



MUMBAI PORT TRUST

CAUTION NOTICE

Attention of the public is invited by The Board of Trustees of the Port of Mumbai (hereinafter referred to as the "**Board**") to the Notice appearing in the issue of the newspaper "**The Free Press Journal**" dated **30/08/2018** and in the issue of the Marathi Newspaper "**Nav Shakti**" dated **30/08/2018** issued by J. M. Financial Asset Reconstruction Company Ltd., under the provisions of the SARFAESI Act in respect of the property described below.

The Board states that by Notice dated **27/09/2012** the interest of the lessees i.e. Shubh Hospitality Private Limited, in the Plot and the building standing thereon known as "**Shelley's Estate**" on RR No.1245, Cadastral Survey No. 10/384, 30, P. J. Ramchandani Marg (Opposite Radio Club), Strand Road, Colaba, Mumbai 400 005, has been terminated with effect from **01/01/2013**. The Board further states that pursuant to the aforesaid notice the Board has filed eviction proceedings, proceedings for recovery of arrears and damages before the Estate Officer vide EO/E/ (135)(135A)(135B) of 2013 against Shubh Hospitality Private Limited, Bank of India, J. M. Financial Asset Reconstruction Company Ltd. The Board further states that the Estate Officer has issued a show cause notice dated **18/2/2018** against Shubh Hospitality Private Limited, Bank of India, J. M. Financial Asset Reconstruction Company Ltd under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The said proceedings are pending before the Estate Officer. The Board further states that the Hon'ble High Court of Bombay on **25/3/2013** in Writ Petition no. 502/2013 filed by the Board against the Shubh Hospitality Private Limited, Bank of India, J. M. Financial Asset Reconstruction Company Ltd has held that: "*The auction purchaser, if any would acquire the property, subject to the rights, if any, of the Petitioners (The Board of Trustees of the Port of Mumbai)*"

In view of the above the said lessees, sub-lessees, mortgagees and all persons claiming by under or through them are unauthorized occupants within the meaning of that expression as defined under Section 2(g) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In view thereof, the proposed purported E-Auction sale of the property described herein below is illegal.

The proposed auction purchasers are hereby warned that they are liable to be evicted in the pending proceedings before the Estate Officer against the said Lessees i.e. Shubh Hospitality Private Limited, Bank of India and J. M. Financial Asset Reconstruction Company Ltd. Hence, person/s dealing with the said property shall do so at their own risk. The Auction purchasers are warned the Board shall under no circumstances transfer/assign the premises in the name of the prospective purchaser/s as the proposed sale / assignment itself is ab-initio illegal. The lessee Shubh Hospitality Private Limited are in arrears of compensation of **₹ 41.23 Crores** as on **31/08/2018** payable in terms of Board's applicable policies and Board of Trustees' decision in the matter will be final and binding to all the concerned parties. Board reserves further right to recover charges / penalties towards breaches of lease terms and Board's decision in the matter will be final and binding on all the parties.

Description of property proposed to be auctioned by J. M. Financial Asset Reconstruction Company Ltd.

Property comprising of Leasehold interest in Land known as "**Shelley's Estate**" bearing Cadastral Survey No. 10/384 of Colaba Division i.e. RR No.1245, situated at Apollo Reclamation Estate, admeasuring 1036.71 square meters or thereabouts as per records of Collector of Land Revenue, Mumbai in the Registration Sub-district and District Mumbai City and Mumbai Suburban and located at 30, P. J. Ramchandani Marg (Opposite Radio Club), Strand Road, Colaba, Mumbai 400 005, together with building known as "**Shelley's Hotel**" standing thereon and furnitures and fixtures and other movable properties inside the building.

MbPT-00-2018

For The Board of Trustees of the Port of Mumbai