

MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971
The Estate Officer, 6th Floor, Vijay deep bldg., S. V. Marg, Ballard Estate, Mumbai – 400 001.
Case No. EO/E/ (259) Of 2018

Case No. EO/E/ (259) Of 2018

IN THE MATTER OF:

The Board of Mumbai Port Authority

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

.....Petitioner

V/s

1. The Bombay Sand Merchants Syndicate Ltd.

House No. 12, Khetwadi, 6th Lane, Bombay.

Also at :

Plot 109, Block H, New Tank Bunder, Mumbai - 400 010.

2. National Freight Carriers,

3. Sunil Kumar s/o N.K. Shridhar,

4. Vibhuti Logistic,

5. Mitradas K. Hegde, Hotel Sadanand,

6. Mahavir Refractories Corporation.

7. Kishor Goradia,

8. Al Moin Furnitures, Shri Haji Usman Gani Choradwadwala,

9. Shri Yogesh

10. Sambhaji Karande

11. Shamim Mohammad Yusuf Shaikh

12. Shivkumar Tangaswami

13. Kisan Tanaji Yevle

14. Augstina selvinathan

15. Mohammad Javed Ansari

16. Shriram D. Jaiswal

17. Sanjari begam Mohd. Salam Shaikh

18. Mohmed Mustaqim Shaikh

19. Mohd Adanan Mohd. Usman Farooqui

20. Mohammad Husein Memon

21. Ramkuvar K. Rajbhar

22. Suresh Rajbhar

23. Ravindra Rajbhar

24. Ratan Rajbhar

25. Zuber Alli

26. Vinod Rajbhar

27. Moh. Wahab Shaikh

28. Mohd. Mustaque Ahmed Shaikh

29. Abdul Maruf Mohd. Naeem Shaikh

30. Shakir Ali Mohamed Raja Choudhary

31. Rabia Sherkhan

32. Abdul Rehman Shaikh

33. Raffique Unisar

34. Rehana Mohd. Salim

35. Ramdhani Varma

36. Mohammad Fazle Rab Mohammad Idris

37. Noor Mohammad Buddhu Shaikh

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38. Mohd Waliullah Raeen
39. Prabhav Bharadwaj
40. Usha Sadashiv Salve
41. Kalimunnisa Shaikh
42. Rammilan Prajapati Yadav
43. Sangita Rathod
44. Rubah Gulab Jamadar
45. Zuiku Yadav
46. Rajkumar Yadav
47. Nazira Saleem Jamadar
48. Suresh Rajbhar
49. Sanjay Rambrij Rajbhar
50. Bineshwar Rajbhar
51. Pawankumar B. Rajbhar
52. Noor
53. Mohammad Sirtaj Mukhatar Shaikh
54. Saidullah Kudartulla Khan
55. Mukran Zarin Khan
56. Matin Shabbir Khan
57. Mujaffar Isharad Karikar
58. Vijay Swaminath Verma
59. Salim Hanif Shaikh
60. Marjina Nazir Mohd. Shaikh f61. Nisar Asraf Razzak Ansari
62. Hafiz Mohd. Akhtar Shaikh
163. Sirfan Shaikh
64. Mehtab Alam Mehboob Alam Khan
65. Mohammed Rafiq Shaikh
66. Salim
67. Rajaram Ramraj Prajapati
68. Mohamed Mobin Mohammed Raza
69. Farman Ahmed Babu Husain Ansari
70. Mohomed Unus Ansari
71. Muthuvell Arjun
72. Maruti Dhondiba Bhise
73. Nasaruddin Buddha Ansari
74. Shambu Rajbhar
75. Gangaram Rajbhar
76. Nandlal
77. Mahendra Rajbhar
78. Suvarna K Mhatre
79. Ramjag
80. Anbuselvi
81. Reshma Surraj Patankar
82. Jenal Abdulabasha Shaikh
83. Rohidas Nandlal
84. Vasantal Ramlingam Harijan
85. Madarsa Dare Sufa
86. Tamilmani Arjun
87. Radha Venketesh Kuravali
88. Vijaya Laxman Muniyan
89. Anand Maruti Bhise
90. Sachin Khilari

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- 91. Rafique Mohomadali Shaikh**
- 92. Jagan Santanraj Nadar**
- 93. Akhtar Abulais Shaikh**
- 94. Raja Selvaraj**
- 95. Mohd. Jamal Abdul Gaffar Khan**
- 96. Anjapuli Chinnakalay Harijan**
- 97. Sabra Khatun Mastakim Haq**
- 98. Ram Rahim Robert Ekta Sanstha**

All Illegal Ocupants at:

Plot no. 109, Block No. H, New Tank Bunder Estate,
Mumbai- 400010

....Respondents

Coram: Shri. U. B. Subhedar
(Estate Officer)

Petitioner Representative: Mrs. Sugandha Patil (Legal Assistant)

