



महाराष्ट्र MAHARASHTRA

2024



Form 'B'

Declaration Supported by an Affidavit, which shall be Signed by the Promoter or any Person Authorized by the Promoter

AFFIDAVIT CUM DECLARATION

I, Dwarkanath K. Rao, duly authorized signatory of Swayam Realtors and Traders LLP, a Limited Liability Partnership incorporated and registered under the provisions of the Limited Liability Partnership Act, 2008, having its registered office at: 801, 8th Floor, Shikhar Complex, Shrimali Society, Near Mithakhali Six Roads, Navrangpura, Ahmedabad, Gujarat-380 009 and correspondence address at: Byculla Division, Khatau Mill Compound, Bapurao Jagtap Marg, Near Fire Brigade, Byculla (West), Mumbai- 400 008, the Promoter of the proposed Real Estate Project ("the Promoter") do hereby solemnly declare, undertake and state as under:

002

जोडपत्र - २

624833

दिनांक - 5 DEC 2024

मुद्रांक विक्री नोंदवही अनुक्रमांक

दस्तावा प्रकार

Aff:

दस्ता नोंदणी करण्यात आहेत का ? :- होय/नाही

गिऊकरीचे घोडपत्रात वर्णन

मुद्रांक विक्री येणान्याचे नांव

Swayam Realtors & Traders L.P.

हस्ते असल्यास त्याचे नांव/पत्ता

mulund

सही

Siddharth Gaikwad - 9183 4195 9648

दुसऱ्या पक्षकाराचे नांव

मुद्रांक शुल्क रक्कम

गरवानाधारक मुद्रांक विक्रीच्याची सही-

श्री. शंकर साहेबराव यादव)

मुद्रांक विक्रीचे ठिकाण/पत्ता-जिल्हा सत्र न्यायालय, कोणे.

रवाना क्रमांक - ५२०५०३९

ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याचे

कारणासाठी मुद्रांक खरेदी केल्यापासून ६ महिन्यात वापर

बंधनकारक आहे.



I am Authorized Signatory of Swayam Realtors and Traders LLP. Swayam Realtors and Traders LLP have authorized me to execute the present Affidavit cum Declaration vide authorization dated 13th July, 2017.

The Promoter proposes to revise its earlier Form-B Declaration dated 18th July, 2017 as mentioned below;

The Whole Project is known as '**Monte South**' ("**Whole Project**"). The Whole Project consists of various Real Estate Projects. The development of the building known as '**Monte South Pilatus**' comprises of 3 Basements, Lower Ground, Ground Floor, 7 Podiums, 1 Stilt and upto 63 habitable floors (sanctioned) or more floors and/or as per the full potential available and is divided in several Real Estate Projects. The development of part of the tower/wing of a building known as '**Monte South Pilatus**' comprising of 31st to 45th Floors, is a phase of the Whole Project and registered as a 'Real Estate Project' known as '**MONTESOUTH-5**' ("**the Real Estate Project**").

The Promoter states that 3 Basements (part or full), Lower Ground (part or full), Ground Floor (part or full) and 1st to 7th floor (part or full) may be used for Public Parking and/or for Commercial User.

1. The Promoter has a legal title Report to the land on which the development of the Whole Project/Real Estate Project is to be carried out.

AND

a legally valid authentication of title of such land of the Real Estate Project/Whole Project alongwith draft copy of Agreement for Sale has been uploaded on the RERA website.

2. (a) The details of encumbrances are as follows:
 - (i) By and under an Indenture of Mortgage dated 05th September, 2014 executed between the Promoter, therein referred to as Mortgagor of One Part and Housing Development Finance Corporation Limited therein referred to as Mortgagee of the Other Part and registered with the office of Sub-Registrar of Assurance at Mumbai-4 under Serial Number BBE4-3646/2014, a portion of the said Land was mortgaged on the terms and conditions more particularly stated therein.
 - (ii) By and under an Indenture of Mortgage dated 07th November, 2017 executed between the Promoter, therein referred to as Mortgagor of One Part and Housing Development Finance Corporation Limited therein referred to as Mortgagee of the Other Part and registered with the office of Sub-Registrar of Assurance at Mumbai-3 under Serial Number BBE3-7675-2017, a portion of the Larger Land was mortgaged on the terms and conditions more particularly stated therein.
 - (iii) By and under an Indenture of Mortgage dated 24th May, 2021 registered with the office of Sub-Registrar of Assurance at Mumbai City-5 under Serial Number BBE5-6017-2021 on 8th June, 2021, Swayam Realtors And Traders LLP has created exclusive further charge on the part of the Larger Land i.e. 36,562 sq.mts. alongwith structures and other present and future assets of the part of the Larger Land and receivables as more particularly set out in the said Mortgage Deed with Housing Development Finance Corporation Limited and having its registered office at Ramon House, H.T. Parekh Marg, 169, Backbay Reclamation, Churchgate, Mumbai-400 020 and its Branch office at HDFC House, H.T. Parekh Marg, 165-166, Backbay Reclamation, Churchgate, Mumbai-400 020, therein referred to as

'Mortgagee' or 'Lender' on the terms and conditions as more particularly set out therein.

- (iv) Vide Deed of Partial Release dated 7th February, 2023 registered with the office of the Sub-Registrar of Assurances at Mumbai City-3 under Serial No.BBE3-2286-2023 on 7th February, 2023, the Mortgagee has released its charge over all the rights, title, interest, any further TDR/FSI of Tower 'B' i.e. Building 'Monte South Pilatus' being constructed on a portion of freehold land which was created vide (i) Indenture of Mortgage dated 5th September, 2014 bearing registration no. BBE4-3646/2014, (ii) Indenture of Mortgage dated 07th November, 2017 bearing registration no. BBE3-7675-2017 and (iii) Indenture of Mortgage dated 24th May, 2021 bearing registration no. BBE5-6017-2021 in favour of the Mortgagor i.e. the Promoter.
- (v) By and under an Deed of Mortgage cum Charge dated 02nd February, 2023 registered with the office of Sub-Registrar of Assurance at Mumbai City-4 under Serial Number BBE4-1421-2023 on 2nd February, 2023, Swayam Realtors And Traders LLP has created an exclusive charge on present and future FSI of Tower 'B' i.e. Building 'Monte South Pilatus' and pari passu charge on Freehold Land as more particularly set out in the said Mortgage Deed with IDBI Trusteeship Services Limited and having its registered office at Asian Bldg., Ground Floor, 17, R, Kamani Marg, Ballard Estate, Mumbai, Maharashtra – 400 001, therein referred to as 'Security Trustee' on the terms and conditions as more particularly set out therein.

(b) There is no litigation in respect of the Real Estate Project as on date.

3. That the time period within which the Real Estate Project shall be completed by the Promoter is 29th December, 2025.
4. Real Estate Project is an ongoing project on the date of commencement of the Act;
- (i) That seventy percent of the amounts to be realised hereinafter by the Promoter for the Real Estate Project from the Allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose.

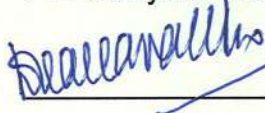
OR

- (ii) That entire of the amounts to be realised hereinafter by the Promoter for the Real Estate Project from the Allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose, since the estimated receivable of the Real Estate Project is less than the estimated cost of completion of the Real Estate Project.
5. That the amounts from the separate account shall be withdrawn in accordance with Rule 5.
6. That the Promoter shall get the accounts audited within six months after the end of every financial year by a practicing Chartered Accountant, and shall produce a statement of accounts duly certified and signed by such practicing Chartered Accountant, and it shall be verified during the audit that the amounts collected for a particular Real Estate Project have been utilised for the Real Estate Project and the withdrawal has been in compliance with the proportion to the percentage of completion of the Real Estate Project.

7. That the Promoter shall take all the pending approvals on time, from the competent authorities.
8. That the Promoter shall inform the Authority regarding all the changes that have occurred in the information furnished under sub-section (2) of section 4 of the Act and under Rule 3 of these rules, within seven days of the said changes occurring.
9. That the Promoter has furnished such other documents as have been prescribed by the rules and regulations made under the Act.
10. That the Promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

Deponent

For Swayam Realtors and Traders LLP



Dwaykanath K. Rao

(Authorized Signatory)

Verification

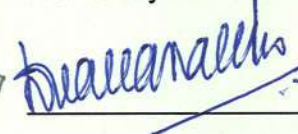
The contents of my above Affidavit cum Declaration are true and correct and nothing material has been concealed by me therefrom.

Verified by me at Mulund on this 11th day of December, 2024.



Deponent

For Swayam Realtors and Traders LLP



Dwaykanath K. Rao

(Authorized Signatory)



NOTED & REGISTERED

Sr. No. 179 Page No. 39

Date 11 DEC 2024

BEFORE ME


DILIP V. WAGH
Advocate & Notary

Mahadev Patil Chawl, Behind Mulund Court
& Ration Office, Panchsheel Nagar,
S. N. Road, Mulund (W), Mumbai-400 080.