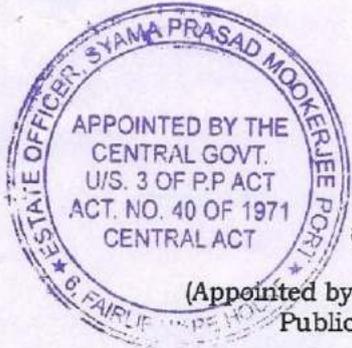


Seen copy



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 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. *DB DT / S, 02. 2022*  
PROCEEDINGS NO. 1565 of 2017

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

-Vs-

**M/s Eastern Tube Stores**

**F O R M - "B"**

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/s. Eastern Tube Stores of 18, Raja Woodmunt Street, Kolkata - 700 001** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 12.12.2014 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 3) That O.P. has violated the conditions of month to month Licence, as granted by the Port Authority, by way of not making payment of rent and taxes to the Port Authority.
- 4) That O.P. has violated the conditions of tenancy under month to month Licence, as granted by the Port Authority by way of unauthorised construction, unauthorised parting of possession to rank outsiders and encroachment upon SMP, Kolkata's land measuring about 28.563 sqm.
- 5) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 7) That O.P. is liable to pay compensation/ mesne profit/ damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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  
OFFICE OF THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT

*16/02/2022*

**Please see on reverse**



:2:

A copy of the reasoned order No. 06 dated 15.02.2022 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said M/s. Eastern Tube Stores of 18, Raja Woodmunt Street, Kolkata - 700 001 and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said M/s. Eastern Tube Stores of 18, Raja Woodmunt Street, Kolkata - 700 001 and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

### SCHEDULE

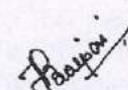
Godown No. 1 msg. about 234.860 sq.mts. on the ground floor of Kolkata Port Trust's Armenian Ghat Warehouse (under Plate No. A-4/2) and a Durwan's goomty msg. about 6.95 sq.m on the space below the staircase of godown No. 1 at Armenian Ghat Warehouse (under Plate No. A-4/3) in the presidency town of Kolkata.

The Godown No. 1 (under Plate No. A-4/2) is bounded on the North by Compartment No. 2 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and On the West by River Hooghly.

The Durwan's goomty (under Plate No. A-4/3) is bounded on the North by Compartment No. 1 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and on the West by the Trustees' vacant land alongside River Hooghly.

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

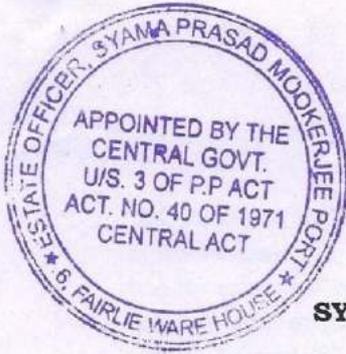
Dated: 16.02.2022

  
Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

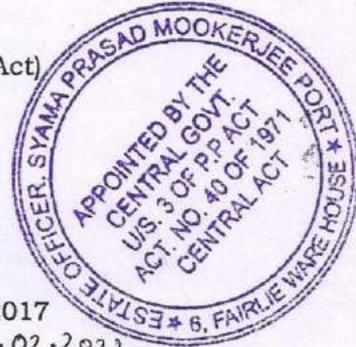
By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
16/02/2022  
Head Assistant  
ESTATE OFFICER  
OFFICE OF THE  
SYAMA PRASAD MOOKERJEE PORT

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



Form "E"

1565/R

PROCEEDINGS NO. 1656/R of 2017  
ORDER NO. 06 DATED: 15.02.2022

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. Eastern Tube Stores,  
18, Raja Woodmunt Street,  
Kolkata - 700 001

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

AND WHEREAS, by written notice dated 16.05.2017 (Vide Order No 01 dated 15.05.2017) you were called upon to show cause on/or before 02.06.2017 why an order requiring you to pay a sum of Rs. 46,61,051.98/- ( Rupees Forty Six Lakhs Sixty One Thousand fifty One and paise Ninety 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. 46,61,051.98/- ( Rupees Forty Six Lakhs Sixty One Thousand fifty One and paise Ninety Eight only) for the period from 01.09.1998 upto 31.01.2015 (both days inclusive ) to Kolkata Port Trust by 04.03.2022.

By Order of :

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE

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

Head Assistant 16/02/2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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 from the official website of the State Bank of India) till liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 06 dated 15.02.2022 is attached hereto.

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

Godown No. 1 msg. about 234.860 sq.mts. on the ground floor of Kolkata Port Trust's Armenian Ghat Warehouse (under Plate No. A-4/2) and a Durwan's goomty msg. about 6.95 sq.m on the space below the staircase of godown No. 1 at Armenian Ghat Warehouse (under Plate No. A-4/3) in the presidency town of Kolkata.

The Godown No. 1 (under Plate No. A-4/2) is bounded on the North by Compartment No. 2 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and On the West by River Hooghly.

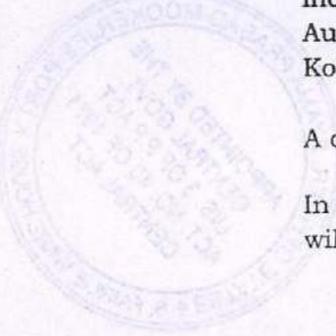
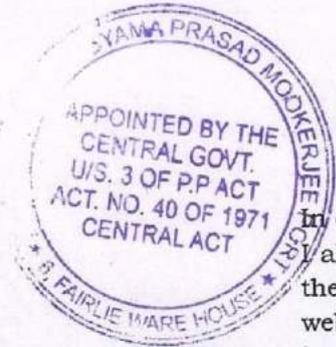
The Durwan's goomty (under Plate No. A-4/3) is bounded on the North by Compartment No. 1 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and on the West by the Trustees' vacant land alongside River Hooghly.

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

Dated: 16.02.2022

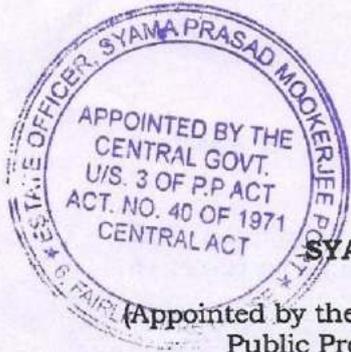
Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, 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  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Signature*



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. 06 DT 15.02.2022  
PROCEEDINGS NO. 1565/D OF 2017

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. Eastern Tube Stores,  
18, Raja Woodmunt Street,  
Kolkata - 700 001

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 16.05.2017 you were called upon to show-  
cause on/or before 02.06.2017 why an order requiring you to pay a sum of Rs.  
5,06,460/- (Rupees Five Lakhs Six Thousand Four Hundred Sixty only) for the period  
from 01.02.2015 to 31.04.2016 being damages payable together with compound  
interest for unauthorised use and occupation of the said premises, should not be  
made.

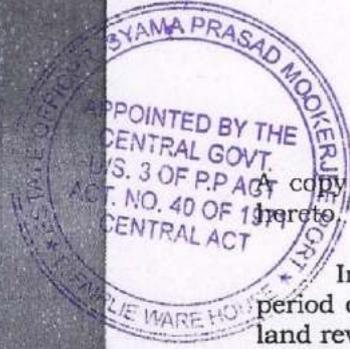
And whereas you have not made any objections or produced any evidence before  
the said date;

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. 5,06,460/- (Rupees Five Lakhs Six Thousand  
Four Hundred Sixty only) for the period from 01.02.2015 to 31.04.2016 assessed by  
me as damages on account of your unauthorised occupation of the premises to  
Kolkata Port Trust, by 04.03.2022.

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.

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Ass... 16/02/2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Please see on reverse



:2:

A copy of the reasoned order no. 06 dated 15.02.2022 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**

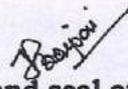
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The Godown No. 1 (under Plate No. A-4/2) is bounded on the North by Compartment No. 2 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and On the West by River Hooghly.

The Durwan's goomty (under Plate No. A-4/3) is bounded on the North by Compartment No. 1 of Armenian Ghat Warehouse, On the South by the Trustees' passage alongside Motilal Seal Ghat, On the East by Armenian Ghat Road and on the West by the Trustees' vacant land alongside River Hooghly.

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

Dated: 16.02.2022

  
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,  
KOLKATA.  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT,  
KOLKATA.  
16/02/2022

# 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. 1565, 1565/R & 1565/D of 2017 Order Sheet No. 18

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

CENTRAL GOVT.

U/S. 3 OF P.P ACT

ACT. NO. 40 OF 1971

CENTRAL ACT

06

15.02.2022

**M/S. EASTERN TUBE STORES** VS

## FINAL ORDER

The instant proceedings No. 1565, 1565/R and 1565/D of 2017 arise out of the application bearing No. Lnd. 3/30/16/958 dated 09.06.2016 filed by **Syama Prasad Mookerjee Port, Kolkata** (erstwhile Kolkata Port Trust / KoPT), hereinafter referred to as **SMP, Kolkata**, the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as 'the Act') praying for an order of eviction and recovery of rental dues, compensation/mesne profit/damages etc. along with accrued interest in respect of the public premises as defined under Schedule- 'A' of said application dated 09.06.2016, against **M/s Eastern Tube Stores**, (hereinafter referred to as the **Opposite Party/ O.P.**).

The case of SMP, Kolkata against the O.P. is that the O.P. came into occupation of the port property of Godown space and Durwan Goomty on the ground floor of Armeinian Ghat Warehouse (under Plate Nos. A-4/2 and A-4/3), morefully described in the Schedule 'A' of the SMP, Kolkata's application dated 09.06.2016, on a month to month Licence. It is further the case of SMP, Kolkata that the O.P has defaulted in payment of monthly rent and taxes with the accrued interest thereon, has unauthorisedly parted with the possession of the premises to the rank outsiders, has erected unauthorized construction upon the premises and has unauthorisedly encroached upon SMP, Kolkata's land measuring about 28.563 sqm in gross violation of the terms and conditions of the Licence. It is further the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 31.01.2015 in terms of the Notice to Quit dated 12.12.2014 and the O.P. failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit. SMP, Kolkata has made out a case that O.P. has no right to occupy the premises after the determination of the licence in question upon service of a quit notice dated 12.12.2014.

This Forum of Law formed its opinion to proceed against O.P. and issued 3 (three) no. of Show Cause Notices upon the O.P., one u/s 4

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  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

sd.

# 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. 1565, 1565/RA/1585/D of 2017 Order Sheet No. 09

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

*M/S. EASTERN TUBE STORES*  
**VS**

06  
15.02.2022

of the Act (for adjudication of the prayer of eviction) and the other two u/s 7 of the Act (for adjudication on the prayer of unpaid rent as well as unpaid compensation dues/ damages/ mesne profit alongwith the accrued interest thereon etc.), all dated 16.05.2017 (vide Order No. 01 dated 15.05.2017) as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to the recorded addresses of O.P., viz., at '18, Raja Woodmunt Street, Kolkata- 700 001'. However, the notice has been returned undelivered by the Postal Department with the remarks "Moved". Be that as it may, the 'Process Server' attached with this Forum has submitted the Report dated 18.05.2017 stating that the Notices have been served upon the O.P., personally on 18.05.2017. Such Notice was affixed in the property under schedule for a notice to all concerned, as per the mandate of the Act. It appears from the records that thereafter the matter went out of list, perhaps due to superannuation from service of my erstwhile Estate Officer, until 23.09.2021, when the matter was taken up by the undersigned for the first time. Following the principles of natural justice that no one should be condemned unheard ('Audi Alteram Partem'), the Department of the undersigned was directed to serve the Order/s upon the O.P. for their information about the pendency of the proceeding and to provide them with a chance to represent their case. However, the effort remained futile, as in terms of the Process Server Report dated 21.10.2021 the O.P. has "refused" to receive the Order. Neither the O.P. nor anyone interested in the property made a contact or approached the Forum in connection with the Show Cause Notice issued by this Forum. Then a decision was 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 24.11.2021 fixing the date for the O.P.'s appearance, filing reply to Show Cause on 13.12.2021, but such effort too went in vain, as none appeared from O.P.'s side and the efforts remained ineffective. Considering the situation that 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

*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. 1565, 1565/RA/1565/D of 2017 Order Sheet No. 10



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

**VS**

**M/S EASTERN TUBE STORES**

15.02.2022

attendance of O.P. could not be procured by this Forum, at any point of time, inspite of the possible efforts being made, even after the publication of a Notice in an English daily and even thereafter, I am inclined to proceed ex-parte against the O.P. I may say that I have nothing to disbelieve the allegations levelled against the O.P. from the documents filed by the Port Authority and I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 12.12.2014 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 3) That O.P. has violated the conditions of month to month Licence, as granted by the Port Authority, by way of not making payment of rent and taxes to the Port Authority.
- 4) That O.P. has violated the conditions of tenancy under month to month Licence, as granted by the Port Authority by way of unauthorised construction, unauthorised parting of possession to rank outsiders and encroachment upon SMP, Kolkata's land measuring about 28.563 sqm.
- 5) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.

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  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

16/02/2022

# 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. 1565, 1565/RA/1565/DOF 2017 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*M/S. EASTERN TUBE STORES* <sup>VS</sup>

6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.

7) That O.P. is liable to pay compensation/ mesne profit/ damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P., and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

SMP, Kolkata is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs. 46,61,051.98/- ( Rupees Forty Six Lakhs Sixty One Thousand fifty One and paise Ninety Eight only) for the period from 01.09.1998 upto 31.01.2015 is due and recoverable from O.P. by Port Authority on account of rental dues and O.P. must have to pay the rental dues to SMP, Kolkata on or before 04.03.2022. Such dues shall attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered 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.

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*  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

06  
15.02.2022

# 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. 1565, 1566/R of 1565/D of 2017 Order Sheet No. 12

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

**VS**  
**EASTERN TUBE STORES**

15.02.2022

I must state that SMP, Kolkata's total claim against O.P. on account of charges for compensation/ mesne profit/ damages for wrongful use and enjoyment of the property for Rs. 5,06,460/- (Rupees Five Lakhs Six Thousand Four Hundred Sixty only) from 01.02.2015 upto 31.04.2016 has received my due attention and I am satisfied that Port Authority has made out an arguable claim based on sound reasoning for such claim against O.P. As such, I must say that Rs. 5,06,460/- (Rupees Five Lakhs Six Thousand Four Hundred Sixty only) as claimed by the Port Authority as compensation/ mesne profit/ damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.02.2015 upto 31.04.2016 (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to SMP, Kolkata by 04.03.2022. The said damages shall also attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 from the date of incurrence 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.

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 31.04.2016 as well, till such time the possession of the premises continues to be under the unauthorized occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.04.2016, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

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 Office  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Small*

**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. 1565, 1565/PA/1565/DO of 2017 Order Sheet No. 13

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

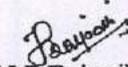
**VS**  
**MS. EASTERN TUBE STORES**

06  
15.02.2022

I make it clear that in the event of failure on the part of O.P. to pay the amounts to SMP, Kolkata as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(J.P.Boipai)  
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 16/02/2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT