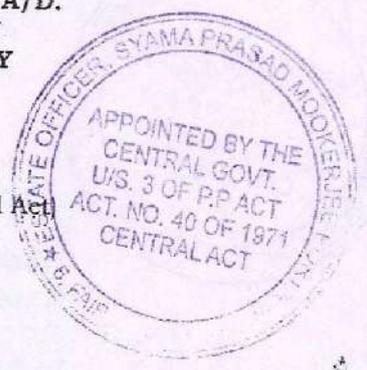


SCAN



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 1st Floor
of Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 06 DT 22.03.2022
PROCEEDINGS NO. 1886 of 2021

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/S. PEST-I-GUARD

F O R M - "B"

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

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 22/03/2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that
M/s. Pest-I-Guard, Prop: Shri Barun Kumar Mukherjee, 221/2, Strand
Bank Road, 2nd Floor, Kolkata-700 001 is in unauthorized occupation of the
Public Premises specified in the Schedule below:

REASONS

- 1) That 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. 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. 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.

gnd

Please see on reverse



:2:

A copy of the reasoned order No. 06 dated 22.03.2022 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. Pest-I-Guard, Prop:Shri Barun Kumar Mukherjee, 221/2, Strand Bank Road, 2nd Floor, 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. Pest-I-Guard, Prop:Shri Barun Kumar Mukherjee, 221/2, Strand Bank Road, 2nd Floor, 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 168/A

Trustees' room No. 4 in the 2nd floor of premises No. P221/2, Strand Bank Road, Msg. 13.936 Sq.mtrs. under Plate No. CG168/A. It is bounded on the North by Trustees' passage, on the South by Trustees' land used as passage, on the East by Trustees' room No. 5 occupied by Estate Kashiram Agarwala and on the West by Trustees' room No. 3A, occupied by Kisen Lall Agarwala.

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

Dated: 22.03.2022

Signature & Seal of the
Estate Officer.

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

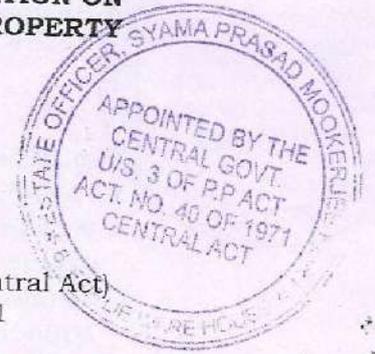
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

22/03/2022



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.1886/R of 2021
ORDER NO.06 DATED: 22.03.2022

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. Pest-I-Guard
Prop:Shri Barun Kumar Mukherjee,
221/2, Strand Bank Road,
2nd Floor,
Kolkata-700 001.

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

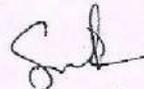
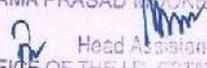
AND WHEREAS, by written notice dated 26.11.2021 (Vide Order No 01 dated 25.11.2021) you were called upon to show cause on/or before 23.12.2021 why an order requiring you to pay a sum of Rs. 4,64,998.29 (Rupees Four Lakhs Sixty Four Thousand Nine Hundred Ninety Eight and paise Twenty Nine only) being the rent payable together with compound interest in respect of the said premises should not be made;

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

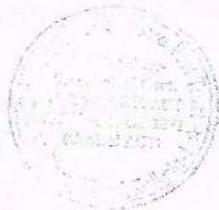
NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby require you to pay the sum of Rs. Rs. 4,64,998.29 (Rupees Four Lakhs Sixty Four Thousand Nine Hundred Ninety Eight and paise Twenty Nine only) for the period 01.09.1999 to 17.05.2021 (both days inclusive) to Kolkata Port Trust by 07.04.2022.

