

BURTY J. TANEJA

B.A.,LL.B.
Advocate, High Court

62, Municipal Market,
H.D. Road, Ghatkopar (W),
Mumbai – 400086.
Mobile : 9967037330

Ref. No.---

Date : 27.07.2017

TO WHOMSOEVER IT MAY CONCERN

Re: Property bearing C.S. Nos.1/817, 819 & 820 of Girgaum Division at Khetwadi Main Road, Mumbai - 400004.

Kashinath Building Co-operative Housing Society Limited, a co-operative society registered under the provisions of Maharashtra Co-operative Societies Act, 1960 vide No.W/D/HSG/TC/4088/1989-90 and having its office at Khetwadi 7th & 8th Lane, S.V.P. Road, Mumbai – 400004 is the owner of and/or otherwise well and sufficiently entitled to all that property more particularly described in the First Schedule hereunder written ("the First Property"). Pursuant to a Deed of Development dated 13.05.2013 duly registered with the Office of the Joint Sub-Registrar, Mumbai City-3 under Serial No.BBE-3/2500/2013 the said Society has granted development rights of the First Property in favour of M/s. Earth Graphics. The said Society has also executed General Power of Attorney dated 12.06.2014 in favour of M/s. Earth Graphics and the same is duly registered with the Office of the Joint Sub-Registrar, Mumbai City-5 under Serial No.BBE-5/1788/2014.

Pursuant to an Agreement dated 21.09.2010 which is duly registered with the Office of the Joint Sub-Registrar, Mumbai City-2, Mumbai under Serial No.BBE-2/7719/2010 M/s. Earth Graphics have acquired the development rights in respect of the property more particularly described in the Second Schedule hereunder written ("the Second Property") from its owner Mr. Jaywant Kumar Prataprai Mehta. The said Jaywant Mehta died on 24.01.2014 leaving behind as his heirs and legal representative his widow Jyotsna, son Ram and daughter Tulsi. By and under Supplemental Agreement dated 16.08.2016 duly registered with the Office of the Joint

Sub-Registrar, Mumbai City-3, Mumbai under Serial No.BBE-3/6878/2016, the said heirs of late Jaywant Mehta have confirmed the Agreement dated 21.09.2010 and handed over possession of the Second Property to M/s. Earth Graphics to enable them to demolish the existing structures thereon and carry out redevelopment of the same.

By virtue of Deed of Conveyance dated 14.10.2008 and registered with the Joint Sub-Registrar, Mumbai City-2 under Serial No.BBE-2/6410/2008 M/s. Earth Graphics have purchased and acquired the property more particularly described in the Third Schedule hereunder written ("the Third Property").

M/s. Earth Graphics have represented that they have carried out due diligence in verifying the title and right of the parties from which they have acquired the ownership/redevelopment rights in respect of the respective properties more particularly described in the First, Second and Third schedules hereunder written. M/s. Earth Graphics have represented that they are also in the process of amalgamating these properties in the books and records of the concerned land revenue authorities.

At the request of M/s. Earth Graphics I have perused the above mentioned agreements/documents and have also gone through the other title documents in respect of said properties more particularly described in the First, Second and Third schedules hereunder written. At the request of M/s. Earth Graphics I had also caused publication of separate Notices in 'The Free Press Journal' and 'Nav Shakti' both dated 11.03.2014 inter alia declaring the intention of M/s. Earth Graphics to develop each of the said properties more particularly described in the First, Second and Third schedules hereunder written and inviting claims and objections in respect of the rights, title and interest of whatsoever nature in respect of the structures in the First Property, Second Property and cessed portion of the Third Property. I did not receive any claims or objections in respect thereof from any party of person.

34 M/s. Earth Graphics have proposed to develop the said properties more particularly described in the First, Second and Third schedules hereunder written under Regulation No.33(7) of the Development Control Regulations of Greater Mumbai, 1991 by amalgamating these properties and constructing thereon a Composite Building to be called as 'EARTH DARSHAN' in accordance with the approvals and sanctions obtained from the concerned authorities. M/s. Earth Graphics have obtained the N.O.C. from Mumbai Repair & Reconstruction Board (a Unit of MHADA) for development of each of the said properties more particularly described in the First, Second and Third schedules hereunder written. Pursuant to the proposal/application by M/s. Earth Graphics the Municipal Corporation of Greater Mumbai has approved the plans, specifications, elevations, sections and details of the building to be constructed in the said amalgamated property and has issued Intimation of Disapproval vide No.CHE/CITY/0999/D/337/A dated 15/01/2016.

In view of and subject to what is stated hereinabove and subject to the representations made to me by M/s. Earth Graphics, in my opinion M/s. Earth Graphics have the right, title and authority to redevelop the said properties more particularly described in the First, Second and Third schedules hereunder written and to sell the flats in the sale component remaining balance upon rehabilitating the existing tenants/occupants in the buildings in the said properties.

FIRST SCHEDULE HEREINABOVE REFERRED TO

ALL THAT piece or parcel of land or ground or quit and ground rent tenure situate at Khetwadi, 7th & 8th Lane in the City of Bombay with dwelling houses standing thereon containing by admeasurement 580 square yards equivalent to 484.95 square meters and registered by the Collector of Land Revenue under Collector's New Nos. A/9128, A/9244, A/9244 New Laughton Survey No. A/5472, 2/5469, 2/5473 Cadastral Survey No.1/817 of Girgaon Division and assessed by the Assessor & Collector of Municipal taxes under 'D' Ward Nos.1979(1), 1979(2) and 1869(2) Street Nos.30, 32 and 19A.

SECOND SCHEDULE HEREINABOVE REFERRED TO

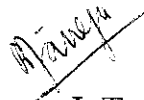
ALL THAT property being the piece and parcel of land or ground admeasuring about 215.40 square metres bearing Old Survey No.787 and corresponding to New Survey No.5471 and Cadastral Survey No.819 of Girgaum Division together with the building standing thereon known as "Vimal Building" situate at 184 Khetwadi Main Road, Mumbai - 400004, within the Registration District & Sub-District of Mumbai City.

THIRD SCHEDULE HEREINABOVE REFERRED TO

ALL THAT property being piece and parcel of land, ground, hereditaments admeasuring about 722 square yards i.e. 569.40 square metres together with a 'Hanuman Temple' and two dilapidated chawls one having Ground + 1 Upper Floor and another of Ground + 2 Upper Floors standing thereon situate lying and being at C.S. No.820 of Girgaum Division, 118-A, Khetwadi Main Road, Mumbai - 400004, within the Registration District & Sub-District Mumbai City.

Mumbai

Date : 27.07.2017


(Burty J. Taneja)
Advocate, High Court