

Ofc

**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

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

PROCEEDINGS NO.990/D OF 2008  
ORDER NO.47 DATED: 05.05.2022

**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  
Biswanath Singh.  
Village & P.O: Karan Chhapara  
Thana- Bairia, District- Ballia, Uttar Pradesh,  
Pincode-277214.

7208

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

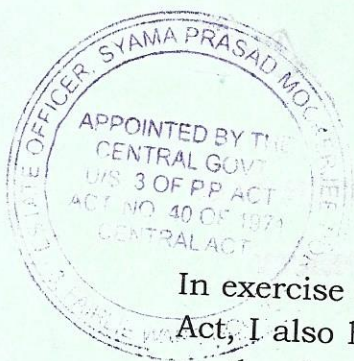
AND WHEREAS by written notice dated 30.07.2019 you are called upon to show cause on or before 26.08.2019 why an order requiring you to pay damages of Rs.31,193/- (Rupees Thirty one thousand one hundred ninety three only) together with [compound interest] for unauthorised use and occupation of the said 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.31,193/- (Rupees Thirty one thousand one hundred ninety three only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.08.2013 to 17.11.2015 (both days inclusive) to SMP, Kolkata by 19.05.2022

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.

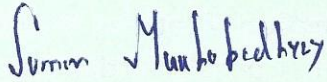
### SCHEDULE

#### **Plate No - CG-204**

Two rooms altogether msg. 8.27 Sq.m. or thereabout is situated on the ground floor of the Trustee's building being premises no.P-221/2, Strand Bank Road in the presidency town of Kolkata. It is bounded on the North by the strip of the open side space of the said premises beyond which is the North Port Police Station, on the East and West partly by the open side space of the said premises and partly by the rooms in the said premises previously leased to Krishna Chandra Sen Prafulla Chandra Sen, on the South by open space leased to M/s. United Engineering Co.

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

Date 05/05/2022

  
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

Proceedings No. 990/D of 2008 Order Sheet No. 59

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Biswanath Singh

## FINAL ORDER

The instant proceedings No. 990/D of 2008 arises out of the application bearing No. Lnd. 5/79/17/3630 dated 08.11.2017 read with an application dated 24.05.2019 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 **Biswanath Singh**, 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 properties being two Rooms altogether measuring about 8.27 sq.mtrs situated at P-221/2, Strand Bank Road, Thana-North Port Police Station within the presidency town of Kolkata (under Plate No.CG-204) 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 rent and also by unauthorised parting with possession to third parties. Notice to Quit was issued by SMP, Kolkata to O.P on 28.07.2003. 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.990, 990/R of 2008. The representative of O.P. appeared before the Forum and contest the case. Thereafter, Final Order of Eviction against O.P. was passed on 02.01.2014. Thereafter, SMP, Kolkata vide its application dated 08.11.2017, intimated that possession of the premises

47  
05.05.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
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. 990/2 Of 2008 Order Sheet No. 60

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

VS

*Biswanath Singh*

47  
05.05.2022

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 Assent  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

was taken over from O.P on 17.11.2015 in terms of the said Order of eviction dated 02.01.2014. It has also been intimated by SMP, Kolkata vide it's application dated 24.05.2019 that an amount of Rs. 31,193/- on account 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 30.07.2019 (vide Order No.39 dated 29.07.2019) 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 17.11.2015 as because the subject premises was taken over by SMP, Kolkata on 17.11.2015.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at Village & P.O: Karan Chhapara, Thana-Bairia, District-Ballia, Uttarpradesh, Pincode-277214. Notice sent through speed post returned undelivered to the Forum with an endorsement "Deceased". Thereafter, following



# 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. 990/0 Of 2008 Order Sheet No. 61

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

VS

*Biswanath Singh*

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05.05.2022

the principles of natural justice, this Forum vide it's order dated 28.02.2022 made a further attempt to serve the notice upon O.P. same was again returned undelivered to the Forum. Thereafter a decision had been 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 Probhat Khobor' on 28.03.2022 fixing the ultimate date of O.P's appearance on 07.04.2022. But all the efforts 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 19.04.2022. 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, 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.31,193/- (Rupees Thirty one thousand one hundred

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 Assessor  
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

U/S. 3 OF PP ACT  
ACT NO. 40 OF 1971  
Proceedings No. 990/1 Of 2008 Order Sheet No. 62

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

VS

Biswanath Singh.

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05-05-2022

ninety three only) for the period 01.08.2013 to 17.11.2005 (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 19.05.2022. 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

Suman Mukhopadhyay  
(S. Mukhopadhyay)  
ESTATE OFFICER

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