

Reply to Stakeholder Comments received during the period 29.03.2023 to 12.04.2023 on proposed Revision of SoR 2022-27 for MbPA land

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
1	30901104	SHASHIKANT CHADHA	2/13B - G.P.O. YELLOWGATE P.D'MELLO RD	<p>*AN APPEAL~</p> <p>*CONVERSION OF LEASE HOLD LAND TO FREE HOLD LAND WOULD RID LEASEHOLDERS OF THE AGONY & FRUSTRATION CAUSED BY ENDLESS LEGAL HASSLES CAST UPON HELPLESS TENANTS AND CITIZENS*</p> <p>*•EASE OF LIVING* #JusticeForBPTTenants</p>	The comments do not relate to revision of SoR 2022-2027 and therefore do not warrant any response.
2	10101010	Test Comments	2/22A - BALLARD ESTATE	Test	Test
3	Individual	Dr A harigopal subudhi	2/9A - MOODY BAY	Should be minimum	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an

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					expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.
4	10104103	The Tata Power Company Limited	90/419D - MAHUL	<p>We are not able to upload the letter submitted to your office on 3rd April 2023, the content of the same is as below.</p> <p>With reference to MbPT's notice dt.29.03.2023 uploaded on MbPT website on 29.3.2023 our preliminary remarks on MbPT's subject proposal are as below:</p> <ol style="list-style-type: none"> 1. At the outset it is submitted that following documents referred in MbPT's proposal are not uploaded: <ol style="list-style-type: none"> a. Valuation report of Shri Avinash Pendse b. LAC/SoR committee recommendation report c. Board approval TR d. Basis including working to arrive "Proposed Scale of Rates for Special Way Leave Rates for the pipelines laid on TRESTLE at Pir-Pau" for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 e. Basis including working of Service charges levied for let out plot area of Rs. 2.00/per sq. mtr per month f. Accompaniments to the above 2. In the absence of the documents enlisted above, we request through this letter to upload the above information at the earliest & also extend the date 	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 65% lower than the SoR for the period 2017-2022.</p> <p>BR No. 296 dated 27.03.2023 was published on MbPA website viz. www.mumbaiport.gov.in is self explanatory and contain detailed proposal alongwith methodology for Revision of SoR 2022-27.</p> <p>The details for special way leave for pipelines laid on Trestle at Pir Pao are mentioned at Pg. No. 12 of TR 296 of 2023.</p> <p>It needs to be noted that as far as SoR towards way leave charges are concerned, in majority of the cases the earlier way leave fee would continue without any annual escalation till it matches the rate as per the proposed SoR whereafter the annual escalation of 2% would become applicable. The way leave fee for trestle would also continue at the rates as per the previous revision with escalation of 2% per annum.</p>

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				<p>suitably in view of the delay.</p> <p>3. Our detailed submission will follow shortly.</p> <p>Kindly acknowledge the same.</p>	<p>The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after excluding the expenditure incurred on maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.</p>
5	31102128	RAMADEVI R ACHARYA	2/9A - MOODY BAY	<p>I, Ramadevi Raghavendra Acharya being one of the donees of the Original Lessee Late Shri Narahari Baliga with regards to Plot No.1066 Modi Bay Estate, having Customer Code 31102128 am in receipt of the notice referred to in the subject matter seeking our comments on the said presentation.</p> <p>For the sake of record, I would like to state that Late Narhari Vasudev Baliga had gifted the lease hold rights and the building to my husband Shri Udyavara Raghavendra Acharya and myself vide registered Gift Deed dated 20th June, 1986. My husband Shri Udyavara Raghavendra Acharya expired on 22nd October 2020. Accordingly, at present myself and my son Shri Subhash R Acharya (being legal heir of my late husband) are now in possession and occupation of the above-mentioned property.</p> <p>At the outset, I must state that we are law-abiding citizens and have always acted in accordance with the requirement(s) of the applicable laws.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022. SoR is applicable to all expired leases. The proposed SoR 2022-27 is the Supreme Court Judgement in Wadia Case is only valid upto 30.09.2012. The proposed SoR 2022-27 is formulated in accordance with the Major Port Authorities Act, 2021 & Rules framed there under & in terms of Policy Guidelines for Land Management (PGLM), 2015 issued by Ministry of Port, Shipping & Waterways (MoSPW) Govt. of India.</p> <p>The SoR has been proposed by Board & Land allotment/ SoR committee after deliberation & after carrying out the valuation of MbPA land /premises by Govt. approved valuer & the</p>

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				<p>In our humble opinion, we believe that the presentation on the proposed Revision of the Schedule of Rates for the period of 2022 to 2027 is not in accordance with the law laid down and the observations made by the most Hon'ble Supreme Court of India in the Jamshed Hormusji Wadia vs Board of Trustees, Port of Mumbai & Another ("Wadia Judgement").</p> <p>We humbly submit that the rates proposed by you are exorbitant and unaffordable as the same has been arrived at without any logical basis or valid explanation. Further, we have always been making timely payments in accordance with the bills raised by you from time to time and hence payment of any proposed revisions will not only be a travesty of justice but will also be completely unaffordable. We further submit that though it is the contention of MBPT that it was open for them to revise rents from the year 2012, however claiming such a steep increase in rents after 9 years with retrospective effect and to further revise the rates from 2022 to 2027 will be a travesty of justice as the quantum of increase is simply not sustainable.</p> <p>We further submit that Hon'ble Supreme Court had kept open the point of whether the MBPT falls within the ambit of the Maharashtra Rent Control Act as it expected the MBPT being a Government Body to act in a fair and reasonable manner. The proposed revision of the schedule of rates is far from being reasonable and fair. We say that on the contrary the proposed revision of the Schedule of rates from 2022 to 2027 is arbitrary, unreasonable and unfair in nature.</p>	<p>same is based on various market conditions & trends.</p> <p>In the true spirit of SC Judgement 2004, MbPA has reduced the rate of return from 10% as per Wadia Judgement to 6% & annual escalation reduced from 4% to 2% and hence, the proposed SoR is fair & reasonable. Maharashtra Rent Control Act is not applicable in respect of land let out by MbPA.</p> <p>The comments regarding exorbitant and unaffordable are vague without any supporting facts, hence no comments are warranted in this regard.</p> <p>The comments which do not relate to revision of SoR 2022-2027 do not warrant any response.</p> <p>The rates proposed are for FSI-1 & actual quantum of rent /compensation will be worked out on the base rate & factor as may be recommended by the committee appointed for the purpose applicability of FSI.</p> <p>The Maharashtra Rent Control Act, 1999 is not applicable to letout lands of MbPA and therefore there is no question of being bound by any of its provisions.</p>

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				<p>We further submit that the MBPT's contention of lessees/tenants/ occupants etc. profiteering by further sub-leasing the premises is not the factuality in all cases and hence we request you to look at the same on a case-to-case basis on its own merits.</p> <p>Accordingly, we humbly request you to reconsider the Revision of Schedule of Rates and propose a Schedule of Rate, true to the spirit of the Wadia Judgement, which can be paid with prospective effect by law abiding citizens like us after considering the merits on a case-to-case basis</p> <p>We also humbly submit that any proposed fair revision be calculated only on the area of land leased out by the Mumbai Port Trust and not on the entire FSI consumed as the building has been constructed and maintained by the lessees. Hence proposing to charge rent on the built-up area will not be in the right spirit of things and will be completely unjust and unfair.</p> <p>We eagerly, and earnestly, await a just and positive response from the Mumbai Port Trust to our humble submissions as above, on the proposed Revision in the SOR's. We are sure that in the public interest the Mumbai Port Trust will reconsider its proposal.</p> <p>If a personal meeting is required, we are always available to meet your concerned representative in the interest of the Mumbai Port Trust and the public at large.</p> <p>Please note that the contents of this reply are strictly without prejudice to our rights and contentions in the matter wherein nothing that has been stated shall be</p>	

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				<p>construed or deemed to have been accepted by us. We reserve our rights in the matter which are not affected by this response. We further reserve our rights to issue/give a more detailed response, if we deem appropriate.</p> <p>Regards</p> <p>Ramadevi R Acharya Subhash R Acharya</p>	
6	20801403	kutbuddin husainbhai lokhandwala	10/80A - DARUKHANA/MDL	Unaffordable/Unreasonable should be proposed/protected with/brought under rent act.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>Rent Control Act does not apply to land let out by MbPA.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

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					obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.
7	20801536	D. Abraham and sons	10/80A - DARUKHANA/MDL	Oppose New Rent	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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8	41308148	H & LR ANANT VITHALDAS PAREKH	10/80A - DARUKHANA/MDL	<p>SoR is bad in law and deserves to be quashed for monthly tenancies particularly those affected by the inhospitable environment created by hutments and the drastic change in rentals caused by lack of infrastructural facilities including roads, street lighting, drainage, sanitation, drinking water, electrical power substation, internet connectivity, public transport, banking infrastructure, security environment amongst others. Further benchmark rate of 6% return needs to be tested to prevailing market rate of rentals for premises less depreciation for building which is not done. Refer Consumer Complaint no 35 of 2023 scheduled for admission on 12 April 2023. Detailed explanation is contained therein alongwith note on admission which will be serviced to the MUMBAI PORT AUTHORITY shortly. Further issues on transmission of tenancy abated for long still remains pending on agenda while the MPA's docks team is still fuming over the demolition and removal of unauthorised occupancies of slums which has caused irreparable damage and alteration to the prevailing rental structure than what is presumed by TAMP. Serious grievances for certain sections of tenancies remain unaddressed with unethical, unfair and unjust scale which equates lease holders with PURCHASED MONTHLY TENANCIES like in this case. NEEDS RE-ADDRESS PER PRAYER IN CC 35/2023.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and deriving the land value by applying standard reduction factors and further applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are already subjudice or issues which are not related to the proposed SoR revision.</p>

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9	20801537	D ABRAHAM & SONS PVT LTD	10/80A - DARUKHANA/MDL	NOT AGREEABLE	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an</p>

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10	20501119	HPCL Mazgaon Lube Plant	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>Please note that we are submitting our comments specifically for the Plots pertaining to MbPA leased lands at Mazgaon & Sewree.</p> <p>The proposed rates for 2022-2027 are found to be much higher than the regular compensation being raised and as such not acceptable to us. We wish to provide brief comments without prejudice as under:</p> <ol style="list-style-type: none"> 1. The proposed rates are found to be exorbitant and without rational or justification and therefore, cannot be accepted. The instances or nature of transaction relied upon as mentioned in the board resolution no 296 dated 27.03.2023, cannot be considered for reasons detailed herein above. 2. The proposed rates are 21 times higher than the regular billing rates which we are being paid. Please note that these revised rentals will directly affect our unit product cost and consequently our market share and sales. Therefore, proposed rates cannot be accepted. 3. The valuation reports annexure is not provided along with the board resolution. The method explained in the resolution for valuation according to us is neither realistic nor based on thorough research. In the absence of any like, comparable land instances 	<p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by</p>

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				<p>and reports of valuation providing realistic values, the same should not be considered. Hence, we strongly object to such documents (valuation reports and instances) being taken account of in determining lease rental rates.</p> <p>As you are aware, we are a Public Sector Undertaking, under the Ministry of Petroleum & Natural Gas (MoPNG), Government of India, involved in the business of refining and marketing of Petroleum products, servicing the Public and Nation. The proposed rates for 2023-24, if implemented would adversely impact our financials and the Lube Plant would become unviable.</p> <p>We are ready and willing to participate in any hearing and to substantiate our stand as has been briefly stated hereinabove. We therefore submit our objection to the proposed revision in SoR rates for the 5 year period 2022-2027.</p>	<p>Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022. One cannot apply the yard stick of the rates fixed 3 decades back under MoU for comparison to the present SoR. The rates under the MoU were based on the fair market value of land then prevailing and the rates proposed now are on the basis of the fair market value of land as recommended by the valuer based on actual sale instances in recent times.</p>
11	30901343	Sanjay R Thakkar And Rajiv R Thakkar as joint tenants	3/35C ELPHINSTONE ESTATE (TPS)	<p>The proposed rate sor marked as ' Fair Market Value ' is just absurd, there are no such rates anywhere in these area / location . I think the government / authority needs to work better on the pricing and affordability both ways. The price is absolutely not a Fair Market Value.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
12	20801532	Tausif Ahmed	10/80A - DARUKHANA/MDL	<p>The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority</p>

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					<p>needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
13	20801549	D abraham & Sons Pvt Ltd	10/80A - DARUKHANA/MDL	We do not approve the proposed SOR rates	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.

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					<p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
14	20701120	Omprakash Tulsiram Aggarwal & Ors	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant & not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5</p>

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					<p>years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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15	20801311	Moosa uk lakdawala	10/80A - DARUKHANA/MDL		No comments
16	20801137	Hatimbhai Taherbhai	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome.	No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
17	20801411	SHRI BADRUDDIN MAHOMEDALI CHITALWALLA	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in more than 50 Writ Petitions pending the outcome.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per</p>

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					<p>annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
18	10401445	M/s Sharda Prasad Singh & Company	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>The Proposed rates are arbitrary, exorbitant and not acceptable. The newly proposed matter is subjudice before the Bombay High Court in more than 50 Writ Petitions pending the outcome. We object the proposed SoR rates 2022-2027.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai</p>

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					<p>Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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19	20801527	D Abraham sons pvt ltd	10/80A - DARUKHANA/MDL	The newly proposed rent is not acceptable ,it is sub judice before the Bombay high court in more than 50 writ petitions pending outcome.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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					<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
20	20801409	Tayabali akbarali lokhandwala unit 8	10/80A - DARUKHANA/MDL	<p>The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome. ”</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p>

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					<p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
21	20701115	ABDULLABHOY A JASDANWALLA & THREE OTHER TRADING AS M/S ADAMJI LOOKMANJI & CO.	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai</p>

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					<p>Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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22	20701214	SHABBIR ESOOFALI KARACHIWALA & 2 OTHERS	Any Other Location	ADD: 43-45 BHANDARI STREET MANDOVI, The proposed rates are arbitrary, exorbitant and not acceptable.	<p data-bbox="1579 276 2083 432">At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p data-bbox="1579 475 2083 632">The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p data-bbox="1579 639 2083 1121">It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p data-bbox="1579 1161 2083 1417">The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

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					<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
23	20801301	SHRI ADAMALLY KARIM BHAJI ONE OTHER	Any Other Location	ADD: 66/68 BHANDARI STREET, The proposed rates are arbitrary, exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority</p>

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					<p>needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
24	20801244	SHRI ADAMALLI KARIMBHAI 1 OTHER	Any Other Location	ADD: 107 DARUKHANA, The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome.	No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
25	20801201	Lalchand & Co.	10/80A - DARUKHANA/MDL	The Proposed Rates are Arbitrary , Exorbitant and Not acceptable.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy

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					<p>guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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26	20801312	Shri Taherbhai Tayebali	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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					pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.
27	31101111	Hindustan Petroleum Corporation Ltd	2/22A - BALLARD ESTATE	This is with regard to revised SOR rate proposed by MBPT. We wish to bring to your attention that Hindustan Petroleum Corporation Ltd is engaged in serving essential commodities of Petroleum Products for the People of India. We come under the Ministry of Petroleum & Natural Gas. Currently Proposed SOR rated for the period 2022 to 2027 is Rs.1009.74 per Sq. Meter. This rate is abnormally high rate. There is jump of almost 4 times with respect to the earlier rate of 2017. HPCL is age-old customer of MbPT. Our Payments to MbPT are regular. The rates proposed are abnormally high, hence we request you for Mutually agreed rates. Keeping into our age-old relationship, factor of working for serving essential commodities under Ministry of Petroleum, you are requested to look into our request for Mutually Agreed rate.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an</p>

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					<p>expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. The contention that the proposed SoR is four time the earlier rate of 2017 is an incorrect contention and in fact it is 13% lower than the rate for the period 2017-2022 as on 01.04.2023.</p>
28	10401607	Habib Ebrahim	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>We object the proposed SOR rate. The proposed rates are arbitrary, exorbitant & unacceptable. It is subjudice before the Hon Bombay High Court in a number of writ petition pending outcome</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
29	10401441	Shri tahsildar elluhiboux 2trdg mohammad raof and kitabullah co	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	We object the purposed S O R rates which are arbitrary exorbitant and unacceptable it is subjudice before bombay high court in more than fifty petition pending for out come .	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

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					<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
30	10401508	10401508	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>We object proposed SOR Rate. The proposed rates are arbitrary, exorbitant and unacceptable. It is subjudice before the Bombay High Court in more than 50 writ petitions pending outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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					<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
31	20801206	Jayantilal Chinubhai	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of</p>

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					<p>Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
32	41404343	Esoofali esmailjee karachiwalla and company	10/80A - DARUKHANA/MDL	<p>We do not approve of the above proposed SOR rates. The proposed rates are arbitrary, exorbitant and not acceptable.</p> <p>The newly proposed rent matter is not acceptable, it is sub judice before the bombay high court in more than 50 writ petitions pending the outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not</p>

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					<p>sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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					factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
33	20801406	SHRI F.A.A JASDANDWALA & OTHERS	10/80A - DARUKHANA/MDL	THE NEWLY PROPOSED RENT MATTER IS NOT ACCEPTABLE IT IS SUB JUDICE BEFORE BOMBAY HIGH COURT IN MORE THAN 50 WRIT PETITIONS PENDING THE OUT COME	No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
34	20801405	SHRI NASHIR SADIQUAILI AJMERWALLA	10/80A - DARUKHANA/MDL	THE NEWLY PROPOSED RENT MATTER IS NOT ACCEPTABLE IT IS SUB JUDICE BEFORE THE BOMBAY HIGH COURT IN MORE THAN 50 WRIT PETITIONS PENDING THE OUT COME THAT WE SEEK A PERSONAL HEARING IN THE MATTER SO AS TO EXPLAIN WHY THIS RATE ARE UNREASONABLE ARBITRARY AND UNAFFORDABLE	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.

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					<p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
35	Individual	SHRI DIWANCHAND NIHALCHAD 2 TRADG AS M/S DIWANCHAND & SONS	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	a) That we object to the proposed scale of rates 2022-2027. b) That we seek personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. C) We request you to kindly have a separate hearing for our Unit/RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any scale of rates. d) We request	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.

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				you to keep all action in abeyance till a meeting is held and policy is arrived at.	The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
36	10401507	Shri Chhotalal Mithoobhai Joshi	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>That we object to the proposed Scale of Rates 2022-2027.</p> <p>That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land</p>

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				<p>We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
37	Individual	M/S BABU HUBRAJSINGH JANGBAHADUR SINGH 1. AS M/S BABU HUBRAJSINGH JAIRAJ SINGH	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

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					against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
38	20701145	Arif abdulrahim sonsara	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable, it is sub judice before the bombay high court in more than 50 writ petitions pending the outcome	No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
39	Individual	AHMAD MAHOMAD 1..TR	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	We object proposed SOR rate. The proposed rate are arbitrary exorbitant and unacceptable. It is subjudice before the Bombay High Court in more than 50 writ petition pending the outcome.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the

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					<p>Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
40	Individual	Shri Ahmad Mahomad 1..TRDG.AS M/S Mahomed Hasam & Sons	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	We Object Proposed SoR Rate The Proposed Rate Are Arbitrary Exorbitant And Unacceptable. It Is Subjudise Before The Bombay High Court in More Than 50 Write Petition Pending The Out Come	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

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					<p>obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
41	20801624	Faizan Ahmed	Any Other Location	<p>The proposed rates are arbitrary, exorbitant and not acceptable.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p>

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					<p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
42	20601336	Faizan Ahmed	10/79B - REAY ROAD GHODAPDEO	The proposed rates are arbitrary, exorbitant & not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5</p>

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					<p>years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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43	31001117	N.C. Patel & J.N. Patel	3/35C ELPHINSTONE ESTATE (TPS)	<p>We are in occupation of Old RR No.745(Part), and have been paying our rent from time to time as per the compromise proposal sanctioned by the Hon'ble Supreme Court. Our lease is valid and subsisting and the contention that the lease is not valid is wrong and we are in the process of taking suitable action for seeking declaration that the leases are valid and subsisting and therefore, the new schedule of rate cannot be forced down upon us. Moreover, in our case, due to the existence of a super structure which is protected under the section 4(4A) of the Rent Act, the new schedule cannot be allowed as the Rent Act permits only an increase of 4% year on year with such further permitted increases as considered reasonable.</p> <p>It may also be recorded that the ready reckoner rates of the State Government cannot be made the parameter based on which rents are to be collected. If that be so, then the state government lease renewal is done at merely 0.25 % of that rate. The Schedule of rent/lease charges has to be decided in accordance with the COMPROMISE PROPOSAL sanctioned by The Hon'ble Supreme Court in case of Jamshed H. Wadia vs. The Board of Trustee of the Port of Bombay (2004) (3) SCC 214 and based on the principles of the said judgement, the rates need to be computed with 4% yearly enhancement or in any event, they can be decided now by working out a fresh compromise proposal by and between the tenants/ lessees on the one hand and the Port Trust on the other. As of recently, after working 4% increment of rent year on year, the current rent as per the current regime works out to about Rs. 27.27 per square meter FSI per month which is already very high and enough to take care of the charges of the port trust. Looking at the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The revised SoR are applicable only to the Monthly Tenancies, Fifteen Monthly Lease, Expired Leases and Licenses and not to subsisting leases.</p> <p>The applicants cases is one of Fifteen Monthly Lease and therefore the revision is applicable to the said case. The Maharashtra Rent Control Act, 1999 is not applicable to letout lands of MbPA and therefore there is no question of being bound by any of its provisions.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

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				<p>SOR, one can observe that the rental for the Unit 10, Elphinstone Estate associated with Plot No. Old RR 745(Part) i.e. the ready reckoner entry corresponding to our plot, is likely to be Rs. 428.45 as of Rs. 1.10.2022 and further exorbitant increases thereafter. Further, it may be seen that even the ready reckoner entry for the applicable RR No. is several times the ready reckoner rates!!</p> <p>Since our detailed objection is not able to fit in the limited space in your form. Our prima facie objection to the proposed SOR rates may be noted and we may be permitted to submit our detailed objections when required.</p> <p>In view of the extremely short time given to us to submit our reply, we may have made inadvertent errors and/or omissions in the above points and we reserve our right to make suitable amendments/corrections/additions/alterations to the same.</p>	<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
44	20801128	R. M. Traders	10/80A - DARUKHANA/MDL	<p>a. We object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per</p>

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					<p>annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
45	20801119	SHRI KALYANJI JETHALAL SHAH	Any Other Location	The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in more than 50 Writ Petition pending the outcome	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority</p>

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					<p>needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
46	10401224	The Bombay charcoal merchant association	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	We object the proposed SOR rates. The rates are arbitrary, exorbitant and unacceptable. The matter is sub judiced before the hon. Bombay High court in a number of writ petitions.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not</p>

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					<p>sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
47	Individual	SHRI KASSAM EBRAHIM	10/80A - DARUKHANA/MDL	a. That we object to the proposed Scale of Rates 2022-2027. b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				of Rates. d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.	The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
48	10401235	Bhagwanji zaverchand shah	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	A. That we object to the proposed scale of rates 2022-2027 B. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable. Arbitrary and unaffordable C. We request you to kindly have a separate hearing for our unit/ RR Zone so that the distinguishing factors and problems of the tenant of the zone would be specifically discussed before the passing of any scale of rates D. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land

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					<p>Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
49	10401236	Bhagwanji zaverchand shah	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>A. That we object to the proposed scale of rates 2022-2027</p> <p>B. That we seek a personal hearing in the matter sobas to explain why this rate afe unreasonable and unaffordable</p> <p>C. We request you to kindly have a separate hearing for our RR zone so that the distingusishing factirs and problem of the tenants of the zone would be specifically discussed before the passing of any scale. Of rates</p> <p>D. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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					<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>MbPA is bound by the guidelines in fixation of its SoR and the factors governing its fixation as provided in para 13 of PGLM 2015 and the policies followed by other land owning authorities cannot have bearing on fixation of SoR.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
50	20801640	Mazagon Dock Shipbuilders Limited	10/80A - DARUKHANA/MDL	<p>i. The proposed rates are based on fair market value which are exorbitant & unreasonable. The rates should be considered on the basis of RR rates of Government of Maharashtra(GoM) applicable to adjacent plots and with the applicable concession based on the grounds mentioned in the succeeding paragraphs.</p> <p>ii. MDL being defence CPSU & integral part of Ministry of Defence (MoD) involved in building highly critical / strategic platforms like Destroyers/Frigates & Submarines for Indian Navy, special dispensation in rates need to be considered.</p> <p>iii. The plots are being used for strategic defence related activities. Further, MoD during year 2020</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 57% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>conveyed that MDL is Defence Establishment and Local Military Authority for its premises</p> <p>iv. The rate of lease rentals be finalised with nominal upward revision say 4-6 % per annum of the current rate being paid by MDL and in no case the revised rate exceeds the RR rate of GoM.</p> <p>v. The plots leased to MDL by MbPA comprises land area and approximate 40 % water bodies /seashore which may fall under CRZ where there may be certain restrictions / limitations for development. Adequate consideration needs to be given to this aspect while fixing SoR.</p> <p>vi. The Government of Maharashtra determines the annual lease rent as 4% of (25% of valuation of land i.e. 25% of RR rate of GoM) whereas MbPA arrives annual lease rent as 6%(valuation of land i.e. market rate fixed by Valuer appointed by MbPA)</p> <p>vii. At present, rate of service charges is Rs. 0.5 /- per sq mtr per month of the allotted plot area. The proposed rates observed almost 4 times the current rate of service charges. In fact, service charges should not be applicable to the plots leased to MDL, as no expenses are being incurred by MbPA for maintenance of roads, passages, lighting etc and also no other facilities are provided on the road / footpaths abutting the let out plots.</p> <p>viii. SoR for Port Authority owned buildings/ structures and for Special Way Leave rates are also observed exorbitant.</p>	<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. The rate applicable for the water area is 50% of the abutting land area.</p> <p>MbPA is bound by the guidelines in fixation of its SoR and the factors governing its fixation as provided in para 13 of PGLM 2015 and the policies followed by other land owning authorities cannot have bearing on fixation of SoR.</p> <p>The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after excluding the expenditure incurred on</p>

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					maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.
51	20701303	Shri Gulamhussein Allibhai jiwani	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
52	20801328	Shri Shabbir M. Diler and 3 Others as joint tenants	10/80A - DARUKHANA/MDL	The Proposed rates are arbitrary, exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
53	20601223	Jamshed H. Wadia & 2 Others Trading as B. F. Wadia & Sons	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court including my/our Writ Petition No.3143 of 2022.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No.3143 of</p>	<p>31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 3143 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p>	<p>increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters</p>

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				<p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Arsheesh J. Wadia Homee J. Wadia Plot Nos.82 and 86,</p>	<p>which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				142 Reay Road, Mumbai 400 010.	
54	20801642	Mazagon Dock Shipbuilders Limited	10/80A - DARUKHANA/MDL	<p>The Code Nos of the plots leased to Mazagon Dock Shipbuilders Ltd (MDL) by MbPA are mentioned below:</p> <p>a) 20801640, 20801642, 20801650, 20801652 (lease expired in Year 2006)</p> <p>b) 20801509, 20801510, 20801638, 20801643, 20801653, 20801654, 20801655, 20801656 (lease will expire in Year 2024).</p> <p>The comments/remarks of MDL on SoR are as follows:</p> <p>i. The proposed rates are based on fair market value which are exorbitant & unreasonable. The rates should be considered on the basis of RR rates of Government of Maharashtra(GoM) applicable to adjacent plots and with the applicable concession based on the grounds mentioned in the succeeding paragraphs.</p> <p>ii. MDL being defence CPSU & integral part of Ministry of Defence (MoD) involved in building highly critical / strategic platforms like Destroyers/Frigates & Submarines for Indian Navy, special dispensation in rates need to be considered.</p> <p>iii. The plots are being used for strategic defence related activities. Further, MoD during year 2020 conveyed that MDL is Defence Establishment and Local Military Authority for its premises</p> <p>iv. The rate of lease rentals be finalised with nominal upward revision say 4-6 % per annum of the current rate being paid by MDL and in no case the revised rate exceeds the RR rate of GoM.</p> <p>v. The plots leased to MDL by MbPA comprises land area and approximate 40 % water bodies /seashore</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. The rate applicable for the water area is 50% of the abutting land area.</p> <p>MbPA is bound by the guidelines in fixation of its SoR and the factors governing its fixation as</p>

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				<p>which may fall under CRZ where there may be certain restrictions / limitations for development. Adequate consideration needs to be given to this aspect while fixing SoR.</p> <p>vi. The Government of Maharashtra determines the annual lease rent as 4% of (25% of valuation of land i.e. 25% of RR rate of GoM) whereas MbPA arrives annual lease rent as 6%(valuation of land i.e. market rate fixed by Valuer appointed by MbPA)</p> <p>vii. At present, rate of service charges is Rs. 0.5 /- per sq mtr per month of the allotted plot area. The proposed rates observed almost 4 times the current rate of service charges. In fact, service charges should not be applicable to the plots leased to MDL, as no expenses are being incurred by MbPA for maintenance of roads, passages, lighting etc and also no other facilities are provided on the road / footpaths abutting the let out plots.</p> <p>viii. SoR for Port Authority owned buildings/ structures and for Special Way Leave rates are also observed exorbitant.</p>	<p>provided in para 13 of PGLM 2015 and the policies followed by other land owning authorities cannot have bearing on fixation of SoR.</p> <p>The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after excluding the expenditure incurred on maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.</p>
55	Individual	International steels	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027. b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates. d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per</p>

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					<p>annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
56	10401542	Diwanchand Nihalchand	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
57	20801417	SMT FRENY FARUKH SHAVAKSHAW JASSAWALLA	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary,exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p>

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					<p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
58	Individual	Managaldas ranchhoddas &co	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027. b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates. d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per</p>

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					<p>annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
59	Individual	Khan Sohel Ahmed Abdul Hamid Khan	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	I object the proposed SOR rates The proposed rates are arbitrary, exorbitant and unacceptable. It is subjudice before the Bombay High court in number of writ petition pending the outcome	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
60	41304224	Suresh G. Nandgaonkar	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

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					<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
61	Individual	International organise	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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					been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
62	20701210	Ajay kumar Ved Prakash	10/80A - DARUKHANA/MDL	The newly proposed rent matter is not acceptable, it is sub juice before the Bombay High Court in more than 50 writ petition pending the outcome.	No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
63	20801314	Akbar Esufali & Ors	10/80A - DARUKHANA/MDL	A) We object to the proposed SOR 2022-2027. B) We seek personal hearing to explain why it is unjust & unfair. C)We request seperate hearing to understand the issues of our Zone before increasing the rates. D).Keep all action in abeyance.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an

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					<p>expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
64	20801147	Jatin Nagindas Mehta	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why these rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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					<p>factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
65	20801104	Mehrunissa Vahanvaty	10/80A - DARUKHANA/MDL	Proposed SOR unacceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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66	20801229	Khushi ram Tara Chand Pvt ltd.	10/80A - DARUKHANA/MDL	<p>A) That we object to the proposed scale of rates 2022~ 2027</p> <p>B) that we seek a personal hearing in the matter so as to explain why this rate are unreasonable , arbitrary and unaffordable</p> <p>C) we request you to kindly have a separate hearing for our unit / RR Zone so that the distinguishing factors and problem of the tenants of the zone would be specifically discussed before the passing of any scale of Rates</p> <p>D) we request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at .</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
67	20801207	SHRI MIRZA RASHID BAIG PROP OF M/S NATIONAL ELECTRIC POLES MNFS	10/80A - DARUKHANA/MDL	<p>1)We object to the proposed Scale of Rates 2022-2027.</p> <p>2) We seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per</p>

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				<p>unaffordable.</p> <p>3) We request you to kindly have a separate hearing for our Unit/RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>4) We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
68	41304507	M/S M.RASHID BEG NAZZAR BEG	10/80A - DARUKHANA/MDL	<p>1)We object to the proposed Scale of Rates 2022-2027.</p> <p>2) We seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>3) We request you to kindly have a separate hearing for our Unit/RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

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				<p>of Rates.</p> <p>4) We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
69	41304506	SHRI M.RASHID BEG NAZZAR BEG	10/80A - DARUKHANA/MDL	<p>1) We object to the proposed Scale of Rates 2022-2027.</p> <p>2) We seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>3) We request you to kindly have a separate hearing for our Unit/RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>4) We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
70	10301443	Rashmi Bhatia trading as M/s Tulsidas Khimji	3/35C ELPHINSTONE ESTATE (TPS)	<p>From, Smt. Rashmi Narandas Bhatia Islam Building, 2nd Floor, 46, Veer Nariman Road, Fort, Mumbai – 400 001.</p> <p>Sub: Plot bearing Nos.:</p> <p>(i) OPEN JETHA D-43 (Code No. 10301443), (ii) OPEN JETHA D-48 (Code No. 10301448), (iii) OPEN JETHA D-55 (Code No. 10301505), (iv) OPEN JETHA D-56 (Code No. 10301506), (v) OPEN JETHA D-57 (Code No. 10301507), (vi) OPEN JETHA D-58 (Code No. 10301508), (vii) OPEN JETHA D-59 (Code No. 10301509), (viii) OPEN JETHA D-60 (Code No. 10301510), (ix) OPEN JETHA D-63 (Code No. 10301513), (x) COMPTT. 5 M JETHA COTTON DEPOT (Code No. 10301641)</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>- all situated, Mazgaon Sewree Reclamation Estate</p> <p>Unit No: 03</p> <p>Dear Sir/Madam</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to</p>	<p>to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p>	<p>2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>For Bhaidas Mawji & Co. Pvt. Ltd. Director</p>	
72	31101217	Uni Tex Products Pvt. Ltd.	2/22A - BALLARD ESTATE	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website; and in response thereto, we state and submit our comments / remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022. At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1. At the very outset, we state that the said Proposal under reply inter alia revising / fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution of India.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court including our Writ Petition No. 214 of 2023.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ</p>	<p>31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Petition No.214 of 2023.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. 214 of 2023; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>For Uni Tex Products Pvt. Ltd.</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
73	20601315	Bhupinder Singh Anand	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit my comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my Writ Petition No. WP 3256 of 2022).</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you; and also identical to my contentions under my Writ Petition No. WP 3256 of 2022.</p>	<p>compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of</p>

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				<p>Therefore, in order to avoid repetition of my objections; I adopt all my comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my contentions under my said Writ Petition No. WP 3256 of 2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township</p>	<p>expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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				<p>area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which I shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of my reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Bhupinder Singh Anand.</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
74	31101129	Grand Hotel (Bombay) Pvt. Ltd.	2/22A - BALLARD ESTATE	With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - We have perused the contents of the said notice along with the Proposal	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, We state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which We have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court including my</p>	<p>Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the further outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the</p>

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				<p>Writ Petition No. WP (Lodg) No.2364 of 2023.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. WP (Lodg) No.2364 of 2023. Therefore, in order to avoid repetition of our objections; We adopt all our comments/ contentions/ averments under all our replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said WP (Lodg) No.2364 of 2023. ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p>	<p>rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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				<p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, We with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>For Grand Hotel (Bombay) Pvt. Ltd. Sagar Engineer (Managing Director)</p>	<p>factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
75	Individual	SATISH SAWALCHAND JAIN	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	I Object to the proposed Scale of Rates 2022-2027	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
76	10401604	Anandji haridas & co pvt ltd	11/86B - SEWRI (E)/STP/SEWRI FORT	WITHOUT PREJUDICE Date 11th April 2023 To	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Mumbai Port Authority Vijay Deep 3rd Floor Shoorji Vallabhdas Marg, Mumbai-400 001</p> <p>Dear Sir Subject : Proposal for Fixation of scale of Rate (SoR) and Revision of Rent /Compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands/structures ,etc.</p> <p>Ref Plot / RR NO 1740 Code No 10401604</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated</p>	<p>is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the</p>

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				<p>13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. 9796/2022].</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. _9796/2022..</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. _9796/2022 as if the same forms part of the present reply.</p>	<p>comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of</p>

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				<p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, For Anandji Haridas & Co. Pvt. Ltd., R.K.Sampat Director</p>	
77	20601110	Purshottam Nanji Patel & 3 Others as Joint Tenants	10/79B - REAY ROAD GHODAPDEO	With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including our Writ Petition No.WP(L)/5398/2022).</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution</p>

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				<p>our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No.WP(L)/5398/2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No.WP(L)/5398/2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of</p>	<p>i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				Shri Purshottam Nanji Patel Shri Shantilal M Patel Shri Bharat R Somaiya Shri Aditya B Somaiya (As Joint Tenants)] Plot No. 13, situated at Mazgaon Tank Bunder Estate. Unit No.: 6 Code No.: 20601110	
78	20701309	ISHWARCHAND RAMAKANT SHAW	10/80A - DARUKHANA/MDL	We do not approve the proposed SOR rates. The Proposed rates are arbitrary, exorbitant and not acceptable. The newly proposed rent matter is not acceptable, it is sub Judge before the Bombay High Court in more than 50 Writ petitions pending the outcome.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.

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					<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
79	20601142	Shri Shamji Manji Patel (Only Surviving Joint	10/79B - REAY ROAD GHODAPDEO	Ref Registered Tenants	: At the outset, taking into account the concerns : of the tenants/ lessees/ stakeholders, the

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply																								
		Tenant) (Manji Valji Patel & Others, Trading as M/s.Shree Shankar Vijay Saw Mill)		<p>Shri. Shamji Manji Patel (Only Surviving Registered Joint Tenant) Shri Manji Valji Patel & Others (As Joint Tenants) (Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Following are Legal Heirs of Joint Tenants and present occupants:-</p> <table border="0" data-bbox="976 472 1554 663"> <tr> <td>Shri.</td> <td>Keshav</td> <td>Manji</td> <td>Patel</td> </tr> <tr> <td>Shri</td> <td>Narotam</td> <td>Jethalal</td> <td>Patel</td> </tr> <tr> <td>Shri.</td> <td>Ketan</td> <td>Keshav</td> <td>Patel</td> </tr> <tr> <td>Shri.</td> <td>Shashikant</td> <td>Keshav</td> <td>Patel</td> </tr> <tr> <td>Smt.</td> <td>Krishnaben</td> <td>Keshav</td> <td>Patel</td> </tr> <tr> <td>Smt.</td> <td>Jayshree</td> <td>Narotam</td> <td>Patel</td> </tr> </table> <p>(Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - We have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, We state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but</p>	Shri.	Keshav	Manji	Patel	Shri	Narotam	Jethalal	Patel	Shri.	Ketan	Keshav	Patel	Shri.	Shashikant	Keshav	Patel	Smt.	Krishnaben	Keshav	Patel	Smt.	Jayshree	Narotam	Patel	<p>proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022. At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and</p>
Shri.	Keshav	Manji	Patel																										
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				<p>the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. WP(L) - 9293/2022).</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. WP(L) - 9293/2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. WP(L) - 9293/2022; - as if the</p>	<p>revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad</p>	<p>obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, Shri Narotam Jethalal Patel (C.A. for Shri Shamji Manji Patel, Only Surviving Tenant)</p> <p>Shri. Keshav Manji Patel Shri Narotam Jethalal Patel Shri. Ketan Keshav Patel Shri. Shashikant Keshav Patel Smt. Krishnaben Keshav Patel Smt. Jayshree Narotam Patel (Joint Occupants)</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
80	10105119	HLR OF K. SUBRAMANION	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>Sub:- MbPT Notice dt. 29.03.2023 for Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2022 effective from 01.06.2023 for MbPA lands/ structures, etc.</p> <p>Ref: Plot No. 102, with Additional Land, situated at Sewree (East) Estate, Unit No. 1 Code No. 10105119 Lessee/s: HLR OF K. SUBRAMANION (DECEASED) TRDG. M/S NATIONAL ASPHALT PRODUCTS & CON Tenants: Mr Deven Niranjn Thakkar (Proprietor Shree Colours)</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022. At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of</p>

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				<p>the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised</p>	<p>letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an</p>

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				<p>under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw</p>	<p>expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>For SHREE COLOURS Mr Deven Niranjan Thakkar (PROPRIETOR) POA</p>	
81	10105120	SHRI JASMERSINGH TRDG AS M/S JASMER AND CO	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>Sub:- MbPT Notice dt. 29.03.2023 for Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2022 effective from 01.06.2023 for MbPA lands/ structures, etc.</p> <p>Ref: Plot No. 91, with Additional Land, situated at Sewree (East) Estate,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Unit No. 1 Code No. 10105120 Lessee/s: Jasmer Singh Tenants: Mrs Subhadra Niranjana Thakkar (Proprietor Shubb Chem)</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to</p>	<p>dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease</p>

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				<p>2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, For SHUBH CHEM Mrs Subhadra Niranjani Thakkar (PROPRIETOR) POA SD/-</p>	
82	20601143	Shri Shamji Manji Patel (Only Surviving Joint Tenant) (Shri Manji Valji Patel & Others, Trading as M/s Shree Shankar Vijay Saw Mill)	10/79B - REAY ROAD GHODAPDEO	<p>Ref : Registered Tenants : Shri. Shamji Manji Patel (Only Surviving Registered Joint Tenant) Shri Manji Valji Patel & Others (As Joint Tenants) (Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Following are Legal Heirs of Joint Tenants and present occupants:- Shri. Keshav Manji Patel Shri. Narotam Jethalal Patel Shri. Ketan Keshav Patel Shri. Shashikant Keshav Patel Smt. Krishnaben Keshav Patel Smt. Jayshree Narotam Patel (Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Dear Sir, With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows; “by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable</p>

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				<p>contentions in the matter in respect of the above referred premises/ plot; - We have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, We state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been</p>	<p>to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of</p>

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				<p>challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. WP(L) - 9293/2022).</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. WP(L) - 9293/2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. WP(L) - 9293/2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p>	<p>Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to</p>	

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				<p>have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, Shri Narotam Jethalal Patel (C.A. for Shri Shamji Manji Patel, Only Surviving Tenant)</p> <p>Shri. Keshav Manji Patel Shri Narotam Jethalal Patel Shri. Ketan Keshav Patel Shri. Shashikant Keshav Patel Smt. Krishnaben Keshav Patel Smt. Jayshree Narotam Patel (Joint Occupants)</p>	
83	20601143	Shri. Shamji Manji Patel (Only Surviving Joint Tenant) , (Shri Manji Valji Patel & Others Trading as M/s Shree Shankar Vijay Saw Mill)	10/79B - REAY ROAD GHODAPDEO	<p>Ref : Registered Tenants : Shri. Shamji Manji Patel (Only Surviving Registered Joint Tenant) Shri Manji Valji Patel & Others (As Joint Tenants) (Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Following are Legal Heirs of Joint Tenants and present occupants:- Shri. Keshav Manji Patel Shri Narotam Jethalal Patel Shri. Ketan Keshav Patel Shri. Shashikant Keshav Patel Smt. Krishnaben Keshav Patel Smt. Jayshree Narotam Patel (Trading as M/s Shree Shankar Vijay Saw Mill)</p> <p>Dear Sir,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows; “by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the</p>

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				<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - We have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, We state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017</p>	<p>rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of</p>

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				<p>and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. WP(L) - 9293/2022).</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. WP(L) - 9293/2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. WP(L) - 9293/2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	

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				<p>referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, Shri Narotam Jethalal Patel (C.A. for Shri Shamji Manji Patel, Only Surviving Tenant)</p> <p>Shri. Keshav Manji Patel Shri. Narotam Jethalal Patel Shri. Ketan Keshav Patel Shri. Shashikant Keshav Patel Smt. Krishnaben Keshav Patel Smt. Jayshree Narotam Patel (Joint Occupants)</p>	
84	10401442	Shri tahsildar ellouhibuxn2 trdg Mohammed raof and kitabullah	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	We object purposed sor rates the purposed rates are arbitrary exorbitant and unacceptable it is subjudice before court in the more than 50 writ petition pending for outcome in Bombay High court	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
85	10301644	Prakash Virsen Roy	10/79C - COTTON DEPOT (SOUTH)	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 69% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of</p>

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				<p>The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all my comments/ contentions/ averments under all my replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to my premises (situated outside the port</p>	<p>the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

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				<p>limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my premises is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Prakash Virsen Roy</p>	
86	20801443	Shri Yunus Abbasbhai Sura	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit my comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the</p>

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				<p>contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 50 Writ Petitions before the Hon'ble Bombay High Court</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all my comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p>	<p>rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole</p>

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				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act</p>	<p>discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>upon the same; failing which I shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of my reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely, Yunus Sura</p>	
87	20601219	Smt Kubrabai A Sura & 2 others (as joint tenants)	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit my comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to</p>

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				<p>land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 50 Writ Petitions before the Hon’ble Bombay High Court</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all my comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my</p>	<p>have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-</p>

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				<p>objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence</p>	<p>alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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				<p>call upon you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which I shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of my reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely, Yunus Sura</p>	2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.
88	20701116	Taiyeb Moosaji Bharmal	10/80A - DARUKHANA/MDL	SOR not acceptable	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new

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					<p>projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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89	31207344	Fionika Co-operative Housing Society limited	Any Other Location	<p>WITHOUT PREJUDICE</p> <p>1.Our Advocates, Divyakant Mehta & Associates have vide their letter Ref: L-12/3069-Fionika/22, dated 14.12.2022, replied to your Demand Notice under letter Ref. No. EM/U12/AR-148/4718, dated 12.10.2022, for the periods 2012-2017 & 2017-2022 and thereby informed you of our objections to the said demands & the S.O.R. based on which the rates have been computed and had provided reasoning for the same. The contents of the aforesaid letter, including the objections raised and the reasoning thereof are deemed to be repeated & reiterated herein.</p> <p>2.Certain properties have their own unique characteristics & circumstances, drawbacks & challenges, and hence, the valuation of such properties vis-vis other properties, in the same area / R.R.Zone and based on the classification provided in the SDRR, will not be the same and will be drastically different.</p> <p>By merely valuing all properties by using the yard stick of location, a fair and legitimate valuation has not been made and subsequently, the S.O.R computed, is erroneous & unfair.</p> <p>In our case, the valuation and subsequently the rates demanded are absolutely incorrect and erroneous, reasons for which have been provided in the aforesaid letter, sent on our behalf by Divyakant Mehta & Associates.</p> <p>3.The R.R..Zone in which the Foreshore Plots are purportedly located, is incorrect.</p> <p>4.Item 'x' in the Notes to the proposed S.O.R. states: "Rate for water bodies is applicable at 50% of the SoR of abutting land."</p> <p>We state that this is irrational & unfair and object to the same on the grounds that water bodies which</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>SoR for residential use is 75% of SoR of land is considered.</p> <p>As per Para 12. I of PGLM 2015, license fee for water is 50% of the SoR of adjacent land area.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

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				<p>cannot be put to any use, especially due to circumstances beyond the lessees' control, cannot be valued in relation to the abutting land, which may be usable developable and have access to civic amenities, utilities, and facilities. We reiterate what is stated hereinabove, that valuation based on proximity & location is incorrect, unfair & erroneous.</p> <p>5. We request you to kindly grant us a personal audience in the matter, to enable us draw your attention to all the unique characteristics & distinguishing factors and draw-backs related to our plots and the erroneous classification by BPT. We believe that we need to specifically discuss the same before the passing of any Scale of Rates by BPT, to explain why the valuations adopted & the rates are unreasonable, arbitrary, and unfair.</p> <p>6. We reiterate that the rates are extremely exorbitant and unaffordable and there is no way that the society can afford to pay such rates.</p> <p>7. We summarize that we object to the proposed Scale of Rates for the years 2022-2027.</p>	
90	10401419	Shri Musafir Singh Jankisingh & Shri Santosh Musafir Singh	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>We object the proposed SoR rates. The proposed rates are arbitrary, exorbitant and unacceptable. It is sub-judice before the Bombay High Court in about 50 writ petitions with pending outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p>

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					<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
91	20801322	Sunil Bhupendra Sheth	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai</p>

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					<p>Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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					factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.
92	20601109	Shri Suryakant S Shah, Shri. Pramodchandra S Shah, Shri. Dilip S Shah, Shri Hasmukhlal S Parikh and Others (Joint Tenants) Trading as Grand Wood Works and Saw Mill	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court including my Writ Petition No. 9426 of 2022.</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you; and also identical to my contentions under my Writ Petition No. 9426 of 2022.</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all our comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my contentions under my said Writ Petition No 9426 of 2022 as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of my reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely Sunil Parikh Heir & Legal Representative of Hasmukhlal S Parikh deceased Joint Tenant Partner, Grand Wood Works & Saw Mill</p>	
93	20602107	Shri. Suryakant S Shah, Shri. Pramodchandra S Shah, Shri. Dilip S Shah, Shri Hasmukhlal S Parikh and Others (Joint Tenants) Trading as Grand Wood Works and Saw Mill	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court including my Writ Petition No. 9426 of 2022.</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you; and also identical to my contentions under my Writ Petition No. 9426 of 2022.</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all our comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my contentions under my said Writ Petition No 9426 of 2022 as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

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				<p>proposals" (as upheld under Wadia's case) - are applicable to the my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SoR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SoR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate</p>	<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of my reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely Sunil Parikh Heir & Legal Representative of Hasmukhlal S Parikh deceased Joint Tenant Partner, Grand Wood Works & Saw Mill</p>	
94	20501107	D. ABRAHAM AND SONS PRIVATE LIMITED	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to</p>

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				<p>- based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including our Writ Petition No. (L) 22062 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. (L) 22062 of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies</p>	<p>have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-</p>

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				<p>addressed to you earlier - seeking rejection of your earlier SoRs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. (L) 22062 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SoR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SoR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p>	<p>alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Rohit Shah (Director) D. Abraham And Sons Private Limited Hague Building, Sportt Road, Ballard Estate, Fort, Mumbai 400001 Tel: 022-40353232 Email: dabssales@raitan.in CIN: U63030MH1952PTC008884</p>	<p>2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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95	20501106	D. Abraham And Sons Private Limited	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly</p>

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				<p>and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. (L) 22062 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. (L) 22062 of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. (L) 22062 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p>	<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Rohit Shah (Director)</p> <p>D. Abraham And Sons Private Limited Hague Building, Sportt Road, Ballard Estate, Fort, Mumbai 400001 Tel: 022-40353232 Email: dabssales@raitan.in CIN: U63030MH1952PTC008884</p>	
96	20501126	D. Abraham And Sons Private Limited	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the</p>

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				<p>the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. (L) 22062 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. (L) 22062 of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our</p>	<p>rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole</p>

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				<p>contentions under my/ our said Writ Petition No. (L) 22062 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a</p>	<p>discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Rohit Shah (Director)</p> <p>D. Abraham And Sons Private Limited Hague Building, Sportt Road, Ballard Estate, Fort, Mumbai 400001 Tel: 022-40353232 Email: dabssales@raitan.in CIN: U63030MH1952PTC008884</p>	
97	20601237	SUSHILA BHOGILAL KOTHARI	10/79B - REAY ROAD GHODAPDEO	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the

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				<p>contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I state and submit our comments/ remarks and objections, for your consideration: -</p> <ol style="list-style-type: none"> 1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution. 2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof. 3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court 4. I state that my/ comments/ objections to the 	<p>proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and</p>

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				<p>present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my objections; I adopt all our comments/ contentions/ averments under all my reply addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot is situated);</p>	<p>sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution. 6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences. 7. I reserve my right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary. 8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse. Sincerely, SUSHILA BHOGILAL KOTHARI</p>	<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
98	20801345	Zoeb Salehbhai Mahimwala Two Others	10/80A - DARUKHANA/MDL	We do not approve the proposed SOR rates.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>
99	20601217	SHRI MAHENDRA BALWANTRAI SHAH/SHRI RAJENDRA BALWANTRAI SHAH (AS JOINT TENANTS)TRADING AS M/S.CENTRAL ENGINEERING WORKS	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals”</p>

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				<p>contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to contentions under Writ Petition. Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under Writ Petition as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p>	<p>(as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner</p>	<p>Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, SHRI MAHENDRA BALWANTRAI SHAH/SHRI RAJENDRA BALWANTRAI SHAH (AS JOINT TENANTS) TRADING AS M/S.CENTRAL ENGINEERING WORKS</p>	
100	41304249	M/s INDIA STEEL CORPORATION	10/80A - DARUKHANA/MDL	<p>A. That we object to the proposed Sales of Rates 2022-2027. B. That we seek a personal hearing in the matter so as to explain why this rate are unreasonable, arbitrary and unaffordable. C. We request you to kindly have a separate hearing for our Unit/RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale Of Rates. D. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
101	31002415	Shri Jitesh Navinchandra Trading as M/s.Navinchandra Premji & Co.	3/35C ELPHINSTONE ESTATE (TPS)	<p>- With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>- based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. _____) [client to include Writ Petition number only if it is filed].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. _____ [only to be stated if Writ is filed].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/</p>	<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. _____ ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Shri Jitesh Navinchandra Trading as M/s.Navinchandra Premji & Co.</p>	
102	31101109	Depe Global Shipping Agencies Pvt. Ltd.	2/22A - BALLARD ESTATE	With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court</p>	<p>Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>4. we state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; we adopt all our comments/ contentions/ averments under all our replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p> <p>6. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line</p>	

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				<p>with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable ins our case - for want of specific traverse.</p>	
103	20601316	Heirs and Legal Rep of Late Shri Shantilal Papatlal	10/79B - REAY ROAD GHODAPDEO	<p>To, Estate Unit 6, Mumbai - 400001</p> <p>Plot no 125 and Code No 20601316</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. _____ (only to be filled if filed writ by sender /if not</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>then delete the bracket portion) ; - as if the same forms part of the present reply.</p> <p>3. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>7. Please inform what have you done with the Central Railway authority who has taken away rear side of the plot for their railway platform extension. Kindly reimburse us.</p> <p>Sincerely,</p> <p>Rajendra S Parekh</p>	
104	31001232	Anil K. Khanna / Farida Anil Khanna	Any Other Location	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions</p>	<p>is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 51% lower than the average SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				Anil K. Khanna – Farida Anil Khanna Jt. Monthly Tenants	
105	31205146	Chanchalrani Amarnath	1/6C - APOLLO BUNDER/SASOON DOCK	<p>Points of objections:</p> <p>The proposed revised scale of rent is in violation of the decision held by the Hon'ble Supreme Court in the Jamshed Hormusji Wadia Vs. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214, ("Jamshed H. Wadia's case").</p> <p>The proposed revised scale of rent is contrary to the terms of the Trustee Resolution No.204 of 1997 and Trustee Resolution No. 31 of 2004.</p> <p>That the proposed revised scale of rates for home/non-commercial cannot be the same as non-home/commercial occupants.</p> <p>Pertinently, the scale or rent earlier issued by you has been challenged by various persons and entities before the Hon'ble Bombay High Court. In fact, we have also challenged the same by way of Writ Petition (L) No. 8944 of 2023. Hence, issuing of any revised scale of rent is a matter sub judice and thus cannot be revised until adjudicated upon by the Hon'ble Bombay High Court.</p> <p>The proposed revision of rate of rent is exorbitant and has no basis whatsoever. No clarification or substantiation has been provided by the MPA as to on what basis such a high rate of revision of rent is sought to be imposed.</p> <p>Moreover, any revision in rent cannot be unilateral</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>SoR for residential use is 75% of SoR of land, which was not considered in the earlier revision of SoR 2017-22.</p>

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				and has to be done with consultation and/or the approval of the lessee.	
106	10202150	SMT SHIRINBAI SORABJI NUSSERWANJI PATUCK 3. TRDG M/S PATUCK GIN & PRESS FACTORY	11/84J - COTTON GREEN KALACHOWKEY	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.	
107	20601328	H & LR OF SHRI SHRIRAM DHONDE SHAH	10/79B - REAY ROAD GHODAPDEO	<p>Date: 12/04/2023</p> <p>From: H & LR OF SHRI SHRIRAM DHONDE SHAH Dinesh Shriram Shah / Ramesh Shriram Shah B P T Plot No. 136, Reay Road, Mumbai -400010.</p> <p>To: The Estate Manager Mumbai Port Authority Vijaydeep Bldg, Mumbai.</p> <p>Dear Sir,</p> <p>Sub: Reply for your Public Notice dated 29.03.2023 Ref: Plot /RR No 136, Unit No. 06 Code No. 20601328</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you. Therefore, in order to avoid repetition of my/ our objections; we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SoRs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SoR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix,</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Heirs & Legal Representative of Shri Shriram Dhonde Shah Dinesh Shriram Shah / Ramesh Shriram Shah</p>	
108	20601149	Shri Meghji Premji Patel & Others (Joint Tenants) Trading as Sharda Timber Mart	10/79B - REAY ROAD GHODAPDEO	<p>Ref: Registered Tenants: Shri. Meghji Premji Patel & Others (Joint Tenants) Trading as M/s Sharda Timber Mart</p> <p>Following are Legal Heirs of Joint Tenants and present occupants:- (1) Gangadas Premji Patel (2) Ratanben Gangadas Patel (3) Radhika Sandeep Patel (Trading as M/s Sharda Timber Mart)</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - We have perused the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows; “by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable</p>

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				<p>contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, We state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p>	<p>to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of</p>

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				<p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p>	<p>Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely,</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Shri. Meghji Premji Patel & Others (Joint Tenants)</p> <p>Present Occupants:</p> <p>(1) Gangadas Premji Patel</p> <p>(2) Ratanben Gangadas Patel</p> <p>(3) Radhika Sandeep Patel</p> <p>(Trading as M/s Sharda Timber Mart)</p>	
109	41304417	Shabbir Baldiwala and 3 others	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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					<p>factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
110	31202111	NOBLE FISHERIES PVT LTD	1/6B - SASOON DOCK NEAR GATE	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No.3358 OF 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 3358 Of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 3358 of 2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are</p>	<p>Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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				<p>applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would</p>	<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, For Noble Fisheries Pvt Ltd Faredoon B Irani</p>	
111	10301613	Cotton Association of India	Any Other Location	<p>11th April 2023</p> <p>Mumbai Port Authority Vijaydeep, S.V. Marg, Ballard Estate, Mumbai – 400 001.</p> <p>Sub: Plot/RR No. 984 at Cotton Depot, Mazgaon - Sewree Reclamation Estate</p> <p>Dear Sirs,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 51% lower than the average SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>contentions in the matter in respect of the above referred plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p>	<p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in</p>

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				<p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. 24967 of 2022).</p> <p>4. We state that our comments/objections to the present Proposal in reply - are similar and identical to our earlier comments/objections/contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. 24967 of 2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/contentions/averments under all our replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. 24967 of 2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points:-</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to our plot (situated outside the port limits of the Mumbai Port)</p>	<p>the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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				<p>– beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/or otherwise by applying any other policy;</p> <p>(ii) MbPT/MbPA have wilfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme Court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai Port (which are situated outside the limits of the Mumbai Port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/or referred to therein, and/or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, for Cotton Association of India</p> <p>Authorised Signatory</p>	
112	10201113	Lubricants & allied Products Mfg. Co. Pvt. Ltd.	11/84H - SEWRI (WEST)	objection raised vide our letter dated 12/4/2023	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 44% lower than the SoR for the period 2017-2022.

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					<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution</p>

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					<p>i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

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					<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
113	20601140	SHRI AZIZ ESMAIL DHARIWALA	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable</p>

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				<p>Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its said judgement in Wadia's Case; by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease of thirty (30) years w.e.f. 01.04.1994 till 31.03.2024, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon till the period of the demise. Pertinently, one of the directions of the Hon'ble Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>3. Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port)</p>	<p>to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of</p>

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				<p>– even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon’ble Bombay High Court); - propounded with great vehemence that the “Compromise Proposals” as a whole were extremely fair and reasonable, and had been arrived at by taking into account “all relevant circumstances”, and that the same would be a solution to the existing problem and would avoid litigation.</p> <p>4. You had (also vide your T.R. No.31 of 2004) approved to implement the said judgment of the Hon’ble Supreme Court in Wadia’s case; and therein had categorically recorded (at para 7.2 thereof) that the Rates of Rent (as specified in the “Compromise Proposals”) beyond 31.03.2000 will continue to increase by 4% every October upto 30.09.2012; and that as decided under T.R. No.204 of 1997, fresh leases are granted for thirty years from 01.04.1994 with 4% annual increase in rent, thereby extending the applicability of rent under the “Compromise Proposals” to 2024.</p> <p>5. As such, there is no question of you proposing to frame the Scale of Rates of Rent (“SOR”) as proposed by you.</p> <p>6. In fact, the very failure on your part to implement the said judgment in Wadia’s case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the “Compromise Proposals”);- is a contemptuous act which militates against the said judgement of the Hon’ble Supreme Court. Your actions, therefore, have been challenged</p>	<p>Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>before the Hon'ble Bombay High Court in a batch of about 40+ Writ Petitions. In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon'ble Bombay High Court has been pleased to issue Notice under Order I Rule 8 of Code of Civil Procedure, 1908. You are aware that the said Writ Petitions are sub-judice and pending disposal. Despite this, you had wrongfully sought TAMP's approval for fixing SOR retrospectively w.e.f. 01.10.2012, which has come to be unlawfully approved by TAMP under its various Gazette Notifications; and in furtherance thereof you (under your said proposal) are now seeking to fix SOR for 2022-2027 – and too on the same unlawful basis.</p> <p>7. Being aggrieved by the illegal actions on the part of TAMP and yourselves, a huge batch of Writ Petitions (raising similar challenge) have also been filed, and all of them are pending disposal.</p> <p>8. Moreover, for the following (amongst other reasons); and without prejudice to the aforestated; even otherwise your proposal for fixing SOR for 2022-2027 are illegal and bad in law:-</p> <p>(i) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) The SOR proposed to be fixed is based on the provisions of PGLM 2015 (which prescribes for revision of rates of rents in line with highest and hypothetical market values); and the same is violative of every principle, ratio and direction of the Hon'ble</p>	

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				<p>Supreme Court in Wadia's case, and in a catena of other judgements; - especially in respect of the law laid down therein with respect to 'State' and its Instrumentalities (as landlords) revising the Rates of Rent in respect of its immovable properties (see para 16,17,18 and 19 of Wadia's judgment); and is also violative of Article 14 of the Constitution of India.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) The Proposal under reply is contrary to the Sec. 27 of the Major Port Authorities Act, 2021 – which clearly contemplates that the fixation and implementation of SOR shall not be inconsistent with the provisions of any other law for the time being in force. This is because, the Proposal under reply has fixed SOR at an exorbitant rate of 6% p.a. rate of return on market value of land; - which is unconstitutional and is contrary to the law laid down by the Hon'ble Supreme Court in Wadia' Case – which prohibits framing of rents by State and its instrumentalities basis market value of the land.</p> <p>9. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act thereupon and/ or consequent thereto; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	

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				<p>10. You are called upon to strictly abide by the ratio, terms and directions of the Hon'ble Supreme Court in Wadia's case</p> <p>11. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>12. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_Sd/-_____</p>	
114	10401406	Bai Raghunathibai Babu Sukhdeosingh One Other	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>A. That we object to the proposed scale of rates 2022-2027.</p> <p>B. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>C. We request you to kindly have a separate hearing for our unit / RR zone so that the distinguishing factors and problems of the tenants of the zone would be specifically discussed before the passing of any scale of results.</p> <p>D. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>
115	31102238	ASIA PUBLISHING HOUSE PVT LTD	2/9A - MOODY BAY	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

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				<p>- based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The said SORs 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; have already been challenged under a batch of about 40 + Writ Petitions before the Hon’ble Bombay High Court.</p> <p>3. My/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” as offered by you and accepted by us pursuant to your Offer Letter dated February 25, 1997 bearing Reference No. EM/U-11/MB.88/10033 based on which you have issued “Charge Certificate” dated September 16, 1999 bearing No.14, and which have been further reduced under Wadia’s case by downward modification in rent and interest; are applicable in our case at least till March 31, 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>EVEN OTHERWISE :-</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

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				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is ALSO bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we HAVE TO call upon to you to withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same.</p> <p>5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

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				<p>Sincerely,</p> <p>For ASIA PUBLISHING HOUSE Pvt. Ltd.</p> <p>(Director) Mahendra M. Loonkar</p>	
116	31205202	Siraj Calcuttawala	1/6C - APOLLO BUNDER/SASOON DOCK	<p>The proposed Rental Compensation is very steep, and totally unaffordable for tenants in the area.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

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					<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
117	10105143	The Tata Power Co. Ltd.	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>Part 1</p> <p>Dear Sir,</p> <p>Sub: Comments on proposal for fixation of Scale of Rates (SoR) for Revision of lease rentals for land, rentals for Port Authority owned structures, Special Way leave fees, Service Charges for the period from 1.10.2022 to 30.9.2027 effective from 01-06-2023</p> <p>1. At the outset, as submitted by our letter no. BP/225-A/175 dt. 03.04.2023, we had pointed out that no documents other than proposed SOR was uploaded even as on 06-04-2023. It is seen that the documents now uploaded also do not include the annexures referred to in TR 296 of 2023 including Valuer's report. These annexures are required to be uploaded for complete understanding of the background and the proposal so as to submit our informed comments. In fact as per para 16 of aforesaid TR 20 days' time has been provided which needs to be adhered to.</p> <p>2. It is therefore requested that these documents are uploaded date be extended at least by 7 days thereafter.</p> <p>3. Based on the limited information gleaned through the documents made available, the remarks are</p>	<p>BR No. 296 dated 27.03.2023 was published on MbPA website viz. www.mumbaiport.gov.in is self explanatory and contain detailed proposal alongwith methodology for Revision of SoR 2022-27. Committee decided not to extend the time after examining the request, since sufficient time was granted in accordance with detailed SoR proposal approved by the Board was uploaded there is no question of grant of additional time.</p> <p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the</p>

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				<p>offered as herein below which are without prejudice to one another and in the alternative.</p> <p>General remarks:-</p> <p>4. The Govt. of Maharashtra undertakes its annual exercise to analyze and publish the land rates applicable to the different zones in the Ready Reckoner after due consideration of all aspects. The land rates so fixed are uniformly used by all public bodies (State Govt. and Central Govt.) for valuation purposes including stamp duty, property tax etc. These rates also cover MbPA lands. Thus, the exercise which is now undertaken by MbPA is an exercise in duplication. If all public bodies (State & Central) undertake such kind of exercise, there will be multiple rates applicable to the same parcel of land and hence the rates determined by the State Govt. should be adopted for uniform application.</p> <p>5. The Ready Reckoner rate for 2022-23 & for 2023-24 have been kept same by GOM where as MbPA has increased the rate @ 2% annually every October merely by adopting PGLM Policy 2015 without regard to the market conditions.</p> <p>6. We wish to reiterate our submissions made in our letter bearing nos. BP/225-A/012 dated 10-01-2020, BP/225-A/41 dated 29-01-2020, BP/225-A/271 dated 02-11-2020, BP/225-A/108 dated 16-03-2021, BP/225-A/360 dated 26-08-2021, BP/225-A/360 dated 01-09-2021, BP/225-A/396 dated 16-09-2021, BP/225-A/407 dated 27-09-2021, BP/225-A/440 dated 18-10-2021, BP/225-A/443 dated 20-10-2021, BP/225-A/444 dated 27-10-2021 and BP/225-A/479 dated 23-11-2021 in respect of revision of SoR for the</p>	<p>Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not related to SoR 2022-27 and matters which are subjudice.</p> <p>SoR 2022-27 is formulated in compliance with Wadia Judgment and as strictly within the provisions of cabinet approved PGLM 2015 issued under Section 111 of MPT Act 1963.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. Government of Maharashtra has made SDRR constant during the period 2017-18 to 2019-20, 2022-23 to 2023-24 where as MbPA has reduced its SoR 2022-23 on and average by 50% considering various aspects mentioned in the TR 296 of 2023.</p>

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				<p>period from 2012-17 & 2017 to 2022.</p> <p>7. No distinction has been made by incorporating suitable factors that should be multiplied with the proposed rate so as to distinguish between the lands used for commercial and infrastructure utilities which are regulated such as power utilities despite there being a specific provision vide TR 105 of 2018 that SOR in respect of public utility such as BEST would be considered separately. Tata Power being a public utility at par with BEST, the proposed SOR shall accordingly provide for the same as such costs are essentially borne by the retail power consumers resulting in undue burden on them since electricity tariffs go up.</p> <p>8. Tata Power is a Telegraph Authority as per the Gazette Notification of 7th April 1955. Accordingly, the relevant provisions of Indian Telegraph Act & its Right of Way Rules- 2016 are applicable. In terms of these Rules, the underground utilities are not chargeable for any way leave fees except for administrative and restoration charges and in case of overhead lines, charges are permitted to be recovered only if the land beneath is unlikely to be used for any purpose. Thus, in case of HT lines through CRZ / mangroves / creek/ sea/salt pan, no way leave charges is chargeable. The applicability of Indian Telegraph Act & its ROW Rules, 2016 is also confirmed by the Ministry of Shipping, GOI, under clarification No.14 (i) of clarification circular (land management) No.1 of 2019-20 of PGLM wherein it is specifically mentioned that "...where there is a specific Central Act / Statutes which governs such ROW permissions provisions of such Statutes shall over ride these guidelines. A case in point in Indian</p>	<p>Revision of SoR is carried out based on the Ready Reckoner Zone. SoR is applicable to all properties falling within the RR Zone. Multiple Revision of SoR in single RR Zone may create chaos in billing system and hence request cannot be acceded to.</p> <p>Kindly refer Para 11 of TR 296 of 2023 contains factors to be considered for calculation of reserve price for allotment of vacant plots.</p> <p>It needs to be noted that as far as SoR towards way leave charges are concerned, in majority of the cases the earlier way leave fee would continue without any annual escalation till it matches the rate as per the proposed SoR whereafter the annual escalation of 2% would become applicable. The way leave fee for trestle would also continue at the rates as per the previous revision with escalation of 2% per annum. The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after excluding the expenditure incurred on maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.</p>

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				<p>Telegraph Act, 1885 and Indian Telegraph Act – ROW Rules, 2016”. Despite our repeated submissions as mentioned in the aforesaid letters, these provision has not been made applicable to our underground cables and HT lines.</p> <p>9. Supreme Court & High Court judgements on revision of rates:</p> <p>The Supreme Court in its judgment dt.13/1/2004 appeal (Civil) 5559 of 2001 J H Wadia Vs. MbPA had inter alia answered the following questions as to status of MbPA as a landlord; the rent that it can charge being exempted from the Rent Control Act and to act in a fair and reasonable manner.</p> <p>The following principals have been laid down in the judgment:</p> <p>I. The position of law is settled that the State and its Authority including instrumentalities of States have to be fair and reasonable in all its activities including those in the field of contract.</p> <p>II. There is a need to maintain distinction between a private landlord and MbPA when it comes to charging market rates.</p> <p>III. Accepting the current market rates of real estate and working out a return on such rate by reference to the market trends would tantamount to indulging into profiteering.</p> <p>IV. The exemption from the provisions of Rent Control Law casts and obligations on the State and its instrumentalities and Authorities to comply with public policy of ensuring a fair return of investments without charging exorbitant rates based on prevailing market price of the land.</p>	

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				<p>V. The only consideration which prevailed with the High Court and the Supreme Court was one of the reasonability and the need for striking the balance before taking a long leap in the direction of an upward revision of rate.</p> <p>Accordingly, the Supreme Court moderated the market rate otherwise proposed by MbPA. In that the market rates of 1982 was applied from 1994 similar to that provided in the Rent Act.</p> <p>10. The adoption of rates based on market valuation shall have due consideration to the policy approved by GOM in Govt. Resolution dt.12/12/2012 which was based on the principals laid down by the Hon'ble High Court order dt.25/8/2004 for revising the rates of lease etc. that the share of State Govt. as a landlord has to be limited to 25% of the Ready Reckoner rate on which GOM proceeded to fix the rate of return as 2%, 4%, 5% for Residential, Industrial and Commercial purposes respectively.</p> <p>11. In terms of GOM's GR dt.8/3/2019, a policy decision has been taken to convert the Govt. leasehold premises into ownership by recovering 50% / 60% of the Ready Reckoner rate if the amounts have been paid within 3 years / beyond 3 years respectively. Therefore, due consideration should be accorded to the fact that only 50% of the Ready Reckoner value has been considered for an occupied property as its market value.</p> <p>12. The basis of 6% return on FMV/RR value of land & 2% increase every October is taken as provided in the PGLM Policy. It is seen from TR 296 of 2023 that MbPA has undertaken lot of study/efforts to understand the</p>	

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				<p>ground market conditions and have concluded that the real estate valuations are in a downtrend and that the annual return on capital value is not more than 3 to 3.2% for rental yield in terms of para 7.1(ii)-c. This is also reflected in RR valuations where GoM has kept them unchanged through the years 2023 & 2024. While this is so, it is important to also note that even during 2017-22, GoM had maintained the valuations for 2018 and 2019 at the level of 2017. In view thereof, it is incumbent upon MbPA to take up the matter with the Govt. for reduction in the rates of return and annual escalation fixed in 2015 to reflect the actual market conditions.</p> <p>13. Para 1.3 & 7.1(i) of TR 296 of 2023 notes that the valuation exercise undertaken for the period 2017-22 had lack of uniformity across different valuers adopting different yardsticks and resulted in Valuer specific rates. It is important to also note that even during 2017-22, GoM had maintained the valuations for 2018 and 2019 at the level of 2017. It is therefore expected from MbPA that the rates for 2017-22 would be reviewed as also repeatedly observed by TAMP in their speaking orders notified under GN 630 & 641 dated 30-11-2021 & 09-12-2021 that MbPA should reconsider applying market value rates based on their Valuer's report and instead adopt RR valuation.</p> <p>14. Para 7(iv)-c, 3 (threats) and para 15 have noted that due to high SOR MbPA has not been able to monetize their valuable land assets and also that many lessees/tenants including PSU companies such HPCL, BPCL & FCI have already surrendered their land holdings or are in the process of doing so. Further, it is also noted that majority of leases are due to expire</p>	

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				<p>in 2024 and high SOR rates could pose difficulty in their renewal. This position once again requires MbPA to reconsider their extremely high valuation for the period 2017-22 & 2022-27 as noted above.</p> <p>15. It is noted in para 7.1 (iii)-b that Cochin Port, despite their Board's resolution to adopt the sale instances of surrounding revenue village areas since there is no transactions within the Port lands, Valuer derived FMV based on the annual Cost Inflation Index (CII) from 2016-17 to 2021-22 due to the fact that the rates of surrounding areas were freehold properties cannot be compared with the Port lands which are leasehold properties and doesn't have any transactions. Even in respect of a vast majority of Mumbai port lands, similar situation prevails. In the absence of Valuer's report, we are not in a position to offer our comments on the methodology adopted by him.</p> <p>Remaining comments follows in part 2 mobile no 8879800929 e mail id- rpanicker@tatapower.com</p>	
118	20801230	HUSSEINBHOY ALIBHOY CHITALWALA	10/80A - DARUKHANA/MDL	The Proposed rates are arbitrary ,exorbitant and not acceptable. We opposed Proposed the SOR Rates.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees,

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					<p>pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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					2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.
119	31202110	Vaccum fisheries & refrigeration Co	1/6C - APOLLO BUNDER/SASOON DOCK	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 15210 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 15210 of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 15210 of 2022; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th</p>	<p>convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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				<p>September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Vaccum Fisheries & Refrigeration Co Soli S Ragi</p>	
120	31101207	Tarachand Bhojraj Vazirani	2/22A - BALLARD ESTATE	<p>WITHOUT PREJUDICE</p> <p>You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its judgement dated 13.01.2004, delivered in Jamshed Hormusji Wadia Vs. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214, ("Wadia's case"); by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease of thirty (30) years w.e.f. 01.04.1994 till 31.03.2024, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon till the period of the demise. Pertinently, one of the directions of the Hon'ble</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the</p>

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				<p>Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port) – even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon'ble Bombay High Court); - propounded with great vehemence that the "Compromise Proposals" as a whole were extremely fair and reasonable, and had been arrived at by taking into account "all relevant circumstances", and that the same would be a solution to the existing problem and would avoid litigation.</p> <p>In fact, the very failure on your part to implement the said judgment in Wadia's case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the "Compromise Proposals"); - is a contemptuous act which militates against the said judgement of the Hon'ble Supreme Court. Your actions, therefore, have been challenged before the Hon'ble Bombay High Court in a batch of</p>	<p>rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole</p>

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				<p>about 40+ Writ Petitions. In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon'ble Bombay High Court has been pleased to issue Notice under Order I Rule 8 of Code of Civil Procedure, 1908. You are aware that the said Writ Petitions are sub-judice and pending disposal.</p> <p>Being aggrieved by the illegal actions on the part of TAMP and yourselves, we have filed (before the Hon'ble Bombay High Court), Writ Petition bearing (L) No.26143 of 2022, challenging the said unlawful SORs proposed by you and approved by TAMP. We are also verily informed that more than 20 similar Writ Petitions have also been filed, and all of them are pending disposal.</p> <p>In view of the above, (Wadia's case), any revision is not applicable. We also protest that the rates proposed are exorbitant.</p>	<p>discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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121	15031966	Bhupat Bhavan Ballard Estate	1/6B - SASOON DOCK NEAR GATE	Sor must be 0.4% as per Supreme court order. . We oppose new hike from 2012 - 2023.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
122	10105101	RAMJI NARSHI SHAH	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>on Prima Facie this is illegal and bad in law and exorbitant increase is not justified.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

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					<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
123	10105143	Tata Power	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>Part -2</p> <p>16. In para 7.1 (iv)-d, it is noted that three different rates needs to be adopted for RR zone 3/36B based on the rates discovered in tender for port related activities and commercial activities etc. Further in para 11(vi) for use of port trust structures by public utility companies run by Govt. organizations, 50% SOR has been proposed. A similar approach is required to be adopted for the plots and Way leaves of public utility companies such as BEST and Tata Power without discrimination which have been designated as industrial use (Generation, Transmission & Distribution of electricity) under Industries (Development & Regulations) Act 1951. Further, the cost incurred is passed through to the consumers.</p> <p>17. In para 9 (v) of Notes, it is provided the rates are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI. Our plots at Sewri & Mahul cannot utilize any FSI being affected by CRZ including mangrove buffer zone, under water, part of</p>	<p>BR No. 296 dated 27.03.2023 was published on MbPA website viz. www.mumbaiport.gov.in is self explanatory and contain detailed proposal alongwith methodology for Revision of SoR 2022-27.</p> <p>Committee decided not to extend the time after examining the request, since sufficient time was granted in accordance with detailed SoR proposal approved by the Board was uploaded there is no question of grant of additional time.</p> <p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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				<p>Drainage channel (the sole purpose is to carry water as part of Natural Drainage channel) and thus unless the committee submits its report as to the FSI factor applicable for such plots, the rates shall not be revised.</p> <p>18. MbPA has 944 Ha of land in Mumbai City from Colaba in South Mumbai to Titwala in North of MMR. As per their website, MbPA letting is comprised of long term leases (777 Nos), monthly tenancy/15 monthly leases & licenses (2040 Nos) i.e. a total of 2817 lettings spread over 46 RR Zones. Thus, on an average each RR Zone has 62 lettings. Several of these lettings differ from each other in their nature such as residential, commercial and industrial as also in their sizes and types of construction etc. It is therefore completely disproportionate to superimpose the average of the valuation done by the valuer in only 3 sample cases (as against the average of 62) across the entire RR zone. Further in the absence of Valuer's report we are not in a position to comment the methodology adopted to take into account such differentiating aspects.</p> <p>19. In cases where electricity utilities such as HT lines, Cables, Pipelines pass through CRZ areas and or lands below water, the SOR rates are required to be reduced far greater than 50%. In fact, the SOR have to be restricted only up to the land boundaries as are obvious from Ready Reckoner zone maps corresponding to the respective RR zones. None can substantiate that the SOR market rate for lands which are based on real estate transactions could also be applied to the lands below water / creek even with 50% reduction. The Ready Reckoner guidelines for NDZ and CRZ stipulate adoption of 40% and 33% factors respectively to the Ready Reckoner rates applicable only to the land portions. Thus, for those</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not related to SoR 2022-27 and matters which are subjudice.</p> <p>SoR 2022-27 is formulated in compliance with Wadia Judgment and as strictly within the provisions of cabinet approved PGLM 2015 issued under Section 111 of MPT Act 1963.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. Government of Maharashtra has made SDRR constant during the period 2017-18 to 2019-</p>

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				<p>parts under water or creek, further reductions are justified and should be done. Since the land beneath the water cannot be used for any purpose, only nominal rate should be charged. If at all a higher rate is to be adopted an analogy should be drawn from the rules framed for the capital value assessment for property tax of MCGM where lands adversely affected are valued at 1% / 10% of the SOR.</p> <p>20. MbPA has not clarified whether the proposed SOR is equally applicable for their vacant plots as was the case with the SOR for 2012-17 & 2017-22.</p> <p>21. We also request that MbPA's response on our comments be made available to us for our rejoinder.</p> <p>Specific Comments on SOR for Lease/License (Sr.No 2 of Notice): -</p> <p>A. Ready Reckoner Zone 11/86 B (Parel Sewri Division) Sr. no 28</p> <p>1. Plots A & C, B and D are the leasehold plots in our occupation, the lease of which have expired in March 2015 wherein applications for renewal of leases have already been submitted in 2014 itself. These plots were taken for public utility purpose and hitherto continue to be used as such. The plots are in CRZ fully within mangrove buffer zone. During the previous consultation process for 2012-17 & 2017-22, we had requested to adopt suitable factors to reduce the SOR to reflect these aspects.</p> <p>2. Land Allotment Committee Report for Zone & Valuer's Report not uploaded. Hence we are unable to give any comments thereon which points to inadequacy of consultation process. Please note that these documents were uploaded during the consultation process of SOR 2017-22. We therefore</p>	<p>20, 2022-23 to 2023-24 where as MbPA has reduced its SoR 2022-23 on and average by 50% considering various aspects mentioned in the TR 296 of 2023.</p> <p>Revision of SoR is carried out based on the Ready Reckoner Zone. SoR is applicable to all properties falling within the RR Zone. Multiple Revision of SoR in single RR Zone may create chaos in billing system and hence request cannot be acceded to.</p> <p>Kindly refer Para 11 of TR 296 of 2023 contains factors to be considered for calculation of reserve price for allotment of vacant plots.</p> <p>It needs to be noted that as far as SoR towards way leave charges are concerned, in majority of the cases the earlier way leave fee would continue without any annual escalation till it matches the rate as per the proposed SoR whereafter the annual escalation of 2% would become applicable. The way leave fee for trestle would also continue at the rates as per the previous revision with escalation of 2% per annum.</p> <p>The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after</p>

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				<p>request you to provide us with all annexures referred to in TR 296 of 2023.</p> <p>3. At the outset as per Valuer's rate of Rs. 77748/-sqm for zone 11/86B of Parel- Sewree is 221% of the Ready Reckoner rate. It is not only exorbitant but also against the principal laid down by the Hon'ble Supreme Court as cited above. In the absence of Valuer's report and other annexures we are not in a position to submit our remarks thereon.</p> <p>4. At para 15 of TR 296 of 2023 MbPA has admitted that due to inherent deficiencies in their landed estates, the rates are always lower than those outside. Our plots also reflect these deficiencies. Despite this admitted position, the proposed rate is 221% of the RR rate and therefore requires a review for reduction.</p> <p>5. In this notice MbPA Valuer's rate for 2022-23 is taken as Rs. 77,748/- per sq.mtr which compares with RS 1,46,241/- per sq.mtr (i.e. SOR rate fixed for slab 2017-22 by GN No. 630 of 30th Nov 2021 wherein 2017-18 rate of Rs 1,20,200/- is increased by 4% every year). Thus, in effect MbPA has proposed to revise the rate downwards by 53%. This is a clear admission that their rates for previous slab were indeed much higher & whether the higher rate will continue with 4% increase for the next slab of 2022-27 has not been clarified.</p> <p>6. In view of the above, SOR fixed for 2017-22 needs to be reviewed & adopted at much lower rates as also repeatedly noted by TAMP pointed out above.</p> <p>7. In respect of SOR for way leave cases, an upper limit</p>	<p>excluding the expenditure incurred on maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.</p>

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				<p>has been prescribed at 150% of previous slab. The rationale behind absence of such limit in lease/license cases needs to be explained.</p> <p>Conclusion : In the view of the above, the rate recommended in the MbPA's proposed SOR for MbPA land for RR Zone 11/86 B for period 2022-23 at Rs. 77748.00/- is required to be reviewed to be also in consonance with the Supreme Court judgement submitted herein above.</p> <p>B. Ready Reckoner Zone 90/419 D (Mahul) Sr. no 36</p> <p>1. Berthing pocket (License) & Drainage channel (Leasehold) are in our occupation located under water. These are shown as natural area (NA) in DP/DCPR 2034, accordingly suitable factors need to be adopted to reduce SOR to reflect their characteristics. In this regard, during past consultation process for 2012-17 & 2017-22 we had requested MbPA to adopt the methodology adopted by MCGM for arriving at capital value (CV) of properties for property tax purposes, by taking 1%/10% of SDRR rate.</p> <p>2. We had submitted during the past consultation process for SOR 2012-17 & 2017-22 that the functionality of Approach channel and Berthing Pocket (part of Coal Berth agreement) being the same, i.e., transport and berthing of barges carrying coal from mother vessel need to have same nomenclature, i.e., way leave. Presently, while Approach channel is treated by MbPA as a way leave, Berthing pocket is considered as a license.</p>	

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				<p>3. Land Allotment Committee Report for Zone & Valuer's Report not uploaded. Hence we are unable to give any comments thereon which points to inadequacy of consultation process. Please note that these documents were uploaded during the consultation process of SOR 2017-22. We therefore request you to provide us with all annexures referred to in TR 296 of 2023.</p> <p>4. Ready Reckoner rate for 2022-23 is taken as 22,880/-. MbPA Valuer's rate for 2022-23 is also kept at Rs. 22,880/- per sq.mtr which compares with Rs 65,482/- per sq.mtr (i.e. SOR rate fixed for slab 2017-22 by GN No. 641 of 9th Dec 2021 wherein 2017-18 rate of Rs 53,821/- is increased by 4% every year). Thus, in effect MbPA has proposed to revise the rate downwards by 35%. This is a clear admission that their rates for previous slab were indeed much higher & weather the higher rate will continue with 4% increase for the next slab of 2022-27 has not been clarified.</p> <p>5. In view of the above, SOR fixed for 2017-22 needs to be reviewed & adopted at much lower rates as also repeatedly noted by TAMP pointed out above.</p> <p>Conclusion : In the view of the above, the rate recommended in the MbPA's proposed SOR for MbPA land for RR Zone 90/419D for period 2022-23 at Rs. 22880/- is required to be reviewed also to be in consonance with the Supreme Court judgement submitted herein above.</p> <p>Part 3 follows by Dinesh Jamsandekar Mobile no 9029403670</p>	

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				Email I'd dinesh.jamsandekar@tatapower.com	
124	20601216	Savitribai Ramdulare and others	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Savitribai Ramdulare and others.</p>	
125	41304128	Indian Steel supplying Co.	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of</p>

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					<p>India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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126	20701141	ABDULLABHAI HAKIMJI JASDANWALLA 2 TRDG.NOVUS ENGINEERING WORKS	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable, We opposed the Proposed SOR rates.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

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					<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
127	10105143	Tata Power	11/86B - SEWRI (E)/STP/SEWRI FORT	Part -3 Proposed SOR for Special way leave Cases (Sr. no 4):- 1. Special Wayleave cases (SWL) & its Applicability- It	BR No. 296 dated 27.03.2023 was published on MbPA website viz. www.mumbaiport.gov.in is self explanatory and contain detailed proposal alongwith methodology for Revision of SoR 2022-27.

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				<p>is important to distinguish between commercial and infrastructure utilities which are regulated such as power utilities. Thus, any enhancement in the cost is automatically transmitted to the customers, resulting in increased tariff. Tata Power is in the business of generation, transmission and distribution of electricity under the provisions of Indian Electricity Act and regulated by MERC. Tata Power is also a Telegraph Authority as per Govt. notification dt.7/4/1955. Thus, the relevant provisions of Indian Telegraph Act and Indian Telegraph Rules-2016 are applicable. In terms of Telegraph Rules-2016, the underground utilities are not chargeable in terms of clause 6(4) except for administrative charges and restoration charges and in case of overhead transmission lines, charges are permitted to be recovered only if the land beneath is “unlikely to be used for any other purpose”. Thus, in cases of HT lines which are passing through CRZ/Mangroves/Creek/Sea/Saltpan, since the land below are not usable for any other purpose, so specified in the DCPR 2034, no charges should be recovered in accordance with these Rules. Accordingly, the current proposals to HT lines through creeks / water and u/g cables are not applicable in accordance with para 3(c) of the LAC report read with 4 (viii) of LAC Report & clarification No.17 of Clause No.1 of 2018 mentioned therein.</p> <p>2. Attention is also invited to TR 108 of 28/10/2019, wherein at Para 7, it is mentioned that “the amended policy of Right of Way (Special way Leave Fees) is again reviewed in the LAC meeting dt.3/8/2019 and also decided that whenever there are conflicts such cases will be dealt on case to case basis with LAC’s recommendation e.g. ONGC (BUT, HUT, MUT</p>	<p>Committee decided not to extend the time after examining the request, since sufficient time was granted in accordance with detailed SoR proposal approved by the Board was uploaded there is no question of grant of additional time.</p> <p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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				<p>pipelines), Tata, RCF, Customs etc. Therefore, whatever rates are finally adopted, they shall have due consideration to the applicable Act / Rules / Guidelines governing the occupations of Tata Power. It is submitted that MbPT's current proposal has not dealt with these aspects.</p> <p>3. It is proposed that for unauthorized assignment / transfer of way leave permissions granted in the past due to merger, amalgamation etc. could be regularized by levy of 24-month way leave fees. This condition needs modification that where change of name due to merger achieved through legal process which does not involve any transfer of assets and where the approved scheme is stamped only for nominal amount since merger is by operation of law, such transfers should be permitted by charging only administrative fees and should not be designated as unauthorized assignment/ transfer.</p> <p>4. In the TAMP order dt.16/09/2020 passed on revision of way leave fee of 2012-2017, MbPT was advised to submit a well analyzed proposal as its proposal did not give details of the methodology adopted to determine the existing way leave charges based on return on investment etc. and for this reason, rate for loop length on Trestle was not approved. Even now the TR 296 of 2023 has not given any basis and details regarding the methodology adopted to arrive at the proposed SOR for Trestles which is a prerequisite already mandated by TAMP.</p> <p>5. Consideration as a special case: (i) We would like to mention that the Power Purchase Agreement (PPA) of BEST with Tata Power (BEST supplies electricity to the</p>	<p>No comments are warranted on the matters which are not related to SoR 2022-27 and matters which are subjudice.</p> <p>SoR 2022-27 is formulated in compliance with Wadia Judgment and as strictly within the provisions of cabinet approved PGLM 2015 issued under Section 111 of MPT Act 1963.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. Government of Maharashtra has made SDRR constant during the period 2017-18 to 2019-20, 2022-23 to 2023-24 where as MbPA has reduced its SoR 2022-23 on and average by 50% considering various aspects mentioned in the TR 296 of 2023.</p> <p>Revision of SoR is carried out based on the Ready Reckoner Zone. SoR is applicable to all properties falling within the RR Zone. Multiple Revision of SoR in single RR Zone may create chaos in billing system and hence request cannot be acceded to.</p> <p>Kindly refer Para 11 of TR 296 of 2023 contains factors to be considered for calculation of reserve price for allotment of vacant plots.</p>

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				<p>Mumbai City including Mumbai Port Trust and its customers) is currently for the period from 2019 to 2024. The effect of these increases would be passed on to the customers adversely affecting their electricity tariffs. It should be noted that Tata Power pays an annual amount of ~Rs.11 crs. to MbPT for 23 such cases. Only for the berthing pocket and approach channel at Mahul, Trombay, the annual amount being paid to MbPT is Rs.12.52 crs. including wharfage, dredging charges being additional. A case in point being the berthing pocket which is treated as a license and kept out of the purview of the "cargo operated" category despite wharfage being paid to MbPT. (ii) It needs to be further emphasized that as per MbPT's own berth hiring policy, the annual charges would not exceed 40L where even dredging is done by MbPT. As against this, the Coal Berth which is fully owned by Tata Power & being operated entirely at our cost, the current SWLF/License charges are ~6.5 Cr/annum at RR rate with wharfage and dredging charges are additional. This shows a highly skewed nature of charges being recovered currently and the proposed enhancement would make them further so. We would therefore urge that as provided in para 3 (e) of LAC Report dated 13/12/2019, special consideration is accorded to the power utilities and the rates are rationalized which is not done even as on date.</p> <p>6. In view of our submission above, we have clearly carved out a case for special consideration.</p> <p>Conclusion: In view of the above, the proposed SOR may suitably be reduced to reflect the aspects brought out above.</p>	<p>It needs to be noted that as far as SoR towards way leave charges are concerned, in majority of the cases the earlier way leave fee would continue without any annual escalation till it matches the rate as per the proposed SoR whereafter the annual escalation of 2% would become applicable. The way leave fee for trestle would also continue at the rates as per the previous revision with escalation of 2% per annum.</p> <p>The Service Charges were last revised in the year 1992 and is presently levied @ 50 paise per sq.m. per month of the let out area and is against the expenses incurred towards maintenance of roads, passages, lighting, etc. and other facilities provided on the roads/footpaths abutting the let out plots. Service charge is revised on the basis of the average annual expenditure on 'Estate Maintenance & General Facilities' after excluding the expenditure incurred on maintenance of Port Authority office buildings, sheds, godowns, guest houses, etc.</p>

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				<p>Service Charges (Sr. no.5):-</p> <p>In the consultation process adopted by TAMP during fixation of SoR for 2012-17 & 2017-22, TAMP had noted the grievance of port users regarding lack of amenities such as roads, water etc. and had called upon MbPA to suitably address them. As this aspect is not yet addressed, there is no justification for enhancing the service charges from 50 paise to Rs. 2.00/per sq. mtr per month.</p> <p>The above submission is Without Prejudice to our rights & contentions in the matter and we reserve our rights to adduce to our submission as appropriate based on the future developments in the matter.</p> <p>Thanking you,</p> <p>Yours sincerely,</p> <p>Rajesh Panicker</p> <p>Head-Land Management & BD (MO)</p>	
128	20801306	Kusum Rani Jain	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.

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					<p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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					<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
129	20602105	Harsh H. Jain and One Other	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including our Writ Petition No. 3363/2022)</p> <p>we state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. 3363/2022</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you</p>	<p>applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board’s</p>

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				<p>earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. 3363/2022 ; - as if the same forms part of the present reply.</p> <p>However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot are situated);</p> <p>In any event, the PGLM 2015, which prescribes a</p>	<p>Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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				<p>procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Harsh H. Jain 9820031654</p>	<p>2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
130	10202216	SMT. RANJAN JAYANTILAL SHAH	11/84J - COTTON GREEN KALACHOWKEY	<p>On Prima Facie this is illegal and bad in law and exorbitant increase is not justified.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p>

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					<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
131	10301518	PRAVINCHANDRA KANAYALAL KANAKIA & ORS	Any Other Location	12 April 2023 To,	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale

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				<p>under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies</p>	<p>rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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				<p>addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p> <p>6. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line</p>	<p>factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse..</p> <p>Sincerely, MAHESH I KANAKIA PARTNER NATIONAL TRANSPORT CO. H.O. : Jash Chamber, 4th Floor, Sir P.M. Road, Fort, Mumbai – 400 001 TELEPHONES : 6631 4251-52-53,2266 4370/1384 . Fax : 66314250 Website : www.nationaltransport.com E-Mail : accounts@ntco.in / godowns@ntco.in</p>	

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132	41313105	Shaparia Dock and Steel Company Private Limited	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>

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133	41304240	PRAHLADRAI S. BANSAL / DEEPAK P. BANSAL / PRADEEP P BANSAL AS JOINT TENANTS	10/80A - DARUKHANA/MDL	SHUD NOT BE REVISED, NOT ACCEPTABLE	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
134	31102213	Kamani Tubes Limited	2/22A - BALLARD ESTATE	<p>We have vide our email dated 12.04.2023 marked to MbPT have sent our detailed reply to the notice of SoR. The email ids on which the replies have been sent are as follows: dv.patil@mumbaiport.gov.in estatemanager@mumbaiport.gov.in ke.sunilkumar@mumbaiport.gov.in genrec.estate@mumbaiport.gov.in</p> <p>The Hon'ble Mumbai Port Authority is required to take cognisance of the said reply.</p> <p>Best Regards, Sayyed Associates.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
135	31101149	Sorab Phiroze Engineer and 1ANR	2/22A - BALLARD ESTATE	<p>The increase in Rent on a year to year basis is already laid down through the Supreme Court Order and is being paid by us regularly which needs not to be revised any further. Vehemently object to such an increase in the Rent as it would make our existence unviable as a Tenant causing imminent closure being a MSME.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about average 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
136	10301642	NATIONAL TRANSPORT CO	Any Other Location	<p>12 April 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals”</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Plot No.: R.R.No Code NoS.: 10301642, AND 10301517, 10301518, 10301519, 10301520, 10301521, 10301522,10301523, 10301524 & 10301525</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to</p>	<p>(as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p> <p>6. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, MAHESH I KANAKIA PARTNER NATIONAL TRANSPORT CO. H.O. : Jash Chamber, 4th Floor, Sir P.M. Road, Fort, Mumbai - 400 001 TELEPHONES : 6631 4251-52-53,2266 4370/1384 . Fax : 66314250 Website : www.nationaltransport.com E-Mail : accounts@ntco.in / godowns@ntco.in</p>	
137	20701339	Rallis India Limited	10/80A - DARUKHANA/MDL	<p>Date : 12.04.2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg, Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc Dear Sir, With reference to your Notice dated 29.03.2023, and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-</p>	<p>have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states</p>

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				<p>2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you. Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: - (i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30 th September 2012 till 31 st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015,</p>	<p>that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>and/ or otherwise by applying any other policy; (ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case; (iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent); (iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated); (v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you - which</p>	<p>the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
138	31101123	LARSEN & TOUBRO LIMITED	2/22A - BALLARD ESTATE	<p>Proposed scale of rates and revision of rent/compensation mentioned are exorbitantly high. The current lease deed of Larsen & Toubro Ltd. is in force until September 2028 and the rent should be governed by the same.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an</p>

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					<p>expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>The revised SoR is applicable only to the Monthly Tenancies, Fifteen Monthly Lease, Expired Leases and Licenses and not to subsisting leases.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
139	20701247	HAMZA HUSSAIN CHITALWALA	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable. We oppose the Proposed SOR Rates	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy</p>

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					<p>guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
140	20601118	AJIT SINGH RAI SINGH & SATISH SUNDERDAS AGICHA(joint tenants)	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals”</p>

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				<p>contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our replies' addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p>	<p>(as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port</p>

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				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner</p>	<p>Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, AJIT SINGH RAI SINGH</p>	
141	31102111	M/S RUPAM HOTELS PVT. LTD.	2/9A - MOODY BAY	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred plot; we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent</p>

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				<p>30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p>	<p>applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board’s</p>

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				<p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, For Rupam Hotels Pvt. Ltd. Vipul Sheth. Authorised Signatory.</p>	<p>2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
142	10103125	SEA LORD CONTAINERS LIMITED	90/419D - MAHUL	<p>With reference to above, we have following comments/suggestions on the proposal: Para 2. Proposed Scale of Rate (SoR) for MbPA Land for the period 01.10.2022 to 30.09.2027 effective from 01.06.2023 Our comments: 1. SoR of Rs.114.40 per sqm.p.m. proposed for Mahul (RR Zone 90/419D) is very high. The increase should</p>	<p>At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 90/419D, there is a downward revision of 65% and the Fair Market Value of land has been pegged at SDRR rate of Rs.22880/-</p>

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				<p>be reasonable, justified and affordable. 2. The MbPT land is leasehold and cannot be equated with freehold land prices. 3. Moreover, there are several restrictions for lessees and therefore, land rate based on ready reckoner rate cannot be a factor taken into account. 4. This high lease rate increase is also in contrast to one of the objectives of Policy Guidelines for Land Management by Major Ports,2015</p> <p>The main objectives of the Policy are:- a) To ensure that land resources are put to optimum use as per the approved Land Use Plan with focus on retaining /attracting port traffic.</p> <p>5. We refer to pg 3 of the proposal, wherein PIR PAU is wrongly considered under Anik (RR Division & zone 96/436) instead of Mahul.</p> <p>Para 4. Special Way Leave charges: Proposed Scale of Rates 2022-2027 for Special Way Leave permissions: Our Comments: 1. SoR of Rs.114.40 per sqm.p.m. proposed for Special way leave permissions is very high. 2. The increase should be reasonable, justified and affordable. 3. Moreover, our pipelines are laid in tiers one above other, however way leave fee charged by Mumbai Port Authority for minimum width of 1.0 metre for each & every pipeline and not on the actual width and area occupied by pipelines. 4. Wayleave charges should be charged on the actual width of the pipeline as against a minimum width of 1 m. Also, addition of 600mm to the width of pipeline is unjustified.</p>	<p>which is very low compared to the city standards. It is very unfortunate that one still cries foul even of such reduced rates. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p> <p>With regard to the contention that Pir Pau is wrongly considered under Anik (RR Division & Zone 96/436) instead of Mahul, it is to state that the RR Zone for Pir Pau is 90/419. 1&2. With regard to Special Way Leave fee, it has been decided that if the existing way</p>

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				<p>5. For pipelines laid above one and other the wayleave charges should be calculated on the area of the land occupied by the multi-layer stacks and the amount should be charged on pro-rata basis to all the users whose pipeline run on these multi-layer stacks.</p> <p>Proposed Scale of Rates for Special Way Leave Rates for the pipelines laid on TRESTLE at Pir-Pau for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023</p> <p>Our Comments:</p> <p>1. SoR proposed for Special way leave rates for the pipelines laid on trestle at Pir-Pau very high.</p> <p>2. Considering the tough competition from neighbouring Ports and development of new ports, we request MbPA to charge for portion of the pipeline on trestle as per Land rate.</p> <p>3. Old Pir Pau jetty has already been decommissioned and all the cost plus returns incurred have been accordingly more than recovered. Thus wayleave charges for Pipeline laid on trestle from land to jetty should now be charged at 50% of charges for land rate of ROW, as the said portion is on Sea.</p> <p>4. We believe wayleave charges for pipelines laid on trestle is calculated by MbPA to recover investment and its return over the life of the trestle, which in this case has been considered by Port as 30 years. Old Pir Pau berth has been decommissioned and cost of FCB trestle has been recovered by MbPA and hence MbPA should charge for portion of the pipeline for this trestle as per Land rate and not based on return of the cost of trestle.</p> <p>5. For the section of trestle between FCB and SCB the wayleave charges worked out by MbPA is based on the return based on cost of trestle and also value of land below the trestle, which is calculated as per the</p>	<p>leave fee is higher than the proposed way leave fee, the existing way leave fee would be continued till it matches the rates as per proposed way leave fee rates whereafter the annual increase of 2% would be leviable. Thus in majority of the cases, there would be no revision of way leave fee and the existing way leave fee would continue which it should be appreciated offers great relief to the users.</p> <p>3&4. The issue of width of minimum 1 meter is an issue which has been raised in the past and is settled and does not need any review.</p> <p>5. The statement is vague and without any facts or figures.</p> <p>2,3 , 4 & 5. The said request cannot be acceded to. The way leave fee has always been on the basis of return on capital. Also MbPA has to incur expenses on repairs and maintenance.</p>

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				<p>RR rate for zone 90/149. Instead of double counting we request that the charges should be worked only based on return of the cost of trestle. Further, once the cost of this trestle is recovered the wayleave charges should be charged as per Land rate.</p> <p>Please refer Notes (on Page 10 of 15) of your proposal: Para. (iii) Formula for calculation of Way Leave fee would be as follows: sub. para. (c) Way Leave Fee per month for Marine Loading Arm = Length of loading Arm on Trestle X (External dia including insulation)/300mm X Rate applicable + (Area of base plate + Area of Control Panel & Hydraulic Power Pack) X Rate applicable Our Comments: Please note Marine Loading Arm (MLA) is an equipment along with a set of accessories such as Hydraulic Power Pack and Control Panel. The MLA is mostly fully automatic and main purpose of this MLA is to connect the shore side pipeline with the ship manifold similar to the operation of Hose connection arrangement. However, MLA is preferred over Hose arrangement for safe operation due to its superior design, integrated safety controls and ease of operation. MLA stands on the Base Plate and its accessories such as Hydraulic Power Pack and Control Panel occupies only the surface areas on the Jetty. Hence Way leave fee for MLA should be charged on Area of Base Plate of MLA & its accessories and not the length of loading arm. Way Leave Fee per month for Marine Loading Arm should be as follows: = (Area of base plate of Loading Arm + Area of Control</p>	

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				<p>Panel & Hydraulic Power Pack) X Rate applicable</p> <p>Others</p> <p>1. Interest rates for delayed payment should be as per SBI PLR and not 15%</p> <p>2. The levy of Service charge @ Rs,2 per sqm per month is unjustified. The cost towards maintenance of road, passages lighting should be covered by wayleave changes and lease rent paid by users.</p>	
143	10301530	Rallis India Limited	10/80A - DARUKHANA/MDL	<p>Date- 12-4-2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg, Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p>	<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
144	20601135	SHRI. RAFIK UMER MEMON	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. __ [only to be stated if Writ is filed or else delete that line].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies</p>	<p>31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. ___(only to be filled if filed writ by sender /if not then delete the bracket portion) ; - as if the same forms part of the present reply.</p> <p>4. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our</p>	<p>increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violation of Article 14 of the Constitution.</p> <p>5. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>6. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>7. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely</p>	<p>which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
145	10301323	Rallis India Ltd.	10/80A - DARUKHANA/MDL	<p>WITHOUT PREJUDICE 12.04.2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in</p>	<p>has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the</p>

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				<p>terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify</p>	<p>proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
146	20601134	SHRI RAMJI KARIMSHI PATEL & 2 ORS.(JT. TENTS) TRDG. AS M/S BHIMAJI & CO.	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. __ [only to be stated if Writ is filed or else delete that line].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. __ (only to be filled if filed writ by sender /if not then delete the bracket portion) ; - as if the same forms part of the present reply.</p> <p>4. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore,</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land</p>

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				<p>till such time, no question arises of framing any other SoR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SoR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>5. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>7. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	
147	31001215	Kapadia commercial premises cooperation Society limited	3/35C ELPHINSTONE ESTATE (TPS)	<p>- That we object to the proposed Scale of Rates 2022-2027.</p> <p>That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

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					<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
148	20701324	SHRI MULLA YUSUFALI M.TAYABALLI& 14 OTHERS (AS JOINT TENANTS)	10/80A - DARUKHANA/MDL	<p>(a) We do not approve the Proposed SOR rates. (b) The proposed rates are arbitrary, exorbitant and not acceptable. (c) The newly proposed rent matter is not acceptable, it is Sub judice before the Bombay High Court in in more than 50 Writ Petitions pending the outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
149	Other than tenant	Amit jain	10/80A - DARUKHANA/MDL	Intended to take plot on lease/license	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					which are not pertaining to SoR 2022-27 and any issues which are subjudice.
150	20701348	Rallis India Ltd.	10/80A - DARUKHANA/MDL	<p>WITHOUT PREJUDICE</p> <p>12.04.2023</p> <p>To,</p> <p>The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg, Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/</p>	<p>in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

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				<p>objections/ contentions as raised in our replies already submitted to you. Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30 th September 2012 till 31 st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending</p>	<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
151	20801221	mustan taherbhai khanbhai	10/80A - DARUKHANA/MDL	tenants are entrepreneurs. progress happens when there is peace.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>new sor proposed is exhorbitant,arbitrary and disturbing the peace.. request to revert to compromise formula of 2004 ratified by SC. tenants derive their livelihood from their work and workplace, live and let live. more elaborate comments and reply will follow by mail. regards</p>	<p>proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters</p>

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					which are not pertaining to SoR 2022-27 and any issues which are subjudice.
152	31102110	ALOO INVESTMENT CO PVT LTD	2/9A - MOODY BAY	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred plot; we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, For Aloo Investment Co Pvt. Ltd. Paresh Chauhan. Authorised Signatory.</p>	
153	20701106	H.AND L.REPS.OF LATE SHRI A.D.KOTHARI	10/80A - DARUKHANA/MDL	<p>a) We do not approve the proposed SoR rates. b) The Proposed rates are arbitrary, exorbitant and not acceptable. c) The newly proposed rent matter is not acceptable, it is sub Judice before the Bombay High Court in more than 50 Writ petitions pending the outcome.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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154	20601213	AJIT SINGH RAI SINGH	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you</p> <p>Therefore, in order to avoid repetition of my objections; I we adopt all our comments/ contentions/ averments under all my reply addressed to you earlier - seeking rejection of your earlier as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SoR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my said Plot are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>my case - for want of specific traverse.</p> <p>Sincerely, AJIT SINGH RAI SINGH</p>	
155	10301718	Rallis India Limited	10/80A - DARUKHANA/MDL	<p>WITHOUT PREJUDICE 12/04/2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg, Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of</p>

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				<p>under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from</p>	<p>convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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				<p>2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
156	30901346	LARSEN & TOUBRO LTD	3/35C ELPHINSTONE ESTATE (TPS)	- The proposed SoR rates mentioned are exorbitant and on a higher side.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
157	41305220	Ratan Kumar Jain jt Kusum Rani Jain	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated</p>

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					<p>comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

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					<p>obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
158	20701244	HUSSEINBHOY ALLIBHOY CHITALWALA & 3 OTHERS (AS JT. TENANTS)	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable. We oppose the Proposed SOR Rates	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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					MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
159	20801302	SHRI ESUFALLI ESMAIL JEE	10/80A - DARUKHANA/MDL	<p>1) That we object to the proposed Scale of Rates 2022-2027.</p> <p>2) That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>3) We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>4) We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality,</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
160	20801338	SHRI S A MAHIMWALLA	10/80A - DARUKHANA/MDL	<p>That we object to the proposed Scale of Rates 2022-2027</p> <p>That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable</p> <p>We request you to kindly have a seperate hearing for our Unit No 150 Quay Street Street No 7A J so that the distinguishing factors and problem of tenants of the zone would be specifically discussed before the passing of any Scale of Rates</p> <p>We request you to keep all actions in abeyance till a meeting is held and a policy decision is arrived at.</p> <p>Needles to mention this objection is without prejudice to our rights and contentions and we reserve our right and liberty to challenge the actions of your authority.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on</p>

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					13.04.2023.
161	31101115	RAMANLAL J GOKAL & OTHERS AS JOINT TENANTS	2/22A - BALLARD ESTATE	<p>WITHOUT PREJUDICE Date: 12th April' 2023</p> <p>From, Shri. Ravindra Jagjivan Gokal, 2nd Floor, Kasturi Building, 171-72 Jamshedji Tata Road, Church Gate Reclamation Mumbai-400 020.</p> <p>To, Mumbai Port Authority, Vijay Deep, 3rd Floor, Shoorji Vallabhdas Marg, Mumbai- 400 001.</p> <p>Sir, Sub: Plot No. 14 Bearing R.R No. 906, situated at Ballard Estate Unit No: 11 Code No: 31101115</p> <p>Re: Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/Compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc.</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained</p>

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				<p>from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the</p>	<p>in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

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				<p>present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely, On behalf of Ramanlal J Gokal & Others As Joint Tenants.</p>	
162	20701220	SHRI RAMPRASAD VAISH SHRI PRITAMPRASAD VAISH	Any Other Location	<p>We object to the Proposed Scale of Rates 2022 - 2027. We seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. We request you to kindly have a separate hearing for our Unit / RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates. We request you to keep</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				all action in abeyance till a meeting is held and a policy decision is arrived at.	accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
163	41304318	Jagdish Chimanlal Shah Trading asJ K Traders	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality,</p>

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					<p>attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
164	Other than tenant	Aegis Logistics Limited	90/419D - MAHUL, 96/436E - PIRPAU	<p>With reference to above, we have following comments/suggestions on the proposal: Para 2. Proposed Scale of Rate (SoR) for MbPA Land for the period 01.10.2022 to 30.09.2027 effective from 01.06.2023</p> <p>Our comments:</p> <ol style="list-style-type: none"> 1. SoR of Rs.114.40 per sqm.p.m. proposed for Mahul (RR Zone 90/419D) is very high. The increase should be reasonable, justified and affordable. 2. The MbPT land is leasehold and cannot be equated with freehold land prices. 3. Moreover, there are several restrictions for lessees and therefore, land rate based on ready reckoner rate cannot be a factor taken into account. 4. This high lease rate increase is also in contrast to one of the objectives of Policy Guidelines for Land Management by Major Ports,2015 <p>The main objectives of the Policy are:-</p> <ol style="list-style-type: none"> a) To ensure that land resources are put to optimum use as per the approved Land Use Plan with focus on retaining /attracting port traffic. 5. We refer to pg 3 of the proposal, wherein PIR PAU 	<p>At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 90/419D, there is a downward revision of 65% and the Fair Market Value of land has been pegged at SDRR rate of Rs.22880/- which is very low compared to the city standards. It is very unfortunate that one still cries foul even of such reduced rates. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>is wrongly considered under Anik (RR Division & zone 96/436) instead of Mahul.</p> <p>Para 4. Special Way Leave charges: Proposed Scale of Rates 2022-2027 for Special Way Leave permissions: Our Comments:</p> <ol style="list-style-type: none"> 1. SoR of Rs.114.40 per sqm.p.m. proposed for Special way leave permissions is very high. 2. The increase should be reasonable, justified and affordable. 3. Moreover, our pipelines are laid in tiers one above other, however way leave fee charged by Mumbai Port Authority for minimum width of 1.0 metre for each & every pipeline and not on the actual width and area occupied by pipelines. 4. Wayleave charges should be charged on the actual width of the pipeline as against a minimum width of 1 m. Also, addition of 600mm to the width of pipeline is unjustified. 5. For pipelines laid above one and other the wayleave charges should be calculated on the area of the land occupied by the multi-layer stacks and the amount should be charged on pro-rata basis to all the users whose pipeline run on these multi-layer stacks. <p>Proposed Scale of Rates for Special Way Leave Rates for the pipelines laid on TRESTLE at Pir-Pau for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023</p> <p>Our Comments:</p> <ol style="list-style-type: none"> 1. SoR proposed for Special way leave rates for the pipelines laid on trestle at Pir-Pau very high. 2. Considering the tough competition from neighbouring Ports and development of new ports, we request MbPA to charge for portion of the pipeline 	<p>been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p> <p>With regard to the contention that Pir Pau is wrongly considered under Anik (RR Division & Zone 96/436) instead of Mahul, it is to state that the RR Zone for Pir Pau is 90/419.</p> <p>1&2. With regard to Special Way Leave fee, it has been decided that if the existing way leave fee is higher than the proposed way leave fee, the existing way leave fee would be continued till it matches the rates as per proposed way leave fee rates whereafter the annual increase of 2% would be leviable. Thus in majority of the cases, there would be no revision of way leave fee and the existing way leave fee would continue which it should be appreciated offers great relief to the users.</p> <p>3&4. The issue of width of minimum 1 meter is an issue which has been raised in the past and is settled and does not need any review.</p> <p>5. The statement is vague and without any facts or figures.</p>

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				<p>on trestle as per Land rate.</p> <p>3. Old Pir Pau jetty has already been decommissioned and all the cost plus returns incurred have been accordingly more than recovered. Thus wayleave charges for Pipeline laid on trestle from land to jetty should now be charged at 50% of charges for land rate of ROW, as the said portion is on Sea.</p> <p>4. We believe wayleave charges for pipelines laid on trestle is calculated by MbPA to recover investment and its return over the life of the trestle, which in this case has been considered by Port as 30 years. Old Pir Pau berth has been decommissioned and cost of FCB trestle has been recovered by MbPA and hence MbPA should charge for portion of the pipeline for this trestle as per Land rate and not based on return of the cost of trestle.</p> <p>5. For the section of trestle between FCB and SCB the wayleave charges worked out by MbPA is based on the return based on cost of trestle and also value of land below the trestle, which is calculated as per the RR rate for zone 90/149. Instead of double counting we request that the charges should be worked only based on return of the cost of trestle. Further, once the cost of this trestle is recovered the wayleave charges should be charged as per Land rate.</p> <p>Please refer Notes (on Page 10 of 15) of your proposal: Para. (iii) Formula for calculation of Way Leave fee would be as follows: sub. para. (c) Way Leave Fee per month for Marine Loading Arm = Length of loading Arm on Trestle X (External dia including insulation)/300mm X Rate applicable + (Area of base plate + Area of Control Panel & Hydraulic Power Pack) X Rate applicable</p>	<p>2,3 , 4 & 5. The said request cannot be acceded to. The way leave fee has always been on the basis of return on capital. Also MbPA has to incur expenses on repairs and maintenance.</p> <p>Service charge is not applicable to Special Wayleaves.</p>

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				<p>Our Comments:</p> <p>Please note Marine Loading Arm (MLA) is an equipment along with a set of accessories such as Hydraulic Power Pack and Control Panel. The MLA is mostly fully automatic and main purpose of this MLA is to connect the shore side pipeline with the ship manifold similar to the operation of Hose connection arrangement. However, MLA is preferred over Hose arrangement for safe operation due to its superior design, integrated safety controls and ease of operation.</p> <p>MLA stands on the Base Plate and its accessories such as Hydraulic Power Pack and Control Panel occupies only the surface areas on the Jetty. Hence Way leave fee for MLA should be charged on Area of Base Plate of MLA & its accessories and not the length of loading arm.</p> <p>Way Leave Fee per month for Marine Loading Arm should be as follows: = (Area of base plate of Loading Arm + Area of Control Panel & Hydraulic Power Pack) X Rate applicable</p> <p>Others</p> <ol style="list-style-type: none"> 1. Interest rates for delayed payment should be as per SBI PLR and not 15% 2. The levy of Service charge @ Rs,2 per sqm per month is unjustified. The cost towards maintenance of road, passages lighting should be covered by wayleave changes and lease rent paid by users. 	
165	20801103	M/S. CHUNILAL MANILAL PVT LTD	10/80A - DARUKHANA/MDL	<p>That we object to the proposed Scale of Rates 2022-2027.</p> <p>That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p>

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				<p>We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
166	10301719	Rallis India Limited	10/80A - DARUKHANA/MDL	<p>WITHOUT PREJUDICE</p> <p>12th April 2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg, Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the</p>

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				<p>for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed</p>	<p>compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of</p>

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				<p>Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p>	<p>expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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				<p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30 th September 2012 till 31 st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
167	10301533	Rallis India Limited	10/80A - DARUKHANA/MDL	<p>WITHOUT PREJUDICE</p> <p>12.04.2023</p> <p>To, The Chairman, The Board of Mumbai Port Authority, Port House, Shoorji Vallabhdas Marg,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p>

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				<p>Ballard Estate, Mumbai - 400 001.</p> <p>Sub: notice dated 29.03.2023 providing the Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and</p>

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				<p>judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you. Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are</p>	<p>has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the</p>

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				<p>largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30 th September 2012 till 31 st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of</p>	<p>proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	
168	20701239	SHRI RAJENDRA PRASAD VAISH	Any Other Location	<p>I object to the proposed scale of Rates 2022 - 2027. I seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. I request you to kindly have a separate hearing for our Unit / RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing on any Scale Of Rates. I request you o keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

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					<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
169	30901104	Shri Shashikant R. Chadha	3/35C ELPHINSTONE ESTATE (TPS)	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
170	41304317	Dilip B Shah, Kashmira J Shah, Jagdish C Shah	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new</p>

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					<p>projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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					No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
171	20701209	Fakhruddin Fiddali Potia	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>

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172	20801210	Smt. Safiabai Abbasbhai Tradg. M/s Indian Traders	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly</p>

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				<p>and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>6. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p>	<p>provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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				<p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to</p>	<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>SAFIABAI ABBASBHAI BAGASRAWALA TRDG. AS M/S INDIAN TRADERS</p>	
173	41304421	Shri vithal ganoo mane	10/80A - DARUKHANA/MDL	<p>THAT WE OBJECT TO THE PROPOSED SCALE OF RATE 2022-2027</p> <p>THAT WE SEEK A PERSONAL HEARING IN THE METTE so AS to EXPLAIN WHY THE RATES ARE UNREASONABLE,ARBITRARY AND UNAFFORDABLE</p> <p>WE REQUEST YOU TO KINDLY HAVE A SEPARATE HEARING FOR OUR UNIT/RR ZONE SO THAT THE DISTINGUISHING FACTORS AND PROBLEM OF THE TENANT OF THE ZONE WOULD BE SPECIFICALLY DISCUSSED BEFORE THE PASSING OF ANY SCALE OF RATES</p> <p>WE REQUEST YOU TO KEEP ALL ACTION IN ABEYANCE TILL A MEETING is HELD AND A POLICY DECISION IS ARRIVED AT.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

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					A joint hearing with stakeholders was held on 13.04.2023.
174	10301705	GILL AND COMPANY LIMITED	10/79C - COTTON DEPOT (SOUTH)	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. Moreover, the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) and fixed by TAMP, have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 69% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>3. Kindly note my/ our objections as largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you.</p> <p>5. I/We reserve my/ our right to alter, amend, add,</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Gill And Company Limited</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
175	10401501	Shantilal C. Thakkar	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>We object proposal SOR. The proposal rates are unreasonable, arbitrary and unaffordably high and are unacceptable it is sub judicial before the Bombay High Court in many writ petitions pending for outcome so request to keep all action till policy decision is arrived at</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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					2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
176	31102102	Legal Heirs of Late O.C. Mendes through Tarvotti Bhavan Tenants Welfare Association	2/23A - INDIRA DOCKS / BPX	This representation is by the members of Tarvotti Bhavan Tenants Welfare Association. The Fixation of SOR from 1.10.2022 to 30.9.2027 as proposed is purportedly made applicable on some plots but does not show how and in what manner it is applied to the plot occupied. A policy is pending for approval before the Hon'ble Prime Minister's office. Therefore, it would not be right to make any such demands and levy such arbitrary rates. The detailed working of the SOR is not furnished and the same is thus ambiguous. The SOR is disputed and the Courts decision is awaited. Retrospective levies is against the Constitution and principles of equity and natural justice. We therefore, strongly oppose the levy of the SOR.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual

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					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
177	41305208	SMT Batual Siraj Lahri And SMT Fizza H Lehari As Joint Tenants	11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 63% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.	2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
178	31001612	Murarilal Bahri, Jagdishlal Khanna , Inderlal Bahri	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the</p>

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				<p>- based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p>	<p>rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the</p>

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				<p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Murarilal Bahri, Jagdishlal Khanna, Inderlal Bahri</p>	
179	31205134	M/S BEDI A M PVT LTD	1/6C - APOLLO BUNDER/SASOON DOCK	At the outset it may be recorded that we are in occupation of RR Plot No. 2092, Code No. 31205134, Area 432.09 sq. mtrs. located in the previous SOR 2012-2017 & 2017-2022 under Zone 1/6A. However this zone is missing in the this Google Form for new SOR 2022-2027. Hence we have selected the option	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR

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				<p>of 1/6C as our address is Apollo Bunder.</p> <p>We have been paying our rent from time to time as per the Compromise Proposal sanctioned by the Hon'ble Supreme Court. Our lease was due to expire on 23.08.2008 and as per our agreement we have applied for renewal of lease vide our letter dt. 3rd November 2007 and have deposited our Cheque of Rs. 50,000/- vide our letter dt. 13th March 2008 as our bonafides and have also given our unequivocal consent as per MbPT format. The MbPT was supposed to execute fresh lease for a period of 30 years w.e.f. 23.08.2008, which it has failed to do so and now cannot contend that the lease has expired.</p> <p>On the face of it the proposed rates are absolutely arbitrary, unreasonable and not sustainable. The Schedule of Rates (SoR) is based on arbitrary calculations unsubstantiated by any material and are even higher than the "market rates" i.e. the Ready Reckoner (RR) values. This is without prejudice to the fact that such market valuation reports cannot be made the basis of the rent fixed. Further, the SoR 2022-2027 takes rent on the basis of 6% return on market value for FSI 1.00. On this basis the rates would be exponentially higher than the amounts the tenants are paying under the original contract.</p> <p>We have been regularly paying rent as per the Compromise Proposals sanctioned by the Hon'ble Supreme Court which are binding on tenants as well as MbPT. In fact, we are annually paying an increase of 4% every October and we have never refused to pay whatever is reasonable. Hence, arbitrarily imposing such a high SoR is unreasonable and unconscionable. Please appreciate that the MbPT</p>	<p>Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>The revised SoR are applicable only to the Monthly Tenancies, Fifteen Monthly Lease, Expired Leases and Licenses and not to subsisting leases.</p> <p>The applicants cases is one of Expired Lease and therefore the revision is applicable to the said case.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>being a public authority should not act like a private landlord. The Hon'ble Supreme Court in the case of Dwarkadas Marfatia v/s Board of Trustees of the Port of Mumbai, has clearly held that MbPT being a public authority cannot behave like a private landlord and cannot indulge in profiteering or levying rack- rents, and cannot charge market rents to existing tenants. Therefore, such imposition of rents based on market values and RR rates is not acceptable and not a solution to the current issue.</p> <p>Without prejudice to the above, the RR rates of the State Government cannot be made the parameter based on which rents are to be collected. The Schedule of rent/lease charges has to be decided in accordance with the Compromise Proposal sanctioned by The Hon'ble Supreme Court in case of Jamshed H Wadia vs. The Board of Trustee of the Port of Bombay (2004) (3) SCC 214 and based on the principles of the said judgement, the rates may be worked out under a fresh Compromise Proposal by and between the tenants/ lessees on the one hand and the MbPT on the other. You are requested to kindly grant at least 3 months to make comments.</p> <p>We had recorded our objections to the said proposal by way of our communication dated 28.08.21 & 20.10.21. Despite our objection, the Tariff Authority of Major Ports also being under the same Ministry which governed your predecessors and which governs your Authority, sanctioned a Schedule of Rates for the period of 2012-2017 & 2017 -2022 for the various zones and units which fall within the Mumbai Port Trusts Land.</p> <p>Your Scale of Rates is sought to be made effective</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p> <p>In the SDRR 2022-23, 1/6C zone is created for MbPA properties falling in 1/6A Zone in SDRR 2017-18. Hence, MbPA has considered 1/6C instead of 1/6A while revising SoR 2022-27.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>A joint hearing with stakeholders was held on 13.04.2023.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>from 01.06.2023. However, the Scale of Rates is sought to be passed from 1.10.2022-30.09.2027 leaving another ambiguity in your proposal as to what rate you seek to make applicable from the period of 1.10.2022-1.06.2023. It seems that the effectiveness from 1.6.2023 is only to pre-empt a stand of retrospectivity that may be taken by tenants before the Hon'ble Courts. It is further not irrelevant to record that there is no application of mind in the fixation of this rates which is clear from the fact that the Scale of Rates sanctioned by the Tariff Authority is several times higher than the Scale of Rates proposed for the years 2022-2027.</p> <p>Moreover, the divisions of RR Zones and the locations are quite different from the divisions and zones carved out in the earlier proposals. The comments sought to be invited by you also seem to be a singular public notice issued across all units and there is no spate notification issued seeking objections for our zone. Do kindly appreciate that each zone/ unit of MbPA land has distinguishing features and different sets of problems which ought to be addressed independently and there cannot be a one size fits all formula for MbPA Land across the various RR Zones. For instance, our RR Zone No.1/6A which is mentioned on the Demand Notice dt . 12.10.22 sent to us for rates from 2012-17 & 2017-22 and is not reflecting as 1/6A in the SoR for 2022-2027. It ought to be examined and evaluated whether the levy of such exorbitant charges would prove detrimental for the economy as it would shatter the entire business and would render several thousands of employees deprived of their livelihood and their jobs which would be again be opposed to the Government policy of India. That being so, I have not even touched upon</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>the subject as to the people who would indirectly be affected in terms of the various vendors, service providers and the families of all such people who would be affected from such arbitrary decisions.</p> <p>We are of the view that charges and schedules from 2017 onwards should be based on a factor of what was being paid up to 2012 as per the Hon'ble Supreme Court's sanctioned compromise formula and should be based on some reasonable percent increment taking the amount of rent paid in 2012 as a benchmark. It cannot be based on the RR value as of 2012. The MbPT & TAMP are seeking to impose rates which are exponentially higher than those charged by similar land owning authorities. It may be appreciated that even the Collector's land leases for commercial use are being renewed with yearly rentals of 2% of 25% i.e. 0.5% of the RR rates, in so far as properties having area above 500 sq. meters is concerned and with rentals of 4% of 25% i.e. 1% of RR rates in so far as properties having up to 500 sq. meters is concerned, whereas in the present case it is being proposed at 6% of market value (which is even higher than the RR Value).</p> <p>The MbPT ought to be conscious of the fact that we are land lessees having our property for more than 45 years and there is a complete eco-system surviving on our property. We are providing employment to several people and also adding to the revenue and tax exchequer. The proposed SoR would totally finish and eradicate the existing eco-system which is against the public policy and is neither desirable nor possible.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Moreover, the proposed SoR from 2022-2027 cannot be enhanced as the same is opposed to the constitutional scheme. The aspects of issuance of valid commercial invoices shall also have to be examined and the liability of MbPT as regards Goods and Service Tax (GST) etc. also has to be worked out. All this is only possible through physical meetings in a participatory manner by inviting representatives of stakeholder groups to sit and negotiate with the concerned authorities of MbPT, TAMP and the Shipping Ministry.</p> <p>Without prejudice to what has been stated above, we would like to submit that if 2012 is taken as a benchmark, the revision in rent from 2012 to 2017, 2017 to 2022 & 2022-2027 should be reasonable and cannot be arbitrary and the market rent suggested in 2022, cannot be exponentially higher than the rent of 2012. In our opinion, the basis should be the Supreme Court Compromise Proposal and not RR rates / ad-hoc market valuations. For the purpose of records, the SoR proposed for 2022-2027 are not acceptable to us.</p> <p>We request MbPT, TAMP & Shipping Ministry to hold meetings so as to workout Compromise Proposals to fix up workable rates through participatory process with all stakeholders as has been done successfully earlier. We request a physical meeting so as to try to arrive at a win-win situation.</p> <p>Without prejudice to the above, it is also requested that pending the negotiation and decision making process, no coercive steps be taken based on new proposed rates in the interest of equity, justice and fair play.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				Needless to say, should the MbPT seek to arbitrarily impose the SoR suggested without paying heed to any of the inputs received from tenant/s, leading to high unreasonable rents, we shall be left with no other option but to seek judicial recourse at the sole risks, costs and consequences of the MbPT which please note.	
180	20501129	DAS AND COMPANY	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>Comments/Objections to the SOR 2022-2027 of Das & Company through Smt. Chamundeshwari Bhogilal, 25, Das Chambers, Dalal street, Fort, Mumbai - 400001 Customer Code = 20501129 RR Plot No. - RR No 1975</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 01.10.2022 till 30.09.2027, effective from 01.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website; and in response thereto, we humbly state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 01.10.2022 till 30.09.2027, and being made effective from 01.06.2023 - based on 6% rate of return on the market value of land for 2022; is not only exorbitant,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>unreasonable, unjust and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 60 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; (Please refer our letters dated 26.08.2021, 02.09.2021, 20.09.2021, 20.10.2021 and 20.10.2022 addressed to you).</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our replies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have wilfully circumvented and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land is bad-in-law, and violative of Article 14 of the Constitution.</p>	<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you, which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) under reply shall be deemed to have been admitted and/ or accepted as applicable in our case for want of specific traverse.</p> <p>Yours Sincerely,</p> <p>Date 12.04.2023</p>	
181	41313103	Shaparia dock & steel company Pvt Ltd	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
182	20801413	GUNVANT VITHALDAS MASHRU	10/79B - REAY ROAD GHODAPDEO	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.	being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
183	10101135	HPCL, Wadala Terminal	14/101C - WADALA EAST - OIL COMPANIES	<p>Kindly note that we are submitting our comments specifically for the Plots described hereunder only, and comments for the remaining plots as mentioned in the SoR for 2022-2023, which are not mentioned below will be submitted separately.</p> <p>Sr.no Plot No/ RR no Location Name Area (Sq.mtr) Original Lease Start date as per agreement Original Lease End date as per agreement 1 1022&1776 Wadala I 2000 01.03.1978 28.02.2008 2 1663 SEWREE II 14155.72 01.07.1991 30.06.2021 3 1486 SEWREE II 27809.95 01.07.1991 30.06.2021</p> <p>The revised SOR for 2022-2023 effective from 01.06.2023 has been uploaded on MbPA website, based on Fair Market Value derived and recommended by Shri Avinash Pendse, Govt. approved Valuer (Empanelled with Bombay High</p>	<p>No comments are warranted on issues which do not relate to SoR</p> <p>Rest of the statements are reproduction of fact mentioned in the proposal for revision of SoR 2022-2027.</p> <p>It may further be stated at the outset that taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 14/101C is in fact 50% below the SoR rates as per SoR 2017-2022.</p> <p>The SoR as proposed is strictly in accordance with Cabinet approved Policy guidelines. The business model of Oil Company envisages</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Court) and accepted and recommended by LAC/ SoR committee and approved by the Board. are at Rs. 69,470/- for 14/101C zone. We refer and rely upon clause 13(a) of PGLM 2015 which is as follows:</p> <p>i. State Government's ready reckoner of land values in the area, if available for similar classification/ activities.</p> <p>ii. Highest rate of actual relevant transactions registered in last three years in the Port's 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.</p> <p>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.</p> <p>iv. Rate arrived at by an approved valuer appointed for the purpose by the Port.</p> <p>v. Any other relevant factor as may be identified by the Port.</p> <p>As per said PGLM guidelines, LAC/SoR committee has to consider the above-mentioned factors for determining the fair market value of the port land. The above guidelines are very clear and evident to do necessary assessment of "Fair Market Value" of subject plots. The LAC is relied on the valuation report of valuer which is the highest of the factors as per above clause.</p> <p>We now submit our objections to the said LAC report and as to why the said report should not be considered by Board of Mumbai Port Authority for revision of SoR for plots mentioned at Sr. no 1 to 3 for</p>	<p>utilisation of such FSI. It would not be out of place to note that the oil tanks which occupy these lands have heights equivalent in volume to about a 3 storeyed building and have to maintain safety distance in terms of the norms governing such installations and consequently there is restriction in FSI. Nevertheless due cognizance of concerns was taken while formulating the proposing the SoR.</p> <p>In absence of a contract to the contrary the holding over of occupation continues on month to month basis and as such MbPA is entitled to revision of SoR in terms of the norms prescribed under PGLM. It further needs to be noted that MbPA has not revised SoR in respect of leases covered under terms of MoU for the duration of its validity.</p> <p>The objections are not sustainable for the following reasons :</p> <p>a) SoR is to come into effect prospectively</p> <p>b) Norms of cabinet approved PGLM 2015 mandating the revision of SoR was followed;</p> <p>c) The issue is not related to SoR.</p> <p>The clause should be read with the fact the applicability of PGLM was extended the Township area of Mumbai Port only in 2018. Oil companies are commercial organisations with profit motive and the rates proposed by MbPA are very fair and reasonable.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1.10.2022 to 30.09.2023 effective from 01.06.2023.</p> <p>1) We state that the as per clause 13(a)(i) the LAC is to consider "State Government's ready reckoner of land values in the area, if available for similar classification/ activities". The SDRR for the area is Rs. 42,230/- per SQM considering FSI as 1. We state that as per land allotment letter dated 11.10.1991 under clause (v) while the approved FSI should not exceed 0.5, however, land occupied by HPCL for all the above mentioned plots are having FSI of less than 0.4. Therefore, the SDRR needs to be suitably considered by LAC before formulating any revision to SoR.</p> <p>2) We state that as per clause 13(a)(iv) the LAC is to consider "Rate arrived at by an approved valuer appointed for the purpose by the Port.". It is mentioned in LAC report that the FMV of RR zone is the average value of sample plots identified for valuation in respective zones. As stated in the LAC report that the valuer M/s. Shri Avinash Pendse have arrived at rate of Rs. 69,470/- per SQM based average value of sample plots identified for valuation in respective zones. Hence they are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports.</p> <p>3) We state that as per clause 13(a)(v) the LAC to consider "Any other relevant factor as may be identified by the Port." It is to be noted that HPCL is to be considered under public utility services engaged in supply and marketing of essential commodities under the Essential Commodities Act. Moreover, as Mumbai being densely populated and the product being handled by the said terminal are not only highly hazardous but also extremely flammable therefore it is necessary that our depots/terminals are located at</p>	<p>There is no special provision made in PGLM with regards to the Township area land.</p>

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				<p>a less populated area to avoid any untoward accident. This factor should have been considered by LAC before revision of SoR as land being under the ownership of MbPA forms part of land under the ownership of State.</p> <p>The facilities of HPCL are in existence and in operation since more than 90 years at the plots allotted to us and not a fresh incumbent planning to set up facilities.</p> <p>It is imperative that the Ready Reckoner Guideline factors affect valuation and should be read along with Ready Reckoner Value to arrive at proper valuation. The same are not considered, which resulted in erroneous calculation of calculation as the SDRR for FSI 1 was considered whereas the FSI being occupied by HPCL is less than 0.4 (approved is maximum of 0.5). Accordingly, due to application of incomplete guidelines of SDRR (Stamp Duty Ready Reckoner) the method used to ascertain the valuation of the immovable property is incorrect and incomplete. Hence, it is submitted that the assessment of the 'SOR' for the period 2022 to 2023 effective from 01.06.2023 is erroneous and we reserve our right and contentions to produce our counter valuation report mentioning the discrepancy in the method of calculation.</p> <p>Now, having said the above with regard to the LAC report and as to why the same should be rejected by Board of Mumbai Port Authority, we put before your additional points for consideration 1) As far as Plot RR No. 1022&1776 is concerned, we state that in absence of any agreement or understanding recorded between HPCL and MBPA to</p>	

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				<p>the effect that MBPA would be entitled to seek revision of rates in future (in absence of any renewal terms agreed upon between the parties); it is not open now for MBPA to seek revision of schedule of rates for plot of land as mentioned in S.No 1 of the table.</p> <p>2) We state that as far as application of revised SoR for the period of 2023-27 are concerned for Plot RR No. 1022&1776, we state that the same is not acceptable for the aforesaid reasons</p> <ol style="list-style-type: none"> a. It being barred by limitation b. Revised rentals cannot be decided unilaterally c. Even after repeated request by HPCL for 15 years to renew the leases, MbPT failed to take any action or even respond to our request. Therefore, the same cannot be revised by them without any rationale or basis. Any revision in rentals are to be mutually agreed. <p>3) With regard to plots as mentioned in S. No 2-3, we place reliance on clause (iii) as per clause 11.3 (j) of PGLM 2015 it is stated that "The process of renewal of existing leases should be initiated by the respective Ports well in advance, before the term of lease expires. The automatic renewal of existing leases should be preferably done within three months of receipt of such application for renewal. Liability to pay compensation for wrongful use by the lessee will not arise, if the delay in renewing such leases is wholly attributable to the Port." As till date there is no action taken by MbPA on a repeated request to renew the lease, any revision on lease rental (on mutually agreed terms and condition) can now be made effective three months from the date of finalization of the said rates or strictly as per terms of lease.</p> <p>4) That MbPA in there submission for revised SoR has not explained/clarified the basis for considering 6%</p>	

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				<p>land rental value and 2% escalation on annual basis. Needless to state that the entire exercise sought to be carried out belatedly by MBPA is not in line with any agreement or understanding arrived at between the parties, therefore the same is not tenable. Apart from the grounds of maintainability of the notice as setout herein above, we wish to provide brief comments without prejudice as under:</p> <ol style="list-style-type: none"> 1. Repeated requests for renewal of leases which has expired on 30.06.2021 & 28.02.2008 are yet to be answered by MBPA. 2. The RR Zone wise valuation reports are based on the sample plots and are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports. In the absence of any like, comparable land instances and reports of valuation providing realistic values, the same cannot be even considered. Hence, we strongly object to such documents (valuation reports and instances) being taken account of in determining lease rental rates. 3. Bare perusal of the notice reveals that MBPA is proceeding with predetermined intention to revise the scale of rates and comments have been invited only with a view to record that the rates have been determined after due notice to all concerned. 4. The proposed rates are not only exorbitant but also without rational or basis of operating cost/profit of Govt. undertaking Oil companies and therefore cannot be accepted. <p>We are ready and willing to participate in any hearing</p>	

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				<p>and to substantiate our stand as has been briefly stated hereinabove.</p> <p>We therefore request that our strong objection to the proposed revision be recorded and accepted.</p> <p>Moreover, reference MOM of Joint Meeting held by Chairman, MbPA and C&MD, HPCL dtd 08.09.2022 regarding Renewal of existing leases and fixation of lease rentals: The lease rental based on Stamp Duty Ready Reckoner (SDRR) Rate to be considered. It was mutually agreed that the lease rentals and arrears will be paid by HPCL as per demand raised by MbPA in-line with SDRR rates.</p> <p>We further request that the notice/proposal to revise SoR for the period of 2022-2027 effective from 01.06.2023 be dropped/withdrawn with immediate effect.</p>	
184	31101207	TARACHAND BHOJRAJ VAZIRANI	2/22A - BALLARD ESTATE	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to</p>

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				<p>- based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my Writ Petition No. 26143 of 2022) .</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. 26143 of 2022.</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you</p>	<p>have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states</p>

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				<p>earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. 26143 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating</p>	<p>that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of</p>

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				<p>appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Tarachand Bhojraj Vazirani Bipin Taro Vazirani</p>	the Major Port Trust Act, 1963.
185	10301673	Shri Laxmi Cotton Traders Ltd.	Any Other Location	<p>Dear Sir/ Madam, 12 April 2023</p> <p>Sub.:- Customer Code: 10301673/ 10301674 RR/ Plot No. H-98-E/ H-98-W</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals”</p>

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				<p>consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. Moreover, the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) and fixed by TAMP, have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>3. Kindly note my/ our objections as largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p>	<p>(as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port</p>

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				<p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you.</p> <p>5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shri Laxmi Cotton Traders Ltd.</p>	<p>Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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186	41313104	Shapria Dock & Steel company pvt ltd	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
187	10301750	M/s Bhaidas Cursondas and Co.	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p>

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				<p>thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. Moreover, the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) and fixed by TAMP, have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>3. Kindly note my/ our objections as largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution</p>

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				<p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you.</p> <p>5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	<p>i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

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				<p>Sincerely,</p> <p>M/s. Bhaidas Cursondas & Co.</p>	<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
188	41313105	Shaparia dock & steel company Pvt Ltd	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
189	20601309	The Hyder-E-Ally Mfg and Pressing Factory Pvt. Ltd.	10/79B - REAY ROAD GHODAPDEO	<p>WITHOUT PREJUDICE</p> <p>Date: 12th April 2023</p> <p>To, The Estate Manager, Mumbai Port Authority, Vijaydeep, Shoorji Vallabhdas Marg, Mumbai - 400 001.</p> <p>Dear Sir,</p> <p>Sub: Mumbai Port Authority ("MbPA") vide its Notice dated 29.03.2023 published its Proposal, viz. Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Ref: Plot / RR No. 858 Code No. 20601309.</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including</p>	<p>Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>my/our Writ Petition No.3625 of 2022).</p> <p>I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 3625 of 2022.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 3625 of 2022; - as if the same forms part of the present reply.</p> <p>However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p>	<p>being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				Sincerely, Gautam Parekh Director The Hyder- E- Ally Manufacturing And Pressing Factory Private Limited	
190	41313106	Shaparia dock & steel company pvt ltd	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on</p>

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					13.04.2023.
191	30901301	Shahnazian Mohammed Reza and other	3/35C ELPHINSTONE ESTATE (TPS)	- Too much exorbitant rate almost twenty five times of the present rate.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 59% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
192	10101208	Hindustan petroleum corporation limited	14/101C - WADALA EAST - OIL COMPANIES	<p>Kindly note that we are submitting our comments specifically for the Plots described hereunder only, and comments for the remaining plots as mentioned in the SoR for 2022-2023, which are not mentioned below will be submitted separately.</p> <p>Sr.no Plot No/ RR no Location Name Area (Sq.mtr) Original Lease Start date as per agreement Original Lease End date as per agreement 1 1022&1776 Wadala I 2000 01.03.1978 28.02.2008 2 1663 SEWREE II 14155.72 01.07.1991 30.06.2021 3 1486 SEWREE II 27809.95 01.07.1991 30.06.2021</p> <p>The revised SOR for 2022-2023 effective from 01.06.2023 has been uploaded on MbPA website, based on Fair Market Value derived and recommended by Shri Avinash Pendse, Govt. approved Valuer (Empanelled with Bombay High Court) and accepted and recommended by LAC/ SoR committee and approved by the Board. are at Rs. 69,470/- for 14/101C zone. We refer and rely upon clause 13(a) of PGLM 2015 which is as follows: i. State Government's ready reckoner of land values in the area, if available for similar classification/ activities. ii. Highest rate of actual relevant transactions registered in last three years in the Port's vicinity (the vicinity of the Port is to be decided by the respective Port Trust Boards), with an appropriate annual</p>	<p>No comments are warranted on issues which do not relate to SoR</p> <p>Rest of the statements are reproduction of fact mentioned in the proposal for revision of SoR 2022-2027.</p> <p>It may further be stated at the outset that taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 14/101C is in fact 50% below the SoR rates as per SoR 2017-2022.</p> <p>The SoR as proposed is strictly in accordance with Cabinet approved Policy guidelines. The business model of Oil Company envisages utilisation of such FSI. It would not be out of place to note that the oil tanks which occupy these lands have heights equivalent in volume to about a 3 storeyed building and have to maintain safety distance in terms of the norms governing such installations and consequently there is restriction in FSI. Nevertheless due cognizance of concerns was taken while formulating the proposing the SoR.</p> <p>In absence of a contract to the contrary the holding over of occupation continues on month to month basis and as such MbPA is</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>escalation rate to be approved by the Port Trust Board.</p> <p>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.</p> <p>iv. Rate arrived at by an approved valuer appointed for the purpose by the Port.</p> <p>v. Any other relevant factor as may be identified by the Port.</p> <p>As per said PGLM guidelines, LAC/SoR committee has to consider the above-mentioned factors for determining the fair market value of the port land. The above guidelines are very clear and evident to do necessary assessment of "Fair Market Value" of subject plots. The LAC is relied on the valuation report of valuer which is the highest of the factors as per above clause.</p> <p>We now submit our objections to the said LAC report and as to why the said report should not be considered by Board of Mumbai Port Authority for revision of SoR for plots mentioned at Sr. no 1 to 3 for 1.10.2022 to 30.09.2023 effective from 01.06.2023.</p> <p>1) We state that the as per clause 13(a)(i) the LAC is to consider "State Government's ready reckoner of land values in the area, if available for similar classification/ activities". The SDRR for the area is Rs. 42,230/- per SQM considering FSI as 1. We state that as per land allotment letter dated 11.10.1991 under clause (v) while the approved FSI should not exceed 0.5, however, land occupied by HPCL for all the above mentioned plots are having FSI of less than 0.4. Therefore, the SDRR needs to be suitably considered</p>	<p>entitled to revision of SoR in terms of the norms prescribed under PGLM. It further needs to be noted that MbPA has not revised SoR in respect of leases covered under terms of MoU for the duration of its validity.</p> <p>The objections are not sustainable for the following reasons :</p> <p>a) SoR is to come into effect prospectively</p> <p>b) Norms of cabinet approved PGLM 2015 mandating the revision of SoR was followed;</p> <p>c) The issue is not related to SoR.</p> <p>The clause should be read with the fact the applicability of PGLM was extended the Township area of Mumbai Port only in 2018. Oil companies are commercial organisations with profit motive and the rates proposed by MbPA are very fair and reasonable. There is no special provision made in PGLM with regards to the Township area land.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>by LAC before formulating any revision to SoR.</p> <p>2) We state that as per clause 13(a)(iv) the LAC is to consider "Rate arrived at by an approved valuer appointed for the purpose by the Port.". It is mentioned in LAC report that the FMV of RR zone is the average value of sample plots identified for valuation in respective zones. As stated in the LAC report that the valuer M/s. Shri Avinash Pendse have arrived at rate of Rs. 69,470/- per SQM based average value of sample plots identified for valuation in respective zones. Hence they are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports.</p> <p>3) We state that as per clause 13(a)(v) the LAC to consider "Any other relevant factor as may be identified by the Port." It is to be noted that HPCL is to be considered under public utility services engaged in supply and marketing of essential commodities under the Essential Commodities Act. Moreover, as Mumbai being densely populated and the product being handled by the said terminal are not only highly hazardous but also extremely flammable therefore it is necessary that our depots/terminals are located at a less populated area to avoid any untoward accident. This factor should have been considered by LAC before revision of SoR as land being under the ownership of MbPA forms part of land under the ownership of State.</p> <p>The facilities of HPCL are in existence and in operation since more than 90 years at the plots allotted to us and not a fresh incumbent planning to set up facilities.</p> <p>It is imperative that the Ready Reckoner Guideline</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>factors affect valuation and should be read along with Ready Reckoner Value to arrive at proper valuation. The same are not considered, which resulted in erroneous calculation of calculation as the SDRR for FSI 1 was considered whereas the FSI being occupied by HPCL is less than 0.4 (approved is maximum of 0.5). Accordingly, due to application of incomplete guidelines of SDRR (Stamp Duty Ready Reckoner) the method used to ascertain the valuation of the immovable property is incorrect and incomplete. Hence, it is submitted that the assessment of the 'SOR' for the period 2022 to 2023 effective from 01.06.2023 is erroneous and we reserve our right and contentions to produce our counter valuation report mentioning the discrepancy in the method of calculation.</p> <p>Now, having said the above with regard to the LAC report and as to why the same should be rejected by Board of Mumbai Port Authority, we put before your additional points for consideration</p> <p>1) As far as Plot RR No. 1022&1776 is concerned, we state that in absence of any agreement or understanding recorded between HPCL and MBPA to the effect that MBPA would be entitled to seek revision of rates in future (in absence of any renewal terms agreed upon between the parties); it is not open now for MBPA to seek revision of schedule of rates for plot of land as mentioned in S.No 1 of the table.</p> <p>2) We state that as far as application of revised SoR for the period of 2023-27 are concerned for Plot RR No. 1022&1776, we state that the same is not acceptable for the aforesaid reasons</p> <p>a. It being barred by limitation</p> <p>b. Revised rentals cannot be decided unilaterally</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>c. Even after repeated request by HPCL for 15 years to renew the leases, MbPT failed to take any action or even respond to our request. Therefore, the same cannot be revised by them without any rationale or basis. Any revision in rentals are to be mutually agreed.</p> <p>3) With regard to plots as mentioned in S. No 2-3, we place reliance on clause (iii) as per clause 11.3 (j) of PGLM 2015 it is stated that "The process of renewal of existing leases should be initiated by the respective Ports well in advance, before the term of lease expires. The automatic renewal of existing leases should be preferably done within three months of receipt of such application for renewal. Liability to pay compensation for wrongful use by the lessee will not arise, if the delay in renewing such leases is wholly attributable to the Port." As till date there is no action taken by MbPA on a repeated request to renew the lease, any revision on lease rental (on mutually agreed terms and condition) can now be made effective three months from the date of finalization of the said rates or strictly as per terms of lease.</p> <p>4) That MbPA in there submission for revised SoR has not explained/clarified the basis for considering 6% land rental value and 2% escalation on annual basis. Needless to state that the entire exercise sought to be carried out belatedly by MBPA is not in line with any agreement or understanding arrived at between the parties, therefore the same is not tenable. Apart from the grounds of maintainability of the notice as setout herein above, we wish to provide brief comments without prejudice as under:</p> <p>1. Repeated requests for renewal of leases which has expired on 30.06.2021 & 28.02.2008 are yet to be answered by MBPA.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2. The RR Zone wise valuation reports are based on the sample plots and are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports. In the absence of any like, comparable land instances and reports of valuation providing realistic values, the same cannot be even considered. Hence, we strongly object to such documents (valuation reports and instances) being taken account of in determining lease rental rates.</p> <p>3. Bare perusal of the notice reveals that MBPA is proceeding with predetermined intention to revise the scale of rates and comments have been invited only with a view to record that the rates have been determined after due notice to all concerned.</p> <p>4. The proposed rates are not only exorbitant but also without rational or basis of operating cost/profit of Govt. undertaking Oil companies and therefore cannot be accepted.</p> <p>We are ready and willing to participate in any hearing and to substantiate our stand as has been briefly stated hereinabove.</p> <p>We therefore request that our strong objection to the proposed revision be recorded and accepted.</p> <p>Moreover, reference MOM of Joint Meeting held by Chairman, MbPA and C&MD, HPCL dtd 08.09.2022 regarding Renewal of existing leases and fixation of lease rentals: The lease rental based on Stamp Duty Ready Reckoner (SDRR) Rate to be considered. It was mutually agreed that the lease rentals and arrears will</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>be paid by HPCL as per demand raised by MbPA in-line with SDRR rates.</p> <p>We further request that the notice/proposal to revise SoR for the period of 2022-2027 effective from 01.06.2023 be dropped/withdrawn with immediate effect.</p>	
193	10101203	Bharat petroleum Corp Ltd	14/101C - WADALA EAST - OIL COMPANIES	<p>1) It is mentioned in the Proposed SOR that the Board of MbPA has approved the Scale of Rates for the period 01.10.2022 to 30.09.2027 effective from 01.06.2023 based on the Fair Market Value derived and recommended by Shri. Avinash Pendse, Govt. approved Valuer and accepted and recommended by LAC/ SoR Committee. However, neither the Valuation Report nor the LAC/Committee Report has been disclosed by MbPA. Without these documents, on the basis of which the proposed SOR has been fixed, it would not be possible to give comments/remarks on the proposed SOR. Without sharing these documents, the exercise of seeking remarks/comments is a mere formality which will not serve any purpose and against the principles of Natural Justice.</p> <p>2) SOR has been proposed at the rate of 6% return per annum on Fair Market value of land effective from 01.06.2023. The return of 6% of the Fair Market Value is very high and may not fetch the rental at the rate of SOR as proposed. It is worth mentioning here that as per Master Circular on Policy of Management of Railways Land, rent for Government Bodies /Government department for their own use, has been considered 1.5% of Market Value of Land, where market value means circle rate/ ready reckoner rate or guidance value of relevant area.</p> <p>3) The SOR has been proposed considering the FSI as 1.0 and it has been provided in the publication that this rate shall be minimum chargeable. However,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 50% lower than the SoR for the period 2017-2022.</p> <p>BR No. 296 dated 27.03.2023 was published on MbPA website viz. www.mumbaiport.gov.in is self explanatory and contain detailed proposal alongwith methodology for Revision of SoR 2022-27.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an</p>

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				<p>most of the lands leased to BPCL are with an inherent restriction on FSI and BPCL is prevented from utilizing the full potential of the land. Hence, without considering the nature of land and its restricted usage, fixing the SoR with minimum FSI as 1.0 is incorrect and requires reconsideration.</p> <p>4) It has been provided in the publication that the quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI. Until the recommendations of this committee are in place, the Authority ought not have fixed the SoR with minimum FSI as 1.0. The inherent restrictions in the usage of land must be taken into consideration for proportionate reduction in rent wherever FSI is restricted.</p> <p>5) It has been provided that an annual escalation of 2% would be applicable on the SoR. However, considering the nature and usage of lands occupied by BPCL, the annual escalation at the rate of 2% is exorbitant and requires reconsideration.</p>	<p>expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>Port lands are governed by PGLM 2015 issued by Cabinet whereas Railway lands are governed by a separate policy issued Cabinet. Hence, MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p> <p>No comments are matters which are not related to SoR 2022-27 and under consideration, subjudice.</p>
194	31101117	SCINDIA DEVASTHAN TRUST	2/22A - BALLARD ESTATE	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - We have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SoR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings</p>

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				<p>of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution of India.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you; Therefore, in order to avoid repetition of my/ our objections; We adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p>	<p>the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC</p>

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				<p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution of India.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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				<p>We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>7. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
195	20701109	Smt. Safibai w/o. Abaasbhai esmailji trading as M/S Grace & co.	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p> <p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the</p>

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					proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.
196	41413102	MOHAMMED ESSAK HAJI ABBAS	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has</p>

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				<p>Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 8869/2022)</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 8869/2022 as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore,</p>	<p>ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

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				<p>till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse</p>	
197	10301751	M/s Bhaidas Cursondas & Co	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji</p>

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				<p>Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. Moreover, the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) and fixed by TAMP, have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>3. Kindly note my/ our objections as largely summarised under the following core points:</p> <ul style="list-style-type: none"> (i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent); (ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case. (iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said 	<p>Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				<p>Plot/s are situated); (iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution. 4. In light of the aforesaid, I/ we call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you. 5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary. 6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, M/s. Bhaidas Cursondas & Co.</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
198	20801349	N.mohanlal & Co.	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR</p>

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				<p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
199	20701103	Late Dara Bahmanshaw Sidhwa	10/79B - REAY ROAD GHODAPDEO	<p>WITHOUT PREJUDICE</p> <p>Dated 12.04.2023</p> <p>To, Estate Manager, Mumbai Port Authority (Estate Division), Port House, 3rd Floor, Shoorji Vallabhdas Marg,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Ballard Estate, Mumbai-400 001 INDIA</p> <p>Sub: Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA lands / structures, etc.</p> <p>Ref.: Grant of lease in respect of portion of plot bearing Old RR No. 1851, Panton Bunder, Mazagon Reclamation Estate, admeasuring 3357.42 Sq. mtrs. to Late Mr. Dara B. Sidhwa</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot, we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 01.10.2022 till 30.09.2027, effective from 01.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. as uploaded your website and in response thereto.</p> <p>We state and submit our comments/ remarks and objections, for your consideration –</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 01.10.2022 till 30.09.2027, and being made effective from 01.06.2023 based on 6% rate of return on the market value of land for 2022 is not only exorbitant and</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court of India under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 ("Wadia's case") and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports) and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP, the same have been challenged under a batch of about thirty (30) writ petitions before the Hon'ble High Court of Judicature at Bombay.</p> <p>4. We state that our comments/ objections to the present Proposal in reply are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you.</p> <p>5. Therefore, in order to avoid repetition of our objections, we adopt all our comments/ contentions/ averments under all our replies addressed to you earlier seeking rejection of your earlier SORs from 2012 onwards, as if the same forms part of the present reply. The same are not being repeated herein for the sake of brevity and to avoid prolixity.</p>	<p>"Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the</p>

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				<p>However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points –</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case for want of specific traverse.</p> <p>Yours sincerely,</p> <p>[R.N. Karanjawala & Farhiz N. Karanjawala] Legal heirs and representatives of Late Mr. Dara B. Sidhwa</p>	
200	10104954	GAIL (INDIA) LIMITED	90/419D - MAHUL	<p>M/s GAIL (India) Limited (a Govt. India Undertaking and Maharatna Company) are supplying and distributing natural gas in Maharashtra region. M/s GAIL (India) Limited has gas pipeline network throughout India and supplying natural gas to various industries and public use utility organizations as major source of clean energy. We promote use of superior, sustainable, environment friendly and</p>	<p>Specal Wayleave charges are fixed based on the SDRR 2022-23, methodology which was applied for earlier revision is adopted. No comments are warranted on the matters which are not related to SoR 2022-27.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>efficient energy sources including natural gas, renewables and other clean alternative energy in line with Govt. of India target of raising the share of natural gas in the country's primary energy basket from current 6.2% to 15% by 2030. Greater use of natural gas will cut fuel cost as well as bring down carbon emissions, helping the nation meet its COP-26 commitments.</p> <p>In order to promote natural gas based industry in India, it is utmost important to keep the competitiveness of natural gas prices with other higher polluting fossil fuels and same can be achieved only if all the stakeholders in India adopts a holistic approach. However, the policies w.r.t. Way Leave Fees adopted by corridor providers near costal areas such as MbPA are putting more pressure on energy promoters and increasing operational costs of assets by multifold. In case of GAIL, this ultimately increasing the cost of transportation of natural gas thus leading to lower adoption compared to other higher polluting fuels. Hence, to decrease the overall economic burden on GAIL, GAIL (India) Limited requests MbPA to devise and adopt a different uniform policy for lower Spl. Way Leave Fees in a holistic way for PSU / CPSE organizations who are working towards achieving Govt. of India vision and overall nation COP26 commitments.</p> <p>GAIL (India) Limited is paying Spl. Way Leave Fees against 10104954, 10104984, 10104919, and 312023230003. For 10104919 and 312023230003 invoice is in the name of ONGC, but rent paid by GAIL as the asset has been taken over by GAIL. Further, GAIL has paid differential arrears for 10104919 & 10104954 due to revised Spl WLF for periods 2012-2017 and 2017-22 based on amounts mentioned in demand notes forwarded by MbPA.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>However, the demand notes forwarded included taxes as applicable, GAIL has requested MbPA multiple times to forward the proper GST tax invoices through physical meetings and letters. But, we are yet to receive proper tax invoices for the same or any response from MbPA. Due to this GAIL losing input tax credit. Hence, it is prudent to include interest clauses (to be paid to lessee / tenant) on the account MbPA failure to provide tax invoices, payment reconciliation, and etc. similar to interest levied by MbPA on delayed payment of rent / compensation.</p>	
201	41413120	B Y Samant	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 8869/2022)</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 8869/2022 as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

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				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner</p>	<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse</p>	
202	10301752	M/S. BHAIIDAS CURSONDAS & CO.	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of</p>

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				<p>1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case) – vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. Moreover, the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) and fixed by TAMP, have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>3. Kindly note my/ our objections as largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon’ble</p>	<p>the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>4. In light of the aforesaid, I/ we call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you.</p> <p>5. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>6. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>M/s. Bhaidas Cursondas & Co.</p>	
203	10105148	Smt Sarala T. Bhambhani	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					A joint hearing with stakeholders was held on 13.04.2023.
204	20801209	Manikant Padamsi , Navinchandra Padamsi , Himmatlal Padamsi , Mahendrakumar Padamsi	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>

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205	20801148	Jatin Mehta / Niyati Mehta / Krishna Mehta	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
206	31205121	Metro House Private Limited	1/3B - COLABA CAUSEWAY ROAD	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court</p>	<p>SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 20% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its</p>	<p>comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	<p>Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
207	41413117	NOORUDDIN KHALIMUDDIN BALUWALLA	17/119 - MAHIM BUNDER	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale

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				<p>referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1.At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2.The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3.Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions</p>	<p>is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>before the Hon'ble Bombay High Court (including my/our Writ Petition No. _____) [client to include Writ Petition number only if it is filed].</p> <p>4.I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. _____ [only to be stated if Writ is filed].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. _____ ; - as if the same forms part of the present reply.</p> <p>5.However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i)The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii)MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

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				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii)In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv)The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v)In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6.In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7.I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8.Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	<p>obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p>	
208	20801223	Amiruddin S Millwala	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of</p>

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					Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
209	10101209	HPCL- SEWREE II TERMINAL	14/101C - WADALA EAST - OIL COMPANIES	<p>Kindly note that we are submitting our comments specifically for the Plots described hereunder only, and comments for the remaining plots as mentioned in the SoR for 2022-2023, which are not mentioned below will be submitted separately.</p> <p>Sr.no Plot No/ RR no Location Name Area (Sq.mtr) Original Lease Start date as per agreement Original Lease End date as per agreement 1 1022&1776 Wadala I 2000 01.03.1978 28.02.2008 2 1663 SEWREE II 14155.72 01.07.1991 30.06.2021 3 1486 SEWREE II 27809.95 01.07.1991 30.06.2021</p> <p>The revised SOR for 2022-2023 effective from 01.06.2023 has been uploaded on MbPA website, based on Fair Market Value derived and recommended by Shri Avinash Pendse, Govt. approved Valuer (Empanelled with Bombay High Court) and accepted and recommended by LAC/ SoR committee and approved by the Board. are at Rs. 69,470/- for 14/101C zone. We refer and rely upon clause 13(a) of PGLM 2015 which is as follows: i. State Government's ready reckoner of land values in the area, if available for similar classification/ activities. ii. Highest rate of actual relevant transactions registered in last three years in the Port's vicinity (the</p>	<p>No comments are warranted on issues which do not relate to SoR</p> <p>Rest of the statements are reproduction of fact mentioned in the proposal for revision of SoR 2022-2027.</p> <p>It may further be stated at the outset that taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 14/101C is in fact 50% below the SoR rates as per SoR 2017-2022.</p> <p>The SoR as proposed is strictly in accordance with Cabinet approved Policy guidelines. The business model of Oil Company envisages utilisation of such FSI. It would not be out of place to note that the oil tanks which occupy these lands have heights equivalent in volume to about a 3 storeyed building and have to maintain safety distance in terms of the norms governing such installations and consequently there is restriction in FSI. Nevertheless due cognizance of concerns was taken while formulating the proposing the SoR.</p>

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				<p>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.</p> <p>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.</p> <p>iv. Rate arrived at by an approved valuer appointed for the purpose by the Port.</p> <p>v. Any other relevant factor as may be identified by the Port.</p> <p>As per said PGLM guidelines, LAC/SoR committee has to consider the above-mentioned factors for determining the fair market value of the port land. The above guidelines are very clear and evident to do necessary assessment of "Fair Market Value" of subject plots. The LAC is relied on the valuation report of valuer which is the highest of the factors as per above clause.</p> <p>We now submit our objections to the said LAC report and as to why the said report should not be considered by Board of Mumbai Port Authority for revision of SoR for plots mentioned at Sr. no 1 to 3 for 1.10.2022 to 30.09.2023 effective from 01.06.2023.</p> <p>1) We state that the as per clause 13(a)(i) the LAC is to consider "State Government's ready reckoner of land values in the area, if available for similar classification/ activities". The SDRR for the area is Rs. 42,230/- per SQM considering FSI as 1. We state that as per land allotment letter dated 11.10.1991 under clause (v) while the approved FSI should not exceed 0.5, however, land occupied by HPCL for all the above</p>	<p>In absence of a contract to the contrary the holding over of occupation continues on month to month basis and as such MbPA is entitled to revision of SoR in terms of the norms prescribed under PGLM. It further needs to be noted that MbPA has not revised SoR in respect of leases covered under terms of MoU for the duration of its validity.</p> <p>The objections are not sustainable for the following reasons :</p> <p>a) SoR is to come into effect prospectively</p> <p>b) Norms of cabinet approved PGLM 2015 mandating the revision of SoR was followed;</p> <p>c) The issue is not related to SoR.</p> <p>The clause should be read with the fact the applicability of PGLM was extended the Township area of Mumbai Port only in 2018. Oil companies are commercial organisations with profit motive and the rates proposed by MbPA are very fair and reasonable. There is no special provision made in PGLM with regards to the Township area land.</p>

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				<p>mentioned plots are having FSI of less than 0.4. Therefore, the SDRR needs to be suitably considered by LAC before formulating any revision to SoR.</p> <p>2) We state that as per clause 13(a)(iv) the LAC is to consider "Rate arrived at by an approved valuer appointed for the purpose by the Port.". It is mentioned in LAC report that the FMV of RR zone is the average value of sample plots identified for valuation in respective zones. As stated in the LAC report that the valuer M/s. Shri Avinash Pendse have arrived at rate of Rs. 69,470/- per SQM based average value of sample plots identified for valuation in respective zones. Hence they are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports.</p> <p>3) We state that as per clause 13(a)(v) the LAC to consider "Any other relevant factor as may be identified by the Port." It is to be noted that HPCL is to be considered under public utility services engaged in supply and marketing of essential commodities under the Essential Commodities Act. Moreover, as Mumbai being densely populated and the product being handled by the said terminal are not only highly hazardous but also extremely flammable therefore it is necessary that our depots/terminals are located at a less populated area to avoid any untoward accident. This factor should have been considered by LAC before revision of SoR as land being under the ownership of MbPA forms part of land under the ownership of State.</p> <p>The facilities of HPCL are in existence and in operation since more than 90 years at the plots allotted to us and not a fresh incumbent planning to set up facilities.</p>	

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				<p>It is imperative that the Ready Reckoner Guideline factors affect valuation and should be read along with Ready Reckoner Value to arrive at proper valuation. The same are not considered, which resulted in erroneous calculation of calculation as the SDRR for FSI 1 was considered whereas the FSI being occupied by HPCL is less than 0.4 (approved is maximum of 0.5). Accordingly, due to application of incomplete guidelines of SDRR (Stamp Duty Ready Reckoner) the method used to ascertain the valuation of the immovable property is incorrect and incomplete. Hence, it is submitted that the assessment of the 'SOR' for the period 2022 to 2023 effective from 01.06.2023 is erroneous and we reserve our right and contentions to produce our counter valuation report mentioning the discrepancy in the method of calculation.</p> <p>Now, having said the above with regard to the LAC report and as to why the same should be rejected by Board of Mumbai Port Authority, we put before your additional points for consideration</p> <p>1) As far as Plot RR No. 1022&1776 is concerned, we state that in absence of any agreement or understanding recorded between HPCL and MBPA to the effect that MBPA would be entitled to seek revision of rates in future (in absence of any renewal terms agreed upon between the parties); it is not open now for MBPA to seek revision of schedule of rates for plot of land as mentioned in S.No 1 of the table.</p> <p>2) We state that as far as application of revised SoR for the period of 2023-27 are concerned for Plot RR No. 1022&1776, we state that the same is not acceptable for the aforesaid reasons</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>a. It being barred by limitation</p> <p>b. Revised rentals cannot be decided unilaterally</p> <p>c. Even after repeated request by HPCL for 15 years to renew the leases, MbPT failed to take any action or even respond to our request. Therefore, the same cannot be revised by them without any rationale or basis. Any revision in rentals are to be mutually agreed.</p> <p>3) With regard to plots as mentioned in S. No 2-3, we place reliance on clause (iii) as per clause 11.3 (j) of PGLM 2015 it is stated that "The process of renewal of existing leases should be initiated by the respective Ports well in advance, before the term of lease expires. The automatic renewal of existing leases should be preferably done within three months of receipt of such application for renewal. Liability to pay compensation for wrongful use by the lessee will not arise, if the delay in renewing such leases is wholly attributable to the Port." As till date there is no action taken by MbPA on a repeated request to renew the lease, any revision on lease rental (on mutually agreed terms and condition) can now be made effective three months from the date of finalization of the said rates or strictly as per terms of lease.</p> <p>4) That MbPA in there submission for revised SoR has not explained/clarified the basis for considering 6% land rental value and 2% escalation on annual basis. Needless to state that the entire exercise sought to be carried out belatedly by MBPA is not in line with any agreement or understanding arrived at between the parties, therefore the same is not tenable. Apart from the grounds of maintainability of the notice as setout herein above, we wish to provide brief comments without prejudice as under:</p> <p>1. Repeated requests for renewal of leases which has</p>	

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				<p>expired on 30.06.2021 & 28.02.2008 are yet to be answered by MBPA.</p> <p>2. The RR Zone wise valuation reports are based on the sample plots and are neither realistic nor based on thorough research. An exorbitant rate has been determined erroneously by MBPA in placing reliance on such reports. In the absence of any like, comparable land instances and reports of valuation providing realistic values, the same cannot be even considered. Hence, we strongly object to such documents (valuation reports and instances) being taken account of in determining lease rental rates.</p> <p>3. Bare perusal of the notice reveals that MBPA is proceeding with predetermined intention to revise the scale of rates and comments have been invited only with a view to record that the rates have been determined after due notice to all concerned.</p> <p>4. The proposed rates are not only exorbitant but also without rational or basis of operating cost/profit of Govt. undertaking Oil companies and therefore cannot be accepted.</p> <p>We are ready and willing to participate in any hearing and to substantiate our stand as has been briefly stated hereinabove.</p> <p>We therefore request that our strong objection to the proposed revision be recorded and accepted.</p> <p>Moreover, reference MOM of Joint Meeting held by Chairman, MbPA and C&MD, HPCL dtd 08.09.2022 regarding Renewal of existing leases and fixation of lease rentals: The lease rental based on Stamp Duty</p>	

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				<p>Ready Reckoner (SDRR) Rate to be considered. It was mutually agreed that the lease rentals and arrears will be paid by HPCL as per demand raised by MbPA in-line with SDRR rates.</p> <p>We further request that the notice/proposal to revise SoR for the period of 2022-2027 effective from 01.06.2023 be dropped/withdrawn with immediate effect.</p>	
210	31102206	Mrs. Rokia Sultan	2/22A - BALLARD ESTATE	<p>As comments have been sought on a proposed Revision of SoR 2022-27, we record that we were taken aback to see that extremely high schedule of rates have been proposed on the basis of 6% return on the Ready Reckoner Value of the properties for commercial tenants/lessees. We request you to kindly consider our grievances 'quia-timet' so that exemplary schedules are not finalized taking basis of 6% of Ready Reckoner Value. Such acceptance of arbitrary amounts leading to steep increase disregarding totally the last basic rent would be illegal and would only be a ground of litigation that can be obviated.</p> <p>Some points which we invite your attention to are as under:-</p> <p>Rates proposed for renewing leases in respect of Collector's land: Alike the Board of Trustees for the Port of Mumbai, the collector too has a lot of land parcels that are given out on long leases to various lessees, many of which have also come to an end. The collector's model can be of assistance to fix up rates for renewal of leases in respect of land owned by MbPT. The amounts that the State Government has decided for renewal are a fraction of the amounts that the MbPT has proposed. For instance, in respect</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>of the collectors land, the annual lease charge against renewal is taken at 2% of 25% of the Ready Reckoner (RR) Rate on plots admeasuring more than 500 sq. meters and 1% of 25% of Ready Reckoner (RR) Rates on plots admeasuring up to 500 sq. meters for residential users. We request that the rates that the Port Trust proposes are at par or at-least not totally disproportionate with that in respect of similar land owned by the Collector. Levy of Market Rents for Old Tenants / Profiteering/ Behaviour like Private Landlord is not permissible for a Public Body like the Mumbai Port Trust: Be it recorded that we enjoy all protection of the law applicable to old tenants. If the rates proposed by MbPT on the basis of 6% of ready reckoner are taken, the total amount of lease rent would almost be equivalent to the running leave and license rates in the market making it unaffordable and impossible for the land users to continue to stay forcing many of them out of their properties or forcing them into litigation. Evicting someone who have been possessing a property for decades together since generations in this manner is neither easy nor fair. The Hon'ble Supreme Court in the case of Dwarkadas Marfatia v/s Board of Trustees for Port of Mumbai and also in the case of Jamshedji Hormusji Wadia v/s Board of Trustees for the Port of Mumbai has clearly held that MbPT being a public body is subject to the Constitution and is expected to behave reasonably and not like a private landlord. The Port Trust, being a public organization cannot indulge in rack-renting/ profiteering and market rates cannot be slapped on the old tenants. In terms of the judgement of the Supreme Court, compromise proposals were sanctioned and were made binding upon all. Please note that Rule under Order 1 Rule 8 of the CPC was</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

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				<p>issued and the judgement was made applicable not just to the contesting parties but all tenants and land users of the Port Trust. It is a matter of fact that the Mumbai Port Trust hasn't complied with the said judgement in letter and spirit and made attempts to execute fresh leases, leading to several litigations even post the judgement rendered by the Hon'ble Supreme Court in the case of Jamshed ji Hormus ji Wadia. The percentage of ready reckoner is taken at 6%. It may be appreciated that para-materia when studied reveals that similar lease for Collectors land is taken at 0.25-0.5% of ready reckoner. Therefore, clearly the schedules smack of unreasonableness which is unbecoming of a public organization. We may be permitted to refer to the material dealing with Collectors lease rates as and when produced. Further, any old tenant should not be given a steep increase in rentals and basis has to be that which the tenant has been paying. If any revision to the compromise proposal is sought, it should be with the nod of the Hon'ble Supreme Court that sanctioned compromise proposals. As per the law related to rentals, an increase of over 4% per year is illegal and the Schedule of Rates proposed for 2012-17 and 2017-22 leads to over 1000% increase in rents which is clearly an arbitrary action for any public organization.</p> <p>Coercive Actions should be kept in Abeyance so that Occupants are not forced to move court every now and then : It shouldn't happen that while proposal is made to TAMP for revision of schedule, demands are made based on exemplary schedules at par with market rates on the one hand, pending the participatory process before the MbPT/ TAMP in so far as the quantum of rates are concerned, action under PPE Act is initiated for eviction of tenants. That</p>	<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>would not be fair. Without approval, the Port Trust is already making demands self-supposing make rents and Termination notices/ PPE Notices are being issued. This is incorrect and should be deprecated. One size fits all model shouldn't be adopted : It is requested that the rates should consider matters on a case-to-case basis and shouldn't adopt a one -size-fits-all model. It has been observed that in some cases breaches have been carried out by one tenant and due to such breach an entire complex suffers from enhanced charges. Such things should be avoided. Retrospective levies should be avoided/ neither legal nor moral : Retrospective levies with effect from a past period should be avoided as it is neither permissible legally nor is it morally correct. The Port Trust may endeavour to work out all policies only after mutual consultations and that too from a prospective date and not from retrospective dates. Compromise Proposals are the way forward : A similar panic situation had been created in the 1990's when the Port Trust and the Tenants worked on a compromise which eventually was sanctioned even by the Hon'ble Supreme Court in the 2004 celebrated case of Jamshedji Wadia v/s BPT (Compromise Formula Case). At that point in time, the situation was resolved through mutual compromise. It is requested that once again, there is a need for working out compromise proposals. For such purpose, meeting between port trust authorities and tenants/ tenant representatives is the need of the hour to prevent unwarranted litigation at a mass scale.</p> <p>We are confident that you would consider our difficulties and suggestions and adopt a reasonable, humanitarian and pragmatic approach so that we tenants, are not constrained to rush to the courts to</p>	

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				<p>protect their livelihood. A mutually acceptable win-win situation can be arrived at which would be much appreciated by everyone.</p> <p>Thanking you in anticipation.</p> <p>Shri Farukh Allarakhia (Legal Heir & Representative for Smt. Rokia Sultan, RR. 1300 Mody Estate / CS No. 1174)</p>	
211	10105150	M/S Rati minoo Dalal	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality,</p>

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					attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
212	31101145	Machine Tools (India) Limited	2/22A - BALLARD ESTATE	Nothing stated in your demand notice shall be deemed to have been admitted by us for want of specific traverse and please withdraw your demand notice.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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					MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
213	41304510	SHRI JIGNESH VASANTBHAI PAREKH & ORS	10/80A - DARUKHANA/MDL	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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					factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
214	31101126	Voltas Ltd.	2/22A - BALLARD ESTATE	<p>Date : 12th April 2023</p> <p>To, Senior Asst. Estate Manager Mumbai Port Authority Vijay Deep, 3rd Floor, Shoorji Vallabhdas Marg, Mumbai 400 001.</p> <p>Sub. : Proposal for fixation of Scale of Rates (SoR) and Revision of Rent/compensation for the period from 01.10.2022 to 30.09.2027 effective from 01.06.2023 for MbPA land/structures, etc.</p> <p>Ref. : Plot No. 23 bearing RR No. 951, situated at Ballard Estate, Unit No. 11 Code No. 31101126</p> <p>Dear Sir,</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027 - effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio and principle laid down by the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case) - vis-à-vis State and its Instrumentalities framing rates of rents; and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said SOR 2012-2017 and SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including our Writ Petition No. WPL/4477/2023).</p> <p>4. We state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as</p>	<p>(hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per</p>

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				<p>raised in our replies already submitted to you; and also identical to our contentions under our Writ Petition No. WPL/4477/2023. Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all our contentions under our said Writ Petition No. WPL/4477/2023; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) MbPT/ MbPA is not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios and principles of the Hon'ble Supreme Court in Wadia's Case.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot is situated);</p> <p>(iv) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>For Voltas Ltd. Neel Cerejo Authorized Signatory</p>	
215	20801344	SHRI NAEEM GULAM MAHOMED SHUJATALLI	10/80A - DARUKHANA/MDL	<p>a) We do not approve the proposed SoR rates.</p> <p>b) The Proposed rates are arbitrary, exorbitant and not acceptable.</p> <p>c) The newly proposed rent matter is not acceptable, it is sub Judice before the Bombay High Court in more than 50 Writ petitions pending the outcome.</p>	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
216	41413101	SHRI MOHAMED ISMAIL EBRAHIM & 2 OTHERS	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. (8869/2022)</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/</p>	<p>applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board’s</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 8869/2022 ; - as if the same forms part of the present reply.</p> <p>6. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our</p>	<p>Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>UPENDRA VASANJI RAMBHIA</p> <p>_____</p>	<p>2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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217	10301609	Thackersey jasraj vora & 2 ors	11/84J - COTTON GREEN KALACHOWKEY	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p> <p>d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.</p>
218	Other than tenant	Cotton green association tenants	10/78H - AREA BTN LINK RD & P.D'MELLO RD, 10/79B - REAY	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
			ROAD GHODAPDEO, 10/79C - COTTON DEPOT (SOUTH), 10/80A - DARUKHANA/MDL, 11/84J - COTTON GREEN KALACHOWKEY, 11/84H - SEWRI (WEST), 11/85C - PART COTTON DEPOT & RCD	<p>contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its said judgement in Wadia's Case; by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease of thirty (30) years w.e.f. 01.04.1994 till 31.03.2024, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon</p>	<p>SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is on and average 60% lower than the SoR for the period 2017-2022 in respect of Zones mentioned in your comments.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>till the period of the demise. Pertinently, one of the directions of the Hon'ble Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port) – even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon'ble Bombay High Court); - propounded with great vehemence that the "Compromise Proposals" as a whole were extremely fair and reasonable, and had been arrived at by taking into account "all relevant circumstances", and that the same would be a solution to the existing problem and would avoid litigation.</p> <p>You had (also vide your T.R. No.31 of 2004) approved to implement the said judgment of the Hon'ble Supreme Court in Wadia's case; and therein had categorically recorded (at para 7.2 thereof) that the Rates of Rent (as specified in the "Compromise Proposals") beyond 31.03.2000 will continue to increase by 4% every October upto 30.09.2012; and</p>	<p>sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High</p>

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				<p>that as decided under T.R. No.204 of 1997, fresh leases are granted for thirty years from 01.04.1994 with 4% annual increase in rent, thereby extending the applicability of rent under the "Compromise Proposals" to 2024.</p> <p>As such, there is no question of you proposing to frame the Scale of Rates of Rent ("SOR") as proposed by you.</p> <p>In fact, the very failure on your part to implement the said judgment in Wadia's case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the "Compromise Proposals");- is a contemptuous act which militates against the said judgement of the Hon'ble Supreme Court. Your actions, therefore, have been challenged before the Hon'ble Bombay High Court in a batch of about 40+ Writ Petitions. In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon'ble Bombay High Court has been pleased to issue Notice under Order I Rule 8 of Code of Civil Procedure, 1908. You are aware that the said Writ Petitions are sub-judice and pending disposal. Despite this, you had wrongfully sought TAMP's approval for fixing SOR retrospectively w.e.f. 01.10.2012, which has come to be unlawfully approved by TAMP under its various Gazette Notifications; and in furtherance thereof you (under your said proposal) are now seeking to fix SOR for 2022-2027 – and too on the same unlawful basis.</p> <p>Being aggrieved by the illegal actions on the part of TAMP and yourselves, a huge batch of Writ Petitions (raising similar challenge) have also been filed, and all of them are pending disposal.</p>	<p>Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>Moreover, for the following (amongst other reasons); and without prejudice to the aforesaid; even otherwise your proposal for fixing SOR for 2022-2027 are illegal and bad in law:-</p> <p>In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>The SOR proposed to be fixed is based on the provisions of PGLM 2015 (which prescribes for revision of rates of rents in line with highest and hypothetical market values); and the same is violative of every principle, ratio and direction of the Hon'ble Supreme Court in Wadia's case, and in a catena of other judgements; - especially in respect of the law laid down therein with respect to 'State' and its Instrumentalities (as landlords) revising the Rates of Rent in respect of its immovable properties (see para 16,17,18 and 19 of Wadia's judgment); and is also violative of Article 14 of the Constitution of India.</p> <p>The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>The Proposal under reply is contrary to the Sec. 27 of the Major Port Authorities Act, 2021 – which clearly contemplates that the fixation and implementation of SOR shall not be inconsistent with the provisions of any other law for the time being in force. This is</p>	

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				<p>because, the Proposal under reply has fixed SOR at an exorbitant rate of 6% p.a. rate of return on market value of land; - which is unconstitutional and is contrary to the law laid down by the Hon'ble Supreme Court in Wadia' Case – which prohibits framing of rents by State and its instrumentalities basis market value of the land.</p> <p>In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act thereupon and/ or consequent thereto; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>You are called upon to strictly abide by the ratio, terms and directions of the Hon'ble Supreme Court in Wadia's case</p> <p>I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				_co_____	
219	31202236	Ajnata Ideal CHS Limited	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	<p>Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Ajanta Ideal CHS Ltd.</p>	
220	41306213	Dewanchand Ramsaran and Others	10/80A - DARUKHANA/MDL	<p>From:- Dewanchand Ramsaran & others 218, 2nd Floor Navaratan, 69, P D Mello Road , Carnac Bunder Junction Mumbai 400009</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court..</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p>	<p>2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, For Dewanchand Ramsaran and Others Rajesh Shorilal Makad rsm@drcorp.co.in</p>	
221	20601202	France Britto	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>response thereto, I state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my plot; and fixed by the Tariff Authority for Major Ports); - and for which I have already submitted my reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court.</p> <p>4. I state that my comments/ objections to the present Proposal in reply - are similar and identical to my earlier comments/ objections/ contentions as raised in my replies already submitted to you.</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Therefore, in order to avoid repetition of my objections; I adopt all our comments/ contentions/ averments under all my reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards.</p> <p>5. However, for the sake of convenience, my objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to my plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p>	<p>i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I reserve my right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Smt. France Britto</p>	<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
222	10201114	M/S SHAH CONSTRUCTION CO LTD	11/84H - SEWRI (WEST)	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 44% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 79 of 2009).</p> <p>4. I/ we state that my/ our comments/ objections to</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and</p>

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				<p>the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 79 of 2009.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 79 of 2009 - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios</p>	<p>has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the</p>

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				<p>and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	<p>proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				Sincerely, For Shah Construction Co. Ltd. Director	
223	10202119	SHREE RAM COTTON PRESSING FACTORY PVT LTD	10/79B - REAY ROAD GHODAPDEO	Very exorbitant rates. It is contrary to the judgement by the Hon'ble Supreme Court of India. Previous requisition regarding SoR is pending in Bombay High Court. It is totally unworkable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM</p>

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					<p>2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
224	31102214	Madhusudan B Vakharia, Usha M Vakharia & Janak M Vakharia	2/9A - MOODY BAY	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 24% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji</p>

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				<p>return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other</p>	<p>Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				<p>SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add,</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Shri M B Vakharia Smt. Usha M Vakharia Shri Janak Vakharia c/o J B Marzban & Company Pvt. Ltd. Ballard House, Ballard Estate Mumbai 400038</p>	
225	41413116	Shri Shaikhatal Barmare	17/119 - MAHIM BUNDER	<p>a. That we object to the proposed Scale of Rates 2022-2027.</p> <p>b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable.</p> <p>c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at.	2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. A joint hearing with stakeholders was held on 13.04.2023.
226	10401220	Khushiram Tarachand Pvt Ltd	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the</p>

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				<p>revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its said judgement in Wadia's Case; by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease of thirty (30) years w.e.f. 01.04.1994 till 31.03.2024, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon till the period of the demise. Pertinently, one of the directions of the</p>	<p>rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the</p>

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				<p>Hon'ble Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>3. Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port) – even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon'ble Bombay High Court); - propounded with great vehemence that the "Compromise Proposals" as a whole were extremely fair and reasonable, and had been arrived at by taking into account "all relevant circumstances", and that the same would be a solution to the existing problem and would avoid litigation.</p>	<p>Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>4. You had (also vide your T.R. No.31 of 2004) approved to implement the said judgment of the Hon'ble Supreme Court in Wadia's case; and therein had categorically recorded (at para 7.2 thereof) that the Rates of Rent (as specified in the "Compromise Proposals") beyond 31.03.2000 will continue to increase by 4% every October upto 30.09.2012; and that as decided under T.R. No.204 of 1997, fresh leases are granted for thirty years from 01.04.1994 with 4% annual increase in rent, thereby extending the applicability of rent under the "Compromise Proposals" to 2024.</p> <p>5. As such, there is no question of you proposing to frame the Scale of Rates of Rent ("SOR") as proposed by you.</p> <p>6. In fact, the very failure on your part to implement the said judgment in Wadia's case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the "Compromise Proposals");- is a contemptuous act which militates against the said judgement of the Hon'ble Supreme Court. Your actions, therefore, have been challenged before the Hon'ble Bombay High Court in a batch of about 40+ Writ Petitions. In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon'ble Bombay High Court has been pleased to issue Notice under Order I Rule 8 of Code of Civil Procedure,</p>	

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				<p>1908. You are aware that the said Writ Petitions are sub-judice and pending disposal. Despite this, you had wrongfully sought TAMP's approval for fixing SOR retrospectively w.e.f. 01.10.2012, which has come to be unlawfully approved by TAMP under its various Gazette Notifications; and in furtherance thereof you (under your said proposal) are now seeking to fix SOR for 2022-2027 – and too on the same unlawful basis.</p> <p>7. Being aggrieved by the illegal actions on the part of TAMP and yourselves, a huge batch of Writ Petitions (raising similar challenge) have also been filed, and all of them are pending disposal.</p> <p>8. Moreover, for the following (amongst other reasons); and without prejudice to the aforesaid; even otherwise your proposal for fixing SOR for 2022-2027 are illegal and bad in law:-</p> <p>(i) You are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(ii) The SOR proposed to be fixed is based on the provisions of PGLM 2015 (which prescribes for revision of rates of rents in line with highest and hypothetical market values); and the same is violative of every</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>principle, ratio and direction of the Hon'ble Supreme Court in Wadia's case, and in a catena of other judgements; - especially in respect of the law laid down therein with respect to 'State' and its Instrumentalities (as landlords) revising the Rates of Rent in respect of its immovable properties (see para 16,17,18 and 19 of Wadia's judgment); and is also violative of Article 14 of the Constitution of India. (iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) The Proposal under reply is contrary to the Sec. 27 of the Major Port Authorities Act, 2021 – which clearly contemplates that the fixation and implementation of SOR shall not be inconsistent with the provisions of any other law for the time being in force. This is because, the Proposal under reply has fixed SOR at an exorbitant rate of 6% p.a. rate of return on market value of land; - which is unconstitutional and is contrary to the law laid down by the Hon'ble Supreme Court in Wadia' Case – which prohibits framing of rents by State and its instrumentalities basis market value of the land.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>9. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act thereupon and/ or consequent thereto; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>10. You are called upon to strictly abide by the ratio, terms and directions of the Hon'ble Supreme Court in Wadia's case</p> <p>11. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>12. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	
227	10401221	Khushiram Tarachand Pvt Ltd	Any Other Location	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its said judgement in Wadia's Case; by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease</p>	<p>compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>of thirty (30) years w.e.f. 01.04.1994 till 31.03.2024, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon till the period of the demise. Pertinently, one of the directions of the Hon'ble Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>3. Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port) – even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon'ble Bombay High Court); - propounded with</p>	<p>expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>great vehemence that the "Compromise Proposals" as a whole were extremely fair and reasonable, and had been arrived at by taking into account "all relevant circumstances", and that the same would be a solution to the existing problem and would avoid litigation.</p> <p>4. You had (also vide your T.R. No.31 of 2004) approved to implement the said judgment of the Hon'ble Supreme Court in Wadia's case; and therein had categorically recorded (at para 7.2 thereof) that the Rates of Rent (as specified in the "Compromise Proposals") beyond 31.03.2000 will continue to increase by 4% every October upto 30.09.2012; and that as decided under T.R. No.204 of 1997, fresh leases are granted for thirty years from 01.04.1994 with 4% annual increase in rent, thereby extending the applicability of rent under the "Compromise Proposals" to 2024.</p> <p>5. As such, there is no question of you proposing to frame the Scale of Rates of Rent ("SOR") as proposed by you.</p> <p>6. In fact, the very failure on your part to implement the said judgment in Wadia's case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the "Compromise Proposals");- is a contemptuous act which militates against the said judgement of the Hon'ble Supreme Court. Your actions, therefore, have been challenged before the</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Hon'ble Bombay High Court in a batch of about 40+ Writ Petitions. In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon'ble Bombay High Court has been pleased to issue</p> <p>Notice under Order I Rule 8 of Code of Civil Procedure, 1908. You are aware that the said Writ Petitions are sub-judice and pending disposal. Despite this, you had wrongfully sought TAMP's approval for fixing SOR retrospectively w.e.f. 01.10.2012, which has come to be unlawfully approved by TAMP under its various Gazette Notifications; and in furtherance thereof you (under your said proposal) are now seeking to fix SOR for 2022-2027 – and too on the same unlawful basis.</p> <p>7. Being aggrieved by the illegal actions on the part of TAMP and yourselves, a huge batch of Writ Petitions (raising similar challenge) have also been filed, and all of them are pending disposal.</p> <p>8. Moreover, for the following (amongst other reasons); and without prejudice to the aforestated; even otherwise your proposal for fixing SOR for 2022-2027 are illegal and bad in law:- (i) You are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>revision their rates of rent);</p> <p>(ii) The SOR proposed to be fixed is based on the provisions of PGLM 2015 (which prescribes for revision of rates of rents in line with highest and hypothetical market values); and the same is violative of every principle, ratio and direction of the Hon'ble Supreme Court in Wadia's case, and in a catena of other judgements; - especially in respect of the law laid down therein with respect to 'State' and its Instrumentalities (as landlords) revising the Rates of Rent in respect of its immovable properties (see para 16,17,18 and 19 of Wadia's judgment); and is also violative of Article 14 of the Constitution of India.</p> <p>(iii) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(iv) The Proposal under reply is contrary to the Sec. 27 of the Major Port Authorities Act, 2021 – which clearly contemplates that the fixation and implementation of SOR shall not be inconsistent with the provisions of any other law for the time being in force. This is because, the Proposal under reply has fixed SOR at an exorbitant rate of 6%</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>p.a. rate of return on market value of land; - which is unconstitutional and is contrary to the law laid down by the Hon'ble Supreme Court in Wadia' Case – which prohibits framing of rents by State and its instrumentalities basis market value of the land.</p> <p>9. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act thereupon and/ or consequent thereto; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>10. You are called upon to strictly abide by the ratio, terms and directions of the Hon'ble Supreme Court in Wadia's case</p> <p>11. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>12. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

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228	20701117	SHRI PRAVIN POPATLAL SHAH	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
229	31202244	Zairuddin Khan	1/6C - APOLLO BUNDER/SASOON DOCK	If imposed 6% rate of return on market value, on Lower Middle Class Tenant, indirectly you are Killing us.	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022

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					<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
230	10202119	Shree Ram Cotton Pressing Factory Pvt Ltd.	10/79C - COTTON DEPOT (SOUTH)	Rates are very high. Please consider implementation of revised rents if required on a practical basis and keeping in view the various judgments passed by	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale

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				<p>Apex Court as well as other Courts pertaining to litigations between tenants and MbPT. Also pls fulfill your obligations as contemplated in the Compromise Proposal. If tenant will earn, he has no problem to pay reasonable revised rent. Pls consider on humanitarian grounds. Give permissions to tenants wherein maximum potential of the property can be achieved thereafter which the same can be shared with you.</p>	<p>is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 69% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
231	31202244	Shri Fakuruddin Abdulhussein Arsiwala & 5 Others as Joint Tenants	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained</p>

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				<p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal</p>

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				<p>TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own</p>	<p>upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>“compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL:</p> <p>Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
232	31202239	Ocean View Coop. Housing Society Ltd.	1/6B - SASOON DOCK NEAR GATE	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolutionetc. - as uploaded your website; and in response thereto,I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter aliarevising/ fixingthe scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214(Wadia’s case); and is also ultra vires</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022(as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT)being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 521/2023.</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 521/2023.</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 521/2023 same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

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				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon you to forthwith withdraw the Proposal under reply, and (not in any manner</p>	<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>Dr. Govind N. Chainani Hon Secretary Ocean View Coop. Housing Society Ltd. 9322248010</p>	
233	31202244	Prashant Ishwar Salian	1/6B - SASOON DOCK NEAR GATE	Object to the SoR	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

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					<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
234	31202244	PRATIK DOIPHODE	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR</p>

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				<p>thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court</p>	<p>rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment</p>

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				<p>[crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p>	<p>factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p>	

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				<p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in 	

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				ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021	
235	31205133	THE TREASURER OF CHARITABLE ENDOWMENTS -FOR INDIA	1/3B - COLABA CAUSEWAY ROAD	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; 1910. I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 20% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 18687 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 18687 of 2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 18687 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore,</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>till such time, no question arises of framing any other SoR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SoR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Thank You</p> <p>N.Ramachandran</p> <p>Secretary Board of Management of the Bombay Properties of the Indian Institute of Science</p>	
236	31202244	Pradeep jaiswal	1/6B - SASOON DOCK NEAR GATE	.	No comments
237	31202244	Luyson Monserrate	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded on your website of the Mumbai Trust (“MbPT”);; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already</p>	<p>the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and</p>

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				<p>submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the</p>	<p>any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
238	31202244	Shapur B Irani, Farokh B Irani, Zomrote Khodamoradi Irani	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> 1. The Tariff Authority for Major Ports 	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have</p>	<p>comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of</p>

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				<p>been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or</p>	<p>Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add,</p>	

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				<p>modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Shapur B Irani, Farokh B Irani, Zomrote Khodamoradi Irani Arsiwala Building, Kittridge Road / Wodehouse Road, Colaba, Mumbai 400005</p> <p>Zomrote Khodamoradi Irani - 9820870163</p> <p>CC: 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p>	

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				<p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
239	31205209	THE TREASURER OF CHARITABLE ENDOWMENTS -FOR INDIA	1/6C - APOLLO BUNDER/SASOON DOCK	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; 711. I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has</p>

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				<p>have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 18687 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 18687 of 2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 18687 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th</p>	<p>ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p> <p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Thank You</p> <p>N.Ramachandran</p> <p>Secretary Board of Management of the Bombay Properties of the Indian Institute of Science</p>	
240	31205150	THE TREASURER OF CHARITABLE ENDOWMENTS -FOR INDIA	1/6C - APOLLO BUNDER/SASOON DOCK	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; 670. I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration:</p> <p>-</p> <p>1. At the very outset, I/ we state that the said Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. 18687 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 18687 of 2022</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 18687 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending</p>	<p>placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Thank N.Ramachandran</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				Secretary Board of Management of the Bombay Properties of the Indian Institute of Science	
241	31205111	THE TREASURER OF CHARITABLE ENDOWMENTS -FOR INDIA	1/6C - APOLLO BUNDER/SASOON DOCK	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; 1952. I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has</p>

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				<p>have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 18687 of 2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 18687 of 2022</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. 18687 of 2022 ; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th</p>	<p>ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

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				<p>September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Thank N.Ramachandran</p> <p>Secretary Board of Management of the Bombay Properties of the Indian Institute of Science</p>	
242	31202244	Shri Fakuruddin abdulhussein Arsiwalla and 5 others	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded on your website of the Mumbai Trust (“MbPT”);; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions</p>	<p>placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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				<p>challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
243	20701115	ABDULLABHOY A. JASDANWALLA & THEE OTHERS TRADING AS M/S ADAMJI LOOKMANJI & CO	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR

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					<p>Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
244	31202244	Shri Fakuruddin abdulhussein arsiwala and 5 others	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in) <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded on your website of the Mumbai Trust (“MbPT”);; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already</p>	<p>the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and</p>

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				<p>submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the</p>	<p>any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

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				<p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
245	31202244	Shri Fakuruddin Abdulhussein Arsiwalla and 5 others	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> 1. The Tariff Authority for Major Ports 	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

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				<p>referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have</p>	<p>comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of</p>

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				<p>been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or</p>	<p>Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add,</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon'ble Prime Ministers Office pmo@gov.in</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				4) CMO, Maharashtra cm@maharashtra.gov.in ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021	
246	31202244	Bharati Doiphode	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to</p>	<p>convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised</p>	<p>pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost</p>	

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				<p>vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p>	

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				<p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL:</p> <p>Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
247	10401206	Bombay Oil Industries Private Limited (Now Sharrp Ventures Capital Private Limited)	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of</p>

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				<p>13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you;</p> <p>5. Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards;</p> <p>6. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p>	<p>the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

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				<p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>7. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>8. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>9. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	
248	31202244	Shiri fakuruddin	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable</p>

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				<p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad</p>	<p>to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

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				<p>in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are</p>	

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				<p>situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin</p>	

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				<p>Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
249	20601120	ARIF HUSAIN KHAN MOHAMMED SHAH	10/79B - REAY ROAD GHODAPDEO	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 60% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3 I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. __ [only to be stated if Writ is filed or else delete that line].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our</p>	<p>31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of</p>

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				<p>contentions under my/ our said Writ Petition No. __ (only to be filled if filed writ by sender /if not then delete the bracket portion) ; - as if the same forms part of the present reply.</p> <p>4 However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p>	<p>the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and</p>

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>5. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>6. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>7 Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	<p>any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
250	31202244	Shri Fakuruddin . Abdulhussein Arsiwala & 5 others	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p>

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				<p>Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p>	<p>"Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the</p>

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				<p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme</p>	<p>proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	

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				<p>referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	

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251	31202244	Shashikant Alve	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly</p>

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				<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p>	<p>provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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				<p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated</p>	<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would</p>	

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				<p>entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC: 1) Dy. Chairman BPT/ MbPT :</p>	

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				<p>dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
252	31202244	Sulochana Chonkar	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To, 1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) 2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji</p>

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				<p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				<p>Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL:</p> <p>Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
253	31202244	Aruna Dilip Chonkar	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994</p>

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				<p>1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective</p>	<p>to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on</p>

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				<p>from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;— is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon’ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders</p>	<p>new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC: 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
254	31205124	Mehr Adi Katgara & Others	1/6C - APOLLO BUNDER/SASOON DOCK	Not acceptable . High rents not practical and unaffordable. Property sale value does not cover dues amount .	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 36% lower than the SoR for the period 2017-2022.

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality,</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
255	31202244	Blaise Dsouza	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in) <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and</p>	<p>the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

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				<p>directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and</p>	

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				<p>where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p>	

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				<p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
256	31202244	Eiffel investment Services Private Limited	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded on your website of the Mumbai Trust (“MbPT”);; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already</p>	<p>the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and</p>

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				<p>submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the</p>	<p>any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
257	Other than tenant	MCCLEAN INC REPRESENTATIVE COTTON DEPOT TENANTS ASSOCIATION	10/79B - REAY ROAD GHODAPDEO, 10/79C - COTTON	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
			DEPOT (SOUTH), 10/80A - DARUKHANA/MDL, 11/84J - COTTON GREEN KALACHOWKEY, 11/84H - SEWRI (WEST), 11/84I - SEWRI B.D.D.CHAWL, 11/85B - COTTON DEPOT / COAL DEPOT UPTO HAY BUNDER, 11/85C - PART COTTON DEPOT & RCD, 11/86B - SEWRI (E)/STP/SEWRI FORT	<p>contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>You are aware that the litigation with respect to your General Rent Revision Matters (which had arisen about 40 years ago); was finally laid to rest and adjudicated upon by the Hon'ble Supreme Court under its said judgement in Wadia's Case; by which you were duty bound and obligated to follow and implement the ratios and directions thereof. You were also directed and required to settle our matter and grant us long lease of thirty (30) years w.e.f. 01.04.1998 till 31.03.2029, in terms of your own "Compromise Proposals" as upheld and modified by the Hon'ble Supreme Court, at the Rates of Rent mentioned therein with 4% annual increases thereon</p>	<p>SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is on and average 60% lower than the SoR for the period 2017-2022 in the mentioned RR Zones.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>till the period of the demise.</p> <p>Pertinently, one of the directions of the Hon'ble Supreme Court was also that the said "Compromise Proposals" would be binding on all the lessees even if they were not parties to the proceedings, in view of the proceedings taken out under Order 1 Rule 8 of the CPC; and that, even if the said leases were not executed, the terms of the "Compromise Proposals" would bind the lessees.</p> <p>Moreover, in terms of your own Trustees Resolution (T.R.) No.204 of 1997, which forms part of your said "Compromise Proposals" as upheld by the Hon'ble Supreme Court (and as understood by you under your subsequent T.R. No. 31 of 2004); - the Schedule of Rates of Rents fixed under the Compromise Proposals are applicable to our premises (situated outside the port limits of the Mumbai Port) – even beyond 30.09.2012 till 31.03.2024 with 4% annual increases thereon. Pertinently, you had yourself (under your two sworn affidavits dated 09.07.1998 and 29.06.2000, respectively, filed before the Hon'ble Bombay High Court); - propounded with great vehemence that the "Compromise Proposals" as a whole were extremely fair and reasonable, and had been arrived at by taking into account "all relevant circumstances", and that the same would be a solution to the existing problem and would avoid litigation.</p> <p>You had (also vide your T.R. No.31 of 2004) approved to implement the said judgment of the Hon'ble Supreme Court in Wadia's case; and therein had categorically recorded (at para 7.2 thereof) that the Rates of Rent (as specified in the "Compromise</p>	<p>revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances</p>

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				<p>Proposals”) beyond 31.03.2000 will continue to increase by 4% every October upto 30.09.2012; and that as decided under T.R. No.204 of 1997, fresh leases are granted for thirty years from 01.04.1994 with 4% annual increase in rent, thereby extending the applicability of rent under the “Compromise Proposals” to 2024 or 2029 in many cases.</p> <p>As such, there is no question of you proposing to frame the Scale of Rates of Rent (“SOR”) as proposed by you.</p> <p>In fact, the very failure on your part to implement the said judgment in Wadia’s case, and on the contrary, you approving T.R. No.127 of 2006 (thereby substantially altering the terms of the “Compromise Proposals”);- is a contemptuous act which militates against the said judgement of the Hon’ble Supreme Court. Your actions, therefore, have been challenged before the Hon’ble Bombay High Court in a batch of about 40+ Writ Petitions.</p> <p>In the lead Writ Petition No.2085 of 2009 (also filed by Jamshed Wadia), and vide Order dated 09.04.2015, the Hon’ble Bombay High Court has been pleased to issue Notice under Order I Rule 8 of Code of Civil Procedure, 1908. You are aware that the said Writ Petitions are sub-judice and pending disposal. Despite this, you had wrongfully sought TAMP’s approval for fixing SOR retrospectively w.e.f. 01.10.2012, which has come to be unlawfully approved by TAMP under its various Gazette Notifications; and in furtherance thereof you (under your said proposal) are now seeking to fix SOR for 2022-2027 – and too on the same unlawful basis.</p>	<p>obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>Being aggrieved by the illegal actions on the part of TAMP and yourselves, a huge batch of Writ Petitions (raising similar challenge) have also been filed, and all of them are pending disposal.</p> <p>Moreover, for the following (amongst other reasons); and without prejudice to the aforesaid; even otherwise your proposal for fixing SOR for 2022-2027 are illegal and bad in law:-</p> <p>In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>The SOR proposed to be fixed is based on the provisions of PGLM 2015 (which prescribes for revision of rates of rents in line with highest and hypothetical market values); and the same is violative of every principle, ratio and direction of the Hon'ble Supreme Court in Wadia's case, and in a catena of other judgements; - especially in respect of the law laid down therein with respect to 'State' and its Instrumentalities (as landlords) revising the Rates of Rent in respect of its immovable properties (see para 16,17,18 and 19 of Wadia's judgment); and is also violative of Article 14 of the Constitution of India.</p> <p>The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>The Proposal under reply is contrary to the Sec. 27 of</p>	

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				<p>the Major Port Authorities Act, 2021 – which clearly contemplates that the fixation and implementation of SOR shall not be inconsistent with the provisions of any other law for the time being in force. This is because, the Proposal under reply has fixed SOR at an exorbitant rate of 6% p.a. rate of return on market value of land; - which is unconstitutional and is contrary to the law laid down by the Hon’ble Supreme Court in Wadia’ Case – which prohibits framing of rents by State and its instrumentalities basis market value of the land.</p> <p>In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act thereupon and/ or consequent thereto; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>You are called upon to strictly abide by the ratio, terms and directions of the Hon’ble Supreme Court in Wadia’s case</p> <p>I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

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				<p>Sincerely,</p> <p>__cotton depot tenants association representative MCCLEANINC INTERNATIONAL _____</p>	
258	31205149	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>These objections are without prejudice to The Indian Hotel Co. Ltd (IHCL)'s rights, contentions and remedies in law and right to receive a personal hearing in the matter. We specifically request you for a personal hearing before any order is passed or decision is taken in the matter. Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SOR -2023-27</p> <p>Each of these grounds are without prejudice to the rest of the grounds.</p> <p>1. Pending litigation</p> <p>1.1. You are aware and have complete knowledge of the pending Writ Petition filed by TIFCO Holdings Ltd. (now amalgamated in IHCL), namely Writ Petition No. 160 of 2013 ("said Petition"). The said Petition was filed for a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or direction of this Hon'ble Court - ordering and directing the MPA to grant a long lease up to 2024 at</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 1/6C there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances</p>

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				<p>the rates of rent approved by the Hon'ble Supreme Court by their Judgment dated 13-01-2004 in Jamshed Wadia's case, with an increase in rent at 4% per annum throughout the period of the demise; and to execute a Lease Deed to that effect in favour of the TIFCO Holdings Ltd. subsequently amalgamated into IHCL.</p> <p>1.2. The said Petition was admitted by the Hon'ble Bombay High Court by its order dated 7th July, 2014. The said matter is sub-judice.</p> <p>1.3. An Interim Application has been filed by IHCL seeking reliefs more particularly prayed for, including granting stay of the Execution Application No. 37 of 2004 in Suit No. 590 of 1972 pending before the Hon'ble City Civil Court and / or appropriate orders/directions to the effect that pending the hearing and final disposal of the said Petition, you, your servants and/or agents be restrained from taking any coercive action and/or evicting the Company and/or the existing occupants/tenants of the said property and/or from taking possession of the said property. After hearing IHCL at length, the Hon'ble Bombay High Court has passed an order dated 4th October, 2022 in our Interim Application (L) No. 28273 of 2022 in the said Petition as follows: "4. We would not stall the proceedings of execution at this stage. The same may proceed further, however, in case the issue is decided against the petitioner, the actual possession may not be taken."</p> <p>1.4. The said orders dated 7th July, 2014 and 4th October, 2022 are operative as on date and protect our possession with regards to the said property.</p> <p>1.5. As per Wadia's judgment, IHCL is entitled to continue to make the payment with 4 % increase per annum with GST thereon and you are duty bound to accept the same and not demand anything more.</p>	<p>and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>1.6. Under a Trustees Resolution no. 31 of 2004, accepting the formula in the Wadia's Judgement, MPT raised tax invoices vis-à-vis the Abbas Building Property. IHCL has from time to time made payments towards the tax invoices raised as per the Wadia's Judgement.</p> <p>2. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>2.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held: "18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>2.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest.</p> <p>Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals</p>	<p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPT can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>3. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPT ought to act in a fair and reasonable manner: Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>4. The proposed revision is violative of Article 14 of the Constitution on India: 4.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697 4.2. In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>5. Violates the direction of the erstwhile Ministry of</p>	

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				<p>Shipping for re-fixing letting rates.</p> <p>6. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>6.1. The “Important guidelines of Stamp Duty Valuation” require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>6.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDRR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>6.3. The methodology for fixing the SOR rates by MPT is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDRR land value in the area. • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>6.4. Methodology for fixing the SDRR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and</p>	

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				<p>accordingly fixes the fair market rate.</p> <p>6.5. The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>6.6. The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDRR for our zone. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>6.7. No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>6.8. Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>6.9. Factors such as depreciation for the age of the</p>	

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				<p>building have not been considered.</p> <p>6.10. Additionally IHCL submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>6.11. Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>7. PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING</p> <p>IHCL craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	
259	41413115	Modern Sand Suppliers	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our</p>	<p>the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC</p>

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				<p>objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside</p>	<p>placita f-g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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				<p>the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Nadeem Abdul Sattar Lakdawala</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
260	31202244	Khimji Velji Patel	1/6B - SASOON DOCK NEAR GATE	<p>a) we do not approve the proposed SOR rates. b) the proposed rates are arbitrary, exorbitant and not acceptable c) the newly proposed rent matter is not acceptable,</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR</p>

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				<p>it is sub judice before the Bombay High Court in more than 50 Writ Petitions pending the outcome.</p>	<p>Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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					<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>.</p>
261	31202244	Shri Fakuruddin Abdulhussein Arsiwalla And 5 Others as Joint Tenants	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in) <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 (“the said Proposal”).</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded on your website of the Mumbai Trust (“MbPT”);; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already</p>	<p>said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

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				<p>submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the</p>	<p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
262	31205141	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>31205141</p> <p>These objections are without prejudice to our Company’s rights, contentions and remedies in law</p>	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per

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				<p>and right to receive a personal hearing in the matter. Our Company specifically requests you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Rent Roll No- 1813</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027 Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1. Pending litigation 1.1. The Proposed Revision is in violation of orders of the Hon’ble High Court in Commercial Suit no. 459 of 2016, filed by our Company with respect to the present lease inter alia challenging the said Notice dated 24th September, 2015. Notice of Motion No. NMCD/263/2016 was also filed in the present Suit for necessary interim / ad-interim reliefs. After hearing the parties at length, this Hon’ble Court passed an order dated 29th March 2016, in the Notice of Motion No. NMCD/263/2016 filed in the present Suit, inter-alia stating: “(ii) In the meantime, the Defendant shall not take any further action pursuant to the termination Notice dated 24-09-2015.” 1.2. Further, an Order dated 20th April, 2016 passed by this Hon’ble Court in the said Notice of Motion No. (L) 1023 of 2016 records that –</p>	<p>SoR 2017-2022. In respect of RR Zone 1/6C there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p>

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				<p>“The ad-interim order dated 29th March, 2016 shall continue until further orders.”</p> <p>1.3. MPT is duty bound to make necessary application to the Hon’ble Bombay High Court in the pending suit, in view of the protective order passed in favour of our Company in the suit.</p> <p>1.4. Any steps taken contrary to the order passed by the court would amount to violation of the same and ought to lead to severe consequences.</p> <p>1.5. Our Company has further filed Interim Application No. (L) 7363 of 2023 in the pending suit referred to hereinabove for amendment of the proceedings to, inter alia, bring the challenge to notifications passed by TAMP revising the SOR for the period 2012- 2017 and 2017- 2022 and the demand notices raised in furtherance thereof on record in the pending suit. The same is sub-judice.</p> <p>1.6. Additionally, batch of Writ Petitions have also been filed, inter alia, challenging the legality and constitutionality of the fixation of SORs retrospectively from 01.09.2012 and implementation thereof by issuance of notifications and Demand Notices. The same is also sub judice. Our Company has filed Intervention Application No. 1271 of 2023 in the lead Writ Petition No. 3413 of 2022 to be granted an opportunity to make submissions on challenged to the basis and legality of the proposed revision of SOR for 2012-2017 and 2017-2022.</p> <p>1.7. The rest of these objections are without prejudice to all our Company’s rights, contentions, and submissions in the said pending suit and Intervention Application.</p> <p>2. Violates the well settled principles laid down by the Hon’ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port</p>	<p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) - are valid</p>

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				<p>of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>2.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held: "18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>2.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPT can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p>	<p>beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>3. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPT ought to act in a fair and reasonable manner Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>4. The proposed revision is violative of Article 14 of the Constitution on India: 4.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>4.2. In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>5. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates:</p> <p>6. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>6.1. The "Important guidelines of Stamp Duty</p>	

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				<p>Valuation" require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>6.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDRR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>6.3. The methodology for fixing the SOR rates by MPT is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDRR land value in the area. • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>6.4. Methodology for fixing the SDRR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and accordingly fixes the fair market rate.</p> <p>6.5. The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>6.6. The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDRR for</p>	

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				<p>our zone. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>6.7. No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>6.8. Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>6.9. Factors such as depreciation for the age of the building have not been considered.</p> <p>6.10. Additionally our Company submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>6.11. Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>7. MPA ought to implement the Policy Guidelines for</p>	

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				<p>Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts.</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING.</p> <p>Our Company craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	
263	31205123	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>Taj Mahal Hotel:</p> <p>At the outset it is clarified on behalf of our Company that though the present objections are being raised for the customer codes 31205123 (Plot No. /RR No. 701), 31205108 (Plot No. /RR No. 677) and 31205311 (Plot No. /RR No. 2099), have been consolidated by the letter dated 4th April 2002 issued by Mumbai Port Trust (MPT) and are being dealt with collectively.</p> <p>These objections are without prejudice to our Company's rights, contentions and remedies in law and right to receive a personal hearing in the matter. Our Company specifically requests you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027 Each of these Grounds is without prejudice to the rest of the grounds.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 1/6C there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances</p>

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				<p>1. Pending litigation</p> <p>1.1. The issue relating to renewal of lease and fixation of the lease rent is pending and the matter is sub judice before the Hon'ble Bombay High Court in Suit no. 2469 of 2012. Notice of Motion no. 2441 of 2012 in the said suit was disposed of by the Hon'ble Bombay High Court by its order dated 23rd October 2018, inter-alia, directing MPT to accept the lease rent in terms of schedule of lease rent attached to its letter dated 4th April 2002, till the disposal of the suit.</p> <p>1.2. Our Company has further filed Interim Application No. 556 of 2023 in the pending suit referred to hereinabove for amendment of the proceedings to, inter alia, bring the challenge to notifications passed by TAMP revising the SOR for the period 2012- 2017 and 2017- 2022 and the demand notices raised in furtherance thereof on record in the pending suit. The same is sub-judice.</p> <p>1.3. A batch of Writ Petitions have also been filed, inter alia, challenging the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices. The same is also sub judice. The rest of these objections are without prejudice to all our Company's rights, contentions, and submissions in the said pending suit.</p> <p>2. Lease renewed as per renewal clause in lease deed and the proposed revision is not in accordance with the terms thereof. MPT/ Mumbai Port Authority (MPA) is contractually bound by letter dated 4th April, 2002:</p> <p>3. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of</p>	<p>and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p>

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				<p>Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>3.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held: "18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>3.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPA can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p>	<p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>4. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>5. The proposed revision is violative of Article 14 of the Constitution of India: 5.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>6. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates. 7. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>7.1. The "Important guidelines of Stamp Duty Valuation" require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to</p>	

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				<p>be applied accordingly, while arriving at the market rate.</p> <p>7.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDRR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>7.3 The methodology for fixing the SOR rates by MPA is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDRR land value in the area. • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>7.4 Methodology for fixing the SDRR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and accordingly fixes the fair market rate.</p> <p>7.5 The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>7.6 The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDRR for our zone. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates</p>	

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				<p>are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>7.7 No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>7.8 Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>7.9 Factors such as depreciation for the age of the building have not been considered.</p> <p>7.10 Additionally our Company submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>7.11 Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>8 MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts.</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE</p>	

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				<p>PROVIDED AND PERSONAL HEARING</p> <p>Our Company craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	
264	31205108	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>Taj Mahal Hotel:</p> <p>At the outset it is clarified on behalf of our Company that though the present objections are being raised for the customer codes 31205123 (Plot No. /RR No. 701), 31205108 (Plot No. /RR No. 677) and 31205311 (Plot No. /RR No. 2099), have been consolidated by the letter dated 4th April 2002 issued by Mumbai Port Trust (MPT) and are being dealt with collectively.</p> <p>These objections are without prejudice to our Company's rights, contentions and remedies in law and right to receive a personal hearing in the matter. Our Company specifically requests you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027 Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1. Pending litigation 1.1. The issue relating to renewal of lease and fixation of the lease rent is pending and the matter is sub judice before the Hon'ble Bombay High Court in Suit</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 1/6C there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the</p>

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				<p>no. 2469 of 2012. Notice of Motion no. 2441 of 2012 in the said suit was disposed of by the Hon'ble Bombay High Court by its order dated 23rd October 2018, inter-alia, directing MPT to accept the lease rent in terms of schedule of lease rent attached to its letter dated 4th April 2002, till the disposal of the suit.</p> <p>1.2. Our Company has further filed Interim Application No. 556 of 2023 in the pending suit referred to hereinabove for amendment of the proceedings to, inter alia, bring the challenge to notifications passed by TAMP revising the SOR for the period 2012- 2017 and 2017- 2022 and the demand notices raised in furtherance thereof on record in the pending suit. The same is sub-judice.</p> <p>1.3. A batch of Writ Petitions have also been filed, inter alia, challenging the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices. The same is also sub judice. The rest of these objections are without prejudice to all our Company's rights, contentions, and submissions in the said pending suit.</p> <p>2. Lease renewed as per renewal clause in lease deed and the proposed revision is not in accordance with the terms thereof. MPT/ Mumbai Port Authority (MPA) is contractually bound by letter dated 4th April, 2002:</p> <p>3. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>3.1. The Hon'ble Supreme Court of India in the case of</p>	<p>proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of</p>

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				<p>Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held:</p> <p>"18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>3.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPA can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>4. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner Reference is made to: 1) Judgement of Hon'ble</p>	<p>2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>5. The proposed revision is violative of Article 14 of the Constitution of India: 5.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>6. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates.</p> <p>7. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>7.1. The "Important guidelines of Stamp Duty Valuation" require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>7.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore</p>	

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				<p>the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDDR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>7.3 The methodology for fixing the SOR rates by MPA is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDDR land value in the area. • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>7.4 Methodology for fixing the SDDR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and accordingly fixes the fair market rate.</p> <p>7.5 The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>7.6 The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDDR for our zone. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the</p>	

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				<p>comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>7.7 No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>7.8 Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>7.9 Factors such as depreciation for the age of the building have not been considered.</p> <p>7.10 Additionally our Company submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>7.11 Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>8 MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts.</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING</p> <p>Our Company craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	

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265	31202244	Shri Fakuruddin Abdulhussein Arsiwalla and 5 others as joint tenant	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in) <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly</p>

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				<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p>	<p>provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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				<p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated</p>	<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC: 1) Dy. Chairman BPT/ MbPT :</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
266	Other than tenant	Ritesh Chaudhary	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
					<p>needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
267	41304325	Goel steel	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable.	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in</p>

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					<p>accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p>
268	31205311	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>Taj Mahal Hotel:</p> <p>At the outset it is clarified on behalf of our Company that though the present objections are being raised for the customer codes 31205123 (Plot No. /RR No.</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 1/6C</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>701), 31205108 (Plot No. /RR No. 677) and 31205311 (Plot No. /RR No. 2099), have been consolidated by the letter dated 4th April 2002 issued by Mumbai Port Trust (MPT) and are being dealt with collectively.</p> <p>These objections are without prejudice to our Company's rights, contentions and remedies in law and right to receive a personal hearing in the matter. Our Company specifically requests you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027 Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1. Pending litigation</p> <p>1.1. The issue relating to renewal of lease and fixation of the lease rent is pending and the matter is sub judice before the Hon'ble Bombay High Court in Suit no. 2469 of 2012. Notice of Motion no. 2441 of 2012 in the said suit was disposed of by the Hon'ble Bombay High Court by its order dated 23rd October 2018, inter-alia, directing MPT to accept the lease rent in terms of schedule of lease rent attached to its letter dated 4th April 2002, till the disposal of the suit.</p> <p>1.2. Our Company has further filed Interim Application No. 556 of 2023 in the pending suit referred to hereinabove for amendment of the</p>	<p>there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>proceedings to, inter alia, bring the challenge to notifications passed by TAMP revising the SoR for the period 2012- 2017 and 2017- 2022 and the demand notices raised in furtherance thereof on record in the pending suit. The same is sub-judice.</p> <p>1.3. A batch of Writ Petitions have also been filed, inter alia, challenging the legality and constitutionality of the fixation of SoRs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices. The same is also sub judice. The rest of these objections are without prejudice to all our Company's rights, contentions, and submissions in the said pending suit.</p> <p>2. Lease renewed as per renewal clause in lease deed and the proposed revision is not in accordance with the terms thereof. MPT/ Mumbai Port Authority (MPA) is contractually bound by letter dated 4th April, 2002:</p> <p>3. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>3.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held:</p> <p>"18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or</p>	<p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals"</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>bargains.”</p> <p>3.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT’s own “Compromise Proposals” with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its “Compromise Proposals” as modified (with downward revision in rent and interest) by the Hon’ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPA can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>4. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner Reference is made to: 1) Judgement of Hon’ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>5. The proposed revision is violative of Article 14 of the Constitution of India:</p> <p>5.1. Reference is made to the following judgements:</p>	<p>(as upheld under Wadia’s case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>6. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates.</p> <p>7. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>7.1. The “Important guidelines of Stamp Duty Valuation” require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>7.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDRR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>7.3 The methodology for fixing the SOR rates by MPA is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDRR land value in the area. 	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<ul style="list-style-type: none"> • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>7.4 Methodology for fixing the SDRR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and accordingly fixes the fair market rate.</p> <p>7.5 The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>7.6 The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDRR for our zone. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>7.7 No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>7.8 Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and</p>	

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				<p>cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>7.9 Factors such as depreciation for the age of the building have not been considered.</p> <p>7.10 Additionally our Company submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>7.11 Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>8 MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts.</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING</p> <p>Our Company craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	
269	41413103	Shri alimohammed r h e patel	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2 / 3</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme</p>	<p>i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is,</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>3 / 3</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse</p>	<p>therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				Yours sincerely Furquan patel	
270	10401603	Shri. Ushakant Chhotalal Sheth 3 others	11/86B - SEWRI (E)/STP/SEWRI FORT	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 47% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse. Sincerely, For Ushakant Chhotalal Sheth and 3 Others	
271	31202244	Anthony Dsouza	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <ol style="list-style-type: none"> The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in) The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in) <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>

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				<p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet</p>

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				<p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if</p>	<p>approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open</p>	

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				<p>land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd:</p>	

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				<p>Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
272	41413105	J v patanwala and co	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994</p>

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				<p>land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your</p>	<p>to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the</p>

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				<p>earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p>	<p>Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Adil Salim Patanwala</p>	
273	41413106	J v patanwala & co	17/119 - MAHIM BUNDER	With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal	At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR

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				<p>thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p>	<p>Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is</p>

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				<p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p>	<p>valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f–g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality,</p>

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				<p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in</p>	<p>attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>my/ our case - for want of specific traverse.</p> <p>Sincerely, Adil Salim Patanwala</p>	
274	20701204	Smt. Devkabei Meghji two other	10/80A - DARUKHANA/MDL	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all our rights, claims and contentions in the matter in respect of the above referred premises/ plot; we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) - beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji</p>

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				<p>return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022(as applicable to our plot; and fixed by the Tariff Authority for Major Ports); - and for which we have already submitted our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT)being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court.</p> <p>4. we state that our comments/ objections to the present Proposal in reply - are similar and identical to our earlier comments/ objections/ contentions as raised in our replies already submitted to you;</p> <p>Therefore, in order to avoid repetition of our objections; we adopt all our comments/ contentions/ averments under all our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by</p>	<p>Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				<p>applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. We reserve my our right to alter, amend, add, modify and/or delete any and all of our reasons,</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the</p>	<p>rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port</p>

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				<p>market value of land for 2022;– is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon’ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p>	<p>Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in</p>	

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				<p>extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC: 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
276	31202244	P. K. Narayan	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the</p>	<p>dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections</p>	<p>under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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				<p>to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p>	<p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your</p>	

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				<p>Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com</p> <p>Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <ol style="list-style-type: none"> 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
277	41413118	Adil Salim Patanwala	17/119 - MAHIM BUNDER	<p>Sub:- Notice dated 29.3.2023 published on website of Mumbai Port Authority Requesting comments on their proposal for fixation of Scale of Rates (SoR) And Revision of Rent/compensation, Way leave, Service Charges and storage Charges, etc. for the period from 01.10.2022 to 30.09.2027 Effective from 01.06.2023 for MbPA lands / structures, etc. with 2% annual escalation in every October.</p> <p>Ref:- Plot / R.R. No. 8A, 8 situated at Mahim Bunder Unit No.:- 14 Code No. :- 41413105, 41413106 Tenants :- M/s. J. V. Pattanwalla Occupants (amongst others) :- Adil Salim Patanwala Phone no. 9820024643 Email ID – adilpatanwala@gmail.com Plot 10- 41413118 – HLR of late kaneez Asgar Chahwalla</p> <p>----- Please copy from here</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board’s Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly</p>

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				<p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No.</p>	<p>provided that “notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates”. Therefore, the comments and issues raised herein that the rates approved by Hon’ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that “Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease.” Hon’ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board’s Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has</p>

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				<p>8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p>	<p>been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Adil Salim Patanwala</p>	

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278	41413104	Hasam joosab	17/119 - MAHIM BUNDER	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; - is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 37% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as “the Wadia Judgement”) has ratified and upheld the Board's Compromise</p>

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				<p>TAMP for rejection thereof.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court (including my/our Writ Petition No. 8869/2022).</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to my/ our contentions under my/ our Writ Petition No. 8869/2022).</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No.8869/2022).; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own "compromise proposals" (as upheld under Wadia's case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other</p>	<p>Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual</p>

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				<p>SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon'ble Supreme court in Wadia's case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon'ble Supreme Court in Wadia's Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/We reserve my/ our right to alter, amend, add,</p>	<p>escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely, Amir Patel</p>	
279	31202244	Shri Fakuruddin Abdulhussein Arsiwalla and 5 others as joint tenants	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September</p>

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				<p>Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p> <p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its</p>	<p>2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p>

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				<p>judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p> <p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p> <p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p>	

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				<p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____</p> <p>Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p>	

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				<p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor, Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC:</p> <p>1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in</p> <p>2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in</p> <p>3) Hon’ble Prime Ministers Office pmo@gov.in</p> <p>4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
280	31205132	The Indian Hotels Company Limited	1/6C - APOLLO BUNDER/SASOON DOCK	<p>Oxford House</p> <p>31205132</p> <p>These objections are without prejudice to our Company’s rights, contentions and remedies in law and right to receive a personal hearing in the matter. Our Company specifically requests you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 1/6C there is a downward revision of 36% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port</p>

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				<p>separate letter containing our detailed objections to the SoR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SoR – 2022-2027 Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1. Pending litigation</p> <p>1.1. The Proposed revisions have been made in complete ignorance of the pending suit filed by our Company, inter alia, for renewal of the lease and seeking necessary orders and directions to permanently restrain the Defendant, its agents, servants, officers or any person/s acting by or through or on their behalf from taking any steps to terminate the lease of the Plaintiff and/ or initiating the process of evicting the Plaintiff and / or declaring the Plaintiff as unauthorized occupant and/or from in any manner disturbing and/or prejudicing the Plaintiff's peaceful possession / enjoyment / use of the said Lease Plot and Oxford House, without following due process of law being Commercial Suit No. 120 of 2021 which is sub-judice.</p> <p>1.2. A batch of Writ Petitions have also been filed, inter alia, challenging the legality and constitutionality of the fixation of SoRs retrospectively from 01.09.2012 and implementation thereof by issuance of notifications and Demand Notices. The same is also sub judice.</p> <p>1.3. The rest of these objections are without prejudice to all our Company's rights, contentions, and submissions in the said pending suit.</p> <p>2. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of</p>	<p>Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p>

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				<p>Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>2.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held:</p> <p>"18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>2.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPA can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>3. Violates the principle that the instrumentality of</p>	<p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual</p>

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				<p>State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner</p> <p>3.1. Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>4. The proposed revision is violative of Article 14 of the Constitution on India:</p> <p>4.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>4.2. In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>5. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates.</p> <p>6. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>6.1. The "Important guidelines of Stamp Duty Valuation" require to be considered while considering</p>	<p>quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p> <p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>6.2. It appears that MPA has considered the rates on the basis for alleged fair market valuation therefore the Proposed rates are much higher than the SDDR rates. For example:- Apollo Bunder MPA has considered under RR Zone 1/6, C = Rs 227194/- per sq.mt. and 6% return as Rs 1135.97 per month per sq.mt.. Similarly the SDRR rates for RR zone 1/6 C = 192050/-per sq.mt and 6% return as Rs 960.25.</p> <p>6.3. The methodology for fixing the SOR rates by MPT is considering factors as under:-</p> <ul style="list-style-type: none"> • State Government SDRR land value in the area. • Highest rate base upon actual registered transaction in last 3 years • Highest Tender cum Auction rate of MPA land. • Rate arrived by an approved valuer appointed by MPA for the above purpose. <p>6.4. Methodology for fixing the SDRR rates are similar to one adopted by MPA. The SDDR authority before fixing the rates verify the actual transaction of that zone and arrives at the rate. Moreover it also consider the proposed changes in the Development Plan and accordingly fixes the fair market rate.</p> <p>6.5. The valuation of the various land zone are done by the Town planning officers considering the actual development potential of land zone and arrive at fair market rate.</p> <p>6.6. The Proposed Revision is purportedly on the Fair Market Valuation derived and recommended by Govt approved Valuer and accepted and recommended by the LAC / SOR committee and approved by the Board which is higher than the rates referred in the SDRR for our zone. However, it has not disclosed how the said</p>	

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				<p>rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are based on the market values and are governed by its guidelines for fixation of the rates. Further MPA has considered the private paid valuer for fixing the market value it appears that he has not followed the comparison of the transactions otherwise the SDRR rates for zone 1/6 C would have been Rs. 192050/- per sq.mts and not 227194/- as proposed by MPA in the notice for its Apollo Bunder area.</p> <p>6.7. No transaction details are given by the valuer while considering the rates for Apollo Bunder area.</p> <p>6.8. Additionally, the Fair Market valuation adopted for the purpose of SOR are higher than the SDRR rates which are supposedly for freehold premises and cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>6.9. Factors such as depreciation for the age of the building have not been considered.</p> <p>6.10. Additionally our Company submits that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>6.11. Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>7. MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its</p>	

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				<p>entirety and not in isolated parts:</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING-</p> <p>Our Company craves leave to suitably add to, amend or alter any of the foregoing objections, if necessary.</p>	
281	31202244	Aditya Dilip Chonkar	1/6B - SASOON DOCK NEAR GATE	<p>April 12, 2023</p> <p>To,</p> <p>1. The Tariff Authority for Major Ports (tariff@tariffauthority.gov.in)</p> <p>2. The Board of Trustees of the Port of Bombay (estate.sor@mumbaiport.gov.in)</p> <p>Dear Sirs/ Madam,</p> <p>Sub: Notice dt. 29.03.2023, issued by MbPT, Proposal for fixing Scale of Rates (SoR) and Conditions for Revision of Lease Rentals for Land, Rentals for Port Authority Owned Structures, Special Way Leave Fees, Service Charges and Charges for Temporary Use of Mumbai Port Land/ Structure for the period from 1.10.2022 to 13.09.2027 effective from 1.06.2023 ("the said Proposal").</p> <p>Plot No.: R.R. 1206 situated at Sassoon Dock Estate. Unit No. 12 Code No.: 31202244</p> <p>Lessees/ Tenants: Shri Fakuruddin Abdulhussein Arsiwalla & 5 others (as Joint Tenants).</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 38% lower than the SoR for the period 2017-2022.</p> <p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The Judgement of the Supreme Court of India in SLP(C) No.5559 of 2001, Jamshed Hormusji</p>

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				<p>Ref 1: Notice dt. 6.10.2021, bearing Ref. No. EM/AS(G)/F-382/1924, issued by MbPT, requesting to offer comments on Revision of Schedule of Rates (SOR) of MbPT Estate for the period from 01.10.2012 to 30.09.2017 and from 01.10.2017 to 30.09.2022</p> <p>Ref 2: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p> <p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; -I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees' Resolution etc. - as uploaded on your website of the Mumbai Trust ("MbPT");; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>1. At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022;- is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon'ble Supreme Court under its judgement dated 13.01.2004 delivered in Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia's case); and is also ultra vires of Article 14 of the Constitution.</p>	<p>Wadia V/s. Board of Trustees of the Port of Bombay reported in AIR (2004) 3 SCC P-214 (hereinafter referred to for the sake of convenience as "the Wadia Judgement") has ratified and upheld the Board's Compromise Proposals subject to modifications contained in the said Judgement and in Para 6 of Supreme Court Judgement has clearly provided that "notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates". Therefore, the comments and issues raised herein that the rates approved by Hon'ble Supreme Court is valid upto 31.03.2024 is completely false and has no legal validity. Board vide its resolution i.e. TR No.204 of 1997 has approved that "Approval is accorded to grant of fresh lease under the compromise proposals in case of expired leases from 1.4.1994 with 4% annual increase in rents every October till expiry of the fresh lease." Hon'ble Supreme Court in the said Wadia Judgement (at page 229 of the SCC placita f-g) clearly ratified and upheld Board's Compromise Proposals which inter-alia states that in case of expired leases, a fresh lease on new terms shall be at the sole discretion of the Board. Therefore, Board of Mumbai Port Authority, in law, entitled to review and revise SoR w.e.f.01.10.2012.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

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				<p>2. The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof. Vide objections dated October 18, 2021.</p> <p>3. Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon'ble Bombay High Court [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>4. I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also identical to contentions challenging SOR 2017-2022 (as proposed by MbPT) duly challenged in bunch of Writ Petitions before Hon'ble Bombay High Court. [crave leave to refer the Writ Petitions challenging SOR 2017-2022 and orders therein].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier, in Ref.2 (- seeking rejection of your earlier SORs from 2012 onwards; and also all common contentions under Writ Petitions challenging SOR 2017-2022 and orders therein; - as if the same forms part of the present reply.</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>

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				<p>5. However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30thSeptember 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have willfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the</p>	

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				<p>Constitution.</p> <p>6. In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.</p> <p>7. I/Wereserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.</p> <p>8. Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.</p> <p>Sincerely,</p> <p>_____ Shabbir Arsiwala, 98206 19184 arsiwalaglass@gmail.com Heir / Family of Lessees / Tenants: Shri Fakuruddin Abdulhussein Arsiwala & 5 Others (as Joint Tenants)</p> <p>SINGATURES OF SOME TENANTS / OCCUPANTS OF ARSIWALA BUILDING</p> <p>For Anand Hospitality Services Pvt. Ltd: Arsiwala Building Shop No.1 & 2, Ground Floor,</p>	

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				<p>Room 21, First Floor Tenant/Occupant Amit Anand 9821111127 amitanand@gmail.com</p> <p>Vinod Anand / Manju Anand 9322 1111 27 amitanand@gmail.com</p> <p>CC: 1) Dy. Chairman BPT/ MbPT : dychairman@mumbaiport.gov.in 2) Minister of Shipping – Shipping Ministry , minister-shipping@gov.in 3) Hon’ble Prime Ministers Office pmo@gov.in 4) CMO, Maharashtra cm@maharashtra.gov.in</p> <p>ENCL: Earlier Objections (to S.O.R. for 2017-2022) vide letters/emails dt. October 18th 2021</p>	
282	31206331	The Indian Hotels Company Limited	2/12A - DHANRAJ MAHAL	<p>Narang House 31206331</p> <p>These objections are without prejudice to our rights, contentions and remedies in law and right to receive a personal hearing in the matter. We specifically request you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Due to character constraints in the Google Form, we are compelled to reduce our submissions to less than 10000 characters. We will therefore be submitting a separate letter containing our detailed objections to the SOR 2023-2027, which should be considered at the time of personal hearing.</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 2/12A there is a downward revision of 37% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per</p>

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				<p>Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1.1. We are the owners and occupants of the second floor premises admeasuring approximately 8042 sq. ft super built up area and open verandah admeasuring 481 sq. ft built up area in the Narnag House building situated on the said leasehold property bearing Rent Roll. No. 895 being land admeasuring 1128.679 sq. yds. bearing Cadastral Survey No.39 situated at Apollo Bunder Road in Wellington Reclamation Estate (the "Leasehold Plot").</p> <p>1.2. A batch of Writ Petitions have been filed, inter alia, challenging the legality and constitutionality of the fixation of SoRs retrospectively from 01.09.2012 and implementation thereof by issuance of notifications. The same is sub judice.</p> <p>1.3. The rest of these objections are without prejudice to all the alternative rights and remedies available to us in law.</p> <p>2. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment):</p> <p>2.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held: "18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-</p>	<p>annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p> <p>Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p> <p>MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority.</p>

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				<p>discrimination. However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains.”</p> <p>2.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and has also upheld the MPT’s own “Compromise Proposals” with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its “Compromise Proposals” as modified (with downward revision in rent and interest) by the Hon’ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPA can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>2.3. Additionally, in the Compromise Proposal approved by the Hon’ble Supreme Court, in the matter of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)], the following is the rent in relation to the FSI used -</p> <ul style="list-style-type: none"> • Minimum rent for FSI 0.5 • Maximum rent for FSI 1.33 • In case by 1.5 times of FSI 1.33 for FSI 3 -5 • In case by 2 times of FSI 1.33 for FSI 5 or more. 	<p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) - are valid beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are for FSI 1.00 which would be the minimum chargeable and actual quantum of Rent/compensation will be worked out on the base rate and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.</p>

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				<p>3. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner</p> <p>3.1. Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336) & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>4. The proposed revision is violative of Article 14 of the Constitution on India:</p> <p>4.1. Reference is made to the following judgements: 1) Shayara Bano vs Union of India reported in (2017) 9 SCC 1; 2) Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934; 3) Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and 4) Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697</p> <p>4.2. In this regard IHCL would like to draw a parallel between the Municipal Corporation of Mumbai who had settled the lease rent of Schedule W properties with the concurrence of Maharashtra Govt. vide their notification of 2017.</p> <p>5. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates:</p> <p>5.1. The first paragraph in TR 123 of 2014 dated 5th September 2014 regarding the "Implementation of the Hon'ble Supreme Court Judgement", MPT has referred to the Ministry of Shipping letter dated 18.02.2014 addressed to the Chairman MPT directing MPT to initiate necessary steps for immediate</p>	<p>All stakeholders had been provided an opportunity to submit their contentions related to proposed SoR 2022-2027 during the joint hearing held on 13.04.2023.</p>

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				<p>implementation of the order of the Hon'ble Supreme Court dated 13/01/2004 without any further delay. The Ministry has stated therein that the matter being an important public issue, the Port should seek clarification from the Hon'ble Supreme Court in respect of any interpretational issues such as re-fixing letting rates after 30.09.2012 etc. to avoid any legal complications, arising out of the said judgement. These directions were issued with the approval of the erstwhile Ministry of Shipping. MPT has ignored the said advice of the Ministry and not made necessary application to the Hon'ble Supreme Court and has continued to issue provisional bills.</p> <p>5.2. Although the MPT's "Compromise Proposals" fixes rents upto 2012; - MPT vide their T.R. No. 204 of 1997, resolved to extend the applicability of rent from 2012 onwards till 31st March 2024 with 4% annual increases. This T.R. 204 of 1997 admittedly (under MPT's T.R. 31 of 2004) forms part of the MPT's "Compromise Proposals" as upheld by the Supreme Court in the Wadia Judgment. Thus, MPT is barred in law from re-fixing the rates of rent. MPT is entitled only to increase rent at the rate of 4% per annum throughout the period of the demise of the renewed leases as per Wadia's Judgment.</p> <p>6. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>6.1. The "Important guidelines of Stamp Duty Valuation" require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>6.2. The Proposed Revision is purportedly adopted</p>	

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				<p>from the Stamp duty Ready Reckoner of 2022-23 for Mumbai. However, it has not disclosed how the said rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are governed by its guidelines for fixation of the rates.</p> <p>6.3. Additionally, the SDRR rates are for freehold premises which cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>6.4. Factors such as depreciation for the age of the building have not been considered.</p> <p>6.5. Further, the legality and constitutionality of the fixation of SORs retrospectively from 01.10.2012 and implementation thereof by issuance of notifications and Demand Notices are challenged before the Hon'ble Bombay High Court. The same is sub judice.</p> <p>7. MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts:</p> <p>7.1. The Policy 2014 casts a duty on MPA to initiate the process of inviting tenders prior to the expiry of the lease. It provides for a detailed procedure of renewal which the MPA is to initiate and follow.</p> <p>7.2. We have, prior to the expiry of its lease, addressed letters to MPA for renewal of the lease. A letter was thereafter received from MPA in 2002, confirming the applicable lease rent upto July 2031 and have also paid the stamp duty and other amounts as stated in the said letter. However, no response has ever been received to the letters of renewal and we was compelled to initiate proceedings in court for renewal of the lease following due process of law.</p> <p>7.3. MPA has sought only to implement a part of the</p>	

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				<p>policy that entitles it to make the Proposed Revision, specifically applicable, inter alia, to expired leases.</p> <p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING-Principles of substantive and procedural due process are enshrined in the Constitution of India and principles of natural justice are firmly grounded in the Constitution. Accordingly, prior to notifying the said Proposed Revision, all the lessees ought to be allowed to appear and their written submissions should be considered as well as a personal hearing should be granted to each of the lessees prior to taking any decision on the Proposed Revisions.</p> <p>We crave leave the suitable add to, amend or alter any of the foregoing objections, if necessary.</p>	
283	41304434	SHRI JITENDRA KHEMKA PROPRIETOR OF M/S KHEMKA STEEL TRADERS	10/80A - DARUKHANA/MDL	The proposed rates are arbitrary, exorbitant and not acceptable	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 61% lower than the SoR for the period 2017-2022.</p> <p>The claim that the proposed SoR being arbitrary and unreasonable and not sustainable are vague and unsubstantiated comments without any supportive facts/figures/documents.</p> <p>It is to state that the revision of SoR 2022-27 is needed to be done in terms of policy guidelines issued by the Government every 5 years in order to ensure that Board of Mumbai Port Authority can do its activities to not only</p>

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					<p>cater to the needs of its serving employees, pension and other benefits to its pensioners and above all to augment and develop all new projects such as MICT, 5th Oil berth for chemicals, etc. for giving better services to the entire community of people in the city of Mumbai and other importers / exporters of India as a whole. Also Mumbai Port Authority needs to ensure that it shall not bind itself within the clutches of inflationary trends.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

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					MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963. No comments are warranted on the matters which are not pertaining to SoR 2022-27 and any issues which are subjudice.
284	31101112	Darabshaw B. Cursetjee's Sons (Investments) Pvt. Ltd.	2/22A - BALLARD ESTATE	<p>Darabshaw House 31101112</p> <p>These objections are without prejudice to our rights, contentions and remedies in law and right to receive a personal hearing in the matter. We specifically request you for a personal hearing before any order is passed or decision is taken in the matter.</p> <p>Grounds for objection to the proposed revision for the SOR – 2022-2027</p> <p>Each of these Grounds is without prejudice to the rest of the grounds.</p> <p>1. Pending litigation</p> <p>1.1. The Proposed Revision is in violation of orders of the Hon'ble High Court in Commercial Suit no. 565 of 2019 filed by us against you inter alia, for a declaration that the lease is valid, subsisting and binding and the notice dated 20th April, 2018 is ex facie illegal and bad in law and hence seeking an order from this Hon'ble Bombay High Court restraining the Defendant from acting in furtherance thereof.</p> <p>1.2. Thereafter, a letter dated 28th November, 2019 (the said Termination Notice) was addressed by you, inter alia, calling upon us to hand over vacant and peaceful possession of the lease plot and once again making allegations about the breaches allegedly committed.</p> <p>1.3. In view thereof, Interim Application No. (L) 1 of</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. In respect of RR Zone 2/12A there is a downward revision of 37% compared to the SoR 2017-2022</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) issued under Section 111 of Major Port Trusts Act. 1963, with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court</p>

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				<p>2020 was filed in the said Suit seeking necessary reliefs to restrain any steps being taken in furtherance of the said Termination Notice.</p> <p>1.4. After hearing the parties at length, the Hon'ble Bombay High Court passed an order dated 29th January, 2020, in the Interim Application No. (L) 1 of 2020 filed in the said Suit, inter-alia stating: "2. Considering the tenor of the letter dated 28th November, 2019, annexed as Exhibit K1 to the interim application, no coercive steps shall be taken till further orders."</p> <p>2. Violates the well settled principles laid down by the Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] (Wadia Judgment)</p> <p>2.1. The Hon'ble Supreme Court of India in the case of Jamshedji Wadia vs the Board of Trustees of the Port of Mumbai reported in [2004 Vol. 106 (2) Bom. L. R. 376 (SC)] held: "18. In our opinion, in the field of contracts the State and its instrumentalities ought to so design their activities as would ensure fair competition and non-discrimination. They can augment their resources but the object should be to serve the public cause and to do public good by resorting to fair and reasonable methods..... However, the State cannot be seen to be indulging in rack-renting, profiteering and indulging in whimsical or unreasonable evictions or bargains."</p> <p>2.2. Accordingly, what is now proposed is clearly in breach of these binding principles laid down by the Court. The Wadia Judgment whilst deciding and disposing of the said pending Civil Appeals; - has settled the principles for revision of rent by MPT and</p>	<p>Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR. The entire procedure followed in determination of SoR is explained in Board Resolution No.296 dated 27.03.2023 published on the MbPA website.</p> <p>Further the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". The Board under TR No.31 of 2004 decided to continue the said rates for the period upto 30.09.2012. The compromises proposals also has a provision that notwithstanding fixation of rent for a period of 20 years (i.e. till 2012), for good and sufficient reasons, the Board can review and revise the rates. Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) - are valid</p>

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				<p>has also upheld the MPT's own "Compromise Proposals" with downward revision of the rates of rents and interest. Post the Wadia Judgment, MPT (vide its TR No. 31 of 2004), accepted the rates of rent fixed by it under its "Compromise Proposals" as modified (with downward revision in rent and interest) by the Hon'ble Supreme Court. It is these reduced rentals which would be chargeable in the context of renewal of the leases of the said plots. Accordingly, there can be no other basis or fixation of rents in respect of all the plots. The correct interpretation of clause 18 of the said Wadia Judgment suggests that MPT can increase the legal rent only at the rate of 4% per annum throughout the period of the demise of the renewed leases as per the said Judgment.</p> <p>3. Violates the principle that the instrumentality of State under Article 12 of the Constitution of India i.e. MPA ought to act in a fair and reasonable manner</p> <p>4. Reference is made to: 1) Judgement of Hon'ble Bombay High Court in Rati Pallonji Kapadia vs. State of Maharashtra, 1992 MhLJ 1336 & 2) judgment of the Court in Wednesbury [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)].</p> <p>5. The proposed revision is violative of Article 14 of the Constitution on India: 5.1. It is now well settled that any legislation which is manifestly arbitrary (and not merely discriminatory), requires to be negated and invalidated under Article 14 of the Constitution. Reference is made to the judgement in Shayara Bano vs Union of India reported in (2017) 9 SCC 1. The SoR are being revised capriciously, irrationally, and / or without adequate</p>	<p>beyond such period is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port or such a proposition upheld by any judicial pronouncement.</p> <p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p>

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				<p>determining principle when the earlier revisions for the period of 2012- 2017 and 2017 to 2022 are already challenged by way of Writ Petitions in the Hon'ble Bombay High Court. What is attempted to be done by an instrumentality of State is excessive and disproportionate.</p> <p>5.2. In Rampratap Jaidayal vs. Dominion of India reported in 54 Bom LR 927 at page 934 the then Chief Justice Mr. M. C. Chagla has observed that "It is not too much to assume, as the Legislature did in this case, that the very Government whose object was to protect the tenants and prevent rent being increased and prevent people being ejected, would not itself when it was the landlord do those very things which it sought to prohibit its people from doing, and therefore the underlying assumption of this exemption is that Government would not increase rents and would not eject tenants unless it was absolutely necessary in public interest and unless a particular building was required for public purpose".</p> <p>As stated above, MPA being an instrumentality of the State cannot act arbitrarily as private landlords as has been held by the courts in the judgments in Dwarkadas Marfatia & Sons vs Board of Trustees of the Port of Bombay reported in 1989 SCR (2) 751 and Ratti Pallonji vs the State of Maharashtra reported in (1992) 94 Bom LR 697 referred to hereinabove.</p> <p>6. Violates the direction of the erstwhile Ministry of Shipping for re-fixing letting rates:</p> <p>6.1. The first paragraph in TR 123 of 2014 dated 5th September 2014 regarding the "Implementation of the Hon'ble Supreme Court Judgement", MPT has referred to the Ministry of Shipping letter dated 18.02.2014 addressed to the Chairman MPT directing MPT to initiate necessary steps for immediate implementation of the order of the Hon'ble Supreme</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>Court dated 13/01/2004 without any further delay. The Ministry has stated therein that the matter being an important public issue, the Port should seek clarification from the Hon'ble Supreme Court in respect of any interpretational issues such as re-fixing letting rates after 30.09.2012 etc. to avoid any legal complications, arising out of the said judgement. These directions were issued with the approval of the erstwhile Ministry of Shipping. MPT has ignored the said advice of the Ministry and not made necessary application to the Hon'ble Supreme Court and has continued to issue provisional bills.</p> <p>6.2. Although the MPT's "Compromise Proposals" fixes rents upto 2012; - MPT vide their T.R. No. 204 of 1997, resolved to extend the applicability of rent from 2012 onwards till 31st March 2024 with 4% annual increases. This T.R. 204 of 1997 admittedly (under MPT's T.R. 31 of 2004) forms part of the MPT's "Compromise Proposals" as upheld by the Supreme Court in the Wadia Judgment. Thus, MPT is barred in law from re-fixing the rates of rent. MPT is entitled only to increase rent at the rate of 4% per annum throughout the period of the demise of the renewed leases as per Wadia's Judgment.</p> <p>7. The Proposed Revision is not in consonance with the Important Guidelines of the Stamp Duty Ready Reckoner.</p> <p>7.1. The "Important guidelines of Stamp Duty Valuation" require to be considered while considering the SDRR rates for open land, land with buildings, vast land and the concessions on various accounts are to be applied accordingly, while arriving at the market rate.</p> <p>7.2. The Proposed Revision is purportedly adopted from the Stamp duty Ready Reckoner of 2022-23 for Mumbai. However, it has not disclosed how the said</p>	

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				<p>rates have been considered as fair, reasonable and marketable as the stamp duty ready reckoners rates are governed by its guidelines for fixation of the rates.</p> <p>7.3. Additionally, the SDRR rates are for freehold premises which cannot be equated to leasehold premises as the same would be subject to certain restrictions / conditions and the rates ought to be discounted considering the restrictions in the lease deeds.</p> <p>7.4. Factors such as depreciation for the age of the building have not been considered.</p> <p>7.5. Additionally we submit that a lessee cannot be punished by charging higher rates for having enhanced the value of the property. The fact that the improvement or escalation in market value of the property is principally due to the efforts, inputs and development of the property by the lessee, has been completely ignored.</p> <p>8. MPA ought to implement the Policy Guidelines for Land Management, 2014 (the said Policy, 2014) in its entirety and not in isolated parts.</p> <p>8.1. The Policy 2014 casts a duty on MPA to initiate the process of inviting tenders prior to the expiry of the lease. It provides for a detailed procedure of renewal which the MPA is to initiate and follow.</p> <p>8.2. We have, prior to the expiry of its lease, addressed letters to MPT for renewal of the lease. However, no response has ever been received to the letters of renewal and we was compelled to initiate proceedings in court for renewal of the lease following due process of law.</p> <p>8.3. MPA has sought only to implement a part of the policy that entitles it to make the Proposed Revision, specifically applicable, inter alia, to expired leases.</p>	

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				<p>PRINCIPLES OF NATURAL JUSTICE HAVE TO BE PROVIDED AND PERSONAL HEARING-</p> <p>We crave leave the suitable add to, amend or alter any of the foregoing objections, if necessary.</p>	
285	Offline	Vakil House	2/22A - BALLARD ESTATE	<p>With reference to MbPT's abovementioned Notice/s, Proposal/s and Presentation/s, and without prejudice to all our rights, claims, and contentions in the matter in respect of the above referred premises, and without admitting to the applicability of any specific contentions of MbPT to our case; we the Lessee abovenamed, have perused the contents of the above referred notice uploaded on MbPT's Website on 29th March 2023; and in response thereto, we hereby submit our further comments, response and objections; which are without prejudice and urged independently of each other, as follows: -</p> <p>At the very outset, we do not admit to any of the common comments and/ or the contents of the standard reply and/ or any of the contents of MbPT's above referred Notice/s which are contrary to and/ or inconsistent with our earlier comments, response and objections, and/or the present further response and objections contained herein. Nothing stated in MbPT's said Notice /s shall be deemed to have been admitted by us for want of specific traverse.</p> <p>2. We have to state that in response to MbPT's Notices dated 12.08.2021 and 14.08.2021, respectively; we under our letter dated 16th September 2001 and email dated 24.08.2021 had submitted our common comments, response and objections to MbPT's SOR Proposal/s forwarded to TAMP seeking approval of the SOR/s for the period 1.10.2017 to 30.09.2022, and for the period</p>	<p>At the outset, taking into account the concerns of the tenants/ lessees/ stakeholders, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. SoR 2022-27 in respect of RR Zone of the subject stakeholder is about 13% lower than the SoR for the period 2017-2022. At the further outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>1.10.2012 to 30.09.2017, respectively; and the contents thereof are reiterated as if the same form part of this present communication.</p> <p>3. It is stated that:-</p> <p>i) There can be no question of framing of any SoRs (retrospectively or otherwise) right up to 31st March 2024; since, MbPT themselves (under their own T.R. 31 of 2004) had inter alia resolved to implement the said judgment of the Hon'ble Supreme Court in passed in SLP No. 5559 of 2001 i.e. Jamshed Hormusji Wadia Vs. The Board of Trustees of the Port of Mumbai & Anr., viz. Wadia's Case, and had also expressly accepted therein that the rates fixed under their own "Compromise Proposals" as upheld (with downward revision in rent and interest) in Wadia's Case would be applicable to their landed estates from 1.04.1994 up to 31.03.2024, with 4% annual increases "thereby extending the application of the proposals to 2024".</p> <p>ii) It is well cemented by the Hon'ble Supreme Court in Wadia's Case, viz. that there can be no framing/ fixation of rent by MbPT (or by any other Instrumentality of State) based on any hypothetical and exploitative increases in market values of land.</p> <p>iii) The proposal of fixation of Present Proposed SoR for the period from 1.10.2022 to 30.09.2027 is calculated taking earlier SoR for periods 1.10.2012 to 30.09.2017 and 1.10.2017 to 30.09.2022 as a basis. Since the earlier SoR for the Period 1.10.2012 to 30.09.2017 and 1.10.2017 to 30.09.2022 are bad in Law and disputed by the Lessees and / Tenants / Occupants by challenging the same in the Court. The Present proposal is essentially bad in law and cannot be implemented.</p>	<p>2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p> <p>No comments are warranted on the matters which are already subjudice.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p> <p>Rent Control Act does not apply to land let out by MbPA.</p>

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>iv) MbPT appears to not have taken any heed to the directions of the Ministry of Shipping (issued under their letter dated 18.02.2014), viz. that MbPT should initiate necessary steps for immediate implementation of the judgment/ order of the Hon'ble Supreme Court dated 13.01.2004 (viz. in Wadia's Case) without any further delay; and that MbPT should seek clarification from the Hon'ble Supreme Court in respect of any interpretational issues arising out of the said judgment such as re-fixing of the letting rates after 30.09.2012.</p> <p>v) A Division Bench of the Hon'ble Bombay High Court in Ratti Pallonji Kapadia v. State of Maharashtra & Ors., (1992 Mh. L.J. 1356) – (whilst examining the revision of lease Rent in cases of renewals of leases of Govt. Land) has held that: "22. What is worse, although the leases have expired on 1-1-1981, they were not renewed till 1986 or later and the increased rent is being charged retrospectively from 1-1-1981. This in our view is also unfair."</p> <p>vi) Any attempt to frame such steep and exorbitant SOR's based on hypothetical market values of land calculated at arbitrarily increased rates, would not only be unlawful, but also violative of Article 14 of the Constitution of India.</p> <p>4. The common comments and the standard reply relied upon by MBPT, which seek to defend and justify the said arbitrary SOR Proposal/s;- are false, unsustainable in law and exhibit a clear intention of MbPT to circumvent the dictates and directions of the Hon'ble Supreme Court under its said judgment in Wadia's Case. MbPT's common</p>	

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				<p>comments and standard reply appear to be an unlawful attempt to seek fixation / framing of unfair, unreasonable, & arbitrary rates of rent based on hypothetical market values of land, and that too based on arbitrary increases from 2012.</p> <p>5. Whilst seeking to reply to the objections, and justify its steep, arbitrary, unlawful and retrospective fixation/ framing of rents; the contention of the MbPT, viz. that the occupations are without any authorization from MbPT even after expiry or termination of lease/ tenancy;- is a case of the pot calling the kettle black. Such a contention is entirely misplaced in the context of any fixation/framing of SOR and that too retrospectively. In our case, despite seeking renewal of our lease MbPT themselves have failed to renew the same; and thus now cannot be permitted to cast a shadow of illegality and &/or unauthorised-ness upon lessees such as us by taking advantage of their own wrong.</p> <p>6. It is pertinent that by the said Judgment in Wadia's case, the Hon'ble Supreme Court has dismissed MbPT's Cross-Objections as not only being not-maintainable, but also being devoid of any merit. By these Cross-Objections, the MbPT had sought to resile from their "Compromise Proposals" and had sought to assert their right to charge rents based on market rates. The Hon'ble Supreme Court in terms rejected such an attempt. Hence, the question of the MbPT / attempting to fix/ frame any SORs based on hypothetical land valuations / market rates does not arise; and this has been repeatedly frowned upon and rejected by the Hon'ble Supreme Court and the Hon'ble High Courts in a catena of judgments.</p> <p>7. Considering the well settled position of law that increase/ fixation of rents based on hypothetical</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>market values of land is itself unlawful and unsustainable in law; there is no question of permitting the MbPT to justify its actions with a flavour of illusory reasonableness by seeking to increase the rent 9 times compared to the rents in Wadia’s judgment, and as compared to land values having increased 37 times. It may be appreciated that the tenants/ lessees/ occupants have neither been permitted to, nor were in a position to enjoy all the incidents of the lease. All the leases which had expired, were subject to onerous conditions thereby substantially diminishing their earning potential. Returns on MbPT lands can be nowhere near, nor be compared with other freehold/ leasehold occupations enjoying all the incidents of ownership/ leasehold rights and security of tenure.</p> <p>8. It is reiterated that MbPT themselves under their own T.R. 31 of 2004 had inter alia resolved to implement the said judgment of the Hon’ble Supreme Court in Wadia’s Case, and had also expressly accepted therein that the rates fixed under their own “Compromise Proposals” as upheld (with downward revision in rent and interest) in Wadia’s Case would be applicable to their landed estates from 1.04.1994 upto 31.03.2024, with 4% annual increases “thereby extending the application of the proposals to 2024”. Therefore, there is no question of MbPT being free to fix/ frame its SOR w.e.f. 1.10.2012 and /or 1.10.2017 and /or 1.10.2022 in terms of the said PGLM or otherwise. Moreover, and considering that the said “Compromise Proposals” are applicable till 2024 (as stated hereinabove), and in any event; the subsequent guidelines issued by the Ministry cannot override and/ or supersede and/ or circumvent the ratios, dictates and directions of the Hon’ble Supreme Court in Wadia’s Case, and in</p>	

Sr. No.	Customer Code	Name of the lessee/tenant	Location	Remarks/Comments on SoR	MbPA Reply
				<p>particular - qua the MbPT's own "Compromise Proposals".</p> <p>9. The fact that the return of 6% is based on the PGLM 2015 has been accordingly applied by the MbPT's Board does not bless it with any legality so far as the law declared by the Hon'ble Supreme Court and the Hon'ble High Courts and particularly by the Judgment of the Hon'ble Supreme Court in Wadia's case is concerned – which law will prevail over any such policy/ guidelines. The SOR's therefore proposed by the MbPT are neither fair nor reasonable nor permissible in law.</p> <p>10. With respect to the standard reply of MbPT vis-à-vis arbitrary fixation / framing of rent; we reiterate all that is stated in our comments/ objection as well as what is stated herein viz. that MbPT's attempt to frame SORs on the basis of SOR's for periods 1.10.2012 to 30.09.2017 and 1.10.2017 to 30.09.2022- is unsustainable and not maintainable in law. No amount of reasoning vis-à-vis delay in submission of the said Proposal/s can confer any validity and/ or legality to the said Proposal/s.</p> <p>11. The Maharashtra Rent Control Act, 1999, applies to MbPT as MbPT does not fall under the exempted category of "local authority" – defined under Section 7(6) of the Maharashtra Rent Control Act, 1999 hence MBPT can not arbitrarily implement the said SOR .</p> <p>12. In light of what stated hereinabove, the Proposed SOR is erroneous and unsustainable in law; and it is requested that MbPT's withdraw the same immediately</p>	

Comments received from Stakeholder through email or hard copy. Replies to the comments are as follows

Category -1 (Comments which are common on issues relating to MPA Act, Rent Act and Writ petitions are grouped together)

Sr.No	Comments	Reply
	<p>Subject: Your proposed Scale of Rates for the period from 1.10.2022-30.09.2027 proposed to be made effective from 1.06.2023 purportedly based on fair market value recommended by Mr.AvinashPendse.</p> <p>Your circular and notice received by us inviting our comments/ objections thereupon.</p> <p>Your public notice dated 29.03.2023 and the Newspaper article inviting objections from the members of the public at large.</p> <p>Dear sir, I am in receipt of your circular, so also, public notice dated 29.03.2023 bearing the subject "Proposal for fixation of Scale of Rates (SoR) and revision of rent/compensation from the period <u>1.10.2022- 30.09.2027</u> effective from 1.06.2023 for MbPA lands, structures, etc" addressed to all lessees/ tenants/ stakeholders of the Mumbai Port Authority. In this regard, I am submitting my objections/ comments to the same by way of E-mail and also by way of a physical service in addition to the comments/observations made by me in the Google Form link provided by you. Broad-based, my objections are as follows:</p>	<p>No comments</p>
1	<p>At the outset, it may be recorded that the purported powers conferred upon The Board of Mumbai Port Authority u/s. 27(1)(b) & 22(2) of The Major Ports Authorities Act, 2021 r/w Clause. 7.5 of The Tariff Policy for Major Ports Authority, 2021 and Rule. 4 of the Major Ports Authorities (Masterplan and Application of Funds from non-port related use), 2021 are misconceived in so far as the purported powers under the said provisions are subject to judicial scrutiny and review and the powers have been impugned before the Hon'ble High Court of Judicature at Bombay. In the circumstances, it would be in the fitness of things if you desist from passing any Scale of Rates pending the adjudication of such an issue before the Hon'ble Constitutional Court.</p>	<p>The contentions are based on misplaced interpretation of facts and it is denied that any issue arising out of the MPA Act, 2021 r/w Clause 7.5 of the Tariff Policy for Major Ports Authority, 2021 and Rule 4 of the Major Ports Authorities Master Plan and Application of Funds from non-port related is pending adjudication before the Hon'ble Constitutional Court.</p>
2	<p>Without prejudice to the above, please also note that the proposed period for which the Scale of Rates are sought to be passed is that from 2022-2027. It is pertinent to note that as per the judgement of the Hon'ble Supreme Court</p>	<p>At the outset taking into the concerns of the tenants/lessees/stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 11/85B is in fact 63%</p>

	<p>rendered in the case of Jamshed H. Wadia Vs. The Board of Trustees of the Port of Bombay &Anr. (2004) (3) SCC 214, Compromise Proposals were sanctioned by the Hon’ble Supreme Court which you are well aware of. Your predecessor i.e. The Board of Trustees of the Port of Bombay under its TR No.31 of 2004 has categorically and in no ambiguous terms recorded that they are bound to follow the said Compromise Proposal which was sanctioned by the Hon’ble Supreme Court which were also converted into a Representative Petition pursuant to rule issued under Order I Rule VIII by the Hon’ble Supreme Court. That being so, it is clear that your predecessors i.e. The Board of Trustees of the Port of Bombay (BpT) was bound to extend leases/ grant fresh leases for a period of 30 years w.e.f. 1994 which were to be valid atleast till 31.3.2024. The Scale of Rates that you seek to sanction cannot be totally de hors the rates contemplated in the Compromise Proposals before the Hon’ble Supreme Court. It is a fact that the leases created by your predecessors BPT would bind you as you cannot acquire any better position in law than what your predecessor held. Hence, the mere enactment of Major Ports Authority Act, 2021 would not put you in any superlative position contractually qua your lessees, who enjoyed protection qua your predecessor i.e. BPT in terms of the formula sanctioned by the Hon’ble Supreme Court in the aforesaid case.</p>	<p>below the SoR rates as per SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>At the further outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) - are valid till 31st March 2024 is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port that the rent under the said proposal would be valid till 31.03.2024 or such a proposition upheld by any judicial pronouncement.</p>
3	<p>Please further note that your Authority is also a State as defined under A. 12 of The Constitution of India, 1950 and is bound by the Constitutional tenets of fairness, reasonableness and good- faith. Being a public authority, you are bound to conduct yourself and pass policies which are fair and reasonable and in furtherance of the Public Policy of the Government of India. You are aware that in the city of Mumbai, accommodation, housing and employment are major challenges which have been addressed from time to time by the Government by passing various resolutions, schemes and policies such as Pradhan Mantri Awaj Yojna, etc. It is the policy of the government to provide accommodation and livelihood to its subjects. The Scale of Rates proposed by you in diametrically opposite to the Public Policy of the Government of India and the amounts that are contemplated in your proposed SOR 2022-2027 which have been put up for comments are clearly contemplating amounts which are unaffordable for not only us but we are sure that the same would be unaffordable for most tenants,</p>	<p>The Board is bound by the provisions of the Union Cabinet approved PGLM 2015 issued under Section 111 of the Major Port Trust Act, 1963, in revising the SoR. The proposed SoR as stated above is 63% lower than the SoR for the period 2017-2022 and even the annual escalation is only 2% and in the city of Mumbai, proposed rental of Rs. Rs.164721.77/- per month for an area of 429.03 sq mts. with only 2% annual escalation cannot be claimed to be unaffordable by comparing it with the rates under the Supreme Court approved rates which were based on land value of 43 years back and which rates are not valid as of now.</p>

	<p>nay, all tenants of the Authority, save a select few corporates and extremely rich institutions. For instance, the rate sought to be levied in respect of our Plot bearing No.H-2 situated in Unit/RR Zone. 11/85B is a sum of Rs.383.94/- per sq.mtr.per month which makes it a sum of Rs.164721.77/- per month considering our carpet area of 429.03 sq mts. That makes the proposed SoR clearly unaffordable as the monthly rates as per the Compromise Proposal sanctioned by the Hon'ble Supreme Court in the aforesaid Wadia case was a sum of Rs. 10591.18/- .</p>	
4	<p>Please note that as per The Maharashtra Rent Control Act, 1999, an increase of 4% year on year is what is considered reasonable as per law. Looking at it from that angle, if an increment of 4% year on year is made w.e.f. 2012 on the basis of the formula sanctioned by the Hon'ble Supreme Court of India which cannot be by any stretch of imagination be questioned by any party whatsoever as it flows from the Apex Court of the country, an amount of Rs. 10591.18/- per month would be reasonable rent as of today. Looked at from that prism, it is clear that your proposed Scale of Rates is unreasonable, arbitrary and unaffordable. Please also note that prior to the Scale of Rates proposed by you for the period of 1.10.2022-30.09.2027 there was a Scale of Rates proposed by your predecessor i.e. BPT for the period 1.10.2012-30.09.2017 & 1.10.2017-30.09.2022 which was also perverse and arbitrary in nature.</p>	<p>The Maharashtra Rent Control Act, 1999 is not applicable to the lands let out by MbPA. In terms of the Cabinet approved PGLM 2015, the SoR has to be revised every 5 years. Even previous revisions approved by the Board have been for five years. The revisions are contemplated to ensure that the owner of the land gets suitably compensated against the inflationary trends. The proposed SoR are very fair and reasonable.</p> <p>No comments are warranted on issues which are not related to SoR 2022-2027 and issues which are subjudice.</p>
5	<p>We had recorded our objections to the said proposal by way of our communication dated_26-08-2021. Despite our objection, the Tariff Authority of Major Ports also being under the same Ministry which governed your predecessors and which governs your Authority, sanctioned a Schedule of Rates for the period of 2012-2017 & 2017 -2022 for the various zones and units which fall within the Mumbai Port Trusts Land and Gazette notification in that regard were passed. The Gazette Notification which is relevant for our zone is Notification No.521 & 552 which notified the passing of Tariff Authority Order No.TAMP/43/2021 & TAMP/42/2021 passed by the Tariff Authority of Mumbai Port. It is a matter of record that we have filed a Writ Petition before the Hon'ble High Court of Judicature at Bombay bearing No.WP/3608/2022 challenging the said Notification and Resolution which is pending hearing and disposal before Hon'ble High Court. In the said Writ Petition we have also challenged the retrospective levy that has been made which clearly was against the principles of fairness.</p>	<p>No comments are warranted on issues which are not related to SoR 2022-2027 and issues which are subjudice.</p>
6	<p>Your Scale of Rates is sought to be made effective from 01.06.2023. However, the Scale of Rates is sought to be passed from 1.10.2022-30.09.2027 leaving</p>	<p>It has been clearly brought out in the proposal that the applicability of SoR 2017-2022 has been extended for the period upto 31.05.2023.</p>

	<p>another ambiguity in your proposal as to what rate you seek to make applicable from the period of 1.10.2022-1.06.2023. It seems that the effectiveness from 1.6.2023 is only to pre-empt a stand of retrospectivity that may be taken by tenants before the Hon'ble Courts. It is further not irrelevant to record that there is no application of mind in the fixation of this rates which is clear from the fact that the Scale of Rates sanctioned by the Tariff Authority (subject to decision taken thereupon by the Hon'ble Courts) is several times higher than the Scale of Rates proposed for the years 2022-2027.</p>	<p>No comments are warranted on the matter which is subjudice.</p>
7	<p>Moreover, the divisions of RRZones and the locations are quite different from the divisions and zones carved out in the earlier proposals. The comments sought to be invited by you also seem to be a singular public notice issued across all units and there is no spate notification issued seeking objections for our zone. Do kindly appreciate that each zone/ unit of MbPA land has distinguishing features and different sets of problems which ought to be addressed independently and there cannot be a one size fits all formula for MbPA Land across the various RR Zones. For instance, our RR Zone No.11/85B which falls with the description Cotton Depot/Coal Depot up to Hay Bunder in your Circular inviting objection is predominantly occupied by me a Charcoal Merchant. It ought to be examined and evaluated whether the levy of such exorbitant charges would prove detrimental for the economy as it would shatter the entire industry of Charcoal & Coal and would render several thousands of employees deprived of their livelihood and their jobs which would be again be opposed to the Government policy of India. That being so, I have not even touched upon the subject as to the people who would indirectly be affected in terms of the various vendors, service providers and the families of all such people who would be affected from such arbitrary decisions.</p>	<p>The RR Zone and locations adopted are strictly on the basis of the RR Zones and locations mentioned in the Govt. approved Stamp Duty Ready Reckoner 2022-2023. The revisions of SoR are generally across all RR Zones together and only the rate for each RR Zones differ based on the distinguishing features of the Zone and based on the sale instances obtained by the Valuer and the rate proposed is 63% lower than the rates as per SoR 2017-2022.</p>
8	<p>Before parting and closing upon our objection, it is needless to record that such unaffordable rates would be challenged by several stakeholders before the Hon'ble Constitutional Court if the same are passed and that would further cause burden to the already overburdened judiciary. Given the number of tenants that the Mumbai Port Authority has, it is not a wise idea to take such steps which would leave no option to the tenants but to rush to the Courts. Being a Public Authority, the MPA should have some social responsibility and should avoid multifarious litigation and there should be some mechanism in place which can pre-empt such litigation.</p>	<p>The SoR as stated above are fair and reasonable and has taken into account the concerns of the tenants/lessees/ stake holders.</p>

9	<p>I record that orally a meeting dated 5th February, 2023 was held in the Vidhan Bhavan before the Hon'ble Speaker of Maharashtra Vidhan Sabha, Mr. Rahul Narwekar, wherein the Chairperson of your Authority was present. It is pertinent to note that it was expressed by the Hon'ble Chairperson in the said meeting that the Port Authority does not seek to trouble/ harass its tenant and that they are bound to charge the rates that have been sanctioned by the Tariff Authority. While it is true that the rates have been revised from the SoR 2012-2017 & 2017-2022 on the downside, it may not be out of place to record that the rates that have been proposed are also unreasonable and unaffordable and need further downward revision. There also ought to be clarity as to whether the leases would be renewed and if so, from when and up to what time. There further ought to be clarity on the alleged breaches and several cases that have been filed by the MPA against the various tenants and the outcome of such cases. It would be a wise idea to have a comprehensive policy which puts the matter to rest instead of having yet another Scale of Rates passed which further complicates an already complicated matter. With that request, I request you to take my objections on record as contemplated in your notice so as to take note of the following objections:</p> <ol style="list-style-type: none"> a. That we object to the proposed Scale of Rates 2022-2027. b. That we seek a personal hearing in the matter so as to explain why this rates are unreasonable, arbitrary and unaffordable. c. We request you to kindly have a separate hearing for our Unit/ RR Zone so that the distinguishing factors and problems of the tenants of the Zone would be specifically discussed before the passing of any Scale of Rates. d. We request you to keep all action in abeyance till a meeting is held and a policy decision is arrived at. 	<p>It is once again reiterated that the SoR as stated above are fair and reasonable and has taken into account the concerns of the tenants/lessees/stake holders.</p> <p>No comments are warranted on issues which do not relate to SoR 2022-2027.</p> <p>For the reasons brought out in the response to the comments brought out above, the proposed SoR are very fair and reasonable and strictly within the ratios of the Wadia Judgement. A joint hearing had been kept on 13.04.2023 to hear the stakeholders comments and the SoR would be finalised thereafter.</p>
10	<p>Needless to mention, this objection is without prejudice to our rights and contentions and we reserve our rights and liberty to challenge the actions of your Authority, so to, your predecessor i.e. BpT before the Hon'ble Courts, if so advised and needless to mention, the validity of any Scale of Rates or any policy taken by the Port Authority would be subject to judicial review and scrutiny and such decision as shall be taken by the Hon'ble High Court and Supreme Court, as the case maybe. We hope the wiser counsel will prevail and you will act in the interest of the citizenry.</p>	<p>It is once again reiterated that the SoR as stated above are fair and reasonable and has taken into account the concerns of the tenants/lessees/stake holders</p>

Category – 2 (Comments based on Wadia Judgment)

Sr.No	Comments	Reply
1	<p>With reference to your Notice dated 29.03.2023, and without prejudice to all my/ our rights, claims and contentions in the matter in respect of the above referred premises/ plot; - I/ we have perused the contents of the said notice along with the Proposal thereto for revision/ fixation of Scale of lease rents for the period from 1.10.2022 till 30.09.2027, effective from 1.06.2023, the SOR 2022-2027 Table, Trustees’ Resolution etc. - as uploaded your website; and in response thereto, I/ we state and submit our comments/ remarks and objections, for your consideration: -</p> <p>At the very outset, I/ we state that the said Proposal under reply inter alia revising/ fixing the scale of rates of lease rents for the period from 1.10.2022 till 30.09.2027, and being made effective from 1.06.2023 - based on 6% rate of return on the market value of land for 2022; – is not only exorbitant and steep, but the same is also is ex-facie illegal, bad in law and contrary to every ratio, principle and directions of the Hon’ble Supreme Court under its judgement dated 13.01.2004 delivered in <i>Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Mumbai & Anr., (2004) 3 SCC 214 (Wadia’s case)</i>; and is also ultra vires of Article 14 of the Constitution.</p>	<p>At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 10/79B is in fact 60% below the SoR rates as per SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>. As regards the claim of proposed rates being exorbitant and steep, such a claim is vague and devoid of merits and not supported by any facts, figures or documents.</p>
2	<p>The Proposal under reply (based on 6% rate of return on the market values of lands) - is also similar to the earlier SORs for 2012-2017 and for 2017 to 2022 (as applicable to my/ our plot; and fixed by the Tariff Authority for Major Ports); - and for which I/ we have already submitted my/ our reply to you and TAMP for rejection thereof.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% and is lower than the SoR approved for the period 2017-2022</p>
3	<p>Moreover, and upon the said for SOR 2012-2017 and for SOR 2017-2022 (as proposed by MbPT) being approved and fixed by TAMP; the same have been challenged under a batch of about 30 Writ Petitions before the Hon’ble Bombay High Court (including my/our Writ Petition No. _____) [client to include Writ Petition number only if it is filed].</p>	<p>No comments are warranted on issues which are not related to SoR 2022-2027 and issues which are subjudice.</p>
4	<p>I/ we state that my/ our comments/ objections to the present Proposal in reply - are similar and identical to my/ our earlier comments/ objections/ contentions as raised in my/ our replies already submitted to you; and also</p>	<p>No comments are warranted on issues which are not related to SoR 2022-2027 and issues which are subjudice.</p>

	<p>identical to my/ our contentions under my/ our Writ Petition No. _____ [only to be stated if Writ is filed].</p> <p>Therefore, in order to avoid repetition of my/ our objections; I/ we adopt all our comments/ contentions/ averments under all my/ our reply/ies addressed to you earlier - seeking rejection of your earlier SORs from 2012 onwards; and also all my/ our contentions under my/ our said Writ Petition No. _____ ; - as if the same forms part of the present reply.</p>	
5	<p>However, for the sake of convenience, my/ our objections (amongst others) are largely summarised under the following core points: -</p> <p>(i) The rates of rent under your own “compromise proposals” (as upheld under Wadia’s case) - are applicable to the my/ our plot (situated outside the port limits of the Mumbai port) – beyond 30th September 2012 till 31st March 2024; and therefore, till such time, no question arises of framing any other SOR, in terms of the PGLM 2015, and/ or otherwise by applying any other policy;</p> <p>(ii) MbPT/ MbPA have wilfully circumvented, and have failed to adhere to the express ratios, principles and directions of the Hon’ble Supreme court in Wadia’s case;</p> <p>(iii) In any event, you are not entitled to frame, fix, levy, and/ or charge any SOR - contrary to the ratios and principles laid down by the Hon’ble Supreme Court in Wadia’s Case (vis-à-vis State and its Instrumentalities framing/ revision their rates of rent);</p> <p>(iv) The Central Government had erred in extending the applicability of the PGLM 2015 to the township area of the Mumbai port (which are situated outside the limits of the Mumbai port, and where my/ our said Plot/s are situated);</p> <p>(v) In any event, the PGLM 2015, which prescribes a procedure for revision of rates of lease rent in line with hypothetical market values of open land - is bad in law, and violative of Article 14 of the Constitution.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>At the further outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) - are valid till 31st March 2024 is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port that the rent under the said proposal would be valid till 31.03.2024 or such a proposition upheld by any judicial pronouncement.</p> <p>The proposed SoR are very fair and reasonable and strictly within the ratios of the Wadia Judgement.</p>

		The Board is bound by the provisions of the Union Cabinet approved PGLM 2015 issued under Section 111 of the Major Port Trust Act, 1963, in revising the SoR.
6	In light of the aforesaid, I/ we with utmost vehemence call upon to you to forthwith withdraw the Proposal under reply, and (not in any manner whatsoever) act upon the same; failing which we shall be constrained to challenge the same by initiating appropriate proceedings against you – which would entirely be at your sole risk and to cost and consequences.	It is once again reiterated that the SoR as stated above are fair and reasonable and has taken into account the concerns of the tenants/lessees/stake holders and therefore the question of withdrawal of the proposed SoR does not arise.
7	I/We reserve my/ our right to alter, amend, add, modify and/or delete any and all of our reasons, comments and/or objections, if and when necessary.	The last date of submission of comments was 12.04.2023.
8	Nothing contained in the Proposal under reply (including the documents annexed thereto and/ or referred to therein, and/ or uploaded on your Website in connection thereto) - shall be deemed to have been admitted and/ or accepted as applicable in my/ our case - for want of specific traverse.	No comments are warranted.

Category-3 (Comments from Kamani Tubes)

Sr.No	Comments	Reply
1	<p>Dear Sir/Madam, Under the Instructions of our client, namely, "Kamani Tubes Limited", we have been instructed to state as follows: - We respectfully acknowledge receipt of your proposal dated 29.032023, which pertains to the period from 01 .10.2022 to 30.09.2023 and involves a proposed revision of the Schedule of Rates ("SOR"). We have been invited to provide our comments on this matter within a very short period of time. However, we wish to bring to your attention that our clients have filed a Writ Petition (L) No. 39869 of 2022 in the Hon'ble Bombay High Court, which necessitates our careful review of voluminous records in order to respond to the present SOR Given this constraint, it would have been preferable if a more reasonable period had been provided for us to respond and submit our comments.</p>	<p>No comments are warranted on issues which are subjudice.</p>
2	<p>FACTS OF THE CASE: This is to place on record that as per the order of the then BIFR Authority as reflected in Para 7.17 F (a) of the BIFR Order dated 21 st March, 2006, the authority was pleased to direct our client to deposit Rs.1 (Indian Rupees One Crore Six Lakhs Eighty Thousand Four Hundred and Twenty Six and Twenty Two Paise Only) and on due compliance thereof the MbPT was obliged to renew the Lease. However for the reasons best known to the MbPT, they failed to do so and inspite of due compliance from the end of our client which is a "Sick Unit" and heavily depended for its revival on rental income from the property in question as reflected in Para 7.8 of the BIFR Order, the property being the means of finance for the Sick Unit of our client. Inspite of the above, the MbPT issued a notice dated 1 5 th November, 2010 demanding an amount of Rs. 18, 18, 42,906.67/- (Indian Rupees Eighteen Crores Eighteen Lakhs Forty-Two Thousand Nine Hundred and six and Sixty Seven Paise Only) which runs counter to the spirit of the guidelines and the binding order of the Apex Court in the matter of "Jamshed Hormusji Wadia vs Board Of Trustees, Port Of Mumbai & Anr. Citation - 2004 AIR (SC) 1815". A copy of the BIFR Order dated 21 st March, 2006 which is enclosed herewith and marked as Annexure 'A'.</p>	<p>No comments are warranted on issues not related to SoR 2022-2027</p>
2.1.1	<p>This had a great impact in placing the Sick Unit in further perplexities culminating into undesired situation which had an impact of pushing the Sick Unit, further in unsurmountable difficulties in its efforts to revive it. This left our client with no other alternative but to approach the Hon'ble High Court of Mumbai by filing a writ petition bearing No. 226 of 2021 and as such the matter is as on date subjudiced and our client continues to be a Lessee for the detailed reasons, facts and circumstances as stipulated in the said Writ Petition which is enclosed herewith as <u>Annexure B</u> for your kind perusal. Therefore, any revision which is sought to be made applicable to our client will not be binding on our client. A small causes Court Suit is filed in the Hon'ble Small Causes Court, Mumbai and our client's status is a matter which is subjudice before the Hon'ble Small Causes Court. The variation of terms when a lessee is a lessee holding over is of no consequence and the lease has to be extended on the same terms of the expired lease. After filing of the</p>	<p>No comments are warranted on issues which are subjudice or issues not related to SoR. The revised SoR for land are applicable to all expired leases, Monthly Tenancies, Fifteen Monthly lease and Licences.</p>

	Lessee Holding over Suit. MPA has filed a Condonation of delay application seeking condoning the delay in filing the Written Statement in the Lessee Holding Over Suit. In view of the above since the matter is subjudice, any change in the rent and fixing of rates will be unjustified.	
2.2.1	<p>The generic basis and not particularized qua could be applied to this property and as such we raise the following points for your consideration</p> <p>By the present SOR for the Period from 01 .10.2022 to 30.092027, MPA has willfully frustrated and circumvented and have deliberately aborted to adopt the ratios, directions and principles laid down by the Hon'ble Supreme Court in the matter of Jamshed Hormusji Wadia Vs. The Board of Trustees of the Port of Mumbai (2004) 3 SCC 214. Had the MbPT abided by its commitment under the BIFR's Order dated 21 .03.2006 and the "Compromise Proposals" and executed a fresh lease after acceptance of lease execution charges, then in that event, the lease would stand extended atleast till 2024 and therefore no occasion would arise to propose SoRs on the basis of various policies, PGLM, 2015 instead of applying the "Compromise Proposals" approved by the Hon'ble Apex Court.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>At the further outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>“by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000”. Thus the contention that the rates of rent under “compromise proposals” (as upheld under Wadia’s case) - are valid till 31st March 2024 is a fallacious contention. Nowhere in the Compromise Proposals was it contemplated by the Mumbai Port that the rent under the said proposal would be valid till 31.03.2024 or such a proposition upheld by any judicial pronouncement.</p>
2.2.2	THE QBJECTIVE OF PGLM VIDE CLAUSE 4 (1) THEREOF SUGGESTS THAT THE OBJECTION OF REVISION OF RATES IS -ro	MbPA is bound by the cabinet approved Policy Guidelines for Land Management (PGLM) 2015

GENERATE MAXIMUM RESOURCE MOBILIZATION AND THEREFORE THE MARKET VALUE IS THE GUIDING FACTOR AND ITS UPDATION OVER TIME IS ANTITHETICAL TO THE VERY CONCEPT OF FREEZING OF RENTS UNDER RENT CONTROL LEGISLATION AND NON REVISABILITY THEREOF BY ACT OF PARTIES.

In this connection it is submitted that mere arithmetical progression cannot sustain proper valuations and cannot be the basis for fixation of rates. In this connection the regulating authority is barred from considering non- inflationary considerations to arrive at the value of rates. This is clearly mandated in the Judgment of "Javantilal Dharamsi and Ors. vs. Board of Trustees of Port of Bombay 1990 SCC OnLine Bom 270 : (1991) 2 Born CR 283".

Therefore, to the extent that even the PGLM Guidelines refer to noninflationary parameters the same are contrary the said above judicial observations of the Hon'ble Apex Court. The factors under the guidelines are as follows:

<u>Sr No.</u>	<u>Factor</u>	<u>Remarks</u>
1.	Factor 1 - State Government Ready Reckoner.	Governing market value of entire property on the footing of lettability of property.
2.	Factor 2 - Highest rate of actual relevant transactions registered.	None specified.
3.	Factor 3 - Highest accepted tender-cum-auction rate of port land (Considering Allotment of Thackersey House of MMRCL vide TR 113 of 2015).	Not applicable in our client's case
4.	Factor 4 - Rate arrived by an approved valuer (Discounting 25% on rate arrived by Factor 2.	Not advised
5.	Factor 5 — Any other relevant factor as may be identified by the Port.	Generic issue and not

The above factors do not include inflation but is governed by other factors to arrive at progressively higher market values. Even the empirical evidence does not reflect. In the light of the above the guidelines as framed cannot govern fixation of rates. This is further aggravated by the fact that no discount is given for Rent Control Legislation. Therefore unless the Rent Control Legislation is modified and suitable provisions spelt out the revision on the basis of non- rent control legislation and non- inflationary considerations will be untenable. MPA is fully aware of the Rent Control Legislation and also of the fact the Hon'ble Apex Court

issued by the Govt. under Section 111 of the Major Port Trusts Act, 1963 in revising the SoR in accordance with Clause 7.5 of Tarriff Policy for Major Port Authorities,2021.

	<p>in its Judgment under Wadia's case has kept the issue of Rent Control Open and no Judgment is given thereon. This renders the computation and recovery on that basis skewed and not all encompassing. Moreso when there are no evidence empirical or otherwise given to support.</p>	
2.2.3	<p>THE ENTIRE EXERCISE IN ISSUING NOTICE AND PROPOSED RECOVERY THEREOF IS VIOLATIVE OF ARTICLE 14 OF THE CONSTITUTION OF INDIA IN AS MUCH AS IT DEALS WITH DISPARATE ENTITIES UNIFORMLY TO ARRIVE AT A COMMON RATE BASED ON GEOGRAPHICAL FACTOR ONLY.</p> <p>Though MPA is owning large tracts of land measuring over 940 acres spread in different areas of Mumbai City it has divided the same geographically into various zones. The intra-zone valuation cannot also be uniform since the rates are not property specific. Therefore, such an assumption flies in the face of the mandates of Article 14 since any unreasonable classification is per se violative of Article 14.</p> <p>Any departure from these types of principles will render fixation of rates arbitrary and updation on the basis of market value unreasonable since the authority's enjoyment to consider the inflationary factor and no more. Moreso equity in the property of MPA as Lessor and our clients as lessee is constant over a long period of time. Greater the reason that the same is unrevocable. It is obvious relevant considerations do not govern fixation of rates since our clients are occupying the property and the fact of occupation is not even enumerated in the guidelines. Fixation / revision of rates of occupied properties is on a different basis from fixation on the basis of ready reckoner value. The ready reckoner value is based on the fact that a property can be dealt with by parties on a transaction basis, such is not the condition here since the Lessee (our clients) do not have the same liberties as a party entering into a transaction which can very well be guided by market value. This is an inequitable valuation since the Lessee does not enjoy the same freedom for dealing with the property.</p> <p>Therefore, lettable value cannot be the basis of an occupied property which cannot be let by the Lessee on his own.</p> <p>Our Client is a sick company and kamani chambers old and new building are "means of finance" and owing to your default our clients could not use the "means of finance" owing to your non execution of lease. On one hand our clients are deprived from using the property and on the other hand MPA is levying large amounts of rates Vide their proposed Schedule of rates. The rents being paid in the old kamani chambers are frozen and very meagre whereas in new kamani chambers which has only one tenant.</p>	<p>With regard to the said contention, it needs to be noted that even under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement, the rates were fixed zone-wise.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p>
2.2.4	<p>THIS SITUATION IS FURTHER AGGRAVATED IN THE CASE OF NEW KAMANI CHAMBERS WHO HAD SELF OCCUPIED AND VACANT STRUCTURE CANNOT BE LET FOR WANT OF FRESH LEASE EXECUTED BY MPA.</p>	<p>No comments are warranted on issues note related to proposed SoR 2022-2027</p>
	<p>22.5. This factor has been completely lost sight of despite the BIFR and AAIFR Orders and the DRS Scheme reflects that this particular property is a "Means of Finance" for our client and was advisedly inserted to enable our clients to mobilize resources for payment of rates. When MPA who was a party to the orders and DRS Scheme approved by MPA is now acting to the contrary by disabling the "Means of Finance" of our clients. MPA cannot approve and reapprove i.e. not execute the fresh lease despite recovery of lease</p>	<p>No comments are warranted on issues note related to proposed SoR 2022-2027</p>

	<p>execution charges and prevent the Lessee from sub-leasing "New Kamani Chambers" and on the other recover rates on the basis of lettable value. Hence the very premise for fixation of rates is flawed and contrary to the facts, record and representations. Therefore MPA cannot be allowed to take advantage of its own wrong "Nullus Commodum Capere Potest De Injuria Sua Propria" in as much as the notice permit or entitles MPA to so take advantage of its own wrong, it is iniquitous and not tenable.</p>	
2.2.5	<p>VALUATION METHODOLOGY PROPOSED BY THE VALUER PROCESSED BY THE ESTATE AND APPROVED BY LAND ALLOTMENT/ SoR COMMITTEE SUGGESTED IN PARA 8 PROPOSAL OMITTS CONSIDERING OUR CLIENT'S PROPERTY NAMELY "OLD AND NEW KAMANI CHAMBERS".</p>	<p>The valuation methodology clearly brings out that in a zone maximum 3 sample plots were taken into consideration for the purpose of valuation which are sufficient to represent the character of the lettings in the zone.</p>
2.3	<p>TERMS OF VALUATION. Valuation of 3 sample plots in each RR Zone. Average of 3 plots shall be the Fair Market Value for determination of Sor for the said RR Zone. Valuation to be done as per Para 13 of PGLM 2015. the annual Rate of return on FMV would be 6% for determining the SOR Annual escalation shall be 2% on previous year rent in every October. Application of factors affecting FMV of land with a ceiling on adjustment factor or appreciation being limited to 30%. The land value derived from sale instances of built up structures is after deduction of construction cost, profits, charges and other expenses to arrive to arrive at FMV. FMV of RR Zone is the average value of sample plots identified for valuation in respective zones. SOR for 2022- 2027 in respect of Port Authority owned buildings/ structures would be based on the principles adopted during the revision of SOR 2017 — 2022 as approved and notified by TAMP.</p>	<p>This is a reproduction of the terms of valuation.</p>
2.4	<p>Our Client's property is on an expired lease but liable to be executed a fresh lease after having collected lease execution charges in 2006. In these circumstances MPA not only has accepted Lease execution charges but also accepting post 2006 rent as per Wadia's Judgment post 2006. In these circumstances our Clients claim for Lessee Holding Over is substantiated by the conduct of MPA and the valuations now sought to be enforced under fresh fixation of rates is without any basis. Such fixation is for the period 2023 — 2027 which is impermissible and contrary to Transfer of Property Act, Section 105, since, the claim of our Client as Lessee Holding Over is corroborated by the prescriptions of Section 105. In this connection our clients state that they have already lodged a suit in the Small Causes Court at Mumbai bearing No. 89 of 2022 for the following prayers: -</p> <p><u>EXTRACT OF PRAYERS OF THE LESSEE HOLDING OVER SUIT BEARING NO. 89 OF 2022:</u></p> <p>That it should be <u>declared that the Plaintiffs are Lessee Holding Over</u> of the said property described in the schedule which schedule is marked as <u>Exhibit A</u> hereto and subject matter of the Lease dated 18th July, 1960 and entitled to the Lease thereof on the same terms and conditions and;</p>	<p>No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice.</p>

	That the Defendant No. 1 be directed to <u>issue a Lease in terms of as those recorded in the Lease dated 1st July, 1960 for a term of 30 years</u> with option to renew on the same terms and conditions and; Therefore, the matter is sub-judice and the MbPT is also a party thereto. Therefore, recovery of rates when the matter is sub-judice is impermissible.	
2.5	<p>CLASSIFICATION OF PROPERTIES IS NOT APPLICABLE SINCE THESE ENTITIES DO NOT MEET WITH THE FACTS OF OUR CLIENT'S CASE.</p> <p>Our client's lease has indeed expired but with a concomitant obligation to execute fresh lease as recorded in Para 7.17 (F) (a) of BIFR Order dated 21st March, 2006 and AAIFR dated 20th April, 2007 and which obligation is being not discharged in view of the notice given on 15th November, 2010 for recovery of arbitrary amount of Rs. Rs.18,18,42,906.67/- (Rupees Eighteen Crores Eighteen Lakhs Forty-Two Thousand Nine Hundred and Six and Sixty-Seven Paise). Therefore, the malafides of MPA are apparent and transparent. Not only have MPA recovered lease execution charges and accepted Wadia's judgment rent post 2006 but without any justification claimed Rs.18,18,42,906.67/- (Rupees Eighteen Crores Eighteen Lakhs Forty-Two Thousand Nine Hundred and Six and Sixty-Seven Paise) in the notice of 15th November, 2010 which demand is not sustainable. A perusal of the said notice shows that the justification for the enhancement did not exist and have been duly clarified by our clients by their Miscellaneous Application No. 020/BC/2011, (under the said Case No. 218 of 1987), seeking to quash MPA's demands under the Letter dated 15th November 2011 before the Ld. BIFR sought and in the table mentioned as at Para 34 herein above.</p>	No comments are warranted on issues not related to proposed SoR 2022-2027 or issues which are subjudice
2.6	The MPA vide clarification No. 1 of 2018 wrongly extended the applicability of the provisions of the PGLM, 2015 vis-a-cis renewal of leases and fixation of SoRs to the Township Areas of Mumbai despite being aware that the applicability of Wadia's Case is to MPA's landed estates in the Township Areas; and being ware that Judgment of the Hon'ble Supreme Court in Wadia's case should be implemented in letter and spirit. MPA has erred in applying PGLM, 2015 to the Township areas more particularly vide Clarification Circular (Land Management) No. 1 of 2018 which was made applicable to the township areas since the same did not apply to them and formulation of a separate policy for such Township areas. <u>The reason given by the MPA in their proposal is because the policy formation was taking time, therefore the applicability of PGLM 2015 was extended to the Township areas of the ports of Mumbai.</u> On the face of it, the reason for making the PGLM, 2015 applicable to the Township areas ism completely without application of mind or cogent reason.	Under the Wadia Judgement the Supreme Court had resolved the dispute with regard to the rents under the compromise proposals for the period upto 31.03.2000 only and thus the compromise proposals were no longer valid at the time of extension of applicability of PGLM 2015. No further comments are warranted on the decision of the Government.
2.7	The PGLM, 2015 lays down a procedure for revision of rates in line on the basis of 5 factors for determination of SoRs with hypothetical and exorbitant market value of land which cannot be made applicable to Our Client's case without taking into consideration the income of our clients are drawing from the structures, most of the building being occupied by tenants and lying vacant owing to non- execution of lease by MbPT.	MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.

2.8

Since the two impugned notices dated 12.08.2021 and 14.08.2021 and all related policy and guidelines are already challenged by our client in the Hon'ble High Court of Bombay vide Writ Petition (L) No. 39869 of 2022 in the Hon'ble Bombay High Court and the same principles are applicable to the proposed SOR for the period from 01.10.2022 to 30.09.2023, the present SOR cannot be made applicable and shall be kept in abeyance until the final outcome of the matter in respect of SoRs for the period from 2012 — 2017 and 2017 — 2022. A brief list of dates right from the passing of the BIFR Order until issuance of the present public notice is as follows:

<u>Sr No.</u>	<u>Date</u>	<u>Particulars</u>
1 .	21 .03.2006	BIFR Order was passed.
2.	13.04.2006	Payment of Rs. 1.06 Crores out of which 22 Lacs for lease execution charges.
3.	20.07.2007	AAIFR Order directing MbPT to collect rent in terms of "Compromise Proposals" and as per Judgment of the Apex Court in Wadia's case.
4.	12.05.2008	Request for execution of fresh lease (check)
5.	15.11 .2010	Notice for demand of Rs.18,18,42,906.67/(Rupees Eighteen Crores Eighteen Lakhs Forty-Two Thousand Nine Hundred and Six and Sixty-Seven Paise).
6.		Our reply
7.	2015	PGLM guidelines
8.	2018	Clarification No. 1 of 2018 extending the applicability of PGLM to township areas.
9.	2021	Letter addressed by our clients to Ministry of Shipping, Union of India.
10.	17.02.2021	Presidential accent for MPA Act, 2021.
11 .	18.02.2021	Uploaded in the gazette for "general information".
12.	12.08.2021	Notice for proposal for fixing SOR 2017 -2022
13.	14.08.2021	Notice for proposal for fixing SOR 2012 -2017
14.	25.08.2021	Response of our Clients to SOR for the period from 01.10.2012 to 30.09.2017.
15.	27.08.2021	Response of Our Clients to SOR for the period from 01.10.2017 to 30.09.2022.
16.	03.09.2021	Common hearing by MPA and TAMP

No comments are warranted on issues which are subjudice.

		Representations given but not considered.	
17.	11.09.2021	MPA gave standard comments reply and sought response from the lessees.	
18.	2209.2021	Response for 2012 - 2017 and 2017 to 2022 by our clients.	
19.	2210.2021	TAMP Order for 2012- 2017	
20.	01.11.2021	TAMP Order for 2017 to 2022	
21.	03.11.2021	MPT, 1963 repealed and MPA ACT, 2021 came into force containing prohibition from retrospective recovery.	
22.	11.01.2022	Common notice that the rents will be leviable after the new regime.	
23.	30.08.2022	Demand Notice for 33,45,76,527.60/- (Indian Rupees Thirty Three Crores and Forty Five Lacs Seventy Six Thousand Five Hundred and Twenty Seven and Sixty Paise Only) for 2012 - 2022.	
24.	31.08.2022	GST Demand - Rs. 37,11,59,162.30/- (Indian Rupees Thirty Seven Crores Eleven Lacs Fifty Nine Thousand One Hundred and Sixty Two and Thirty Paise Only).	
25.		writ Petition (L) No. 39869 of 2022 filed by the Clients challenging various notices, policies, guidelines for fixing of rates which Writ Petition is sub judice before the Hon'ble High Court of Bombay and has not yet reached hearing. There are admittedly 93 Writ Petitions which are filed by other lessees, tenants etc.	
26.	29.03.2023	In total disregard to various Writ Petition having being filed against MPA and TAMP challenging the Policy, the MPA issued Public Notice for fixing Schedule of Rates the period from 01.10.2022 to 30.09.2027.	

	27.	Hence the present reply.	
2.9	The MbPT is trying to revise the rates only because the period of Wadia Judgment is expiring. The Judgement in Wadia's case and its principles are not time bound. Though the Supreme Court has suggested and directed rents till 2024, it is not time bound direction that the MPA after expiry of this period Exorbitant rents can be claimed. The MPA is a government body and the departure is not departure from the principles on the basis of which the Wadia's judgment was decided. It is a govt. Body and not a private profiteering land.		The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.
2.10	The approach of the MbPT in the matter of proposed revision is not based on principles of reasonableness as embodied in the judgement of the Apex Court in Wadia's Case.		The contention is incorrect.
2.11	Kamani Tubes Limited is a sick company which Therefore any decision in revision must take cognizance of these basic realities.		No such exception is provided for in PGLM 2015
2.12	Some tenants of the property have left and even the rent that is being paid by the existing tenants is extremely low.		This cannot be a ground for reduction of rent.
2.13	The revision if any must not be zone specific but instead property specific.		The contention is not sustainable as even under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement, the SoR was fixed for each zones.
2.14	The whole attempt if carried out in action shall pauperize the lessees without any regard to ground realities.		These are vague contentions without any supporting facts or figures and therefore denied.
3	<u>LOCATION AND CALCULATION OF THE RATES APPLICABLE:</u> 3.1. It is submitted that a bare reading of the notice and perusal of the downloaded documents from your website such as the SOR Schedule for the year 2022-2027 stipulates the rates as applicable to "Ballard Estate" and as such it is not a property specific SOR.		The calculations are incorrect for the purpose of comparison

3.2 Our client's buildings consists of two property namely, "Old & New Kamani Chambers", having C.T.S. No. 1 186 which is a part of 2/22A zone, Fort, Ballard Estate and therefore, the following table is applicable.

RR Zone 2022-2023	RR Division	Location	Proposed FMV for SoR 2022-23 in RS. Per sqm.	Proposed SOR per sqm. p.m. @ 6% return per annum effective from 01.06.2023 Rs-
2/22A	Fort	Ballard Estate	201948.00	1009.74

3.3 The SOR for the year 2022 — 2027 is stipulated at Annexure A attached to the notice dated 29.03.2023 stipulates the following rates: -

3.4 The following table will show gradual increase in SoRs proposed to be levied from time to time.

Sr No.	SoR Period	Rate	Amount sought to be paid.
1.	01 .10.2012 30.09.2017 (for 5 years)	273.5 284.44 295.82 307.65 319.96	Rs. ,297/-
2.	01.10.2017 30.09.2022	955.18	11,26,52,974/- P.A.

3.	01 .10.2022 to 30.09.2022	1009.74	11,90,87,725/- P.A.	<p>3.5 The above table shows that despite there not being any change in income of . property of our clients, rates have been increased unjustifiably and without basis. The tenants of Old Kamani Chambers paying old rents of which the MPA is aware for 50 years. This rate is revised from SOR 1 , SOR 2 and SOR 3 for the period so that it shows an increasing value so exorbitantly is without Jurisdiction. MPA is obliged to act reasonably and the conduct of MPA has to be in dictates of the Hon'ble Apex Court and rent has to be increased only by 40/0 every year.</p> <p>3.6 The area of Lease of our client is 3546 2/9 Sq. Yards comprising of approximately 2965 Sq. Meters. And having built up area of total 9828.25 Sq Metres. (bifurcated in 5556.52 Sq Metres built up area in respect of Old Kamani Chambers & 4271.73 Sq Meters built up area in respect of New Kamani Chambers)</p> <p>3.7 The basis of proposed fair market value for land for 2022 -23 for Fort Division . 2/22A, Ballard Estate, is Rs. 2,01 ,948/- (Indian Rupees Two Lakh one Thousand Nine hundred and Fourty Eight Only)</p> <p>3.8 The Rate per Sq Meter @6% return per month effective from 01.06.2023 is computed at Rs. 1009.74/- (Rupees One Thousand and Nine Rupees and Seventy Four Paise only)</p> <p>3.9 The aggregate rate applicable to our clients property therefore would be Rs.99,23,977/- (Indian Rupees Ninety Nine Lakhs Twenty Three Thousand Nine Hundred and Seventy Seven Only) per month and Rs. 1 1,90,87,725/- per annum (Indian Rupees Eleven Crore Ninety Lakhs Eighty Seven Thousand Seven Hundred and Twenty Five Only). This will render the proposed revision absolutely unviable.</p> <p>3.10 All this will go to show that the financial burden Load on Kamani Chambers which is a Semi- Heritage building very recently yielding very small income. Therefore, compared with the rates which are proposed to be revised, it would be impossible for our client to sustain the burden, being a sick company, more so in view of the paltry sum which is being received by our clients from their tenants.</p>	
	3.11 This is to further add that our client has made payment of FRS. 78,06,264/- (Rs. Seventy Eight Lakhs Six Thousand Two Hundred and Sixty Four only) for the period from 2005 till date.				
	3.12. The gist of the particulars mentioned herein above in respect of area of our client's property, proposed rates & income are reiterated herein below in a tabular format:			The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM	

		<u>Sr No.</u>	<u>Particulars</u>	<u>Details Amount</u>	2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.	
		1 .	Area of Land	3546 2/9 sq. Yards		
		2.	Built Up area of Old Kamani Chambers	5556.52		
		3.	Built Up area of New Kamani Chambers	4271 .73		
		4.	Schedule Rate of Land Per Sq Metre as on 01.10.2017	Rs. 2,01 ,948/-		
		5.	Schedule Rate per sq. Mtr. per month @ 6% return per annum as on 01.10.17 as per PGLM 2015 (in Rs.)	Rs. 1009.74/-		
		6.	Gross amount of the Proposed Rates if revision is effected in respect of property belonging to our client (inclusive of both New Kamani Chambers & Old Kamani Chambers)	11 P.A.		
			Payment made by our client towards MbPT rent from 2006 till date.			
	3.13 Therefore, there being a huge deficiency in income, owing to potential outflow on account of the low rents received by our client the revision of rates of allowed in our client's case shall be detrimental to our client's existence itself.				The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines	

		for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.
4	<p><u>EXTRACT OF SECTIONS & RELEVANT ORDERS AND COMPROMISE PROPOSALS FOR THE PERIOD FROM 2004 TO 2011.</u></p> <p>This is to most respectfully submit that the MbPT is statutorily required to consider the following facts if at all it is going to revise the rates as proposed:</p> <p>a. That the present proposed Revision of Rates are extremely high and therefore absolutely unviable.</p> <p>b. In this connection we also invite your attention to Wadia Judgment which lays down the principles for ascertaining valuation which are required to be seriously considered by the LAC before taking any decision in the matter of proposed revision of rates:</p> <p>In the said Judgment the Apex Court has recorded the Compromise Proposal as formulated by the Board and termed as "Compromise Proposals" which was submitted to the court. The relevant paragraphs of the summary of the Compromise proposal submitted by the board is as under:-</p> <p>„(111) Letting rates for 'Non-Home Occupation' per sq. metre of floor space per month, of built-up area (as derived from valuation by Kirloskar Consultants) shall be as under for the period 1.10.1982 to 30.9.1992.</p> <p>(b)...</p> <p>(c) Ballard and Mody Bay Estates Rs.24.00</p> <p>(d)...</p> <p>(e)...</p> <p>(f)...</p> <p>Letting rate for 'Home Occupation' may be at 20 per cent of the above rates.</p> <p>Letting rates for future years from 1.10.1992 to 30.9.2012 for 'Non-Home Occupation' and 'Home Occupation' shall be as given in the Annexures".</p> <p>Notwithstanding the fixation of letting rates for 20 years for good and sufficient reasons, Board may review and revise the letting rates.</p> <p>(vii) Rents shall be increased by 4 per cent every year over the rent in the previous year from 1.10.1992.</p> <p><u>(xv) In case of hardship where effect of the terms is harsh, such cases may be brought up before the Board for consideration on merits.</u></p>	The applicability of the Compromise proposals were valid till 30.09.2012.

	<p>c. On consideration of the "Compromise Proposals" the following directions were given by the Hon'ble Apex Court. The relevant portion whereof is reiterated herein below which needs a serious consideration by the LAC:</p> <p>All the appeals are directed to be disposed of in terms of the following directions: -</p> <p>(i) by this judgment and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 1.4.1994 to 31.3.2000;</p> <p>(ii) the 'Compromise Proposals' as approved by the Board of Trustees of the Port of Mumbai in their meeting held on 13.8.1991 which are very fair, just and reasonable, subject to the modification that the revision in rent from 1.4.1994, shall be on the basis of rates of return at 10% for non-residential uses and 8% for residential uses, based on Kirloskar Consultants' report, instead of 15% and 12% respectively as was suggested in the 'Compromise Proposals'. <u>The 'Compromise Proposals' so modified shall bind the parties, and all the lessees even if not parties to these proceedings in view of the proceedings taken by the High Court under Order 1 Rule 8 of the CP. C.</u></p> <p>(iii) the rates of rent for the period upto 31.3.1994 shall remain as suggested in the 'Compromise Proposals';</p> <p>(iv).. .</p> <p>(v).. .</p> <p>within a period of eight weeks from today lease deeds consistently with the 'Compromise Proposals', subject to the modifications as above said, shall be executed by the lessees and <u>even if lease deeds are not executed the terms of 'Compromise Proposals' shall bind the lessees:</u></p> <p><u>such of the tenants as may wish to contend that there are certain real and material distinguishing features to be considered for the purpose of carving out an exception and relaxing the general terms and entitling them to reduction in the rates of rent applicable as above said, may file representations each setting out specific grounds and relevant facts precisely in that regard in the office of the Bombay Port Trust under a written acknowledgement</u> The</p> <p>Bombay Port Trust shall maintain a register of all such representations filed. No representation filed after the expiry of six weeks from today shall be received or entertained.</p> <p>(ix).. .</p> <p>(x).. .</p> <p>(xi).. .</p> <p>(xii) The issue as to the applicability of the Maharashtra Rent Control Act, 1999, to the Port of Mumbai and the property held by it is left open to be decided in appropriate proceedings. "</p>	
	<p>SUBMISSIONS & SUGGESTIONS</p> <p>Our client was not a party to the Special Leave Petition in which the order dated 13th January, 2014 was passed giving the facilities of making representations and also making up application to the High Court for</p>	<p>The applicability of the Compromise proposals were valid till 30.09.2012</p>

	<p>Clarification vide Para No. 40 (ii) of that order. Though technically our client was not a party to that petition but the principles laid down by the Supreme Court in connection with "Compromise Proposals" and consideration thereof would willingly apply and our clients reserve their right to file a representation in addition to reply to this notice or make a representation to the High Court for Clarification.</p>	
	<p>Though there are time bound directions under the High Court Order and other Orders but you are aware that the scheme is yet under implementation for the primary reason that the lease was not executed despite payment of Rs. 06,80,426.22/- (Indian Rupees One Crore Six Lakhs Eighty Thousand Four Hundred and TwentySix and Twenty-Two Paise Only) and collecting Rs. 21 , 76, 645/(Indian Rupees Twenty-One Lacs Seventy Six Thousand Six Hundred and Forty Five Only) as lease charges the lease deed was not executed, precluding our client from dealing with the property. Therefore, for want of an executed lease our clients were affected prejudicially by tenants vacating and consequent reduction of rent and unable to deal with the leased properties, your own conduct prevented our clients from dealing with the lease properties even though the leased properties were the primary source of finance for the revival of our clients. Thus, you have prejudiced the revival scheme of our clients and as a result the time bound programme got prejudiced. These are the specific considerations which have to be considered while making a levy of SOR to our client since a general notice does not take into account these factors.</p>	<p>Issue is not related to proposed SoR 2022-2027.</p>
	<p>As already stipulated above, MPA (earlier "MbPT") issued a notice dated 15 th November, 2010 demanding a recovery of Rs. 18, 18, 42,906.67/- (Indian Rupees Eighteen Crores Eighteen Lakhs FortyTwo Thousand Nine Hundred and six and Sixty-Seven Paise Only) for the period upto 15th November, 2010. However, it is not clarified in that notice that the rent claimed was as per the document of 1960 or on the basis of SOR or any other basis which also needs to be clarified. There have been no further recovery notices from MPA (earlier "MbPT") after 15th November, 2010 and immediately thereafter the two notices dated 12th August, 2021 & 14th August, 2021 for the period 2012 — 2017 & 2017 — 2021 respectively were received on 13th August, 2021 & 23 rd August, 2021 and then now the notice dated 23rd March, 2023 has been served upon our clients which are completely contrary to the principles of natural justice. SoRs are merely computation based and judicially decided principles in various proceedings referred to herein above, we repeat and reiterate all that is stated in our response dated 24th August,2021 and 26th August, 2021 to notices dated 12th and 14th August, 2012 in respect of SOR for the period from 01 .10.2012 to 30.092017 and 01 .10.2017 to 30.092022. MPA has accepted rent from time to time accepting the status as a lessee holding over of our Clients.</p> <p>It is respectfully submitted that SOR is to be considered for the purpose of computation of the rate but not for enforcement of a rate for which the factors as per clause 13 of PGLM 2015 and in addition to specific factors for specific property must be highlighted and given due consideration and a possible discount. SOR only refers to general computation of the Zone but that is not compulsorily enforceable computation and can only be so if factors specific to the property are considered. Our client says the specific factors are</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p>

	<p>governed by the BIFR Order & Hon'ble Supreme Court's Order in Wadia matter as well as Compromise Proposal. These are the special considerations. SoRs are merely computation based and judicially decided principles in various proceedings referred to herein above, we repeat and reiterate all that is stated in our response dated 24th August,2021 and 26th August, 2021 to notices dated 12th and 14th august, 2012 in respect of SOR for the period from 01 .10.2012 to 30.09.2017 and 01 .10.2017 to 30.09.2022. MPA has accepted rent from time to time accepting the status as a lessee holding over of our clients.</p>	
	<p>In view of the forgoing factual and legal position we most humbly request the concerned authorities to give a serious thought to the spirit of the order of the Hon'ble Apex Court and in due consideration in the facts and circumstances of our client's case as well as the perplexing prevalent situation through which the entire economy of the nation is going through, the concerned authorities may kindly be pleased to rethink on the whole aspect and give ample time for representation by all concerned so that the issue could be considered properly and as is expected from the Government Authorities. Since the time given for comments is not enough, having regard to the magnitude of the issue it will have a serious impact on the persons concerned. In view of the fact that the time permitted to submit our comments is too short, we reserve our right to make further submissions in the matter and as such your Hon'ble Authority may kindly be pleased to give further extension of time of atleast 6 weeks for submitting our further comments so that the matter could be decided in the best possible interest of all concerned</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>The time given for submitting comments were adequate and no extension of time can be granted.</p>

Category-4 (Comments received from Bhalerao Bhuvan Chawl Committee)

Sr.No	Comments	Reply
	<p>Ref: IN THE BOMBAY CITY CIVIL COURT AT BOMBAY CHAMMBER SUMMONS NO. 645 OF 2004 IN S. C. SUIT NO. 1833 OF 1969 The Trustees of the Port of Bombay ..Plaintiffs Versus Bhagwan Kondaji Bhalerao ..Defendant And Jayshankar Narayan Joshi & 38 Ors .Obstructionists Respected Sir, We, the Bhalerao Bhuvan Chawl Committee, on behalf of all our members / residents / tenants / occupants, seeks to offer our comments of your subject notice dated 28.03.2023, for the captioned subject proposal is as under:-</p>	
1	<p>Kindly refer our letter dated 18.10.2021, we have submitted our online selfdeclaration of actual occupants with details of the area occupied, existing user and declaration on date of occupation with relevant docurnents in support thereof in respect of Plot/RR No.888 at Customer Code: 10202121, Unit No.2, Bhalerao Bhuvan Bldg., 18/33, Veer Tanaji Malusare Marg, Fer Bunder, Near Cotton Green Railway Station, Mumbai - 400 033, Estate Division, 3rd Floor, Vijay deep Building, Ballard Pier, Mumbai-400 001.</p>	<p>No comments are warranted on issues not relating to SoR 2022-2027</p>
2	<p>We, the undersigned tenants/fifteen monthly lessees/obstructionists on port's record/actual occupants of the Mumbai Port Trust Premises Plot of land bearing, Plot/RR No.888, Billing Code No.10202121, Unit No.2, situated at Bhalerao Bhuvan Bldg., 18/33, Veer Tanaji Malusare Marg, Fer Bunder, Near Cotton Green Railway Station, Mumbai - 400 033, assessed by 'E' Ward, MCGM. We were aware that above land is owned by Mumbai Port Trust, which is a Public Body under Major Port Trust Act and above plot is given on lease/tenancy basis by MbPT as applicable terms and conditions. We have already furnished the information and self-declaration on actual use and occupation of the above Mumbai Port Trust premises. All the occupants are the memberq Phaleracp Bhuvan Chawl Committee and the tenants of Bhagwan Kondaji Bhalerao, since 1944 till date.</p>	<p>No comments are warranted on issues not relating to SoR 2022-2027</p>
3	<p>At the outset, we record our sincere objection for any kind of increase and/or Revision of Schedule (ROS) or proposed Scale of Rates (SOR) as suggested or recommended by Shri Avinash Pendse, Govt. approved valuer and LAC/SoR</p>	<p>At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per</p>

	<p>Committee for the premises/ plot/land, let out by the MbpT, in form of lease rent / monthly rent, as proposed or requested by the Tariff Authority of Major Ports (TAMP) constituted under the Major Port Trust Act, 1963 and approved by Board for the period as mentioned in subject notice dated 28.03.2023.</p>	<p>SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p> <p>Kindly take note that the proposed SoR is approved by the Board which is vested with the power under the MPA Act, 2021 and not TAMP.</p>
4	<p>We submit that the Ready Reckoner Rates or current market value or Scale of Rates (SOR) cannot be made the parameter to be charged to the occupants/residents/tenants of the BPT -lands/premises. The Hon'ble Supreme Court of India had already passed judgment in the case of Jamshed H. Wadia V/s. The Board of Trustee of the Port of Bombay (2004) (3) SCC 214 and have suggested 4% increment of the lease rent/rent in a year as per the Compromise Proposal.</p>	<p>The Board is bound by the provisions of the Union Cabinet approved PGLM 2015 issued under Section 111 of the Major Port Trust Act, 1963, in revising the SoR.</p> <p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.</p>
5	<p>We further submits that the subject plot/property/building known as 'Bhalerao Bhuvan' was now belongs to MbpT, but in the year 1943, the same was owned by one Mr. Haji Yusuf Taiyab Chapra & Sons and they represented themselves as a Owner/Landlord (hereinafter referred as to 'the said first landlord') of the building consists of ground plus two upper floors, situated at 18/29, Veer Tanaji Malsure Marg (Albert Road), Bombay - 400 033 (hereinafter referred as to 'the Suit Building/Super Structure'). Initially, the said Landlord offered tenancy to the predecessors of the present occupants and the said Landlord issued rent receipts in the name of the predecessors in title from 1943 to 1948. Subsequently, the suit property was transferred and/or taken over by one Mr. Usman Haji Vali Mohamed & Bros. (hereinafter referred as to 'the second landlord'). Both the aforesaid 3</p>	<p>While stating that the land underlying Bhalerao Bhuvan is owned by MbPA, no comments are warranted on issues not relating to SoR 2022-2027.</p>

	<p>landlords had rent receipts in the predecessors or the present occupants by accepting him/them as monthly tenants in respect of the suit premises. We will be producing the said rent receipts as and when called for.</p>	
6	<p>In the beginning of the year 1950, the said 2nd Landlord, Usman Haji Vali Mohamed & Bros. without informing to the tenants of the suit building, abandoned the suit building and the said abandoned suit building alongwith super structure were taken over by and/or under the Custodian of the Office of the Deputy Custodian of Evacuees Property. After taking the custody of the suit building alongwith the super structure. the office of the Deputy Custodian of Evacuees collected the rent of the suit premises from the occupants of the Bhalerao Bhuvan and issued rent receipts in the name of occupants. Subsequently, somewhere in or about 1956, the suit building alongwith superstructure was auctioned by the Office of the Deputy Custodian of Evacuees Property and in the said auctioned the said suit building alongwith super structure was purchased by one Seth Kondaji Udaji Bhalerao the Defendant abovenamed. Since, then the said Seth Kondaji Udaji Bhalerao, becomes the owner/landlord of the suit building alongwith superstructure (hereinafter referred as to 'the said 3rd Landlord'). After taking over the suit building by the said 3rd Landlord, Sheth Kondaji Udaji Bhalerao, used to collect the monthly rent of the premises from the occupants/tenants and pass rent receipts in the names of tenants/occupants in respect of the occupied premises.</p>	<p>While stating that the land underlying Bhalerao Bhuvan is owned by MbPA, no comments are warranted on issues not relating to SoR 2022-2027.</p>
7	<p>Subsequently, The Board of Trustee of the Port of Bombay became the new Landlord of the said Plot/RR 888/suit building and made Seth Kondaji Udaji Bhalerao, as their lessee. Since, the said Kondaji Udaji, the said lessee did not paid the lease rent on time in the year, 1969, the BPT has filed above said ref. Suit No.1833 of 1969 against the said lessee, Bhagwan Kondaji Bhalerao. The above said Suit of the BPT was dismissed on merit. Thereafter, the BPT has filed an Appeal in the Hon'ble Bombay High Court. Moreover. the said Bhagwan Kondaji Bhalerao, did not perused the said Appeal and BPT succeeded in the said Appeal. Thereafter, BPT had filed an Obstructionists proceeding against the members/occupants of the Bhalerao Bhuvan, before the Hon'ble City Civil Court, Bombay, by Chamber Summons No.645 of 2004 and the same is pending for hearing and final disposal.</p>	<p>While stating that the land underlying Bhalerao Bhuvan is owned by MbPA, no comments are warranted on issues not relating to SoR 2022-2027.</p>
8	<p>Since beginning the occupants are having a committee known as 'Bhalerao Bhuvan Chawl Committee'. During the hearing before the Hon'ble Court, we have been asked to deposit arrears of lease rent from 1969 till the final disposal of the suit. We say that as per order of the Hon'ble Court, we the 'Bhalerao Bhuvan Chawl</p>	<p>While stating that the land underlying Bhalerao Bhuvan is owned by MbPA, no comments are warranted on issues not relating to SoR 2022-2027.</p>

	Committee' had deposited lakhs of rupees, all the arrears of the lease rent from 1969 till date and continuously depositing the same with the Estate Dept.	
9	We say that, our predecessor in title were residents/occupants since 1943 and now we are and therefore, we says and submits that we were lawful tenants/occupants of the suit premises and are protected by the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and/or by the Maharashtra Rent Control Act, 1999. We say that, the decree obtained by the Plaintiffs in the above suit is not binding upon the present Occupants/Obstructionists.	Neither the provisions of Bombay Rent, Hotel and Lodging House Rates Control Act, 1947 nor the Maharashtra Rent Control Act, 1999 are applicable to the let out lands of MbPA. No comments are warranted on issues not relating to SoR 2022-2027.
10	We say that, the BPT is a Public Authority cannot behave like a private Landlord and cannot impose or increase such high rates or Revision of Schedule (ROS) or proposed Scale of Rates (SOR) as suggested or recommended by Shri Avinash Pendse, Govt. approved valuer Scales of Rates (SOR) and make profit out of it. Therefore, such imposition of increased rents based on market value and ready reckoner rates from 01.06.2023 is not feasible of the solution to the current issue.	The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement . The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable. As regards the claim of proposed rates being high, such a claim is vague and devoid of merits and not supported by any facts,
11	We say that, it would be appreciated that the BPT shall consider the Compromise Formula as per the verdict of the Hon'ble Supreme Court of India or as per the increments of collectors land/lease rent. We say and Ole axoresaid proposai is barred by law and the same is beyond limitation. We further say that the aforesaid proposal is fall under the constructive res-judrcata, as we were already before the Hon'ble City Civil Court, Bombay and paying the lease rent continuously without single default, as per the order of the Hon'ble City Civil Court, Bombay. We therefore submit that any fresh proposal or Revision of Schedule or proposed Scale of Rates (SOR) as suggested or	The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement . The Fair Market

	<p>recommended by Shri Avinash Pendse, Govt. approved valuer and approved by the BPT Board without the Order of the Hon'ble Court is amounting to superseding the Hon'ble Court.</p> <p>3. Finally, we say that, the matter between BPT and Occupants of the Bhalerao Bhuvan Bldg., were sub-judice before the Hon'ble City Civil Court, Bombay and any decision or proposal or increment any kind of increase, or annual escalation of 2% every October, and/or Revision of Schedule (ROS) or proposed Scale of Rates (SOR), as suggested or recommended by Shri Avinash Pendse, Govt. approved valuer and LAC/SoR Committee for the premises/ plot/land, let out by the MbpT, in form of lease rent / monthly rent, as proposed or requested by the Tariff Authority of Major Ports (TAMP) constituted under the Major Port Trust Act, 1963 and approved by Board for the period from 01.10.2023 to 30.09.2027, effective from 01.0.2023, as mentioned in the notice dated 28.03.2023, will be interfering in the administration of justice. In spite, of all this aforesaid, the BPT/TANIP, ROS, LAC, SOR, with any proposal proceeds further in the matter, we shall be left with no other option but to approach the Hon'ble Court for further recourse at the sole risk, costs and consequences of the Trustees of the Port of Bombay, which please take a note of it.</p> <p>Mumbai; Dated:12.04.2023</p>	<p>Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable and in terms of the ratios laid down by the Supreme Court Judgement in the Wadia case.</p>
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Category – 5

Sr.No	Comments	Reply
1	<p>Subject: Your notice dated 29th March, 2023 seeking comments on the proposal for retrospective revision of Schedule rates for the period 1-10-2022 to 30-09-2027.</p> <p>Dear Sir,</p> <p>With reference to your above notice, we seek to offer our comments in respect thereof as under:</p> <p>I. AT the outset it may be recorded that we are in occupation of RR No. 10, P.D'Mello Road, and have been paying our rent from time to time as per the compromise proposal sanctioned by the Hon'ble Supreme Court. Our lease is valid and subsisting and the contention that the lease is not valid is wrong and we are in the process of taking suitable action for seeking declaration that the leases are valid and subsisting and therefore, the new schedule of rate cannot be forced down upon us. Moreover, in our case, due to the existence of a super structure which is protected under the section 4(4A) of the Rent Act, the new schedule cannot be allowed as the Rent Act permits only an increase of 4% year on year with such further permitted increases as considered reasonable.</p>	<p>The Maharashtra Rent Control Act, 1999, is not applicable to the let out lands of MbPA.</p>
2	<p>Without prejudice to the above, at the outset, it may be recorded that as per the Supreme Court judgement of 2004 in the case of Jamshed Hormusji Wadia v/s Board of Trustees for the Port of Mumbai, the Port Trust, was supposed to execute- fresh leases for a period of 30 years with effect from 1994. The Port Trust has failed to do that and now, cannot take advantage of their own wrong and contend that the lease has expired. It may also be noted that in the 2004 judgement, breaches/ change of user etc. up to 2004 were to be regularized. The Port Trust cannot seek to rely upon termination notices of 1980's and alleged change of user to contend that the lease has expired. Therefore, the new SOR is totally in-applicable to our case as we are covered under</p>	<p>No comments are warranted on issues which are not related to proposed SoR 2022-2027 or issues which are subjudice. Revised SoR are applicable all cases of expired leases, monthly tenancies, 15 monthly leases and licences.</p>
3	<p>Please appreciate that in the absence of such documents being uploaded it would not be possible to properly deal with the matter and make comments. For the purpose of assimilating inputs from our legal advisors/ consultants, and to go through old documents and papers it would also be advisable to hold physical</p>	<p>The Board's Proposal and Resolution approving the proposed SoR 2022-2027 has been uploaded on MbPA website. A virtual meeting was the most feasible option in the present time which had been held on 13.04.2023.</p>

	meetings to understand the problems involved and the difficulties. From a lay person point of view, all we can say is that the proposed rates are absolutely arbitrary, unreasonable and not sustainable.	. As regards the claim of proposed rates being arbitrary. Unreasonable and not sustainable are vague claims and devoid of merits and not supported by any facts, figures or documents.
4	Besides, please note that the charges as calculated based on the Schedule of rates proposed by you would be unreasonable and horrendously high. The schedule of rates is based on arbitrary calculations unsubstantiated by any material and are even higher than the "market rates" i.e. the current ready reckoner values. The SOR for 2022-27 goes on an adhoc valuation which isn't even substantiated by any material. This is without prejudice to the fact that such market valuation reports cannot be made the basis of the rent fixed. Further, the SOR takes rent on the basis of 6% return on market value. When worked at using this factor, the rates would be exponentially higher than the amounts the tenants were paying under the original contract. It may be appreciated that market rent / rack renting cannot be adopted by the Port Trust/Authority which is clearly held by the Supreme Court in the case of Dwarkadas Marfatia v/s Board of Trustees of the Port of Mumbai and also in the case of Jamshed Hormusji Wadia v/s Board of Trustees for the Port of Mumbai. Moreover, market rates (ready reckoner value) for Free Hold land cannot be equated with or made a yardstick for determining the market rates of Leasehold land. Besides, it is a fact that for the collector's land- lease is being renewed by charging 0.25 % of ready reckoner rates with 4% increment year on year whereas in the case of the Port Trust, it is proposed at 6% of market value (which is even higher than ready reckoner value) with yearly increase and despite charging such heavy rates, the port trust doesn't even make a whisper if they are renewing leases by executing fresh lease deeds.	The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement . The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority. No comments are warranted on issues note relating to proposed SoR 2022-2027.
5	We have been regularly paying rent as per the compromise proposals sanctioned by the. Hon'ble Supreme Court which are binding on tenants as well as MbPT[MPA. In fact, we have never refused to pay whatever is reasonable and all impositions of rentals etc. must satisfy the test of reasonableness. Arbitrarily imposing such a high schedule of rates is not reasonable and conscionable and we do not welcome any such exponential increase in rents that has been arbitrarily proposed by the Port Trust/Authority. Please also appreciate, and we say this at the cost of repetition, that, as per the judgement of the Hon 'ble Supreme Court in the case of Dwarkadas Marfatia v/s Board of Trustees of the Port of Mumbai, the Port Trust/Authority being a public authority cannot behave	At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 3/35C is in fact 59% below the SoR rates as per SoR 2017-2022. It is further reiterated that the proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being

	<p>like a private landlord and cannot indulge in profiteering or levying rack-rents. The Hon 'ble Supreme court has clearly held that being a public body, the Port Trust cannot resort to profiteering or rack renting like a private landlord and cannot charge market rents to existing tenants. Therefore, such imposition of rents based on market values and ready reckoner rates is not the solution to the current issue.</p>	<p>pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p>
6	<p>It may also be recorded that the ready reckoner rates of the State Government cannot be made the parameter based on which rents are to be collected. If that be so, then the state government lease renewal is done at merely 0.25 % of that rate. The Schedule of rent/lease charges has to be decided in accordance with the COMPROMISE PROPOSAL sanctioned by The Hon'ble Supreme Court in case of Jamshed H. Wadia vs. The Board of Trustee of the Port of Bombay (2004) (3) SCC 214 and based on the principles of the said judgement, the rates need to be computed with 4% yearly enhancement or in any event, they can be decided now by working out a fresh compromise proposal by and between the tenants/ lessees on the one hand and the Port Trust on the other. As of recently, after working 4% increment of rent year on year, the current rent as per the current regime works out to about Rs. 27.27 per square meter FSI per month which is already very high and enough to take care of the charges of the port trust. Looking at the SOR, one can observe that the rental for the Unit 10, Elphinstone Estate associated with Plot No. 10 i.e. the ready reckoner entry corresponding to our plot, is likely to be Rs. 428.45 as of Rs. 1.10.2022 and further exorbitant increases thereafter. Further, it may be seen that even the ready reckoner entry for the applicable RR No. is several times the ready reckoner rates! !</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR and its rationale cannot be compared to the policy followed by other land owning authority. One cannot compare the rates under the compromise proposals which were based on land values of 1980 with the land values today. The provision of revision of SoR is primarily for the land owning authority to be compensated for the inflationary trends which exceeds the annual rate of escalation.,</p>

7	<p>WE fail to understand how the return of 6% has been made a benchmark for users. It is submitted that the Trust resolutions uploaded on the website are not clear and are full of legal jargons which are impossible for ordinary tenants to comprehend and it would be appreciated if there is more clarity and simplicity in the manner in which the Port Trust/Authority proposes to levy rents/ lease charges. Such charges and schedules from 2012 onwards should be based on a factor of what was being paid up to 2012 as per the Hon'ble Supreme Court's sanctioned compromise formula and should be based on some reasonable percent increment taking the amount of rent paid in 2012 as a benchmark. The port trust is seeking to impose rates which are exponentially higher than those charged by similar land owners and order of magnate times higher than the current rates.</p>	<p>In terms of the provision of PGLM the minimum return on land value has to be @6% per annum which the Port is bound to adopt.</p>
8	<p>It is also requested that clarity be got in so far as the amounts are concerned pertaining to each of the units owned by the Port Trust, separately. We suggest that every property would have a different calculation based on the merits of the matter of such property and hence a generic working and a one-size-fits-all approach is neither possible nor desirable. It is also a matter of concern as to how the residents residing on land allegedly owned by BPT since 80-100 years are served these notices with just about a couple of weeks' time to respond.</p>	<p>It can be seen from the land values and rates adopted for proposed SoR that for each different RR Zones, the land values and SoR are different based on the location, attributes and values derived from actual sale instances and after applying adjustment factor and applying the standard reduction by the Valuer in arriving at the land values. Thus the contention that one-size-fits all approach is adopted is strongly denied.</p>

taking into account the concerns of the tenants/lessees/stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 3/35C is in fact 59% below the SoR rates as per SoR 2017-2022. It is further reiterated that the proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the **compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.**

	<p>who are occupying properties since 80-100 years and there are complete eco systems and markets thriving on such properties. Rack renting would totally finish and eradicate running eco _systems which are against the public policy. On the other hand, instrumentalities of the central government like the MbPT/MPA are proposing rates which will lead to mass scale eviction of lakhs of tenants thereby running contrary to the national policy. Tenants are also adding to the exchequer by paying rent from time to time. Further, these tenants are not just directly but also indirectly contributing to the nation in the form of taxes, revenue and employment which is likely to suffer if tenants are put under such enormous stress.</p>	
10	<p>Moreover, please note that in so far as the Schedule of rates from 2022-2027 that is proposed is concerned, the same cannot be enhanced retrospectively as the same is opposed to the constitutional scheme. In recent judgements, the Hon'ble Supreme Court has struck down retrospective taxations. The same ratio is applicable to levy of retrospective rents. The legal opinions obtained by the Port Trust/Authority are not shared on the website and hence in the interest of transparency, equity and fair play, the Port Trust/Authority is requested to put up all the relevant material on the official website of the Port Trust/Authority. It is not legally-possible for the port trust/authority to enhance rates and levy them retrospectively. The aspects of issuance of valid commercial invoices shall also have to be examined and the liability of MbPT/MPA as regards Goods and Service Tax'(GST) etc. also has to be worked out. All this is only possible through physical meetings in a participatory manner by inviting representatives of stakeholder groups to sit and negotiate with the authorities of the Port Trust and the Shipping Ministry.</p>	<p>There is no retrospective revision involved in the proposed SoR 2022-2027. No comments are warranted on issues not relating to proposed SoR 2022-2023.</p>
11	<p>In order to decide the further road map, we request the Port Trust/Authority to hold physical meetings so as to work out Compromise Proposals as has been done successfully earlier in the 1994. TAMP is requested to kindly fix up workable rates through participatory process. A win-win situation in the form of compromise proposal by and between the Port Trust/Authority on the one hand and the Tenants on the other hand is the only way going forward and a second</p>	<p>As per the MPA Act, 2021, the Board is the competent Authority for fixation of SoR and TAMP has no role in the matter. The proposed SoR is fair and reasonable and is in terms of the provision of PGLM and also conforming to the ratio laid down in the Wadia Judgement.</p>

	compromise formula can be arrived at taking the Supreme Court's formula of 2004 as a benchmark and guiding force.	
12	We also observe that in order to avoid GST liability, the Port Trust/Authority has been reluctant in raising commercial invoices. Therefore, neither interest nor liability can be fastened upon the tenants in the absence of any debit note/commercial invoice raised by the MbPT/MPA. Without prejudice to what has been stated above, we would like to submit that If 2012 is taken as a benchmark, the revision in rent from 2012 to 2013 should be reasonable and cannot be arbitrary. The rent suggested in 2013 cannot be exponentially higher than the rent of 2012. Taking ready reckoner calculations leads to preposterous results. In our opinion, the basis should be the Supreme Court compromise proposal and not ready reckoner rates/ ad-hoc market valuations.	No comments are warranted on issues not relating to proposed SoR 2022-2023. MbPA is bound by the provisions of cabinet approved PGLM 2015 guidelines and the factors prescribed for determination of SoR on the basis of fair market value of land in formulation of SoR. The proposed SoR is in consonance with the ratio laid down by the Supreme Court.
13	In the circumstances stated hereinabove, it is requested to kindly upload the relevant material on the website of the Port Trust and work out the Schedule of rates based on the rents paid in 2012 and not based on ready reckoner values and then seek proposals from the Tenants.	MbPA is bound by the provisions of cabinet approved PGLM 2015 guidelines and the factors prescribed for determination of SoR on the basis of fair market value of land in formulation of SoR. The proposed SoR is in consonance with the ratio laid down by the Supreme Court. The Board note and the resolution approving the proposed SoR has been uploaded on the MbPA website.
14	Without prejudice to the above, it is also requested that pending the negotiation and decision making process, no coercive steps be taken based on new proposed rates in the interest of equity, justice and fair play.	After holding of the virtual meeting with the tenants/lessees and stakeholders, the SoR as finalised by the Board would become effective.
15	We request a physical meeting with the officers of the TAMP, the Shipping Ministry and the Port Trust/Authority so as to try to arrive at a win- win situation. For the purpose of records, the Schedule of Rates proposed for 2012-17; 2017-22 & 2022-27 are not acceptable to us for the reasons stated hereinabove and for other reasons that we shall argue in person or through our counsel.	Virtual meeting is feasible and was scheduled on 13.04.2023. As regards the claim of the rates being not acceptable, such claim is devoid of merits and not supported by any hard facts or figures.
16	Needless to say, should the port trust/authority seek to arbitrarily impose the schedule of rates suggested and should such arbitrary and unreasonable SOR be	The proposed SoR 2022-2027 are extremely just, fair and reasonable. As regards the claim of proposed rates being arbitrary

	<p>allowed without paying heed to any of the inputs received from tenant groups, leading to horrendously high unreasonable rents, we shall be left with no other option but to seek judicial recourse at the sole risks, costs and consequences of the Port Trust/Authority which please note.</p>	<p>and unreasonable, such a claim is vague and devoid of merits and not supported by any facts, figures or documents.</p>
17	<p>In view of the extremely short time given to us to submit our reply, we may have made inadvertent errors and/or omissions in the above points and we reserve our right to make suitable amendments/corrections/additions/alterations to the same. Thanking You.</p> <p>Yours faithfully, Merwanjee Poonjiajee & Sons Pvt. Ltd.</p>	<p>No comments except to say that comments could have been submitted till 12.04.2023.</p>

Category-6 (Mackinnon and Mackenzie)

Sr.No	Comments	Reply
	<p>By and under an Indenture of Lease dated 07.04.1925 executed between the Trustees of the Port of Bombay and Mackinnon Mackenzie & Co Ltd. (MMCL) was granted lease of Plot No. RR No.970 situated at Shoorji Vallabhdas Marg, Ballard Estate, Mumbai 400 001 for a period of 99 years beginning from 23.05.1918 wherein a building known as "Mackinnon Mackenzie building" comprising of basement, ground plus 4 floors was constructed.</p> <p>We have perused the Notice dated 29.03.2023 ("Notice") published by you on the website of the Mumbai Port Authority ("MbPA"), i.e. www.mumbaiport.gov.in, seeking our comments in respect of the proposal for revision of Schedule of Rent ("SoR") ("Proposal") for the period from 01.10.2022 to 30.09.2027 effective from 01.06-2021. Post perusal of the Notice, we state and submit as follows:</p>	
1	<p>Nothing stated in the Notice and Proposal should be deemed to have been admitted by MMCL (unless specifically admitted herein), merely for want of a specific traverse. To the extents that the averments in the Notice and Proposal are inconsistent and/or contrary to the present letter, the same be treated set out herein and denied,</p>	No comments
2	<p>At the outset, we state and submit that, considering the complexities involved in the present matter, the timeline of 15 days for inviting comments qua the Proposal is very short and unreasonable. Further, the Notice refers to the Policy Guidelines for Land Management for Major Ports, 2015 ("PGLM") which has not been uploaded on the website of MbPA. Hence, you are requested to upload on the website of MbPA the same and thereafter grant us substantial time to provide our comments. In the absence of the PGLM, it will not possible for us properly consider the Proposal and provide our comments qua the same. As a result, in view of the limited time provided, we are providing our comments for the limited purpose of objecting to the implementation of the Proposal. We reserve our right to file more detailed reply(s).</p>	PGLM 2015 guidelines are available on MbPA website since last about 4 to 5 years. No extension of time can be granted.
3	<p>We state and submit that the proposed revision is contrary to the guidelines issued by the Hon'ble Supreme Court in the matter of Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Bombay [2004 (3) SCC 2141. The same may be revised in terms of the guidelines issued by the Hon'ble Supreme Court in Jamshed Hormusji Wadia (supra) and thereafter, reasonable time be given to enable us to consider and comment on the same.</p>	At the outset taking into account the concerns of the tenants/lessees/ stakeholder, the proposed SoR 2022-2027 on the average scale is lower by 51% compared to the rates as per SoR 2017-2022. The SoR for RR Zone 2/22A is in fact 13% below the SoR rates as per SoR 2017-2022. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major

		Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement.
4	MMCL is in continuous possession, use and occupation of the Premises since 23.05.1918 and has been duly and regularly paying all the rent, charges and taxes to MbPA as per the Compromise Proposals sanctioned by the Hon'ble Supreme Court in Jamshed Hormusji Wadia (supra). In fact, MMCL has never refused to pay rent and/or charges which are reasonable. Importantly, imposition of rent and/or charges must satisfy the test of reasonableness, which is not the case in the present matter. MbPA is arbitrarily imposing high SOR which is neither reasonable nor conscionable. MMCL does not accept this arbitrary increase in rent. Even the Hon'ble Supreme Court in the Judgment in Jamshed Hormusji Wadia (supra) held that public authorities such as MbPA cannot be seen to be indulging in rack renting, profiteering or indulging in whimsical or unreasonable evictions or bargains. MbPA, being a public body, cannot resort to profiteering or rack renting like a private landlord and cannot charge market rents to existing tenants. Thus, the ready reckoner rates cannot be made the parameter, basis which rents are to be collected. SOR has to be decided on the basis of the Compromise Proposal sanctioned by the Hon'ble Supreme Court in Jamshed Hormusji Wadia (supra).	. As regards the claim of proposed rates being arbitrary, unreasonable and unconscionable, such a claim is vague and devoid of merits and not supported by any facts, figures or documents. The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement and thus very fair and reasonable.
5	Presently, MMCL is paying Rs.36,032.77 as monthly rent in respect of the Premises. Taking the Proposal into account, MMCL will be required to pay Rs.25,07,020.70 as monthly rent. Thus, the proposed revision of SOR comes to increase of 69-57 times compared to the present rent. The same is not acceptable and ought to be in line with the Compromise Proposal sanctioned by the Hon'ble Supreme Court in Jamshed Hormusji Wadia (supra).	The lease rent being paid by MMCL is the contractual rent fixed more than a century back and therefore revised SoR as applicable would be leviable from date of expiry of lease.
6	The Proposal for revision of SOR cannot be retrospective. There is no provision under Major Port Trust Act, 1963, permitting MbPA to charge rent retrospectively. In absence of such a provision, the question of claiming retrospective rent and/or interest does not and cannot arise.	The proposed revision is prospective and not retrospective.

7	<p>In fact, the revised Schedule of Rates for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 notified vide Gazette Notifications dated 29.10.2021 and 16.11.2021 are under challenge before the Hon'ble High Court of Bombay in the matter of <i>Arsheesh Jamshed Wadia & Anr. v. The Board of Trustees of the Port of Mumbai & Ors.</i> (Writ Petition No.3143 of 2022). Therefore, the present action of seeking revision of Schedule of Rates for the period from 01.10.2022 to 30.09.2027 during the pendency of the matter of <i>Arsheesh Jamshed Wadia (supra)</i> is completely arbitrary and unconstitutional.</p>	<p>No comments are warranted on issues which are subjudice. There is no bar on revision for the period 01.10.2022 to 30.09.2027 which are strictly in terms of provisions of cabinet approved PGLM.</p>
8	<p>The charges as calculated based on the SOR proposed by you are unreasonable and extremely high. The SOR is based on arbitrary calculations without any substantiation of material particulars. The same are higher than the "market rates" i.e. the current ready reckoner values. The SOR for the period 2022-2027 goes on an ad-hoc valuation which is also not substantiated with any material particulars. In fact, considering our long association, a reasonable approach ought to be taken and rent ought not be charged as per the Proposal.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p>
9	<p>We, once again, at the cost of repetition, state and submit the Proposal for revision of SOR, ought to be in line with the Compromise Proposal sanctioned by the Hon'ble Supreme Court in <i>Jamshed Hormusji Wadia (supra)</i>. Basis the principles laid down in the judgment of the Hon'ble Supreme Court in <i>Jamshed Hormusji Wadia (supra)</i>, MbPA is required to revise the SOR by arriving out at a fresh compromise proposal in joint consultation and active participation of the tenants/lessees.</p>	<p>It is once again reiterated that the proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015), with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against the 10% return per annum on land value and 4% annual escalation under the compromise proposals upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Govt. approved</p>

		<p>valuer Shri Avinash Pendse an expert and reputed IBBI registered valuer, on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and the standard deductions to arrive at the land value and hence the proposed SoR is fair & reasonable. MbPA is mandated by the provision of the factors prescribed in the PGLM in determination of SoR.</p>
10	<p>In view of what is stated hereinabove, we plead as follows: 9.1 Not to implement the revised Schedule of Rates for the period from 01.10.2022 to 30.09.2027 of MbPA Estate Land; 9.2 Not to implement/issue any TR on the basis of the revised Schedule of Rates, as proposed; 9-3 Implement the Schedule of Rates, as per the Compromise Proposal, which was approved by the Hon'ble Supreme Court in the matter of Jamshed Hormusji Wadia v. The Board of Trustees of the Port of Bombay [2004 (3) SCC 214]; and 9-4 Pending the negotiation and decision-making process, no coercive steps ought to be taken basis the revised Schedule of Rates in the interest of equity, justice and fair play.</p> <p>We request that a personal meeting with the officers of TAMP, Ministry of Shipping and MbPA be given, to arrive at a reasonable and easily acceptable compromise proposal and make oral submissions. MMCL reserves its right to file written submissions post such hearing.</p> <p>Needless to mention, this letter is addressed without prejudice to the rights and remedies of MMCL in law and equity and nothing in this letter should be construed or interpreted as a waiver of such rights.</p> <p>Further, you may please note, in the event, MbPA proceeds to implement the Proposal without considering the comments and objections of MMCL (as contained herein above), MMCL shall be left with no option but to take appropriate judicial recourse as to your sole risks, costs and consequences.</p> <p>It is brought to your kind notice that our property i.e. Mackinnon Mackenzie Building is a tenanted property and tenants are protected under Tenancy Rights Act which does not permit us to increase rents being received by us from the tenants. The rent is to the tune of approx.1,30,000/- per month.</p> <p>Yours faithfully, For Mackinnon Mackenzie & Co.Ltd.</p>	<p>The SoR is in terms of the ratio laid down by the Supreme Court in resolving the dispute in rentals and very fair and reasonable and therefore there is no question of not implementing it. The hearing in the matter was held on 13.04.2023 to hear the stakeholders comments and the matter would be proposed SoR and the stakeholders comments would be placed before the Board for its decision whereafter the SoR as approved would be notified.</p>

Category-7 (LBTM)

Sr.No	Comments	Reply
1	<p>We have to inform you that The Lakdi Bunder Timber Merchants Association is registered under Society Registration No.MAH/MUM/2760 GBBSD and under Maharashtra Public Public Trust Act 1950 bearing no. F-67931. Our members are the MbPA tenants/ lessees/ occupants of MbPA Plots at Lakdi Bunder, Darukhana, etc.</p> <p>With reference to the abovementioned Notice and without prejudice to all our rights, claims, and contentions in the matter in respect of the above referred premises, we (the occupants abovenamed) have perused the contents of the same along with the Proposal/s, SORs Table/s, various Trustees Resolutions and the other documents uploaded on the website of the Mumbai Port Authority ("MbPAØ") and in response thereto we state and submit our comment response and objections herein, for your consideration.</p> <p>1. We, The Lakdi Bunder Timber Merchants Association and Our members are the occupants of the MbPA's premises. Since, we are materially affected by the proposal/s under reply; we are placing our objections / comment/s thereto for your kind consideration.</p> <p>2. For the following amongst other reasons (which are without prejudice to and independent of each other), and without admitting any applicability and / or liability whatsoever and or however based thereon, kindly note and take into consideration our serious Objections to MbPA's steep, arbitrary, unreasonable and unlawful proposal/s under reply.</p> <p>a. At the very outset, we state that we are shocked and surprised that such onerous, steep and arbitrary Proposal/s are being framed by MbPA (which is an instrumentalist of the State) seeking to exponentially increase / hike and attempt to impose the Scale of Rates of rent to such an extent that, if given effect to; it will be impossible for any commercial enterprise to survive. Even private landlords have, in most cases, shown a lot of benevolence and forbearance towards their tenant / licensees / lessees, etc. in these trying times.</p>	<p>The proposed SoR as approved by the Board for the period 2022-2027 is strictly in accordance with the provisions of cabinet approved Policy Guidelines for Land Management by Major Ports, 2015 (PGLM 2015) with the rate of return on land value being pegged at the barest minimum of 6% per annum with the annual escalation being pegged at the barest minimum of 2% as against 10% return per annum and 4% annual escalation under the compromise proposal upheld by the Hon. Supreme Court under the Wadia Judgement. The Fair Market Value has been arrived at by Shri Avinash Pendse an expert and reputed valuer on the Bombay High Court Panel based on actual sale instances obtained from the office of the Registrar of Assurances and by applying adjustment factors based on leasehold nature, the locality, attributes, amenities, etc and hence the proposed SoR is fair & reasonable.</p> <p>MbPA is bound by the cabinet approved PGLM 2015 guidelines issued under Section 111 of the Major Port Trust Act, 1963.</p>
2	<p>b. At the further outset, we submit that the issue of rent revision by MbPA (which finds its roots since the early 1980's) has plagued its lessees/ tenants/ occupants for decades; and the same was finally set to rest and adjudicated upon (after 02.2004 in the matter of Jamshedji Hormusji Wadia Vs the Board of "trustees of port of Mumbai, (2W4) 3 SCC 214 (viz."Wadia's Case")); wherein, the Hon'ble Supreme Court has inter alia upheld with (downward revision in rent and interest) MbPA's own "Compromise Proposals", further</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees</p>

	<p>holding that the said "Compromise Proposals" would be applicable to all the lessees of MbPA even if they were not parties to the proceedings.</p> <p>c. Under the said judgment, the Hon'ble Supreme Court whilst examining the question @ para 13 thereof), viz.</p> <p>*What is the status of BPT as landlord? Is it free to charge any rent from its lessees as it pleases in view of its having been exempted from the operation of rent control law or is it only to act in a fair and reasonable manner in the matter of dealing with its lessees and charging rent from them?"</p> <p>Has in express terms, and whilst upholding a catena of earlier judgments, categorically held that the position of laws is well settled, viz. that State and its authorities including instrumentalities of State (such as MbPA) have to be just, fair and reasonable in all their activities, including those in the field of contract, even whilst playing the role of landlord and tenant, the State and its authorities continue to remain so and cannot be heard of even seen causing displeasure or discomfort of Article 14 of the Constitution of India.</p> <p>d. It is pertinent that MbPA themselves by their own TR 31 of 10.3.2004 (T.R. 31 of 2004") had inter alia resolved to implement the aforesaid judgment of the Hon'ble Supreme Court in Wadia's case (supra), and had expressly accepted therein that the rates fixed under their own Compromise Proposals as upheld in Wadia's case; would be applicable to their landed estates from 1.04-1994 up to 31st March 2024, with 4% annual increases "thereby extending the application of the proposals to 2024". By not setting cases in terms thereof, and by seeking approval of the above referred Proposal/s under reply, it seems that MbPA is attempting to circumvent the directions and ratios of the Hon'ble Supreme court in Wadia's case (supra), and is also going back on its promises for settlement of matters under its own "Compromise Proposals". These were the very proposals propounded by MbPA before the Hon'ble Mumbai High Court, and thereafter, before the Hon'ble Supreme Court, under several sworn Affidavits of its own officers.</p> <p>e. Further, it is shocking that MbPA has only made passing reference to its said TR No. 31 of 2004 in the said proposal for SOR 2012-2017, and has not even referred to the same in Proposals for SOR 2017-2022 & SOR 2022-2027. MbPA may kindly examine (in letter and spirit spirit); the contents, purport and true effect of MbPA's said TR 31 of 2004, as also all of the sworn Affidavits of the MbPA's officers before the Hon'ble supreme court and the Hon'ble High Court - filed in the matter of its General Rent Revision litigation.</p>	<p>shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious contention.</p>
3	<p>Pertinently, under the MbPA's own TR 105 Of 2018, it has been recorded that the Shipping Ministry vide its letter dated 18.2.2014 (bearing reference No. PD11020/34/2013 MbPA) had</p>	<p>No comments are warranted as the issue does not relate to proposed SoR 2022-2027 or issues which are already subjudice.</p>

	<p>"Conveyed the opinion of the Ministry of Legal Affairs that the order of the Hon'ble Supreme court dated 13.1.2004 should be implemented in letter and spirit and also clarified that the matter being an important public issue, any interpretational issue arising out of the Apex Court judgment the Administrative Department should seek clarification from Supreme Court to avoid any legal complications"</p> <p>And that</p> <p>"The shipping Ministry has further directed that Mumbai Port Authority to initiate necessary steps for immediate implementation of the order of the Hon'ble Supreme court dated 13.12004 without anyfurther delay.</p> <p>And further that</p> <p>"The port should also seek clarification from the Hon'ble Supreme Court in respect of any interpretational issues such as re-fixing the letting rates after 30.9-2012 arising out of the saidjudgment"</p> <p>We submit that despite the clear direction from the Ministry in the year 2014, MbPA appears not to have taken heed of the aforesaid directions, but has (on contrary) MbPA has revised SOR 2012-2017, SOR 2017-2022 and also framed SOR 2022-2027 effective from 1.6.2023 which are not only in the teeth of the Hon'ble Supreme Coures judgment in Wadia's case, and also in teeth Of the clear directions of the Ministry of Shipping Ministry of legal Affairs, but also are patently unlawful, illegal, steep, exorbitant, arbitrary and capricious.</p>	
4	<p>g. On thorough reading of the said proposals under reply, it is apparent that MbPA has overlooked the very directions ratios, dictates and guiding principles set out in the said judgment Wadia's Case and has completely summersaulted on its promises made under the said "Compromise proposals" as were upheld with modifications by the Hon'ble Supreme Court in Wadia's Case and as admitted (and approved for implementation) in its own TR 31 of 2004.</p> <p>h. It may be appreciated that on account of the failure of MbPA to aide by the said judgment in Wadia's Case and by its own promises under its own said "Compromise Proposals"; no less than 41 Writ Petitions (Writ Petition no. 2085 being the lead Petition) have been filed before the hon'ble Mumbai High Court challenging:-</p> <p>i. MbPA's failure to settle matters as directed by the Hon'ble supreme court in Wadia's case and</p> <p>ii. MbPA's TR 127 dated 22.8.2006 ("TR 127 of 2006") attempting to wrongfully modify the terms of the said "Compromise Proposals" and thereby seeking to levy higher rate of rent (on sitting tenants/ lessees) based on hypothetically market values of lands,</p>	No comments are warranted on the matters which are subjudice and not related to SoR 2022-27

	<p>viz. the very action that the Hon'ble Supreme court, and the Courts below prohibited MbPA from</p> <p>i. In the abovementioned Writ Petitions, the hon'ble Bombay high Court has been pleased to issue Notice under Order 1 Rule 8 of the code Of CIVil Procedure, 1908, making the outcome of the aforesaid 41 writ Petitions applicable to all lessees / tenants / occupants(such as us) of MbPA, whether they are before the Hon'ble Bombay High court or not. Further, these Petitions includes the Writ Petitions filed by several obstructionists, and by lessees / tenants not on record with the MbPA and they all have all been admitted by the Hon'ble High Court and in some of them interim reliefs have been granted. All the said Writ Petitions are at the stage of disposal and final hearing before the Hon'ble High Court. For this and other several reasons set out herein; the objections (though invited only from registered lessees/ tenants), would also impact obstructionists and occupants Of MbPA Lands (such as us whose cases ought to have already been settled by MbPA under their own said "compromise Proposals" gas upheld by the Hon'ble Supreme court). Hence, they (and including us) are also entitled to submit their comments / objections on the said Proposals and be heard by MbPA, it would be highly unfair to call for objections only from registered lessees. MbPA cannot take advantage Of its own wrongs.</p> <p>j. The MbPA's SOR 2012-2017 and SOR 2017-2022 was challenged in Mumbai High Court by leading WP No. WP/3143/2022 filed by Arsheesh Jamshedji Wadia supported by other 33 WPs which are pending. The MbPA has not filed any reply before Bombay High Court till date.</p>	
5	<p>k. It may be further appreciated that MbPA had filed its Cross-objections before the Hon'ble Supreme court in civil Appeal No. 5559 Of 2001 (viz. the aforesaid Wadia case) and the other connected appeals before it. In the said cross objections, MbPA had (at the very first ground (A) thereof) sought to contend that "there is no legal bar on the port. Trust to charging rent which may be necessary even equal to market rent"; and had sought to resile from the said "Compromise Proposals". The Hon'ble supreme court in its said judgment in Wadia's case not only dismissed MbPA's said cross-objections as being "not maintainable", but also expressly held them to be "devoid of merit". Thus, as is well and clearly cemented by the Hon'ble Supreme court; there is no question of any increase in rents by MbPA w.e.f. 1.6.2023 and onwards based on any hypothetical and exploitative increases in market values of land, and or otheMise till 31.3-2024.</p>	<p>At the outset, the Supreme Court had in its judgement dated 13.01.2004 resolved the dispute with regard to the rent under the compromise proposal only for the period upto 31.03.2000. The exact wordings are as follows;</p> <p>"by this judgement and in these proceedings the controversy as to the rates of rent applicable to the lessees shall be deemed to have been resolved for the period 01.04.1994 to 31.03.2000". Thus the contention that the rates of rent under "compromise proposals" (as upheld under Wadia's case) are applicable to their plot (situated outside the port limits of the Mumbai Port) – beyond 30th September 2012 till 31st March 2024 is a fallacious</p>

		contention.
6	<p>l. In fact, at least in our particular case (as is in most of the cases), there is no necessary for framing of any Proposals whatsoever for any SOR right up to 31.3.2024. this is because as per MbPA's own understanding of the hon'ble Supreme Court's judgment in Wadia's case, rents are chargeable right up to 2024, as stated under their own T.R. 31 of 2004. Had the MbPA abided by the said "compromise Proposals" and settled cases and granted fresh lease of 30 years, then the rent chargeable by MbPA in terms of said "Compromise Proposals" would continue right up to 2024 with 4% increases over the previous year. MbPRs failure to do so is a manifest wrong, which does not entitle them to take any advantage thereof, much less by framing proposals for fresh SOR effective from 1.6.2023 and beyond. In fact, as already stated hereinabove, this failure to abide by the directions of the Hon'ble Supreme court to settle cases has been challenged in the aforesaid batch of 41 Writ Petitions. Thus, in light Of the aforesaid, it is reiterated that MbPA cannot and ought no to be permitted to propose any such new SORs w.e.f. 2022-2027 effective from 1.6.2023.</p>	No comments are warranted on the matters which are subjudice and not related to SoR 2022-27
7	<p>m. The service charges are levied by MbPA to each plot on the basis of the expenses incurred towards maintenance of roads, passages, lighting, etc. and the facilities provided on the roads/footpaths abutting the let-out plots. at 50% of plot area w.e.f. 1-5.1990. it may be stated that MbPA has billed and recovered said service charges from May 1990 to till date, but unfortunate to say that MbPA has not given above basic facilities and recovered service charge to till date. Now, it is proposed Rs.2/- per sq. mtr. per month which is exorbitant since MbPA is not giving basic facilities as stated above since May 1990 onwards to till date. All roads, passages are in damaged conditions for so many years and it is very difficult in the Monsoon Season to travel, traffic of vehicles on said damaged roads. No electric lights were provided on roads, and if provided are in meagre giving very less light in the night resulting thefts of materials of plot holders occurred very often. Many cases has been filed in Police Station. We therefore, deny said revision in toto.</p>	
8	<p>n. The storage charges are proposed to be revised from Rs. 1/- per sq.mtr.per month to Rs.16/- per sq.mtr.per month for authorized permission and for unauthorized permission rate of Rs.4.50 per sq.mtr.per month to Rs.48/• per sq.mtr.per month w.e.f. 1.10.22 to 30.9.2027 effective from 1.6.2023. The said rate of storage charges framed by MbPA is exorbitant without following due process Of law. We therefore, deny said revision in toto.</p>	Charges for Temporary occupation per sq.m. per month were last revised in 1986 which are higher than other rates. During the revision of SoR 2022-27 committee recommended the lowest rates i.e. 50% of the average SoR of land in all RR Zones. Hence, temporary occupation charges are not exorbitant and reasonable.
9	<p>o. Rani Jadhav committee report dated 2014 speaks for Third party interest shall not be involved as it will be against the democratic and socialistic pattern Of India. The state holder i.e., lessee/tenants shall be part and parcel Of the policy while finalization of the policy. Although the policy is now being framed it should have come into force by</p>	No comments are warranted on the matters which are related to SoR 2022-27

	<p>2004 as per the Supreme Court compromise policy. MbPT should have direct contact with tenant/ occupier of lease hold properties. All tenants/ occupier s who have been there for many years should be legalized. They should be made direct tenants as and when they sell, transfer, buy or get inheritance. Reasonable fee or rent as per rent control act should be levied. Transparency should be there in giving compensation to tenants/ occupiers who have surrendered the space to MbPA. All the tenants till date should be accommodated on the land to avoid ostly and embroiling litigation that will delay development projects. Other Housing World Class Residential and Commercial Towers Rental Housing Studio Apartments 350 to 400. No plots will be for sale, only tenancy rights will be given.</p>	
10	<p>p. In light of aforesaid, these Proposals under reply, become null and void, therefore warrant immediate and outright rejection/cancellation by MbPA.</p> <p>q. Assuming. whilst emphatically denying that MbPA (through LAC) may be entitled to; or frame of any fresh SOR other than in consonance with the directions and within the principles and ration of the judgment of the Hon'ble Supreme court in Wadia's case, and other than under the umbrella of the "Compromise proposals" as upheld with downward modifications by the Hon' ble Supreme Court; we are strongly opposed to the same, and place on record our strong objections in respect to MbPXs Proposals under reply, as follows:-</p> <p>i. Any attempt, as contained in the Proposals under reply to frame such steep and exorbitant SOR 2022-27 effective from 1-6.2023 and based on hypothetical market values of lands; would not only be unlawful, but violative of Article 14 of the Constitution of India.</p> <p>A Division Bench of the Hon'ble High court in Ratti Palanji Kapadia v. state of Maharashtra & ors., (1992) Mh. LI 1356)- (whilst examining the revision of lease rent in case of renewal of leases of Govt. Land) has held in para 17 that :</p> <p>"A Division Bench of Bombay high Court presided over by Mrs. Sujata Manohar J, (as her Lordship then was) held in Ratti Palanji Kapadia v. state of Maharashtra that the exemption from the provisions of the rent control cases as an obligation on the State and its instrumentalities and authorities to comply with public policy of ensuing a fair return of investments without charging exorbitant rates based on the prevalent market prices of land".</p> <p>s. We reserve our right to alter, amend, add, modify and 'or delete any and all Of our reasons, comments and [or objections.</p> <p>t. We also crave leave for a personal hearing in the matter before any final decision is taken in respect of the proposals under reply.</p>	<p>In view of the above, proposed revision of SoR 2022-27 is fair & reasonable and there is, therefore, no question of withdrawal of the proposed SoR.</p>

	<p>u. Nothing contained in the proposals under reply including the documents annexed thereto and / or referred to therein, and / or uploaded on MbPA Website in connection thereto, and (or them contend thereof, shall be deemed to have been admitted by us or accepted as applicable in our case — for want of specific traverse.</p> <p>v. In view of what is stated herein above, we are hereby deny all the SORs proposals 2022-27 effective from 1.6.2023 in totO.</p>	
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