

**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 (147) 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 Western India Oil Distributing Co. Ltd.**  
Petroleum Installation, Nadkarni Marg,  
Opp. BPT Hospital, Wadala,  
Mumbai 400 037.

... Respondents

**CORAM: SHRI. V. F. DIAS**

*(Estate Officer Appointed under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 vide Gazette Notification dated 19.12.2024)*

**Petitioner Representative:** Ms. Neha Sawant (Legal Manager)  
**Advocate for Petitioner:** Adv. Bharati Garud i/b. M.V. Kini & Co.  
**Advocate for Respondent:** Adv. Shalaka Sable i/b Adv Abhay Parab

**FINAL ORDER**

*(Under Sections 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971)*

1. This Petition has been filed by the Petitioner, the Board of Mumbai Port Authority (formerly the Board of Trustees of the Port of Mumbai), against the Respondent, the Western India Oil Distributing Co. Ltd., under the relevant provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 ("the PPE Act"), seeking eviction of the Respondent from the premises described in the Petition, along with recovery of arrears of rent, compensation, damages and mesne profits, and other ancillary reliefs.
2. The case of the Petitioner, as set out in the Petition and the documents annexed thereto and relied upon, is narrated hereunder, paragraph-wise, before setting out the subsequent developments and the findings of this Authority.



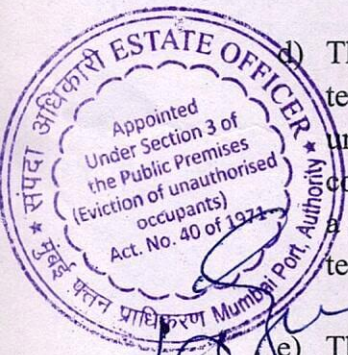
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- a) The Petitioner is a Statutory Authority, constituted under Section 3 of the Major Port Authorities Act, 2021 being the successor in title to the Board of Trustees of the Port of Mumbai, constituted under the Major Port Trust Act, 1963 since repealed, having its office at the abovementioned address and owner of the premises in question, which are public premises within the meaning of Section 2(e) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.
- b) The Petitioner has contended that the Trustees of the Port of Bombay had granted to the Respondent a Lease in respect of a plot of land admeasuring 15,000 sq. yards, equivalent to 12,541.91 sq. mtrs. or thereabouts, for a bulk petrol installation and of certain rights and liberties in connection therewith, which plot of land bears RR No. 1249, under a Registered Lease Deed dated 10.09.1935 executed between the Respondent and the said Trustees. It is the case of the Petitioner that the said Lease was for a period of 50 years commencing from 27.04.1932, which Lease has expired by efflux of time; that there is no renewal clause under the expired Lease; and that the Lease has not been renewed by the Petitioner in respect of the said plot of land in favour of the Respondent after expiry of the Lease period.
- c) The Petitioner has stated that it had earlier filed, in the Small Causes Court at Bombay, L.E. & C. Suit No. 254/367 of 1979 in respect of the abovementioned plot and two other plots bearing RR Nos. 1314 and RR No. 2013, inasmuch as the leases for all the said three plots had expired on the same date and the leases for the other two plots were supplemental to the Lease of the plot in question. It is contended that the said suit was based upon consolidated notices of forfeiture dated 15.03.1976 and 31.05.1979, since at the time of issuance of the said notices the leases were still subsisting. The Petitioner has further contended that the Learned Small Causes Court, who decided the said suits, dismissed the same on 15.12.2003 for the reasons mentioned therein, and that the Petitioner did not file any Appeal against the dismissal of the said suits, including the suit relating to the premises which are the subject matter of the present Petition.
- d) The Petitioner has contended that the Respondent has committed breaches of the terms of the Lease by carrying out unauthorised construction, namely, (i) unauthorised construction of a weigh bridge in the year 1983, (ii) unauthorised construction of a C.I. sheet shed in the year 1984, (iii) unauthorised construction of a shed behind the office in the year 1997, and (iv) unauthorised construction of a temporary monsoon protection tarpaulin shed in the year 1997.
- e) The Petitioner has contended that it, through its Advocate, had issued a notice to quit dated 05.12.2005, which was duly served upon the Respondent by hand service, Registered Post A.D., for which notice the Respondents' Advocate gave their reply





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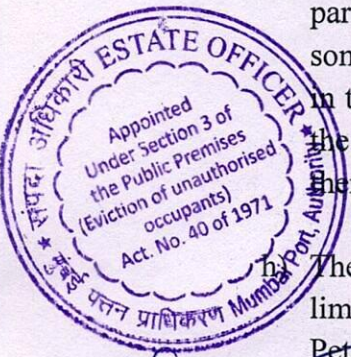
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dated 05.01.2006. A further notice dated 16.09.2009 was issued to the Respondent without prejudice to the earlier notice to quit dated 05.12.2005. The said notice dated 16.09.2009 was served upon the respondents by RPAD. The said notice was replied by the Advocate for the Respondent vide their letter dated 21.10.2009 seeking some time to file a detailed reply. It is contended that another notice dated 01.11.2012 was issued through the Petitioner's Advocate which was duly served upon the Respondent by way of RPAD and pasting over the premises and to which a reply was given vide letter dated 10.05.2013 of the Respondent's Advocate.

f) It is the case of the Petitioner in the original petition that the Respondent was in arrears aggregating to Rs. 15,72,09,231.21 as per the statement annexed to the notice to quit dated 01.11.2012, and that the Respondent was called upon to pay the said arrears/damages/mesne profits to the Petitioner within a period of one month from receipt of the said notice, but the Respondent failed and neglected to do so. The Petitioner has contended that the Respondent is liable to pay to the Petitioner arrears of differential rent, compensation, damages and interest in respect of the premises in the Petition, amounting to said Rs. 15,72,09,231.21. The Petitioner has contended that the aggregated arrears/damages/mesne profits of said Rs. 15,72,09,231.21 upto 31.10.2012 have been claimed as per the Board's policy, and that the Petitioner reserves its right to claim such higher amounts as may be decided by the Board of the Petitioner with effect from October 2012, or for any such period till the date of filing of the Petition, and has sought liberty of this Authority to amend and add such amounts.

g) The Petitioner has contended that, in terms of the notices dated 05.12.2005, 16.09.2009 and 01.11.2012, all of which have been duly served upon the Respondent, the Respondent had not removed the installation tanks and buildings from the plot of land after expiry of the notice period, and had failed to handover to the Petitioner vacant possession of the premises in the Petition. It was also contended that the petitioner had reasonable apprehension that the Respondent may part with possession of the premises in the Petition, or part thereof, in favour of some third party, and may also carry out further illegal additions and/or alterations in the premises in the Petition, without the knowledge, permission and consent of the Petitioner, during the pendency of the Petition, and that the Respondent, therefore, ought to be restrained from doing so.

h) The Petitioner has contended that the claim of the Petitioner in the Petition is within limitation and is in time. The Petitioner has also contended that the premises in the Petition are public premises within the meaning of Section 2 of the PPE Act. It is also contended by the petitioner that this Authority has jurisdiction under Sections 4, 5 and 7 of the PPE Act to entertain and try the Petition and to grant the reliefs



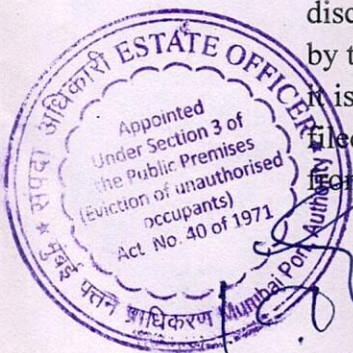


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prayed for therein, and that by virtue of Section 15 of the PPE Act the jurisdiction of the civil courts to entertain any suit or proceeding in respect of the grant, or the validity, of any order made under the PPE Act stands barred.

- i) The Petitioner has contended that it is entitled to recover from the Respondent the premises in the Petition, along with the installation tanks and the building standing thereon, inasmuch as the Respondent had neither removed the same in terms of the conditions contained in the expired Lease Deed at the end of the term, nor had the Respondent reinstated the land to its original good state and condition.
  - j) In view of the aforesaid contentions, the Petitioner prayed, inter alia, that the Respondent be decreed and ordered to handover to the Petitioner vacant and peaceful possession of the premises in the Petition; that the Respondent be ordered to pay to the Petitioner the arrears of rent/compensation/damages till recovery of possession and for costs and such other reliefs as this Authority may deem fit.
3. This Authority, having perused the record and being satisfied that a prima facie case of unauthorised occupation existed, formed its opinion to proceed under the relevant provisions of the Act, and accordingly issued Show Cause Notices under Sections 4 to 7 of the Act, dated 09.12.2014, in the Forms prescribed under the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971, calling upon the Respondent to show cause and to appear for personal hearing, failing which the matter was liable to be decided ex-parte.
4. The aforesaid Show Cause Notices were duly served upon the Respondent in compliance with the modes of service prescribed under the Act, read with the Rules made thereunder. This Authority is accordingly satisfied that the statutory requirement of service under the Act stands duly complied with, and that the Respondent had due and effective notice of the proceedings initiated against it.
5. In response to the above notice, the Respondent appeared before the Forum and contested their case. The Respondent filed their Written Statement dated 28.05.2015. The contentions of the respondent, as pleaded in the written statement, may be summarized as follows:
- a) That the Petition is bad in law, misconceived and not maintainable; that it does not disclose any cause of action; that it is barred by the law of limitation; that it is hit by the principle of res judicata; that it suffers from gross delay and laches; and that it is a gross abuse and misuse of the process of law, being false and vexatious and filed with the dishonest intention of harassing the Respondent and extorting monies from it, liable to be dismissed with costs and heavy compensatory costs.



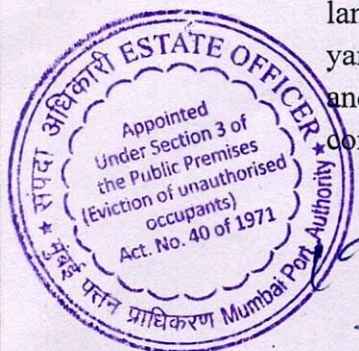


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- b) The Respondent contended that, at or about the time of execution of the Lease Deed, it had deposited with the Petitioner a security deposit of Rs. 14,000/-, upon which the Petitioner had earned substantial returns, and that the said sum together with interest thereon at commercial rates remained unrefunded to the Respondent as on the date of the alleged termination.
- c) The Respondent further contended that there was no valid termination of the said Lease and/or of its tenancy, and that the Petition was, on that count, not maintainable; and reserved its right to initiate legal proceedings, including for alleged criminal offences, against the Petitioner and its officers.
- d) The Respondent also contended that the Petitioner had no right or power to file or prosecute the Petition having regard to the directions of the Hon'ble Supreme Court of India, and that the Petitioner and its officers had committed wilful breaches of the Order dated 13.01.2004 of the Hon'ble Supreme Court and of the solemn assurances given thereunder, rendering the Petition and the reliefs claimed therein unsustainable.
- e) The Respondent further contended that the Petition and the reliefs claimed are barred by the principle of promissory estoppel, and that the statements and allegations made by the Petitioner in its notices over the preceding three decades were factually and legally incorrect and had been blindly repeated without application of mind.
- f) The Respondent placed particular reliance upon the final Judgment, Order and Decree dated 15.12.2003 passed by the Learned Judge of the Court of Small Causes at Bombay in L.E. & C. Suit No. 254/367 of 1979, whereby the Petitioner's suit for possession of the petition premises, along with the two companion premises, was dismissed on merits after full trial; contending that, the said dismissal having never been challenged by the Petitioner, it had attained finality and become binding on the Petitioner forever, thereby precluding the Petitioner from raising any claim, question or demand concerning the said premises for any period, past or future, including the present Petition.
- g) By way of factual narrative, the Respondent set out the history of the allotments of land made in its favour by the Petitioner's predecessor - approximately 15,000 sq. yards in 1932 for a bulk petrol installation, an additional 2,222 sq. yards in 1935, and a further 5,400 sq. yards in 1963, together with the covenants governing construction and storage thereon, including the exemption of dangerous petroleum





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from the general restriction against offensive trade, and the subsequent extension of storage permission to kerosene and H.S.D. without additional rent.

- h) The Respondent contended that the Petitioner had, without justification, sought to charge disproportionately high extra rent (alleged to be nearly 66 times the prevailing rate) and to over-calculate the chargeable area for storage of materials less hazardous than petrol, while permitting a neighbouring lessee (Caltex) to store the more hazardous material Methanol at a nominal 10% extra rent and had wrongly alleged subletting and change of user by the Respondent, which allegations the Respondent denied, contending that the storage tanks were movable property built at its own cost and that no concept of subletting could apply thereto. The Respondent further contended that it had, for want of the Petitioner's cooperation and permissions, been permitted to utilise only about 8% of the available area (at 1.33 FSI), resulting in operational losses to the Respondent from 1982 onwards.
- i) Traversing the Petition paragraph-wise, the Respondent denied that the Lease had expired by efflux of time, contending that it had been continued by the Petitioner's own acts and conduct with full knowledge and consent, and that a valid lease was still subsisting in the Respondent's favour; the Respondent denied the validity and due service of the purported notices to quit and of forfeiture; the Respondent further denied that it was liable to pay any arrears of differential rent, compensation, damages, mesne profits or interest as claimed, or at all; it was denied that the petition premises constituted "public premises" or that this Authority had jurisdiction to entertain the Petition. It is also denied that the Petition had been properly and lawfully signed and verified by the Petitioner. The Respondent accordingly prayed that the Petition be dismissed with costs and heavy compensatory costs in its favour.
6. In view of the rival pleadings and case presented by the parties, this authority framed the following issues & additional final issues-

- (1) Do the Respondents prove that the petition does not disclose any cause of action, as alleged in para 2 of Written statement?
- (2) Do the Respondent prove that the relief sought in the petition are barred by law of limitation, as alleged, in para 3 of Written statement?
- (3) Do the Respondent prove that the petition is barred by Res-Judicata or principles of law analogous thereto, as alleged in para 4 of Written statement?
- (4) Do the Respondents prove that the Petition suffers from gross delay and laches, as alleged, in para 5 of Written statement?
- (5) Do Respondents prove that the Petitioners have misused or abused process of law as alleged in para 6 of Written Statement?





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- (6) Do Respondents prove that the Petition has been filed by Petitioner with a view to harass the respondent and with a view to extort monies from the Respondents as alleged in para 7 of Written Statement?
- (7) Do the Respondents prove that they are entitled to receive from the petitioner Rs.14,000/- being refund of Security Deposit with Interest at the time of termination of lease as alleged in para 8 of Written Statement?
- (8) Do the Respondents prove that Petitioner are not entitled to file and prosecute the above Petition in view of any judgement of Hon'ble Supreme Court as alleged, in para 9 of Written statement?
- (9) Do the Respondents prove that the relief sought in the petition constitute breaches of judgement dated 13.01.2004 of Hon'ble Supreme Court as alleged in para 10 of Written statement?
- (10) Do the Respondents prove that the reliefs claimed in the petition are barred by promissory estoppel or by principles analogous thereto as alleged, in para 11 of Written Statement?
- (11) Do the Respondent prove that the legal notices issued from time to time during last 30 years are factually and legally incorrect as alleged in para 12 of Written statement?
- (12) Do the Respondents prove that the Judgement and decree passed in LE&C Suit No.254/367 of 1979, bar in any manner the relief claimed in the Petition, as alleged in para 13 of Written statement?
- (13) Do the Respondent prove that in view of judgement of Hon'ble Supreme Court the Petitioner are not entitled to raise any issue or demand any dues from 1982 till 1994 as alleged, in para 14 of Written statement?
- (14) Do the Respondents prove that the returns fixed by the judgement of Hon'ble Supreme Court dated 13.01.2004 has caused unlawful loss to respondents and unlawful gain to the Petitioner, as alleged, in para 15 of Written statement?
- (15) Do the Respondents prove that Petitioner have caused any losses or damages to the Respondents or have claimed from Respondents Exorbitant dues or Petitioner have illegally sought eviction of Respondents from premises in Petition as alleged, in para 16 of Written statement?
- (16) Do the Petitioner prove that they are statutory corporation, constituted under section 5 of the Major Port Trust Act 1963 and successors to the Trustees of the Port of Mumbai, constituted under the Bombay Port Trust Act 1879, since repealed?
- (17) Do the Respondents prove that the lease in favour of Respondents continued by Petitioner by their Act and conduct, and lease is still subsisting, as alleged in para 23 of Written statement?
- (18) Do the Petitioner prove that the valid notices to quit dated 13.12.2005 and/or 16.09.2009 and/or 01.11.2012 have been duly served upon the respondents?

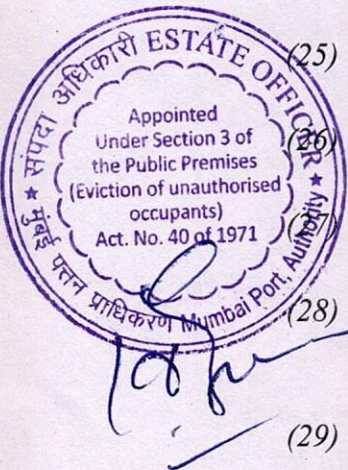




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- (19) Do the Petitioner prove that the Respondents have committed breaches of unauthorized construction of watchmen's cabin which was noticed by the petitioners in the year 2004?
- (20) Do the Petitioners prove that the Respondents are liable to pay arrears of differential rent/compensation/damage/interest in respect of premises in petition amounting to Rs.15,72,09,231.21 ps. up to 31.10.2012 inclusive of interest as per particulars mentioned in Exhibit B to the Petition?
- (21) Do the Petitioners prove that they are entitled to recover from the respondent's vacant possession of the premises in petition which premises are more particularly described in schedule A to the Petition, after removal of tanks, buildings, factory, factory fittings, sheds, pump, pump house, store, godowns, engine, boilers, offices, appliances and accessories from the plot of land within such period as this Hon'ble authority may deem fit to grant to respondents?
- (22) Do the Petitioners prove that they are entitled to recover possession of premises in Petition together with tanks, buildings, factory, factory fittings, sheds, pump, pump house, store, godowns, engine, boilers, offices, appliances and accessories in case of failure to remove the same within time?
- (23) Do the Petitioners prove that they are entitled to recover damages at the rate of three times of the rate of Rs.75.67 per sq.mtr per month, or such other rate as this Hon'ble authority may deem fit to grant together with the increase @ 4% every October, with interest @ 18% p.a from 01.10.2012 till recovery of possession of premises in petition by Petitioners from Respondents?
- (24) Do the Petitioner prove that they are entitled to an order of injunction of this Hon'ble authority restraining the Respondents from creating third party rights or parting with the possession or any part of premises in favour to some third party, and/or for carrying out additions or alterations of any nature whatsoever without the written permission of the petitioner?
- (25) Do the Petitioners prove that the premises in petition are public premises within the meaning of Section 2 of PPE Act 1971?
- (26) Do the Petitioners prove that this Hon'ble authority has exclusive jurisdiction under section 15 of PPE Act 1971 for grant of reliefs prayed for in Petition?
- Do the Petitioners prove that the Petition has been signed and verified as required by Law?
- (28) Whether the petitioner prove that they are entitled to initiate and prosecute this petition as summary proceeding under the provisions of law mentioned in para 14(a) of the Petition?
- (29) Whether the Petitioner prove that they are entitled to an order and decree against the Respondents directing the Respondents to hand over to the Petitioners the possession of the land in dispute together with tanks, buildings and all other paraphernalia of the factory of the Respondents as mentioned in para 14(b) of Petition?





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- (30) *Whether the Petitioner prove that they are entitled to any order and decree against the Respondents directing the respondents to make payments to the Petitioners of the sums of money as mentioned in sub-paragraphs (c), (d) and (e) of paragraph 14 of the Petition?*
- (31) *Whether the Petitioner prove that the petitioner is entitled to any order or injunction in their favour and against the respondents in the terms mentioned in the paragraph 14(f) of the Petition or in any other terms?*
- (32) *Whether the Petitioner prove that they are entitled to claim and/or recover from the Respondents any sum or sums and by way of damages and/or interest and/or cost or otherwise on the ground alleged by the petitioner or on any one or more of those grounds or any other grounds?*
- (33) *Whether the Petition is liable to be dismissed with cost or compensatory cost on the basis of the submissions set out by the respondents in paragraph 1 to 18 of their written statements filed by the Respondents in this petition or on any one or more of those submissions or any other submission?*
- (34) *What Decree?*
- (35) *What Order?*

**ADDITIONAL FINAL ISSUES**

- (1) *Whether the Petitioner validly terminated the Monthly tenancy/ forfeiture/ Holding over of the Respondents?*
- (2) *Whether Respondents are unauthorized occupants of the said premises and liable to be evicted from the said premises?*
- (3) *Whether Respondents are liable to pay arrears of compensation as claimed by the Petitioner? If so, at what rate and what rate of interest?*
- (4) *Whether Respondents are liable to pay damages as claimed by the Petitioner? If so, at what rate and what rate of interest?*
- (5) *Do the Petitioner prove that they are entitled to claim damages/interest and/or other charges as prayed in newly added paragraph Nos. 6 & 7 and prayers 15(C) & 15(D) of the amended Petition?*

Shri Korothe Edhavana Sunilkumar, Assistant Estate Manager Grade-I, Mumbai Port Authority /PW-1, tendered his Affidavit of Evidence. PW-1 deposed that the Petitioner is the owner of the petition premises, which are public premises within the meaning of Section 2(e) of the Public Premises Act, 1971. He stated that the Respondents were inducted as lessees under the registered Lease Deed dated 10.09.1935 for a period of fifty years commencing from 27.04.1932 and that the lease expired by efflux of time on 26.04.1982. PW-1 further deposed that despite expiry of the lease, the Respondents failed to hand over vacant possession and continued in unauthorized occupation. He further stated that notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012 were



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duly served upon the Respondents calling upon them to vacate the premises, but the Respondents failed to comply with the said notices. PW-1 also deposed regarding the unauthorized constructions raised by the Respondents, the earlier proceedings before the Court of Small Causes, the arrears of rent/compensation payable by the Respondents, and the damages claimed in accordance with the policy of the Petitioner. In support of his testimony, PW-1 relied upon the documents, and the following are marked as exhibits:

| Sr. No. | Document                                                                                                                       | Exhibits |
|---------|--------------------------------------------------------------------------------------------------------------------------------|----------|
| 1(i)    | Power of Attorney issued in favour of H.P. Kulkarni                                                                            | PW-1/A   |
| 1(ii)   | Letter of Authority dated 30.08.2013 in favour of Ganesh L. Rele                                                               | PW-1/B   |
| 2       | Power of Attorney issued in favour of Koroth Edhavana Sunilkumar                                                               | PW-1/C   |
| 3       | Photo Copy of Registered Lease dated 09.03.1937                                                                                | PW-1/D   |
| 4       | Photo Copy and spare print of Registered Lease dated 10.09.1935                                                                | PW-1/E   |
| 5       | Original reply dated 12.06.2017 addressed by the Additional Registrar, Small Causes Court, Mumbai to the Petitioner's Advocate | PW-1/F   |
| 6       | Order dated 15.12.2003 in LEC Suit No. 254/367 of 1979                                                                         | PW-1/G   |
| 7(i)    | Inspector's Report dated 15.06.1983                                                                                            | PW-1/H   |
| 7(ii)   | Inspector's Report dated 10.01.1984                                                                                            | PW-1/I   |
| 8(i)    | Petitioner's Advocate's Notice dated 13.12.2005                                                                                | PW-1/J   |
| 8(ii)   | Petitioner's Advocate's Notice dated 16.09.2009 with Acknowledgment Card                                                       | PW-1/K   |
| 8(iii)  | Respondents' Advocate's Reply dated 21.10.2009                                                                                 | PW-1/L   |
| 8(iv)   | Petitioner's Advocate's Letter dated 28.10.2009                                                                                | PW-1/M   |
| 8(v)    | Petitioner's Advocate's Notice dated 01.11.2012 with Acknowledgment Card and Copy of Pasting Service                           | PW-1/N   |



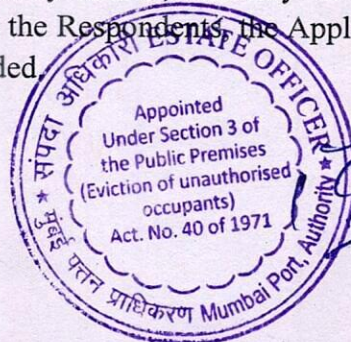


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|       |                                                |        |
|-------|------------------------------------------------|--------|
| 8(vi) | Respondents' Advocate's Reply dated 07.05.2013 | PW-1/O |
| 9     | Statement of Arrears                           | PW-1/P |
| 10    | Certified True Copy of TR No. 365 of 1991      | PW-1/Q |
| 11    | Certified True Copy of TR No. 21 of 2011       | PW-1/R |

8. The matter was repeatedly listed for cross-examination of Petitioners' witness (PW-1) Shri K.E. Sunil Kumar, but could not proceed due to recurring absence of the Respondents' Advocate/representative and, at times, non-sitting of the erstwhile Estate Officer. Adjournments were granted on 26.09.2019, 17.10.2019, 15.11.2019, 20.12.2019, 29.01.2020, 12.02.2020 and 11.03.2020. The Proceedings also remained in abeyance during the COVID-19 pandemic and resumed on 24.08.2021 before this Authority, with the matter again adjourned on 24.08.2021, 23.09.2021, 05.10.2021 and 27.10.2021 on account of the continued absence of the Respondents' side. On 17.11.2021, Advocate Miss Bela Parab appeared for the Respondents, but cross-examination still could not proceed, and the matter was further adjourned on 13.12.2021 and 13.01.2022. On 16.03.2022, with the Respondents' Advocate and representative again absent, this Authority granted the Respondents a last opportunity, adjourning the matter to 23.03.2022 for cross-examination of PW-1.
9. On 23.03.2022, since ample opportunities had been afforded to the Respondents for cross-examination of PW-1 Shri K.E. Sunil Kumar, and there was no positive response on the part of the Respondents, this Authority concluded the opportunity for cross-examination of PW-1 on that date, and kept the matter for filing of the Respondents' Affidavit of Evidence. The matter was thereafter adjourned on 08.04.2022 to 05.05.2022. On 05.05.2022, recording that there had been no appearance on behalf of the Respondents for a considerable length of time, this Authority closed the Respondents' opportunity to file their Affidavit of Evidence, and kept the matter for arguments by both parties, adjourning it to 24.05.2022. The matter was adjourned on 24.05.2022 and thereafter on 14.06.2022, 27.06.2022 and 15.07.2022, on each occasion for arguments, as none of the Respondents were present.
10. On 21.07.2022, the Petitioner filed an Application dated 20.07.2022 seeking consequential amendment of the Petition pursuant to the enactment of the Major Port Authorities Act, 2021, for substitution of the Petitioner's name and allied amendments. As the proposed amendments were purely formal, statutory in nature, and did not change the cause of action or prejudice the Respondents, the Application was allowed and the Petition was accordingly amended.





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11. The matter was posted for arguments on 17.07.2023, with short adjournments thereafter 08.08.2023, 17.08.2023 at the Respondents' request. On 23.08.2023, the Respondents' Advocate filed an application to set aside the order dated 05.05.2022 closing their right to cross-examine/lead evidence. On 31.08.2023, after hearing both sides, this Authority, in the interest of natural justice, set aside the said order and listed the matter for cross-examination of PW-1. On 03.10.2023, the matter was adjourned to 23.10.2023 due to PW-1's absence, and on 23.10.2023, noting the considerable delay in the case, this Authority directed the Respondents to conclude cross-examination of PW-1 on three specified dates i.e. 28.11.2023, 29.11.2023 and 30.11.2023 and to thereafter file their Affidavit of Evidence. The Respondents' Advocate sought short adjournments on the first two dates and the schedule for cross-examination was carried over to 30.11.2023, the last allotted day. The matter was thereafter adjourned on 31.01.2024 to 16.02.2024 for cross-examination of PW-1, and in PW-1's absence was further adjourned to 27.02.2024, and finally to 13.03.2024, at the Petitioners' request to file a further application for amendment of the petition.
12. The matter proceeded further, and by an application dated 05.07.2024, the Respondent, through its Advocate, sought to surrender possession of the petition premises. Upon consideration of the said application, this Authority recorded that the Respondent, being in physical possession of the petition premises, had shown its willingness to surrender the right, title and possession thereof and had called upon the Petitioner to take over possession, without prejudice to the rights and contentions of both parties, and that the Petitioner had no objection to accepting vacant possession with immediate effect, without prejudice to its right to recover arrears, compensation, damages, interest and other charges.
13. By Order dated 05.07.2024, this Authority allowed the Respondent's application for surrender of the petition premises, and directed the Petitioner's authorised representative, Shri Rahul Kumar Meena, Executive Engineer, to take over possession of the petition premises on 08.07.2024 at 12.00 noon, with liberty to the Petitioner to file a compliance report, and directed that, after compliance, the matter would proceed further on the Petitioner's claim for arrears and damages. In compliance with the said Order, the Petitioner's representative took over possession of the petition premises on 08.07.2024, and a compliance report to that effect was placed on record on 02.08.2024.
14. Thereafter, the Petitioner filed an application dated 03.10.2024 seeking amendment of the Petition, principally to update its claim for arrears, compensation, damages and interest in accordance with the latest applicable Scale of Rates. Despite several opportunities granted to the Respondent to file its reply to the said application on 14.10.2024, 17.10.2024, 21.10.2024, 31.10.2024, 05.11.2024 and 08.11.2024 and despite service of the Daily Order Sheets and the amendment application upon the





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Respondent's Advocate, Shri Abhay Parab, through email, the Respondent failed to file any reply. This Authority, being satisfied that sufficient and repeated opportunities in excess of what is ordinarily warranted in summary proceedings under the Act, had been afforded to the Respondent, closed the said stage on 08.11.2024. By Order dated 11.11.2024, this Authority allowed the Petitioner's amendment application dated 03.10.2024, holding that the amendment was necessary inasmuch as the Petitioner's claim for damages was required to be computed as per the latest Scale of Rates, and directed the Petitioner to carry out the amendment and to serve a copy of the amended Petition upon the Respondent, granting the Respondent liberty to file an additional written statement.

15. The Petitioner carried out the amendment to the Petition on 19.11.2024 and served a copy thereof, together with the Daily Order Sheets, upon the Respondent's Advocate by email on 19.11.2024, 21.11.2024 and 25.11.2024. Despite the said service and repeated opportunities extended up to 27.11.2024, the Respondent neither entered appearance nor filed any additional written statement or reply, and this Authority, on 03.12.2024, being satisfied that sufficient opportunity had been given and the proceedings being of a summary nature, closed the stage of filing reply/additional written statement by the Respondent.
16. The Petitioner thereafter filed Additional Draft Issues dated 27.11.2024, which were taken on record on 13.12.2024. The Respondent was granted opportunities on 20.12.2024, 26.12.2024 and up to 07.01.2025 to file its Additional Draft Issues, but failed to appear or to file the same. The matter was listed for framing of final issues on 17.03.2025 and 07.04.2025. Despite sufficient opportunity, the Respondent did not appear on either occasion. On 07.04.2025, this Authority framed the additional final issues, and a copy thereof was taken on record.
17. Ms. Neha K. Sawant/(PW-2) filed the Affidavit of Evidence on 19.01.2026, a copy whereof was furnished to the Respondent. Through the said Affidavit of Evidence, the Petitioner brought on record the revised statements of arrears and damages, the applicable Scale of Rates (SoR) notified from time to time, the relevant Trustees' Resolutions prescribing the rate of interest, and the Letter of Authority authorising the witness to depose on behalf of the Petitioner. The additional evidence was confined to substantiating the Petitioner's amended claims relating to arrears, damages, interest and other consequential charges arising out of the amendment of the Petition and the subsequent surrender of possession by the Respondents.
18. The Respondent was granted opportunities on 27.01.2026, 02.02.2026 and 09.02.2026 to file its say on the said Affidavit of Evidence and the documents annexed thereto, but





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failed to do so. This Authority, being satisfied that the Advocate for the Respondent had been given ample opportunity in this regard, closed the said stage on 09.02.2026.

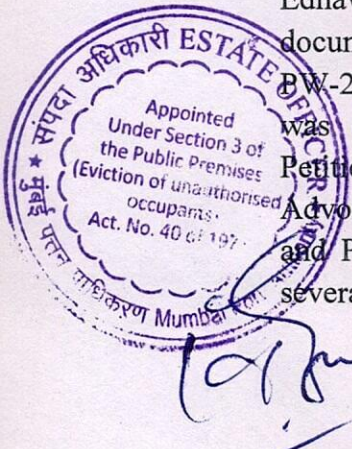
19. By Order dated 18.03.2026, this Authority, having heard the Petitioner on the documents annexed to the Affidavit of Evidence filed by PW-2, marked the following documents produced by the PW2 as evidence:

| Sr. | Document                                                                                                                                                                                                                                                                                                                               | Exhibit |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1.  | The statement of arrears and damages at Item Nos. I and II                                                                                                                                                                                                                                                                             | PW-2/A  |
| 2.  | TAMP Gazette Notification G. No. 521 dated 28.10.2021 notifying the Scale of Rates (SOR) 2012–2017; G. No. 552 dated 12.11.2021 notifying the SOR 2017–22; and Notifications dated 28.04.2022, 14.09.2022 and 21.03.2023 extending the revised SOR, and Notification No. 43 dated 26.04.2023 publishing the SOR 2022–27 (collectively) | PW-2/B  |
| 3.  | Certified true copy of Trustees' Resolution No. T.R. 365 of 1991 and T.R. No. 296 of 2020, and Power of Attorney (collectively)                                                                                                                                                                                                        | PW-2/C  |
| 4.  | Letter of Authority dated 23.09.2023                                                                                                                                                                                                                                                                                                   | PW-2/D  |

20. The matter was thereafter posted for cross-examination of PW-2 on 25.03.2026, 08.04.2026 and 17.04.2026, which stood further adjourned to 06.05.2026, but on none of the said dates did the Respondent or its Advocate/representative appear. This Authority accordingly closed the stage of cross-examination of PW-2 on 06.05.2026.

21. On 14.05.2026, this Authority recorded that for a period of over one year there had been no representation whatsoever on behalf of the Respondent, and closed the stage of filing Affidavit of Evidence by the Respondent, and posted the matter for final arguments.

22. The Petitioner has duly adduced its evidence by examining PW-1 Shri Koroth Edhavana Sunilkumar and PW-2 Ms. Neha K. Sawant, and has produced various documentary evidence, which have been exhibited as Exhibits PW-1/A to PW-1/R and PW-2/A to PW-2/D. Throughout the course of recording of evidence, the Respondent was afforded repeated and sufficient opportunities to cross-examine both the Petitioner's witnesses. However, despite such opportunities, the Respondent and its Advocate remained absent, and consequently the stages of cross-examination of PW-1 and PW-2 were closed by this Authority. Thereafter, the Respondent was granted several opportunities to file its Affidavit of Evidence and to adduce evidence in support





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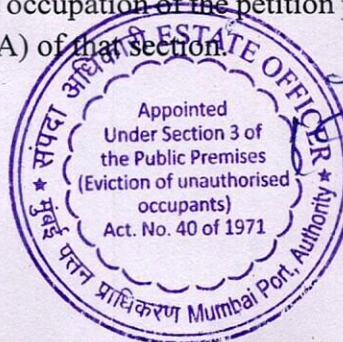
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of its defence, but failed to do so. Accordingly, the Respondent's evidence was closed. Although the Respondent had initially contested the Petition by filing its Written Statement, and had thereafter participated in the proceedings at certain stages, it ultimately failed to substantiate its defence by leading any evidence or by testing the Petitioner's evidence through cross-examination. I have heard the submissions advanced by the Ld. Advocate appearing for the Petitioner. Despite being afforded sufficient opportunities, the Respondent remained absent and failed to advance any final arguments.

23. The matter was listed for final arguments on 25.05.2026, 24.06.2026, 29.06.2026 and 07.07.2026 but no one appeared on behalf of the Respondent on any of the said dates, despite due notice and ample opportunity having been afforded throughout the proceedings. This Authority accordingly proceeds to pass this Final Order.

**FINDINGS AND REASONS (ISSUE -WISE)**

24. Before dealings with the issues item-wise, it is observed here that by an application dated 05.07.2024, the Respondent, through its Advocate, voluntarily offered to surrender the right, title and possession of the petition premises, without prejudice to the rival contentions of the parties; that this Authority, by Order dated 05.07.2024, accepted the said surrender and directed the Petitioner's authorised representative, Shri Rahul Kumar Meena, Executive Engineer, to take over possession on 08.07.2024; and that possession was in fact so taken over, and a compliance report to that effect placed on record on 02.08.2024. As on the date of this Final Order, therefore, the Petitioner already stands restored to vacant and peaceful possession of the petition premises. In these circumstances, it is not warranted now to pass a fresh or formal order of eviction under sub-section (1) of Section 5 of the Act, directing the Respondent to vacate the petition premises. This Authority accordingly holds that the proceedings under Section 5 of the Act, insofar as they relate to recovery of possession, have been rendered infructuous by the Respondent's voluntary surrender and the Petitioner's resumption of possession, and are disposed of as such, without any further order of eviction being required to be passed. For the like reason, the ancillary relief of injunction claimed by the Petitioner (Issue Nos. 24 and 31) does not survive for consideration.
25. The rendering infructuous of the relief of possession under Section 5, however, neither affects nor extinguishes, in any manner whatsoever, this Authority's power and duty to finally determine the Petitioner's claim under Section 7 of the Act for arrears of rent and for assessment of damages for use and occupation of the petition premises, together with interest thereon under sub-section (2A) of that section.





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26. It is stated that Section 7 confers upon the Estate Officer a power that is independent of and not conditioned upon, the making, or the enforceability, of an order of eviction under Section 5. This is placed beyond doubt by the plain language of sub-section (2) of Section 7, which empowers the Estate Officer to assess damages against any person who "is, or has at any time been, in unauthorised occupation of any public premises" — language which, by its own terms, contemplates and preserves the power to assess and recover damages even where the unauthorised occupation has already come to an end, whether by eviction, voluntary surrender, or otherwise, before the proceedings stand concluded.

**FINDINGS AND REASONS FOR THE ADDITIONAL ISSUES**

27. The issues are accordingly answered as under.

***Issue No. 1: Do the Respondents prove that the petition does not disclose any cause of action, as alleged in para 2 of Written Statement?***

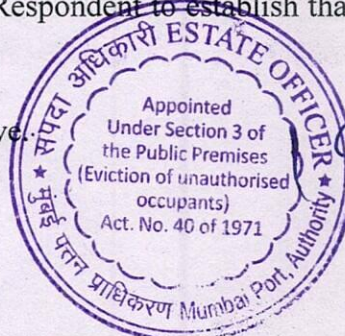
The Petition sets out, in material detail, the grant of Lease dated 10.09.1935, its expiry by efflux of time on 26.04.1982, the absence of any renewal, the service of successive notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012, the Respondent's continued occupation and non-payment of dues notwithstanding the said notices, and the Petitioner's consequent claim for possession, arrears, damages and interest. These averments plainly disclose a complete and subsisting cause of action for eviction and recovery under the Act. The onus to prove the contrary lay on the Respondent, who led no evidence whatsoever in support of this plea, which remains a bare and unsubstantiated assertion in the Written Statement.

Hence, Issue No. 1 is answered in the Negative.

***Issue No. 2: Do the Respondent prove that the relief sought in the petition are barred by law of limitation, as alleged, in para 3 of Written Statement?***

Unauthorised occupation, as defined in Section 2(g) of the Act, is a continuing wrong; every month of continued occupation without authority, and every month of default in payment of compensation/damages, gives rise to a fresh cause of action. The last of the three notices to quit is dated 01.11.2012, to which the Respondent's Advocate replied only on 10.05.2013, and the Petition came to be filed thereafter, squarely within limitation. No evidence has been led by the Respondent to establish that the claim, or any part of it, was barred by limitation.

Hence, Issue No. 2 is answered in the Negative.





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**Issue No. 3: Do the Respondent prove that the petition is barred by Res-Judicata or principles of law analogous thereto, as alleged in para 4 of Written Statement?**

This issue is dealt with in detail together with Issue No. 12 below, the reasoning whereof is adopted mutatis mutandis. It suffices to record here that the cause of action in L.E. & C. Suit No. 254/367 of 1979 (consolidated notices of forfeiture dated 15.03.1976 and 31.05.1979, issued while the Lease was still subsisting) is entirely distinct from the cause of action in the present proceedings (expiry of the Lease by efflux of time on 26.04.1982 and continuance in unauthorised occupation thereafter, coupled with the subsequent notices to quit of 2005, 2009 and 2012). The matter directly and substantially in issue in the two proceedings is not the same, and the plea of res judicata, an essential ingredient of which is identity of cause of action, is not made out on the unrebutted record.

Hence, Issue No. 3 is answered in the Negative.

**Issue No. 4: Do the Respondents prove that the Petition suffers from gross delay and laches, as alleged, in para 5 of Written Statement?**

The Petitioner issued periodic notices to quit in 2005, 2009 and 2012 and initiated the present proceedings promptly upon the Respondent's continued failure to comply with the last of these notices; there is no unexplained or unreasonable delay on the Petitioner's part causing prejudice to the Respondent. Since unauthorised occupation is a continuing cause of action, mere lapse of time since the original 1932 allotment or the 1935 Lease does not, found a plea of laches. No evidence of prejudice or delay has been led by the Respondent.

Hence, Issue No. 4 is answered in the Negative.

**Issue No. 5: Do Respondents prove that the Petitioners have misused or abused process of law as alleged in para 6 of Written Statement?**

This is a serious allegation requiring cogent proof of mala fide or dishonest intent, none of which has been placed on record. The Petitioner, a statutory corporation, has proceeded strictly in accordance with the procedure prescribed under the Act, which is the very opposite of abuse of process.

Hence, Issue No. 5 is answered in the Negative.





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**Issue No. 6: Do Respondents prove that the Petition has been filed by Petitioner with a view to harass the respondent and with a view to extort monies from the Respondents as alleged in para 7 of Written Statement?**

As with Issue No. 5, this plea of harassment and extortion is a bare and unsubstantiated allegation unsupported by any evidence. The claim for arrears, damages and interest has been shown, through PW-2's testimony and Exhibits PW-2/A to PW-2/D, to be computed strictly in accordance with the Board-approved and TAMP-notified Scale of Rates and the Trustees' Resolutions governing interest, which is inconsistent with any intent to extort.

Hence, Issue No. 6 is answered in the Negative.

**Issue No. 7: Do the Respondents prove that they are entitled to receive from the petitioner Rs.14,000/- being refund of Security Deposit with Interest at the time of termination of lease as alleged in para 8 of Written Statement?**

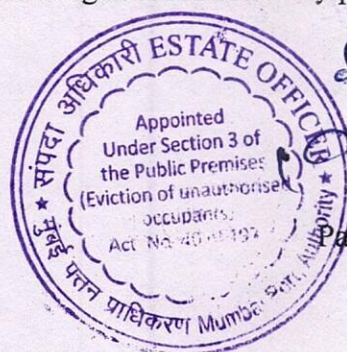
This is an affirmative claim by the Respondent against the Petitioner, the burden of proving which lies squarely on the Respondent. No evidence, documentary or oral has been led to prove the deposit, its terms, or its non-refund, nor any computation of interest claimed to have accrued thereon. It is also observed that a proceeding under Sections 5 and 7 of the Act before an Estate Officer is a summary proceeding of limited and specific jurisdiction, confined to eviction of unauthorised occupants and recovery of rent/damages due to the public authority; it is not a forum for adjudication of an independent, unconnected monetary counter-claim by the occupant against the owner, which would properly lie in a civil suit.

Hence, Issue No. 7 is answered in the Negative.

**Issue No. 8: Do the Respondents prove that Petitioner are not entitled to file and prosecute the above Petition in view of any judgement of Hon'ble Supreme Court as alleged, in para 9 of Written Statement?**

No material has been placed on record by the Respondent to show that the judgment dated 13.01.2004 of the Hon'ble Supreme Court, which is confined to the principles for computation of compensation payable in respect of the premises, contains any direction restraining the Petitioner from instituting or prosecuting eviction/recovery proceedings against the Respondent.

Hence, Issue No. 8 is answered in the Negative.





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**Issue No. 9: Do the Respondents prove that the relief sought in the petition constitute breaches of judgement dated 13.01.2004 of Hon'ble Supreme Court as alleged in para 10 of Written Statement?**

For the same reasons as recorded under Issue No. 8, and in the absence of any evidence to the contrary, the reliefs claimed in the Petition — being possession upon expiry of Lease and recovery of arrears/damages computed as per the applicable rules & Scale of Rates, are not shown to be in breach of, or inconsistent with, the said judgment of the Hon'ble Supreme Court.

Hence, Issue No. 9 is answered in the Negative.

**Issue No. 10: Do the Respondents prove that the reliefs claimed in the petition are barred by promissory estoppel or by principles analogous thereto as alleged, in para 11 of Written Statement?**

The plea of promissory estoppel requires proof of a clear, unequivocal representation by the Petitioner and detrimental reliance thereon by the Respondent. No such representation, nor any act of reliance, has been proved on record. The bare allegation that notices issued over three decades were factually and legally incorrect does not, without more, establish the ingredients of promissory estoppel.

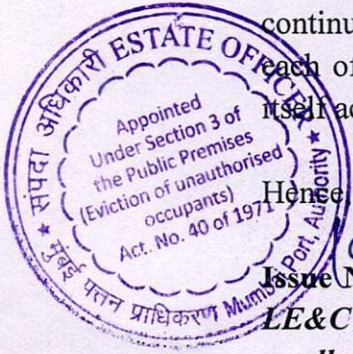
Hence, Issue No. 10 is answered in the Negative.

**Issue No. 11: Do the Respondent prove that the legal notices issued from time to time during last 30 years are factually and legally incorrect as alleged in para 12 of Written statement?**

On the contrary, the notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012 stand proved through the unrebutted testimony of PW-1 and the documents Exhibited as PW-1/J to PW-1/O, correctly recording the expiry of the Lease and the Respondent's continuing unauthorised occupation. That the Respondent's own Advocate replied to each of these notices (vide letters dated 05.01.2006, 21.10.2009 and 10.05.2013) is itself acknowledgment of their receipt and of the facts stated therein.

Hence, Issue No. 11 is answered in the Negative.

**Issue No. 12: Do the Respondents prove that the Judgement and decree passed in LE&C Suit No.254/367 of 1979, bar in any manner the relief claimed in the Petition, as alleged in para 13 of Written statement?**





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The dismissal dated 15.12.2003 in L.E. & C. Suit No. 254/367 of 1979 proceeded on consolidated notices of forfeiture issued in 1976 and 1979, at a point when the Lease dated 10.09.1935 was still subsisting; the cause of action there was forfeiture during subsistence of the Lease. The present proceedings are founded on an altogether distinct and subsequent cause of action, namely, the expiry of the Lease by efflux of time on 26.04.1982 and the Respondent's continuance in unauthorised occupation thereafter, met with fresh notices to quit in 2005, 2009 and 2012. The two causes of action being neither the same nor substantially identical, the earlier dismissal does not operate as a bar, and no evidence has been led to establish otherwise.

Hence, Issue No. 12 is answered in the Negative.

**Issue No. 13: Do the Respondent prove that in view of judgement of Hon'ble Supreme Court the Petitioner are not entitled to raise any issue or demand any dues from 1982 to 1994 as alleged, in para 14 of Written statement?**

No evidence has been led to show that the judgment dated 13.01.2004, which regulates the rate of compensation, extinguishes or bars the Petitioner's right to raise or recover dues for the period 1982 to 1994 or any other period; the judgment nowhere purports to grant the Respondent immunity from payment of compensation for any specific period.

Hence, Issue No. 13 is answered in the Negative.

**Issue No. 14: Do the Respondents prove that the rate fixed by the judgement of Hon'ble Court dated 13.01.2004 has caused unlawful loss to respondents and unlawful gain to the Petitioner, as alleged, in para 15 of Written statement?**

This plea, in substance, invites this Authority to sit in appeal over, and revisit the correctness of, a binding judgment of the Hon'ble Supreme Court, which this Authority, being a statutory forum of limited and subordinate jurisdiction, has no power to do. In any event, no evidence in support of the alleged unlawful loss or gain has been led.

Hence, Issue No. 14 is answered in the Negative.

**Issue No. 15: Do the Respondents prove that Petitioner have caused any losses or damages to the Respondents or have claimed from Respondents Exorbitant dues or Petitioner have illegally sought eviction of Respondents from premises in Petition as alleged, in para 16 of Written statement?**





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No evidence has been led to substantiate any of these allegations. To the contrary, the record establishes that the arrears and damages claimed have been computed strictly in terms of the Scale of Rates notified by TAMP and Resolutions approved by the Board of the Petitioner from time to time, and the eviction/recovery proceedings have been initiated and prosecuted strictly in accordance with the procedure prescribed under the Act.

Hence, Issue No. 15 is answered in the Negative.

**Issue No. 16: *Do the Petitioner prove that they are statutory corporation, constituted under section 5 of the Major Port Trust Act 1963 and successors to the Trustees of the Port of Mumbai, constituted under the Bombay Port Trust Act 1879, since repealed?***

It stands proved, and is in any event a matter of statutory record and public notification of which this Authority takes due notice, that the Board of Trustees of the Port of Mumbai was constituted under the Major Port Trusts Act, 1963 (successor to the Bombay Port Trust Act, 1879, since repealed), and that upon the enactment of the Major Port Authorities Act, 2021, the Petitioner, the Board of Mumbai Port Authority, became the statutory successor-in-title thereto, as reflected in the amendment allowed by this Authority's order dated 21.07.2022/consequential amendment. The Petitioner accordingly falls within the description of the owning authority contemplated by Section 2(e)(2)(v) of the Act.

Hence, Issue No. 16 is answered in the Affirmative.

**Issue No. 17: *Do the Respondents prove that the lease in favour of Respondents continued by Petitioner by their Act and conduct, and lease is still subsisting, as alleged in para 23 of Written statement?***

No document, no fresh deed of lease, no Board resolution of renewal, no acceptance of contractual rent as lessor accepting a subsisting tenancy has been placed on record by the Respondent to show that the Lease, which expired by its own terms on 26.04.1982 and contained no renewal clause, was ever renewed or continued by the Petitioner's act or conduct. On the contrary, the unrebutted testimony of PW-1 is that no such renewal was ever granted, and the Petitioner's charging of compensation/damages, rather than contractual rent, is itself consistent only with unauthorised occupation and not with a subsisting tenancy.

Hence, Issue No. 17 is answered in the Negative.





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**Issue No. 18: Do the Petitioner prove that the valid notice to quit dated 13.12.2005 and/or 16.09.2009 and/or 01.11.2012 have been duly served upon the respondents?**

The service and validity of the notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012 stand fully proved through the unrebutted testimony of PW-1 and the documents Exhibited as PW-1/J, PW-1/K (with Acknowledgment Card), PW-1/M, PW-1/N (with Acknowledgment Card and copy of pasting service) and the Respondent's own Advocate's replies thereto Exhibited as PW-1/L and PW-1/O, which replies are themselves conclusive proof of receipt and of the Respondent's knowledge of the contents of the notices. This Authority accordingly holds and upholds the said notices to quit, and the grounds of eviction stated therein namely, expiry of the Lease by efflux of time and continuance in unauthorised occupation thereafter as valid, duly served, and proved.

Hence, Issue No. 18 is answered in the Affirmative.

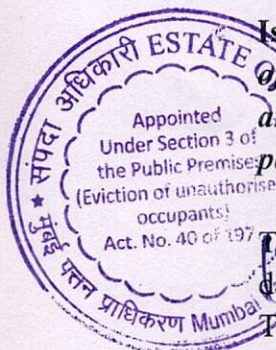
**Issue No. 19: Do the Petitioners prove that the Respondents have committed breaches of unauthorized construction of watchmen's cabin which was noticed by the petitioners in the year 2004?**

The unrebutted testimony of PW-1, read with the Inspector's Reports dated 15.06.1983 and 10.01.1984 Exhibited as PW-1/H and PW-1/I evidencing the Respondent's propensity for unauthorised construction on the petition premises, and the absence of any denial or contrary evidence on this specific count from the Respondent, who did not cross-examine PW-2 or PW-1, leads this Authority to accept the Petitioner's unrebutted case regarding the unauthorised construction of the watchmen's cabin noticed in 2004 as proved.

Hence, Issue No. 19 is answered in the Affirmative.

**Issue No. 20: Do the Petitioners prove that the Respondents are liable to pay arrears of differential rent/compensation/damage/interest in respect of premises in petition amounting to Rs.15,72,09,231.21 ps. up to 31.10.2012 inclusive of interest as per particulars mentioned in Exhibit B to the Petition?**

The Respondent's liability to pay arrears of differential rent/compensation and damages, in principle, stands proved on the unrebutted testimony of PW-1 and PW-2. The specific figure of Rs. 15,72,09,231.21 pleaded in the original, unamended Petition as on 31.10.2012 stands superseded by the amendment allowed vide order dated 11.11.2024, necessitated by the induction of the revised Scale of Rates and the applicable TR, and by the updated dues submitted before this Authority. The





**MUMBAI PORT AUTHORITY**  
**OFFICE OF THE ESTATE OFFICER**

UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971  
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Petitioner's entitlement to arrears is accordingly held proved, it being clarified that the quantum stands subsumed in, and superseded by, the amended figure dealt with in the Computation section attached with the Order.

Hence, Issue No. 20 is answered in the Affirmative.

**Issue No. 21: Do the Petitioners prove that they are entitled to recover from the respondent's vacant possession of the premises in petition which premises are more particularly described in schedule A to the Petition, after removal of tanks, buildings, factory, factory fittings, sheds, pump, pump house, store, godowns, engine, boilers, offices, appliances and accessories from the plot of land within such period as this Hon'ble authority may deem fit to grant to respondents?**

The Petitioner's entitlement to recover vacant possession of the petition premises, in the manner claimed, stood duly proved on the unrebutted evidence of PW-1 and PW-2. That entitlement, however, no longer requires enforcement by a fresh order of this Authority, the Respondent having, by its application dated 05.07.2024, voluntarily surrendered possession, and the Petitioner having taken over vacant and peaceful possession of the petition premises on 08.07.2024 pursuant to the order of this Authority dated 05.07.2024, as recorded in the compliance report dated 02.08.2024. The entitlement is accordingly held proved, the consequential relief of directing recovery of possession having been rendered infructuous for the reasons more fully discussed hereafter.

Hence, Issue No. 21 is answered in the Affirmative.

**Issue No. 22: Do the Petitioners prove that they are entitled to recover possession of premises in Petition together with tanks, buildings, factory, factory fittings, sheds, pump, pump house, store, godowns, engine, boilers, offices, appliances and accessories in case of failure to remove the same within time?**

For the reasons recorded under Issue No. 21, the Petitioner's entitlement stands proved, but the relief has been rendered infructuous by the subsequent surrender and taking over of possession on 08.07.2024.

Hence, Issue No. 22 is answered in the Affirmative.

**Issue No. 23: Do the Petitioners prove that they are entitled to recover damages at the rate of three times of the rate of Rs.75.67 per sq.mtr per month, or such other rate as this Hon'ble authority may deem fit to grant together with the increase @ 4% every**





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*October, with interest @ 18% p.a from 01.10.2012 till recovery of possession of premises in petition by Petitioners from Respondents?*

The Petitioner's entitlement to damages at three times the applicable rate, with periodic escalation and interest, stands proved. The specific rate and escalation pleaded in the original Petition stand superseded by the amendments allowed vide orders dated 07.10.2024 and 18.08.2025 and by the updated computation proved through PW-2 and thereafter the updated dues submitted before this Authority. The exact quantum being set out in the Computation section attached with the Order.

Hence, Issue No. 23 is answered in the Affirmative.

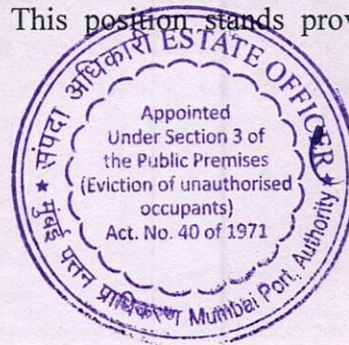
**Issue No. 24:** *Do the Petitioner prove that they are entitled to an order of injunction of this Hon'ble authority restraining the Respondents from creating third party rights or parting with the possession or any part of premises in favour to some third party, and/or for carrying out additions or alterations of any nature whatsoever without the written permission of the petitioner?*

This relief was consequential upon, and intended to protect the Petitioner's interest during, the Respondent's continuation in possession pending final adjudication. The Respondent having surrendered, and the Petitioner having taken over, vacant possession of the petition premises on 08.07.2024, no occasion or necessity survives for grant of injunctive relief, the apprehension sought to be guarded against having ceased to exist.

Hence, Issue No. 24 is answered in the Not required to be answered on merits, having been rendered infructuous.

**Issue No. 25:** *Do the Petitioners prove that the premises in petition are public premises within the meaning of Section 2 of PPE Act 1971?*

The petition premises belong to the Petitioner, the Board of Mumbai Port Authority, statutory successor to the Board of Trustees of the Port of Mumbai constituted under the Major Port Trusts Act, 1963, and squarely fall within the description of "public premises" under Section 2(e)(2)(v) of the Act, which expressly includes premises belonging to any Board of Trustees or successor company constituted under or referred to in the Major Port Trusts Act, 1963. This position stands proved through the unrebutted testimony of PW-1 and PW-2.





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Hence, Issue No. 25 is answered in the Affirmative.

**Issue No. 26: Do the Petitioners prove that this Hon'ble authority has exclusive jurisdiction under section 15 of PPE Act 1971 for grant of reliefs prayed for in Petition?**

Section 15 of the Act expressly bars the jurisdiction of civil courts to entertain any suit or proceeding in respect of the eviction of a person in unauthorised occupation of public premises, or the arrears of rent or damages or interest payable under Section 7, or any portion thereof. The petition premises having been held to be public premises and the Respondent's occupation having been held to be unauthorised, the exclusive jurisdiction to grant the reliefs claimed vests in this Authority.

Hence, Issue No. 26 is answered in the Affirmative.

**Issue No. 27: Do the Petitioners prove that the Petition has been signed and verified as required by Law?**

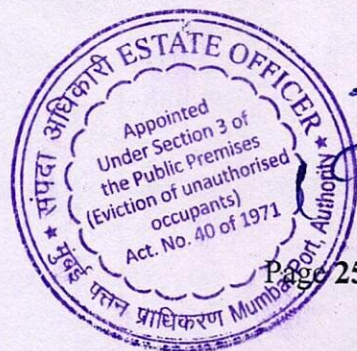
It stands proved, through the Power of Attorney/Letter of Authority Exhibited as PW-1/A, PW-1/B and PW-1/C, and further through the Letter of Authority dated 23.09.2023 in favour of Ms. Neha K. Sawant (PW-2) tendered and Exhibited as PW-2/D, that the Petition and the subsequent affidavits of evidence were signed, verified and deposed to by officers duly authorised in that behalf by the Petitioner.

Hence, Issue No. 27 is answered in the Affirmative.

**Issue No. 28: Whether the petitioner prove that they are entitled to initiate and prosecute this petition as summary proceeding under the provisions of law mentioned in para 14(a) of the Petition?**

The Act constitutes a special, self-contained code providing for a summary procedure such as Show Cause Notice under Section 4, opportunity of hearing, order of eviction under Section 5, and assessment of rent/damages under Section 7 before this Authority vested with the powers of a civil court under Section 8, subject to a right of appeal under Section 9 and a bar of civil court jurisdiction under Section 15. The Petitioner, being a statutory authority owning public premises, was entitled to invoke this summary procedure.

Hence, Issue No. 28 is answered in the Affirmative.





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**Issue No. 29:** *Whether the Petitioner prove that they are entitled to an order and decree against the Respondents directing the Respondents to hand over to the Petitioners the possession of the land in dispute together with tanks, buildings and all other paraphernalia of the factory of the Respondents as mentioned in para 14(b) of Petition?*

For the reasons recorded under Issue Nos. 21 and 22, the Petitioner's entitlement stands proved, the relief having since been rendered infructuous by the Respondent's voluntary surrender and the Petitioner's taking over of possession on 08.07.2024.

Hence, Issue No. 29 is answered in the Affirmative.

**Issue No. 30:** *Whether the Petitioner prove that they are entitled to any order and decree against the Respondents directing the respondents to make payments to the Petitioners of the sums of money as mentioned in sub-paragraphs (c), (d) and (e) of paragraph 14 of the Petition?*

The Petitioner's entitlement to the monetary reliefs claimed stands proved through the unrebutted testimony of PW-1 and PW-2, in the amounts and at the rates set out in the Computation section.

Hence, Issue No. 30 is answered in the Affirmative.

**Issue No. 31:** *Whether the Petitioner prove that the petitioner is entitled to any order or injunction in their favour and against the respondents in the terms mentioned in the paragraph 14(f) of the Petition or in any other terms?*

For the reasons recorded under Issue No. 24, this relief does not survive for grant, the Respondent having already surrendered possession.

Hence, Issue No. 31 is answered in the Not required to be answered on merits, having been rendered infructuous.

**Issue No. 32:** *Whether the Petitioner prove that they are entitled to claim and/or recover from the Respondents any sum or sums and by way of damages and/or interest and/or cost or otherwise on the ground alleged by the petitioner or on any one or more of those grounds or any other grounds?*

This stands proved for the reasons recorded under the preceding issues and elaborated in the Computation section below.

Hence, Issue No. 32 is answered in the Affirmative.





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**Issue No. 33: *Whether the Petition is liable to be dismissed with cost or compensatory cost on the basis of the submissions set out by the respondents in paragraph 1 to 18 of their written statements filed by the Respondents in this petition or on any one or more of those submissions or any other submission?***

In view of the findings recorded against the Respondent on Issue Nos. 1 to 15 above, none of the defences raised in paragraphs 1 to 18 of the Written Statement having been proved, the Petition is not liable to be dismissed on any of the said grounds.

Hence, Issue No. 33 is answered in the Negative.

**FINDINGS AND REASONS FOR THE ADDITIONAL ISSUES**

**Additional Issue No. 1: *Whether the Petitioner validly terminated the Monthly tenancy/ forfeiture/ Holding over of the Respondents?***

The Lease dated 10.09.1935, being for a fixed term of 50 years from 27.04.1932 without any renewal clause, stood terminated by efflux of time on 26.04.1982. Without prejudice to, and independently of, the said expiry, the Petitioner validly terminated any holding over or implied tenancy by the valid and duly served notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012, upheld under Issue No. 18 above.

Hence, Additional Issue No. 1 is answered in the Affirmative.

**Additional Issue No. 2: *Whether Respondents are unauthorized occupants of the said premises and liable to be evicted from the said premises?***

In terms of the Section 2(g) of the Act, the Respondent's continuance in occupation of the petition premises after expiry of the Lease and after termination of any tenancy or holding over squarely constitutes "unauthorised occupation" within the meaning of Section 2(g) of the Act, rendering the Respondent liable to be evicted therefrom under Section 5 of the Act. That liability, and the grounds of eviction, stand proved and are upheld; the actual relief of eviction, however, does not require to be separately ordered, possession having already been voluntarily surrendered by the Respondent and taken over by the Petitioner, as more fully discussed hereafter.

Hence, Additional Issue No. 2 is answered in the Affirmative.





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**Additional Issue No. 3: *Whether Respondents are liable to pay arrears of compensation as claimed by the Petitioner? If so, at what rate and what rate of interest?***

As per the discussions above, the Respondent is liable to pay arrears of compensation as elaborated in the Computation section attached with the Order.

Hence, Additional Issue No. 3 is answered in the Affirmative.

**Additional Issue No.4: *Whether Respondents are liable to pay damages as claimed by the Petitioner? If so, at what rate and what rate of interest?***

In view of the discussions as above, the Respondent is liable to pay arrears of damages/mesne profits for wrongful use and occupation of the petition premises as elaborated in the Computation section attached with the Order.

Hence, Additional Issue No. 4 is answered in the Affirmative.

**Additional Issue No.5 : *Do the Petitioner prove that they are entitled to claim damages/interest and/or other charges as prayed in newly added paragraph Nos. 6 & 7 and prayers 15(C) & 15(D) of the amended Petition?***

This stands proved through the unrebutted Additional Affidavit of Evidence of PW-2 dated 19.01.2026 and the documents Exhibited as Exhibit 'A' to Exhibit 'D', brought on record specifically to substantiate the amended claims for arrears, damages, interest and other consequential charges arising from the applicable Schedule of Rates and the applicable TR.

Hence, Additional Issue No. 5 is answered in the Affirmative.

**Issue No. 34: *What Decree?***

Answered by the operative directions set out in the Order below.

**Issue No. 35: *What Order?***

Answered by the operative directions set out in the Order below.





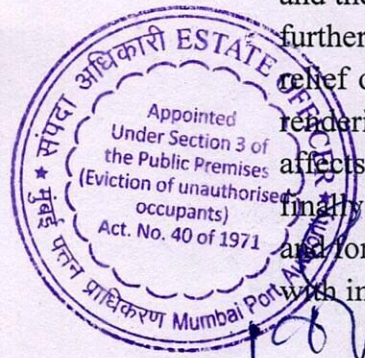
**MUMBAI PORT AUTHORITY  
OFFICE OF THE ESTATE OFFICER**

**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.

28. In view of the findings recorded above on Issue Nos. 1 to 35 and Additional Issue Nos. 1 to 5, this Authority holds and concludes that the Lease dated 10.09.1935 in respect of the petition premises expired by efflux of time on 26.04.1982, without any renewal thereof; that the notices to quit dated 05.12.2005, 16.09.2009 and 01.11.2012, terminating the Respondent's tenancy/holding over, if any, in respect of the petition premises, were valid and legal, and were duly served upon the Respondent, and the said notices to quit, together with the grounds of eviction stated therein, are hereby upheld and that, consequent upon such valid and effective termination, the Respondent's continuance in occupation of the petition premises constituted, and continues to constitute, "unauthorised occupation" within the meaning of Section 2(g) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Respondent is accordingly held and declared to be an unauthorised occupant of the petition premises within the meaning of Section 2(g) of the Act, liable to eviction therefrom under Section 5 of the Act and liable to pay arrears of rent/compensation, damages and interest thereon under Section 7 of the Act, as more particularly set out hereinafter.

29. It is observed here that by an application dated 05.07.2024, the Respondent, through its Advocate, voluntarily offered to surrender the right, title and possession of the petition premises, without prejudice to the rival contentions of the parties; that this Authority, by Order dated 05.07.2024, accepted the said surrender and directed the Petitioner's authorised representative, Shri Rahul Kumar Meena, Executive Engineer, to take over possession on 08.07.2024; and that possession was in fact so taken over, and a compliance report to that effect placed on record on 02.08.2024. As on the date of this Final Order, therefore, the Petitioner already stands restored to vacant and peaceful possession of the petition premises. In these circumstances, it is not warranted now to pass a fresh or formal order of eviction under sub-section (1) of Section 5 of the Act, directing the Respondent to vacate the petition premises. This Authority accordingly holds that the proceedings under Section 5 of the Act, insofar as they relate to recovery of possession, have been rendered infructuous by the Respondent's voluntary surrender and the Petitioner's resumption of possession, and are disposed of as such, without any further order of eviction being required to be passed. For the like reason, the ancillary relief of injunction claimed by the Petitioner does not survive for consideration. The rendering infructuous of the relief of possession under Section 5, however, neither affects nor extinguishes, in any manner whatsoever, this Authority's power and duty to finally determine the Petitioner's claim under Section 7 of the Act for arrears of rent and for assessment of damages for use and occupation of the petition premises, together with interest thereon under sub-section (2A) of that section.

30. In view of the findings recorded hereinabove, and upon perusal of the statement of dues placed on record by the Petitioner, this Authority has assessed the arrears of





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compensation, service tax/GST and interest thereon, for the period up to 31.05.2013, aggregating to Rs. 35,65,52,895.52 (Rupees Thirty-Five Crore Sixty-Five Lakh Fifty-Two Thousand Eight Hundred Ninety-Five and Paise Fifty-Two only), with interest as on 30.06.2026, and damages for wrongful use and occupation of the petition premises, for the period from 01.06.2013 to 07.07.2024 (being the date of surrender and handing over of possession), aggregating to Rs. 4,73,46,00,717.36 (Rupees Four Hundred Seventy-Three Crore Forty-Six Lakh Seven Hundred Seventeen and Paise Thirty-Six only), with interest as on 30.06.2026.

31. The Respondent is ordered and directed to pay the aforesaid amounts aggregating to a total of Rs. 5,09,11,53,612.88 (Rupees Five Hundred Nine Crore Eleven Lakh Fifty-Three Thousand Six Hundred Twelve and Paise Eighty-Eight only) within one month from the date of this Order, failing which the Petitioner shall be entitled to recover the same, in accordance with Law.
32. I hereby pass orders for payment of arrears of compensation, damages, taxes and other charges under Section 7 of the 1971 Act against the Respondent. Accordingly, order in Form 'G' is issued. The latest Statement of Dues/ Liability payable dated 28.07.2026, on the basis of which the aforesaid amounts have been assessed, is annexed hereto and forms part of this Order.
33. This Final Order is accordingly passed and pronounced.

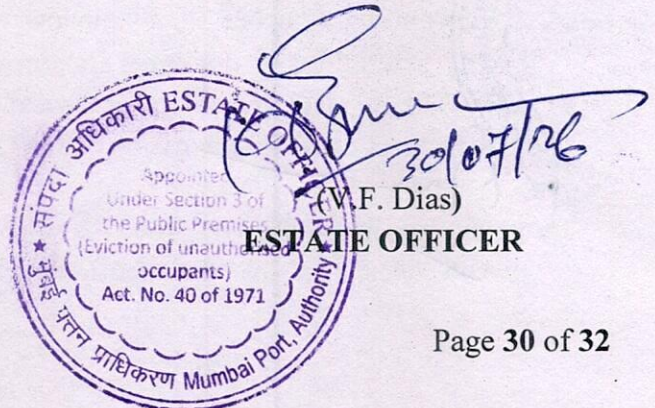
**SCHEDULE**

**Description of the Petition Premises**

Plot of land bearing old RR No. 1249, Nadkarni Marg, Wadala, Mumbai, admeasuring 15,000 sq. yards equivalent to 12,541.91 sq. mtrs, bounded as follows::

On or towards the North by: MbPT Plot No. RR 1314  
On or towards the South by: MbPT Plot No. RR 1776  
On or towards the East by: MbPT Plot No. RR 2026  
On or towards the West by: L.M. Nadkarni Marg

Place: Mumbai  
Date: 30.07.2026





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The Estate Officer, 6th Floor, Vijay deep bldg., S. V. Marg, Ballard Estate, Mumbai – 400 001.

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**CASE NO. EO/E (147) 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 Western India Oil Distributing Co. Ltd.**

Petroleum Installation, Nadkarni Marg,  
Opp. BPT Hospital, Wadala,  
Mumbai 400 037

... **Respondents**

**FORM - G**

*(Order under Sub Section (2) and (2-A) of Section 7 of The Public Premises (Eviction of Unauthorised Occupants) Act 1971)*

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

AND WHEREAS, by written notice dated 09.12.2014 you were called up on to show cause on 26.12.2014, why an order requiring you to pay arrears of compensation for wrongful use and occupation of the premises amounting to Rs. 15,72,09,231.21/- should not be made;

AND WHEREAS, I have considered your objections 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 of Rs. 5,09,11,53,612.88 (Rupees Five Hundred Nine Crore Eleven Lakh Fifty-Three Thousand Six Hundred Twelve and Paise Eighty-Eight only) assessed by me as compensation and damages on account of your unauthorised occupation of the premises.





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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 compound interest @ 15% per annum on the above sum w.e.f. 31.03.2004 till its final payment.

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

**SCHEDULE**

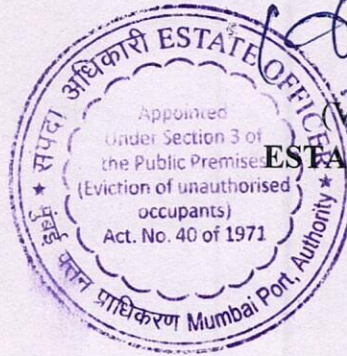
**Description of the Petition Premises**

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On or towards the West by: L.M. Nadkarni Marg

Place: Mumbai

Date: 30.07.2026



(V.F. Dias)  
**ESTATE OFFICER**



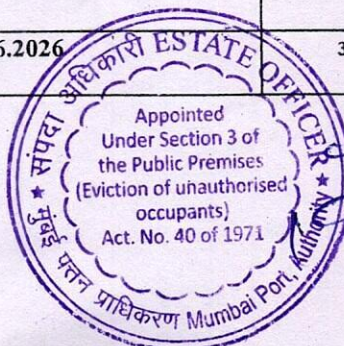
MUMBAI PORT AUTHORITY  
ESTATE DIVISION

28-07-2026

NAME OF THE TENENT:- THE WESTERN INDIA OIL DISTRIBUTING CO LTD  
PLOT NO :- R R 1249  
CODE :- 10101132  
AREA (Sqmters) :- 12541.91

Note :- ERRORS AND OMISSIONS EXCEPTED

| Sr. No.                                                                                                               | CHARGES                                                                                                    | RS.             |                     |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------|---------------------|
| 1                                                                                                                     | COMPENSATION ARREARS UPTO TO 31.03.2004                                                                    | 25587041.36     |                     |
| 2                                                                                                                     | ADD : INTEREST BILLED BUT NOT PAID UPTO 31.03.2004                                                         | 11189.67        |                     |
| 3                                                                                                                     | TOTAL ARREARS UPTO 31.03.2004                                                                              | 25598231.03     |                     |
| 4                                                                                                                     | LESS : AMOUNT ADJUSTED TOWARDS ARREARS UPTO 31.03.2004                                                     | 1017399.30      |                     |
| 5                                                                                                                     | BALANCE ARREARS UPTO 31.03.2004                                                                            | 24580831.74     |                     |
| 6                                                                                                                     | INTEREST ON ABOVE ARREARS AFTER NOTIONAL ADJUSTMENT (AS ON 30.06.2026)                                     | 52775420.65     |                     |
| 7                                                                                                                     | ARREARS UPTO 31.03.2004 INCLUDING INTEREST AS ON 30.06.2026                                                | 77356252.39     |                     |
| 8                                                                                                                     | LESS : AMOUNT LYING IN MD A/C                                                                              | 4745235.49      |                     |
| 9                                                                                                                     | AMOUNT PAYABLE WITH INTEREST ON ARREARS UPTO 31.03.2004 WITH INTEREST AS ON 30.06.2026                     | 72611016.90     | .....(A)            |
| 10                                                                                                                    | COMPENSATION ARREARS FROM 01.04.2004 TO 31.08.2006                                                         | 1999675.26      | 9228572.46<br>(B)   |
| 11                                                                                                                    | INTEREST ON COMPENSATION ARREARS FROM 01.04.2004 TO 31.08.2006 AS ON 30.06.2026                            | 7182832.24      |                     |
| 12                                                                                                                    | INTEREST BILLED BUT NOT PAID FROM 01.04.2004 TO 31.08.2006                                                 | 46064.96        |                     |
| 13                                                                                                                    | COMPENSATION ARREARS FROM 01.09.2006 TO 30.09.2012 (AS PER TR 127/2006)                                    | 60222182.82     | 238749761.34<br>(C) |
| 14                                                                                                                    | INTEREST ON COMPENSATION ARREARS FROM 01.09.2006 TO 30.09.2012 as on 30.06.2026                            | 168467103.15    |                     |
| 15                                                                                                                    | INTEREST BILLED BUT NOT PAID FROM 01.09.2006 TO 30.09.2012                                                 | 48022.04        |                     |
| 16                                                                                                                    | SERVICE TAX ARREARS FROM 01.09.2006 TO 30.09.2012                                                          | 6045524.01      |                     |
| 17                                                                                                                    | INTEREST ON SERVICE TAX/GST ARREARS FROM 01.09.2006 TO 30.09.2012 as on 30.06.2026                         | 3966929.325     |                     |
| 18                                                                                                                    | SERVICE TAX INTEREST BILLED BUT NOT PAID FROM 01.09.2006 TO 30.09.2012                                     | 0.00            |                     |
| 19                                                                                                                    | COMPENSATION ARREARS FROM 01.10.2012 TO 31.05.2013 (AS PER TR 127/2006)                                    | 7642144.80      | 27807215.62<br>(D)  |
| 20                                                                                                                    | INTEREST ON COMPENSATION ARREARS FROM 01.10.2012 TO 31.05.2013 as on 30.06.2026                            | 16946454.32     |                     |
| 21                                                                                                                    | INTEREST BILLED BUT NOT PAID FROM 01.10.2012 TO 31.05.2013                                                 | 0.00            |                     |
| 22                                                                                                                    | SERVICE TAX ARREARS FROM 01.10.2012 TO 31.05.2013                                                          | 944569.04       |                     |
| 23                                                                                                                    | INTEREST ON SERVICE TAX/GST ARREARS FROM 01.10.2012 TO 31.05.2013 as on 30.06.2026                         | 2274047.46      |                     |
| 24                                                                                                                    | SERVICE TAX INTEREST BILLED BUT NOT PAID FROM 01.10.2012 TO 31.05.2013                                     | 0.00            |                     |
| 25                                                                                                                    | DIFFERENTIAL ARREARS AS PER SOR APPROVED FROM 01.10.2012 TO 31.05.2013                                     | 4448256.48      | 8156329.20<br>(E)   |
| 26                                                                                                                    | INTEREST ON DIFFERENTIAL ARREARS AS PER SOR APPROVED FROM 01.10.2012 TO 31.05.2013 AS ON 30.06.2026        | 2390937.60      |                     |
| 27                                                                                                                    | GST ON DIFFERENTIAL ARREARS AS PER SOR APPROVED FROM 01.10.2012 TO 31.05.2013                              | 800686.16       |                     |
| 28                                                                                                                    | INTEREST ON GST ON DIFFERENTIAL ARREARS AS PER SOR APPROVED FROM 01.10.2012 TO 31.05.2013 AS ON 30.06.2026 | 516448.96       |                     |
| Total Arrears payable upto 31.05.2013 with interest as on 30.06.2026<br>(A + B + C + D + E) (Excluding premiums etc.) |                                                                                                            | 35,65,52,895.52 | 35.66 Crs           |





# Statement Damages Payable.

NAME OF THE TENENT:- THE WESTERN INDIA OIL DISTRIBUTING CO LTD  
PLOT NO :- R R 1249  
CODE :- 10101132 Vacated on : 07.07.2024  
AREA (Sqmts) :- 12541.91  
ACTUAL FSI 0.29  
EFFECTIVE REVISED FSI 1

Note :- CALCULATIONS ARE SUBJECT TO AUDIT VERIFICATION

Zone : 14/101 of Ready Reckoner 2012 & 2017 AND  
14/101C of Ready Reckoner 2022

|                                          |      |
|------------------------------------------|------|
| RATE AS PER SOR APPROVED BY TAMP         |      |
| Actual FSI (Subject to Verification)     | 0.29 |
| FSI Considered (Subject to Verification) | 1.00 |

| Period                   | As per SOR Approved<br>Rate for<br>FSI = 1 |                    |
|--------------------------|--------------------------------------------|--------------------|
| 01.10.2012 to 30.09.2013 | 120.00                                     |                    |
| 01.10.2013 to 30.09.2014 | 124.80                                     | (4% INCREASE P.A.) |
| 01.10.2014 to 30.09.2015 | 129.79                                     |                    |
| 01.10.2015 to 30.09.2016 | 134.98                                     |                    |
| 01.10.2016 to 30.09.2017 | 140.38                                     |                    |
| 01.10.2017 to 30.09.2018 | 575.00                                     |                    |
| 01.10.2018 to 30.09.2019 | 598.00                                     | (4% INCREASE P.A.) |
| 01.10.2019 to 30.09.2020 | 621.92                                     |                    |
| 01.10.2020 to 30.09.2021 | 646.80                                     |                    |
| 01.10.2021 to 30.09.2022 | 672.67                                     |                    |
| 01.10.2022 to 31.05.2023 | 699.58                                     |                    |
| 01.06.2023 TO 30.09.2023 | 347.35                                     |                    |
| 01.10.2023 TO 30.09.2024 | 354.30                                     | (2% INCREASE P.A.) |

Damages payable from 01.06.2013 ( Three times of SOR approved)

| Period                   | Rate per sqm p.m. for FSI 1 | Three times rate per<br>sqm p.m. for<br>Damages | Damges p.m. |
|--------------------------|-----------------------------|-------------------------------------------------|-------------|
|                          | (A)                         | (B) = (A X 3)                                   | (B) X AREA  |
| 01.06.2013 to 30.09.2013 | 120.00                      | 360.00                                          | 4515087.60  |
| 01.10.2013 to 30.09.2014 | 124.80                      | 374.40                                          | 4695691.10  |
| 01.10.2014 to 30.09.2015 | 129.79                      | 389.38                                          | 4883518.75  |
| 01.10.2015 to 30.09.2016 | 134.98                      | 404.95                                          | 5078859.50  |
| 01.10.2016 to 30.09.2017 | 140.38                      | 421.15                                          | 5282013.88  |
| 01.10.2017 to 30.09.2018 | 576.00                      | 1725.00                                         | 21634794.75 |
| 01.10.2018 to 30.09.2019 | 598.00                      | 1794.00                                         | 22500188.54 |
| 01.10.2019 to 30.09.2020 | 621.92                      | 1865.76                                         | 23400194.00 |
| 01.10.2020 to 30.09.2021 | 646.80                      | 1940.39                                         | 24336201.76 |
| 01.10.2021 to 30.09.2022 | 672.67                      | 2018.01                                         | 25309649.83 |
| 01.10.2022 to 31.05.2023 | 699.58                      | 2098.73                                         | 26322035.82 |
| 01.06.2023 TO 30.09.2023 | 347.35                      | 1042.05                                         | 13069297.32 |
| 01.10.2023 TO 07.07.2024 | 354.30                      | 1062.89                                         | 13330683.26 |

## DAMAGES FROM 01.06.2013 TO 07.07.2024 AT THREETIMES OF SOR APPROVED

| SR NO | PARTICULARS                                                                           | AMOUNT in RS.            |
|-------|---------------------------------------------------------------------------------------|--------------------------|
| 1     | Damages From 01.06.2013 to 07.07.2024 (Date of Vacation)                              | 2050437719.51            |
| 2     | Damages Service Tax/GST From 01.06.2013 to 07.07.2024                                 | 358443430.49             |
| 3     | Interest on Damages From 01.06.2013 to 07.07.2024 as on 30.06.2026                    | 1940394894.60            |
| 4     | Interest on Damages Service Tax/GST From 01.06.2013 to 07.07.2024 as on 30.06.2026    | 385324672.76             |
| 5     | Interest Billed But Not Paid from 01.06.2013 to 07.07.2024                            | 0.00                     |
| 6     | Service Tax / GST Interest Billed But Not Paid from 01.06.2013 to 07.07.2024          | 0.00                     |
|       | <b>Total Damages From 01.06.2013 to 07.07.2024 with interest as on 30.06.2026 Rs.</b> | <b>4,73,46,00,717.36</b> |

473.46 Crs





Recd Copy  
Mg  
(Adv for Petitioner)  
30/7/26