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FORMAT - A
(Circular No. 28/2021)

To,
MahaRERA,
Housefin Bhavan, Plot No. C-21,
E - Block, Bandra Kurla Complex,
Bandra (E), Mumbai 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to Plots i.e. (a) Plot admeasuring 2500 sq. mtrs., bearing C.T.S. No. 2724-B of Village Dahisar, Taluka Borivali (b) Plot admeasuring 35.43 sq. mtrs., bearing C.T.S. No.2724-C of Village Dahisar, Taluka Borivali and (c) Plot admeasuring 16.57 sq. mtrs., bearing C.T.S. No.2724-D of Village Dahisar, Taluka Borivali, all plots in aggregate admeasuring 2552 sq. mtrs. situated at Gavde Nagar Junction of Western Express Highway and S.N. Dubey Road, Dahisar (East), Mumbai 400 068 within the Registration District and Sub-District of Mumbai City and Mumbai Suburban (hereinafter collectively referred to as the "**said Plot**").

I have investigated the title of the said Plot on the request of **M/s. Beautiful Properties Private Limited** a company registered and incorporated under provisions of Companies Act, 1956 and having its registered office at Kantilal House, 14, Mama Parmanand Marg, Mumbai - 400 004 and following documents i.e.: -.

1) Description of the property:

All those pieces and parcels of plots i.e. (a) Plot admeasuring 2500 sq. mtrs., bearing C.T.S. No. 2724-B of Village Dahisar, Taluka Borivali (b) Plot admeasuring 35.43 sq. mtrs., bearing C.T.S. No.2724-C of Village Dahisar, Taluka Borivali and (c) Plot admeasuring 16.57 sq. mtrs., bearing C.T.S. No.2724-D of Village Dahisar, Taluka Borivali, all plots in aggregate admeasuring 2552 sq. mtrs. situated at Gavde Nagar Junction of Western Express Highway and S.N. Dubey Road, Dahisar (East), Mumbai 400 068 within the Registration District and Sub-District of Mumbai City and Mumbai Suburban.



2) The documents of allotment of plot:

Date	Document
14 th October 2016	Conveyance Deed (Deemed/ Unilateral) dated 14 th October 2016 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under serial no. BRL-5-10498-2016 on 14 th October 2016 executed by Shri. N.R. Nikam Competent Authority, as per powers conferred upon him U/s 5A of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and on account of the then defaulting predecessors/promoters in title as per revenue record 1) Mr. Milind Sharad Gavde referred to as the Vendor of the First Part, 2) M/s. Apsara Development Corporation referred to as the Promoters of the Second Part and 1) Sahayog Co-operative Hsg. Society Ltd., 2) Daulat Co-operative Hsg. Society Ltd., 3) Satyam Co-operative Hsg. Society Ltd., referred to collectively as the Societies of the Third Part.
22 nd December 2020	Tri-Party Agreement dated 22 nd December 2020 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under serial no. BRL-4-11373-2020 on 22 nd December 2020 executed between the said M/s PNK Space Development Pvt. Ltd, the said three societies i.e. 1) Sahayog Co-operative Hsg. Society Ltd., 2) Daulat Co-operative Hsg. Society Ltd., 3) Satyam Co-operative Hsg. Society Ltd. and the Developer i.e. M/s Beautiful Properties Pvt. Ltd.
22 nd December 2020	Development Agreement dated 22 nd December 2020 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under serial No. BRL-4-11383-2020 on 22 nd December 2020 made between the three societies i.e. 1) Sahayog Co-operative Society Ltd., 2) Daulat Co-operative Society Ltd., 3) Satyam Co-operative Society Ltd. and the Developer i.e. M/s Beautiful Properties Pvt. Ltd.
22 nd December 2020	Power of Attorney dated 22 nd December 2020 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under serial No. BRL-4-11384-2020 on 22 nd December 2020 executed by three societies i.e. 1) Sahayog Co-operative Society Ltd., 2) Daulat Co-operative Society Ltd., 3) Satyam Co-operative Society Ltd. in favour of M/s Beautiful Properties Pvt. Ltd.
7 th January 2021.	Plot Sub-division Order No सी/कार्या-७अ/ पोवि/ एस आर बी - ५७२४ issued by Collector of Mumbai Suburban District dated 7 th January 2021.
21 st June 2021	Conveyance Deed dated 21 st June 2021 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under serial No. BRL-4-7501-2021 on 21 st June 2021 executed by the three societies in favour of M/s Beautiful Properties Pvt. Ltd. for the Plot bearing CTS No. 2724/A of Village Dahisar.
14 th September 2022	Search Report dated 14 th September 2022 issued by one Mr. Vikas Yadav in respect of searches carried out at the office of the Sub- Registrar of Assurance at Mumbai from year 1981 to year 2022 in respect of the said Plot.
27 th April 2022	Order of the High Court of Bombay in the Commercial Arbitration Petition bearing (L) No. 139 of 2022.

3) 7/12 extract or property cards issued and mutation entry

Sr. No.	Document
30 th April 2021	Certified copy of Property Card of CTS No. 2724/C issued by by Assistant Superintendent cum City Survey Officer, Murnbai on 30 th April 2021.
30 th April 2021	Certified copy of Property Card of CTS No. 2724/D issued by by Assistant Superintendent cum City Survey Officer, Murnbai on 30 th April 2021.
21 st September 2021	Certified copy of Property Card of CTS No. 2724/B issued by by Assistant Superintendent cum City Survey Officer, Mumbai on 21 st September 2021.

4) Search report for 41 years from 1981 to 2022.

Search Report dated 14th September 2022 issued by one Mr. Vikas Yadav in respect of searches carried out at the office of the Sub- Registrar of Assurance at Mumbai from year 1981 to year 2022 in respect of said Plot.

2/- On perusal of the above-mentioned documents and all other relevant documents relating to the title of the said property, I am of the opinion that 1) Sahayog Co-operative Society Ltd., 2) Daulat Co-operative Society Ltd., 3) Satyam Co-operative Society Ltd. are the owners of the said Plot and title of M/s. Beautiful Properties Private Limited to develop the said Plot is clear, marketable and without any encumbrances.

Owners of the land

- (1) Sahyog Co-operative Society Hsg. Ltd., Daulat Co-operative Hsg. Society Ltd., Satyam Co-operative Hsg. Society Ltd., are the owner of Plot bearing C.T.S. No. **2724-B**
- (2) Sahyog Co-operative Society Hsg. Ltd., Daulat Co-operative Hsg. Society Ltd., Satyam Co-operative Hsg. Society Ltd., are the owner of Plot bearing - C.T.S. No. **2724-C**
- (3) Sahyog Co-operative Society Hsg. Ltd., Daulat Co-operative Hsg. Society Ltd., Satyam Co-operative Hsg. Society Ltd., are the owner of Plot bearing - C.T.S. No. **2724-D**

(4) Qualifying comments/remarks -

- a. The original plots bearing CTS No. 2728(pt), 2730, 2732(pt), 2731(pt), 2724 and 2725 of Village Dahisar were subdivided and new CTS nos. are assigned to plots which are CTS Nos .2724/A, 2724/B, 2724/C and 2724/D of the same village.
- b. Out of the aforesaid plots, the plot bearing CTS No.2724/A is conveyed in the name of M/s. Beautiful Properties Private Limited as per the terms and

conditions of the Development Agreement dated 22nd December 2020 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai Under Serial No. BRL-4-11383-2020 made between the three societies i.e. 1) Sahyog Co-operative Hsg. Society Ltd., 2) Daulat Co-operative Hsg. Society Ltd., 3) Satyam Co-operative Hsg. Society Ltd. and the Developer i.e. M/s. Beautiful Properties Private Limited.

- c. Also, CTS Nos. 2724/C and 2724/D admeasuring 35.43 sq. mtrs. and 16.57 sq. mtrs. respectively are part of set-back area of the DP road abutting Plot bearing CTS No.2724/B. The same is to be handed over and transferred in the name of BMC.

3/- The report reflecting the flow of the title of M/s. Beautiful Properties Private Limited on the said Plot is enclosed herewith as annexure.

Encl: Annexure

Date: 29th September 2022


Advocate

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FLOW OF THE TITLE OF THE SAID PROPERTY

- 1) Copies of Property cards issued by Assistant Superintendent cum City Survey Officer, Mumbai on 30th April 2021 and 21st September 2021.
- 2) Mutation Entry No. - N.A.
- 3) Search Report dated 14th September 2022 issued by one Mr. Vikas Yadav in respect of searches carried out at the office of the Sub- Registrar of Assurance at Mumbai from year 1981 to year 2022 in respect of the said Plot.
- 4) Title flow:
 - (a) All those pieces and parcels of plots i.e. (a) Plot admeasuring 2500 sq. mtrs., bearing C.T.S. No. 2724-B of Village Dahisar, Taluka Borivali (b) Plot admeasuring 35.43 sq. mtrs., bearing C.T.S. No.2724-C of Village Dahisar, Taluka Borivali and (c) Plot admeasuring 16.57 sq. mtrs., bearing C.T.S. No.2724-D of Village Dahisar, Taluka Borivali, all plots in aggregate admeasuring 2552 sq. mtrs. (hereinafter collectively referred to as the "**said Plot**") was a part of Larger Property. One Shri. Sharad Gangaram Gavde (hereinafter referred to as "the said Gavde") was owner and as such owner was entitled to several pieces and parcels of lands situated at Dahisar (East) and bearing (i) Survey No. 133, Hissa No. 1A, 3, 7, 8, 9 (ii) Survey No. 134, Hissa No. 3A and 4A, (iii) Survey No. 137, Hissa No. 11 and 13 and (iv) Survey No.139, Hissa No. 1 and 5 corresponding to C.T.S Nos. 2728, 2730, 2735, 2732, 2731, 2724, 2725, 2750, 2748, 2752 and 2753 of village Dahisar total admeasuring 15673.53 Sq. mtrs. Equivalent to 18745.39 Sq. yds. Or thereabouts of Revenue Village Dahisar, Taluka Borivali, Mumbai Suburban District (hereinafter referred to as "the said Lager Property").
 - (b) By and under an Agreement for Development dated 23rd March 1979 made between the said Gavde of one part and M/s. Apsara Development Corporation a partnership firm; the said Gavde agreed to entrust the development rights and ultimately to sell, transfer and convey the said Larger Property in favour of the said M/s. Apsara Development corporation or their nominees including a co-operative housing society or societies for the consideration and upon the terms and conditions mentioned therein;
 - (c) By an order dated 17th October 1974 bearing No. C/ULC/SEC-21/SR-II-188 O.U No. 35, the Office of the Additional Collector and Competent Authority (U.L.C) Greater Bombay, allowed the said Gavde to continue to hold the said Larger Property for construction of houses as mentioned therein;



- (d) Upon submitting layout plan with Municipal Corporation of Greater Mumbai ("hereinafter referred as to MSGM") by the said M/s. Apsara Development corporation as Constituted Attorney of the said Gavde, MCGM approved a layout plan. Under the said layout, the said Larger Property was divided into four plots and the D.P. Roads passing therefrom. Out of the said four plots, on Plot No. 1 admeasuring 4354.26. sq. mtrs., the three buildings i.e. "Satyam", "Daulat" & "Sahyog" have been constructed by the said M/s. Apsara Development Corporation;
- (e) Pursuant to the rights granted under the said Agreement Dated 23rd March 1979 in favour of the said M/s. Apsara Development Corporation and the said permission granted by the authorities appointed under the U.L. (C. & R.) Act, 1976, the said M/s. Apsara Development Corporation constructed six buildings upon the said Larger Property including "Satyam", "Daulat", & Sahyog". The said buildings "Satyam", "Daulat", & "Sahyog" are situated on Plot No. 1 admeasuring 4354.26 Sq. mtrs. Being a part of the said Larger Property;
- (f) The said Sahyog building standing on Plot No. 1 comprised of two wings each of ground + 5 upper floors and known as "C" Wing and "D" Wing. The said "C" wing is consisting of 22 (Twenty-Two) residential flats and 6 (Six) Shops and the said "D" Wing consisting of 24 (Twenty-Four) residential flats. Thus, the said Sahyog building of Sahyog CHS Ltd., is total comprising of 46 (Forty Six) residential flats and 6 (Six) Shops.
- (g) The said Daulat building was consisting of ground plus 3 upper floors and comprises of 32 residential flats. The said Daulat of Daulat CHS Ltd., building is demolished due to dilapidated condition of the building which was declared as C-1 category by BMC prior to obtaining of the IOD.
- (h) The said Satyam building of Satyam CHS Ltd., was consisting of ground plus 3 upper floors and comprises of 21 residential flats and 10 (ten) shops.
- (i) Thus, Daulat Co-operative Hsg. Society Ltd, Satyam Co-operative Hsg. Society Ltd. and Sahyog Co-operative Hsg. Society Ltd. (hereinafter collectively referred to as "the said Societies") comprises of total 99 residential flats and 16 (Sixteen) shops i.e., in total 115 premises and 115 members.
- (j) The said Sahyog society in its Special General Body Meeting held on 12th June 2011 decided to go for redevelopment of its society building jointly along with Satyam Co-operative Housing Society Ltd. & Daulat Co-operative Housing Society Ltd.
- (k) The said Daulat Society in its Special General Body Meeting dated 26th June 2011 decided to go for redevelopment of its society building jointly along with Satyam Co-operative Housing Society Ltd. & Sahyog Co-operative Housing Society Ltd.;

