

012



**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. 04 DT 16.02.2022  
PROCEEDINGS NO. 1887 of 2021

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

**-Vs-**

**M/S. S.N. PAUL & CO.**

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



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

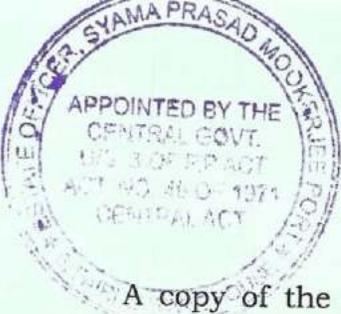
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that To **M/s. S.N. Paul & Co. of P 221/2, Strand Bank Road, 2<sup>nd</sup> floor, Kolkata - 700001 AND ALSO AT 23A, Netaji Subhas Road, Kolkata - 700 001** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**R E A S O N S**

- 1) That O.P./ any other person/s asserting any right through O.P. has 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 23.04.2021 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./ any person on behalf of O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) 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.
- 5) That the landlord/ SMP, Kolkata is at liberty to require the occupier of the premises/building of SMP, Kolkata to vacate such premises/building, in case such premises/ building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
- 6) That the estate of O.P. is liable to pay 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.

**Please see on reverse**

*Sub*



:2:

A copy of the reasoned order No. 04 dated 16.02.2022 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. S.N. Paul & Co. of P 221/2, Strand Bank Road, 2<sup>nd</sup> floor, Kolkata - 700001 AND ALSO AT 23A, Netaji Subhas Road, 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. S.N. Paul & Co. of P 221/2, Strand Bank Road, 2<sup>nd</sup> floor, Kolkata - 700001 AND ALSO AT 23A, Netaji Subhas Road, 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

**Plate no. CG 204/2**

Trustees' masonry almirah on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road, msg.1,354 Sq.mtrs. under Plate no. CG204/2. It is bounded on the North by Trustees' vacant room earlier occupied by Biswanath Singh, on the south by Trustees' space occupied by Sarabjit Thakur, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 17.02.2022

**Signature & Seal of the  
Estate Officer.**

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



**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"**

PROCEEDINGS NO.1887/R of 2021  
ORDER NO. 04 DATED: 16.02.2022

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. S.N. Paul & Co.,  
P221/2, Strand Bank Road,  
2<sup>nd</sup> floor,  
Kolkata - 700 001.  
And also at  
23A, Netaji Subhas Road,  
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 24.11.2021 (Vide Order No 01 dated 23.11.2021) you were called upon to show cause on/or before 23.12.2021 why an order requiring you to pay a sum of Rs. 38,240.16 (Rupees Thirty Eight Thousand Two Hundred Forty and paise Sixteen only) being the rent payable together with compound interest in respect of the said premises should not be made;

And whereas I have considered your objections and/ or the evidence produced by you;

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. 38,240.16 (Rupees Thirty Eight Thousand Two Hundred Forty and paise Sixteen only) for the period from 01.04.1989 to 17.05.2021 (both days inclusive ) to Kolkata Port Trust by 03.03.2022.

PLEASE SEE ON REVERSE

*Sud*



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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 incurrance 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. 04 dated 16.02.2022 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

#### **Plate no. CG 204/2**

Trustees' masonry almirah on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road, msg.1,354 Sq.mtrs. under Plate no. CG204/2. It is bounded on the North by Trustees' vacant room earlier occupied by Biswanath Singh, on the south by Trustees' space occupied by Sarabjit Thakur, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 17.02.2022

Signature and seal of the  
Estate Officer

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



**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)  
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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. 04 DT 16.02.2022  
PROCEEDINGS NO. 1887/D OF 2021

**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. S.N. Paul & Co.,  
P221/2, Strand Bank Road,  
2<sup>nd</sup> floor,  
Kolkata - 700 001.  
And also at  
23A, Netaji Subhas Road,  
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 24.11.2021 (Vide Order No 01 dated 23.11.2021) you were called upon to show- cause on/or before 23.12.2021 why an order requiring you to pay a sum of Rs. 3,403.60 (Rupees Three Thousand Four Hundred Three and paise Sixty only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

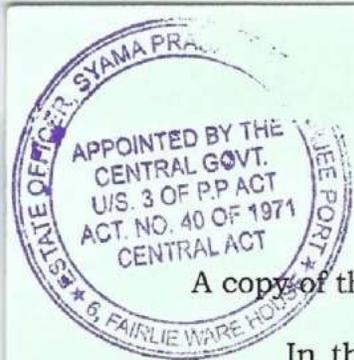
And whereas I have considered your objections and/ or the evidence produced by you;

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. 3,403.60 (Rupees Three Thousand Four Hundred Three and paise Sixty only) for the period from 18.05.2021 to 31.08.2021 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 03.03.2022.

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 incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

*Sud*

Please see on reverse



:2:

A copy of the reasoned order no. 04 dated 16.02.2022 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

#### **Plate no. CG 204/2**

Trustees' masonry almirah on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road, msg.1,354 Sq.mtrs. under Plate no. CG204/2. It is bounded on the North by Trustees' vacant room earlier occupied by Biswanath Singh, on the south by Trustees' space occupied by Sarabjit Thakur, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (Erstwhile Board of Trustees' for the Port of Kolkata)

**Dated:** 17.02.2022

**Signature and seal of the  
Estate Officer.**

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST 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

Proceedings No. 1887, 1887/R, 1887/D of 2021 Order Sheet No. 07

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. S.N. Paul & Co <sup>VS</sup>

## FINAL ORDER

The instant proceedings No. 1887, 1887/R and 1887/D of 2021 arise out of the application bearing No. Lnd 5/77/21/3562 dated 06.10.2021 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, compensation dues/mesne profit/ damages and other charges etc. along with accrued interest in respect of the public premises, being the Trustees' masonry almira on the eastern side at the entrance of premises no P 221/2, Strand Bank Road measuring about 1,354 sq.m. under Plate No CG 204/2, against **S.N. Paul & Co.** (hereinafter referred to as **O.P.**).

It is the case of SMP, Kolkata that the O.P. came into occupation of the port property under Plate Nos. CG 204/2, morefully described under the Schedule 'A' of the SMP, Kolkata's application dated 06.10.2021, as a monthly tenant. It is the case of SMP, Kolkata that the O.P. is in default of payment of monthly rent and taxes for use and enjoyment of the port property in question. Adding pain to misery, it is further the case of SMP, Kolkata that on an inspection of the evaluation of the structural safety and stability, it was found that the port property /building is in a very advance stage of decay and is unsafe for human inhabitation. Considering the non-payment of the rental dues, taxes and the precarious condition of the building and fatal consequences thereof, the notice to quit dated 23.04.2021 was issued to the O.P. requiring the O.P. to quit, vacate and deliver up peaceful possession of the premises on 18.05.2021 in terms of the said notice. It is the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 18.05.2021, in terms of the Notice to Quit dated 23.04.2021 and the O.P. failed and

04  
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

1887/1887/R, 1887/D Of 2021 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s. S.N. Paul & Co. VS

04  
16.02.2022

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 tenancy in question upon service of a quit notice dated 23.04.2021.

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., the first one was issued u/s 4 of the Act for adjudication of the prayer of eviction, the second and third one were issued u/s 7 of the Act for adjudication of the prayer of rental dues and compensation dues/ damages/ mesne profit, respectively, alongwith the accrued interest thereon, etc.), all dated 24.11.2021 (vide Order No. 01 dated 23.11.2021), as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to the 2 (two) nos of recorded addresses of O.P. returned undelivered by the Postal Department with the remarks "ACNL, RTS". However, the 'Process Server' attached with this Forum has submitted the report dated 25.11.2021 that the Notices have been affixed in the property under schedule for a notice to all concerned, as per the mandate of the Act. On the day fixed for Show Cause by the O.P., viz. 23.12.2021, one Shri Tapas Kumar Paul appeared before the Forum and introduced himself as the son of S.N. Paul, since deceased. Seeking for adjournment to file the reply to show cause, it was submitted by Shri Tapas Kumar Paul that said S.N. Paul had expired long back. As per law, in case of death of a lessee, the legal heirs/representatives are very much liable to bear the liabilities of the deceased. Hence, Shri Tapas Kumar Paul was allowed to represent his case and file the Reply to Show Cause. However, considering his verbal submissions, this Forum has directed Shri Tapas Kumar Paul, vide order dated 23.12.2021, to file identity proof of himself and the company/ firm/entity concerned, which he has stated to be representing.

*[Handwritten signature]*



# 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

1887, 1887/R, 1887/D of 2021 Order Sheet No. 69

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

M/s. S.N. Paul <sup>VS</sup> & CO.

04  
16.02.2022

On the next date of hearing, viz. 13.01.2022, Shri Tapas Kumar Paul has filed a copy of his Aadhaar Card and a copy of the death certificate of his deceased father, viz. S.N. Paul. Upon perusal of the said documents, it transpired that Shri Tapas Kumar Paul is the son of Late Samarendra Nath Paul and said S.N. Paul has died on 19.01.2008. It was submitted by Shri Tapas Kumar Paul that the O.P./ M/s S.N. Paul & Co. had been a proprietorship firm and the subject premises is under lock and key due to the present Covid situation. However, for the second time he sought for an adjournment for filing the Reply to Show, this time on the ground of illness of his Ld. Advocate, who has been tested Covid positive. Considering the facts and circumstances of the case, Shri Tapas Kumar Paul / O.P. was given liberty, in terms of Order dated 13.01.2022, to file the submission/ reply to show cause by 20 days from the date of passing the Order. Following the principles of natural justice that no one should be condemned unheard, another chance was given to Shri Tapas Kumar Paul / O.P. to represent his case. However, such effort remained infructuous as no reply to show cause notice was filed by Shri Tapas Kumar Paul / O.P. thereafter till date. Even neither Shri Tapas Kumar Paul nor anyone interested in the property made a contact or approached the Forum thereafter. Considering the situation above stated, I find no reason to prolong the matter any further and the hearing was concluded on 13.01.2022.

