

## **MUMBAI PORT TRUST**

### **ESTATE DEPARTMENT**

#### **CIRCULARS ISSUED TO TENANTS / LESSEES IN TERMS OF SUPREME COURT JUDGEMENT DATED 13.01.2004 IN THE GENERAL RENT REVISION MATTERS**

Circular no. EM/AS-6/SLP/6995 dated 02.11.2006

EM/AS-  
6/SLP/6995

Date : 02.11.2006

Under the terms and conditions of the leases / tenancies granted by the Board of Trustees of the Port of Mumbai, it is obligatory on the part of lessees / tenants to obtain prior consent in writing of the Board of Trustees of the Port of Mumbai for any change in the lease terms such as additions / alterations, change of user, assignment / transfer, subletting, under letting in any manner or parting with possession of the premises or any part thereof whether on leave or licence basis or otherwise.

The lessees / tenants are therefore required to note that the Board of Trustees of the Port of Mumbai is not bound to accord its sanction to a proposal for above breaches which take place without its prior consent and if they proceed any further with such breaches, they shall be doing so at their own risk, cost and consequences.

Without prejudice to the rights and contentions of the Board of Trustees of the Port of Mumbai (Board), it has been decided by the Board that 10.03.2004 be treated as the cut-off date for the purpose of regularising past breaches, subletting, etc. in view of the provision in the Hon'ble Supreme Court Judgement that lease deeds consistent with compromise proposals be executed within a period of 8 weeks from the date of judgement viz. 13.01.2004. The breaches committed after 10.03.2004 would attract application of revised rent / compensation prospectively i.e. from 01.09.2006 calculated based on 6% per annum return on the rates prescribed in the Ready Reckoner for the year 2006 with 4% per annum increase every October pro-rata to the area of breach. It was also decided by the Board that in future, changes in lease terms like additional construction, change of user, etc. should be with prior approval. In case of regularisation of such breaches or for having committed the breach, in addition to the revised rent/ compensation penalty of 6 months rent / compensation at the revised rates for every year or part thereof of the delay will be levied, in case of non-acceptance, the lease / tenancy shall be liable for termination. In case of subletting / assignment without prior approval, Board reserves the right to resume possession and failure to obtain prior approval will attract, in addition to revised rent/compensation, a penalty of 12 months rent / compensation at the revised rates for every year of delay without prejudice to Board's rights and remedies including eviction and recovery of arrears etc.

**BY ORDER OF THE BOARD**