Advocate for Petitioner: Adv. Moreshwar Hasbe i/b M/s. Rao Law Chambers

Advocate for Respondent: Adv. Tasneem Vohra i/b Adv. Duraya Retiwala

ORDER

1. This Petition has been preferred by the Petitioner for eviction under Section 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as 'PPE Act'). Petitioner has prayed for eviction & recovery of arrears and damages.
 - a) The Petitioner is a statutory authority and owner of public premises being Plot No. 109, Block No. H, admeasuring about 4821.67 sq. mtrs., situated at New Tank Bunder Estate, Mumbai. The said plot was let out to Respondent No. 1 on monthly tenancy basis under a Rent Note dated 01.11.1949 for sanctioned use of open storage.
 - b) The Respondents committed repeated breaches of the tenancy by permitting unauthorised sub-letting, allowing Respondents Nos. 2 to 98 to occupy the premises illegally, carrying out unauthorised constructions and using the premises for purposes contrary to the sanctioned user.
 - c) The Petitioners state that despite issuance of notices and a decree of eviction passed by the Hon'ble Bombay High Court on 21.08.1980, the Respondents failed to hand over vacant and peaceful possession.
 - d) By Advocate's notice dated 16.01.2018, the tenancy of Respondent No. 1 was terminated and the Respondents were called upon to clear arrears and vacate the premises, which notice was duly served; however, the Respondents failed to comply and continued in unauthorised occupation.
 - e) The Petitioners state that the Respondents are unauthorised occupants within the meaning of Section 2 of the PPE Act and are liable to be evicted. The Petitioners further claim arrears of rent/compensation, taxes and other charges amounting to Rs. 23,50,79,082.45 for the period from 01.10.2012 to 30.04.2018 with interest up to 31.03.2025, as well as damages for wrongful use and occupation at prescribed rates from 01.05.2018 till recovery of possession. Hence, the present petition has been filed seeking eviction, recovery of possession, arrears and

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damages under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

f) Thus the petitioner has sought the following reliefs:

- i) Summary proceedings may be initiated against the Respondents under Sections 4 to 7 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971;*
- ii) The Respondents may be decreed and ordered to handover to the Petitioners vacant and peaceful possession of premises in petition viz. basis plot of land bearing No.109 in Block No H, admeasuring 4821.67 sq. mtrs or thereabout, situated at New Tank Bunder Estate, Mumbai, and as per detailed particulars mentioned in Annexure 'A' to the Petition;*
- iii) The respondents may be ordered to pay the Petitioners arrears of rent/compensation taxes and other charges in respect of the said premises in petition amounting Rs.23,50,79,082.45/- from 01st October 2012 to 30th April 2018 with interest as on 31st March 2025 as per the particulars mentioned in the statement of arrears as per Annexure "B". These arrears are computed as per Hon'ble Supreme Court Judgment dated 13.01.2004 and as per revised Scale of Rates (SoR) w.e.f 01.10.2012 as approved by Petitioner and notified by Tariff Authority for Major Ports (TAMP)."*
- iv) The respondents may be ordered to pay the Petitioners the arrears of damages plus taxes, for wrongful use of the said premises after the expiry of the notice period till the date of recovery of the possession of the said premises at the rate of three times of Rs.938.50/- per sq. Mtrs. (per month FSI 1) from 01.05.2018 exclusive of the service tax/GST with 4% increase every October as per TAMP Notification No.54/2021 dated 01.11.2021 and 2% increase in every October with effect from October 2023 till recovery of possession of the premises in Petition as per the particulars mentioned in the Statement of damages as per Annexure "C". The Petitioners claims interest on arrears of rent/compensation/damages, taxes and other charges as per the Judgment of the Hon'ble Supreme Court and thereafter 18% p.a. as per T.R. No. 365 of 1991 till 28/02/2020 and @15% p.a. as per TR No.296 of 2020 with effect from 01/03/2020 for the amount due from month to month. The Petitioners reserve their right to claim higher amounts as may be decided by Board during the pendency of the present Petition, till the recovery of the possession of the said Premises."*
- v) The Respondent may be further ordered to pay such higher amounts as may be decided by the Board of the Petitioners with effect from October 2012 or any such period along with interest at the rate of 18% p.a.*
- vi) The Respondent may be restrained by an order or injunction of this Hon' ble Authority from creating any third party rights / parting with possession of the premises in Petition or part thereof, in favour of third party, and also be restrained from carrying out any further additions/alterations in the premises in the Petition, during pendency of the Petition;*
- vii) Costs of the Petition may be provided for;*
- viii) Such other and further relief as this Hon'ble Court may deem fit to grant.*

2. After submission of the above petition to this authority, this authority issued notice under section 4 (1) of the Public Premises Eviction Act 1971 to the Respondents and show cause Notice were pasted on petitioned premises on 12.02.2019.
3. In response to the said notice, Adv. for Respondents had appeared and filed his Vakalatnama and Written Statement on 26.03.2019. The Respondents, in their Written Statement, contended that the petition and the eviction proceedings initiated under the

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Public Premises (Eviction of Unauthorised Occupants) Act, 1971 are illegal, without authority of law and liable to be dismissed in limine. It is contended that the petition is bad for misjoinder and non-joinder of necessary parties, barred by limitation, and suffers from absence of cause of action. The Respondents have questioned the jurisdiction of this Hon'ble Authority to entertain the petition and have relied upon judicial precedents to contend that the proceedings are not maintainable.

The Respondents have denied that they are unauthorised occupants of the premises and have disputed the allegations of illegal sub-letting, unauthorised construction and change of user, putting the Petitioners to strict proof thereof. It is further contended that the notices alleged to have been issued by the Petitioners were not validly served and that the termination of tenancy is illegal and ineffective. The Respondents have also disputed the computation of arrears, compensation and damages claimed by the Petitioners, contending that the amounts are excessive, arbitrary and not in accordance with law. On these grounds, the Respondents have sought dismissal of the petition with costs.

4. In view of the liable pleadings of the parties, this authority on 24.11.2023 framed Final Issues which were later revised on 01.07.2025 in light of the amendment carried out in the Petition with respect to incorporating latest SOR and the following issues were finalized:

- i. Do the petitioners prove that the premises in Petition are public premises within the meaning of Public Premises Eviction of Unauthorised occupants) Act, 1971?
- ii. Do the Petitioners prove that the Respondents are unauthorised occupants of the premises in Petition?
- iii. Do the Petitioners prove that the tenancy /lease of Respondent No. 1 has been duly terminated by service of valid Notice to quit dated 16.1.2008?
- iv. Do the Petitioners prove that the Respondent No. I have illegally without the permission of the Petitioners assigned or transferred right, title and interest in the demised premises in favour of Respondent Nos. 2 to 98?
- v. Do the Petitioners prove that they are entitled to recover, vacant and peaceful possession of the premises in Petition after removal of structures constructed thereon, i.e. plot of land bearing No. 109 in Block No. H, admeasuring 4821.67 sq. mtrs or thereabout, situated at New Tank Bunder Estate, Mumbai as per Annexure 'A' to the Petition?
- vi. Do the Petitioners prove that they are entitled to recover from the Respondent No. 1 arrears of rent, compensation, other charges and interest as per particulars mentioned in Annexure 'B' of the Petition?
- vii. Do the Petitioner prove that they are entitled to recover from the Respondents compensation as per Prayer (c) & (d) of the Petition?
- viii. Whether the Petition is barred by Law of Limitation?
- ix. Does the Respondent No. 2 to 98 prove the alleged allegations of their written statement?
- x. Do the Respondents prove that the termination Notice dated 16.01.2008 is not binding on them?
- xi. Does the Respondent No. 2 to 98 prove that they are not unauthorised occupant/illegal occupants of the premises in petition?
- xii. Whether Respondents are liable to pay arrears of compensation as claimed by the Petitioner? If so, at what rate and what rate of interest?
- xiii. Whether Respondents are liable to pay damages as claimed by the Petitioner? If so, at what rate and what rate of interest?

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- xiv. Do the Petitioners prove that they are entitled to claim damages/interest and/or other changes as prayed in newly added para number 5, 6 and prayer 18(c) & 18(d) of the amended petition/petition?
- xv. What reliefs and what orders?

5. Affidavit of Evidence was filed by the Petitioner's PW-1 on 24.03.2022. Additional AOE by Petitioner's PW-1 in light of SOR Amendment was filed on 21.08.2025. List of Documents relied on by the Petitioner Witness-1 Mr. Diptesh V. Patil, on 24.03.2022 and on 21.08.2025 are mentioned below and same are exhibited.

ITEM NO.	PARTICULARS	Exhibit No.
1.	The copy of original Power of Attorney dated 23.09.2008	P-1
2.	Copy of letter of Authority dated 12.10.2018	P 2
3.	Certified copy of T.R. No.96 of 2018	P 3
4.	True copy of TR No. 657 of 1949	P 4
5.	Copy of Rent Note dated 01.11.1949	P 5
6.	The certified true copy of decree dated 21.08.1980	P 6
7.	Statement of Arrears	P 7
8.	Certified true copy of T.R. No. 127 of 2006	P 8
9.	Statement of damages	P 9
10.	Certified true copy of T.R. No. 365 of 1991	P 10
11.	Survey Report dated 21.04.2010, Inspection Reports dated 22.04.2010, 09.03.2017, 29.05.2017, 05.01.2018 and Survey Reports dated 30.10.2019 and 26.10.2010	P 11
12.	Office copy of the said termination notice dated 16.01.2018, duly signed by the Petitioners Advocate, Personal Service Acknowledgements, pasting report and photographs	P 12
13.	58 RPAD returned envelopes alongwith acknowledgement cards 35 RPAD acknowledgements pasted on 12 papers 94 Postal Receipts pasted on 8 papers	P 13

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14.	TAMP Gazette G. No. 556 dated 12.11.2021 notifying the SoR 2017-22, Notification dated 28.04.2022, 14.09.2022 and 21.03.2023 publishing and notifying/extending the revised SoR and Notification No. 43 dated 26.04.2023	P 14
15.	Statement of Arrears	P 15
16.	Rate of damages	P 16
17.	Certified copy of TR No. 296 of 2020 and T.R. No. 365 of 12.12.1991	P 17
18.	Copy of Attorney in favour of Mr. Kamal R. Lalwani, Assistant Estate Manager (Gr. I) dated 23.09.2008 and letter of Authority of Mr. Diptesh Patil, Assistant Estate Manger (Gr. I) dated 09.02.2023	P 18

6. Despite giving several opportunities Respondents remained absent and failed to cross examine Petitioner's witness.
7. On 20.02.2023 Adv. for Respondent filed AOE for 34 Respondents and on several further dates AoE on behalf of other Respondents were filed. On 04.10.2023 filing of AoE was closed for Respondent no. 1-9,23,24,45,46,48,52,58,71-75,77,78,80,81,83-91,95,21,22,26,33,36,42,49,60,62,65,69,76,79 and 98 and matter was decided to proceed ex parte against these Respondents.
8. Subsequently No one on behalf of Respondents were present in the further proceedings of the matter.
9. Petitioners on 14.01.2026 argued orally in the matter, whereas Respondents were not present.

