

MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971
The Estate Officer, 7th Floor, Vijay deep bldg., S. V. Marg, Ballard Estate, Mumbai – 400 001.
Case No. EO/E (02) of 2022

Case No. EO/E (02) of 2022

IN THE MATTER OF:

The Board of Mumbai Port Authority

A Statutory Corporation, Successor in title
Of the Board of Trustees of the port of Mumbai
Having its registered Office at Vijay Deep,
Shoorji Vallabhdas Marg, Fort,
Mumbai – 400 001

.....**Petitioner**

V/s

- 1. Heirs & Legal Representative of
Late Shri. Dadabhau Mhatarba Bhalke**
MbPT Chawl, New Shop No. 4,
Wadi Bunder, Mazgaon,
Mumbai – 400 010/ Old Shop No. 4,
Wadi Bunder Chawl, Santacruz Estate
- 2. Shri. Nandlal Pandey**
- 3. Shri. Dinanath Tiwari**
- 4. Shri. Subhash Jaiswal**
Old Shop No. 4, Wadi Bunder Road,
Santacruz Estate,
Mumbai – 400 010/
Old Shop No. 4, Wadi Bunder Chawl,
Santacruz Estate/
Also at
Haji Kasam, Chawl No. 27/39,
Room No. 7, Copper Smith Street,
Dockyard, Kasar Gali,
Mumbai- 400 010.

..... **Respondents**

Coram: Shri R.K. Ramgude
(Estate Officer)

*(Appointed under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971
vide Gazette Notification dated 30.01.2023.*

Represented by: -

Advocate for Petitioner: Adv. Prajit Vora i/b Navdeep Vora & Associates

Petitioner Representative: Shri. A. D. Hardikar, Assistant Estate Manager (Gr-I),
Ms. Hafsa Shaikh (Legal Trainee)



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Advocate for Respondent No. 4: Adv. Prerak Chaudhary

ORDER

1. This Petition has been preferred by the Petitioner for eviction under Section 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as 'PPE Act').
2. Perusal of the record reveals that the present Petition was initially filed on 29.11.2022 wherein it was prayed that summary proceedings be initiated against the Respondents under Sections 4 to 7 of the PPE Act. Further, it is submitted by the Petitioner that on account of illegal acts committed by the Respondents in the nature of unauthorized subletting and change of user. The Petitioners vide their Notices dated 15.12.2021 have terminated their monthly tenancy and on 31.03.2022 holding over of petition premises by Respondent No.1 in respect of the said premises and Respondent Nos. 2 to 4 are in unauthorized occupation within the meaning of section 2 of PPE Act, 1971 and with regard to the piece of land, admeasuring 20.81 sq. mtrs situated at Wadi Bunder Chawl, Santacruz Estate, Mumbai (hereinafter referred to as '**subject premises**') which was let out by the Petitioner's predecessor in title, the Trustees of the Port of Mumbai to the Respondents *inter alia* claiming an amount of Rs. 22,99,933.01 ps. as total arrears of compensation.
3. The Petitioner is a Statutory Corporation, constituted under Section 3 of the Major Port Authorities Act, 2021 being the successor in title to the Board of Trustees of the Port of Mumbai, constituted under the Major Port Trust Act, 1963 since repealed, having its office at the abovementioned address.
4. From the perusal of the pleadings and documents filed by the parties following facts came to fore:

As per the Petition filed by the Petitioner:

