

(To be Published in Part - III Section 4 of the Gazette of India, Extraordinary)
Tariff Authority for Major Ports

No. TAMP/53/2021-MBPT

Mumbai, 26 November 2021

NOTIFICATION

This Authority, in exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), has disposed of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for two quinquennial period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022, for let out land falling under various RR Zones of MBPT on 01 November 2021. However, considering the time involved for notifying the Speaking Order along with the Rent Schedule for MBPT, this Authority decided to immediately notify only the Rent Schedule for MBPT prescribing Lease rentals in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT. Accordingly, the Rent Schedule for MBPT prescribing Lease rentals in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT, approved by this Authority on 01 November 2021 was notified in the Gazette of India on 12 November 2021 vide Gazette no.555. It was stated in the said Notification that this Authority will notify the Speaking Order, in due course of time. Accordingly, this Authority hereby notifies the Speaking order connected with the disposal of proposal of MBPT for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/53/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L/38(21)/Gen/271 dated 23 September 2021 for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT.

2.1. The main highlights of the MBPT proposal dated 23 September 2021 are as follows:

- (i). Government has issued Policy Guidelines on Land Management for all major ports vide letter No. PD-13017/2/2014/-PD.IV dated 17.07.2015. By Clarification Circular No. 1 of 2018 dated 14.05.2018, and Clarification Circular No.1 of 2019-20 dated 29.04.2019 Ministry has extended the applicability of the PGLM 2015 to the non-home occupation / commercial areas of the township areas of Mumbai, Kolkata and Kandla Port. Clause 13 (c) of PGLM of 2015 requires the port to refix the SOR once in five years and obtain TAMP's approval thereto.
- (ii). As provided in Clause 13 of PGLM, Land Allotment Committee (LAC) has recommended rates for various Ready Reckoner Zones. Same have been approved by MBPT Board. [MBPT has furnished Board Resolution approving the LAC recommendations]
- (iii). In this backdrop, the MBPT has come up with the subject proposal seeking approval for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones which is submitted for approval to the SOR in terms of Clause 13 (c) of PGLM 2015.

2.2 The background and other main points made by the MBPT in its proposal dated 23 September 2021 are summarized below:

A. Background :

- (i). Mumbai Port Trust owns about 944 Ha of land in Mumbai City. The land in the Mumbai city limits falls under the jurisdiction of A, B, C, M, G-North, E, F-North and F-South Wards. The said land stretches from Colaba to Wadala, Mahim, Worli, Govandi, Pir Pau, Mahul, Titwala etc. and is divided into 15 administrative units for management of these estates. The landed estates are divided into 2 main categories, viz. (i) lettable land and (ii) non-lettable land. Non-lettable land includes areas occupied by offices of sister department, administrative offices of Mumbai Port Trust, Port Trust quarters, Port Trust hospital, etc. The lettable category includes areas let out on long term leases, 15 monthly leases, monthly tenancies and licenses. There are also a few plots which are vacant and can be let out. The present proposal is for approval of Schedule of Rates (SOR) for the period 01.10.2017 to 30.09.2022.
- (ii). The Board vide various TRs of 2021 accorded approval to Schedule of Rates (SoR) for the period from 01.10.2017 to 30.09.2022 in respect of Mumbai Port Trust letout land falling under various Ready Reckoner Zones applicable to all the Expired leases/Fifteen Monthly leases/Monthly Tenancies/Licenses of the plots Non Home occupations.

B. Policy Guidelines:

- (i). The Land Management Policy Guidelines for Major Ports, 2010 issued by the Ministry was adopted by the Board vide TR No.21 of 2011 read with Supreme Court Judgement. The Ministry subsequently, with the approval of the Cabinet, issued Land Policy Guidelines for Land Management by Major Ports 2014 (PGLM), which was applicable for all Ports except for the land relating to the township areas of Kandla, Mumbai and Kolkata Port, for which it was stated that separate policy will be formulated. The amended policy guidelines were issued in 2015.

- (ii). The Ministry vide clarification Circular (Land Management) No.1 of 2018 dated 14.05.2018, Clarification No.2 of 09.03.2019 and Clarification No.1 of 2019-20 dated 29.04.2019 issued clarification circular on various issues of PGLM 2014/15 extending the applicability of the PGLM 2015 to the non-home occupation/ commercial areas of the township areas of Mumbai, Kolkata and Kandla Port upto 31.03.2020 with a sunset clause. The PGLM 2015 has thus become applicable to the township areas of Mumbai Port Trust. The Ministry vide further letter dated 27.01.2021 has clarified that *“since PGLM 2014 has been approved by the cabinet, it is valid until it is revised by the cabinet. Hence, compiled PGLM, 2015 issued on 29.04.2019 will be applicable for both the land of major port trust and the township area subject to the condition mentioned in the letter dated 29.04.2019.”*
- (iii). As per the PGLM-2015, the Land Allotment Committee is required to consider the following factors for determining the market value of the Port land:
- I). *Five factors*
- “a) *State Government's Ready Reckoner of land values in the area, if available for similar classification/ activities.*
- b) *Highest rate of actual relevant transactions registered in the last 3 years in the ports vicinity (the vicinity of the Port is to be decided by the respective Port Trust Boards) with an appropriate annual escalation rate to be approved by the Port Trust Board.*
- c) *Highest accepted tender-cum-auction rate of Port land for similar transaction updated on the basis of the annual escalation rate approved by the Port Trust Board.*
- d) *Rate arrived at by an approved valuer appointed for the purpose by the Port.*
- e) *Other relevant factor as may be identified by the Port.*
- II) *The Land Allotment Committee shall, while recommending the latest market value for any land would normally take into account the highest of the factors mentioned in Para 13(a) above. Reserve price in terms of the annual lease rent would be latest SoR determined in accordance with Para 13 (a) and 13 (c) and would in no case be less than 6% of the latest value recommended by the Port trust.*
- III). *The Port trust would make a proposal as outlined in Para 13 (a) to TAMP for fixing the latest SoR of the land. The TAMP would notify the latest SoR of the land after following due process of consultation with stake holders within 45 days of the receipt of the proposal. The Port trust board will fix a rate of annual escalation which would not be less than 2 %. SoR would be refixed once in every 5 years by TAMP”.*

C. Legal Issues :

TAMP had vide notification No. TAMP/10/98-Misc of 28.03.2000 issued orders dated 15.03.2000 on its jurisdiction for framing scale of rates and statement of condition on the issue of applicability of SOR to all lands of all Major Ports. The said notification was challenged by the Mumbai Port by Writ Petition No.1153 of

2000. In the writ petition no. by interim order dated 02.05.2000, the Bombay High Court had stayed the applicability of TAMP's order to areas not falling within Port limit and Port approaches. The issue of withdrawal of Writ Petition and necessary advice for the same was taken up with the Ministry in the light of PGLM 2015. TAMP has since by letter dated 15th July 2019 intimated that TAMP is required to fix the SOR for all areas of Mumbai Port including Township areas with effect from 01.10.2012 onwards in terms of advisory from the Ministry of Shipping and therefore notification dated 28th March 2000 may be seen to have become infructuous. Therefore, the Writ Petition was also withdrawn by High Court order dated 08.08.2019.

D. LAC Recommendations:

(i). Fixation of SoR rates for remaining Ready Reckoner zones for Non-Home occupations.

Earlier TR No.222 of 2015 Board has approved rates for 23 Ready Reckoner zones. The same methodology of 6% return on Ready Reckoner 2012 with 4% annual escalation is adopted as base rate of SoR for remaining zones. List of zones will be made applicable for computation of rental/compensation for Non-Home Occupations, Home Occupations and Mixed (Home + Non-Home), P.T. Structure falling in these zones.

A summary of the proposed land value and lease rentals for the 3 plots for the period of 01.10.2012 to 30.09.2017 is tabulated below :

Sr.No	RR Zone	Unit	Division	Proposed Land value and lease rent
1	17/116	Unit-14 (Mahim Bunder)	Lady Jamshejji Road- Portion between city light Cinema junction to Mahim Church Junction.	Value of land as per Ready Reckoner 2012 is ₹. 71,800 per Sqm as on 1.10.2012 Lease Rent = ₹ 359 per Sqm per month w.e.f. 1.10.2012.
2	1/5	Unit-14 (Pilot Bunder)	Cuff parade Portion towards North of Dr. Homibhabha Road and East Portion of Prakash Pethe Marg	Value of land as per Ready Reckoner 2012 is ₹. 2,14,000 per Sqm as on 1.10.2012 Lease Rent = ₹ 1070 per Sqm per month w.e.f. 1.10.2012
3	2/13	Unit-15	P D Mello Road (Frere Road)from General Post Office to Boundary of North of A Ward	Value of land as per Ready Reckoner 2012 is ₹. 1,25,800 per Sqm as on 1.10.2012 Lease Rent = ₹ 629 per Sqm per month w.e.f. 1.10.2012

- (ii). **Fixation of SoR 2012-17 (From 01.10.2012 to 30.09.2017) for the zones which required special consideration**
- (a). **Fish based occupations of Sassoon Dock (1/6A):** Land rate given by valuer (i.e. **80% of land rate of SDRR 2019-20**) as on **April 2019** taken as base rate (**₹.1,50,880/- per sqm as on 01.10.2018**) and de-escalated 4% every October for SoR 2012-17. The above land rate/SoR will increase with 4% every October.
- (b). **Land at existing JD Island:** Land rate of ₹.23,444/- per sqm as on 01.10.2012 as Fair Market Value for existing land at Jawahar Dweep (JD) Island. Schedule of Rates (SoR) by considering 6% p.a. return = ₹.117.22/- per sqm per month. The above land rate/SoR will increase with 4% every October.
- (c). **Land/Wharf/Jetty letout to Fish based occupations at Ferry Wharf (3/36):** LAC recommends following rate as on 01.10.2012 arrived by de-escalating the land/jetty rate of 01.10.2017 with 4% every October. Land/Jetty rate of ₹.1,17,098/- per sqm for FSI 1 as on 01.10.2012. Schedule of Rates (SoR) by considering 6% p.a. return (As on 01.10.2012). For Land/Jetty = ₹.585.49 per sqm per month. The above land/jetty rate/SoR will increase with 4% every October.
- (d). **Shed/MbPT Structure letout to Fish based occupations at Ferry Wharf (3/36):** LAC recommends Shed Rate/MbPT structure rate of ₹.1,36,856/- per sqm for FSI 1 as on 01.10.2012. Schedule of Rates (SoR) of ₹.684.28 per sqm per month by considering 6% p.a. return (As on 01.10.2012). The land rate/SoR will increase with 4% every October.
- (iii). **Fixation of SoR 2017-2022 (From 01.10.2017 to 30.09.2022) for the zones which required special consideration.**
- (a). **Fish based occupations Sassoon Dock (1/6A) :** Land rate given by valuer (i.e. **80% of land rate of SDRR 2019-20**) as on **April 2019** taken as base rate (**₹.1,50,880/- per sqm as on 01.10.2018**), de-escalated and escalated 4 % every October for SoR 2017-22.
- (b). **Land at existing JD Island:** Land rate of ₹.28,523/- per sqm as on 01.10.2017 as Fair Market Value for existing land at Jawahar Dweep (JD) Island. Schedule of Rates (SoR) by considering 6% p.a. return = ₹.142.62/- per sqm per month. The above land rate/SoR will increase with 4% every October.
- (c). **Land area of about 15 Ha undergoing Reclamation adjoining to Jawahar Dweep (JD) Island (SoR for the Period 2019-22):** Land rate of ₹.24680/- per sqm as on 01.10.2019 as Fair Market Value for land area undergoing Reclamation adjoining to Jawahar Dweep (JD) Island. Schedule of Rates (SoR) by considering 6% p.a. return = ₹.123.40/- per sqm per month. The above land rate/SoR will increase with 4% every October. The SoR will apply for fresh allotments at Reclaimed JD land.

- (d). **Maratha Mandir Building at Jawhar Dweep (SoR for the period 2019-22):** Rate of ₹.48,426/- per sqm as on 01.10.2019 (arrived by 4% increase on the rate of ₹.44,773/) as Fair Market Value for Maratha Mandir Building at Jawahar Dweep (JD) Island. Schedule of Rates (SoR) by considering 6% p.a. return = ₹.242.13/- per sqm per month. The above rate/SoR will increase with 4% every October. The above SoR will apply for expired leave & license/letting and for fresh allotments at MbPT Maratha Mandir Office building.
- (e). **Land/Wharf/Jetty letout to Fish based occupations at Ferry Wharf (RR Zone 3/36 of Princess Dock):** Land rate of ₹.1,48,166/- per sqm for land/jetty at Ferry Wharf for 01.10.2018 to 30.09.2019. Taking 4% de-escalation on the above rate LAC recommends Land/Jetty rate of ₹.1,42,467/- per sqm for FSI 1 as on 01.10.2017. Schedule of Rates (SoR) of ₹.712.34 per sqm per month by considering 6% p.a. return (As on 01.10.2017). The land rate/SoR will increase with 4% every Oct.
- (f). **Shed/MbPT Structure letout to Fish based occupations at Ferry Wharf (3/36):** Shed Rate/MbPT structure of ₹.1,73,166/- per sqm for passenger shed/MbPT structures at Ferry Wharf for 01.10.2018 to 30.09.2019. Taking 4% de-escalation on the above rate LAC recommends Shed Rate/MbPT structure rate of ₹.1,66,506/- per sqm for FSI 1 as on 01.10.2017. Schedule of Rates (SoR) of ₹.832.53 per sqm per month by considering 6% p.a. return (As on 01.10.2017). The land rate/SoR will increase with 4% every October.
- (g). **Jamshedji Bunder (RR Zone 1/6A of Colaba Division):** The land rate of ₹.1,74,381/- per sqm for FSI-1 as on 01.10.2017. LAC recommends Schedule of Rates (SoR) by considering 6% p.a. return (As on 01.10.2017) of ₹.871.91 per sqm per month for FSI-1. The land rate/SoR will increase with 4% every October.

E. As per the valuation reports forwarded alongwith the proposal in reference for each of the 7 plots under various RR Zones for the period 01.10.2017 to 30.09.2022, a summary of the rate per sq.m. and FMV of land for FSI 1 of subject plots are shown in tabular form, which is as follows :

SUMMARY OF MARKET VALUE UNDER DIFFERENT FACTORS LAID DOWN IN PGLM, 2014									
Sr. No	RR Zone	nit	Division	State Govt. ready reckoner rate in year 2018-19	Highest rate of actual relevant transactions in last 3 years in Port's vicinity	Highest accepted tender cum action rate of port land	Rate arrived by Approved Valuer	Any other relevant factor identified by Port	Rate Recommended by LAC
1	1/6A	Unit-12 & 14 (Fish based occupations of Sassoon Dock)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	₹.1,88,600 per Sqm as on 1.10.2018	No such transaction	No such transaction	₹. 1,50,880 Per Sqm. as on 1.10.2018 (80% of the Ready Reckoner)	Option 1. ₹.98,900 per Sqm as on 1.10.2012 Option 2 ₹. 79,120 per Sqm as 1.10.2012 (80% of the Ready Reckoner, 2012)	₹.1,50,880 Per Sqm. as on 1.10.2018 (80% of the Ready Reckoner ₹.1,45,077 Per Sqm. as on 1.10.2017 (1,50880/104 *100) Lease Rent = ₹.725.38 per Sqm per annum

2	1/6A	Unit-14 (Fish based occupations of Jamshedji Bunder)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary.	₹. 1,88,600 per Sqm as on 1.10.2017	No such transaction	No such transaction	₹.1,74,381 Per Sqm. as on 1.10.2018 (40% reduction on rate on lease hold land ₹.2,90,635)	Nil	₹. 1,74,381 Per Sqm. as on 1.10.2017 Lease Rent = ₹.871.91 per Sqm per annum
3	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	₹.56,400 per Sqm as on 1.10.2018	No such transaction	₹.56,400 per Sqm as on 1.10.2018(Rent t Charger per New wharf in 2018 at ₹.705 per Sqm Per month at the rate of 15% Ready Reckoner	₹.1,48,166 Per Sqm. per Land 1.10.2018	Nil	₹. 1,48,166 Per Sqm. as on 1.10.2018 ₹.1,42,467 Per Sqm. as on 1.10.2017 (1,48,166/104*100) Lease Rent = ₹..712.34 per Sqm per annum
4	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	₹. 56,400 per Sqm as on 1.10.2018	No such transaction	No such transaction	₹. 1,48,166 Per Sqm. per Land 1.10.2018 b. ₹. 25,000 Per Sqm per Present Construction of Shed c= `1, 48,166+` 25,000 =₹. 1,73,166 per Sqm	Nil	₹. 1,73,166 Per Sqm. as on 1.10.2018 ₹.1,66,506 Per Sqm. as on 1.10.2017 (1,73,166 /104*100) Lease Rent = ₹..832.52 per Sqm per annum
5	--	Unit-12 JD Island	Existing land at JD Island	₹. 19,400 Per Sqm per Land nearest Mahul Zone 90/419	No such transaction	No such transaction within the vicinity of 2 Kms. However, JNPT IOCL agreement rate is ₹.28,523/- per SQ.M for land	JNPT & IOCL agreement on main land which is ₹. 30,850/- per Sqm (without premium) as on 01.10.2019 for existing developed JD Island . ₹.28,523 Per Sqm. as on 1.10.2017 [₹.30,850 /{(1.04*1.04)}]	Nil	₹.28,523 Per Sqm. as on 1.10.2017 Lease Rent = ₹.142.62 per Sqm per annum
6	--	Unit-12 JD Island	Reclaimed land adjoining to JD Island	₹.19,400 Per Sqm per Land nearest Mahul Zone 90/419	No such transaction	No such transaction	JNPT & IOCL agreement is ₹.30,850/- per Sqm as on 01.10.2019. ₹..24680 per Sqm. (.20% discount on ₹. 30,850 towards reclaimed land)	Nil	₹. 24,680 Per Sqm. as on 1.10.2019 Lease Rent = ₹. 123.40 per Sqm per month w.e.f. 1.10.2019.
7	--	JD Island	Maratha Mandir at JD Island	₹. 43,450 Per Sqm per Land	No such transaction	No such transaction	JNPT & IOCL agreement is ₹.30,850/- per Sqm as on 01.10.2019. ₹.28,523 Per Sqm. as on 1.10.2017 [₹.30,850	Nil	₹. 44,773 Per Sqm. as on 1.10.2017 ₹.48,426 per Sqm as on 1.10.2019 (₹.44773 x 1.04 x 1.04)

							/(1.04*1.04]]		Lease Rent = ₹. 242.13 per Sq.m per month w.e.f. 1.10.2019.
							The cost of land and structures works out to ₹.44773 per Sq.m.		

F. Application of FSI factor in calculation of actual quantum of compensation.

The computation of rentals/ compensation based on FSI consumed and areas will be likely to be contentious issue even after base SoR rates for one sq. mtr. of land are approved by TAMP. Linking of SoR rates of land to FSI consumed of the buildings / structures have several repercussions and complexities such as how to compute FSI, exemption of fungible FSI as per DC rules and permissible FSI, etc. To study these aspects in detail, vide TR 122 of 2021 the Board has accorded approval for formation of a committee of experts consisting of a retired Chief Engineer / Director of Planning of MCGM, Retired High Court Judge and a group of MbPT officials comprising Advisor (Planning), Chief Engineer, CLO, FA&CAO, Secretary and Estate Manager (I/C) alongwith Govt. registered Valuers on MbPT panel. Committee will give its recommendations on above issues and the matter will be brought before the LAC and Board for computation of actual rents/compensation on factors recommended by the Committee.

Port Trust is billing the monthly tenants with MCGM Property Cesses (WBT, SBT, EGC & ED) @ 55.5% of Annual Rent as per SC Judgement and recovery of the same was MbPT's responsibility.

LAC vide report dated 23.08.2021 recommended that same practice is to be followed in future, however, the MCGM cesses will be reworked out in accordance with the proposed SOR 2012-2017 as may be approved by the TAMP, in respect of all the monthly tenancies and licenses upto 11 months (non-home occupations) of all the Ready Reckoner zones of Mumbai Port Trust land. The same is approved by the Board vide TR 155 of 2021. The same will be made applicable to SoR 2017-2022.

All the demand notices of differential arrears as per the revised SoR for 2012-2017 and 2017-2022 will be issued to all monthly tenancies, fifteen monthly leases, expired leases and licenses as a compensation for wrongful use of the premises without interest and giving time limit of 3 months from the date of receipt of demand notices and interest at the applicable rates will be charged for delayed payments subject to TAMP's approval.

2.3. Thus, MBPT has sought TAMP's approval to the SOR arrived on the basis of various Board resolutions for the period from 01.10.2012 to 30.09.2022. The MBPT has stated that these rates will be applicable to all the Expired Leases, Fifteen Monthly Leases, Monthly Tenancies and Licenses along with vacant plots (for calculation of Reserve Price, Annual Rent / upfront premium for allotment) of the plots / structures falling under the respective ready reckoner zones. The details of which are as given below :

(i) **REVISION OF SOR FOR THE PERIOD FROM 01.10.2012 TO 30.09.2017**
FOR NON-HOME OCCUPATIONS

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	TR No.	Land value of open land as per State Government RR 2012 Per SqM for FSI-1.00 Reckoner 2012 (₹.)	Proposed base rates per sqm per month for FSI 1.00 (as per 6 % return p.a. in terms of Land Values as per Ready Reckoner 2012 01.10.12 TO 30.9.13 with 4% annual escalation (₹.))
1	17/116	Unit-14 (Mahim Bunder)	Lady Jamshejji Road-Portion between city light Cinema junction to Mahim Church Junction.	TR 153 dated 24.08.2021	71800	359
2	1/5	Unit-14 (Pilot Bunder)	Cuff parade Portion towards North of Dr. Homibhabha Road and East Portion of Prakash Pethe Marg	TR 153 dated 24.08.2021	214000	1070
3	2/13	Unit-15	P D Mello Road (Frere Road)from General Post Office to Boundary of Nort of A Ward	TR 153 dated 24.08.2021	125800	629

NOTES:

1. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
2. Taxes, service charges, penalties, interest rates are not included in the above rates.
3. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
4. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 will be calculated based on above rates.
5. These rates are applicable for Non-Home Occupations.
6. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
7. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

(ii) REVISION OF SOR FOR THE PERIOD FROM 01.10.2012 TO 30.09.2017
FOR NON-HOME OCCUPATIONS

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	TR No.	Land value of open land as per State Government RR 2012 Per SqM for Reckoner 2012 (₹.)	Proposed base rates per sqm per month for FSI 1.00 (as per 6 % return p.a. in terms of Land policy) on land Values as per Ready Reckoner 2012 01.10.12 TO 30.9.13 with 4% annual escalation (₹.)
1	1/6A	Unit-12 & 14 (Fish based occupations of Sassoon Dock)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	TR 135 dated 24.08.2021	1,19,243	596.11
2	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	TR 139 dated 24.08.2021	1,17,098	585.49
3	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	TR 139 dated 24.08.2021	1,36,856	684.28
4	--	JD Island	Existing land at JD Island	TR 137 dated 24.08.2021	23,444	117.22

NOTES:

- Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
- Taxes, service charges, penalties, interest rates are not included in the above rates.
- Rate for allotment of water bodies is applicable at 50% of the SOR rates.
- Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 will be calculated based on above rates.
- These rates are applicable for Non-Home Occupations.
- Interest would be chargeable beyond permissible period as per Board's policy from time to time.
- Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

**(iii) REVISION OF SOR FOR THE PERIOD FROM 01.10.2017 TO 30.09.2022
FOR NON-HOME OCCUPATIONS**

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	TR No.	Fair market value of open land as per valuers report for the year 2017-18 Per SqM for FSI-1.00 (₹.)	Proposed base rates per sqm per month for FSI 1.00 (as per 6 % return p.a. in terms of Land policy) on FMV as 01.10.17 TO 30.9.18 with 4% annual escalation (₹.)
1	1/6A	Unit-12 & 14 (Fish based occupations of Sassoan Dock)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	TR 135 dated 24.08.2021	1,45,077	725.38
2	1/6A	Unit-14 (Fish based occupations of Jamshedji Bunder)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	TR 136 dated 24.08.2021	1,74,381	871.91
3	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	TR 139 dated 24.08.2021	1,42,467	712.34
4	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	TR 139 dated 24.08.2021	1,66,506	832.53
5	--	Unit-12 JD Island	Existing land at JD Island	TR 137 dated 24.08.2021	28,523	142.62
6	--	Unit-12 JD Island	Reclaimed land adjoining to JD Island	TR 137 dated 24.08.2021	24,680	123.40*
7	--	JD Island	Maratha Mandir at JD Island	TR 137 dated 24.08.2021	48,426	242.13#

* SoR for reclaimed land adjoining to JD Island w.e.f 01.10.2019 instead of 01.10.2017

SoR for Maratha Mandir at JD Island w.e.f 01.10.2019 instead of 01.10.2017

NOTES:

1. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
2. Taxes, service charges, penalties, interest rates are not included in the above rates.
3. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
4. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 onwards.
5. These rates are applicable for Non-Home Occupations.
6. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
7. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

2.4. The MBPT has stated that the proposal is formulated in terms of the Land Policy Guidelines for Land Management 2015. Further, the MBPT has stated that under Section 49 of MPT Act, 1963 and para 13 (c) of PGLM-2015, TAMP's approval to the SOR for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 applicable to all Non-home occupations of the Expired Leases, Fifteen Monthly Leases, Monthly Tenancies and Licenses of the plots falling under the respective Ready Reckoner zones.

3.1. With regard to the proposal of the port, it may be recalled that, this Authority had passed an Order dated 15 March 2000 setting out the legal position about this Authority's jurisdiction in respect of framing scale of Rates and Statement of Conditions for use of port properties.

3.2. The MBPT filed a Writ Petition in the Bombay High Court in April 2000 challenging the Order dated 15 March 2000 and praying, *inter alia*, that this Authority has no power to fix rates of those premises belonging to the MBPT and situated outside the port limits.

3.3. The Hon'ble Division Bench of Bombay High Court passed an interim order on 2 May 2000 restraining this Authority from giving effect to the Order dated 15 March 2000 to the extent that the decision taken therein shall not apply to any property or place not within the limits of the port or port approaches.

3.4. The efforts taken in the past with the (then) Department of Shipping, Ministry of Surface Transport suggesting to settle the issue whether or not this Authority has jurisdiction over all the properties of a Port Trust through policy direction of the Government rather than by a judicial review did not yield result. Since the matter was in the final stage of hearing and there was no response from the Government in this regard, a legal counsel was engaged to defend the order of 15 March 2000 passed by this Authority in the High Court of Bombay based on the advice rendered by the Senior Counsel.

3.5. In this backdrop, the Ministry of Shipping (MOS) under cover of its letter no. Secy(S)/Visit-Mumbai/Land management/ 2018(333951) dated 25 March 2019 had forwarded a copy of the Minutes of the Meeting held on 21 August 2018 at Mumbai under the Chairmanship of Secretary, MOS with regard to clarifications on the Land Policy Guidelines, 2015. Forwarding the copy of the Minutes, the Way forward forming part of the Minutes indicated that MBPT will withdraw the Writ Petition and Ministry will advise TAMP that consequent to PGLM 2015 read with clarifications dated 14th May 2018, the SOR with effect from 01.10.2012 onwards be fixed by TAMP for all areas of Mumbai Port including Township area.

3.6. In response to MOS letter dated 25 March 2019, vide letter dated 28 March 2019 *inter alia*, it was communicated to the MOS that TAMP will abide by the directions of the MOS in

the matter in reference, with regard to fixation of lease rent/ license fee for the MBPT lands for the period from 01 October 2012 onwards, subject to MBPT withdrawing the Writ Petition.

3.7. In this backdrop, the MOS vide its e-mail dated 16 May 2019 had *interalia*, directed this Authority fix the SOR for all areas of Mumbai Port including Township Areas with effect from 01.10.2012 onwards, consequent to the Policy Guidelines for Land Management, 2015 (PGLM 2015) read with clarification on PGLM dated 14.05.2018, only after the writ Petition is withdrawn by MBPT. Vide the said letter, MOS requested MBPT to withdraw the Writ Petition no. 1153 of 2000 from the Bombay High Court and intimate the same to the MOS and TAMP.

3.8. In this connection, the MBPT has withdrawn the Writ Petition and the Hon'ble Bombay High Court vide its Order dated 08 August 2019 has passed an Order disposing off the Writ Petition as withdrawn.

3.9. Thus, the MBPT has come up with a proposal seeking approval for Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones. Simultaneously, the MBPT has also filed another 6 similar proposals seeking approval for Schedule of rates and revision of rent / compensation for the quinquennial periods of 01.10.2012 to 30.09.2017 and 1.10.2017 to 30.09.2022 for non-home occupations / home occupations in Township Areas of MBPT, which have been dealt separately.

4. While acknowledging the proposal, MBPT was requested vide letter dated 01 October 2021 to furnish some information/ clarification. The MBPT vide its letter No. FA/OEA/-I/38 (21)/Gen/313 dated 13 October 2021 has responded. The information/ clarification sought and the response of the MBPT thereon is tabulated below:

Sr.	Information/ clarification sought by us	Response of MBPT
1.	The MBPT to furnish a comparative position of the zonewise prevailing/ existing lease rent that is being levied by the MBPT at present to various registered users/ tenant / lessees, vis-à-vis the lease rent that has been proposed by the Port in its subject proposal.	Comparative position of the zone wise prevailing / existing lease rent / compensation that is being levied by the MbPT to various registered tenants / lessees and the proposed rent / compensation based on new SoR as proposed by MbPT is furnished.
2.	On preliminary scrutiny of the proposal, it is found that LAC report / valuation report for the unit-14 (Mahim Bunder) under 17/116 RR Zone, unit-14 (Pilot Bunder) under 1/5 RR Zone and unit-15 (P.D'Mello) under 2/13 RR Zone are not found attached to the proposal dated 23 September 2021. The MBPT to furnish the LAC report / valuation report for each of the said three plots.	The MBPT has furnished a copy each of the copy of proceedings of LAC Meeting held on 18.08.2021 for SoR 2012-17 in respect of RR zone 17/116 (Mahim Bunder- Unit 14), RR zone 1/5 (Pilot Bunder- Unit 14), RR zone 2/13 (P.D.Mello Road - Unit 15).
3.	(i). The base rate of lease rentals for the period 2012-17 in respect of plot no. Unit-12 & 14 (Fish based occupations of Sassoon Dock) under RR Zone 1/6A is proposed at ₹.596.11 per sqm per month based on 80% of Land rate of Ready Reckoner 2019-20 and de-escalated @ 4% p.a. to arrive the Market value as on 01 October 2012. However, in another the MBPT proposal dated 6 August 2021,	It is to clarify that the RR zone 1/6A (which is bounded on East by Sea; on West by Shahid Bhagatsingh Road; on South by Homi Bhabha Road; on North by division boundary) is spread in 03 parts; Part-1 is in Unit 12 (Excluding the Sassoon Dock area), Part-3 is in Jamshedji Bunder (Unit-14) and Part-2 is in Sassoon Dock area (Unit 12 & 14) & the same was submitted for SoR 2012-17

	<p>submitted earlier, the MBPT has proposed lease rentals at ₹.494.50 per sqm. per month for plot no. 12 (On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary) under the same RR Zone 1/6A based on Ready Reckoner 2012 as on 1.10.2012.</p>	<p>proposal dt. 06.08.2021 proposing the rate of ₹. 494.50 per sq.m per month as on 01.10.2012 for RR zone 1/6A(Part-1) which excludes the area of Sassoon Dock (Unit 12 & 14) which is mainly used for fish based occupations. It was clearly brought out in the para 6(h) of SoR 2012-17 proposal dt. 06.08.2021 and also in the note No. 9 of the Annexure-I (Table of SoR rates) viz. Estate Land of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded from above rates. Accordingly, this proposal is submitted separately since the area of Sassoon Dock falling under RR zone 1/6A(Part-2) was excluded in the earlier proposal dt. 06.08.2021 of SoR 2012-17.</p>
	<p>(ii). Similarly, in respect of Plot no. Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty) under the RR Zone 3/36, the base rate of lease rentals for the period 2012-17 has been proposed at ₹.585.49 per sqm per month based on market value of the land at ₹.148166 per sqm. as on 1.10.2018 as arrived by the Valuer and de-escalated @ 4% p.a. to arrive the Market value as on 01.10.2012. Further, In case of the Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure) under RR Zone 3/36, the MBPT has proposed lease rentals at ₹.684.28 per sqm per month based on market value of the land ₹.148166 per sqm. and ₹.25,000 per sqm towards structures as on 1.10.2018 as arrived by the Valuer, aggregated to ₹.1,73,166 per sqm which has been de-escalated @4% p.a. to arrive the Market value as on 1.10.2012. However, in another MBPT proposal dated 6 August 2021 submitted earlier, the MBPT has proposed a lease rental ₹.134 per sqm. per month for plot no. 8, Docks [All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock)] under the same RR Zone 3/36 based on Ready Reckoner 2012 as on 1.10.2012.</p>	<p>The valuation of the said Sassoon Dock area was done separately and Valuer had recommended the FMV as 80% of the Ready Reckoner land rate of 2019-20 considering that the Sassoon Dock is reserved & used for fishing industries and related activities. The rate arrived by Valuer as on 2019 was de-escalated by 4% to arrive at the base rate of Rs. 725.38 per sq.m per month as on 01.10.2017 which is further de-escalated by 4% to arrive the rate as on 01.10.2012 which works out to Rs. 596.11 per sq.m per month. The rate of Rs. 494.50 per sq.m per month is based on the 6% return on the Ready Reckoner of 2012 is for the area falling under the RR zone 1/6A excluding the Estate Land of Sassoon Dock. Since the different methods are considered for the area the Sassoon Dock area 1/6A(Part-2) and outside Sassoon Dock area falling under RR zone 1/6A (Part-1) therefore different rates of lease rentals proposed for plots falling under the same RR zone.</p>
	<p>(iii). In this regard, the MBPT is requested to clarify as to why a different methodology has been adopted for each of the plots falling in the same RR Zone and to justify prescription of different rates of the Lease rentals for the plots falling in the same RR Zone.</p>	<p>It is to clarify that the RR zone 3/36 is in two parts, spread over the MbPT dock area, Wadi Bunder area of Unit 9, Mallet Bunder area of Unit 14(Part-1) and the New Ferry Wharf area of Unit 14(Part-2). There are also tenancies along with the Port Trust structure (Passenger shed) given in the Ferry Wharf area which is on Wharf/Jetty and the passenger shed (MbPT structure) thereat (3/36, Part-2). The Ferry Wharf area falling under RR zone 3/36(Part-2) was excluded in the earlier SoR 2012-17 proposal dtd</p>

		<p>06.08.2021 which was clearly brought out in the para 6(h) and also in the Note no. 9 of the Annexure-I (Table of SoR rates) of SoR 2012-17 proposal dtd 06.08.2021.</p> <p>The Valuer in his report has given land value of Rs. 1,48,166/- per sqm and together with structure (passenger shed) of Rs. 1,73,166/- per sq.m (adding Rs. 25,000/- per sqm) as on 01.10.2018. The same was de-escalated by 4% to arrive at the market value of Rs. 585.49 per sqm per month as on 01.10.2012 for Land/Wharf/Jetty area of Ferry Wharf and Rs.684.28 per sqm per month for land with MbPT structure (passenger shed) at Ferry Wharf.</p> <p>Land under RR zone 3/36(Part-1) also covers other let out land not on the jetty/wharf and therefore, as mentioned in Note no.9 below the SoR table 2012-17 (i.e at Annexure-I) viz "Estate lands of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded from the above rates".</p> <p>Different methodology is used for computation of SoR for land which is not on Jetty/Wharf under RR zone 3/36 (Part-1) which are based on the 6% return of the RR value of zone 3/36 as on 01.10.2012, whereas for Ferry Wharf (3/36, Part-2) area, the Valuer was appointed to carry out valuation of Passenger Shed and the Jetty/Wharf both are Port Trust structures built and maintained by Port Trust and therefore, different base-rate is considered for revision of SoR.</p>
4.	<p>Similar differential rentals for different plots falling in the zones 1/6A and 3/36 for the period 2017-2022 has been noticed in the MBPT's proposal dated 03 August 2021 and the proposal in reference. The MBPT is requested to justify the prescription of different rates of the Lease rentals for the plots falling in the same RR Zone.</p>	<p>As explained in preceding paras above, since the RR zone 1/6A is in 03 parts and 3/36 split into 02 parts. In subject proposal of SoR 2017-22, the RR zone 1/6A is split into 3 parts (Unit 12 – excluding Sassoon Dock, Unit 14- Jamshedji Bunder & Sassoon Dock- Unit 12&14) the Ready Reckoner Zone the and the RR zone 3/36 is split into two parts (Ferry wharf area- Unit 14 & Other than Ferry Wharf area- Unit 9 & 14) are submitted. In the proposal dt. 03.08.2021, no SoR for RR zone 1/6A & 3/36 was submitted and the same were submitted separately submitted on 23.09.2021 with in subject Proposal no. 1 and the Proposal no. 4 of SOR for the period</p>

		1.10.2017 to 30.09.2022 for remaining 19 zones.
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5.1. Considering the huge list of registered tenant / lessees as suggested by the MBPT, the MBPT was requested vide letter dated 01 October 2021 to upload subject proposal in its website and intimate to all the registered tenant / lessees about hosting of the subject proposal in the MBPT website and give the designated email address of Port as well as TAMP for furnishing comments within 15 days' time.

5.2. Accordingly, the MBPT vide its email dated 07 October 2021 has confirmed that it has informed all Tenants / Lessees about hosting of subject proposal for comments/ opinion of the users on the subject proposal in reference. The MBPT has furnished a copy its Notice No. EM/AS(G)/F-382/1922 dated 06 October 2021, wherein the MBPT has intimated the Tenants/ Lessees about hosting of subject proposal in the website of MBPT and has sought for comments/ opinion of the users on the subject proposal in reference, to be sent to the Authority as well as MBPT.

5.3. In this connection, submissions/ comments have been received from various lessees/ tenants. As intimated by MBPT in its Notice, a copy of the said comments have also been forwarded by the lessees/ tenants/ users to MBPT as well. Accordingly, the MBPT was requested to furnish its reply on the issues raised by various lessees / tenants. The MBPT vide its email dated 23 October 2021 has responded.

6. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received from the users / user organisations will be sent separately to them. These details will also be made available at our website <http://tariffauthority.gov.in>.

7.1. Before going into the analysis of the proposal, it is noteworthy to mention that MBPT in the first week of August 2021 has filed two similar proposals seeking approval for schedule of rates and revision of rent / compensation for the quinquennial periods of 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for `non-home occupations in Township Areas of MBPT. The said proposals were taken up on consultation with the relevant users/tenants/lessees. We have received numerous representations from various individual tenants/ lessees strongly objecting to the said proposal, on the ground that there is no provision under the Major Port Trust Act, 1963, permitting MBPT to charge the rent retrospectively. It has also been stated that retrospective revision will be highly destructive for all the occupants and it is likely that the same may be challenged in Court of law. Some lessee/ tenants have also stated that the retrospective revision would act as a financial shock to their business and it will be very difficult for them to sustain it financially. Further, considering the adverse impact that the COVID-19 pandemic had on the business, it has been further stated that the retrospective revision and the payment of arrears thereon, would further strain the financial condition of the lessees/ tenants. Thereafter, a joint hearing was held on 03 September 2021 on the said proposal, wherein, users/tenants/ lessees has raised similar issues no other than issues brought out in written submission. Subsequently, users/tenants/lessees were given an opportunity to submit their writing submission, if any, on the power point presentation of the proposal made by MBPT during the Joint Hearing. We have received written submission from the various user/ users/tenants/lessees reiterating the submissions made earlier and during the joint hearing, which have been duly brought to the notice of the Authority.

7.2. An action has already been initiated to notify the said orders in the Official Gazette of India. Simultaneously, the MBPT has also filed another 6 proposals seeking approval for (i). Schedule of rates and revision of rent / compensation for the quinquennial periods of 01.10.2012 to 30.09.2017 for non-home occupations in Township Areas of MBPT, (ii). Schedule of Rates and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to

30.09.2022 for residential and mixed used occupations (iii). Schedule of Rates and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for Port Trust structures falling under various RR Zones, (iv). Schedule of rates and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 for non-home occupations in Township Areas of MBPT, (v), Schedule of Rates and revision of rent / compensation for the period 01.10.2017 to 30.09.2022 for non-home occupations in Township Areas of MBPT – 19 RR Zones and (vi). Schedule of Rates (SOR) and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 (12 Zones) and 01.10.2017 to 30.09.2022 (09 Zones) for let out land falling under various Ready Reckoner Zones, which are being dealt separately.

7.3. The present proposal in reference has already been taken up on consultation and the users/tenants/lessees have made their submissions similar to that of submission made earlier with regard to proposals of MBPT seeking approval for schedule of rates and revision of rent / compensation for the quinquennial periods of 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for non-home occupations in Township Areas of MBPT, which have been forwarded to MBPT for its comments. The response of the MBPT is also similar to the response given in the earlier similar proposals.

7.4. Since, the submissions made by users/ response of MBPT thereon is akin to the earlier proposals of MBPT seeking approval for schedule of rates and revision of rent / compensation for the quinquennial periods of 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for non-home occupations in Township Areas of MBPT and given that the proposal in reference has already been taken on a consultation with stakeholders, as provided in PGLM, 2014, it was decided not to hold joint hearing on the case in reference.

7.5. In this regard it may be noted that, mere non holding of Joint hearing shall not be construed as this Authority having not followed the consultation process.

8. With reference to totality of information collected during the processing of this case, the following position emerges:

- (i). The Mumbai Port Trust (MBPT) has large portions of land in the City of Mumbai. It is to state that the lease rentals for the Port estates was last fixed by the MBPT in the year 1982 i.e. more than a decade and a half, before this Authority had come into existence in the year 1997. From the submissions made by MBPT, it is understood that the revision of lease rentals carried out by the MBPT in the year 1982, gave rise to litigations, which eventually culminated in the Supreme Court passing an Order, wherein the lease rentals approved by the Board of Trustees for the lands of MBPT for the period from 1982 upto 30 September 2012 as per the Compromise formula, had been upheld by the Hon'ble Supreme Court of India. As such, the Government has advised the MBPT in May 2019 to fix the SOR for all areas of Mumbai Port Trust including Township areas with effect from 01 October 2012 onwards.

It is in this backdrop that the MBPT has come up with 6 separate proposals seeking retrospective fixation of Schedule of lease rentals for various Ready Reckoner Zones of MBPT Township.

- (ii). In this connection, we have received numerous representations from various individual tenants/ lessees strongly objecting to the retrospective fixation of the lease rentals, on the ground that there is no provision under the Major Port Trust Act, 1963, permitting MBPT to charge the rent retrospectively. It has also been stated that retrospective revision will be highly destructive for all the occupants and it is likely that the same may be challenged in Court of law. Some lessee/ tenants have also stated that the retrospective revision would act as a financial

shock to their business and it will be very difficult for them to sustain it financially. Further, considering the adverse impact that the COVID-19 pandemic had on the business, it has been stated that the retrospective revision and the payment of arrears thereon, would further strain the financial condition of the lessees/ tenants

In this connection, it is relevant here to mention that the lease rentals approved by the Board of Trustees for the lands of MBPT for the period from 01 October 1982 upto 30 September 2012 as per the Compromise formula had been upheld by the Hon'ble Supreme Court of India. As such, the Government has advised the MBPT in May 2019 to fix the SOR for all areas of Mumbai Port including Township areas with effect from 01 October 2012 onwards.

As pointed out by the lessees/ tenants, there is no provision under Major Port Trust Act, 1963, permitting MBPT to charge the rent retrospectively. But, at the same time, it is to be noted that the Major Port Trust Act, 1963, also does not prohibit retrospective revision of rates. In this context, it is noteworthy that this Authority also does not ordinarily give retrospective effect to the Order. But, in cases governed by special circumstances, it does require retrospective application of its Order. There are various instances, where this Authority has fixed the rates retrospectively.

To quote some few instances, in a case relating to an agreement between New Mangalore Port Trust and the Kudremukh Iron Ore Company Ltd., on the advice of Ministry of Law, the (then) Ministry of Surface Transport had vide its Communication No. PR-14011/5197-P4 dated 16 March 1998 advised this Authority to give retrospective effect. Similarly, based on a proposal received from MBPT, retrospective effect was given for recovery of way leave charges leviable as per the agreement between ONGC and MBPT. Also, based on a proposal received from MBPT, this Authority vide its Order no. TAMP/62/2019-MBPT dated 08 September 2020 has retrospectively approved levy of way leave charges for the pipelines for a period of 5 years from 01 October 2012 and upto 30 September 2017.

Further, it is to state that this Authority had passed an Order no. TAMP/15/2007-NMPT dated 16 June 2010 revising the lease rentals/ licence fee of the lands of New Mangalore Port Trust (NMPT), retrospectively with effect from 20 February 2007 i.e. on expiry of 5 years from the effective date of the implementation of the previously revised rates. The said Order was notified in the Gazette of India on 23 July 2010 vide Gazette no. 184. A batch of Writ Petitions were filed in the Hon'ble High Court of Karnataka by various parties mainly challenging the retrospective revision of the lease rentals. The Hon'ble High Court of Karnataka vide its Order dated 28 June 2013 has disposed of all the Writ Petitions. The Hon'ble High Court at paragraph no. 16 of the Order has stated the following:

“There cannot be any dispute that collection of enhanced licence fee with retrospective effect is illegal as held by the Apex Court in the case of LALA RAM (D) by L.R. & ORS. – vs – UNION OF INDIA & ANOTHER reported in 2013 SAR (Civil) 347. But if the authority at the inception itself has made it clear to the licensees that what is being charged is only a provisional licence fee after approval by the TAMP, the action of the NMPT cannot be said to be illegal. At the time of issuing the licence itself as well as the time of renewal of licence, it has been made clear by the NMPT that it has proposed revision of licence fee to the TAMP and till such time only provisional licence fee will be charged and that licensees will have to pay the revised licence fee after approval of the TAMP. The licensees having agreed for the said conditions, entered into the contract.

Therefore it is not open for the licensees to go against the terms of the contract and contend that it is not open for the authorities to charge licensees revisional licence fee from 20.2.2007. In view of the above, the challenge to the Circular pertaining to revision of licence fee w.e.f. 20.2.2007 vide Annexure-H fails.”

In this context, in the proceedings relating to the case in reference, the MBPT has categorically stated that it had intimated all the stakeholders by way of a Circular issued in December 2012 itself that the lease rentals are due for revision from 01 October 2012 onwards. The MBPT has also stated that even in the bills raised by the MBPT for the tenants/ lessees, it has been indicated by way of a footnote that the bill raised by MBPT is provisional and is subject to revision with effect from 01 October 2012.

Incidentally, reference is also drawn to the Order passed by the Gujarat High Court in March 2017, wherein the Hon'ble High Court of Gujarat has taken a view and held that TAMP would consider the proposal and follow the prescribed procedure including inviting suggestions and comments from stakeholders. The determination of Scale of Rates would take place thereafter and that because of very nature of this exercise, when the actual demand would be raised, it would relate to past period. It is the retroactiveness and not retrospectiveness. A retroactive operation of demand would not make it unsustainable in the given set of facts. Thus, the Gujarat High Court had held a view that the ground that the demand is retrospective is, therefore, prima facie not tenable.

Under these circumstances and for the reasons given in the earlier paragraphs, the proposal of the MBPT for recovery of Lease rentals for the 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT, is taken up for consideration.

- (iii). It has been brought out by various tenants/ lessees that the revision as proposed by MBPT is contrary to the guidelines passed by the Hon'ble Supreme Court in the matter of Jamshed Hormusji Wadia vs. The Board of Trustees of the Port of Bombay, on the ground that the Hon'ble Supreme Court had upheld the "Compromise Proposals" mooted by MBPT themselves and considerably reduced the rent and interest burden on the lessees. The lessees have also stated regarding MBPT reportedly not adhering to the Compromise proposal and resultantly some Writ Petitions being still pending before the Hon'ble High Court of Bombay. Considering that the matter is subjudice, the tenants/ lessees are of the view that the question of proposed revision of SOR for the period of 2012 to 2017 and beyond, does not arise.

In this regard, it is to state that, based on the Order passed by the Hon'ble Supreme Court in the matter of Jamshed Hormusji Wadia vs. The Board of Trustees of the Port of Bombay in January 2004, the compromise proposal covered the revision for two period spans i.e. one for the period from 01 October 1982 to 30 September 1992 and the other for the period from 01 October 1992 to 30 September 2012. Thereafter, as rightly brought by the MBPT, the MBPT has the liberty to fix the lease rentals, albeit based on the Land Policy Guidelines issued by the Government. Infact, it is relevant to mention here that the 'Compromise formula' as upheld by the Hon'ble Supreme Court allowed the port to review and revise the letting rates after 20 years (i.e. from 01 October 1992 to 30 September 2012), for good and sufficient reasons. As such, the Government has advised the MBPT in May 2019 to fix the SOR for all areas of Mumbai Port including Township areas with effect from 01 October 2012 onwards. The MBPT

in its proposal has brought out in detail, the chronology of the events, which eventually has led to the submission of the present proposal under reference. Nevertheless, as a measure of abundant caution, it can be presumed that the MBPT, as a statutory body, would have kept in view the pending litigations and would have carried out due diligence on its part, before approaching this Authority with the subject proposal. Thus, the proposal filed by MBPT now for revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land falling under various RR Zones of MBPT, is being treated in isolation, without getting influenced by the past revision of lease rentals or the pending writ petitions.

