

# SUNIL PRABHAKAR LAHANE

ADVOCATE, HIGH COURT, MUMBAI

1206, B-Wing, Dalamal Tower, Nariman Point, Mumbai 400021 Mob: 9892744138, Email:  
advsunillahane@gmail.com

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To,  
MahaRERA,  
BKC, Housefin Bhavan,  
near RBI, E Block,  
Bandra Kurla Complex,  
Bandra East,  
Mumbai 400051

## LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to land bearing C.T.S. No. 3/A/1 (part) admeasuring 3,727 square meters or thereabouts [as per the government records] and 5,727 square meters [as per physical survey] of Village Charkop (hereinafter referred to as "**the said Land**") together with structures standing thereon (hereinafter referred to as "**the said Existing Structures**") lying, being and situated at Bhabrekar Nagar, Kandivali (West), Mumbai 400 067, Taluka Borivali in the Registration District and Sub-district of Mumbai City. (The said Land and the said Existing Structures are hereinafter collectively referred to as "**the said Property**").

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I have investigated the title of the said Property on the request of **V.D Infratech Private Limited** and the following documents i.e.:-

- a) Description of the said Property as stated aforesaid
- b) Property register card dated 13<sup>th</sup> December 2018;
- c) Search Report for 51 years from 1968 till 2018;
- d) Resolution passed by Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) in its General Body Meeting held on 6<sup>th</sup> March, 2011;
- e) Development Agreement dated 21<sup>st</sup> March, 2011 executed between Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) and M/s Sai Construction Company;
- f) Power of Attorney dated 21<sup>st</sup> March, 2011 executed by Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) in favour of partners of M/s Sai Construction Company;
- g) Affidavit dated 21<sup>st</sup> March, 2011 executed by managing committee of Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed);
- h) Annexure II dated 14<sup>th</sup> January, 2013;



*P. Lahane*

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- i) Letter of Intent bearing no. SRA/ENG/2682/RS/STGL/LOI dated 1<sup>st</sup> October, 2014 issued by Slum Rehabilitation Authority;
- j) Resolution passed Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) in its Special General Body Meeting held on 8th February, 2015;
- k) Undated Agreement for Development executed between M/s Sai Construction Company and Tanna Infra Developers LLP;
- l) Supplemental Annexure II dated 29th January, 2016;
- m) Intimation of Approval bearing no. SRA/ENG/3239/RS/STGL/AP dated 4<sup>th</sup> August, 2016 issued by Slum Rehabilitation Authority;
- n) Commencement Certificate bearing no. SRA/ENG/3239/RS/STGL/AP dated 19th November, 2016 issued by Slum Rehabilitation Authority;
- o) Resolution passed Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) in its Special General Body Meeting held on 15<sup>th</sup> January, 2019;
- p) Joint Development Agreement dated 9<sup>th</sup> December, 2019 registered with the office of the Sub-Registrar of Assurances under serial no. BRL-4-884-2020 on 20<sup>th</sup> January, 2020;
- q) Power of Attorney 20<sup>th</sup> January, 2020 registered with the office of the Sub-Registrar of Assurances under serial no. BRL-4 – 888 – 2020.

2. 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 **V.D Infrotech Private Limited** is clear, marketable and without any encumbrances, unless as stated hereinbelow.

Owner of the said Land:  
State of Maharashtra - C.T.S. No. 3/A/1 (part)



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3. The report reflecting the flow of title of the V.D Infratech Private Limited on the said Property is enclosed herewith as Annexure.

Encl: Annexure

Date: April 29, 2021

Yours truly,



Sunil Lahane  
Advocate, High Court



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## ANNEXURE

Sr. No. 1/2021

- 1) The State of Maharashtra is the owner of the said Property as per the Property Card dated 13<sup>th</sup> December 2018 issued by the competent authority.
- 2) I have not perused the mutation entries.
- 3) I have carried out search report for 51 (fifty one) years from 1968 to 2018.

## FLOW OF TITLE

1. The said Land is encroached and occupied by 243 (two hundred and forty-three) slum dwellers/ occupants, who have constructed various structures, hutments on the said Land and have come together and formed a society in the name and style as Shree Laxmikrupa S.R.A. Sahakari Ghruhanirman Sanstha (Proposed) (hereinafter referred to as "**the said Society**").
2. The said Society, in the resolution passed in its General Body Meeting held on 6th March, 2011, appointed M/s Sai Construction Company and having its registered office at Patil House, M.G. Road, Charkop, Kandivali Borivali (West), Mumbai 400 067 (hereinafter referred to as "Sai", as a developer and Mr. Suraj Sawant of M/s Setsquare Project Consultants as architect for implementing and re-developing the said Property under a slum scheme and on the terms and conditions mentioned therein.
3. The said Society has, by and under a Development Agreement dated 21<sup>st</sup> March, 2011 (hereinafter referred to as "**the said Development Agreement**"), granted development rights in respect of the said Property to Sai herein, therein referred to as the Developer on the terms and conditions mentioned therein.
4. Simultaneously, with execution of the said Development Agreement, the said Society had also executed a Power of Attorney dated 21<sup>st</sup> March, 2011 (hereinafter referred to as "**the said Power of Attorney**") in favour of partners of Sai viz (i) Shri. Vinayak Nana Patil and (ii) Shri. Pramod Nana Patil, so as to enable them to carry out the re-



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5. development of the said Property and to do various acts, deeds, matters and things in relation to the re-development of the said Property.
5. In the circumstances, the managing committee of the said Society on 21<sup>st</sup> March, 2011 executed an Affidavit, thereby affirming that they have appointed Sai as the Developer of the said Property.
6. The Dy. District Collector (Encroachment and Eviction) and Competent Authority, issued Annexure II dated 14<sup>th</sup> January, 2013 and Supplemental Annexure II dated 29<sup>th</sup> January, 2016 in respect of the said Property. We note that as per Annexure II, out of 243 (two hundred and forty three) slum dwellers/ occupants, 84 (eighty-four) are eligible and 131 (one hundred and thirty one) are non-eligible.
7. Slum Rehabilitation Authority ("S.R.A.") vide a Letter of Intent bearing no. SRA/ENG/2682/RS/STGL/LOI dated 1<sup>st</sup> October, 2014 ("LOI"), inter alia granted approval to the said Society to carry out slum scheme and sanctioned/ allowed Floor Space Index ("F.S.I.") of 3.00 to be consumed on the said Property and on the terms and conditions mentioned therein.
8. In the year 2015, Sai approached the said Society with a proposal that Sai is desirous of jointly developing the said Property with Tanna Infra Developers LLP and having its registered office at Shop A-110, 1<sup>st</sup> Floor, Super Shopping Complex Bajaj Road, Kandivali (West), Mumbai 400 067 ("Tanna") and as such, the said Society, in the resolution passed in its Special General Body Meeting held on 8<sup>th</sup> February, 2015 inter alia accorded its consent to Sai to jointly developed the said Property with Tanna as co-partner on the terms and conditions mentioned therein.
9. By an undated Agreement for Development (hereinafter referred to as "the said Agreement of Tanna") made and executed between Sai and Tanna, Sai and Tanna inter-alia agreed to jointly develop the said Property on the terms and conditions mentioned therein.
10. S.R.A. vide its letter bearing no. SRA/ENG/3239/RS/STGL/AP dated 4<sup>th</sup> August, 2016 issued Intimation of Approval ("IOA") in respect of rehabilitation building to be constructed on the said Property on the terms and conditions mentioned therein.



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11. S.R.A. issued Commencement Certificate bearing no. SRA/ENG/32339/RS/STGL/AP dated 19<sup>th</sup> November, 2016 in respect of the rehabilitation building to be constructed on the said Property.
12. Thereafter, based on representations and assurances of Sai and Tanna, V.D. Infatech Private Limited (“VDIPL”) agreed to acquire from Sai and Tanna, the exclusive and irrevocable joint-development rights in respect of the said Property. As such, in the resolution passed in the Special General Body Meeting held on 15<sup>th</sup> January, 2019 the said Society consented for the re-development of the said Society jointly by Sai, Tanna and VDIPL and cancelled and terminated the appointment of Mr. Suraj Sawant of M/s. Setsquare Project Consultants as architect and appointed Aakar Architects & Consultants through its partner Mr. Jitendra Patel as new architect for the said Property on the terms and conditions mentioned therein.
13. By a Joint Development Agreement dated 9<sup>th</sup> December, 2019 (hereinafter referred to as “**the said Joint Development Agreement**”) duly stamped and registered with the office of the Sub-Registrar of Assurances, Borivali under serial no. BRL-4-884-2020 on 20<sup>th</sup> January, 2020, Sai and Tanna have jointly granted exclusive and irrevocable joint development rights in respect of the said Property to VDIPL on the terms and conditions mentioned therein.
14. Under the said Joint Development Agreement, it is recorded that VDIPL shall be entitled to minimum 18,531 square meters carpet area equivalent to 1,99,475 square feet carpet area [inclusive of fungible F.S.I.] out of the residential sale area to be constructed on the said Property.
15. Simultaneously with the said Joint Development Agreement, Sai and Tanna have also executed a Power of Attorney dated 20<sup>th</sup> January, 2020 duly stamp and registered with the office of the Sub-Registrar of Assurances, Borivali under serial no. BRL-4 – 888 – 2020 in favour of VDIPL so as to enable VDIPL to do and/or cause to be done various acts, deeds, matters and things in relation to the redevelopment of the said Property.



A handwritten signature in blue ink, appearing to read "Sunil P. Lahane".

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16. The S.R.A. vide a Letter of Intent bearing no. SRA/ENG/2682/RS/STGLLOI dated 29<sup>th</sup> July 2020, inter alia granted approval to the said Society to carry out slum scheme and sanctioned/ allowed F.S.I of 4.00 or up to the sanctioned F.S.I to be consumed on the said Property and on the terms and conditions mentioned therein. The area of the Property as considered in the Letter of Intent is 5728 sq mtrs. As per the Letter of Intent, the S.R.A. has permitted to construct sale component of 18573.99 sq mtrs on the said Property.

17. S.R.A. vide its letter bearing no. RS/STGOVT/0032/20120523/AP/S-2 dated 8<sup>th</sup> September, 2020 issued Intimation of Approval in respect of rehabilitation building to be constructed on the said Property on the terms and conditions mentioned therein.

18. There are no litigations of any nature whatsoever in relation to the said Property.

Date: April 29, 2021

Yours truly,



Sunil Lahane  
Advocate, High Court

