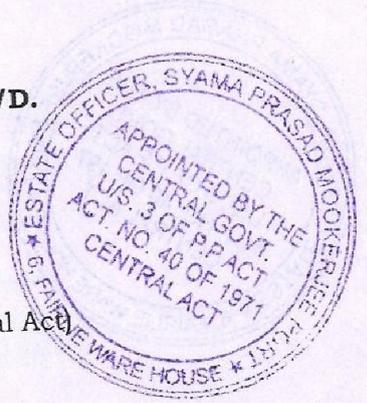


Scanned copy

**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, Fairlie Place (1st FLOOR) KOLKATA-700001  
\*\*\*\*\*

Court Room at the 1st Floor  
Of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1016/D OF 2009  
ORDER NO. 19 DATED: 14-02-2022

**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 Indo Commercial Co.  
12-A, Netaji Subhas Road,  
Kolkata-700001**

By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSES BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
15-02-2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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 02.03.2021 you are called upon to show cause on or before 18.03.2021 why an order requiring you to pay damages of Rs.2,03,975.14(Rupees Two Lakh three thousand nine hundred seventy five and paise fourteen only) for Plate No.HL-455/2/B 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.2,03,975.14(Rupees Two Lakh three thousand nine hundred seventy five and paise fourteen only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 30.11.1985 to 28.02.2011(both days inclusive) to SMP, Kolkata by 04.03.2022.

*(Handwritten signature)*

PLEASE SEE ON REVERSE

*(Handwritten mark)*



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

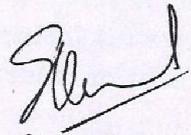
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

### SCHEDULE

#### Plate No.HL-455/2/B

The said piece and parcel of land msg. 216.56 Sq.mts. or thereabouts is situated at No.1, Riverside Road, Shibpur, P.S. Shibpur, District:- Howrah and Registration District:- Howrah. It is bounded on the North by the said Trustees pucca boundary wall beyond which Trustees vacant land, on the East by the said Trustees' open land used as passage, on the South by the said Trustees' land occupied by M/s. Liberty Export and Import Corporation and on the West by the said Trustees' land leased to M/s. Burma Shel Oil Storage and Distribution Co. of India Ltd. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees for the Port of Kolkata).

Date 15.02.2022.

  
Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA 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  
15.02.2022  
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. 1016/D Of 2009 Order Sheet No. 36

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

*M/s. Indo <sup>VS</sup> Commercial Co.*



### FINAL ORDER

The instant proceedings No. 1016/D of 2009 arises out of the application bearing No. Lnd. 3949/2/16/443 dated 03.05.2016 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/damages 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. Indo Commercial Co.**, 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 land measuring 216.56sq.mtrs. or thereabout situated at No.1 River side Road, Shibpur, P.S-Shibpur (under Plate No.HL.455/2/B) as monthly term Lessee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under monthly term lease by encroaching upon SMP, Kolkata's property by way erecting a gate on the common passage without taking any permission from SMP, Kolkata. Notice to Quit was issued by SMP, Kolkata to O.P on 14.09.1985. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.1016 of 2009. The O.P appeared before the Forum and contested the case. Thereafter, the Final Order of Eviction against O.P was passed on 26.03.2010. It appears that thereafter SMP, Kolkata vide its application dated 03.05.2013 has intimated that possession of the premises was taken over from O.P on 01.03.2011 in terms of the said Order of

19  
14.02.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
15.02.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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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. 1016/D of 2007 Order Sheet No. 37

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

*M/S. Indo Commercial Co.*

19  
14.02.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT,  
15-02-2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

eviction dated 26.03.2010. It has also been intimated by SMP, Kolkata vide their application dated 17.02.2021 that a huge amount of compensation/damages/mesneprofit is still due and recoverable from O.P. After considering the allegation 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 damages/compensation 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 02.03.2021(vide Order No.16 dated 02.03.2021) 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 damages /compensation 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 damages/compensation upto 28.02.2011 as because the subject premises was taken over by SMP, Kolkata on 01.03.2011.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P at 12-A, Netaji Subhas Road, Kolkata-700001. However, the postal track record and the Report of the Process Server dated 03.03.2021 depicts that such notice was not served upon O.P. Thereafter, following the

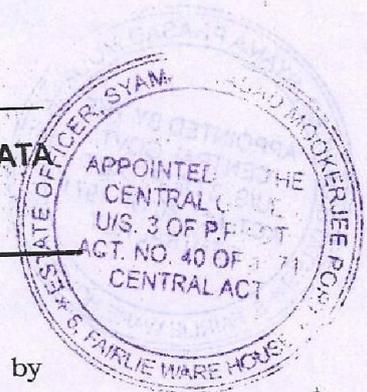
# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1016/D Of 2007 Order Sheet No. 38

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

M/S. Indo <sup>VS</sup> Commercial Co.



19  
14.02.2022

principles of natural justice, a decision was taken by the Forum 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 classified column of Times of India(Kolkata) on 27.03.2021 fixing the ultimate date of O.P's appearance on 22.04.2021. 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.

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 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 22.04.2021. 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 damages /compensation 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.

It is my considered view that a sum of Rs.2,03,975.14 ( Rupees Two lakh three thousand nine hundred seventy five and paise fourteen only) for the period 30.11.1985 to 28.02.2011 (both days inclusive) for the respective plate in question is due and recoverable from O.P. by the Port authority on account

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SYAMA PRASAD MOOKERJEE PORT  
15.02.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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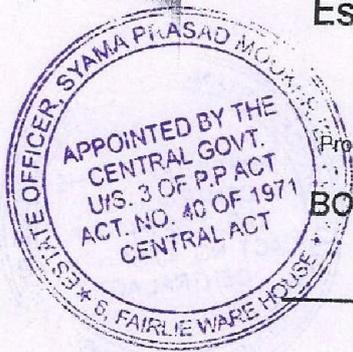
# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1016/D of 2009 Order Sheet No. 39

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

VS  
M/S. Indo Commercial Co.



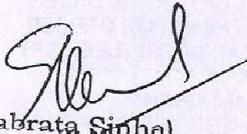
19  
14-02-2022

By Order of:  
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SYAMA PRASAD MOOKERJEE PORT  
15-02-2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

of damages and O.P. must have to pay such dues to SMP, Kolkata on or before ~~04.03.2022~~ <sup>04.03.2022</sup>. 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

  
(Satyabrata Sinha)  
ESTATE OFFICER

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