Now, while passing the Final Order, I have considered the copy of offer letter of SMP, Kolkata dated 28.08.1968, filed under the cover of SMP, Kolkata's application dated 06.10.2021. I have also considered the copy of the letter of M/s S. N. Paul & Co. dated 29.10.1968, accepting the terms and conditions of the said offer dated 28.08.1968. The copy of letter dated 01.06.2021 issued by SMP, Kolkata to the O.P. is also considered, whereby SMP, Kolkata intimated O.P. about its failure to pay the dues and accrued interest thereon for use and enjoyment of the Public



# 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. 1887, 1887/R, 1887/D of 2021

Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s. S.N. Paul & Co. VS

04  
16.02.2022

Premises in question. In my view, such communications maintained by a statutory authority/ SMP, Kolkata in its usual course of business has definite evidentiary value, unless challenged with fortified documents/evidences etc, ready to bear the test of legal scrutiny. I have also considered the statement of account dated 13.09.2021, filed under the cover of SMP, Kolkata's application dated 06.10.2021. It appears from the said statement of accounts that there are dues in respect of the public premises in question. Considering all, I have no option but to treat the said act on the part of O.P. as highly irregular and not at all in accordance with law.

Be that as it may, the representative of SMP, Kolkata referred to the notice dated 22.01.2021, issued by the Estate Manager, SMP, Kolkata, whereby all the occupiers of the premises were given notice to quit, vacate and deliver peaceful and vacant possession of the property within 15 days from the date of issuance of the Notice i.e. 05.02.2021 to the representative of SMP, Kolkata. However, it is reported that the O.P. has failed to vacate and deliver up peaceful possession of the premises till date.

If any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, the landlord is always at liberty to require the occupier of such building to vacate such building, remove the things lying thereon or do other things, so as to prevent all cause of danger therefrom. If the occupier of the building does not vacate the premises, even after being notified, the landlord may take such steps in relation to the building as to prevent all cause of danger therefrom. Hence, I find the action of SMP, Kolkata in serving the notice dated 22.01.2021 to all the occupiers of such dangerous building, reasonable and acceptable in all sense.

*[Signature]*



## 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

1887, 1887/R, 1887/D of 2021 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s. S.N. Paul & Co. <sup>VS</sup>

Considering all, as discussed above, 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./ any other person/s asserting any right through O.P. has 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 23.04.2021 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./ any person on behalf of O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) 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.
- 5) That the landlord/ SMP, Kolkata is at liberty to require the occupier of the premises/building of SMP, Kolkata to vacate such premises/building, in case such premises/building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
- 6) That the estate of O.P. is liable to pay 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. or

04  
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

1887, 1887/R, 1887/D of 2021 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s. S. N. Paul & Co. <sup>VS</sup>

04  
16.02.2022

any other person/s asserting any right through O.P. or 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 the estate of 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.

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 and non-payment of dues by O.P. / estate of O.P. appears to be established, as discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent as well as damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P./ estate of O.P. as per the records maintained regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs. 38,240.16 (Rupees Thirty Eight Thousand Two Hundred Forty and paise Sixteen only) for the period from 01.04.1989 upto 17.05.2021 ( both days inclusive) is due and recoverable from O.P./ estate of O.P. by Port Authority on account of rental dues and O.P./ estate of O.P. must have to pay the rental dues to SMP, Kolkata on or before \_\_\_\_\_ . It is also my considered view that a sum of

*[Handwritten signature]*



# 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. 1887, 1887/R, 1887/D of 2021 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*M/s. S.N. Paul & Co. VS*

*04*  
*16.02.2022*

Rs. 3,403.60 (Rupees Three Thousand Four Hundred Three and paise Sixty only) for the period from 18.05.2021 upto 31.08.2021 is due and recoverable from O.P./ estate of O.P. by Port Authority on account of compensation dues/ damages/ mesne profit and O.P./ estate of O.P. must have to pay the rental dues to SMP, Kolkata on or before 03.03.2022.

Such rental as well compensation 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 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./ estate of 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./ estate of O.P. to pay damages extends beyond 31.08.2021 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P./ any person on behalf of O.P. / any other person/s asserting any right through O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.08.2021, indicating therein, 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./ estate of O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. estate of O.P. to pay the amounts to SMP, Kolkata as aforesaid,

*Sudh*



# 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. 1887, 1887/R, 1887/D of 2021 Order Sheet No. 14

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

M/S. S.N. Paul & Co. <sup>VS</sup>

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

(Sourav Mitra)  
ESTATE OFFICER

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