



o/c

FORM - I

SPEED POST WITH A/D.

THE ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)

Public Premises (Eviction of Unauthorised Occupants) Act, 1971

OFFICE OF THE ESTATE OFFICER

6, Fairlie Place, Strand Warehouse(1st Floor)

KOLKATA - 700 001

ORDER NO. 95 DT: 02.03.2022.

PROCEEDINGS NO. 162/D, 163/D, 164/D, 165/D, 166/D of 1993

Court Room At the 1st Floor
6, Fairlie Place, Strand Warehouse,
Strand Road, Kolkata- 700 001.

THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

**M/S. GRAND SMITHY WORKS
(NOW KNOWN AS GRAND SMITHY WORLDS LLP)**

[Certificate u/s.14 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971, from the Estate Officer to the Collector].

The Collector,
Office of the Ld. District Magistrate & District Collector
South 24 Parganas
12, Biplabi Kanai Bhattacharya Sarani,
New Admn. Building,
Certificate Section, 1st Floor, Alipore,
Kolkata - 700 027.

3783

This is to certify that occupational charges amounting to Rs 1,90,29,327.43, including interest i.e. Rs. 62,73,762.63 , for 3 (three) plots viz. GR 43/1, GR 43/2 and GR 43/3 for the period from 01.07.1983 to 21.03.2018 (both days inclusive) and the occupational charges of Rs 1,09,64,511.2 , including interest of Rs 15,35,174.08, for 2 (two) plots viz. GR 43/4 and GR 43/6 for the period from 01.02.1983 to 31.01.2018 (both days inclusive) are due to Syama Prasad Mookerjee Port, Kolkata (a Statutory Authority) having its Head Office at 15, Strand Road, P.S. Hare Street, Kolkata-700001, as Damages from Grand Smithy Worlds LLP and all of its designated partners of 11, Hemanta Basu

PLEASE SEE ON REVERSE

:2:

Sarani, Kolkata- 700 069 in respect of SMPK's 5 (five) plots, being plate nos GR/1 (measuring about 961.55 sqm), GR/2 (measuring about 2149.68 sqm), GR/3 (measuring about 192.77 sqm), GR/4 (measuring about 2127.200 sqm) and GR/6 (measuring about 259.757 sqm) situated at Garvel siding, Thana South Port Police Station, District 24-Parganas, Kolkata.

In pursuance of Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I, Shri Kausik Kumar Manna, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date: 03.03.2022



SIGNATURE & SEAL OF ESTATE OFFICER

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Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

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In terms of the Order dated 16.09.2021 passed in the Contempt Petition (C) No 688/2020 in connection with SLP (C) 9055 of 2020, the Hon'ble Supreme Court of India was pleased to direct the undersigned, discharging powers and functions as the Estate Officer, Syama Prasad Mookerjee Port, Kolkata to examine the issues involved and quantify the amounts payable by the entities/ Respondents in the said Contempt Petition (C) No 688/2020 for their occupations in the public premises of Syama Prasad Mookerjee Port, Kolkata (hereinafter referred to as 'SMP, Kolkata') and after such assessment, to submit a Report thereof before the Hon'ble Supreme Court.

In compliance of the said directions passed by the Hon'ble Supreme Court, I have issued notices, individually, upon the appearing Respondents in the Contempt Petition (C) No. 688/2020 viz. the Grand Smithy Worlds LLP (Respondent No 1), all of its Designated Partners (Respondents no 2 to 8) and Shri Srikant Yadav (Respondent No 9). A newspaper publication of such notice has also been made in widely circulated English daily 'The Times of India, Kolkata edition' on 12.10.2021 for a notice to all concerned regarding the proceedings to be held by the undersigned. The parties viz. Grand Smithy Worlds LLP and Shri Srikant Yadav have appeared before me through their respective Ld. Advocates. I have heard the parties on several occasions on 05.10.2021, 18.10.2021, 21.10.2021, 22.10.2021, 26.10.2021, 27.10.2021, 28.10.2021, 29.10.2021 and lastly on 01.11.2021 alongwith the representatives of SMP, Kolkata in order to quantify the dues payable by each of the entities for their respective period of occupation in 5 (five) no of plots (GR 43/1, GR 43/2, GR 43/3 GR 43/4 and GR 43/6) of land being the 'Public Premises' as defined under Section 2 (e) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as Public Premises Act, 1971) held by Grand Smithy Worlds LLP under certain terms and conditions as a tenant of SMP, Kolkata. I have recorded the





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submissions/ arguments advanced by the parties on daily basis in the 9 (nine) nos. of scheduled dates of hearings commencing from 05.10.2021 to 01.11.2021. During the course of such process, I have carefully gone through the contentions advanced by the parties and the documents/ materials/ papers submitted on record.

Upon considering all, a Report has been prepared by the undersigned and the same has been filed before the Hon'ble Supreme Court of India. The Report contains the assessment of dues payable by each unauthorised occupant/s viz. Grand Smithy Worlds LLP and Shri Srikant Yadav for their respective period of occupation in the Public Premises in question from the date of incurrance of liability for payment till the possession of the premises were taken.

The Hon'ble Supreme Court of India upon perusal of the said Report and considering the matter, was pleased to dispose of the contempt petition while passing the Order dated 25.11.2021 directing, inter alia, that the:

- [Handwritten signature]*
- i) respondent/ contemnor viz. Shri Srikant Yadav to pay the dues as mentioned in the said Report in instalments, and
 - ii) undersigned to recover the amounts as determined/ mentioned in the said Report against the other parties viz. Grand Smithy Worlds LLP and its designated Partners, being the Respondent Nos. 1 to 8 in the said contempt petition.

The relevant portion of the said Order is reproduced below:

".....Perused the report and heard learned counsel for parties. The primary responsibility of the respondent-contemnor as determined by the Estate Officer is Rs.1,27,40,110.61 which is still due. Learned counsel for the contemnor submits that the amount being large some instalments may be given. After some discussions, it is proposed by learned counsel for

[Handwritten signature]

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respondent/contemnor that a sum of Rs.27,40,110.61 will be paid on or before 31.12.2021. The remaining Rs.1 crore will be paid in equal 5 monthly instalments of Rs.20 lakh each, first instalment being payable on or before 31.01.2022, and correspondingly the remaining four instalments also being payable before the end of the succeeding months. The proposal is accepted. Formal undertaking be filed by the respondent in this behalf within ten days.

We make it clear that the consequences will now be severe for the respondent/contemnor if he does not adhere to the undertaking in view of his past conduct, and the problem being one of own making of the respondent.

The contempt petition stands disposed of in above terms with liberty to revive in case of any non-compliance.

At the request of learned counsel for the respondent/contemnor, it is made clear that in case they are able to persuade the Estate Officer on account of any calculation aspect, they are at liberty to do but this will not impede, in any manner, the compliance schedule laid down by this Court.

Needless to say, the Estate Officer is at liberty to recover the amounts as determined against other parties.."

In compliance of the said Order dated 16.09.2021 passed in the Contempt Petition (C) No 688/2020 in connection with SLP (C) 9055 of 2020, I have found that Grand Smithy Worlds LLP is liable to make payment of the occupational charges i.e. Rs 1,90,29,327.43, including interest i.e. Rs. 62,73,762.63 , for 3 (three) plots viz. GR 43/1, GR 43/2 and GR 43/3 in full from the date of incurrance of liability i.e. 01.07.1983 till the date of taking over of possession i.e., on 21.03.2018 and the occupational charges of Rs 1,09,64,511.2 , including interest of Rs 15,35,174.08, for 2 (two) plots viz. GR 43/4 and GR 43/6 from the date of incurrance of liability i.e. 01.02.1983 till

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31.01.2018, as admittedly the occupation of Shri Srikant Yadav commenced on 01.02.2018.

This Forum passed the Order no 94 dated 07.01.2022 directing Grand Smithy Worlds LLP and all its designated partners to pay the amount on or before 31.01.2022.

Now, it is learnt from the application of SMP, Kolkata bearing no Lnd 4104/4/14/VIII/22/425 dated 16.02.2022 that neither Grand Smithy Worlds LLP nor its Designated Partners (being the Respondent No 1 to 8 of the Contempt Petition before the Hon'ble Supreme Court of India) has tendered a single farthings in compliance of the Order no 94 dated 07.01.202 and it is prayed in terms of the said application dated 16.02.2022 that a certificate to the Ld. Collector be issued under Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for recovery of the dues as arrears of land revenue against the said parties, viz. Grand Smithy Worlds LLP and its designated partners. It is further known from the said application of SMP, Kolkata dated 16.02.2022 that Shri Srikant Yadav, being the Respondent No 9 in the said Contempt Petition, has been complying with the Order of the Hon'ble Supreme Court and paid instalment amount upto 31.01.2022.

It appears that the address of the concerned Collectorate has been provided by SMP, Kolkata vide their said application dated 16.02.2022 for the realisation of the adjudged dues against the parties, viz. Grand Smithy Worlds LLP and all its designated partners.

Accordingly, I sign the Certificate u/s 14 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 today. Department is directed to serve certified copy of this Order as well as the Certificate (in FORM- I) issued under the provisions of Section 14 of the Act upon the Collector being
Learned District Magistrate & District Collector of South





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M/S. Girana Smithy Works,

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24 Parganas having office at **12, Biplabi Kanai Bhattacharya Sarani, New Admn. Building, Certificate Section, 1st Floor, Alipore, Kolkata - 700 027** through 'Speed Post/Registered Post'.

Department is also directed to serve certified copy of this Order and a copy of the Certificate (in FORM- I) upon the Estate Manager, SMP, Kolkata who is directed to pursue the matter with the said Collectorate for realisation of outstanding damages of SMP, Kolkata amounting to Rs 1,90,29,327.43, including interest i.e. Rs. 62,73,762.63 , for 3 (three) plots viz. GR 43/1, GR 43/2 and GR 43/3 and the occupational charges of Rs 1,09,64,511.2 , including interest of Rs 15,35,174.08, for 2 (two) plots viz. GR 43/4 and GR 43/6 as adjudicated upon by this Forum of Law in accordance with law vide Order no 94 dated 07.01.2022 from Grand Smithy Works (now known as Grand Smithy Worlds LLP) and all its Designated Partners.

All concerned are directed to act accordingly.


(Kausik Kumar Manna)
ESTATE OFFICER