

OK



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 16.02.2022  
PROCEEDINGS NO. 1758 OF 2019

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

-Vs-

**Estate Chandrama Pathak (O.P)**

**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 **Estate Chandrama Pathak of Nawab Putty, Gate No.3, Railway Gate, Cossipore, Kolkata-700 002 AND ALSO AT 3, Dilarjung Road, Nawab Putty, No.3 Railway Gate, Cossipore, Kolkata-700003** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear dues/damages etc. as prayed for on behalf of SMP, Kolkata.
2. That O.P. has violated the condition of short term lease as granted by the Port Authority by way of not making payment of rental dues and taxes to SMP, Kolkata, for a prolonged period of time.
3. That O.P has parted with possession of the subject public premises without having any authority of law.
4. That O.P. has made unauthorised encroachments upon the Trustee's vacant land in clear violation of the terms of such tenancy.
5. That the O.P or any other person/occupant has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
6. That the notice/s to quit dated 30.10.2013 as served upon 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 Sec.2 (g) of the P.P. Act.
7. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

By Order of:  
**THE ESTATE OFFICER**  
 SYAMA PRASAD MOOKERJEE PORT  
 VERIFIED COPY OF THE ORDER  
 ISSUED BY THE ESTATE OFFICER  
 SYAMA PRASAD MOOKERJEE PORT  
 18.02.2022  
 Head Assistant  
 OF THE LD. ESTATE OFFICER  
 SYAMA PRASAD MOOKERJEE PORT

**PLEASE SEE ON REVERSE**



(2)

A copy of the reasoned order No. 06 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 **Estate Chandrama Pathak of Nawab Putty, Gate No.3, Railway Gate, Cossipore, Kolkata-700 002 AND ALSO AT 3, Dilarjung Road, Nawab Putty, No.3 Railway Gate, Cossipore, Kolkata-700003** 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 **Estate Chandrama Pathak of Nawab Putty, Gate No.3, Railway Gate, Cossipore, Kolkata-700 002 AND ALSO AT 3, Dilarjung Road, Nawab Putty, No.3 Railway Gate, Cossipore, Kolkata-700003** 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 - SB-349**

Land Msg. about 156.077 Sq.m at Cossipore, in the Presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North partly by the Trustees' land occupied by Tarakeswar Pathak and partly by the strip of open land alongside Nawab Dilarjung Road, on the East partly by the strip of open land alongside Nawab Dilarjung Road and partly by the private land & structure, on the South partly by the private land & structure and partly by the strip of open land and on the West by the strip of open land used as passage.

**Plate NO.SB-349/1**

Land Msg. about 76.83 Sq.m at Cossipore, in the presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North by the strip of open land used as passage, on the East partly by the strip of open land on partly by the private land & Structure, on the South partly by the Private land & structure and partly by the Trustees' pucca Goomty and on the West partly by the Trustees' pucca Goomty and partly by the Trustees' strip of open land used as passage.

**Plate NO.SB-349/2**

Land Msg. about 15.98 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land used as passage, on the East partly by the Trustees' pucca Goomty and partly by the private land & structure, on the South partly by the Private land & Structure and partly by the Trustees' land occupied by M/s. United Minerals Industries and on the West partly by the Trustees' land occupied by M/s United Minerals Industries and partly by the Trustees' land used as passage.

**Plate No.CG-156/7**

Goomty Msg. about 17.466 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land occupied by Chandrama Pathak, on the East by the Trustees' land occupied Chandrama Pathak, on the South by the Trustees' land occupied by Chandrama Pathak and on the West by the Trustees' land occupied by Chandrama Pathak. Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

By Order of :

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
18.02.2022  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER

Dated: 18.02.2022

Signature & Seal of  
Estate Officer.

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  
6, Fairlie Place Warehouse  
Kolkata-700001.

**Form "E"**

PROCEEDINGS NO.1758/R OF 2019  
ORDER NO. 06 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  
Estate Chandrama Pathak,  
Nawab Putty, Gate No.3,  
Railway Gate, Cossipore,  
Kolkata-700 002  
AND ALSO AT  
3, Dilarjung Road, Nawab Putty,  
No.3 Railway Gate, Cossipore,  
Kolkata-700003.

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  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

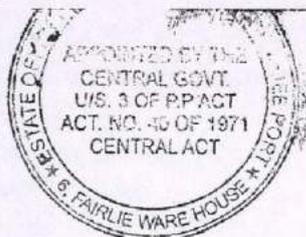
AND WHEREAS, by written notice dated 23.10.2019 you are called upon to show cause on or before 11.11.2019 why an order requiring you to pay a sum of Rs.4,77,675.76 (Rupees Four Lakh seventy seven thousand six hundred seventy five and paise seventy six only) for Plate No.SB-349, Rs.2,34,131.80 (Rupees Two Lakh thirty four thousand one hundred thirty one and paise eighty only) for Plate No.SB-349/1, Rs.47,068.92 (Rupees Forty seven thousand sixty eight and paise ninety two only) for Plate No.SB-349/2 and Rs. 1,94,985.23 (One Lakh ninety four thousand nine hundred eighty five and paise twenty three only) for Plate No.CG-156/7 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.4,77,675.76 (Rupees Four Lakh seventy seven thousand six hundred seventy five and paise seventy six only) for Plate No.SB-349 for the period 01.08.1984 to 14.11.2013(both days inclusive), Rs.2,34,131.80 (Rupees Two Lakh thirty four thousand one hundred thirty one and paise eighty only) for Plate No.SB-349/1 for the period 01.07.1985 to 14.11.2013(both days inclusive), Rs.47,068.92 (Rupees Forty seven thousand sixty eight and paise ninety two only) for Plate No.SB-349/2 for the period 01.09.1990 to 14.11.2013(both days inclusive) and Rs. 1,94,985.23 (One Lakh ninety four thousand nine hundred eighty five and paise twenty three only) for Plate No.CG-156/7 for the period 01.01.1985 to 14.11.2013(both days inclusive) to SMP, Kolkata by 03.03.2022

PLEASE SEE ON REVERSE

Sub



: 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 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 - SB-349

Land Msg. about 156.077 Sq.m at Cossipore, in the Presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North partly by the Trustees' land occupied by Tarakeswar Pathak and partly by the strip of open land alongside Nawab Dilarjung Road, on the East partly by the strip of open land alongside Nawab Dilarjung Road and partly by the private land & structure, on the South partly by the private land & structure and partly by the strip of open land and on the West by the strip of open land used as passage.

#### Plate NO.SB-349/1

Land Msg. about 76.83 Sq.m at Cossipore, in the presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North by the strip of open land used as passage, on the East partly by the strip of open land on partly by the private land & Structure, on the South partly by the Private land & structure and partly by the Trustees' pucca Goomty and on the West partly by the Trustees' pucca Goomty and partly by the Trustees' strip of open land used as passage.

#### Plate NO.SB-349/2

Land Msg. about 15.98 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land used as passage, on the East partly by the Trustees' pucca Goomty and partly by the private land & structure, on the South partly by the Private land & Structure and partly by the Trustees' land occupied by M/s. United Minerals Industries and on the West partly by the Trustees' land occupied by M/s United Minerals Industries and partly by the Trustees' land used as passage.

#### Plate No.CG-156/7

Goomty Msg. about 17.466 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land occupied by Chandrama Pathak, on the East by the Trustees' land occupied Chandrama Pathak, on the South by the Trustees' land occupied by Chandrama Pathak and on the West by the Trustees' land occupied by Chandrama Pathak.

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

By Order of :

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

*[Signature]*  
Head Assistant

Dated: 18.02.2022

OFFICE OF THE ESTATE OFFICER Signature and seal of the  
SYAMA PRASAD MOOKERJEE PORT Estate Officer



**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 1<sup>st</sup> Floor  
Of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1758/D OF 2019  
ORDER NO.06 DATED: 16.02.2022

**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

Estate Chandrama Pathak,  
Nawab Putty, Gate No.3,  
Railway Gate, Cossipore,  
Kolkata-700 002  
AND ALSO AT  
3, Dilarjung Road, Nawab Putty,  
No.3 Railway Gate, Cossipore,  
Kolkata-700003.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
18.02.2022  
Hand Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

WHEREAS I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:  
AND WHEREAS by written notice dated 23.10.2019 you are called upon to show cause on or before 11.11.2019 why an order requiring you to pay damages of Rs.2,18,240/- (Rupees Two Lakh eighteen thousand two hundred forty Only) for Plate No.SB-349, Rs.1,07,466/-(Rupees One Lakh seven thousand four hundred sixty six) for Plate No.SB-349/1, Rs.22,336/-(Twenty two thousand three hundred thirty six only) for Plate No.SB-349/2 and Rs.40,010/-(Forty thousand ten only) for Plate No.CG-156/7 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 evidence produced before this Forum;

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.2,18,240/- (Rupees Two Lakh eighteen thousand two hundred forty Only) for Plate No.SB-349, Rs.1,07,466/-(Rupees One Lakh seven thousand four hundred sixty six) for Plate No.SB-349/1, Rs.22,336/-(Twenty two thousand three hundred thirty six only) for Plate No.SB-349/2 and Rs.40,010/-(Forty thousand ten only) for Plate No.CG-156/7 assessed by me as damages on account of your unauthorised occupation of the premises all for the period from 15.11.2013 to 31.05.2016 (both days inclusive) to SMP, Kolkata by 03.03.2022

PLEASE SEE ON REVERSE

*Sud*



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 - SB-349

Land Msg. about 156.077 Sq.m at Cossipore, in the Presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North partly by the Trustees' land occupied by Tarakeswar Pathak and partly by the strip of open land alongside Nawab Dilarjung Road, on the East partly by the strip of open land alongside Nawab Dilarjung Road and partly by the private land & structure, on the South partly by the private land & structure and partly by the strip of open land and on the West by the strip of open land used as passage.

#### Plate NO.SB-349/1

Land Msg. about 76.83 Sq.m at Cossipore, in the presidency town of Kolkata, Thana-North Port Police Station. It is bounded on the North by the strip of open land used as passage, on the East partly by the strip of open land on partly by the private land & Structure, on the South partly by the Private land & structure and partly by the Trustees' pucca Goomty and on the West partly by the Trustees' pucca Goomty and partly by the Trustees' strip of open land used as passage.

#### Plate NO.SB-349/2

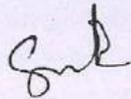
Land Msg. about 15.98 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land used as passage, on the East partly by the Trustees' pucca Goomty and partly by the private land & structure, on the South partly by the Private land & Structure and partly by the Trustees' land occupied by M/s. United Minerals Industries and on the West partly by the Trustees' land occupied by M/s United Minerals Industries and partly by the Trustees' land used as passage.

#### Plate No.CG-156/7

Goomty Msg. about 17.466 Sq.m at Nawab Putty, Cossipore, in the presidency town of Kolkata, Thana- North Port Police Station. It is bounded on the North by the Trustees' land occupied by Chandrama Pathak, on the East by the Trustees' land occupied Chandrama Pathak, on the South by the Trustees' land occupied by Chandrama Pathak and on the West by the Trustees' land occupied by Chandrama Pathak.

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

Date 18.02.2022

  
Signature & 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

1758, 1758/R, 1758/D of 2019 Order Sheet No. 09

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

*Estate Chandrama Pathak* <sup>VS</sup>

06  
16.02.2022

**FINAL ORDER**

The instant proceedings No. 1758, 1758/R, 1758/D of 2019 arises out of the application bearing No. Lnd. 7/43/16/1084 dated 20.06.2016 filed by Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust), hereinafter referred to as SMP, Kolkata, Applicant herein, praying for order of eviction and recovery of arrear due/damages/compensation along with interest. The Short Facts of case is summarised hereunder.

(i) Land Msg. about 156.077 Sq.m.(under Plate No.SB-349) situated at Cossipore, Kolkata (ii) Land Msg. about 76.83 Sq.m(under Plate No.SB-349/1) situated at Cossipore, Kolkata (iii) Land Msg. about 15.98 Sq.m(under Plate No.SB-349/2) situated at Nawab Putty, Cossipore, Kolkata and (iv) Goomty Msg. about 17.466 Sq.m(under Plate No.CG-156/7) situated at Nawab Putty, Cossipore, Kolkata, were allotted to **Estate Chandrama Pathak** (O.P. herein), by the Port Authority on short term lease basis on certain terms and conditions. It is submitted by SMP, Kolkata that while in possession of the Port property as lessee, O.P. defaulted in payment of monthly rent, taxes and also accrued interest thereon, parted with possession of the subject premises to third parties and also made encroachment upon the SMP, Kolkata's vacant land respectively about 30.249 Sq.m, 15.499 sq.m and 8.252 sq.m. without taking any permission from SMP, Kolkata. As the breaches not being remedied despite of repeated requests, SMP, Kolkata had issued Notice/s to Quit being No. Lnd.7/43/13/2318, Lnd.7/43/13/2320, Lnd.7/43/13/2317, Lnd.7/43/13/2319 all dated 30.10.2013 determining the lease and asking the O.P. to quit, vacate and deliver up peaceful possession of all the public premises on 15.11.2013.

It is the case of SMP, Kolkata that even after issuance of the notices to quit dated 30.10.2013, O.P. failed and neglected

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**

*Sub*



# 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. 1758, 1758/R, 1758/D of 2019

Order Sheet No. 10

OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Estate Chandrama<sup>VS</sup> Palthak

06  
16.02.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
DRAINED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
18.02.2022  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

to hand over possession of all the public premises to SMP, Kolkata. Rather, O.P. has been continuing to occupy the said port premises wrongfully and in unauthorised manner for which SMP, Kolkata is entitled to have the O.P. evicted from the public premises and O.P. is liable to pay arrear rent/compensation charges and also accrued interest till O.P. delivers up the vacant possession.

Considering the submission advanced by SMP, Kolkata and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 23.10.2019 (vide Order No.01 dated 21.10.2019) were issued by this Forum to O.P. The Notice/s were issued in terms of the said provisions of the Act calling upon the O.P. to appear before this Forum in person or through authorized representative capable of answering all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice/s were sent through Speed Post/hand delivery to the recorded addresses of O.P. at Nawab Putty, Gate No.3, Railway Gate, Cossipore, Kolkata-700003 and also at 3, Dilarjung Road, Nawab Putty, No.3 Railway Gate, Cossipore, Kolkata-700003. It appears from records that the Notice/s sent through Speed post to 1<sup>st</sup> mentioned recorded address of O.P. returned undelivered to the Forum with an endorsement "not known" however, the notice/s sent to 2<sup>nd</sup> mentioned address of O.P. were not returned back. The Report of the Process Server dated 28.10.2019 further depicts that such Notice/s were also served upon O.P. personally on 28.10.2019 and one staff of O.P. has received the same on behalf of O.P. and due affixation was also made on the subject premises on date as per the mandate of the P.P Act.

On the day fixed for appearance and filing of reply to the Show Cause by the O.P., none appeared before this Forum.

SP



# 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

1758, 1758/R, 1758/D of 2019 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Estate Chandrama <sup>VS</sup> Pathak

06  
16.02.2022

Therefore, following the principles of Natural Justice, direction was passed by this Forum to make another attempt of service and parallel affixation on the property of the orders (dated 11.11.2019) passed by this Forum. Thereafter on 25.11.2019 one Mr. Abdul Hamid Shaikh and another Mr. Kingsuk Mondal expressing themselves as the Ld. Advocates for the O.P. appeared before this Forum and filed their vakalatnama executed in their favour. Ld' Advocates of O.P. made a prayer before the Forum for supplying them copy of original application along with a prayer for adjournment for four weeks for filing their reply to the Show Cause and accordingly such time was allowed by the Forum to O.P. and on 02.12.2020 Ld' Advocates of O.P. filed reply to the Show Cause denying the claim of SMP, Kolkata. It is submitted by the Advocates of O.P. that the allegation of SMP, Kolkata has no basis because no encroachment and no parting with possession has ever been made by O.P. and no payment is due on account of rent upto December 2004. SMP, Kolkata's claim of compensation charges @ 3 x SoR is also unreasonable. The Port Authority has arbitrarily issued the Notice to Quit dated 30.10.2013 to O.P. purportedly claiming such compensation charges @ 3 x SoR which they have no power to claim as per the Statute. Major Port Trust Act-1963 and the Land Policy for Major Port, 2010 as modified from time to time also not entitled SMP, Kolkata to claim such compensation charges @ 3 x SoR. SMP, Kolkata thereafter filed their rejoinder to such reply filed by O.P. on 13.01.2020. Refuting the O.P's claim SMP, Kolkata argued that O.P. was granted monthly lease of the subject plot and such lease was effected by mere offer & acceptance of both the sides and no registered deed was executed by and between the parties. Moreover, such lease of monthly nature does not require mandatory registration as per Section 7 of the Transfer of Property Act-1882. In this

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
18.02.2022  
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

1758, 1758/R, 1758/D of 2019

Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*Estate Chandrama Patthak* VS

06  
16.02.2022

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
16.02.2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

instant matter as no formal lease agreement was made between the parties, no question of execution, therefore, come into play. A recent inspection of SMP, Kolkata on 02.05.2019 depicts that there are ample evidences as regards the breach of non-payment of rent, encroachment charges and unauthorised parting. Further such breach of non-payment, unauthorised parting and encroachment has already been brought to the notice of the Forum vide SMP, Kolkata's application dated 20.06.2016. Apart from such breaches, O.P. has also erected unauthorised construction regarding which SMP, Kolkata has already wrote a letter to the DG Building, Building Department for taking suitable steps to stop such construction. SMP, Kolkata's imposition of compensation @ 3 times of the current schedule of rent (SoR) and other provisions which forms part of the Land Policy Guidelines, as implemented by SMP, Kolkata has also got a definite legal sanction therefore, O.P. cannot deny such payment. The matter was finally heard on 13.01.2020 when after giving direction to both the parties for submission of their respective Written Notes of Arguments, the matter was reserved for final order.

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through all the documents placed on record, I find that following issues have come up for my adjudication/decision:

- I) Whether the instant Proceeding filed by SMP, Kolkata is maintainable or not;
- II) Whether O.P. has defaulted in making payment of rental dues to SMP, Kolkata or not;
- III) Whether O.P.'s contention that "three times compensation charges is not justified" has got any merit or not;
- IV) Whether O.P. has parted with possession unauthorisedly, or not;

*[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

1758, 1758/R.1758/ of 2019 Order Sheet No. 13

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

Estate Chandroma <sup>VS</sup> Pathak

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- V) Whether O.P has made encroachment upon SMP, Kolkata's vacant land or not;
- VI) Whether SMP, Kolkata's notices dated 30.10.2013 as issued to O.P., demanding possession from O.P. are valid and lawful or not;
- VII) Whether after alleged expiry of such Quit Notices O.P.'s occupation could be termed as "unauthorised occupation" in view of Sec.2 (g) of the P.P. Act and whether O.P. is liable to pay damages to SMP, Kolkata during the period of their unauthorised occupation or not;

As regards **issue No.I**, I must say that the properties owned and controlled by the Port Authority has been declared as "public premises" by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and Section-15 of the Act puts a complete bar on Court's jurisdiction to entertain any matter relating to eviction of unauthorized occupants from the public premises and recovery of rental dues and/or damages, etc. SMP, Kolkata has come up with an application for declaration of O.P's status as unauthorized occupant in to the public premises with the prayer for order of eviction, recovery of rental dues and compensation/damages etc. against O.P. on the ground of termination of authority to occupy the premises as earlier granted to O.P. in respect of the premises in question. So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law. In fact, proceedings before this Forum of Law is not statutorily barred unless there is any

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18.02.2022  
OFFICE ASSISTANT  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Sub



# 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

Proceeding No. 1758, 1758/R, 1758/D of 2019

Order Sheet No. 14

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

*Estate Chandrama Patthak* <sup>VS</sup>

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18.02.2022  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

specific order of stay of such proceedings by any competent court of law. The Issue is thus decided accordingly.

With regard to the **issue No. II**, i.e. on the issue of non-payment of SMP, Kolkata's monthly rent and taxes, O.P has admitted the dues on their part vide reply/written objection to the Show Cause notice/s as filed on 02.01.2020. The categorical submission of O.P is that O.P. had been paying rent as per the schedule of Rent upto December, 2004 without any default for all the plates & SMP, Kolkata has accepted the same. Before this Forum, SMP, Kolkata has also filed copies of several letters addressing the O.P (such as letter dated 25.02.2005 and 16.12.2005) etc. whereby SMP, Kolkata repeatedly requested O.P for liquidation of their dues but inspite of receiving the copy of such letters, O.P apparently did not pay any heed to that matter. Moreover, SMP, Kolkata has filed a Statement of Accounts as generated on 07.01.2020 and 20.06.2016 which clearly indicates the huge dues on the part of the O.P. The Statements have been handed over to O.P vide applications/ comments dated 13.01.2020. There is no reason to disbelief such submission of the statutory authority like SMP, Kolkata. O.P in para 8 of its reply has claimed that the Quit notice is arbitrary and wholly without jurisdiction. My view is that in fact, once the dues and taxes are admitted substantially by the O.P., there is no reason not to uphold the validity of the notice to quit. Moreover, O.P's plea that O.P had been paying rent as per the SoR upto December, 2004 etc. does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all. Further, I may add that this Forum has given opportunity to O.P to liquidate the dues of SMP, Kolkata but O.P never succeeded in complete and full discharge of such dues taxes and interest. Thus this Forum holds that the charge of default in payment of rent and taxes is definitely established.

*Sud*

# 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



1758, 1758/R, 1758/D of 2019 Order Sheet No. 15

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Estate Chandrama Patthak <sup>VS</sup>

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As regards the **issue no. III** i.e. on the issue of three times rent charges, O.P. has claimed in their Application dated 02.01.2020 that "SMP, Kolkata's claim of compensation charges @ 3 x SoR is unreasonable. The Port Authority has arbitrarily issued the Notice to Quit dated 30.10.2013 to O.P. purportedly claiming such compensation charges @ 3 x SoR which they have no power to claim as per the Statute. However, I must say that when any occupant enjoys possession without any valid grant or authority from the land lord, the party whose interest is hampered by such unauthorised occupation is entitled to receive, from the party who is occupying unauthorisedly, compensation for any loss or damage caused to him thereby, which naturally arose in the usual course of things from any breach, or which parties knew, when they made the contract to be likely to result from the breach of it. As regards the three times rate of compensation in respect of unauthorised occupation, O.P has failed to remedy the breaches as per quit notice/s dated 30.10.2013, such being the case, O.P. is debarred from taking the plea of exorbitant rent/charges. In fact, the question of compensation charges @ 3x SoR for occupation or any question about abnormally high rate of rent cannot be entertained by this Forum as the charges for occupation of Port Property is fixed up by Tariff Authority of Major Ports by their notification published under authority of law in accordance with the provisions of the Major Port Trusts Act, 1963 as time to time amended. The issue is thus decided accordingly in favour of the Port Authority.

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**Issue No. IV & V** i.e issue of unauthorised parting with possession & encroachment have taken up together as the issues are related with each other. Although O.P vide their reply/written objection to the Show Cause dated 02.01.2020 has denied such charges of Unauthorised

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

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

Estate Chandrama Pathak <sup>VS</sup>

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SYAMA PRASAD MOOKERJEE PORT

Parting & encroachment, however, It is settled law that mere denial is not sufficient to rebut the charges unless it is corroborated by sufficient evidence. Here, no such attempt has been made by the O.P. at all. As regards the allegations of unauthorised parting with possession against the O.P., I find that SMP, Kolkata has come up with specific drawing/sketch Maps being No. 8694-1-K, 8694-2-K & 8694-4-K all dated 18.07.2011 highlighting the respective encroached areas of 30.249 Sq.m & 15.499 Sq.m & 8.252 Sq.m in red border but O.P is silent as to how such encroachments can be said to be authorized in nature. As per the P.P Act 1971, once the Notice U/S-4 is issued, burden is on the O.P to Show Cause and/or produce evidence but in this case O.P has hopelessly failed to do so. In my view, the O.P. has sufficiently admitted about the existence of unauthorized encroachments in the premises, and since it is a settled law that admitted facts need not be proved, I have no bar in accepting that the breach of unauthorized construction was existing when the notice/s to quit dated 30.10.2013 came to be issued by the Port Authority.

Now as regards unauthorized parting with possession, mere claim on behalf of O.P that it has never parted with possession of the premises to any third party or himself in use and occupation of the premises etc. are, in my view not sufficient to defend this type of serious allegation such as unauthorized parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. Even O.P did not produce any single photographic evidence to counter the allegation of SMP, Kolkata. As such it is very difficult to accept the mere claim of the O.P which is bereft of any cogent reason. Moreover, a recent inspection made by SMP, Kolkata on 02.05.2019 shows that one M/s Paras Enterprise is functioning over the subject premises.

Suk



**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

No. 1758, 1758/R, 1758/D of 2019 Order Sheet No. 17

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

*Estate Chandrama Patthak* <sup>VS</sup>

*OG*  
16.02.2022

This is nothing but an evidence of unauthorised parting with possession to third parties. Such induction of a third party without the approval of SMP, Kolkata is also against spirit of tenancy. Therefore, both the issues are decided in favour of SMP, Kolkata.

**Issues VI and VII** are taken up together, as the Issues are related with each other. On evaluation of the factual aspects involved in this matter, the logical conclusion which could be arrived at is that SMP, Kolkata's notice/s dated 30.10.2013 as issued to O.P., demanding possession of port property from O.P. is valid and lawful and binding upon the O.P. As per Section 2 (g) of the Act the "unauthorized occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever. The lease granted to O.P. was determined and the Port Authority by due service of notice/s to Quit demanded possession from O.P. SMP, Kolkata's application for order of eviction is a clear manifestation of Port Authority's intention to get back possession of the premises. In course of hearing, the representative of SMP, Kolkata submits that O.P. cannot claim its occupation as "authorized" without paying any rent to SMP, Kolkata. The lease was doubtlessly determined by SMP, Kolkata's notice/s demanding possession, whose validity for the purpose of deciding the question of law cannot be questioned by O.P. Therefore, there cannot be any doubt that the O.P. was in unauthorized occupation of the premises, In such a situation, I have no bar to accept SMP, Kolkata's contentions regarding enforceability of the notice/s dated

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*18.02.2022*  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sud*



# 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

Proceeding No. 1758, 1758/R, 1758/D of 2019

Order Sheet No. 18

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Estate Chandrama Palhal <sup>VS.</sup>

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Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

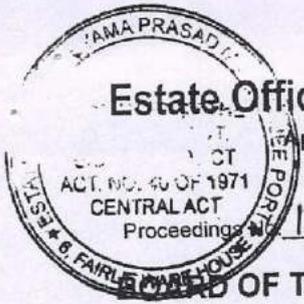
30.10.2013, on evaluation of the facts and circumstances of the case. With this observation, I must reiterate that the notice/s to quit, demanding possession from O.P. as stated above have been validly served upon O.P. in the facts and circumstances of the case and such notice/s are valid, lawful and binding upon the parties. As per law O.P. is bound to deliver up vacant and peaceful possession of the public premises in its original condition to SMP, Kolkata after expiry of the period as mentioned in the notice/s to quit dated 30.10.2013.

"Damages" are like "mesne profit" that is to say the profit arising out of wrongful use and occupation of the property in question. I have no hesitation in mind to say that after determination of lease by way of Quit Notice, O.P. has lost its authority to occupy the public premises and O.P. is liable to pay damages for such unauthorized use and occupation.

The Port Authority has a definite legitimate claim to get its revenue involved into this matter as per the SMP, Kolkata's Schedule of Rent Charges for the relevant period and O.P. cannot claim continuance of its occupation as "authorized occupation" without making payment of requisite charges. In course of hearing, it is submitted on behalf of SMP, Kolkata that the charges claimed on account of damages is on the basis of the SMP, Kolkata's Schedule of Rent Charges as applicable for all the tenants/occupiers of the premises in a similarly placed situation and such Schedule of Rent Charges is notified rates of charges under provisions of the Major Port Trusts Act 1963. In my view, such claim of charges for damages by SMP, Kolkata is based on sound reasoning and should be acceptable by this Forum of Law.

O.P. has failed to substantiate as to how its occupation could be termed as "authorised" in view of Sec. 2(g) of the P.P Act, after expiry of the period as mentioned in the SMP,

*Sub*



# 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

1758, 1758/R, 1758/D of 2019 Order Sheet No. 19

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

Estate Chandrama Pat<sup>VS</sup>hak

06  
16.02.2022

Kolkata's notice/s dated 30.10.2013, demanding possession from O.P. I have no hesitation to observe that O.P.'s act in continuing occupation after expiry and determination of the lease is unauthorized and O.P. is liable to pay damages for unauthorized use and occupation of the Port property in question upto the date of delivering vacant, unencumbered and peaceful possession to SMP, Kolkata. The Issues VI and VII are thus decided in favour of SMP, Kolkata.

NOW THEREFORE, I consider it is a fit case for allowing SMP, Kolkata's prayer for eviction against O.P. u/s 5 of the Act for the following grounds/reasons:

1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear dues/damages etc. as prayed for on behalf of SMP, Kolkata.
2. That O.P. has violated the condition of short term lease as granted by the Port Authority by way of not making payment of rental dues and taxes to SMP, Kolkata, for a prolonged period of time.
3. That O.P. has parted with possession of the subject public premises without having any authority of law.
4. That O.P. has made unauthorised encroachments upon the Trustee's vacant land in clear violation of the terms of such tenancy.
5. That the O.P. or any other person/occupant has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
6. That the notice/s to quit dated 30.10.2013 as served upon 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

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18.02.2022  
Head Assistant  
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SYAMA PRASAD MOOKERJEE PORT

SB



# 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. 1758, 1758/R, 1758/O of 2019

Order Sheet No. 20

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Estate Chandrama <sup>VS</sup> Pathak

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become unauthorised in view of Sec.2 (g) of the P.P. Act.

7. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the 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 Law up to the date of 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 could 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.4,77,675.76(Four Lakh seventy seven thousand six hundred seventy five only and paise seventy six) for Plate No.SB-349 for the period 01.08.1984 to 14.11.2013 (both days inclusive), Rs.2,34,131.80 (Rupees Two Lakh thirty four thousand one hundred thirty one and paise eighty only) for Plate No.SB-349/1 for the period 01.07.1985 to 14.11.2013(both days inclusive), Rs.47,068.92(Rupees Forty seven thousand sixty eight and paise ninety two only) for Plate No.349/2 for the period 01.09.1990 to 14.11.2013(both days inclusive) and Rs.1,94,985.23(Rupees One Lakh ninety four thousand nine hundred eighty five and paise twenty three only) for Plate No.CG-156/7) for the Period 01.01.1985 to 14.11.2013(both days inclusive) are due and recoverable

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18.02.2022  
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SYAMA PRASAD MOOKERJEE PORT

*[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

1758, 1758/R, 1758/D of 2019

Order Sheet No. 21

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

Estate Chandrama Patra <sup>VS</sup>

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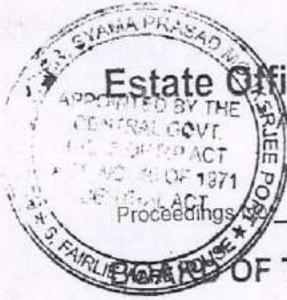
from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to SMP, Kolkata on or before 03.03.2022. Such dues attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official 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.

Likewise, I find that SMP, Kolkata has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs. 2,18,240/- (Two Lakh eighteen thousand two hundred forty only) for the Plate No.SB-349, Rs. 1,07,466/- (Rupees One Lakh seven thousand four hundred sixty six only) for Plate No.SB-349/1, Rs.22, 336/- (Rupees Twenty two thousand three hundred thirty six only) for Plate No. SB-349/2 and Rs. 40,010/- (Rupees Forty thousand ten only) for Plate No.CG-156/7) as claimed by the Port Authority as damages in relation to the subject premises in question, are correctly payable by O.P. all for the period 15.11.2013 to 31.05.2016 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sums to SMP, Kolkata by 03.03.2022. 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.

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SYAMA PRASAD MOOKERJEE PORT  
18.02.2022  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Smt

I make it clear that SMP, Kolkata is entitled to claim further damages against O.P. for unauthorized use and



**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

1758, 1758/R, 1758/D of 2019 Order Sheet No. 22

**IN FAVOR OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

*Estate Chandrama Pathak* **VS**

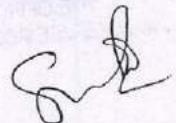
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18.02.2022  
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**SYAMA PRASAD MOOKERJEE PORT**

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 31.05.2016 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.05.2016, 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.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(S. Mitra)  
ESTATE OFFICER

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