

TO WHOMSOEVER IT MAY CONCERN

THIS IS TO CERTIFY that we have investigated title of **M/S SAMCON BUILDERS**, a partnership firm registered under the provisions of the Indian Partnership Act, 1936 and having its office at 21, 1st Floor, Above HDFC Bank, Yashodham Shopping Centre, Gen. A. K. Vaidya Marg, Goregaon (East), Mumbai 400 063, as the owners and/or developer of the property being all that piece or parcel of land bearing C.S. Nos. 351, 352, 353, 354 and 355 of Parel-Sewari Division situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012 together with the buildings standing thereon, which is more particularly described in the schedule hereunder written (collectively "**the said Property**"), by:

(I) Perusing the certified true copies of the following documents and writings handed over to us viz.

(a) Regarding C.S. No. 351:

- (i) Unregistered agreement dated 30th July, 2004 between Smt. Smita Prafulla Goraksha & Ors. and M/s Samcon Builders;
- (ii) Unregistered Power of Attorney dated 30th July, 2004 executed by Smt. Smita Prafulla Goraksha & Ors. in favour of (i) Shri. Jagdish Vishwanath Samant and (2) Shri. Suhas Vishwanath Samant;
- (iii) Development Agreement dated 16th March, 2013 between Smt. Smita Prafulla Goraksha & Ors. and M/s Samcon Builders, registered under No. BBE2-1567-2013;
- (iv) Power of Attorney dated 16th March, 2013 executed by Smt. Smita Prafulla Goraksha & Ors. in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, registered under No. BBE2-1568-2013.

(b) Regarding C.S. No. 352:



- (i) Deed of Conveyance dated 21st December, 2009 between Captain Deepak Rajaram Salvi and Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, registered under No. BBE-2-8945-2009;
- (ii) M.R. No. 287/2010.

(c) **Regarding C.S. No. 353:**

- (i) Deed of Conveyance dated 3rd July, 2009 between Smt. Hiraben Kalyanji Vadgama and Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, registered under No. BBE-2-4928-2009;

- (ii) M.R. No. 288/2010.

(d) **Regarding C.S. No. 354:**

- (i) Unregistered agreement dated 30th July, 2004 between Smt. Smita Prafulla Goraksha & Ors. and M/s Samcon Builders;

- (ii) Unregistered Power of Attorney dated 30th July, 2004 executed by Smt. Smita Prafulla Goraksha & Ors. in favour of (i) Shri. Jagdish Vishwanath Samant and (2) Shri. Suhas Vishwanath Samant;

- (iii) Development Agreement dated 16th March, 2013 between Smt. Smita Prafulla Goraksha & Ors. and M/s Samcon Builders, registered under No. BBE2-1569-2013;

- (iv) Power of Attorney dated 16th March, 2013 executed by Smt. Smita Prafulla Goraksha & Ors. in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, registered under No. BBE2-1570-2013.

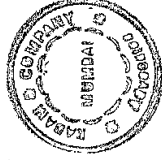
(e) **Regarding C.S. No. 355:**

- (i) Development Agreement dated 25th March, 2013 between Shri. Arun Ramchandra Bhosale & Ors. and M/s Samcon Builders, registered under No. BBE5-1736-2013;

- (ii) Power of Attorney dated 10th April, 2013 executed by Shri. Arun Ramchandra Bhosale & Ors. in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, registered under No. BBE5-1738-2013.



- (f) Affidavit dated 1st April, 2017 deposed by Shri. Rajaram Ramchandra Masane, owner of property bearing C.S. No. 352 and 353;
- (g) NOC issued by the M.B.R.&R. Board bearing No. R/NOC/F-1508/3823/MBRRB-07 dated 18th August, 2007 for C.S. No. 351;
- (h) NOC issued by the M.B.R.&R. Board bearing No. R/NOC/F-1934/3511/MBRRB-11 dated 12th July, 2011 for C.S. No. 352;
- (i) NOC issued by the M.B.R.&R. Board bearing No. R/NOC/F-1841/2741/MBRRB-10 dated 1st July, 2010 for C.S. No. 353;
- (j) NOC issued by the M.B.R.&R. Board bearing No. R/NOC/F-1509/4958/MBRRB-07 dated 8th November, 2007 for C.S. Nos. 354 and 355;
- (k) NOC dated 19th December, 2012 issued by the Government of India through the National Monuments Authority under the Ancient Monuments & Archeological Sites & Remains Act, 1958;
- (l) Revised Composite NOC issued by the M.B.R.&R. Board bearing No. R/NOC/F-1508, 1509, 1841 & 1934/1295/MBRRB-13 dated 18th February, 2013 as revalidated vide No. R/NOC/F-1508, 1509, 1841 & 1934/4278/MBRRB-15 dated 15th June, 2015; and No. R/NOC/F-1508, 1509, 1841 & 1934/7067/MBRRB-16 dated 11th August, 2016;
- (m) IOD bearing No. CHE/CTY/0508/F/S/337(NEW) dated 24th August, 2016; and
- (n) Commencement Certificate bearing No. CHE/CTY/0508/F/S/337 (NEW) dated 25th July, 2017;
- (o) Declaration dated 1st April, 2017 deposed by Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders.



(II) Instituting search of the said Property in the office of the Sub-Registrar of Assurances at Mumbai and Bandra;

(III) Issuing a public notice dated 23rd January, 2017 in the newspapers "Free Press Journal" and "Navshakti", thereby inviting objections from the members of the public at large claiming to have rights in the said Property.

1. On reading the certified true copies of the documents mentioned in paragraphs (I)(a) to (I)(f) above, we have observed as under:

(a) **Regarding C.S. No. 351:**

(i) Smt. Smita Prafulla Goraksha & Ors. are the owners of the property bearing C.S. No. 351 of Parel-Sewari Division admeasuring 187.29 Sq. Mtrs. or thereabouts, situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012 together with the building by name "Bhikoba (Goraksha) Niwas" standing thereon ("**said First Property**")

(ii) By executing an agreement dated 30th July, 2004 the said Smt. Smita Prafulla Goraksha & Ors. had granted development rights of the said First Property in favour of M/s Samcon Builders. However, the said agreement dated 30th July, 2004 was not registered.

(iii) In pursuance to the said agreement dated 30th July, 2004 the said Smt. Smita Prafulla Goraksha & Ors. had executed a Power of Attorney also dated 30th July, 2004 in favour of (i) Shri. Jagdish Vishwanath Samant and (2) Shri. Suhas Vishwanath Samant, thereby empowering them to perform various acts in the matter of development of the said First Property.



(iv) In furtherance to the said agreement dated 30th July, 2004 the said Smita Prafulla Goraksha & Ors., through their attorney the said Shri. Suhas Vishwanath Samant executed a Development Agreement dated 16th March, 2013 in favour of M/s Samcon Builders, thereby granting to them development rights of the said First Property. The said Development Agreement is registered under No. BBE2-1567-2013.

(v) In furtherance to the said Development Agreement dated 16th March, 2013 the said Smita Prafulla Goraksha & Ors., through their attorney the said Shri. Suhas Vishwanath Samant executed a Power of Attorney dated 16th March, 2013 in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, thereby empowering him to perform various acts in the matter of development of the said First Property. The said Power of Attorney is registered under No.BBE2-1568-2013.

(b) **Regarding C.S. No. 352:**

(i) Captain Deepak Rajaram Salvi was the owner of the property bearing C.S. No. 352 of Parel-Sewari Division admeasuring 183.11 Sq. Mtrs. or thereabouts, situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012, together with the building by name "Kuldeep House" standing thereon ("**said Second Property**").

(ii) By executing a Deed of Conveyance dated 21st December, 2009 the said Captain Deepak Rajaram Salvi sold and conveyed the said Second Property forever and absolutely in favour of Shri. Rajaram Ramchandra Masane, partner of M/s



Samcon Builders. The said Deed of Conveyance is registered under No. BBE-2-8945-2009 on 21st December, 2009.

(iii) Vide M.R. No. 287/2010 the said Second Property has been transferred in the name of Shri Rajaram Ramchandra Masane in the Survey Register of the Superintendent of Land Records, Mumbai.

(c) **Regarding C.S. No. 353:**

(i) One Smt. Hiraben Kalyanji Vadgama was the owner of the property bearing C.S. No. 353 of Parel-Sewari Division admeasuring 131.27 Sq. Mtrs. or thereabouts, situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012, together with the building by name "Haribhai Building" standing thereon ("**said Third Property**").

(ii) By executing a Deed of Conveyance dated 3rd July, 2009 the said Smt. Hiraben Kalyanji Vadgama sold and conveyed the said Third Property forever and absolutely in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders. The said Deed of Conveyance is registered under No. BBE-2-4928-2009 on 16th July, 2009.

(iii) Vide M.R. No. 288/2010 the said Third Property has been transferred in the name of Shri Rajaram Ramchandra Masane in the Survey Register of the Superintendent of Land Records, Mumbai.

(d) **Regarding C.S. No. 354 of Parel-Sewari Division:**



(i) Smt. Smita Prafulla Goraksha & Ors. are the owners of the property bearing C.S. No. 354 of Parel-Sewari Division admeasuring 91.97 Sq. Mtrs. or thereabouts, situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012, together with the building by name "Bhikoba Niwas (Goraksha House)" standing thereon ("**said Fourth Property**").

(ii) By executing an agreement dated 30th July, 2004 the said Smt. Smita Prafulla Goraksha & Ors. had granted development rights of the said Fourth Property in favour of M/s Samcon Builders. However, the said agreement dated 30th July, 2004 was not registered.

(iii) In pursuance to the said agreement dated 30th July, 2004 the said Smt. Smita Prafulla Goraksha & Ors. executed a Power of Attorney also dated 30th July, 2004 in favour of (i) Shri. Jagdish Vishwanath Samant and (2) Shri. Suhas Vishwanath Samant, thereby empowering them to perform various acts in the matter of development of the said Fourth Property.

(iv) In furtherance to the said agreement dated 30th July, 2004 the said Smt. Smita Prafulla Goraksha & Ors, through their attorney the said Shri. Suhas Vishwanath Samant executed a Development Agreement dated 16th March, 2013 in favour of M/s Samcon Builders, thereby granting to them development rights of the said Fourth Property. The said Development Agreement is registered under No. BBE2-1569-2013.



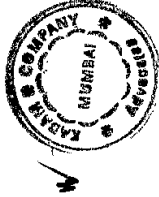
(v) In furtherance to the said Development Agreement dated 16th March, 2013 the said Smt. Smita Prafulla Goraksha & Ors., through their attorney the said Shri. Suhas Vishwanath Samant executed a Power of Attorney dated 16th March, 2013 in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, thereby empowering him to perform various acts in the matter of development of the said Fourth Property. The said Power of Attorney is registered under No. BBE2-1570-2013.

(e) **Regarding C.S. No. 355:**

(i) Shri. Arun Ramchandra Bhosale & Ors. are the owners the property bearing C.S. No. 355 of Parel-Sewari Division admeasuring 96.99 Sq. Mtrs. or thereabouts, situate, lying and being at Bhagwantrao Paralkar Marg, Parel, Mumbai 400 012, together with the building by name "Bhikoba Niwas" standing thereon ("**said Fifth Property**").

(ii) By executing a Development Agreement dated 25th March, 2013 the said Shri. Arun Ramchandra Bhosale & Ors. granted development rights of the said Fifth Property in favour of M/s Samcon Builders. The said Development Agreement is registered under No BBE5-1736-2013.

(iii) In furtherance to the said Development Agreement dated 16th March, 2013 the said Shri. Arun Ramchandra Bhosale & Ors. executed a Power of Attorney dated 10th April, 2013 in favour of Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, thereby empowering him to perform various acts in the matter of development of the said Fifth



Property. The said Power of Attorney is registered under No. BBE5-1738-2013.

- (f) Shri. Rajaram Ramchandra Masane, who is owner of the said Second and Third Property and partner of M/s Samcon Builders, has deposed an affidavit dated 1st April, 2017, wherein he has on solemn affirmation stated and declared that although the said Second and Third Property is owned by him in his individual capacity, he has agreed for development of the same through M/s Samcon Builders by amalgamating the same with the other adjoining properties, development rights of which have been acquired by M/s Samcon Builders.

On the basis of the above documents we are satisfied that M/s Samcon Builders' rights to re-develop the said Property originate from the lawful owners thereof.

2. On reading the certified true copies of the documents mentioned in paragraphs (l)(g) to (l)(o) above, we have observed as under:

- (a) M/s Samcon Builders had initially submitted with the Mumbai Building Repairs & Reconstruction Board ("**Board**") three separate proposals under DCR 33(7) r/w Appendix-III of the Development Control Regulations for Greater Mumbai, 1991 ("said DCR") for redevelopment of the said First, Second and Third Property; and another separate proposal under the said DCR for composite redevelopment of the said Fourth and Fifth Property. The Board had approved each such independent proposal submitted by M/s Samcon Builders and granted independent NOC for each proposal, details of which are as under:

- (i) R/NOC/F-1508/3823/MBRRB-07 dated 18th August, 2007 for the said First Property;



(ii) R/NOC/F-1934/3511/MBRRB-11 dated 12th July, 2011 for CS No. 352 i.e. the Second Property;

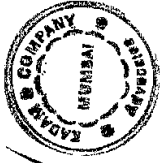
(iii) R/NOC/F-1841/2741/MBRRB-10 dated 1st July, 2010 for the said Third Property; and

(iv) R/NOC/F-1509/4958/MBRRB-07 dated 8th November, 2007 for the said Fourth and Fifth Property.

(b) The said Property is situated within the regulated area of "Monolithic Bas Relief Depicting Siva (Bara Devi Temple) which is declared as monument of national importance under the Ancient Monuments & Archeological Sites & Remains Act, 1958. Vide its letter dated 19th December, 2012, the Government of India through the National Monuments Authority has granted NOC to the Developer to redevelop the said Property, however, by restricting the total building height to 57.80 Mtrs. (including lift machine room).

(c) The Board has sanctioned proposal for amalgamation of the said First, Second, Third, Fourth and Fifth Property and composite redevelopment thereof under the said DCR; and granted Revised Composite NOC bearing No. R/NOC/F-1508, 1509, 1841 & 1934/1295/MBRRB-13 dated 18th February, 2013 as revalidated vide No. R/NOC/F-1508, 1509, 1841 & 1934/4278/MBRRB-15 dated 15th June, 2015 and No. R/NOC/F-1508, 1509, 1841 & 1934/7067/MBRRB-16 dated 11th August, 2016.

(e) MCGM has sanctioned plans of the composite building to be constructed on the said Property and issued IOD bearing No. CHE/CTY/0508/F/S/337(NEW) dated 24th August, 2016 in favour of M/s Samcon Builders.



(f) M/s Samcon Builders have complied with the requisite conditions of the IOD and thereupon MCGM has issued Commencement Certificate bearing No. CHE/CTY/0508/F/S/337 (NEW) dated 25th July, 2017 in favour of M/s Samcon Builders.

(g) Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, has deposed a declaration dated 1st April, 2017, wherein he has on solemn affirmation stated and declared that M/s Samcon Builders have not created any change and/or encumbrances on the said Property and that their rights as the developers of the said Property are clear and free from encumbrances. Shri. Rajaram Ramchandra Masane, partner of M/s Samcon Builders, vide the said affidavit has further stated and declared that all the NOCs and permissions referred to hereinabove are valid and subsisting and have not been revoked and/or cancelled and/or stayed.

On the basis of the above documents we are satisfied that M/s Samcon Builders are entitled to redevelop the said Property under the said DCR in accordance with the NOCs and permissions granted by the concerned authorities.

3. In the course of search of the said Property in the office of the Sub-Registrar of Assurances at Mumbai and Bandra, we have not found any documents in respect of the said Property which adversely affect or prejudice the rights of M/s Samcon Builders as the developers thereof.

4. In response to the Public Notice dated 23rd January, 2017, we have not received any objections from any person(s) thereby raising any claim in respect of the said Property or any part thereof and/or objecting proposed redevelopment thereof by M/s Samcon Builders.



5. In our opinion therefore, **M/s Samcon Builders** is entitled to redevelop the said Property in accordance with the terms and conditions of the agreements referred to above by constructing a new composite building thereon in conformity with the NOCs, permissions, approvals etc. that have been granted and will be granted in future by the MHADA, MCGM and other concerned authorities; and further to dispose of the sale component tenements in such new building in their own name.

THE SCHEDULE OF THE PROPERTY ABOVE REFERRED TO

FIRSTLY

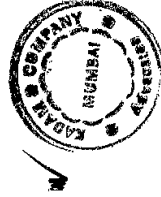
ALL THAT piece or parcel of land bearing C.S. No. 351 of Parel-Sewari Division admeasuring 187.29 Sq. Mtrs. or thereabouts situate, lying and being at Bhagwantrao Paralkar Marg, Parel Village, Mumbai 400 012 together with the building by name "Bhikoba Niwas (Goraksha Niwas)" standing thereon and bounded as under:

On or towards the North	:	Bhagwantrao Paralkar Marg
On or towards the East	:	C.S. No. 353
On or towards the South	:	Partly C.S. No. 360 and partly road
On or towards the West	:	C.S. No. 350

SECONDLY

ALL THAT piece or parcel of land or ground with the messuage tenement or dwelling house standing thereon situate at Parel, outside the Fort in the Island of Mumbai containing by admeasurement 220 Sq. Yards equal to 183.11 Sq. Mtrs. or thereabouts registered in the books of the Collector of Land Revenue old No. 65 and New No. 14206, New Survey No. 1/71, Cadastral Survey No. 352 of Parel-Sewari Division and assessed by the Municipal Rates & Taxes under "F" Ward No. 2623, Street No. 40, Bhagwantrao Paralkar Road, Lekha No. FS-13-0-238-00-1 and bounded as under:

On or towards the East : Public Passage



On or towards the West : the House of and compound of Narayan
Raghunath Ramchandra

On or towards the North : Public Passage

On or towards the South : Partly by the property of AtmaramManekji and
partly that of Saccaram Essoba and which the
said hereditaments are in occupation of
tenants of Udaram Gamnaji

THIRDLY

ALL THAT piece or parcel of land premises lying and being and situate at Ward
No. F-2626 Street No. 40N bearing C.S. No. 353 of Parel-Sewari Division, Parel
Village, Mumbai 400 012 admeasuring 131.27 Sq. Mtrs. with building standing
thereon known as "Haribhai Building" and bounded as under:

On or towards the East : Plot No. 355 of Gajanan Mahadeo Goraksha

On or towards the West : Plot No. 351 of Moreswar B. Goraksha

On or towards the North : Plot No. 352 of Harshadrai Nandlal Bhayani

On or towards the South : Plot No. 359 of Rameshchandra Jagjivandas
Mistry

FOURTHLY

ALL THAT piece and parcel of land admeasuring 110 Sq. Yards or thereabouts
bearing C.S. No. 354 of Parel-Sewari Division situated at 40P, Bhikoba Niwas
(Goraksha House), Bhagwantrao Paralkar Marg, Parel Village, Mumbai 400 012
with the building standing thereon registration district and sub-district of Mumbai
and bounded as follows:

On or towards the West : C.S. No. 353

On or towards the North : C.S. No. 352

On or towards the South : 10 Ft. wide common passage

On or towards the East : C.S. No. 355



FIFTHLY

ALL THAT piece and parcel of land admeasuring 96.99 Sq. Mtrs. or thereabouts bearing C.S. No. 355 of Parel-Sewari Division situated at 40P, Bhikoba Niwas (Goraksha House), Bhagwantrao Paralkar Marg, Parel Village, Mumbai 400 012 with the building standing thereon registration district and sub-district of Mumbai and bounded as follows:

On or towards the West	:	C.S. No. 354
On or towards the North	:	C.S. No. 352
On or towards the South	:	10 Ft. wide common passage
On or towards the East	:	Bhagwantrao Paralkar Marg

DATED THIS 26TH DAY OF JULY, 2017.

SG

KADAM & COMPANY
Advocates

