

REGISTERED POST WITH A/D.  
HAND DELIVERY  
AFFIXATION ON PROPERTY

**ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(erstwhile KOLKATA PORT TRUST)**

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)  
Public Premises (Eviction of Unauthorized Occupant) Act 1971

OFFICE OF THE ESTATE OFFICER

6, Fairley Place (1st Floor)

KOLKATA - 700 001

\*\*\*\*\*

Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 42 DT 21.12.2021  
PROCEEDINGS NO. 170/D & OF 1993

**Form "G"**

Form of order under Sub-section (2) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
**M/s Chimanlal Desai & Co.,  
54, Bentick Street,  
Kolkata- 700 001  
AND  
80, Dr. Suresh Sircar Road,  
Kolkata- 700 014  
AND also at  
Hazi Adam Mansion, Homi Street,  
Sir Phiroz Shah Mehata Road, Fort,  
Bombay-1.**

By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
24.12.2021  
Head Assistant  
ESTATE OFFICER  
KOLKATA PORT TRUST

Whereas I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

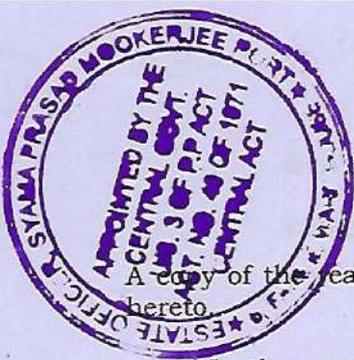
And whereas by written notice dated 29.09.2021 you were called upon to show-cause on/or before 25.10.2021 why an order requiring you to pay a sum of Rs 3,04,76,969.07 ( Rupees Three Crores Four Lakhs Seventy Six Thousand Nine Hundred Sixty Nine and paise seven only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs 3,04,76,969.07 ( Rupees Three Crores Four Lakhs Seventy Six Thousand Nine Hundred Sixty Nine and paise seven only) for the period from 01.08.1984 to 03.05.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 07.01.2022.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse



:2:

A copy of the reasoned order no. 42 dated 21.12.2021 is attached hereto.

In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

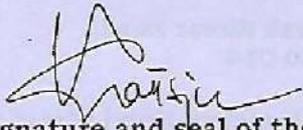
### SCHEDULE

#### Plate no : D- 299

Piece or parcel of land measuring about 5365.15 sqm. or thereabouts is situate at Hide Road Extn. , Thana : South Port Police Station, Registration District- Alipore, District- 24 Parganas (South). It is bounded on the North by the Trustees' land leased to M/s Balmer Lawrie & Co. Ltd., On the East by the Trustees' strip of land (open land) beyond which is a Calcutta Port Trusts' Railway Siding, on the South by the Trustees' land leased to M/s Simons India Limited and on the West by Hide Road Extn.

Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata.)

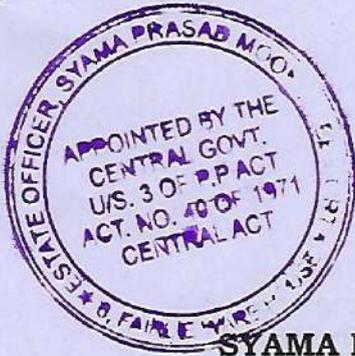
Dated: 24.12.2021

  
Signature and seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST FOR INFORMATION.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
24.12.2021  
Hd. Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

WEd. copy.



REGISTERED POST WITH A/D  
HAND DELIVERY/AFFIXATION ON  
PROPERTY

**ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(erstwhile KOLKATA PORT TRUST)**

(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, Fairley Place (1st FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO. 170/R OF 1993  
ORDER NO. 42 DATED: 21-12-2021.

Form of order under Sub-section (1) and (2A) of Section 7 of the Public  
Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
M/s Chimanlal Desai & Co.,  
54, Bentick Street,  
Kolkata- 700 001  
AND  
80, Dr. Suresh Sircar Road,  
Kolkata- 700 014  
AND also at  
Hazi Adam Mansion, Homi Street,  
Sir Phiroz Shah Mehata Road, Fort,  
Bombay-1.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSES BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
J. D. 24-12-2021  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

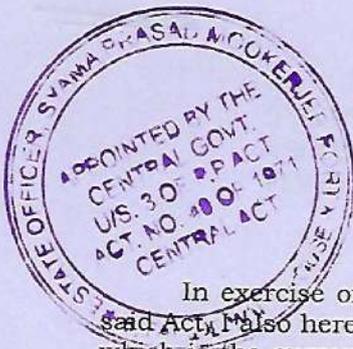
WHEREAS you are in occupation of the public premises described in the  
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 29.09.2021 you were called upon to  
show cause on/or before 25.10.2021 why an order requiring you to pay a sum of  
Rs 96,932.22 (Rupees Ninety Six Thousand Nine Hundred Thirty Two and paise  
Twenty Two only) being the rent payable together with compound interest in  
respect of the said premises should not be made;

And whereas you have not made any objections or produced any evidence  
before the said date,

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of  
Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I  
hereby require you to pay the sum of Rs 96,932.22 (Rupees Ninety Six Thousand  
Nine Hundred Thirty Two and paise Twenty Two only) for the period 01.10.1983 to  
31.07.1984 (both day inclusive) to Kolkata Port Trust by 07-01-2022.

PLEASE SEE ON REVERSE



: 2 :

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

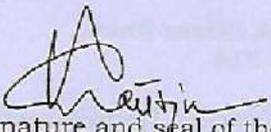
### SCHEDULE

#### Plate No. D-299

Piece or parcel of land measuring about 5365.15 sqm. or thereabouts is situate at Hide Road Extn. , Thana : South Port Police Station, Registration District- Alipore, District- 24 Parganas (South). It is bounded on the North by the Trustees' land leased to M/s Balmer Lawrie & Co. Ltd., On the East by the Trustees' strip of land (open land) beyond which is a Calcutta Port Trusts' Railway Siding, on the South by the Trustees' land leased to M/s Simons India Limited and on the West by Hide Road Extn.

Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata.)

Dated: 24-12-2021

  
Signature and seal of the  
Estate Officer

**COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST FOR INFORMATION.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
24-12-2021  
J. H. Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 170, 170/R & 170/D Of 1993 Order Sheet No. 42

## BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*M/s. Chiman<sup>VS</sup> Lal Desai & Co.*

### FINAL ORDER

The instant proceedings No. 170, 170/R & 170/D and of 1993 arise out of the application bearing No. Lnd.4222/III/21/2756 dated 26.07.2021 and further application bearing no Lnd.4222/III/21/3328 dated 16.09.2021 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, praying for an order of recovery of dues on account of Rent, Compensation etc. along with accrued interest thereon, in respect of the subject public premises, against **M/s Chimanlal Desai & Co.**, (hereinafter referred to as **O.P.**), under the relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as '**the Act**').

The fact of the case in a nutshell, as revealed from records, is that the O.P., came into occupation of the port property of piece or parcel of land measuring 5365.15 sqm or thereabouts situated at Hide Road Extn, Thana: South Port Police Station, District: 24 Parganas (South), comprised under occupation no D-299, as a long term lessee. Thereafter, a proceeding was initiated before this Forum by SMP, Kolkata for eviction of O.P. from the public premises in question, on certain grounds. The Order of eviction of O.P. was passed by this Forum u/s 5 of the Act on 24.05.2004. Thereafter, the Order of Eviction was confirmed by the Ld. District Judge, South 24 Parganas in Appeal and the Hon'ble High Court, Calcutta by Order dated 22.11.2016 in C.O. No. in Appeal and the Hon'ble High Court, Calcutta by Order dated 22.11.2016 in C.O. No.3528 of 2016 (M/s Senal Tea Co. -Vs- The Estate Officer & Ors.) as well. Finally, the possession of the premises was recovered on 03.05.2017 by SMPK, with certain goods/ articles/materials lying inside therein. SMP, Kolkata authority

42

21-12-2021

By Order of:

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*J. H. 4-12-2021*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

# 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

Proceedings No. 170, 170/R & 170/D Of 1993 Order Sheet No. 44

## BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
*M/s. Chinan Lal Desai & Co.*

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21-12-2021

was directed to make necessary security arrangements for the goods/ articles/ materials left by the unauthorised occupant/ O.P. in the public premises in question. SMP, Kolkata was entitled to claim the adjustment of its dues against the outstanding dues on account of rent/ damage against O.P., after disposal of the goods/ articles/ materials left by the unauthorised occupant/ O.P. in the public premises in question. In exercise of the powers conferred upon this Forum u/s 6 of the Act, and Rules made there-under in respect of the disposal of the property left by the unauthorised occupant, a notice was issued to O.P. as per Rules, giving 14 days time to take immediate action as per notice for disposal of the property left on the public premises in question. Newspaper publication of such notice was also made. No one from the O.P.'s side except one M/s T.T.D. Industries turned up to claim possession of the goods/ articles/ materials in terms of the notice u/s 6 of the Act as published in English daily "The Telegraph" on 07.06.2017. List of Inventories, valuation and fixation of the "Reserve Sale Price" of goods/ articles/ materials was made for disposal of the same as per Law. The amount recovered through auction sale of such goods/ articles/ materials was required to be kept separately for the purpose of redemption of SMP, Kolkata's claim on account of its dues/ charges ( including other payment of cost of sale, engagement of Valuer etc.) In the meantime the said M/s T.T.D. Industries filed an application praying for the release of goods lying inside the subject premises. However, the goods/ articles/ materials was not released to M/s T.T.D. Industries as the amount proposed by M/s T.T.D. Industries to be paid to SMP, Kolkata was quite meagre compared to the claim of SMP, Kolkata and the valuation of the property left by the unauthorised occupant. Order was passed for disposal of the goods/ articles/ materials by auction. It was made clear that the sale proceeds, after deduction of the cost of auction

*[Handwritten signature]*



# State Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceeding No. 170, 170/R & 170/D Of 1993 Order Sheet No. 45

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
M/S. Chiman Lal Desai & Co.

42

21-12-2021

etc., is required to be adjusted against the dues/ charges, as recoverable from the unauthorised occupant, as per the provisions of the Act. Liberty was given to SMP, Kolkata to file appropriate application for recovery of its dues i.e rent/ compensation/ interest from the O.P., after completion of the auction process and after adjustment of the amount recovered with the said dues. Thereafter, SMP, Kolkata vide the application dated 26.07.2021 and the subsequent application dated 16.09.2021, has submitted their claim on account of outstanding rent, compensation/ mesne profit/ damage charges, from O.P., after adjustment a sum of Rs 66,00,000/- [ Rupees Sixty Six Lakhs only) (excluding GST of Rs 11,88,000/- and TDS of Rs 77,880/-], recovered through the sale of said goods/ articles/ materials, kept in the premises via the tender cum auction route. It was submitted by SMP, Kolkata that the amount is due and recoverable from O.P. for its use and enjoyment of the port property in question.

After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) no of Show Cause Notices, all dated 29.09.2021, (vide Order-37 dated 24.09.2021) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notices were issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rent and compensation/ mesne profit/ damage together with interest would not be made against the O.P.

The said Notices were sent through 'Speed Post' to the 3 (three) nos of recorded addresses of O.P., viz., at '54, Bentick Street, Kolkata- 700 001', and '80, Dr. Suresh Sircar Road, Kolkata- 700014' and 'Hazi Adam Mansion, Homi Street, Sir Phiroz Shah Mehata Road, Fort, Bombay-1'. However, 2 (two) of the notices were returned undelivered by the Postal

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
24.12.2021  
Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



# 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

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
*M/s. Chiman Lal Desai & Co.*

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21-12-2021

Department with the remarks "Insufficient address" and "addressee cannot be located". Be that as it may, the third notice sent to the recorded address of Bombay (present day Mumbai) has not returned to this Forum raising a presumption of its due delivery to the addressee. The 'Process Server' attached with this Forum, for service of such Notices/ Orders etc., has submitted a report dated 30.09.2021 stating that the addressee/ O.P. was "not found" at the Kolkata addresses. Following the principles of natural justice that no one should be condemned unheard (Audi Alteram Partem), direction was given to SMP, Kolkata to provide alternative address, if any, of O.P. However, such efforts remained infructuous as no alternative address of O.P. could be filed by SMP, Kolkata. It may be said that in spite of such efforts being made, the appearance of O.P. could not be procured and the efforts remained ineffective. A decision was then taken to publish a notice in a widely circulated newspaper for a notice to all concerned about the pendency of the instant proceeding, in order to provide an opportunity to the O.P. to appear before this Forum and to represent their case. Such a notice was published in 'The Times of India (Kolkata edition)' on 25.11.2021 fixing the date for the O.P's appearance, filing reply to Show Cause on 06.12.2021, but such effort too went in vain, as none appeared from O.P's side and as such, I am, perforce, left with no other alternative but to proceed ex-parte against the O.P.

I find that SMP, Kolkata has produced a detailed statement of accounts dated 26.07.2021 in respect of the said premises in question. It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises in question for decades. In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business, has a definite

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE JUDICIAL  
ORDER ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
4/12/2021  
J. B. Ghosh, Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

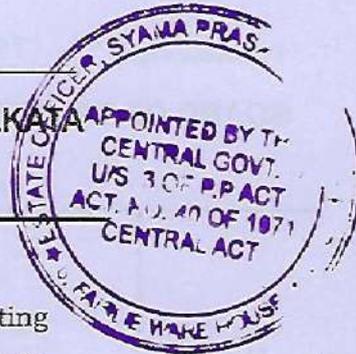
Appointed by the Central Govt. Under Section 3 of the Public Premises  
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 170, 170/R, 170/D Of 1993 Order Sheet No. 47

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

*M/s. Chiman Lal Desai & Co.*



42  
21-12-2021

evidentiary value, unless challenged by a contesting person/entity with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/ damages, charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. Non-payment of dues by O.P. for decades together is very much prominent and established, as per records submitted by SMPK, discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent and damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the statement of accounts maintained regularly in SMP, Kolkata's office, in discharge of its regular course of business and office transactions as a statutory authority.

Thus, it is my considered view that a sum of Rs 96,932.22 (Rupees Ninety Six Thousand Nine Hundred Thirty Two and paise Twenty Two only) for the period from 01.10.1983 to 31.07.1984 is recoverable from O.P. by the Port authority on account of Rent and a sum of Rs 3,04,76,969.07 ( Rupees Three Crores Four Lakhs Seventy Six Thousand Nine Hundred Sixty Nine and paise seven only) for the period from 01.08.1984 to 03.05.2017 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges. The O.P. must have to pay such dues to SMP, Kolkata on or before 07.01.2022.

Such dues attracts Compound Interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*J. Q. 24.12.2021*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

# 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

Proceedings No. 170, 170/R & 170/D Of 1993 Order Sheet No. 48

## BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
M/s. Chiman Lal Desai & Co.

42  
21.12.2021.

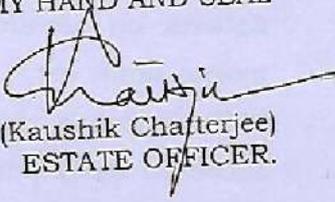
full and final liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of SMP, Kolkata's books of accounts.

The formal order u/s 7 of the Act is signed accordingly.

I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata is at liberty to recover the dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(Kaushik Chatterjee)  
ESTATE OFFICER.

\*\*\* ALL EXHIBITS AND DOCUMENTS  
ARE REQUIRED TO BE TAKEN BACK  
WITHIN ONE MONTH FROM THE DATE  
OF PASSING OF THIS ORDER\*\*\*

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
24.12.2021.  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT