 2014 passed by Hon'ble Supreme Court of India in Civil Appeal No.1102 of 2014, the entry dated 25th May, 2006 reflecting in Property Card for C.T.S. Nos. 460 & 531 with respect to reservation of said C.T.S. Nos. 460 & 531 as "Maharashtra Reserved Forest" in other record of rights were deleted by another entry dated 17th January, 2015.
9. That, there were few more claimants to the said property viz. Sunderji Mulji Shah (partners of M/s. Hill View Developers) & Others and by way of consent Order dated 05th April, 2018 passed in Suit No.277 of 2017 at Hon'ble High Court of Judicature at Bombay, the said claims were settled by the owners being *bonafide* purchaser thereof and thereafter, the consent Terms which were filed in said Suit No.277 of 2017 were modified as per order dated 31st December, 2021 passed in Interim Application No.1541 of 2019 in said Suit No.277 of 2017 and hence the owners are enjoying the property being an absolute owners thereof.
10. As per record, vide Order dated 15th February, 2022 passed by Collector, M.S.D., the Hon'ble Collector, M.S.D., has been pleased to approve/allow sub-division of said Property and hence said

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property has been assigned or has been provided with fresh City Survey Numbers viz. CTS Nos.460A, 460B, 460C, 460D & 460E corresponding to old CTS No.460 and CTS Nos.531B, 531C, 531D, 531E, 531F and 531H corresponding to old CTS No.531 (pt.).

11. As per record, the Konark Builders & Developers Private Limited, has also registered Lis-pendens dated 9.12.2014 with Sub-Registrar Assurance Kurla, MSD at Kurla under serial No. KRL-2/12005/2014 on 10.12.2014 in respect of the said Property.
12. As per record, Prabha Bhavan Kataria, has also registered Lis-Pendens dated 01.06.2023 with Sub-Registrar Assurance Kurla, MSD at Kurla under serial No. KRL-3/10576/2023 on 01.06.2023 in respect of the plot of land bearing C.T.S. No.461, 461/1 and 462 admeasuring about 7523.16 sq. mtrs., out of said Property.
13. As per record and represented my client, Indenture of Mortgage dated 13.06.2023 duly registered with Office of Joint Sub Registrar Kurla No. 2 under Doc. No. 2-10976-2023 is entered and executed by my client in favor of TATA HOUSING FINANCE LIMITED (therein referred to as the "Mortgagee") exclusively in respect of plot bearing CTS No. 460D admeasuring 3248.70 sq. mtrs. thereby creating charge/mortgage on aforesaid plot being part/portion of the said property. 

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14. I have also instructed title investigator Mr. Ganesh Y. Gawde, who has caused recent searches from the various Authorities from period 1962 onwards and based on Search carried out and Report submitted thereafter, Subject to whatever stated herein above & as Declared by my client and concerns, in my opinion the Title of Owner's to the said Property, more particularly described hereinabove, is clear, marketable and free from reasonable doubts subject to whatever stated hereinabove and my client is well sufficiently entitled to develop said Property and are also entitled to sale/dispose of the various flats/premises etc. in the proposed building on ownership basis since the my client/Developer holds such rights.

Yours truly,



Advocate, High Court