- (l) The said Satyam Society in its Special General Body Meeting dated 26.06.2011 decided to go for development of its society building jointly along with Satyam Co-operative Housing Society Ltd. & Daulat Co-operative Housing Society Ltd.;
- (m) The said Societies after compliance of Section 79(a) of MCS Act, 1960 on 02.07.2013 obtained the NOC of Dy. Registrar and jointly appointed M/s. PNK Space Development Pvt. Ltd., as a developer of the said Societies to redevelop said Societies' land and buildings;
- (n) In pursuant to above, the said Societies jointly signed, executed and registered Development Agreement in favour of M/s. PNK Space Development Pvt. Ltd, on 09.12.2013 along with Power of Attorney and other ancillary documents;
- (o) In the meantime, the said Societies have approached the competent Authority, District Deputy Registrar Co-operative Societies, Mumbai City (4) for obtaining deemed conveyance of the Plot No 1. The Competent Authority, District Deputy Registrar Co-operative Societies, Mumbai City (4) by an order dated 10.10.2016 bearing No, DDR-4/MUM/D.C/Sahyog, Daulat, Satyam CHs LTD / 2121/2016 have allowed the application of deemed conveyance filed by the said societies and accordingly Conveyance Deed dated 14th October 2016 (Deemed/Unilateral) has been executed and registered on 14th October 2016 with the Sub- Registrar of Assurances of MSD Borivali (5).
- (p) Due to various reasons, market conditions, financial crisis PNK Space Development Pvt. Ltd, could not get the plan approved from BMC and could not start the construction work, therefore, the said Societies decided to terminate all rights given under Development Agreement or by way of any other ancillary documents or by way of any writings;
- (q) Development Agreement dated 9th December 2013 along with Power of Attorney and other ancillary documents duly stamped and registered with the sub-Registrar of Assurances at Mumbai made between the said Societies and M/s. PNK Space Development Pvt. Ltd. stands cancelled by instrument of Tri-Party Agreement dated 22nd December 2020 duly stamped and registered with the sub-Registrar of Assurances at Mumbai under serial no. BRL-4-11373-2020 made between the three societies i.e. 1) Sahyog Co-operative Hsg. Society Ltd., 2) Daulat Co-operative Hsg. Society Ltd., and 3) Satyam Co-operative Hsg. Society Ltd., the earlier Developer i.e. M/S PNK Spaces Redevelopment Pvt. Ltd. and M/s. Beautiful Properties Pvt. Ltd. (hereinafter referred to as "the Developer") with mutual understanding that the Developer made payment to the M/s. PNK Space Development Pvt. Ltd. on behalf of said Societies as one-time Settlement amount of Rs. 5,50,00,000/- (Rupees Five Crores & Fifty Lakh only) towards relinquishment of all rights and title given by the said Societies under the registered Development Agreement dated 9th December 2013 and Power of Attorney dated 5th December 2016 and or any ancillary documents or any writings given by the said Societies to M/s. PNK Space Development Pvt. Ltd.

- (r) By registered Development Agreement dated 22nd December 2020 made between the said Societies, being the three societies therein referred to of the First Part and the Developer i.e. Beautiful Properties Pvt. Ltd. a Company registered and incorporated under the provision of Companies Act 2013, and having its Registered Office at Kantilal House, 14, Mama Parmanand Marg, Mumbai - 400004 being the Developer therein referred to of the other part, the said Societies have entrusted the development rights and ultimately in respect of the property described in the in the Schedule thereunder and hereunder written, to the Developer on the terms and conditions and in the manner mentioned in the said Registered Development Agreement dated 22nd December 2020.
- (s) In pursuant to the aforesaid Development Agreement, the said Societies applied for the Sub-division of the Plot No 1 with competent authority and the Sub-division was approved. As per the Plot Subdivision Order No सी/कार्या-७अ/ पोवि/ एस आर बी - ५७२४ issued by the Collector of Mumbai Suburban District dated 7th January, 2021, the original plot bearing CTS No. 2728(pt), 2730, 2732(pt), 2731(pt), 2724 and 2725 of village Dahisar was further subdivided and new CTS nos. were assigned as to plots are 2724/A area admeasuring 1854.26 sq. mtrs., 2724/B area admeasuring 2500 sq. mtrs., 2724/C area admeasuring 35.43 sq. mtrs. and 2724/D area admeasuring 16.57 sq. mtrs. of the same village.
- (t) The plot bearing CTS No.2724/A admeasuring 1854.26 sq. mtrs. is conveyed in the name of M/s. Beautiful Properties Private Limited as per the terms and conditions of the Development Agreement dated 22nd December 2020 duly stamped and registered with the Sub- Registrar of Assurance at Mumbai under Serial No. BRL-4-11383-2020 made between the three societies i.e. 1) Sahyog Co-operative Hsg. Society Ltd., 2) Daulat Co-operative Hsg. Society Ltd., and 3) Satyam Co-operative Hsg. Society Ltd. and the Developer i.e. M/s. Beautiful Properties Private Limited.
- (u) All that balance piece and parcel of land bearing C.T.S Nos. 2724/B admeasuring 2500 sq. mtrs., 2724/C admeasuring 35.43 sq. mtrs. & 2724/D admeasuring 16.57 sq. mtrs. of Village Dahisar, hereinabove collectively referred to as the "said Plot" and shall be developed to its full FSI potential and used for the rehabilitation of the members of the said Societies and the remaining constructed area will be available to the Developer for free sale in the open market.
- (v) The Developer i.e. M/s Beautiful Properties Pvt. Ltd. applied for the building permission on the said Plot bearing CTS nos. 2724/B, 2724/C and 2724/D of village Dahisar. BMC sanctioned plan and issued IOD for the project bearing No. P-7276/2021 (2724)/R/N Ward/ Dahisar R/N/ IOD/1/ New dated 14/01/2022 which includes premises for rehabilitating members as well as the sale premises as per the terms and conditions of the aforesaid Development Agreement.

In view of the aforesaid, I hereby certify that the title of the said Societies to the said Plot is clear, marketable and free from all encumbrances and the said Societies have granted development rights of the said Plot and their respective

buildings thereon in favour of the Developer i.e. aforesaid M/s. Beautiful Properties Pvt. Ltd.

5) Litigations

The Developer i.e. M/s Beautiful Properties Pvt. Ltd. obtained IOD for the project bearing No. P-7276/2021 (2724)/R/N Ward/ Dahisar R/N/ IOD/1/ New dated 14/01/2022. As per the terms and conditions of the Development Agreement, the Developer gave intimation to vacate and hand over the plot for the development to the members of the said three societies. Out of 115 members of the said three societies 13 members refused to vacate premises. Developer filed proceeding in the High Court of Bombay under Section 9 of the Arbitration and Conciliation Act, 1996 which was registered under Commercial Arbitration Petition bearing No. 139 of 2022. Three Societies including Thirteen dissenting members were respondents to the petition.

The matter was heard in the court of Hon'ble Justice Shri. G. S. Kulkarni on 27th April 2022 and order was passed. The Hon'ble Court directed dissenting members to vacate the premises within four weeks and handover for redevelopment. In the event dissenting members fail to vacate within four weeks Court directed to appoint Court Receiver to take possession of the property.

Dissenting Members did not vacate within four weeks. Instead dissenting members moved to division bench for the relief. Commercial Arbitration Appeal filed and lodged under No. 16255 of 2022 in which Interim Application taken out by the Dissenting Members under lodging No. 16295 of 2022. The matter was heard by Hon'ble Division Bench of Justice Shri P. D. Naik and Justice Shri Abhay Ahuja. However, the Dissenting members did not get any relief and Division bench orally directed dissenting members to comply with the earlier High Court Order. Process for appointing Court Receiver initiated by the Developer as per the directions of the High Court and in compliance of the Court Order, Court Receiver took the possession of the Property on 3rd June 2022 and handed over to Developer for the development. Both above Commercial Arbitration Appeal and Interim Application taken out therein are still pending before High Court Bombay, however there is no adverse order passed against the Developer i.e. M/s Beautiful Properties Pvt. Ltd., in respect of the said Plot in above matters.

Dated this 29th day of September 2022.


(ADVOCATE)