

REGISTERED POST WITH A/D
HAND DELIVERY
AFFIXATION ON PROPERTY



ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT, KOLKATA (SMP, KOLKATA)
(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971- Central Act.)

The Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie, 1st Floor
Kolkata - 700 001

Court Room at the 1st Floor
of Kolkata Port Trust's
Legal Division, Head Office,
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.1069/R of 2010
REASONED ORDER No.68 DATED: 19/04/2022

FORM-"E"

Form of Order under Sub-Section (1) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971

To
G.S.K.House,
Dr. Annie Besant Road,
Worli,
Mumbai-400 030.

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

AND WHEREAS by written notice dated 20.05.2010 you were called upon to show cause on/or before 01.06.2010 why an order requiring you to pay damages of a sum of Rs. 7,71,12,791.49 (Seven Crores Seventy-one Lakhs Twelve Thousand Seven Hundred Ninety-One and Forty-Nine paisa) for Plate No.D-296 and Plate-D-296/1, being the rest payable together with compound interest in respect of the said premises should not be made.

AND WHEREAS as 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 (1) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order you to pay the sum of Rs. 7,71,12,791.49 (Seven Crores Seventy-one Lakhs Twelve Thousand Seven Hundred Ninety-One and Forty-Nine paisa) for Plate No. D-296 and Plate-D-296/1, assessed by me as damages on account of your unauthorized occupation of the premises for the period from 01.03.2009 to 20.07.2013 (both days inclusive) to Kolkata Port Trust by 19.05.2022.

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 from the official website of State Bank of India)

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Please see on Reverse

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

Head Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

20/04/2022

Syama Prasad Mookerjee
19/04/2022

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from the date of incurrence of liability till its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.

A copy of the reasoned order No.68 dated 19.04.2022 is attached herewith.

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

Piece or parcel of land msg. About 13009.60 sq.m which is situated at Transport Road, Thana-Taratala Police Station, Kolkata, Dist.-24 Parganas (South), Registration Dist.-Alipore. It is bounded on the North by the Trustees' land occupied by Avery India Ltd., on the East by the Trustees' land leased to ONGC, on the South by the Trustees' Drain and Transport Depot Road and on the West by the Trustees' Hide Road Extn.

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

Dated: 19.04.2022

Signature & Seal of the
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER,
SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (ERSTWHILE BOARD OF
TRUSTEES' FOR THE PORT OF 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

20/04/2022

REGISTERED POST WITH A/D
HAND DELIVERY
AFFIXATION ON PROPERTY

ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT, KOLKATA (SMP, KOLKATA)
(Appointed by the Central Govt: Under Section 3 of Act 40 of 1971- Central Act.)

The Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie, 1st Floor
Kolkata - 700 001



Court Room at the 1st Floor
of Kolkata Port Trust's
Legal Division, Head Office,
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.1069/D of 2010
REASONED ORDER No.68 DATED: 19/04/2022

FORM-"G"

Form of Order under Sub-Section (2) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971

To
G.S.K.House,
Dr. Annie Besant Road,
Worli,
Mumbai-400 030.

WHEREAS I, the undersigned, am satisfied that you were in unauthorized occupation of the Public Premises described in the Schedule below:

AND WHEREAS by written notice dated 20.05.2010 you were called upon to show cause on/or before 01.06.2010 why an order requiring you to pay damages of a sum of Rs. 7, 71, 12,791.49 (Seven Crores Seventy-one Lakhs Twelve Thousand Seven Hundred Ninety-One and Forty-Nine paisa) for Plate No.D-296 and Plate No.D-296/1, together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS as 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 Unauthorized Occupants) Act, 1971, I hereby order you to pay the sum of Rs. 7,71,12,791.49 (Seven Crores Seventy-one Lakhs Twelve Thousand Seven Hundred Ninety-One and Forty-Nine paisa) For Plate No. No.D-296 and Plate No.D-296/1, assessed by me as damages on account of your unauthorized occupation of the premises for the period from 01.03.2009 to 20.07.2013 (both days inclusive) to Kolkata Port Trust by 19.05.2022.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Please see on Reverse

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]
19/04/2022

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In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of State Bank of India) from the date of incurrance of liability till its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.

A copy of the reasoned order No.68 dated 19.04.2022 is attached herewith.

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-I

Piece or parcel of land msg. About 13009.60 .sq.m which is situated at Transport Road, Thana-Taratata Police Station, Kolkata, Dist.-24 Parganas (South), Registration Dist.-Alipore. It is bounded on the North by the Trustees' land occupied by Avery India Ltd., on the East by the Trustees' land leased to ONGC, on the South by the Trustees' Drain and Transport Depot Road and on the West by the Trustees' Hide Road Extn.

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

Dated: 19.04.2022

Signature & Seal of the Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF 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

SCAN

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. 1069, 1069/R/V/1069/D of 2010 Order Sheet No. 111

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. GLAXO SMITHKLINE ^{VS} PHARMACEUTICALS LTD

68

20.04.2022

FINAL ORDER

The instant proceedings number 1069/R, 1069/D of 2010 arises out of the application bearing no. Lnd. 4084/V/21/2838 dated 03.08.2021 filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, praying for an order of recovery of outstanding dues/compensation charges for wrongful possession of public premises by O.P. till 20.07.2011, alongwith accrued interest in respect of the public premises as defined in the schedule of the said application against M/s. GLAXO SMITHKLINE PHARMACEUTICALS Ltd., the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The **factual** matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 1069/R, 1069/D of 2010 within the four corners of PP Act, 1971, as revealed under point-wise in a chronological order.

- 1) In the course of hearing, it was submitted by SMP, Kolkata that O.P. was allotted land msg.13009.60 Sq.m. situated at Hide Road Extension, Kolkata, comprised under Plate No.D-296 and D-296/1 on the basis of Registered Lease Deed for 30 years with effect from 1st July, 1950 with two options for renewal for 30 years each AND after expiry of the period of the Mother Lease on and from 30.06.1980 O.P. accepted the terms and conditions of SMP's offer dated 21.04.1980 for renewal of the lease, with effect from 01.07.1980, though paid rent as per revised rent vide letter dated 14.10.1980. The Draft Lease Deed was forwarded to O.P. for execution and registration and O.P. preferred to institute suit before the Hon'ble High Court being suit No.943 of 1981.Hon'ble High Court by its order dated 10.03.1983 restrained the Port Authority from realizing rent in respect of the property which is higher than the Schedule of Rent Charges as provided in the Gazette Notification dated 08.11.19 and the order was made without prejudice to 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
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

6533

TO
S.S.K. HOUSE
DR. ANNIE BESANT
ROAD, WORLI
MUMBAI -
400030

[Signature]
19/04/2022

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. 1069, 1069/R/1069/D of 2010 Order Sheet No. 112

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. GLAXO SMITHKLINE PHARMACEUTICALS LTD



rights of the defendant (read the port Authority) to claim higher rent by virtue of any other notification applicable to the property in question.

- 2) It is the specific case of SMP that O.P. failed and neglected to pay the rental dues claimed/ revised with effect from 01.07.1990 and 01.07.2000 respectively during the year 2005 in terms of the notifications effective from 31.03.1998 and 19.09.1996. It was submitted on behalf of SMP that claim of rental dues of Rs.2,43,39,425/- from O.P. is in terms of 10 yearly rent revision clause as provided in the Mother Lease as subsequently offered for grant of lease in terms of the option clause for renewal is absolutely just and payable by O.P. and failure on the part of O.P. to make such rental dues lead to the service of Ejectment Notice dated 01.02.2008, asking O.P. to vacate the premises on 11.08.2008. SMP further argued that O.P. had no authority to occupy the concerned Public Premises after the service of the Ejectment Notice dated 01.02.2008 and that O.P. is an unauthorized occupant of the concerned Public Premises for which they are liable to be evicted and also pay damages for their wrongful use and occupation of the Port Property in question upto the date of handing over the same to the Port Authority in unencumbered condition.
- 3) This Forum of law formed its opinion to proceed against O.P. under the relevant provisions of the Act and Rules made thereunder and issued Show Cause Notice u/s-4 of the Act (for adjudication of the prayer for Order of Eviction) and two notices u/s-7 of the Act (one for adjudication of the prayer for Recovery of Arrear of Rental Dues and another for adjudication of the prayer for Recovery of Damages) all dated 20.05.2010.
- 4) Thereafter O.P. entered appearance through its Advocates and contested the matter by filing reply to the Show Cause Notice/s. and submitted that the Rent claimed by the Port Authority is in excess of the rates as provided in SMP's Schedule of Rent Charges and the two short charged bills (from 1990 as per 1988 Schedule and from 2000 onward as per 1996 Schedule) is barred by Limitation as per

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0.04.2022

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 28/01/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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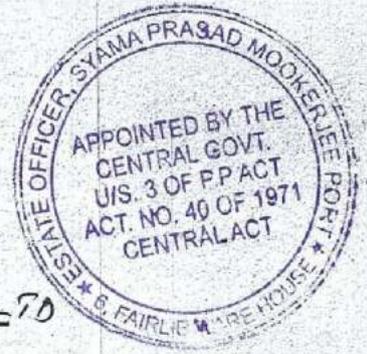
19/04/2022

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. 1069, 1069/R N 1069/D of 2010 Order Sheet No. 113

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA



VS
M/S. GLAXO SMITHKLINE PHARMACEUTICALS LTD

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20.04.2022

Section-56 of the MPT Act. Referring to the offer dated 25.04.1980, it is submitted that new term and conditions have been sought to be incorporated and SMP's Offer (Clause-4) is not in accordance with Mother Lease. It was finally argued that the demand relates to back period is not permissible under Law.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Head of Office of the Estate Officer
SYAMA PRASAD MOOKERJEE PORT

- 5) But representatives of SMP submitted that enhancement of Rent Charges that is 10 yearly revision is in accordance to 1979 Schedule of Rent Charges, and further submitted that the claim is very much lawful according to the letter dated 01.07.1990 as provided in option clause in lease in question which provides for grant of further lease at such increased rate as SMP may decide.
- 6) In view of the issues as raised by O.P. during the course of hearing, several dates were given by this Ld. Forum for submission of facts, documents, claims, counter-claims, etc, both to SMP and O.P. Going through all the processes and submissions, this Forum had no hesitation in its mind to decide the matter in favour of the Port Authority. Accordingly, Department was directed to draw up formal order of Eviction u/s-5 of the Act as per Rule made thereunder, giving 15 days time to O.P. or any other persons in occupation to vacate the premises. As per Order No.39 dated 06.08.2013, the possession of the Public Premises had been taken over on 20.07.2013 in terms of the Order of Eviction u/s- 5 of the Act in presence of Police Personnel from Taratala Police Station, Kolkata.
- 7) Thereafter, considering the submission and documents as submitted by SMP, in terms of Order No.41 dated 03.02.2014, this forum ordered to issue formal order u/s-7 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 Act to show cause as to why an order requiring to pay the outstanding rental dues and taxes, together with interest should not be made against the O.P. It is the case of SMP that O.P. was asked to pay damages/compensation upto 20.07.2013, as because the subject premises was already taken over by SMP on 20.07.2013 vide Order No.36 dated 08/04/2013. The O.P. was also called upon to

Signature
19/04/2022

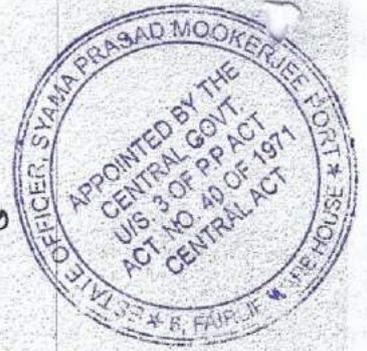
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1069, 1069/R & 1069/D of 2010 Order Sheet No. 114

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. GLAXO SMITHKLINE PHARMACEUTICALS LTD
VS



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01.04.2022

appear before the Forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case. The said notice was served through Speed Post as well as hand delivery to the correct recorded addresses of O.P at 50, Hide road, Kolkata-700 088 and its registered office at G.S.K. house, Dr. Annie Besant Road, Worlie, Mumbai. It appears from the record that the said notice sent to the recorded address of O.P by speed post was returned on account of "no such company in this address hence not known" dated 25/02/2014. However, the said notice was received in another address of O.P. on 28.02.2014.

- 8) As no one appeared on behalf of the O.P, but sent an application dated 28.03.2014 in reply of the Notice dated 03.02.2014, as received by this Office dated 16.04.2014. As it appears that the allegations as laid down in the said letter had already been addressed as per Order No.39 dated 06.08.2013, and in view of that Order of Eviction was executed on 20.07.2013.
- 9) Thereafter several dates since 23.12.2020 were given with a direction upon O.P. to appear before this Forum for any submission/hearing etc., but no further response was filed on behalf of O.P. As such I have no bar to accept the claim of SMP on account of rental dues, damages etc. as per statement of accounts maintained regularly in SMP's office in regular course of business.
- 10) It is my considered view that a sum of Rs. 7,71,12,791.49 (Seven Crores Seventy-one Lakhs Twelve Thousand Seven Hundred Ninety-One and Forty-Nine paisa) for Plate No D-296 and D-296/1 being arrears of rent and damages for the period of 01.03.2009 to 20.07.2013 respectively (both days inclusive) are due and recoverable from O.P by the Port Authority on account of rental dues and damages along with interest and O.P. have to pay such dues to SMP forthwith. Considering the ongoing situation due to Covid-19, I find it prudent to allow time till 19th May, 2022 for such payment. Such dues would attract compound interest @ 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
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

17/04/2022

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. 1069, 1069/RA 1069/D of R.O.10 Order Sheet No. 1184

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

MS. GLAXO SMITHKLINE PHARMACEUTICALS LTD
VS
MS. GLAXO SMITHKLINE PHARMACEUTICALS LTD



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20.04.2022

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's books of accounts.

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

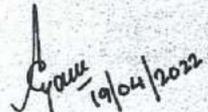
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

I sign the formal order u/s-7(1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P to pay the amount to SMP as aforesaid; Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up Final 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/damages/compensation 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.


(NARGIS YEASMEEN)
ESTATE OFFICER

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