- (iv). Many of the tenants/ lessees have brought out issues relating to their particular tenancies viz., non-renewal of lease agreements, non-transfer of lease in the name of heirs, non-issuance of bills/ invoices by MBPT to lessees/ tenants etc. Even the MBPT has highlighted issues about the tenants committing breaches in their properties/ sub-letting without knowledge of MBPT and pocketing the sub-let rentals/ depriving MBPT of its rightful share/ encroachments/ carrying unauthorized constructions etc. In this regard, it is to state that this Authority is mandated under Section 49 of the Major Port Trusts Act, 1963, to frame Scale of Rates (SOR) at which, and the statement of conditions under which any property belonging to, or in possession or occupation of the Board or any place within the limits of the port approaches is used for the purposes specified u/s 49 of the Act. As such, this Authority is required by the Act to fix the lease rentals for the port estates. Matters relating to tenancies are in the domain of the Port. This Authority has no role to play on the said matters. As such, the tenants/ lessees are advised to approach the MBPT in matters relating to their tenancies. The MBPT is also advised to look into the grievances of the tenants/ lessees and take earnest steps to sort out the issues amicably.
- (v). The MBPT has filed its proposal in September 2021. The said proposal alongwith the submissions made by the tenants/ lessees and the information/ clarification furnished by MBPT during the processing of the case, is considered in this analysis.
- (vi). The lessees/ tenants have extensively quoted the observations made by the Hon'ble Supreme Court in the case of Dwarkada Marfatia & Sons v/s Board of Trustees of Port of Bombay, Ratti Ji Kapadia v/s State of Maharashtra etc., so as to put forth their point that the MBPT is not expected to behave like an ordinary landlord with arbitrariness or capriciousness and indulge in rack renting, profiteering and indulging in whimsical or unreasonable bargains but is expected to behave fairly and in a reasonable manner, so as to determine the rentals.

In this regard, it is to state that this Authority is mandated to follow the Land Policy Guidelines issued by the Government from time to time for the purpose of determining lease rentals for the lands belonging to the Port Trusts. The Ministry of Shipping in the Government of India has announced Land Policy Guidelines for Major Ports, 2014 in January 2014 which has come into effect from 2 January 2014. Subsequently, the Ministry of Shipping has issued amended Land Policy Guidelines, 2014 under Section 111 of the MPT Act, 1963 for implementation with effect from 17 July 2015. The subject proposal of MBPT seeking revision of lease rentals for the period from 01 October 2012 to 30 September 2017 and for the period of 01 October 2017 to 30 September 2020 is based on the provisions of the amended Land Policy Guidelines for Major Port Trusts, 2015, as issued by the Government of India in the then Ministry of Shipping (MOS).

- (vii). As per clause 13(a) read with clause 11.2(e) of the Land Policy Guidelines 2014, a Land Allotment Committee (LAC) constituted by the Port Trust Board consisting of Deputy Chairman of the Port, and Heads of Departments of Finance, Estate and Traffic shall determine the market value of land as per the methodology prescribed in clause 13(a). Accordingly, the MBPT has reported about constitution of a Land Allotment Committee (LAC) headed by the Dy. Chairman of the Port and the Heads of Departments of Finance, Traffic and Estate being the other members.
- (viii). (a). Para 13(a) of the Land policy guidelines of July 2015 prescribes the methodology for determination of market value of the land based on the five factors as prescribed therein. In terms of the said para of the amended Land policy guidelines of 2014, the Land Allotment Committee may normally take into account the highest of the factors mentioned therein, viz. (i). State Government ready reckoner of land values in the area if available for similar classification/ activities, (ii). Highest rate of actual relevant transactions registered in the last three years in the Port's vicinity with an appropriate annual escalation rate to be approved the Port Trust Board, (iii). Highest accepted tender-cum-auction rate of Port land for similar transactions, updated on the basis of the annual escalation rate approved by the Port Trust Board, (iv). Rate arrived at by an approved valuer appointed for the purpose by the Port and (v). Any other relevant factor as is identified by the Port. The amended Land Policy guidelines of 2014 also stipulates that in case the LAC is not choosing the highest factor, the reasons for the same have to be recorded.
- (b). In connection with the Valuation as per various methods as stipulated in the Guidelines, the LAC for the reasons as documented in its Report has decided to determine the market value of the land on the following basis.
- (1). State Government Ready Reckoner as applicable for the year 2012 for the following 3 plots:
- (i). Unit-14 (Mahim Bunder) Lady Jamshetji Road-Portion between city light Cinema junctions to Mahim Church Junction under RR Zone. 17/116;
 - (ii). Unit-14 (Pilot Bunder), Cuff parade Portion towards North of Dr. Homibhabha Road and East Portion of Prakash Pethe Marg under RR Zone 1/5;
 - (iii), Unit-15, P D Mello Road (Frere Road) from General Post Office to Boundary of North of A Ward under RR Zone 2/13 for arriving the Lease rentals for the period 01.10.2012 to 30.9.2017.
- (2). Valuation as per various methods recommended by the LAC for the following 04 Ready Reckoner (RR) Zones for arriving the Lease rentals for the period 01.10.2012 to 30.9.2017.
- (i). Fish based occupations of Sassoon Dock (1/6A):
Land rate given by valuer (i.e.80% of land rate of SDRR 2019-20) as on April 2019 taken as base rate and de-escalated 4% every October for SoR 2012-17.
 - (ii). Land at existing JD Island:

Land rate as on 01.10.2012 as Fair Market Value for existing land at Jawahar Dweep (JD) Island. October.

(iii). Land/Wharf/ Jetty letout to Fish based occupations at Ferry Wharf (3/36):

Land rate as on 01.10.2012 arrived by de-escalating the land/jetty rate of 01.10.2017 with 4% every October. Land/Jetty rate for FSI 1 as on 01.10.2012;

(iv). Shed/MbPT Structure letout to Fish based occupations at Ferry Wharf (3/36):

Shed Rate/MbPT structure rate for FSI 1 as on 01.10.2012.

(3). Valuation as per various methods recommended by the LAC for the following 07 Ready Reckoner (RR) Zones for arriving the Lease rentals for the period 01.10.2017 to 30.9.2022.

(i). Fish based occupations Sassoon Dock (1/6A): Land rate given by valuer (i.e.80% of land rate of SDRR 2019-20) as on April 2019 taken as base rate

(ii). Land at existing JD Island: Land rate as on 01.10.2017 as Fair Market Value for existing land at Jawahar Dweep (JD) Island.

(iii). Land area undergoing Reclamation adjoining to Jawahar Dweep (JD) Island: Land rate as on 01.10.2019 as Fair Market Value for land area undergoing Reclamation adjoining to Jawahar Dweep (JD) Island. Schedule of Rates (SoR).

(iv). Maratha Mandir Building at Jawahar Dweep: Land Rate as on 01.10.2019.

(v). Land/Wharf/Jetty letout to Fish based occupations at Ferry Wharf (RR Zone 3/36 of Princess Dock): Land rate for land/jetty at Ferry Wharf for 01.10.2018 to 30.09.2019. Taking 4% de-escalation on the above rate

(vi). Shed/MbPT Structure letout to Fish based occupations at Ferry Wharf (3/36): Shed Rate/MbPT structure for passenger shed/MbPT structures at Ferry Wharf for 01.10.2018 to 30.09.2019. Taking 4% de-escalation on the above rate

(vii). Jamshedji Bunder (RR Zone 1/6A of Colaba Division): The land rate for FSI-1 as on 01.10.2017.

(c). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board. Accordingly, the lease rental has been arrived by MBPT at 6% of the market value of the land i.e. Ready Reckoner (RR) value as on 2012 in respect of 3 plots as brought out at

para no. 8 (viii) (b) (1), Land Value as recommended by the LAC as a special consideration for the 4 plots as brought out at para no. 8 (viii) (b) (2) and Land Value as recommended by the LAC as a special consideration for the 7 plots as brought out at para no. 8 (viii) (b) (3).

- (d). As brought out above, the LAC for the reasons as documented in its Report has recommended different methods of valuation for each of group of plots (3 plots / 4 plots/ 7 plots) to determine the market value of the land, and has recommended lease rentals thereon. The Board of Trustees of MBPT has also approved the lease rentals as per the recommendations of the LAC and the same has been proposed by the Port in its proposal.
- (ix). In this connection, all the individual tenants/ lessees who have been taken on consultation in the case in reference have strongly objected to the lease rentals proposed by the port on the ground that the proposed rentals are manifold times higher than the current rentals that are being paid by the tenants/ lessees. The tenants/ lessees have also questioned the Valuation undertaken by the Valuer(s), based on which the subject proposal has been formulated by MBPT. Further, given that the rentals is being fixed retrospectively, the tenants/ lessees fear for the arrears that would get accumulated on account of the proposed revision. Also, given that post the COVID-19 pandemic, the global economy is just struggling back to normalcy, any retrospective revision is stated to cause a huge financial shock to the tenants/ lessees. The tenants/ lessees have also submitted that they have been duly paying their rentals and taxes on time and as such, they should not be subjected to the increase in rentals as proposed by the MBPT. The tenants have also stated that since the land allotted by MBPT lacks basic facilities/ necessities, the MBPT should not go ahead with increasing the rentals and that the port should continue with the rentals based on the 'Compromise formula' as upheld by the Hon'ble Supreme Court.

In this context, it is relevant here to mention that the Land Policy Guidelines issued by the Government, requires the lease rentals to be revised every five years based on the prevailing market value of the land. The 'Compromise formula' as upheld by the Hon'ble Supreme Court allowed the port to review and revise the letting rates after 20 years (i.e. from 01 October 1992 to 30 September 2012), for good and sufficient reasons. The market value of the land is bound to go up particularly in a metropolis, with the passage of time. Moreover, in a city like Mumbai, where land is an extremely scarce resource, the rentals show an increasing trend on a year on year basis. Further, it is noteworthy that the rentals which had been paid by the tenants/ lessees during the years from 2012 to till date is based on the 'Compromise formula' as upheld by the Hon'ble Supreme Court. This 'Compromise formula' was not based on the then prevailing market value of the land, but was fixed at a lower level. Given that the base of the rentals fixed then was lower, even with the 4% increase in rentals per annum, the resultant rental that prevailed in the year 2012 (and based on which the tenants/ lessees have paid rentals to MBPT) is substantially lower than the rental that has been determined for the year 2012 /2017 now based on the market value of the land. Given that the rentals for the estates of MBPT is being determined based on the market value of the land following the stipulations contained in the Land Policy Guidelines, the lease rentals are bound to go up, when compared to the existing lease rentals being paid by the tenants/ lessees, which are not based on market value of the lands. It is noteworthy that the MBPT has framed its proposal following the Land Policy Guidelines and thus, the hike in the lease rentals is inevitable.

Land being a valuable resource, a port must strive to ensure the maximum income from its landed estates. Though the MBPT is seen to have adopted the rates based on the single factor of Stamp Duty Ready Reckoner amongst the five factors mentioned in para 13 (a), determining the market value of land based only on a single approach may not always reflect the correct position.

Nevertheless, taking into account the position that the market value of the land based on the State Government Ready Reckoner has been recommended by the LAC and given that the Board of Trustees of MBPT has approved the recommendation of the LAC, this Authority is inclined to prescribe the Lease Rent in respect of 3 plots viz. Unit-14 (Mahim Bunder) under RR Zone 17/116, Unit-14 (Pilot Bunder) under RR Zone 1/5 and (iii), Unit-15, P D Mello Road (Frere Road) under RR Zone 2/13 for the period 1.10.2012 to 30.9.2017 based on Stamp Duty Ready Reckoner Rates 2012, as proposed by the MBPT.

As regards to the other plots, the lease rentals determined by the Port considering the Fair Market Value (FMV) of land being highest of the 5 factors as per PGLM has been recommended by the LAC and also has been approved by the Board of Trustees of MBPT. Given that the proposal of the port for fixation of lease rentals is based on valuation taking into account the Fair Market Value (FMV) of land being highest of the 5 factors as per PGLM, is based on the stipulations contained in the Land Policy Guidelines 2015, and has been recommended by the LAC and also has been approved by the Board of Trustees, and also as this Authority is bound by the Land Policy Guidelines, 2015, this Authority approves to prescribe the lease rentals for 04 plots viz. (i). Unit 12 & 14 (Fish based occupation of Sassoon dock) under RR Zone 1/6A, (ii). Unit 14 (Fish based occupation of Ferry Wharf/Land or Jetty) under RR Zone 3/36, (iii) Unit 14 (Fish based occupation of Ferry Wharf- PT Structure) under RR Zone 3/36 and (iv) JD island of MBPT for non-home occupations in Township Areas of MBPT for the period 01 October 2012 to 30 September 2017 and 07 plots viz. (i). Unit-12 & 14 (Fish based occupations of Sassoon Dock) under RR Zone 1/6A, (ii). Unit-14 (Fish based occupations of Jamshedji Bunder) under RR Zone 1/6A, (iii) Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty) under RR Zone 3/36, (iv). Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure) under RR Zone 3/36, (v) Unit no. 12 of JD Island – Existing JD Island, (vi) Unit no. 12 of JD Island – Reclaimed land and (vi) JD Island for non-home occupations in Township Areas of MBPT for the period 01 October 2017 to 30 September 2022, as proposed by the port.

- (x). With regard to objection to the Valuation of the port land as carried out by the Valuer, it is noteworthy that Valuation of the port land is in the domain of the port and as such not within the purview of this Authority. This Authority does not have the technical expertise to delve deep into the Valuation aspects. The Land Policy Guidelines requires this Authority to fix the rentals based on the proposal filed by the port.

Some tenants/ lessees have put forth an argument that given that the MBPT has been increasing the rentals at the rate of 4% per annum, the question of MBPT now proposing increase in rentals does not arise. In this regard, it is to state that, like any other products, increase in rentals per annum is to meet the rising inflationary costs. But in the case in reference, the base of the rental is being reviewed, so as to bring it to the level of market value of land that had prevailed in the year 2012/2017.

Given that the lease rentals are being enhanced for MBPT, the MBPT in consultation with the tenants/ lessees, is advised to look into the requirements of the basic amenities/ infrastructure/ facilities in the leased/ licensed plots, and take steps to make them available to the lessees/ tenants.

Further, considering that the lessees/ tenants will have to pay the arrears for the period 2012 till date and given that the economy is just coming back to normalcy, after it was hit by the COVID-19 pandemic, the MBPT is advised to grant a longer period of time to the lessees/ tenants, to pay the arrears of rent pertaining to the period beginning from the year 2012.

- (xi). Clause 13(c) of the Land Policy Guidelines of 2014 gives flexibility to the ports to fix annual escalation which would not be less than 2%. Accordingly, the MBPT in its proposal has indicated that the lease rental for the 7 plots each as fixed for the year 2012-13 and 2017-18 for the period 1.10.2012 to 30.09.2017 and 1.10.2017 to 30.9.2022 respectively will be subject to 4% annual escalation. However, no note is seen to have proposed by the port in the matter. Thus, a note is, therefore, prescribed in the Schedule stating that the lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2013 and 01 October 2018 in case of respective 7 plots.
- (xii). Clause 13 (C) of the amended Land Policy Guidelines, 2014 stipulates that the rates will be revised once in every five years by the Authority. Since the rental is being prescribed with effect from 01 October 2017, accordingly, a note is being prescribed in the Rent Schedule that the annual lease rentals may remain in force for a period of five years thereon.
- (xiii). The MBPT has proposed a note to the effect that rent will be worked out on the basis of actual Built- Up Area, subject to minimum of FSI 1.00. Given that the base lease rent approved by the Authority shall remain intact and would be only proportionately increased based on the FSI, this Authority is inclined to approve the note as proposed by MBPT in this regard.
- (xiv). The MBPT has proposed another note to the effect that the rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, and Interest etc. and that the same are separately payable by lessees/ tenants/ licensees, as may be applicable. In this regard, it is to state that the tariff approved by this Authority is exclusive of any taxes and statutory duties. The taxes and statutory duties are to be levied by the Port at the applicable rates on the tariff so approved by this Authority. In view of this position, the note as proposed by the Port is approved.
- (xv). The MBPT has proposed notes to the effect that the rates are applicable for non-Home Occupations. Since the proposed notes gives clarity on the categories of lessees/ tenants, who would be covered from the lease rentals approved vide the subject proposal, the proposed notes are approved with slight modification to fall in line with the notes prescribed in the earlier order for revision of SOR for non home occupations.
- (xvi). The MBPT has also proposed notes to the effect that Interest would be chargeable beyond permissible period as per Board's policy from time to time and that whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month. Since the proposed notes give clarity and would

avoid ambiguity and would instill discipline amongst the tenants/ lessees in the payment of rentals, the proposed notes are approved.

- (xvii). The MBPT has proposed a note to the effect that rate for allotment of water bodies is applicable at 50% of SOR. The said notes is seen to in line with the PGLM, 2014. Hence, it is approved.
- (xviii). The MBPT has proposed a note to the effect that differential arrears, liabilities and other dues of charges for a period from 01.01.2017 onwards. The said note seen to be ambiguous Hence, the proposed note is slightly modified to reflect that the differential Arrears, liabilities and other dues/charges for a respective period are calculated based on above rates.

9 In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the Rent Schedule prescribing Lease rentals in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and for the period 01.10.2017 to 30.09.2022 for MBPT for let out land falling under various RR Zones, which has been notified separately vide Gazette No. 555 dated 12 November 2021.

(T.S. Balasubramanian)
Member (Finance)