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 22/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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, 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. 06 dated 22.03.2022 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 168/A

Trustees' room No. 4 in the 2nd floor of premises No. P221/2, Strand Bank Road, Msg. 13.936 Sq.mtrs. under Plate No. CG168/A. It is bounded on the North by Trustees' passage, on the South by Trustees' land used as passage, on the East by Trustees' room No. 5 occupied by Estate Kashiram Agarwalla and on the West by Trustees' room No. 3A, occupied by Kisen Lall Agarwalla.

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

Dated: 22.03.2022

Signature and seal of the
Estate Officer

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

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

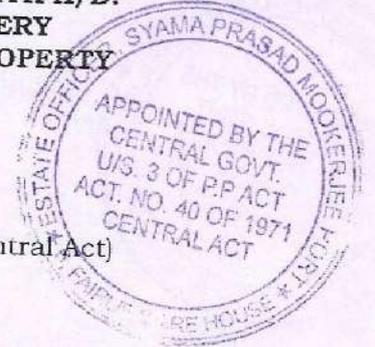
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Head of Central
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

22/03/2022



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 1st Floor
of Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 06 DT 22.03.2022
PROCEEDINGS NO: 1886/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. Pest-I-Guard
Prop: Shri Barun Kumar Mukherjee,
221/2, Strand Bank Road,
2nd Floor,
Kolkata-700 001.

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 22/03/2022
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 25.11.2021 you were called upon to show- cause on/or before 23.12.2021 why an order requiring you to pay a sum of Rs. 35,023/- (Rupees Thirty Five Thousand and Twenty Three only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

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

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs. 35,023/- (Rupees Thirty Five Thousand and Twenty Three 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 07.04.2022.

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 @ 6.30 % 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) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Sub

Please see on reverse



:2:

A copy of the reasoned order no. 06 dated 22.03.2022 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 168/A

Trustees' room No. 4 in the 2nd floor of premises No. P221/2, Strand Bank Road, Msg. 13.936 Sq.mtrs. under Plate No. CG168/A. It is bounded on the North by Trustees' passage, on the South by Trustees' land used as passage, on the East by Trustees' room No. 5 occupied by Estate Kashiram Agarwalla and on the West by Trustees' room No. 3A, occupied by Kisen Lall Agarwala.

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

Dated: 22.03.2022

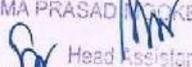
Signature and seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST FOR INFORMATION.

By Order of:

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

 Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

22/03/2022



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1886, 1886/R, 1886/D of 2021 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S Pest-I-Guard, Prop- Sri Barun Kumar Mukherjee VS Sri Barun Kumar Mukherjee



06
22.03.2022

FINAL ORDER

The instant proceedings No. 1886, 1886/R and 1886/D of 2021 arise out of the application bearing No. Lnd 8/48/21/3846 dated 15.11.2021 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 dues, compensation charges/mesne profit/ damages along with accrued interest in respect of the public premises, being the Trustees' Room No 4 in the 2nd Floor of Premises No. P 221/2, Strand Bank Road, measuring about 13.936 sq.m. under Plate No CG 168/A, against **M/s Pest-I-Guard, Prop: Shri Barun Kumar Mukherjee** (hereinafter referred to as **O.P.**).

It is the case of SMP, Kolkata that the O.P. came into occupation of the port property, morefully described under the Schedule 'A' of the SMP, Kolkata's application dated 15.11.2021, 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. 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

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THIS ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
22/03/2022

[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. 1886, 1886/R, 1886/D of 2021 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S Post-I. Guard, Prop- Sri^{VS} Barin Kumar Mukherjee

06
22.03.2022

determined w.e.f. 18.05.2021, in terms of the Notice to Quit dated 23.04.2021 and the O.P. failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit. SMP, Kolkata has made out a case that O.P. has no right to occupy the premises after the determination of 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 26.11.2021 (vide Order No. 01 dated 25.11.2021), as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to the recorded addresses of O.P. at '221/2, Strand Bank Road, Kolkata- 700 001' returned undelivered by the Postal Department with the remarks "ACNL, RTS". The 'Process Server' attached with this Forum has submitted the report dated 29.11.2021 that the Notices could not be hand delivered as the door of the premises was locked. However, as per the said Report of the Process Server the Notices have been affixed in the conspicuous part of 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, neither the O.P. nor any person interested in the property appeared before this Forum. Following the principles of Natural Justice that no one should be condemned unheard, the matter was adjourned till

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Heard and signed
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



Proceedings No. 1886, 1886/R, 1886/D of 2021 Order Sheet No. 10

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s Pest - I - Guard, Propo- Sri Barun Kumar Mukherjee VS



OF
22.03.2022

13.01.2022 in order to provide a chance to the O.P. to represent its case. Department was directed to make another attempt to serve the Orders by 'Speed Post' upon the recorded address of O.P. However, such attempt did not bring any result as the Orders sent through 'Speed Post' to the recorded addresses of O.P. once again returned undelivered by the Postal Department with the same remarks as "ACNL, RTS". The Process Servers attached with the Forum has submitted another Report dated 09.02.2022 stating that while attempting service on 09.02.2022 the premises was found under Lock and key and Notices have been affixed in the conspicuous part of the property under schedule for a notice to all concerned, as per the mandate of the Act.

It appears that all efforts remained infructuous as none appeared on behalf of O.P. or any other person interested in the property and no reply to show cause notice was filed even after affixation of Notice in the conspicuous part of the property twice, for a notice to all concerned, as per the mandate of the Act. Considering the situation above stated, I find no reason to prolong the matter any further and the hearing was concluded on 28.02.2022.

Now, while passing the Final Order, I find copy of the Affidavit sworn by Shri Barun Kumar Mukherji dated 07.06.1979 before the Court of Executive Magistrate, Alipore affirming and declaring that after the demise of his father he became the sole proprietor of the firm Pest-I-Guard, situated at the same premises at '221/2, Strand Bank Road, Kolkata- 700 001' from where the Notices/Orders of the forum has been returned undelivered by the Postal Authority.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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. 1886, 1886/R, 1886/D of 2021 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Pest-I- Guard, Prof- Sri Barin Kumar Mukherjee ^{VS}

06
22.03.2022

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.

I find a copy of the notice to quit dated 23.04.2021, requesting the O.P. to quit, vacate and deliver up peaceful possession of the premises on 18.05.2021 in terms of the said notice.

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.

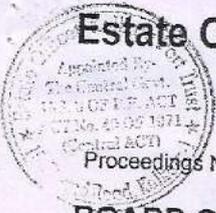
Considering all, as discussed above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

Sub

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

R Head Assistant *mmv* 22/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1886, 1886/K, 1886/D of 2021 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Pest-I-Guard, Prop-^{VS} Barun Kumar Mukherjee



06
22.03.2022

- 1) That 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. 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. 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.

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

22/03/2022

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 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

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. 1886, 1886/R, 1886/D of 2021 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s Post-I-guard, Prop - Sri Barun Kumar Mukherjee VS

06

22.03.2022

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. appeared to be established. 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. 4,64,998.29 (Rupees Four Lakhs Sixty Four Thousand Nine Hundred Ninety Eight and paise Twenty Nine only) for the period from 01.09.1999 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 07.04.2022.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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



Proceedings No. 1886, 1886/R, 1886/D of 2021

Order Sheet No. 14



BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S Pest-T. Guard, Prop - vs
Sri Barun Kumar Mukherjee

06
22.03.2022

It is also my considered view that a sum of Rs. 35,023/- (Rupees Thirty Five Thousand and Twenty Three 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 compensation dues to SMP, Kolkata on or before 07.04.2022.

Such rental as well compensation dues shall attract compound interest @ 6.30 % 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. 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.

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

Sd/-



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1886, 1886/R, 1886/A of 2021 Order Sheet No. 15

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Post-I-guard, Prop- Sri Barin Kumar Mukherjee **VS**

06
22.03.2022

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, 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 ***

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Dr Head Assistant 22/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT