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मुंबई पोर्ट ऑथोरिटी
MUMBAI PORT AUTHORITY



संपदा अनुभाग,

तिसरा माला, विजयदीप,
शूरजी वल्लभदास मार्ग, बॅलार्ड इस्टेट,
मुंबई - 400 001.

Estate Division,
3rd floor, Vijaydeep,
S.V. Marg, Ballard Estate,
Mumbai - 400 001.

No. EM/ASG/F-223(J)/4733

12 OCT 2022

CIRCULAR

For the information of all MbPA tenants/lessees/licensees.

Board of Mumbai Port Authority approved procedure for Surrender of MbPA plot/structure by lessee/tenants/third party/obstructionist/Govt. Parties without paying MbPA dues or even where there is existing litigation is as follows

A. Private Parties:

- i. If with clearance of all past dues/penalties up to date and without litigation, possession to be taken over immediately

OR

If without clearance of all past dues/penalties upto date, the following procedure shall be followed by MbPA to take over possession of the plot and proceed legally for recovery of dues, etc., without prejudice to the Board's rights to recover dues.


- a. Petition may be lodged before the Estate Officer for Eviction and Recovery of arrears.
 - b. The party willing to surrender vacant possession of the premises may appear before the EO.
 - c. The party may surrender vacant possession of the premises before EO by making requisite application.
 - d. The EO may allow the application for surrender of the vacant possession of the premises, pass order to that effect against all & any person found on the premises and handover the premises to representative of Estate Manager without prejudice to the rights of the Board to recover the arrears.
 - e. The EO may delete the prayer for eviction as satisfied.
 - f. The Petition filed by EM for recovery of arrears will be proceeded before EO.
- ii. Plot/structure can be surrendered by the following:
- a. Original lessee/tenant on record.
 - b. Third party/Actual occupant by indemnifying the Port against any claims against MbPA arising out of the surrender of the plot.
 - c. In case of obstructionist in court/record, both the parties i.e. MbPA and Obstructionist to file applications before the court and possession to be obtained with the Court's consent.
- iii. In cases, where any on-going litigation/suit filed by MbPA, the same shall be withdrawn after execution of surrender certificate if all dues are clear. In case of arrears, litigation will continue for recovery of arrears/mesne profit/damages claimed by the MbPA.

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- iv. All bills pertaining to the plot shall be discontinued from the date of surrender certificate. In case of surrender of part of the plot/structure, proportionate bills will be raised.
- v. All other procedures for taking over the vacant possession as per present practice to be continued.
- vi. As regards the abandoned plots, the same shall be taken over by filing eviction petition through Estate Officer (E.O.).
- vii. In all cases where surrender is without liquidation of dues the possession to be taken over by clearly stipulating that the surrender is being accepted without prejudice to the Board's rights to recover pending dues.
- viii. List of documents to be enclosed as per **Annexure-1**.
- ix. Draft Surrender Certificate - **Annexure-2**.

B. Government Parties:

- i. Surrender of plot shall be done by delinking arrears with mutual consent of both parties
- ii. Recovery of arrears and settlement of disputes shall be pursued at appropriate forum i.e interministerial dispute resolving mechanism.


(G. A. Shirsat)
Estate Manager (I/c)

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Annexure-1

List of Documents

In all cases a copy of at least two of the following documents (in the sitting occupant's name at the relevant address) as proof of such possession or occupation:

- i. Bank / Post Office Passbook; or
- ii. Ration Card; or
- iii. Passport; or
- iv. Driving License; or
- v. Property Tax/ Income Tax/Sales Tax/VAT/GST Assessment Order; or
- vi. Latest registered rent agreement; or
- vii. Latest Water/Telephone/Electricity/Gas Connection Bill for that address, or
- viii. License to carry out business issued by local authority under the applicable law for non-residential/ mixed use occupations,

In addition to above, the following documents are required

- i. Succession certificate/death certificate/ or any other documentary evidence alongwith indemnity bond to be submitted in case of legal heirs/son/daughter/wife of the Original lessee/tenant.
- ii. Court's consent in case of Obstructionist.

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Annexure-2

SURRENDER CERTIFICATE

This is to certify that vacant possession of Plot of land at _____ (hereinafter collectively referred to as "said premises") has been voluntarily surrendered and handed over by Shri _____ (designation) on behalf of _____ to the Board of Mumbai Port Authority and that possession of the said premises has been taken over on behalf of the Board by _____, Inspector, Estate Division, Mumbai Port Authority on this _____ day of _____ at _____ hrs.

It is further certified that -

- i. The vacant possession of the said premises, along with any and all infrastructure, currently situated on the said premises and more particularly described in Schedule 'A' below, have been voluntarily handed over by the _____ on "as is where is" basis to the Mumbai Port Authority.
- ii. The _____ does not have any claim whatsoever against the Mumbai Port Authority, including, claims for compensation or alternative accommodation, in respect of, or arising out of, the surrender of the said lands; and
- iii. The surrender of the said lands by _____ is entirely without prejudice to any rights and contentions of the Board of Mumbai Port Authority including, but not limited to, the Board's right to claim arrears of rent/ compensation, interest, taxes, cesses, mesne profits and/or any other charges that may have arisen prior to the date of execution of this Surrender Certificate on account of, and in terms of, any law, condition, policy, regulation or bye-law applicable to the said premises.

SCHEDULE 'A' REFERRED TO ABOVE

A plot of land at _____ admeasuring _____ sq. mtrs. situated at _____.

Towards North by _____

Towards South by _____

Towards East by _____

Towards West by _____

1. Photographs shown site condition as on _____
2. Site map No. _____ enclosed.

Handed over by me

Signature

Name

Designation on behalf of

Taken over by me

Signature

Inspector Estate Division,

Mumbai Port Authority

D.A: Photographs as on _____
Site map No. _____