

**MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**
The Estate Officer, 7th Floor, Vijay deep bldg., S. V. Marg, Ballard Estate, Mumbai – 400 001.
Case No. EO/QV (03) of 2025

IN THE MATTER OF:

The Board of Mumbai Port Authority

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

.....Petitioners

V.

Shri. Kishore K. Vegada

Ex-Labour Supervisor,
Unit No. 3/67, Sagargeet, Worli
Mumbai-400030

...Respondent

Coram: Shri Abhishek Kumar

(Estate Officer)

(Appointed under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act,
1971 vide Gazette Notification dated 13.09.2021.

Represented by:

Petitioner's Representative: Shri.T. V. Gaikwad, Welfare Supdt. Gr. 1

Respondent: Shri Kishore Vegade

ORDER

1. The Petitioner is a Statutory Corporation, constituted under Section 3 of the Major Port Authorities Act, 2021 being the successor in title to the Board of Trustees of the Port of Mumbai, constituted under the Major Port Trust Act, 1963 since repealed, having its office at the above-mentioned address.
2. By way of present order, I am going to decide the present Petition filed by the Petitioners under Section 3B r/w 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as 'PPE Act'), for eviction and recovery of arrears and rent and other charges.
3. Perusal of the record reveals that the present Petition was initially filed on 06.06.2025 wherein it was prayed as following:-
 - a) "The Eviction of the Respondent from the disputed residence and all person concerned through the Respondent and delivery of vacant and peaceful possession to any the Authorized Officer of the Petitioner.
 - b) Payment of rent from 01.05.2021 to 31.10.2021 and damages/compensation from 01.11.2021 till vacation of residence as per Regulations already in force.
 - c) Costs of the Proceedings.
 - d) Any other relief or reliefs the Honorable Estate Officer may deem fit and proper in Description of the case.



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4. It is submitted by the Petitioners that the Respondent was employee of the petitioner and the petitioner had allotted the petition premises to the Respondent for his accommodation. The said premises is residential Quarter bearing Unit No. 3/67, Sagargeet, Worli Mumbai-400030 (hereinafter referred to as 'said premises'). The Respondent retired on 01.05.2021 therefore the petitioner issued letter/notice dated 24.12.2024 informing him the allotment of quarter has been cancelled and requiring him to vacate the premises. However the Respondent neither vacated the premises nor replied to the notice. Therefore the petitioner has filed the present petition for the aforesaid reliefs.
5. On 18.06.2025 Respondent appeared before this authority in response to this notice issued by this authority. He stated before this authority that he does not want to file any reply to the Show cause Notices and that he will vacate the premise before 10th July 2025.
6. Therefore the case proceeded without the Written Statement⁶ of the Respondent. Thereafter the petitioner adduced its evidence by examining PW-1 and adducing documents. The Respondent has not adduced any evidence.
7. I have carefully considered the documents on record and the submissions of both the parties. After due consideration of those submissions/arguments, I find the following points for consideration:
 - I. Whether Respondents is unauthorized occupants of the Petition premises and liable to be evicted from the suit premises?
 - II. Whether Respondents are liable to pay damages/compensation as claimed by the Petitioners?
8. From the perusal of the pleadings and documents filed by the petitioner following facts came to forum:
 - i. Shri Kishore K. Vegada, retired from the service of MbPA as Labour Supervisor, Traffic Department on 01.05.2021 and he was permitted to retain quarter i.e Unit no. 3/67, Sagargeet for a period of 18 months from 01.05.2021.
 - ii. Thereafter, Shri Vegada submitted three applications dated 27.10.2022, 26.04.2023 and 19.04.2024, seeking further retention of quarters, citing his wife's illness. All these applications were rejected.
 - iii. Accordingly cancellation notice dated 24.12.2024 was issued which he received on 31.01.2025. A copy of the said notice was also pasted on the door of the aforesaid unit on 02.01.2025.
 - iv. Thereafter, Shri. Vegada submitted another application dated 30.01.2025, requesting to be allowed to stay in quarters until May 2025. The application was rejected vide letter dated 07.03.2025, and he was directed to vacate the quarters immediately. However, Shri Vegada did vacate the premise.
 - v. On 06.06.2025 Petitioners have filed the PPE proceedings against Shri Kishore K. Vegada wherein he had to show cause before Estate officer as to why he should not be vacated from the quarters to which Shri. Vegada has not filed any reply and orally stated that he will vacate the premises before 10th July.

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Further, on 18.06.2025 Shri Vegade submitted another application before this authority for extension of retention till 31.07.2025, which was rejected.

9. This authority formed its opinion to proceed under the relevant provisions of the Act and issued Show Cause Notices under Sections 3B r/w 5 & 7 of the Act dated 13.06.2025 and same was served to Respondent by way of Personal Service on 27.06.2024 as per the Rules made under the Act. The issuance of show cause notice and affixation of the same was done as per the statutory mandate.
10. On the scheduled date of appearance and filing reply to the Show Cause i.e. on 18.06.2025, it has been observed that Respondent has appeared and stated that he does not want to file any reply to the Petition and that he will vacate the premise before 10.07.2025.
11. On 18.06.2025 Respondent submitted application for retention of quarter till 31.07.2025 before the Ld. Authority. The application cannot be adjudicated by Ld. Authority as Petitioners are responsible for Allocation/Cancellation/Extension of residential quarters.
12. List of Documents was filed by the Petitioners on 06.06.2025 along with the petition are as follow:-

Item No.	Particulars	Page No.
1.	Copy of letter dated 26.04.2021.	1 to 2
2.	Copy of retention letter dated 06.05.2021	3
3.	Copy of retention letter dated 21.01.2022	5
4.	Copy of retention letter dated 31.05.2022	7
5.	Copy of Shri Kishore vegada's application dated 27.10.2022	9
6.	Copy of this office letter 07.03.2023	11
7.	Copy of Shri Kishore Vegada's application dated 26.04.2023	13
8.	Copy of Shri Kishore Vegada's application dated 19.04.2024	15
9.	Copy of this office letter dated 24.05.2024	17
10.	Copy of letter dated 15.07.2024 of Shri Kishore Vegada addressed to Chairman	19
11.	Copy of chairman's approval daed 10.09.2024	23-26
12.	Copy of this office letter dated 16.09.2024	27
13.	Copy of cancellation notice dated 24.12.2024	29,31
14.	Copy of receipt of cancellation notice dated 30.01.2025	33
15.	Copy indicating pasting of cancellation notice dated 02.01.2025	35
16.	Copy of letter from Shri Vegada dated 21.02.2025	37
17.	Copy of e office notice dated 21.02.2025	39-43
18.	Copy of letter dated 07.03.2025	45

13. On 04.08.2025 Petitioner filed their Affidavit of Evidence. On the same day Petitioner have informed this Authority that Respondent has vacated the subject premise on 04.08.2025.



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14. With regards to Point for consideration No. 1, Petitioners have produced the necessary documents in their Petition to support their claim viz. Cancellation Notice dated 24.12.2024 terminated the occupancy of the Respondent (**duly taken on record as item No. 13 of petition**) inter alia terminating retention of quarters which had been granted to the Respondents was terminated and the Respondent has become unauthorised occupant. However, as informed by the Petitioner peaceful and vacant possession was handed over by the Respondent to Petitioner on 01.08.2025. Taking this into consideration, I hold Issue no. I is partially proved that Respondent was unauthorized occupant of the petition premise till 01.08.2025.
15. As regards to Point for consideration No. 2 Petitioner issued statement of arrears/damages dated 10.07.2025 where the Respondent was informed that they are in gross arrears amounting to Rs. 6,22,428.00 .00 ps (Rs. Six Lakhs Twenty Two Thousand Four Hundred and Twenty Eight Rupees) the Petitioners allegation of non-payment of dues/charges by the Respondent squarely covers it. During the course of hearing, the Petitioners not only confirmed their claim on account of damages but also asserted their right to claim interest for delayed payment. Considering the evidence produced before me on record the Petitioners has a definite legitimate claim and the Respondent cannot claim continuance of its occupation. The charges claimed on account of rent/damages is on the basis of the Trustees Resolution of the Petitioners as applicable for all the occupiers' tenants/ of the premises in a similarly placed situation. Therefore, I hold point Nos. II is proved. I hold Points for consideration No.1, 2 are hereby proved based on the above findings.
16. After the termination of retention of quarters/holding over of residential quarters by the Respondent was withdrawn. However, the Respondent did not handover the vacant and peaceful possession of the Petition premises to the Petitioners hence the status of Respondent with regard to said premises became that of an '*unauthorized occupant*' in terms of Section 2 (fa) and (g) of the PPE Act. The same is reproduced here for the sake of reference-
- (fa) "residential accommodation occupation" in relation to any public premises means occupation by any person on grant of licence to him to occupy such premises on the basis of an order of allotment for a fixed tenure or for a period he holds office, in accordance with the rules and instructions issued in this regard, made under the authority of the Central Government, a State Government, a Union territory Administration or a statutory authority, as the case may be;*
- Section 2 (g)-"Unauthorized occupation, in relation to any premises, means the occupation of any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises as expired or has been determined for any reason whatsoever."*
17. Upon perusal of the Petition, Respondent reply and documents submitted on record, it is observed that the Petitioners validly and lawfully terminated the Retention of Quarters. of Respondents. In the circumstances, being satisfied as above, I, therefore, declare that the Respondent was in unauthorized occupation of the premises till 01.08.2025. Respondent is not occupying the premises currently and has handed over it to the Petitioner, therefore, no orders are passed in respect of section 5(1) of PPE Act.

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18. In view of the above and upon perusal of the evidence, I have assessed the Petitioners Statement of Damages/statement of arrears adduced with this order as rent/damages/compensation pay the sum of Rs. 6,22,428.00 .00 ps (Rs. Six Lakhs Twenty Two Thousand Four Hundred and Twenty Eight Rupees) which are due for the period from 01.05.2021 to 31.07.2025. Therefore, orders are passed in respect of section 7 Rent/Damages/Compensation. Accordingly Form G is issued.

Place: Mumbai

Date: 08.08.2025

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Abhishek Kumar
08/08/2025

(Abhishek Kumar)