- i. Monthly tenancy was granted by Petitioner's predecessor in title, Trustees of the Port of Bombay to Shri. Dadabhau Mhatarba Bhalke. The terms and conditions of the monthly tenancy were quoted vide rent note dated 14.09.1963 the sanctioned use of the said premises is for the flour grinding mill
- ii. The Petitioner claims that the Respondent No.1 has committed breaches in terms of:
 - a) unauthorized subletting to Shri. Nandlal Pandey, Shri. Dinanath Tiwari, Shri. Subhash Jaiswal.
 - b) Unauthorized change of user to Metal Polishing Workshop.
 - c) Unauthorized change of user to packaging and supply of mutton items.
- iii. The Petitioners vide their Notices dated 15.12.2021 terminated the monthly tenancy and 31.03.2022 has terminated the holding over petition premises of Respondent No.1. Further, the Petitioner have submitted that the Notice was duly served upon Respondents through pasting on the petition premises.
- iv. Petitioner submitted that the said premises is now required by them for its own bona fide use in accordance with the Master Plan approved under Trustees Resolution No. 13 of 2018.



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5. In light of this, the Petitioners inter alia prayed that:-
- i. *Summary proceedings may be initiated against the Respondents under Sections 4 to 7 of P.P.E Act, 1971;*
 - ii. *The Respondents be Decreed and Ordered to handover to the Petitioners, vacant and peaceful possession of the said premises as described in Annexure 'A', within such period as this Hon'ble Authority may deem fit and proper to grant.*
 - iii. *In case of failure of Respondents to comply with prayer (b) within the time specified by the Hon'ble Authority, then the Petitioners be ordered to take charge and possession of the said premises forthwith.*
 - iv. *In the event, the Respondents fail and neglect to obey the orders issued under prayer (c) the Petitioners be allowed to remove the respondents belongings from the said Premises at the cost of the Respondents.*
 - v. *The Respondents be ordered to pay to the Petitioners such higher amounts as may be decided by the Board of the Petitioners with effect from October 2012 and October 2017 by Resolution during pendency of the said petition till recovery of the possession of the said premises in petition or as may be sanctioned by the Central Government between the said rates.*
 - vi. *The Petitioners state that the Respondents be ordered to pay the Petitioners the arrears of rent/compensation, taxes, other charges and interest in respect of the possession of the said Premises amounting to Rs. 2284361.45 ps. Total arrears payable up to 31/01/2022 inclusive of interest as on 30/09/2022 as per the particulars mentioned in the statement of arrears as per Annexure 'B' to this Petition and such further amounts in terms of Boards policy, with interest thereon @ 18% till 28/02/2020 and @ 15% with effect from 01/03/2020 till the date of filing this Petition.*
 - vii. *The Respondents be Decreed and Ordered to pay to the Petitioners damages/compensation for wrongful use of the said Premises at the rate three times of Rs. 1034.39 ps. Per sq. mtrs. Per month for FSI 1 exclusive of service tax, with 4% increase every October till 30/09/2017 as per TAMP's notification No. 54/2021 and interest on the said sum @18% p.a. on delayed/outstanding damages/compensation as per TR No. 365 of 1991 till 28/02/2020 and @ 15% p.a. on delayed/outstanding arrears as per TR No. 296 of 2020 with effect from 01/03/2020, for the amount due from month to month as described in Annexure 'C'. The damages/compensation at the said rate are claimed as per Board's Policy or at such rate may be sanctioned by the Board by resolution during the pendency*



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of the present Petition, till the recovery of the possession of the said premises, whichever out of the said two rate are higher.

- viii. *The Respondents be restrained by an Order or Injunction of this Hon'ble Authority from creating any third party rights/parting with the possession of the said Premises or part thereof, in favour of any third party and also be restrained from carrying out any additions/alterations in the said premises, during pendency of the Petition.*
- ix. *Costs of the petition may be provided for;*
- x. *Such other and further relief as this Hon'ble court may deem fit to grant."*

6. This forum of Law formed its opinion to proceed under the relevant provisions of the Act and issued Show Cause Notices under Sections 5 to 7 of the Act dated 13.03.2023 as per the Rules made under the Act. The issuance of show cause notice and affixation of the same was done as per the statutory mandate the particulars of which can be referred to as provided below-

Sr. No.	Particulars	Date
1.	Show Cause Notice u/s 4 (for adjudication of the prayer of the Petitioner for order of eviction.	13.03.2023
2.	Show Cause Notice u/s 7 (for damages together with interest and recovery of arrears).	13.03.2023
3.	Notices were personally served on Respondent No.4 along with original acknowledgments. Respondent No.1,2 & 3 were served by way of pasting	personal service on R.4 21.03.2023 and pasting on R.1, 2 & 3 15.03.2023

7. On the first date of the hearing i.e. on 24.03.2023, the Respondent No. 4 appeared and requested time to appear with an advocate to submit a written statement in the matter and further matter was adjourned on 24.04.2023. Respondents failed to appear on 24.04.2023, 13.06.2023, 26.06.2023, and 10.07.2023 in spite of giving several opportunities to submit a Written Statement. Hence, the written statement of Respondent's was closed and matter proceeded Ex-parte by Learned Authority on 14.07.2023. Draft Issues was filed by the petitioner on 21.07.2023. Thereafter, final issues were framed on 28.07.2023. Further Affidavit of Evidence along with documents was filed by Petitioner's Advocate on 10.08.2023. Thereafter the matter was adjourned for exhibiting the documents and same were marked as 'Exhibits' on 18.08.2023. Since no one from the respondent was present on 22.08.2023 the cross-examination of PW-1 was closed and the matter was adjourned for final arguments. On 28.08.2023 Intern Rucha Bhole i/b Adv Prerak Chaudhary submitted vakalatnama for Respondent No. 4 and made an application to take written statement on record. Further application dated 28.08.2023 filed by Respondent No. 4 for submission of written statement was allowed on 12.09.2023. On 15.09.2023 Interim Reply was filed by Respondent No. 4. Wherein Respondent No.4 had stated the present petition was not maintainable and was in contravention to Maharashtra Rent Control Act 1999. It was also contended that Respondent N.4 was not in unauthorized occupation of the petition premises



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and also Ld. Authority had no jurisdiction to proceed with the matter in light of Hon'ble Supreme Court Bantawala & Co v Life Insurance Corporation of India & Anr. Respondent No.4 had said the show cause notice issued by the Petitioner was in violation of guidelines issued by Ministry of Urban Development of India dated 01.01.1992. Revised Draft issues was filed by petitioner on 21.09.2023 and Draft Issues were filed by Respondent No.4 on the same date.

8. Subsequently, on 27.09.2023 following final issues were framed:
- i. *"Whether the Petitioner validly forfeited the 15 Monthly Lease/Tenancy/ Holding over of the Respondents?"*
 - ii. *Whether Respondents are unauthorized occupants of the petition premises and liable to be evicted from the suit premises?*
 - iii. *Whether Respondents are liable to pay arrears of compensation as claimed by the Petitioner? If so, at what rate and what rate of interest?*
 - iv. *Whether Respondents are liable to pay damages as claimed by the Petitioner? If so, at what rate and what rate of interest?"*
9. Affidavit of Evidence was filed by the Petitioner on 10.08.2023. List of Documents relied on by the Petitioner Witness-1 Shri. Abhay Dattatraya Hardikar, on 10.08.2023 are mentioned below and same are exhibited.

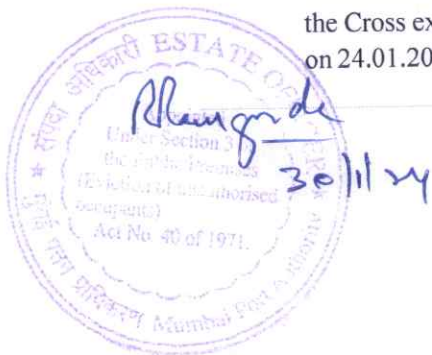
Sr. No.	List of Documents	Serial No.	Exhibit No.	Page NO.
1	Original Monthly Tenancy i.e., Rent Note No. 05 dated 14/09/1963	01	A	01-04
2	Original Inspection Report dated 03/11/2008	02	B	05-06
3	Original Breach Conveying Letter dated 24/03/2009	03	C	07-08
4	Original Inspection Report dated 06/02/2012	04	D	09
5	Original Breach Conveying Letter dated 28/03/2012	05	E	10-12
6	Original Inspection Report dated 01/11/2021	06	F	13-15
7	Original Breach Conveying Letter dated 10/11/2021	07	G	16-18
8	Certified Copy of TR 69 of 2021	08	H	19-20
9	Certified Copy of TR 13 of 2018	09	I	21-30
10	Original Statement of Arrears	10	J	31
11	Original Statement of Damages	11	K	32
12	Certified True Copy of Trustees Resolution No. 365 of 1991.	12	L	33-34
13	Certified True Copy of Trustees Resolution No. 296 of 2020.	13	M	35
14	TAMP Notification No. 54 of 24/11/2021	14	N	36-61



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15	Office copy of the Termination Notice dated 15/12/2021.	15	O	62-65
16	Original Personal Service Report	16	P	66
17	Original RPAD acknowledgement Card	17	Q	67
18	Original Pasting Report	18	R	68
19	Original Reply of the Respondent No. 4 dated nil, received by the petitioners dated 07/01/2022	19	S	69-72
20	Original Reply of the Respondent No. 4 through his Advocate dated 26/04/2022	20	T	73-80
21	Office Copy of the Letter dated 31/03/2022	21	U	81-83
22	Original Personal Service acknowledgement receipt	22	V	82
23	Original RPAD acknowledgement Card	23	W	82
24	Copy of the Letter of Authority	24	X	84

10. On 10.10.2023 Petitioner's Advocate filed rejoinder to interim reply of Respondent No. 4 and contended that Respondent No. 1 failed and neglected to deliver the premises to the petitioner on the expiry of one month notice given to them also stated that reply of Respondent No.4 should be rejected with cost and the matter be proceeded and disposed off on the case of merit by following due process of law. Further matter was adjourned for Respondent's Reply to the Rejoinder and inspection of documents on Affidavit of Evidence on 23.10.2023.
11. On 06.11.2023 Respondent No.4 filed Sur-rejoinder to rejoinder filed by the petitioner wherein all the istatements, allegation, contentions, submissions made in the Rejoinder dated 10.10.2023 filed by the Petitioner were denied and also stated has been filed mechanically without considering the facts or merits of the case and prays that the Petition be dismissed with exemplary and compensatory costs.
12. Thereafter, the matter was adjourned for admission and denial of documents and on 28.11.2023 documents were marked as Exhibits subject to Cross Examination. Further the matter was scheduled for Cross Examination of Shri. Hardikar (PW-1) on 07.12.2023, however same was adjourned on the request of Respondent No.4's Adv. Regina David i/b Adv. Prerak Chaudhary. Thereafter, on 18.12.2023 similar request for adjournment was made by Adv. Trisha Ranka i/b Adv. Prerak Chaudhary. Same was allowed by the Ld. Authority in the interest of principles of natural justice. On 26.12.2023, keeping the summary nature of the proceeding intact, Ld. Authority closed the Cross Examination of PW-1 as Respondent No. 4's Advocate was absent. On 10.01.2024, Respondent No. 4's Advocate submitted an application to set aside cross examination order dated 26.12.2023 and same was allowed by Ld. Authority considering Respondent's Advocate request and scheduled cross examination on 19.01.2024, 22.01.2024 and 23.01.2024 as way of final opportunity.
13. Respondent No. 4 Adv. commenced the cross examination of PW-1 on 19.01.2024 and continued on 23.01.2024. The Respondent No. 4's Adv. directed on 23.01.2024 to conclude the Cross examination on 24.01.2024. The Cross examination of PW-1 was initially scheduled on 24.01.2024 10.30 a.m.. However, Adv. for R. No. 4 chose to remain absent citing the reason



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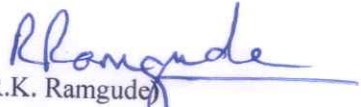
- of being held up in other court and the same was rescheduled at 2.30 pm. Ld. authority was of the view that ample and sufficient opportunities granted to R.no. 4 to conclude cross examination of PW-1 and therefore application for adjournment is rejected and cross examination of PW-1 is closed.
14. Thereafter, opportunity was given to the Respondents for filing Affidavit of Evidence but no evidence was led by the Respondents and therefore the matter was adjourned for final arguments.
15. On 29.01.2024 the advocate for the Petitioner submitted written arguments. Petitioners by their written arguments have submitted that the monthly tenancy is validly terminated by petitioners vide notice dated 15.12.2021 and 31.03.2022 and that Respondents are unauthorisedly occupying the petition premise after expiry of notice period. Petitioners have also submitted that despite several opportunities being provided, Respondents, have failed to lead any evidence to support their contentions. Petitioner on 29.01.2024 filed surrender certificate and same was taken on record The Petition Premises was voluntarily surrendered by Respondent No.4 on 29.01.2024 as per Petitioner surrender certificate.
16. Based on the evidence adduced by the Petitioner in support of their claim as per the Inspector reports dated 03.11.2008, 06.02.2012 and 01.11.2021 (Exhibit B, D and F) of the Petition showing unauthorized subletting, change of user it can be stated that the Respondents have committed breaches in terms of change of user, unauthorized subletting and hence, the Petitioners vide their Notices dated 15.12.2021 had terminated the monthly tenancy and 31.03.2022 holding over of petition premises was also terminated of Respondent No.1. The Petitioner's notice dated 15.12.2021 and 31.03.2022 was served to Respondents by way of pasting in presence of two witnesses on 15.03.2023 and the pasting report of the same is taken on record. Hence, notices were validly served and despite the receipt of said notice the Respondents have failed to comply with the requisitions contained therein. Petitioners have submitted inspection Report Dated 03.11.2008, 06.02.2012 and 01.11.2021 wherein it is shown Respondent have committed various breaches such as unauthorized subletting and change of user thereby violating T&C of monthly tenancy given by petitioner. Therefore, I hold that Issue No. 1 is proved.
17. After the termination of monthly tenancy authority of the Respondents to occupy the petition premise was withdrawn. However, the Respondent did not handover the possession of the petition premises to the Petitioner hence the status of Respondents with regard to petition premises became that of an 'unauthorized occupant' in terms of Section 2 (g) of the PPE Act. The same is reproduced here for the sake of reference-
Section 2 (g)-"Unauthorized occupation, in relation to any premises, means the occupation of any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises as expired or has been determined for any reason whatsoever."
It is to be noted that after the expiry of the notice period, the Respondents are in unauthorised occupation of the premise in the petition. I therefore, held that Issue no 2 is proved.
18. The Respondents are in arrears of rent/compensation, taxes and other charges in respect of the said premises amounting to Rs. 22,84,361.45 ps. total arrears payable up to 31.01.2022 inclusive of interest as on 30.09.2022 and damages at the rate of three times of Rs. 1034.39 per



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- sq. mtrs. Per month alongwith the interest and outstanding charges as enclosed in the statement of arrears which is duly produced on record and signed by Mr. A.D. Hardikar, Assistant Estate Manager (Gr. 1) and marked as Exhibit- J and Exhibit-K . The Respondents have not adduced any documentary evidence to support their claim It is to be noted that for such unauthorized occupation, the Respondents are the unlawful occupants of the petition premises and they have neither adduced any evidence to support their claim as 'authorized' nor have they adduced any evidence to refute the claims of arrears/damages by Petitioner. Based on the above findings, and the documentary evidences submitted by the Petitioner, the Respondents are liable to pay damages/mesne profits for wrongful use and occupation of the subject premise from the date of petition up to the date recovery of premise. The Petitioners are entitled to recover from the Respondents the vacant and peaceful possession of the petition premises, and the arrears of rent, compensation, damages and interest as stated. Therefore, I hold Issue Nos. 3 and 4 are proved.
19. The nature of above proceeding is summary in nature and same needs to be followed in its strictest sense. Respondents have failed to adhere to the summary nature of the proceeding. The object of PPE proceeding has been up-held by Apex Court in the case of Jain Ink Manufacturing Company v Life Insurance Company AIR 1981 SC 670 wherein it was categorically held that "the object of the Premises Act is to provide for eviction of unauthorised occupants from public premises by a summary procedure so that the premises may be available to the authorities mentioned in the Premises Act which constitute a class by themselves"
20. Upon perusal of the petition, written arguments, and documents submitted on record, it is observed that the Petitioner validly and lawfully terminated monthly tenancy of Respondents. In the circumstances, being satisfied as above, I, therefore, declare that the Respondents are in unauthorized occupation of the premises. I hereby declare Respondents as unauthorized occupants and pass orders for payment of arrears of compensation, taxes, and other charges under section 7(1) (2) (2A) of the 1971 Act against the Respondents. Respondent No.4 has handed over the petition premises on 29.01.2024 as per petitioner surrender certificate. Since the Respondent No.4 has surrender the vacant and peaceful possession of the petition premises as per the surrender certificate annexed to pursis dated 29.01.2024, the Petitioner is not pressing for eviction order under Form-B of the PPE Act, 1971. Hence, Form-B is not issued. Accordingly, order under Form 'G' is issued.
21. Upon perusal of the evidence, I have assessed the Petitioners Statement of Arrears and Statement of Damages adduced with this order as compensation/arrears pay the sum of Rs. 27,43,910.70 (Twenty Seven Lakh Forty Three Thousand Nine Hundred Ten and seventy paise) assessed by me as damages/mesne profit on account of your unauthorized occupation of the premises and to pay the compensation arrears upto 31.01.2022 with interest as on 31.12.2023 amounting to Rs. 22,99,933.01 (Rs. Twenty Two Lakh Ninety Nine Thousand Nine Hundred Thirty Three and zero one paise) including damages and compensation arrears. I hereby order Respondents to pay the same.

Place: Mumbai
Date: 30.01.2024


(R.K. Ramgude)

ESTATE OFFICER

Signature & Seal of the Estate Officer.



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Form G

Order under sub-sections (2) and (2-A) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971

Case No. EO/E/ 02 of 2022

The Board of Mumbai Port Authority

A Statutory Corporation, Successor in title
Of the Board of Trustees of the port of Mumbai
Having its registered Office at Vijay Deep,
Shoorji Vallabhdas Marg, Fort,
Mumbai – 400 001

.....Petitioner

V/s

1. **Heirs & Legal Representative of
Late Shri. Dadabhau Mhatarba Bhalke**
MbPT Chawl, New Shop No. 4,
Wadi Bunder, Mazgaon,
Mumbai – 400 010/ Old Shop No. 4,
Wadi Bunder Chawl, Santacruz Estate
2. **Shri. Nandlal Pandey**
3. **Shri. Dinanath Tiwari**
4. **Shri. Subhash Jaiswal**
Old Shop No. 4, Wadi Bunder Road,
Santacruz Estate,
Mumbai – 400 010/
Old Shop No. 4, Wadi Bunder Chawl,
Santacruz Estate/
Also at
Haji Kasam, Chawl No. 27/39,
Room No. 7, Copper Smith Street,
Dockyard, Kasar Gali,
Mumbai- 400 010.



..... Respondents

ORDER

WHEREAS I, the undersigned am satisfied that you the Respondents are unauthorized occupation of the Public Premises in the **Schedule** below.

AND WHEREAS, by written notice dated 13.03.2023 you were called up on to show cause on 24.03.2023, why an order requiring you to pay total damages for wrongful use and occupation

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of the premises upto 31.01.2022 with interest as on 30.09.2022 amounting to Rs. 22,84,361.45 ps. (Rs. Twenty Two Lakhs **Eighty Four** Thousand **Three Hundred Sixty One** and paise Forty Five) Only should not be made;

AND WHEREAS, I have considered the objections produced by you,

NOW, THEREFORE, in the exercise of the powers confirmed on me by sub-section 2 of Section (7) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order you to pay the sum of Rs. 27,43,910.70 (Twenty Seven Lakh Forty Three Thousand Nine Hundred Ten and seventy paise) assessed by me as damages/mesne profit on account of your unauthorized occupation of the premises as per **Annexure 'A'**.

In exercise of the power conferred by sub-section (2-A) of Section 7 of the said Act, I also hereby order you to pay the compensation upto 31.01.2022 with interest as on 31.12.2023 amounting to Rs. 22,99,933.01 (Rs. Twenty Two Lakhs Ninety Nine Thousand Nine Hundred Thirty Three and zero one paise) including damages and compensation arrears as per **Annexure 'B'**.

In the event of your refusal or failure to pay the total sum including damages and compensation arrears as Rs. 50,43,843.71 (Rupees Fifty lakh forty three thousand eight hundred forty three and seventy one paise) only or any instalments thereof within the said period or in the manner aforesaid, the amount will be recovered as arrears of land revenue.

SCHEDULE

Description of the Petition Premises

Port Trust Structure bearing Old Shop No. 4 at Wadi Bunder Chawl, Santacruz Estate admeasuring 20.81 sq.mtrs. and bounded as follows;

Bounded on or towards the North by:

Port Trust structure bearing old shop
No. 5

Bounded on or towards the South by:

Port Trust Land

Bounded on or towards the East by:

Port Trust Land

Bounded on or towards the West by:

Port Trust Land

Place: Mumbai
Date: 30.01.2024



R. Ramgude
(R.K. Ramgude) 30/1/24
ESTATE OFFICER

Signature & Seal of the Estate Officer.

DAMAGES-EVI-20802101-DEC.23

DATE : 31.12.2023

STATEMENT OF DAMAGES/MESNE PROFIT
FOR THE PERIOD FROM 01.02.2022 TO 31.12.2023
 (ERRORS AND OMISSIONS EXCEPTED)
 SUBJECT TO AUDIT VERIFICATION

NAME OF THE TENANT : SHRI DADABHAU MHATRABA BHALKE 1 OTHER
 Code No. 20802101
 Plot No. SHOP 4 BPT CHAWL WADI BR
 Plot Area in Sqm. 20.81
 FSI 1.00

	Zone No. 10/78A for 01.10.2017	Zone No. 10/78G for 01.10.2022	
Rate	851.20	517.80	
Effective FSI:	1.00		
AREA =	20.81 SQM		
Service Charge	10.41	41.62	

PERIOD	RATE OF FSI 1	DAMAGES (3 X RATE X FSI X AREA) FOR FSI 1	EFFECTIVE COMPN/RENT + SERVICE CHARGE
01.10.2017 to 30.09.2018	851.20	53140.42	53150.82
01.10.2018 to 30.09.2019	885.25	55266.03	55276.44
01.10.2019 to 30.09.2020	920.66	57476.67	57487.08
01.10.2020 to 30.09.2021	957.48	59775.74	59786.15
01.10.2021 to 30.09.2022	995.78	62166.77	62177.18
01.10.2022 to 31.05.2023	1035.61	64653.44	64663.85
01.06.2023 to 30.09.2023	517.80	32326.25	32367.87
01.10.2023 to 30.09.2024	528.16	32972.78	33014.40

DAMAGES-EVI-20802101-DEC.23

STATEMENT OF DAMAGES/MESNE PROFIT
FOR THE PERIOD FROM 01.02.2022 TO 31.12.2023
 (ERRORS AND OMISSIONS EXCEPTED)
 SUBJECT TO AUDIT VERIFICATION

NAME OF THE TENANT : SHRI DADABHAU MHATRABA BHALKE 1 OTHER
 Code No. 20802101
 Plot No. SHOP 4 BPT CHAWL WADI BR
 Plot Area in Sqm. 20.81
 FSI 1.00



SR NO	DESCRIPTION	RS.
1	Damages from 01.02.2022 to 31.12.2023	2008762.55
2	Interest on damages from 01.02.2022 to 31.12.2023	307212.64
3	Service tax / GST from 01.02.2022 to 31.12.2023	361577.26
4	Interest on Service tax/GST from 01.02.2022 to 31.12.2023	66358.25
	TOTAL	2743910.70
	in crores	0.27

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Danti

WITHOUT PREJUDICE

STATEMENT OF ARREARS

NOTE:

1. SUBJECT TO AUDIT VERIFICATION
2. ERRORS AND OMISSIONS EXCEPTED
3. FSI CONSIDERED FOR COMPENSATION ARREARS CALCULATION FROM 01.10.2012 IS SUBJECT TO FSI COMMITTEE REPORT

NAME OF THE LESSEE :	SHRI DADABHAU MHATRABA BHALKE 1 OTHER
Code No.:	20802101
Plot No. :	SHOP 4 BPT CHAWL WADI BR
Plot Area in Sqm. :	20.81
FSI :	1.00

Sr. No.	CHARGES	Rs.	
1	COMPENSATION ARREARS UPTO 31.03.2004 (INCLUDING SERVICE CHARGSES) (as per SC judg liability upto 31.03.2004)	104581.00	
2	ADD :INTEREST BILLED BUT NOT PAID UPTO 31.03.2004	149.04	
3	TOTAL ARREARS FROM 01.07.1974 TO 31.03.2004	104730.04	
4	LESS : AMOUNT PAID TOWARDS ARREARS UPTO 31.03.2004	39231.03	
5	BALANCE ARREARS UPTO 31.03.2004 (3 - 4)	65499.01	
6	ADD :INTEREST ON ABOVE ARREARS (AS ON 31.12.2023)	55352.83	
7	ARREARS UPTO 31.03.2004 INCLUDING INTEREST AS ON 31.12.2023 (5 + 6)	120851.84	
8	LESS : AMOUNT LYING IN MD A/C	157000.00	
9	AMOUNT PAYABLE WITH INTEREST ON ARREARS FROM 01.07.1974 TO 31.03.2004 WITH INTEREST AS ON 31.12.2023 (7 - 8)	-36148.16	A
10	COMPENSATION ARREARS FROM 01.04.2004 TO 30.09.2012 (AS PER S.C. JUDG)	0.00	
11	ADD :INTEREST BILLED BUT NOT PAID FROM 01.04.2004 TO 30.09.2012	0.00	
12	ADD :PRESUMING INTEREST ON ABOVE ARREARS (AS ON 31.12.2023)	0.00	
13	SERVICE TAX/GST ARREARS	0.00	
14	PRESUMING INTEREST ON SERVICE TAX/GST AS ON 31.12.2023	0.00	
15	IBNP SERVICE TAX	0.00	
	TOTAL	0.00	B
16	COMPENSATION ARREARS FROM 01.10.2012 TO 31.01.2022 (as per S.C JUDG)	68118.41	
17	ADD :INTEREST BILLED BUT NOT PAID FROM 01.10.2012 TO 31.01.2022	838.56	
18	ADD :PRESUMING INTEREST ON ABOVE ARREARS (AS ON 31.12.2023)	36760.41	
19	SERVICE TAX/GST ARREARS FROM 01.10.2012 TO 31.01.2022	12440.70	
20	PRESUMING INTEREST ON SERVICE TAX/GST AS ON 31.12.2023	7968.75	
21	IBNP SERVICE TAX	156.46	
	TOTAL	126283.29	C

