



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. 13 DT 02.03.2022  
PROCEEDINGS NO. 1730 OF 2019

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

-Vs-

**M/s. United Engineering Co. (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 **M/s. United Engineering Co. of P-221/2, Strand Bank Road, Kolkata-700001 AND ALSO OF 11/1, Akhil Mistry Lane(1<sup>st</sup> Floor), Kolkata-700009** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P. has violated the condition of said monthly term license as granted by the Port authority by way of parting with possession of the subject premises to third parties.
- 3) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 4) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice of revocation of such license dated 04.06.1986.
- 5) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for wrongful use and enjoyment of the Port property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 13 dated 02.03.2022 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. United Engineering Co. of P-221/2, Strand Bank Road, Kolkata-700001 AND ALSO OF 11/1, Akhil Mistry Lane(1<sup>st</sup> Floor), Kolkata-700009** 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. United Engineering Co. of P-221/2, Strand Bank Road, Kolkata-700001 AND ALSO OF 11/1, Akhil Mistry Lane(1<sup>st</sup> Floor), Kolkata-700009** 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

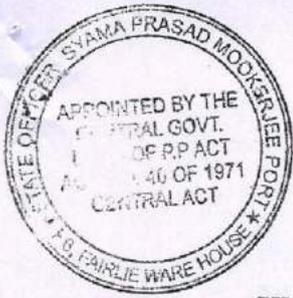
##### Plate No - CG-204/5

Open space msg. about 0.279 sq.mtrs. on the eastern side of the entrance of premises No.P-221/2 Strand Bank Road, Kolkata-700001, is situated on the west side of Strand Bank Road under the presidency town of Kolkata. Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 03.03.2022

  
Signature & Seal of  
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  
\*\*\*\*\*

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

PROCEEDINGS NO.1730/D OF 2019  
ORDER NO.13 DATED: 02.03.2022

**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

**M/s. United Engineering Co.  
P-221/2, Strand Bank Road,  
Kolkata-700001**

**AND ALSO OF  
11/1, Akhil Mistry Lane(1<sup>st</sup> Floor),  
Kolkata-700009**

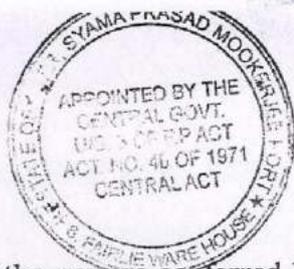
WHEREAS I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 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.12,319.48 (Rupees Twelve thousand three hundred nineteen and paise forty eight only) for Plate No.CG-204/5 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.12,319.48 (Rupees Twelve thousand three hundred nineteen and paise forty eight only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.08.1986 to 30.06.2017 (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-204/5**

Open space msg. about 0.279 sq.mtrs. on the eastern side of the entrance of premises No.P-221/2 Strand Bank Road, Kolkata-700001, is situated on the west side of Strand Bank Road under the presidency town of Kolkata. Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 03.03.2022

  
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

Proceeding No. 1730, 1730/D of 2019 Order Sheet No. 12

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

*m/s United Engineering* VS

13  
02.03.2022

### FINAL ORDER

The instant proceedings No. 1730, 1730/D of 2019 arises out of the application bearing No. Lnd. 5/83/II/1837 dated 11.08.2011 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 eviction and recovery of dues/compensation and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s. United Engineering Co.**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being open space measuring about 0.279 sq.mtrs situated on the eastern side of the entrance of Premises No. P-221/2, Strand Bank Road, within the presidency town of Kolkata (under Plate Nos.CG-204/5) as monthly term Licensee. Thereafter, O.P. preferred to continue their occupation wrongfully without paying any charges for compensation for use and occupation of the same. The O.P. also parted with possession of the said premises to rank outsider, in violation of terms of such tenancy.

In view of the aforesaid breaches committed by the O.P., SMP, Kolkata had issued notice of revocation of license dated 04.06.1986 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to SMP, Kolkata on 01.08.1986. But O.P has failed and neglected to vacate/hand over the

By Order of:  
**THE ESTATE OFFICER**  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
02.03.2022  
Estate Assistant  
OFFICE OF THE E.D. 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

Proceeding No. 1730, 1730/D of 2019 Order Sheet No. 12

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

*m/s United Engineering* **VS**

13  
02.03.2022

**FINAL ORDER**

The instant proceedings No. 1730, 1730/D of 2019 arises out of the application bearing No. Lnd. 5/83/II/1837 dated 11.08.2011 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 eviction and recovery of dues/compensation and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s. United Engineering Co.**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being open space measuring about 0.279 sq.mtrs situated on the eastern side of the entrance of Premises No. P-221/2, Strand Bank Road, within the presidency town of Kolkata (under Plate Nos.CG-204/5) as monthly term Licensee. Thereafter, O.P. preferred to continue their occupation wrongfully without paying any charges for compensation for use and occupation of the same. The O.P. also parted with possession of the said premises to rank outsider, in violation of terms of such tenancy.

In view of the aforesaid breaches committed by the O.P., SMP, Kolkata had issued notice of revocation of license dated 04.06.1986 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to SMP, Kolkata on 01.08.1986. But O.P has failed and neglected to vacate/hand over the

By Order of:  
**THE ESTATE OFFICER**  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
Head Assistent  
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. 730, 1730/O of 2019 Order Sheet No. 14

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

*M/s United Engineering* .VS

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02.03.2022

published in the 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. Such notice was also published in the website of SMP, Kolkata. 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 as well as in the Website of SMP, Kolkata.

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 continuous 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.

Now, while passing the Final Order, I have carefully considered the documents on record and the submissions of SMP, Kolkata. The question now arises is how far the service of the Show Cause Notice/s deserves merit in the facts and circumstances of the case. After a through perusal of all the records in the case and from the fact of affixation & publication of such notice/s in a daily news paper, I have left with no other alternative but to accept that the said notice/s have duly been served upon O.P. It is seen that during the entire proceedings, no justification came from the O.P. inspite of providing repeated chances as to how the O.P. is entitled to enjoy the property after expiry of their license. No attempt has been made on behalf of O.P. to satisfy this Forum of Law about any consent on the part of SMP, Kolkata in occupying the public

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

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# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

1730, 1730/D of 2019 Order Sheet No. 15

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

VS  
M/s United Engineering

13  
02.03.2022

premises after determination of the monthly term license. No paper/document was ever produced on behalf of O.P., contradicting/ disputing the claim of SMP, Kolkata inspite of repeated chances being given. Further the occupation of O.P. beyond the period of determination of such license is unauthorized in view of Sec. 2 (g) of the Public Premises Act in question.

As O.P has repeatedly failed to appear before this Forum and no reply to the Show Cause Notice u/s 4 & 7 of the Act has been filed as yet, I have no bar to accept the claim of SMP, Kolkata on account of unauthorised occupation of O.P into the Public Premises in question. I think that it is a fit case for issuing Order of eviction u/s 5 of the Act on the following grounds:-

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P. has violated the condition of said monthly term license as granted by the Port authority by way of parting with possession of the subject premises to third parties.
- 3) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 4) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice of revocation of such license dated 04.06.1986.
- 5) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for wrongful use and enjoyment of

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  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1730, 1730/D of 2019 Order Sheet No. 16

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

M/s United Engineering VS

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02.03.2022

the Port property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s. 5 of the Act as per Rule made there under, giving 15 days time to O.Ps' 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.Ps' in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs.12,319.48 (Rupees twelve thousand three hundred nineteen and paise forty eight Only) for Plate No.CG-204/5 for the period 01.08.1986 to 30.06.2017 (both days inclusive) 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.

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered

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

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**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

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

Proceeding No. 1730, 1730/A of 2019 Order Sheet No. 17

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

*m/s United Engineering* <sup>VS</sup>

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02.03.2022

possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 30.06.2017 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 30.06.2017, 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

  
(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  
*[Signature]*  
02.03.2022  
Deputy Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT