

RAJESH NAIR

Advocate, High Court

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FORMAT -A

(Circular -28 /2021)

To
MahaRERA
Bandra (East), Mumbai

LEGAL TITLE REPORT

Sub: Title clearance certificate in respect of land bearing C.T.S. No. 624/5 of Village Bandra-G in the Registration District and Sub-District of Mumbai City and Mumbai Suburban, admeasuring in the aggregate 1497.50 Square Meters, together with the building named “Gnyanadeep” standing thereon on the property of Gnyanadeep Co-op. Housing Society Ltd., situated at 17th Road, Santacruz (West), Mumbai – 400 054, (hereinafter referred to as the “**SAID PROPERTY**”).

Dear Sir,

1. I have investigated the title of the said Property on the request of Mayfair Housing Private Limited (hereinafter referred to as ‘**the Developer**’) and perused following documents i.e.:

a. Description of the said Property:

Land bearing C.T.S. No. 624/5 of Village Bandra-G in the Registration District and Sub-District of Mumbai City and Mumbai Suburban, admeasuring in the aggregate 1497.50 Square Meters, together with the building named “Gnyanadeep” standing thereon on the property of Gnyanadeep Co-op. Housing Society Ltd., situated at 17th Road, Santacruz (West), Mumbai – 400 054.

b. The documents of allotment of the Property:

- (i) Deed of Conveyance dated 15th November 1962, registered vide Registration Serial No. 3363 on 16th November 1962.



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- (ii) Intimation of Disapproval (IOD) bearing No.GB/ 9532/ A & GB/ 9533/A dated 15th April 1963.
 - (iii) Commencement Certificate bearing No.GB/ 9532/ A & GB/ 9533/ A dated 15th April 1963.
 - (iv) Indenture of Mortgage dated 10th August 1964, registered vide Registration Serial No. 2412 of 1964 on 25th September 1964.
 - (v) Society Registration Certificate bearing No. BOM / HSG / 820 of 1964 on 18th December, 1964.
 - (vi) Order No. 3115/3 of 1964 dated 21st December 1964 passed by The Divisional Joint Registrar of Co-operative Societies.
 - (vii) Indenture of Re-conveyance dated 23rd November 1990, registered vide Registration Serial No. PBBJ/5189/90 on 14th December 2004.
 - (viii) Special General Body meeting dated 13th June, 2021 of Gnyanadeep Co-Operative Housing Society Ltd.
 - (ix) Letter dated 21st June, 2021 issued by The Assistant Registrar of Co-operative Societies.
 - (x) Development Plan Remarks dated 1st April, 2021.
 - (xi) Development Agreement dated 17th January, 2022, registered with the Sub-Registrar at Andheri No.4 vide Registration Serial No. BDR-15-563-2022 on 17th January, 2022.
 - (xii) Power of Attorney dated 17th January, 2022, registered with the Sub-Registrar at Andheri No. 4 vide Registration Serial No. BDR-15-565-2022 on 17th January, 2022.
 - (xiii) Intimation of Disapproval (IOD) dated 29th December 2021 bearing number P-8360/2021/(624/5)/H/W Ward/Bandra-G/IOD/1/NEW.
- c. Property Registered Card of land bearing City Survey No. 624/5 of Village Bandra, "G" ward issued by the City Survey Officer, Bandra on 4th May, 2021.
- d. Search report for 30 years from 1991 till 21.01.2022.



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 owner is clear and marketable and without any encumbrances (save and except the Mortgage as referred in separate Sheet)

Owner of the Land

Gnyanadeep Co-operative Housing Society Ltd.,

3. The report reflecting the flow of the title of the owner on the said Property is enclosed herewith as annexure.



(Rajesh Nair)
Advocate

Encl: Annexure

Date: 18th April, 2022.

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FLOW OF THE TITLE OF THE SAID LAND

Sr. No

1. Property Registered Card of land bearing City Survey No. 624/5 of Village Bandra, "G" ward issued by the City Survey Officer, Bandra on 4th May, 2021.
2. Mutation Entry Number : Nil
3. Search Report for 30 years from 1991 till 21.01.2022 taken from the Concerned sub-registrar office
4. Any other Relevant Title: follow of title as under:
 - A. The Developer is well and sufficiently entitled to undertake development of freehold plot of land of the Society bearing Plot J/3 of Manekji Gazdar Scheme of Santacruz, forming part of Survey Nos.410 and 411 of Danda, bearing CTS No. 624/5, admeasuring 1497.50 square metres, situated at 17th Road, Santacruz (West), Mumbai 400 054 owned by The Gnyanadeep Co-operative Housing Society Limited which registered under the provisions of the Maharashtra Co-operative Societies Act 1960, under Registration No. BOM/HSG/ 820 of 1964 dated 18th December 1964 (hereinafter referred to as "**the Society**") in the Registration District and Sub-District of Mumbai City and Mumbai Suburban.
 - B. The development rights in respect of the said property are acquired by the Developer in the following manner:
 - i. Prior to the year 1964, the said property was owned by Shri Gajanan Co-operative Housing Society Limited, which was then registered under the provisions of the Maharashtra Co-operative Societies Act 1960



under No. B-315 of 1961 (hereinafter referred to as “**Shri Gajanan Society**”), as per a Deed of Conveyance dated 15th November 1962 (registered under Serial No. 3363 dated 16th November 1962). The name of Shri Gajanan Society was reflected on the Property Register Card in respect of the said property;

- ii. The Existing Buildings were constructed on the said property in accordance with the plans and specifications sanctioned by the MCGM, and the MCGM had issued Commencement Certificate bearing No.GB/ 9532/ A & GB/ 9533/A both dated 15th April 1963. On completion of the Existing Buildings, the MCGM issued the Building Completion Certificate issued bearing No. CE/9532/BSII/AH dated 25th October 1967 & CE/9533/ BSII/AH dated 25th September 1967.
- iii. The twenty flats in the Existing Buildings were allotted to various persons who were members (or were thereafter admitted as members) of Shri Gajanan Society;
- iv. By an Indenture of Mortgage dated 10th August 1964 executed between Maharashtra Cooperative Housing Finance Society Limited (registered under the Bombay Cooperative Societies Act of 1925, therein and hereinafter referred to as the “**Mortgagees**”) of the One Part and Shri Gajanan Society (therein referred to as the ‘Mortgagors’) of the Other Part, and registered with the Sub-Registrar of Assurances under Serial No. 2412 of 1964 dated 25th September 1964, Shri Gajanan Society mortgaged the Property to secure a loan taken from the Mortgagees for the development of the same;
- v. Shri Gajanan Society was split into three separate societies and its assets and liabilities were divided amongst the 3 (three) societies. The said Mortgagees had approved the scheme of division of the assets and liabilities of Shri Gajanan Society at the meeting of their Board of Directors held on 29th December 1964. The Divisional Joint Registrar of Cooperative Societies, by his Order No. 3115/3 of 1964 dated 21st December 1964 accorded sanction to the said scheme and accordingly, by virtue of the provisions of the said scheme and the provisions of



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Section 17 of the Maharashtra Co-operative Societies Act 1960, all rights, title and interest of Shri Gajanan Society in the Property became vested in the Society herein, subject to the repayment of the loan to the said Mortgagees. As per the provisions of the Maharashtra Cooperative Societies Act 1960, the said Order passed by the Divisional Joint Registrar of Co-operative Societies was sufficient conveyance to vest the Property in the name of the Society herein (notwithstanding the provisions of the Transfer of Property Act 1982 or the Indian Registration Act 1908. The name of the Society was accordingly brought on record on the Property Register Card in respect of the said property. Pursuant to the said Order passed by the Divisional Joint Registrar of Co-operative Societies. The then owners/ allottees of flats in the Existing Buildings accordingly became members of the Society herein and were issued shares/ share certificates by the Society;

- vi. The entire loan was repaid to the said Mortgagees (whose name had since been changed to Maharashtra State Cooperative Housing Finance Society Limited) following which the Mortgagees re-conveyed the Property to the Society by an Indenture of Re-conveyance dated 23rd November 1990, which is registered with the Sub-Registrar of Assurances under Serial No. PBBJ/5189/90 dated 14th December 2004.
- vii. The said Society and its members at the Special General Body Meeting was held on 13th June, 2021 in the presence of the officer appointed by the Assistant Registrar Co-Operative Society, H West Ward have granted development rights in respect of the said property for redevelopment to my clients viz. M/s. Mayfair Housing Private Limited.
- viii. The Assistant Registrar of Co-operative Societies vide its letter dated 21st June, 2021 confirming the appointment of the Mayfair Housing Private Limited as Developer by the Society for its re-development project in the Special General Body meeting dated 13th June, 2021 of Gnyanadeep Co- Operative Housing Society Ltd.



- ix. By and under a Development Agreement dated 17th January 2022, made by and between the said Society of the first part, Members of the Society of the second part and the Developer of the third part, the said Society, for itself and all its members, granted development rights to the Developer and authorised the Developer to undertake redevelopment of the said property by demolishing the Old Buildings and constructing on the said property, a new multistoried building by using and utilising the entire available Floor Space Index as the remainder of Development Control Regulations for Greater Mumbai 1991 and the Development Control and Promotion Regulations 2034 as more particularly stated therein. The said Development Agreement is duly registered on 18th January 2022 with the Sub-Registrar of Assurances at Andheri-4 under Serial No. BDR-15-563 of 2022.
- x. Along with the said Development Agreement, the said Society has also granted a Power of Attorney dated 17th January 2022 in favour of the nominees/directors of the Developer for the purpose of doing various acts, deeds, matters and things in relation to development of the said property in the manner as contemplated under the said Development Agreement. The Power of Attorney is registered on 18th January 2022 with the Sub-Registrar of Assurances at Andheri-4 under Serial No. BDR-15-565 of 2022.
- xi. Accordingly, the Developer became entitled to redevelop the said property by demolishing the Old Building and constructing the New Building thereon.
- xii. As per the development plan remarks issued by the Municipal Corporation of Greater Mumbai in respect of the said Property, the said Property is situated at in a Residential Zone (R).
- xiii. The Developer, through its director, Mr. Nayan Shah, made an application to the Municipal Corporation of Greater Mumbai for sanction of plans for carrying out construction of the New Building on the said property (before demolishing the Old Building) and based on such application, the MCGM has approved plans for construction on the said



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property and has issued to the Developer an Intimation of Disapproval dated 29th December 2021 bearing number P-8360/2021/(624/5)/H/Ward/Bandra-G/IOD/1/NEW.

5. Litigations if any: Nil

Dated this 18th April, 2022



(Rajesh Nair)

Advocate High Court, Bombay

Details of Encumbrances

The Developer has created mortgage in favour of ADITYA BIRLA FINANCE LIMITED by way of Supplemental Mortgage Deed dated 28th February, 2022 vide document registration no. BDR17-2375-2022, over All rights, title, interest, share, demands, claims and entitlements of Borrower/Mortgagor pursuant to the Development Rights granted by Gnyanadeep Co-operative Housing Society Limited as per the Development Agreement dated 17th January, 2022 in all that Freehold piece and parcel of land bearing Plot J/3 of Manekji Gazdar Scheme of Santacruz, forming part of Survey No. 410 and 411 of Danda, bearing CTS No. 624/5, admeasuring 1,497.50 Sq. Mtr. situated at 17th Road, Santacruz (West), Mumbai – 400 054 in the Registration District and Sub-District of Mumbai City and Mumbai Suburban.

Together with all buildings, erections and constructions of every description which are standing, erected or attached or shall at any time during the continuance of this Deed be erected and standing or attached to the aforesaid lands and premises or any part thereof, all rights to use facilities and incidentals attached thereto and all privileges, easements and appurtenances whatsoever to the said lands, hereditaments or premises or any part thereof, whether presently in existence or in the future belonging to or in any way appurtenant thereto.

Any structures, which shall, from time to time during the continuance of this Deed, be erected or be in or upon the aforesaid freehold Mortgaged Premises or any part thereof which may be comprised in the security in favour of the Mortgagee or fixed or attached thereto and used or intended to be used in connection with the business of the Borrower / Mortgagor , whether in substitution or replacement of or in addition to any structures, fixtures, fittings and things now standing or being fixed or attached or used, shall be automatically included in the security created by these presents and without any act or action by the Borrower / Mortgagor and become and be part of the Mortgaged Premises.

The combined plots are bounded as follows:

- On or towards the North : by Plot bearing CTS No.624/3 of Village Bandra - G;
- On or towards the South : by Plot bearing CTS No.624/7 of Village Bandra - G;
- On or towards the East : by Plot bearing CTS No.624/6 of Village Bandra - G;
- On or towards the West : by 17th Road.

Including without limitation Project Documents in relation to/pertaining to the proposed Project “MAYFAIR GNYANADEEP” constructed/proposed to be constructed/additional construction /any other benefits over the above parcel of lands ALONG WITH all scheduled receivables of sold/unsold Apartments, book debts,



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receipts, income, benefits, considerations and compensation's whatsoever received or to be received in future in respect of the Project on the aforesaid land.

Units of the existing members in the Project "MAYFAIR GNYANADEEP" that are excluded from the purview of mortgage as also 32 car parking earmarked for the existing members are excluded from the purview of the mortgage.

