

o/c

REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY

ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile KOLKATA PORT TRUST)

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place (1st FLOOR) KOLKATA-700001

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

PROCEEDINGS NO.1576/D OF 2017
ORDER NO.14 DATED: 25.05.2022

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

M/s Hahnemann Laboratory,
285, Bipin Behari Ganguly Street,
Kolkata-700012

8479

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 10.03.2022 you are called upon to show cause on or before 25.03.2022 why an order requiring you to pay damages of Rs.63,39,254.84(Rupees Sixty three Lakh Thirty nine Thousand two hundred fifty four and paisa eighty four Only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made;

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 Ass. 25.05.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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.63,39,254.84(Rupees Sixty three Lakh Thirty nine Thousand two hundred fifty four and paisa eighty four Only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.12.1983 to 24.02.2020 (both days inclusive) to SMP, Kolkata by 09.06.2022.

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.SW-45/4

The said piece or parcel of godown space Msg. about 219.71 Sq.m or thereabouts situated at Compartment No.24, Trustees' Clive Warehouse (2nd Floor), P.S: North Port Police Station, Dist: Kolkata, Registration Dist : Kolkata. It is bounded on the North by the Trustees' Clive Warehouse Compartment No.23 on the East by the Strand Road, On the South by the Trustees' passage Kothari and on the West by the Trustees' verandah space of Clive Warehouse.

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

Date 25.05.2022



Signature & Seal of the
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
25.05.2022
Hand Ass'tant
OFFICE 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. 1576, 1576/R-D Of 2017 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S HAHNEMANN LABORATORY

FINAL ORDER

The instant proceedings No. 1576/D of 2017 arises out of the application bearing No. Lnd. 12/2/21/2996 dated 16.08.2021 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 **M/s. Hahnemann Laboratory**, the **O.P** herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being godown space measuring 219.71 sq.mtrs or thereabout situated at Compartment No.24, Clive Warehouse(2nd Floor), Thana- North Port Police Station (under Plate No.SW-45/4) as monthly Licencee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under monthly term licence by defaulting in payment of rent/licence fees. Notice of revocation of licence was issued by SMP, Kolkata to O.P on 31.10.1983. 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.1576, 1576/R & 1576/D of 2017. The O.P. did not appear before the Forum to contest the case. Thereafter, an ex-parte Final Order of Eviction along with recovery of rental dues against O.P. was passed on 20.03.2018. Thereafter, SMP, Kolkata vide its application dated 26.02.2020, intimated that possession of the premises was taken over from O.P on 25.02.2020 in terms of the said Order

13/05/2022
25.05.2022

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 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. 1576, 1576/R, 1576/D of 2017 Order Sheet No. 23

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
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of eviction dated 20.03.2018. It has also been intimated by SMP, Kolkata vide their application dated 16.08.2021 that Rs. 63,39,254.84 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 the claim of SMP, Kolkata has issued Notice to Show Cause dated 10.03.2022 (vide Order No.10 dated 09.03.2022) 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 appears that after issuance of a Show Cause Notice for rent/licence fees dated 14.06.2017, a further notice u/s 7 for recovery of rental dues/licence fees has inadvertently been issued by this Forum on 10.03.2022(vide Order No.10 dated 09.03.2022). However, as the fate of such earlier Show Cause Notice dated 14.06.2017 for recovery of rental dues/licence fees u/s 7 has already been adjudicated by this Forum vide it's Order dated 20.03.2018, now except the present Notice u/s 7 for damages for the rest period, the notice u/s 7 issued on 10.03.2022 for recovery of rental dues/licence fees was not given any cognizance and hence, the Notice dated 10.03.2022 for recovery of



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises
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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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rental dues/ licence fees was not acted upon by this Forum. It also received my attention that in Form No. "F" i.e in the Show Cause Notice for damages dated 10.03.2022 the measure of area has been erroneously been recorded as "216.71 Sq.m" in place of "219.71 Sq.m." Such error in my view is also a typographical one and it should be treated as such. It is therefore, directed that henceforth the measurement of such area should be read as "219.71 sq.m" instead of "216.71 Sq.m" for all material and practical purposes of this proceeding.

It is the case of SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 24.02.2020 as because the subject premises was taken over by SMP, Kolkata on 25.02.2020.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at 285, Bipin Behari Ganguly Street, Kolkata-700012. Notice sent through speed post was not returned back to the Forum. However, One Jac Olivol Herbal Products Private Ltd vide their letter dated 14.03.2022 claimed that O.P has no locus over the said address. The Report of the Process Server dated 14.03.2022 depicts that such notice was personally served upon O.P. but O.P did not turn up before the Forum. Thereafter, following the principles of natural justice, this Forum on 25.03.2022 made further attempt to serve the notice upon O.P. by directing, SMP, Kolkata to provide alternative address, if any, of the O.P. When SMP, Kolkata during the course of hearing on 06.04.2022, intimated that no other alternative addresses of O.P. was available with them, a decision had been taken by


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CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assisstant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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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 The Statesman (Kolkata) on 09.04.2022 fixing the ultimate date of O.P's appearance on 04.05.2022. 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 had been provided 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 04.05.2022. 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.63,39,254.84(Rupees Sixty three lakh thirty nine thousand two hundred fifty four and paise eighty four only) for the period 01.12.1983 to 24.02.2020 (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



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dues to SMP, Kolkata on or before ~~09.04.2022~~ The said damages shall attract a 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 incurrance 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


(Kausik Kumar Manna)
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
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT