

Utsav



REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY

ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile KOLKATA PORT TRUST)

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place (1st FLOOR) KOLKATA-700001

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

PROCEEDINGS NO.1166/D OF 2011
ORDER NO.23 DATED: 01.03.2022

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

Mohanlal Vyas
P-221/2, Strand Bank Road(Top Floor),
Kolkata-700001.

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
ON 01.03.2022
01.03.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

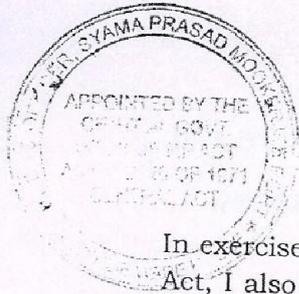
WHEREAS I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 30.11.2021 you are called upon to show cause on or before 14.12.2021 why an order requiring you to pay damages of Rs.95,059/- (Rupees Ninety five thousand fifty nine only) for Plate No.CG-200 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.95,059/- (Rupees Ninety five thousand fifty nine only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.04.1985 to 13.11.2013 (both days inclusive) to SMP, Kolkata by 21.03.2022

PLEASE SEE ON REVERSE



: 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 @ 6.30 % 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.

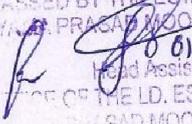
SCHEDULE

Plate No.CG-200

Room No.2A measuring 4.27sq.m or thereabouts on the top floor of the Trustees' building being premises No.P-221/2, Strand Bank Road is situated on the west side of Strand Bank Road in the Presidency Town of Kolkata. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees for the Port of Kolkata).

Date 02.03.2022


Signature & Seal of the
Estate Officer.

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

02.03.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Proceeding No. 1166/D Of 2011 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Mohanlal Vyas. VS

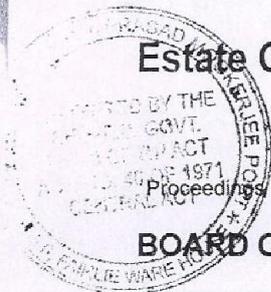
FINAL ORDER

The instant proceedings No. 1166/D of 2011 arises out of the application bearing No. Lnd. 5/81/13/2466 dated 18.11.2013 read with an application dated 14.08.2014 and 28.09.2021 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMP, Kolkata, the applicant herein, praying for an order of recovery of dues/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **Mohanlal Vyas**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being room space measuring 4.27 sq.mtrs. or thereabout situated at P-221/2, Strand Bank Road, Calcutta-1, Thana- N.P.P.S, District-Kolkata(under Plate No.CG-200) as monthly term Lessee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under monthly term lease by defaulting in payment of monthly rent and taxes and also accrued interest thereon. Notice to Quit was issued by SMP, Kolkata to O.P on 15.11.1984. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.1166, 1166/R of 2009. The O.P appeared before the Forum and contested the case. Thereafter, the Final Order of Eviction against O.P was passed on 14.08.2012. It appears that thereafter SMP, Kolkata vide its application dated 18.11.2013 has intimated that possession of the premises was taken over from O.P on

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.03.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

A



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. 1166/D of 2011 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Mohanlal Vyas

23
01.03.2022

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] 01.03.2022
Deputy Assistant
OFFICER OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

13.11.2013 in terms of the said Order of eviction dated 14.08.2012. It has also been intimated by SMP, Kolkata vide their application/s dated 03.12.2014 and 23.11.2021 that a huge amount of compensation/damages is still due and recoverable from O.P. After considering the allegation levelled by SMP, Kolkata, against the O.P, that while in possession of the Port Property, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon, this Forum being prima facie satisfied with claim of SMP, Kolkata has issued Notice to Show Cause dated 30.11.2021 (vide Order No.19 dated 30.11.2021) upon the O.P U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 to Show Cause as to why an order requiring to pay arrear damages/compensation together with interest should not be made against O.P. The O.P was called upon to appear before this Forum in person or through authorised representative capable to answer all material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

It is the case of SMP, Kolkata, that the O.P. was asked to pay damages/compensation upto 13.11.2013 as because the subject premises was taken over by SMP, Kolkata on 13.11.2013.

The said Notice was sent through speed Post/hand delivery to the recorded address of O.P at P-221/2, Strand Bank Road (Top Floor), Kolkata-700001. It appears from record that Notice sent through speed post returned undelivered to the Forum with an endorsement "ACNL(F.E)". The Report of the Process

[Handwritten mark]



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. 166/D of 2011 Order Sheet No. 26

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Mohanlal Vyas ^{VS}

23
01.03.2022

Server dated 02.12.2021 further depicts that such notice could not be served upon O.P. Thereafter, following the principles of natural justice, this Forum made further attempt to serve the notice upon O.P by directing SMP, Kolkata to provide alternative address, if any, of the O.P. Thereafter on 21.12.2021 SMP, Kolkata filed an alternative address of O.P. however, such address was incomplete therefore, considering service on such address as a futile exercise, a decision was taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P to appear before the Forum and to represent their case. Such Notice was published in the classified column of Times of India (Kolkata) on 12.01.2022 fixing the ultimate date of O.P's appearance on 25.01.2022. But all the efforts were went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the non-appearance of O.P in spite of sufficient opportunities being given and after exhaustion of all available means of service, this Forum finds no need to keep the matter pending and final Order was reserved in the matter on 25.01.2022. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMP, Kolkata on account of damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMP,

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] 01.02.2022
Add Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten mark]

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. 1166/D Of 2011 Order Sheet No. 27

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Moham Lal Vyas. ^{VS}

23
01.03.2022

Kolkata against O.P. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs.95,059/- (Rupees Ninety five thousand fifty nine only) for the period 01.04.1985 to 13.11.2013 (both days inclusive) for the respective plate in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to SMP, Kolkata on or before 21.03.2022. The said damages shall attract compound interest @ 6.30 % 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 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.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata is at liberty to recover the dues etc. in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sayan Sinha)
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
J.P. 01.03.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT