



OPL

**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 1st Floor
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.1840/R OF 2020
ORDER NO. 12 DATED: 08/02/2022

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 Hooghly Docking & Engineering Co. Ltd
6, Howrah Road, Salkia, Howrah-711106
AND
2, Joykrishna Paul Road, Kolkata-700023,
AND ALSO AT
12, Mission Row, Kolkata-700001

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

AND WHEREAS, by written notice dated 26.04.2021 you are called upon to
show cause on or before 11.05.2021 why an order requiring you to pay a sum
of Rs.1,07,957.78 (Rupees One lakh seven thousand nine hundred fifty seven
and paise seventy eight 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 1,07,957.78 (Rupees One lakh
seven thousand nine hundred fifty seven and paise seventy eight only) for the
period 27.03.1991 to 21.10.2007(both days inclusive) to SMP, Kolkata
by 28/02/2022.

PLEASE SEE ON REVERSE

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 on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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. DB-18

It is bounded on the north by Trustees' land and then Dock wall, on the south Trustees' land and then passage connected with Garden Reach Road and beyond that KPD Dry Dock, on the east Trustees' land and one RCC structure used as latrine on the west Trustees' land and beyond that a pump house.

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

Dated: 11/02/22



[Handwritten Signature]
Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.



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

1840/R of 2020 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. Hooghly Docking & Engineering Co. Ltd. VS

12

08/02/2022

FINAL ORDER

The instant proceedings No. 1840/R of 2020 arises out of the application bearing No. Lnd. 4173/08/759 dated 27.05.2008 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMP, Kolkata, the applicant herein, praying for an order of recovery of dues and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/S Hooghly Docking & Engineering Co. Ltd.**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

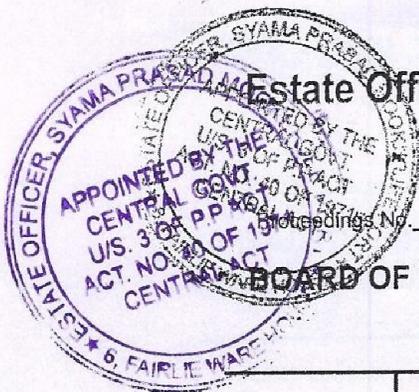
The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being building space measuring 27.314sq.mtrs. or thereabout situated at K.P. Dry Dock, (under Plate No.DB-18) as short term Lessee. Thereafter, despite of repeated requests from SMP, Kolkata, O.P. defaulted in making payment of SMP, Kolkata's arrear rent, taxes and other charges along with interest since January, 1984. SMP, Kolkata vide their Final Notice being No. Lnd. 4173/06/6870 dated 08.09.2006 finally requested O.P. to liquidate their dues but without paying any heed to SMP, Kolkata's request O.P. continued their occupation over the subject premises. Thereafter, Notice to Quit was issued by SMP, Kolkata to O.P on 20.09.2007 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to SMP, Kolkata on 22.10.2007. Thereafter, O.P. handed over possession of the subject premises to SMP, Kolkata on 28.10.2007 and it was intimated by SMP, Kolkata vide their applications dated 27.05.2008, 15.12.2020 & 30.03.2021 that a huge amount of

By Order of THE ESTATE OFFICER KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER PASSED BY THE ESTATE OFFICER KOLKATA PORT TRUST

Head Assistant OFFICE OF THE ESTATE OFFICER KOLKATA PORT TRUST

MP



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

1840)R of 2020 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. Hooghly Docking & Engineering Co. Ltd.

12

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head of Port
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

arrear rental dues is still due and recoverable from O.P. upto the date of recovery of possession. After considering such allegation as levelled by SMP, Kolkata against the O.P that while in possession of the Port Property, the O.P has defaulted in making payment of arrear rental dues and taxes and also accrued interest thereon, this Forum being prima facie satisfied with claim of SMP, Kolkata has issued Notice to Show Cause dated 26.04.2021(vide Order No.06 dated 26.04.2021) upon the O.P U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 to Show Cause as to why an order requiring to pay arrear rental dues together with interest should not be made against O.P. The O.P was called upon to appear before this Forum in person or through authorised representative capable to answer all material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

It is the case of SMP, Kolkata that the O.P. was asked to pay rental dues upto 21.10.2007 as because the subject premises was taken over by SMP, Kolkata on 22.10.2007.

The said Notice along with the Order No.07 dated 01.06.2021 were served through speed Post/hand delivery to all three recorded addresses of O.P. However, it is seen that except the notice addressed to 2, Joykrishna Paul Road, Kolkata-700023, notice sent to other two recorded addresses of O.P. were not returned back to the Forum. The Reports of the Process Server both dated 22.07.2021 further depicts that such notice and the Order No.07 dated

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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

Proceedings No. 1840/R Of 2020 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. Hooghly Docking & Engineering Co. Ltd.

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

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KOLKATA PORT TRUST

Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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01.06.2021 both were received by O.P. personally on 22.07.2021. However, in spite of such efforts, the appearance of O.P could not have been procured in order to contest the claim of SMP, Kolkata by usual course of business followed by this Forum and such efforts remain futile. Accordingly a decision was taken to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P to appear before the Forum and to represent their case. Such Notice was published in the Website of SMP, Kolkata as well as in the classified column of Times of India(Kolkata) on 28.08.2021 fixing the ultimate date of O.P's appearance on 07.09.2021. But all the efforts went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper as well as Website of SMP, Kolkata.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the continuous non-appearance of O.P in spite of sufficient opportunities being given and after exhaustion of all available means of service, this Forum finds no need to keep the matter pending and final Order was reserved in the matter on 07.09.2021. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMP, Kolkata on account of rental dues etc. In fact, I have nothing to disbelief in respect of claim of SMP, Kolkata against O.P. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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1840/R

Of

2020

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s. Hooghly Docking & Engineering Co. Ltd ^{VS}

12

08/02/2022.

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

It is my considered view that a sum of Rs.1,07,957.78 (Rupees One Lakh Seven thousand nine hundred fifty seven and paisa seventy eight Only) for the period 27.03.1991 to 21.10.2007 (both days inclusive) for the respective plate in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to SMP, Kolkata on or before 28/02/2022. The said damages shall attract 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 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. I sign the formal orders u/s 7 of the Act.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. 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

(Signature)
(Nirmalya Biswas)
ESTATE OFFICER

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

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