

Website



**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.1750/R of 2019
ORDER NO.23 DATED: 31.5.2022

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 National Engineering Co.,
20, Kankulia Road,
Kolkata - 700 029.**

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
31.5.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 16.12.2020 (Vide Order No 09 dated 15.12.2020) you were called upon to show cause on/or before 04.01.2021 why an order requiring you to pay a sum of Rs 14,96,486.76 (Rupees Fourteen Lakhs Ninety Six Thousand Four Hundred Eighty Six and paise Seventy Six 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 14,96,486.76 (Rupees Fourteen Lakhs Ninety Six Thousand Four Hundred Eighty Six and paise Seventy Six only) for the period 01.12.1981 to 30.04.2000 (both days inclusive) to Kolkata Port Trust by


17.6.2022.

PLEASE SEE ON REVERSE

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 incurrence 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. 23 dated 31.5.2022. 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.

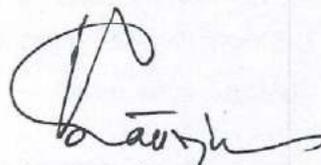
SCHEDULE

Plate No: D 398/3

The said piece and parcel of land measuring 2916.502 Sq.m or thereabouts is situated at Harimohan Ghosh Road, P.S.: West Port Police Station, District: South 24 Parganas, Registration District : Alipore. It is bounded On the North by Trustees' land previously allotted to M/s. Chiliha Rolling Mills (Pvt.) Ltd., On the East by the Trustees' strip of open land beyond which is Trustees' Railway Siding, On the South by the Trustees land allotted to M/s. Ganges Agencies (Pvt.) Ltd. and On the West by Harimohan Ghosh Road.

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

Dated: 01.6.2022.


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
31.5.2022
Head Assistant
ESTATE OFFICER
MOOKERJEE PORT





**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.23 DT 31.5.2022-
PROCEEDINGS NO. 1750/D of 2019

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 National Engineering Co.,
20, Kankulia Road,
Kolkata - 700 029.**

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] 31.5.2022

**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 16.12.2020 you were called upon to show- cause on/or before 04.01.2021 why an order requiring you to pay a sum of Rs 1,59,34,316.03 (Rupees One Crore Fifty Nine Lakhs Thirty Four Thousand Three Hundred Sixteen and paise 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 1,59,34,316.03 (Rupees One Crore Fifty Nine Lakhs Thirty Four Thousand Three Hundred Sixteen and paise Three only) for the period from 01.05.2000 to 29.05.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 17.6.2022.

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.

[Signature]

Please see on reverse

:2:

A copy of the reasoned order no. 23 dated 31.5.2022 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.

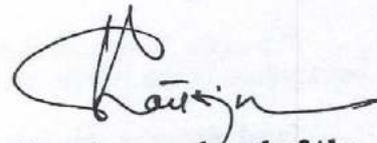
SCHEDULE

Plate No: D 398/3

The said piece and parcel of land measuring 2916.502 Sq.m or thereabouts is situated at Harimohan Ghosh Road, P.S.: West Port Police Station, District: South 24 Parganas, Registration District : Alipore. It is bounded On the North by Trustees' land previously allotted to M/s. Chiliha Rolling Mills (Pvt.) Ltd., On the East by the Trustees' strip of open land beyond which is Trustees' Railway Siding, On the South by the Trustees land allotted to M/s. Ganges Agencies (Pvt.) Ltd. and On the West by Harimohan Ghosh Road.

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

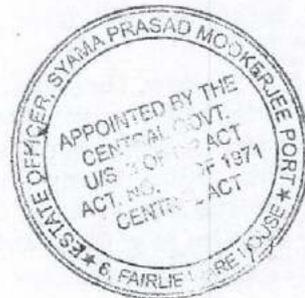
Dated: 01.6.2022-


**Signature and seal of the
Estate Officer.**

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

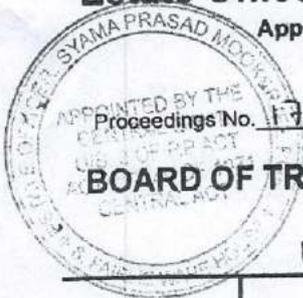
By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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.

1750/R, 1750/D of 2019

Order Sheet No. -17-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
m/s National Engineering Company

23
31.5.2022.

FINAL ORDER

The instant proceedings No. 1750/R and 1750/D of 2019 are based on the application bearing No. Lnd.4438/III/17/4081 dated 21.12.2017 filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust/ KoPT], hereinafter referred to as '**SMP, Kolkata**', the applicant herein, praying for Order for recovery of dues on account of Rent and Compensation/ damages charges or mesne profit along with accrued interest thereon, in respect of the subject premises, being a Public Premises, against **National Engineering Co.**, (hereinafter referred to as **O.P.**), under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as '**the Act**').

The fact of the case in a nutshell, as revealed from records, is that the O.P. came into occupation of the port property of a piece or parcel of land measuring 2916.502 sqm or thereabouts situated at Harimohan Ghosh Road, South 24 Parganas, morefully described under Schedule- 'A' of SMP, Kolkata's said application dated 21.12.2017, as a long term lessee w.e.f. 01.10.1973 ; and after expiry of the initial period of lease, the tenancy of O.P. was continuing on monthly licence basis on and from 01.10.1983. Thereafter, a notice to quit dated 14.10.1999 was issued by SMP, Kolkata to O.P., on the ground of certain breaches allegedly being made by O.P. As the O.P. failed and neglected to hand over the possession of the premises after the period mentioned in the said notice to quit, a proceeding was initiated before this Forum by SMP, Kolkata. The said proceeding was contested by the O.P. and resulted in an Order of Eviction u/s 5 of the Act dated 04.03.2008, directing the O.P. to vacate the premises. Ultimately, the possession of the premises was taken over by the Authorised Officer, appointed by this Forum, on 29.05.2017 and the same was handed over to SMP, Kolkata.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

31.5.2022
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. 1750/R, 1750/S of 2019 Order Sheet No. -18-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s National Engineering Company **VS**

23
31.5.2022.

Now, in terms of the said application of SMP, Kolkata dated 21.12.2017, as well as the applications dated 03.03.2020 and 07.10.2020 subsequently been filed, it is the case of SMP, Kolkata that huge amount of outstandings to the tune of Rupees 1 Crore 74 Lakhs (approx) is due and recoverable from the O.P., on account of principal charges of the Rent as well as Compensation/ Mesne profit/ Damage, for O.P.'s use and enjoyment of the port property in question till 29.05.2017.

After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) Show Cause Notices, both dated 16.12.2020 (vide Order no. 09 dated 15.12.2020), u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notices were issued, calling upon the O.P., to show cause as to why an order requiring payment of arrear Rent as well compensation/ mesne profit/ damage, together with interest charges, would not be made against the O.P.

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

The said Notices were sent through 'Speed Post' to the recorded address of O.P., viz., at '20, Kankulia Road, Kolkata - 700 029'. However, the notices were returned undelivered by the Postal Department with the remarks "unclaimed". The 'Process Server' attached to this Forum, for service of such Notice/ Order etc., has submitted the report dated 12.01.2021 intimating failure of service of notices, due to "Door Closed" condition of the premises. The said show cause notices were affixed on the conspicuous part of the premises on 12.01.2021, for a notice to all concerned, as per the mandate of the Act. However, none appeared on behalf of O.P. to respond to the Show Cause. A decision was then taken to publish a notice in a local newspaper for a notice to all concerned about the pendency of the proceeding, to provide an opportunity to the O.P. to appear before this Forum and represent their case. I took note of the fact that such notice was published in 'The Times of India

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. 1750/R, 1750/D of 2019 Order Sheet No. -19-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS.
m/s National Engineering Company.

23
31.5.2022

(Kolkata edition)' on 09.03.2021, fixing the date for the O.P.'s appearance/ filing reply to the Show Cause on 17.03.2021.

It emerges from the records that on 17.03.2021, one Shri Samrat Laha, expressing himself as the son of a partner of O.P., appeared before the Forum through one Smt. Kakuli Ghosh, Ld. Advocate, who assured to file Vakalatnama on the next date of hearing. Considering such submission, Shri Samrat Laha was directed to file paper/ document establishing his relationship with National Engineering Co./O.P. alongwith the reply to the show cause notice issued by this Forum. On the next date, viz. 31.03.2021, a Vakalatnama executed in favour of the Ld. Advocate by Shri Rammoy Laha, Smt. Aparajita Laha, Smt. Ranita Banerjee, Smt. Rita Laha, Smt. Ranu Laha and Shri Indranil Laha was filed before this Forum. A photocopy of Identity Card was also filed on behalf of the said Shri Samrat Laha, who is found to be not an executant of the said Vakalatnama. As filing of only Vakalatnama does not establish the relationship of the executants of Vakalatnama with the O.P., the Ld. Advocate was directed to file the identification/ proof of the executants of the Vakalatnama as well as proof as to how they are related to O.P. along with reply to the show cause notice, on the next date of hearing viz. 12.04.2021.

Now, may it be noted here, that, as testified through scrutiny of existing records, ever since 12.04.2021, till today, the date of signing of the order, i.e. after a long gap of almost an year, neither the identity/ proof of the executants of such Vakalatnama, nor the Reply to the Show Cause Notice has been filed by the appearing parties or their Ld. Advocate, for reasons best known to them. May it be mentioned here that since 31.03.2021, with the exception of some compelling circumstances, such as state-wide Covid restrictions, as many as 7/8 opportunities have been extended to the appearing parties or their Ld. Advocate, without emergence of any fruitful

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

31.5.2022
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. 1750/R, 1750/D of 2019 Order Sheet No. - 20 -

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s National Engineering Company.

23
31.5.2022

results. Neither, any of the said documents to establish the credentials of the executants, nor any Reply to the Show Cause Notice has been filed by O.P./their bonafide representatives and all the efforts of the Forum to try and elicit responses from the O.P. had remained ineffective. Following the principles of natural justice that no one should be condemned unheard ('Audi Alteram Partem') a large number of opportunities have been extended to the O.P., but not a single piece of paper, in admission or denial of the claim of SMP, Kolkata, has been filed by the appearing parties or the Ld. Advocate.

An accountal of the sequence of events unfolding through the serial hearings conducted by this Forum will help bring into focus the state of affairs conducted by the appearing parties/ their Ld. Advocate before this Forum of Law. As mentioned in the preceding, on 31.03.2021, the Ld. Advocate of OP was directed to file the identity/ proof of the executants of the Vakalatnama as well as to establish their relationship to O.P. along with reply to the show cause notice, on the subsequent date of hearing, viz. 12.04.2021. Thereafter, on 12.04.2021, Smt. Kakoli Ghosh, Advocate, submitted that all the documents alongwith the Reply to the Show Cause Notice, as directed in the order dated 31.03.2021, will be forwarded in due course. The Ld. Advocate also prayed for the documents, as relied upon by SMP, Kolkata, referred to in the order dated 15.12.2020, passed by the Forum for drafting a reply to the show cause notice. Accordingly, the Department was directed to serve the copies of the documents as relied upon by SMP, Kolkata in the instant proceedings upon O.P. Smt. Ghosh, Advocate was again directed to file the identity proof of the executants of the Vakalatnama/ their relationship status with O.P., along with the reply to the show cause notice, on the subsequent date of hearing. The matter was then fixed for hearing, consideration, evidence etc. on 28.04.2021. However, on 28.04.2021, when the matter was taken up for hearing, it is learnt that the Ld. Advocate had sought for an adjournment on

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SYAMA PRASAD MOOKERJEE PORT
31.5.2022
Head Assistant
OFFICE OF THE LD. 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. 1750/R, 1750/D of 2019 Order Sheet No. - 21 -

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s National Engineering Company ^{VS.}

23
31.5.2022.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
31.5.2022
Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

the ground of sickness of O.P. and accordingly, the matter was adjourned. On the following day of hearing, viz. 10.05.2021, the Forum came to know that the Ld. Advocate of O.P. had contacted the Department over phone and had pleaded her inability to attend the hearing as she had contracted Covid Virus. Hence, the matter was re-fixed for filing of Reply to the show cause notice on the next date. Thereafter, the matter could not be taken up for hearing till 19.07.2021 due to state-wide lockdown restrictions. On 19.07.2021, one Shri Satyajit Ray, who introduced himself as the clerk of the Ld. Advocate, filed an application, stating that as a post-covid patient, the Ld. Advocate had been suffering from various ailments and therefore prayed for further time. In deference to the mandate of the Public Premises Act, 1971 which provides for a speedy and summary procedure for disposal of cases and taking into cognisance, the submissions of the Ld. Advocate of O.P., a further chance was extended to the OP who was directed to file their reply to the show cause notice on the next date of hearing, failing which it was mandated that the matter would be decided ex parte, on the basis of the documents on record. However, despite such strict directive, when the matter was taken up on 30.08.2021 it was informed that the Ld. Advocate representing O.P. had contacted the Department and again pleaded her inability to attend the hearing because of Janmashthami Puja at her place. It has been observed by the Forum with deep anguish that the Ld. Advocate had been resorting to repeated adjournments, on one specious ground or the other, completely ignoring the mandate of timely disposal seeded in the Public Premises Act, 1971 and the several directions passed by this Forum. Thereafter, when the matter was taken up for further hearing on 20.09.2021, none appeared on behalf of O.P. and it was given to understand by the Forum that the Ld. Advocate representing O.P. had again communicated her inability to attend the hearing due to bad weather and ear ache. When such repeated extension of opportunities given to the OP/Ld.



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. 1750/R, 1750/D of 2019 Order Sheet No. -22-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S National Engineering Company.

23
31.5.2022.

Advocate, did not bear fruits, and there were clear instances of dilatory tactics being employed by the OP, which frustrated the very spirit of the Act, the hearing was concluded and the matter was reserved for passage of the final Order.

Thereafter, as per records, it is seen that one application dated 12.04.2022 accompanied with a Vakalatnama executed only by Shri Rammay Laha was filed before this Forum. Upon perusal of such application, it is found that a new case has been purportedly made out by the O.P. when it has been contended that, due to "misguidance, wilful and deliberate negligence or professional misconduct" of the said Ld. Advocate, the defence of O.P. might not at all be placed before the undersigned and hence the O.P. was likely to suffer "irreparable loss and injury". In such premises, a prayer has been made for recalling the order dated 20.09.2021 and permission was sought to provide a chance to O.P. to contest the instant proceeding by submitting the Written Objection/ Reply against the Show Cause Notice dated 16.12.2020.

I have considered the application in the light of the sequential events in the matter. All that the Forum required was the piece of paper for identification/ proof of the executants of the Vakalatnama as well as proof as to how they are related to O.P. along with Reply to the Show Cause Notice as per mandate of the Act. No personal appearance of O.P. or any witness had ever been insisted by this Forum at any stage. I fail to understand what prevented the O.P. from filing of such documents for identification/ proof of the executants of such Vakalatnama. No Reply to Show Cause Notice was also filed, although repeated applications seeking adjournments are being filed by the appearing parties/ O.P. The chain of events, as stated aforesaid, will certainly lead to the conclusion that all efforts made by this Forum went in vain, as no documents/ reply to show cause

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

31.5.2022
High Assistant
OFFICE OF THE LD. 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. 1750/R, 1750/D of 2019 Order Sheet No. 23

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s National Engineering Company.

23
31.5.2022

notice came from O.P's side and as such, I am, perforce, left with no other alternative but to proceed ex-parte against the O.P.

I find that SMP, Kolkata has produced the copy of lease agreement of O.P. with SMP, Kolkata and the statements of account dated 21.07.2021 in respect of the said premises in question. It appears from the said statements of account that no payments have been made by the O.P. since 2015 and the previous payments were made irregularly, as per their own whims and fancies and certainly not as per the terms of the Contract.

In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business, has a definite evidentiary value, unless challenged by a contesting person/entity with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as compensation/ damages/mesne profit, 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. Non-payment of the actual dues by O.P. is very much prominent and established, as per records submitted by SMPK, discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent as well as damages/compensation/ mesne profit. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the statements of account maintained regularly in SMP, Kolkata's office, in discharge of its regular course of business and office transactions as a statutory authority.

Thus, it is my considered view that a sum of Rs 14,96,486.76 (Rupees Fourteen Lakhs Ninety Six Thousand Four Hundred Eighty Six and paise Seventy Six only) for the period from 01.12.1981 to 30.04.2000 is due and recoverable from O.P. by

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]
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[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. 1750/R, 1750/D of 2019 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s National Engineering Company

23
31.5.2022.

the Port authority on account of Rent and a sum of Rs 1,59,34,316.03 (Rupees One Crore Fifty Nine Lakhs Thirty Four Thousand Three Hundred Sixteen and paise Three only) for the period from 01.05.2000 to 29.05.2017 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges.

The O.P. must have to pay such dues to SMP, Kolkata on or before 17.6.2022.

Such dues 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 incurrance of liability, till the full and final 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.

The formal Orders u/s 7 of the Act are signed accordingly.

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 possession of the same in accordance with Law, and as such, the liability of O.P. to pay damages extends beyond 29.05.2017 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 29.05.2017, 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., 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

31.5.2022
Head Assistant

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten 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. 1750/R, 1750/D of 2019 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

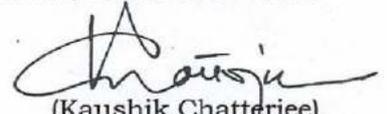
VS
M/s National Engineering Company.

23
31.5.2022.

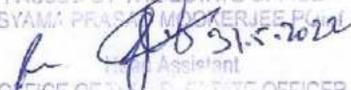
I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata is at liberty to recover the dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(Kaushik Chatterjee)
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

Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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