Findings on the above issues and the reasons thereof:

9. The Petitioners have placed on record estate ownership documents and official records to demonstrate that the land bearing Plot No. 109, Block-H, New Tank Bunder Estate forms part of the estate of the Mumbai Port Authority and vests in the said statutory authority. The said documents establish not only possession but statutory vesting and control of the premises in the Petitioner under the Major Port Trusts framework. The Respondents have neither disputed the ownership of the Petitioner nor produced any document to show that the premises stand divested from the Port Authority or are privately owned. In view of the definition of "public premises" under Section 2(e) of the PPE Act and the settled legal position that premises vesting in a statutory authority fall within the ambit of the said definition, this Authority holds that the Petition premises are public premises. Issue No. 1 is therefore answered in the affirmative.
10. It is borne out from the record that Respondent No. 1 was initially inducted in the premises only as a tenant/licensee. The authority under which Respondent No. 1 was permitted to occupy the premises stood terminated by a notice dated 16.01.2008.

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Despite such termination, the inspection reports and estate records demonstrate that the premises continued to be occupied not only by Respondent No. 1 but also by Respondent Nos. 2 to 98, who are in occupation through and under Respondent No. 1 without any independent authority from the Petitioner. The Respondents have failed to establish the existence of any subsisting legal right, licence or allotment authorising their continued occupation after termination. In law, continuation of possession after determination of authority squarely falls within the definition of “unauthorised occupation” under Section 2(g) of the PPE Act. Accordingly, this Authority holds that the Respondents are unauthorised occupants of the premises. Issue No. 2 is answered in the affirmative.

11. The termination notice dated 16.01.2008 placed on record clearly expresses the intention of the Petitioner to determine the tenancy of Respondent No. 1 and calls upon the Respondent to vacate the premises. The notice specifies the premises, the parties and the cessation of the right to occupy and has been issued by the competent authority. The conduct of the Respondents in continuing in possession and participating in proceedings demonstrates knowledge of the said termination. No material has been produced to show that the notice was invalid, withdrawn, waived or that the tenancy was renewed thereafter. In proceedings under the PPE Act, once termination of authority is shown, the strict provisions of the Transfer of Property Act are not required to be applied in a rigid manner. The termination is therefore held to be lawful and valid. Issue No. 3 is answered in the affirmative.
12. The inspection reports on record reveal that several persons are in occupation of the premises and are carrying on independent activities, clearly indicating that Respondent No. 1 has parted with possession of the premises. The estate records do not show any permission or approval granted by the Petitioner for sub-letting, assignment or transfer of the premises. Respondent No. 1 has failed to establish that he retained exclusive possession or that the induction of Respondent Nos. 2 to 98 was authorised. In the absence of written permission from the Petitioner, such parting with possession is illegal and impermissible in respect of public premises. This Authority therefore holds that Respondent No. 1 has unlawfully assigned and transferred possession of the premises. Issue No. 4 is answered in the affirmative.
13. Once it is established that the Respondents are unauthorised occupants, the consequence under Section 5(1) of the PPE Act necessarily follows. The structures existing on the premises are the result of unauthorised occupation and no sanctioned plans or permissions from the Petitioner have been produced by the Respondents. Public premises cannot be allowed to remain encumbered by unauthorised constructions raised by persons having no legal right to occupy the land. The Petitioners are therefore entitled to vacant and peaceful possession of the premises after removal of the unauthorised structures. Issue No. 5 is answered in the affirmative.
14. The Petitioners have produced statements of account and annexures showing arrears of rent and charges payable by Respondent No. 1 for the period during which the tenancy subsisted. The rates applied are as per the terms of occupation and applicable Port tariffs. Respondent No. 1 has neither disputed the calculations nor produced proof of payment of the said dues. Arrears accrued prior to termination of tenancy remain recoverable notwithstanding termination. Accordingly, the Petitioners are entitled to recover the arrears of rent and charges from Respondent No. 1. After termination of authority, the occupation of the premises by the Respondents is unauthorised and attracts liability to pay compensation under Section 7 of the PPE Act. The Petitioners

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have applied the prescribed rates for unauthorised occupation in accordance with their norms. Compensation under Section 7 is statutory in nature and is distinct from contractual rent. In the absence of any valid defence to continued unauthorised occupation, the Petitioners are entitled to compensation as claimed. Issue No. 6 & 7 is answered in the affirmative.

15. The unauthorised occupation of public premises constitutes a continuing wrong. As long as the Respondents continue to occupy the premises without authority, the cause of action subsists from day to day. Proceedings under the PPE Act for eviction of unauthorised occupants are therefore not defeated on the ground of limitation. This contention of the Respondents is without merit. Issue No. 8 is answered in the negative.
16. The allegations raised by Respondent Nos. 2 to 98 are primarily founded on long possession and alleged permissive occupation. However, no document has been produced to establish that the Petitioner granted any authority, licence or allotment in their favour. In matters concerning public premises, equitable considerations cannot override statutory requirements. In the absence of proof of lawful authority, the allegations remain unsubstantiated. Issue No. 9 is answered in the negative.
17. Respondent Nos. 2 to 98 derive their possession, if any, through Respondent No. 1. They cannot claim a better or higher right than the person through whom they entered the premises. Once the authority of Respondent No. 1 stands terminated, the termination necessarily binds all persons claiming through him. The contention that the termination notice is not binding is therefore untenable. Respondent Nos. 2 to 98 have failed to establish any independent right to occupy the premises. Their occupation is a direct consequence of illegal transfer and unauthorised induction by Respondent No. 1. In the absence of any allotment or permission from the Petitioner, they squarely fall within the definition of unauthorised occupants under the PPE Act. Issue No. 10 & 11 is answered in the negative.
18. The Respondents have continued to occupy the public premises unauthorisedly after termination and are therefore liable to pay compensation for such occupation. Interest is justified in view of the prolonged wrongful retention of public property and deprivation of its lawful use. The Petitioners are accordingly entitled to recover compensation along with applicable interest. The unauthorised occupation of public premises has resulted in loss to the Petitioner and has deprived the public authority of the lawful use of its property. The damages claimed are in consonance with estate valuation norms and are justified in the facts of the case. The Respondents are therefore liable to pay damages as claimed. Issue No. 12 & 13 is answered in the affirmative.
19. The amended prayers relate to a continuing cause of action arising from unauthorised occupation of public premises. The amendments do not alter the nature of the proceedings and no prejudice has been caused to the Respondents. Also, the Respondent in the present Petition have not filed Writ Petition challenging Petitioner's Scale of Rates. The order passed by Hon'ble High Court of Bombay in W.P. no. 3143/22 J. Wadia vs. MbPA & Ors. Expressly granted liberty to those Respondents who has challenged the said SOR in Writ Petition? Final Order passed in subject matter is therefore passed on latest Scale of Rates as liberty by High Court in order dated 17.12.2025 does not apply to the present Respondents. The Petitioners are therefore entitled to reliefs as prayed for in the amended Petition. Issue No. 14 is answered in the affirmative.

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20. In view of the findings recorded hereinabove, the Petitioners are entitled to eviction of the Respondents from the premises in question, recovery of arrears, compensation, damages and other consequential reliefs in accordance with law.
21. Upon perusal of the evidence, I have assessed the Petitioners Statement of Damages adduced with this order as compensation/arrears pay the sum of Rs 23,91,28,698.86 (Twenty three Crore Ninety One Lakhs Twenty eight Thousand Six Hundred Ninety eight rupees and eighty six paise) assessed by me as arrears and damages (as per Exhibit A and B annexed herewith) on account of your unauthorized occupation of the premises. I hereby order Respondents to pay the same. Accordingly, orders in, Form 'B', Form 'G' are issued.
22. For the reasons recorded while deciding the above issues, the Petition deserves to be allowed. The Respondents are unauthorized occupants and are liable to be evicted, and damages and arrears are payable as per SOR and statutory provision.

SCHEDULE
Description of the Petition Premises

Plot of land bearing No. 109 in Block no. H, admeasuring 4821.67 sq. mtrs. Or thereabout situated at New Tank Bunder Estate, Mumbai 400 010
On or towards the North by – Wharf Road
On or towards the South by – New Tank Bunder Road
On or towards the North by – Wharf Road
On or towards the North by – By Road

Place: Mumbai
Date: 11.02.2026

U. B. Subhedar
[ESTATE OFFICER]



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Form B

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Having its registered office at Vijay Deep,
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.....Petitioner

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Case No. EO/E/ (259) Of 2018

36. Mohammad Fazle Rab Mohammad Idris
37. Noor Mohammad Buddh Shaikh
38. Mohd Waliullah Raeen
39. Prabhav Bharadwaj
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41. Kalimunnisa Shaikh
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50. Bineshwar Rajbhar
51. Pawankumar B. Rajbhar
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57. Mujaffar Isharad Karikar
58. Vijay Swaminath Verma
59. Salim Hanif Shaikh
60. Marjina Nazir Mohd. Shaikh f61. Nisar Asraf Razzak Ansari
62. Hafiz Mohd. Akhtar Shaikh
163. Sirfan Shaikh
64. Mehtab Alam Mehboob Alam Khan
65. Mohammed Rafiq Shaikh
66. Salim
67. Rajaram Ramraj Prajapati
68. Mohamed Mobin Mohammed Raza
69. Farman Ahmed Babu Husain Ansari
70. Mohomed Unus Ansari
71. Muthuvell Arjun
72. Maruti Dhondiba Bhise
73. Nasaruddin Buddha Ansari
74. Shambu Rajbhar
75. Gangaram Rajbhar
76. Nandlal
77. Mahendra Rajbhar
78. Suvarna K Mhatre
79. Ramjag
80. Anbuselvi
81. Reshma Surraj Patankar
82. Jenal Abdulabasha Shaikh
83. Rohidas Nandlal
84. Vasantal Ramlingam Harijan
85. Madarsa Dare Sufa
86. Tamilmani Arjun
87. Radha Venketesh Kuravali

MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971
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- 88. Vijaya Laxman Muniyan**
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- 95. Mohd. Jamal Abdul Gaffar Khan**
- 96. Anjapuli Chinnakalay Harijan**
- 97. Sabra Khatun Mastakim Haq**
- 98. Ram Rahim Robert Ekta Sanstha**

All Illegal Ocupants at:

Plot no. 109, Block No. H, New Tank Bunder Estate,
Mumbai- 400010

....Respondents

ORDER

WHEREAS, I, the undersigned am satisfied for the reasons recorded hereinabove that the Bombay Sand Merchants Syndicate Ltd & Ors., are in unauthorized occupation of Public Premises specified in the Schedule below and have failed to hand over vacant and peaceful possession despite termination of tenancy.

Upon perusal of the petition, documents on record and heard the argument of advocate for the petitioner, it is, prima facie, observed that

1. The Petitioner's Advocate vide legal notice dated 16.01.2018 to the Respondents terminated the lease.
2. Respondents have failed to vacate the subject premises and are in unauthorised occupation of the premises

NOW, THEREFORE, in exercise of the powers conferred on me under sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order The Bombay Sand Merchants Syndicate Ltd & Ors., who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, The Bombay Sand Merchants Syndicate Ltd and all other concerned are liable to be evicted from the said premises, if need, by the use of such force as may be necessary.

MUMBAI PORT AUTHORITY
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SCHEDULE

Description of the Petition Premises

Plot of land bearing No. 109 in Block no. H, admeasuring 4821.67 sq. mtrs. Or thereabout situated at New Tank Bunder Estate, Mumbai 400 010

On or towards the North by – Wharf Road

On or towards the South by – New Tank Bunder Road

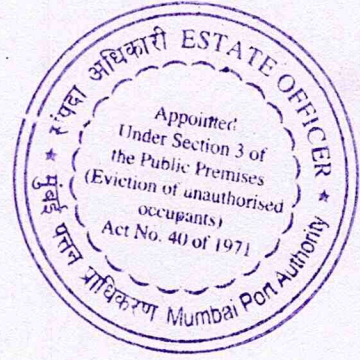
On or towards the North by – Wharf Road

On or towards the North by – By Road

Place: Mumbai

Date: 11.02.2026

U. B. Subhedar
[ESTATE OFFICER]



MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971
The Estate Officer, 6th Floor, Vijay deep bldg., S. V. Marg, Ballard Estate, Mumbai – 400 001.
Case No. EO/E/ (259) Of 2018

Form G

Case No. EO/E/ (143) Of 2013

IN THE MATTER OF:

The Board of Mumbai Port Authority

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

.....Petitioner

V/s

The Bombay Sand Merchants Syndicate Ltd.

House No. 12, Khetwadi, 6th Lane, Bombay.

Also at :

Plot 109, Block H, New Tank Bunder, Mumbai - 400 010.

2. National Freight Carriers,
3. Sunil Kumar s/o N.K. Shridhar,
4. Vibhuti Logistic,
5. Mitradas K. Hegde, Hotel Sadanand,
6. Mahavir Refractories Corporation.
7. Kishor Goradia,
8. Al Moin Furnitures, Shri Haji Usman Gani Choradwadwala,
9. Shri Yogesh
10. Sambhaji Karande
11. Shamim Mohammad Yusuf Shaikh
12. Shivkumar Tangaswami
13. Kisan Tanaji Yevle
14. Augstina selvinathan
15. Mohammad Javed Ansari
16. Shriram D. Jaiswal
17. Sanjari begam Mohd. Salam Shaikh
18. Mohmed Mustaqim Shaikh
19. Mohd Adanan Mohd. Usman Farooqui
20. Mohammad Husein Memon
21. Ramkuvar K. Rajbhar
22. Suresh Rajbhar
23. Ravindra Rajbhar
24. Ratan Rajbhar
25. Zuber Alli
26. Vinod Rajbhar
27. Moh. Wahab Shaikh
28. Mohd. Mustaque Ahmed Shaikh
29. Abdul Maruf Mohd. Naeem Shaikh
30. Shakir Ali Mohamed Raja Choudhary
31. Rabia Sherkhan
32. Abdul Rehman Shaikh
33. Raffique Unisar
34. Rehana Mohd. Salim
35. Ramdhani Varma

MUMBAI PORT AUTHORITY
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- 98. Ram Rahim Robert Ekta Sanstha**

All Illegal Ocupants at:

Plot no. 109, Block No. H, New Tank Bunder Estate,
Mumbai- 400010

....Respondents

ORDER

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

AND WHEREAS, by written notice dated 16.01.2018 you were called up on to show cause, why an order requiring you to pay arrears and damages at the rate as per the Annexures to the petition on account of unauthorized use and occupation of the said premises, should not be made;

AND WHEREAS, I have considered your objections and evidence produced by you;

NOW, THEREFORE, in exercise of the powers conferred on me by sub section 2 of Section (7) of the Public Premises (Eviction of Un authorized Occupants) Act, 1971, I hereby order you to pay the sum Rs 23,91,28,698.86 (Twenty three Crore Ninety One Lakhs Twenty eight Thousand Six Hundred Ninety eight rupees and eighty six paise) assessed by me as arrears and damages (as per Exhibit A and B annexed herewith) further interest till realization of payment as damages on account of your unauthorized occupation of the premises.

In exercise of the power conferred by sub-section 2-A of the section 7 of the said Act, I also hereby order you to pay the interest at the rate as per Exhibit A and B annexed herewith till its final payment.

In the event of your refusal or failure to pay the damages, or any instalments hereof within the said period or in the manner aforesaid, the amount will be covered as arrears of land revenue.

In exercise of the power conferred by sub-section (2-A) of Section 7 of the said Act.

MUMBAI PORT AUTHORITY
OFFICE OF THE ESTATE OFFICER
UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971
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New Tank Bunder Estate, Mumbai 400 010
On or towards the North by – Wharf Road
On or towards the South by – New Tank Bunder Road
On or towards the North by – Wharf Road
On or towards the North by – By Road

Place: Mumbai
Date: 11.02.2026

U. B. Subhedar
[ESTATE OFFICER]



Exhibit A (Statement of Arrears)

NAME OF THE TENENT:-
PLOT NO
CODE
AREA (Sqmt)

BOMBAY SAND MERCHANT SYNDICATE
109/4
41306149
4821.67

STATEMENT OF ARREARS

1. ALL CALCULATIONS/RATES ARE SUBJECT TO VERIFICATION/AUDIT.
2. THIS STATEMENT DOES NOT INCLUDE ANY CHARGES/PENALTIES PAYABLE FOR REGULARISATION OF BREACHES IF ANY WHICH WILL BE CHARGED & CONVEYED SEPERATELY
3. ARREARS FROM 01.10.2012 ARE CALCULATED AS PER SOR (2012-2017) & (2017-2022) & MbPT Land SOR (2022-27)
4. FSI CONSIDERED FOR SOR COMPENSATION CALCULATION IS SUBJECT TO OUTCOME OF FSI COMMITTEE REPORT
5. TR 127/2006 WILL BE APPLICABLE FOR BREACHES AFTER 10.03.2004

Sr. No.	CHARGES	COMPENSATION + SC + ADDL+ Charges 7A(III)	INTEREST	PAID	RS.
		(a)	(b)	(c)	(a) + (b) - (c)
1	COMPENSATION ARREARS AS PER S.C.JUDGMENT UPTO 31.03.2004	16285764.90			16285764.90
2	PRESUMING INTEREST ON ARREARS UPTO 31.03.2004 AS ON 31.01.2026 (CREDIT NOTE OF IBNP BILLED ON 31.12.2022)		36139689.11	+	36139689.11
3	INTEREST BILLED BUT NOT PAID UPTO 31.03.2004		9205.08	+	9205.08
4	ARREARS UPTO 31.03.2004				52434659.09
5	PAID ARREARS FROM 01.02.1983 TO 31.03.2004			1525045.07 -	1525045.07
	TOTAL ARREARS AS PER S.C.JUDGMENT UPTO 31.03.2004 WITH INTEREST AS ON 31.01.2026				50909614.02
5a)	LESS : AMOUNT LYING IN SUSPENSE ACCOUNT			0.00 -	0.00
5b)	LESS : AMOUNT LYING IN MD			0.00 -	0.00
	BALANCE ARREARS PAYABLE AS PER S.C.JUDGMENT UPTO 31.03.2004 AS ON 31.01.2026 (EXCLUDING BREACHES AND DEPOSIT)				50909614.02 (A)
6a)	BILLED ARREARS FROM 01.04.2004 TO 30.09.2012	12616171.81			12616171.81
6b)	PAID ARREARS FROM 01.04.2004 TO 30.09.2012			0.00 -	0.00
6c)	BALANCE ARREARS FROM 01.04.2004 TO 30.09.2012				12616171.81
6d)	PRESUMING INTEREST FROM 01.04.2004 TO 30.09.2012 ON ARREARS		37169676.24	+	37169676.24
6e)	INTEREST BILLED BUT NOT PAID FROM 01.04.2004 TO 30.09.2012	0.00			0.00
6	BILLED ARREARS AS PER S.C.JUDGMENT WEF 01.04.2004 TO 30.09.2012 WITH PRESUMING INTEREST AS ON 31.01.2026				49785848.05
7a)	BILLED ARREARS TOWARDS SERVICE TAX UPTO 30.09.2012	603766.27			603766.27
7b)	PAID ARREARS TOWARDS SERVICE TAX UPTO 30.09.2012			0.00 -	0.00
7c)	BALANCE ARREARS OF SERVICE TAX UPTO 30.09.2012				603766.27
7d)	PRESUMING INTEREST OF SERVICE TAX UPTO 30.09.2012		384002.15	+	384002.15
7e)	INTEREST BILLED BUT NOT PAID ON SERVICE TAX UPTO 30.09.2012	0.00			0.00
7	TOTAL BILLED ARREARS TOWARDS SERVICE TAX UPTO 30.09.2012 WITH PRESUMING INTEREST AS ON 31.01.2026			+	987768.42
	AMOUNT PAYABLE AS PER S.C.JUDGMENT WITH INTEREST FROM 01.04.2004 TO 30.09.2012 AS ON 31.01.2026				50773616.47 (B)
8a)	BILLED ARREARS FROM 01.10.2012 TO 30.04.2018	11065856.82			11065856.82
8b)	PAID ARREARS FROM 01.10.2012 TO 30.04.2018			0.00 -	0.00
8c)	BALANCE ARREARS FROM 01.10.2012 TO 30.04.2018				11065856.82
8d)	PRESUMING INTEREST FROM 01.10.2012 TO 30.04.2018 ON ARREARS		18720929.36	+	18720929.36
8e)	INTEREST BILLED BUT NOT PAID FROM 01.10.2012 TO 30.04.2018	0.00			0.00
8	TOTAL BILLED ARREARS AS PER S.C.JUDGMENT W.E.F. 01.10.2012 TO 30.04.2018 WITH PRESUMING INTEREST AS ON 31.01.2026 (including IBNP)				29786786.18
9a)	BILLED SERVICE TAX ARREARS FROM 01.10.2012 TO 30.04.2018	1127403.35			1127403.35
9b)	PAID SERVICE TAX ARREARS FROM 01.10.2012 TO 30.04.2018			0.00 -	0.00
9c)	BALANCE SERVICE TAX ARREARS FROM 01.10.2012 TO 30.04.2018				1127403.35
9d)	PRESUMING INTEREST ON SERVICE TAX FROM 01.10.2012 TO 30.04.2018		2015431.64	+	2015431.64
9e)	INTEREST BILLED BUT NOT PAID ON SERVICE TAX FROM 01.10.2012 TO 30.04.2018	0.00			0.00
9	TOTAL BILLED ARREARS TOWARDS SERVICE TAX/GST FROM 01.10.2012 TO 30.04.2018 WITH PRESUMING INTEREST AS ON 31.01.2026 (including IBNP)			+	3142834.99
	AMOUNT PAYABLE WITH INTEREST ON BILLED ARREARS FROM 01.10.2012 TO 30.04.2018 WITH INTEREST AS ON 31.01.2026				32929621.17 (C)
	TOTAL AMOUNT PAYABLE WITH INTEREST AS PER S.C.JUDGMENT UPTO 30.04.2018 WITH INTEREST AS ON 31.01.2026				134612851.65
10	DIFFERENTIAL SOR DEMAND NOTICE ARREARS BILLED FROM 01.10.2012 TO 30.04.2018 (excluding Interest)	88572751.63			88572751.63
11	GST ON DIFFERENTIAL SOR DEMAND NOTICE ARREARS FROM 01.10.2012 TO 30.04.2018 (excluding Interest)	15943095.58		+	15943095.58
	TOTAL DIFFERENTIAL SOR DEMAND NOTICE ARREARS FROM 01.10.2012 TO 30.04.2018 (excluding Interest)				104515847.21 (D)
	Total Arrears payable upto 30.04.2018 (A + B + C + D)	146214810.36	94438933.57	1525045.07	239128698.86 23.91 crs

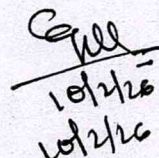

 Asstt. Estate Manger Gr-I
 Estate Division, Mumbai Port Authority
 सहायक संपदा प्रबंधक (ग्रेड-I)
 संपदा विभाग, मुंबई पोर्टन प्राधिकरण

Exhibit B

(Statement of Damages)

RATE FOR DAMAGES

Name of Tenant -----> BOMBAY SAND MERCHANT SYNDICATE

Plot No. -----> 109/4

Code No -----> 41306149

Plot Area -----> 4821.67 sq mtrs

ZONE -----> 10/80

RATE AS ON 01.10.2017 --> 938.50 (AS PER TAMP/54/2021)

ZONE AS ON 01.06.2023 --> 10/80A

RATE AS PER SOR OF LAND

AS ON 01.06.2023 ---> 444.80 (GAZATTE NO 43 DT 26.04.2023)

1. ALL CALCULATIONS/RATES ARE SUBJECT TO VERIFICATION/AUDIT.

2. RATES CALCULATED ARE EXCLUDING GST

Period	RATE OF FSI 1
01.05.2018 to 30.09.18	938.50
01.10.2018 to 30.09.19	976.04 (EXCLUDING GST)
01.10.2019 to 30.09.20	1015.08 (4% INCREASE EVERY OCTOBER)
01.10.2020 to 30.09.21	1055.68
01.10.2021 to 30.09.22	1097.91
01.10.2022 to 31.05.23	1141.83
01.06.2023 TO 30.09.23	444.80 (2% INCREASE EVERY OCTOBER)
01.10.2023 TO 30.09.24	453.70 (2% INCREASE EVERY OCTOBER)
01.10.2024 TO 30.09.25	462.77
01.10.2025 TO 30.09.26	472.03

Cell
10/2/26

Asstt. Estate Manger Gr-I
Estate Division, Mumbai Port Authority
सहाय्यक संपदा प्रबंधक (श्रेणी-I)
संपदा विभाग, मुंबई पोर्टन प्राधिकरण

