



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, 1<sup>st</sup> Floor  
Kolkata - 700 001

Court Room at the 1<sup>st</sup> Floor  
Of Kolkata Port Trust's  
Legal Division, Head Office,  
15, Strand Road, Kolkata-700 001

PROCEEDINGS No. 1947/D OF 2022  
REASONED ORDER No.04 DATED: 27/06/2022

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  
M/s. Om Shanti Enterprise,  
1 No. Hubkon Old Goragacha Road,  
Kolkata-700 088  
AND ALSO  
128, Parnashree Pally,  
Kolkata-700 060

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

AND WHEREAS by written notice Vide Order No.02 dated 14.06.2022 you were called upon to show cause on/or before 22.06.2022 why an order requiring you to pay damages of Rs.2, 86,064.18 (Rupees Two lakhs Eighty-Six thousand and Sixty-Four and Eighteen paise only) in respect of allotted Plate No.DB-230 for a room space measuring about 28.94 sq. mts. In the said plate, is due and payable by O.P. for the period from 02.05.2018 to 21.03.2022, together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS as you have neither appeared on the scheduled date of hearing nor made any objections nor 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. 2, 86,064.18 (Rupees Two Lakhs Eighty-Six thousand and Sixty-Four and Eighteen paise only) in respect of allotted Plate No.DB-230 for a room space measuring about

Please see on Reverse



// 2 //

28.94 sq. mts. for the period from 02.05.2018 to 21.03.2022, assessed by me as damages on account of your unauthorized encroachment of the premises for the period from 02.05.2018 to 21.03.2022 (both days inclusive) to Syama Prasad Mookerjee Port, Kolkata (erstwhile known as Kolkata Port Trust) by **12.07.2022.**

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) 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.04 dated 27.06.2022 is attached herewith.

In the event of your refusal or failure to pay the damages/dues within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

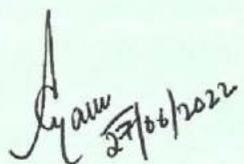
#### **SCHEDULE-I**

That piece or parcel of land measuring about 201.344 sq. mts. or thereabouts, butted and bounded as follows:-

- NORTH : By the Trustees' Open space  
SOUTH : By Coal Dock Road  
EAST : By SMP, Kolkata's (erstwhile known as KoPT) Labour Quarters'  
WEST : By R.V. Bricks Co. Ltd.

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

Dated: 27.06.2022

  
Signature & Seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER (I/C)/CHIEF LAW OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF 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. 1947/D Of 2022 Order Sheet No. 07.

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

VS

M/S OM SHANTI ENTERPRISE

04  
27.06.22

**FINAL ORDER**

The instant proceedings re-numbered as 1947/D of 2022 (previously 1578/D of 2017) arises out of the application bearing No.Lnd.5281/22/818 dated 21.03.2022 and another application bearing No.Lnd.5281/22/1659 dated 14.06.2022 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 damages/dues as payable by O.P. for the respective periods, i.e. 02.05.2018 to 21.03.2022 (both days inclusive) at the rate of Port Trust's Rent Schedule/s as time to time notified in the Official Gazette/s for the relevant period, on account of damages/dues against Plate No.DB-230, situated at Coal Dock Road, more specifically situated at the outside of its allotted land owned by SMP, Kolkata, a room space measuring about 28.94 sq. mts, beside the subject premises under said Plate No.DB-230, situated at the Coal Dock Road, which is also defined in the schedule of the said application against M/s. OM SHANTI ENTERPRISE, the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The **factual** matrix of the case, which is very simple and also very brief, is required to be put forward in a nutshell to link up the chain of events leading to this Proceeding No. 1947/D of 2022, within the four corners of PP Act, 1971, as revealed under point-wise in a chronological order.

- 1) That in the course of hearing, it was submitted by SMP, Kolkata and also as per the information as gathered from two different applications bearing No.Lnd.5281/22/818 dated 21.03.2022 and another application bearing No.Lnd.5281/22/1659 dated 14.06.2022, as submitted and filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, which elaborately stated that O.P. had unlawfully encroached upon the Port Property for the period 02.05.2018 to 21.03.2022, since its detection, and had failed and

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]* 28/06/22  
Head Assistant  
OFFICE OF THE LD. 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

U/S. 3 OF PP ACT  
ACT NO. 40 OF 1971  
CENTRAL ACT

1947/D Of 2022 Order Sheet No. 08

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

VS  
M/S. SANTI ENTERPRISE

04  
27.06.22

neglected to pay damages for the said encroachment as is visible from the Sketch Map. As verbally stated by SMP, Kolkata during submission and as also seen in the Sketch Map and written submissions as is evident from the applications bearing No.Lnd.5281/22/818 dated 21.03.2022 and another application bearing No.Lnd.5281/22/1659 dated 14.06.2022, that O.P. has unauthorisedly encroached upon 28.94 sq.mtrs of public premises at the northern side of its allotted area under Plate No.DB-230 situated at Coal Dock Road, and is using it for its office purposes.

- 2) That on admitting the submissions and prayer of SMP, Kolkata on various occasions regarding the matter, this Ld. Forum on 07.03.2022 and again on 28.03.2022 and 08.04.2022 directed to conduct a joint-inspection of the subject premises and to submit a report about the present status of the encroachment, as submitted by the representatives of SMP, Kolkata (both verbally and in written).
- 3) That in compliance to the directions of this Ld. Forum a joint inspection of the subject premises measuring about 241.14 sq.mtrs. under Plate No.DB-230 were conducted and a Minutes of the Joint-Inspection Report dated 27.04.2022, as executed by both the representatives of SMP, Kolkata and O.P. was also submitted before this Ld. Forum vide application bearing No. Lnd.5281/22/1215 dated 02.05.2022. As understood from the said report dated 02.05.2022, that during the course of inspection, on the north side of the premises, one unauthorized Asbestos (ASBR) structure room measuring about 28.94 sq. mtrs. was found. The above room was used by O.P. for its office purpose. It was also stated in the said Report dated 27.04.2022 that the above room is situated outside the allotted area of O.P. and thus breach of encroachment of SMP, Kolkata's premise is very much in existence. In support of this a Sketch Plan No.9963-D-II was also enclosed along with the Report dated 27.04.2022.

By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Raw*



# 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

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

VS  
M/S OM SHANTI ENTERPRISE

It also needs mention here that in the Minutes of the Joint-Inspection Report dated 27.04.2022, the Proprietor of Om Shanti Enterprise, Sri Om Pandey had also written his observation during inspection in Hindi, which is almost illegible.

4) That on one instance, a letter dated 05.05.2022 was placed before this Ld. Forum by OM SHANTI ENTERPRISE, the O.P. herein, stating that he had never used the property as their office and neither made any income out of it. He further submitted in the same letter dated 05.05.2022 that he had made several complaints to the Inspectors and Managers of SMP, Kolkata regarding the misuse of the room by anti-socials. He further stated in the same letter dated 05.05.2022 that unable to work in such environment, they with the help of police had vacated the room from the miscreants. But neither any material proof nor any documentations or communications to that effect was produced before this Ld. Forum to prove their stand.

5) That SMP, Kolkata strongly objected to the contention of the letter of O.P. dated 05.05.2022, vide application bearing No.Lnd.5281/22/1659 dated 14.06.2022, whereby they had stated that the statements in the said letter are entirely fabricated and O.P. had never intimated any such untoward incident/s to the concerned Department ever. It was again stated by SMP, Kolkata in the said application dated 14.06.2022 that O.P. had unauthorisedly encroached upon 28.94 sq. mtrs of public premises at the northern side of its allotted area under Plate No.DB-230 and is using it for their office purposes.

Similar contention had been submitted by SMP, Kolkata from the very inception of this matter, and had never deviated from their submission till date.

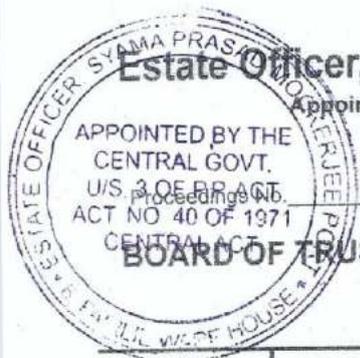
On the basis of the submissions, both verbal and written, production of the various documents, including the Joint-Inspection Report 02.05.2022, and other materials-on-record, by the representatives of SMP, Kolkata, this Ld. Forum is

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

*[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

U/S. 3 OF BR. ACT. ACT NO 40 OF 1971

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

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also bent and inclined towards and agrees to the submissions of SMP, Kolkata regarding the encroachment issue and claiming of damages in respect of such unauthorized encroachment.

- 6) Thereafter, considering the submission and documents as submitted by SMP, Kolkata, in terms of all the earlier Orders as passed by this Ld. Forum, this Ld. 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 dues/damages, together with interest should not be made against the O.P. It is by virtue of the application bearing No.Lnd 5281/22/818 dated 21.03.2022 as filed by SMP, Kolkata that this Ld. Forum came to know that O.P. is liable to pay damages/compensation, as per the rate of Port Trust's Rent Schedule/s as time to time notified in the Official Gazette/s for the relevant period, for the unauthorized encroachment for the period 02.05.2018 to 21.03.2022, since its detection. The O.P. was also called upon to 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 hand delivery by the process server, Shri. Gopal Bairagya and appears to have been delivered dated 17.06.2022 and counter-signed by one, Sri. S. Pandey, to the correct recorded addresses of O.P (as per records) at "M/s. Om Shanti Enterprise, 1 No. Hubkon Old Goragacha Road, Kolkata-700 088 AND ALSO 128, Parnashree Pally, Kolkata-700 060." For correct information and surety about the receipt of the Copy of the Order as passed by this Ld. Forum dated 14.06.2022, hand delivery was chosen over Speed post as the mode of communication, as it was observed in earlier occasion that each delivery of the Copy of the Orders via speed post would be returned with an inscription on the envelop as "unclaimed" or "not known".

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 L.D. 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

APPOINTED BY THE  
CENTRAL GOVT.  
U/S 3 OF P.P. ACT  
ACT NO. 48 OF 1971  
CENTRAL ACT

1947/D Of 2022 Order Sheet No. 11

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

OM VS  
M/S SANTI ENTERPRISE

7) That several dates since 04.02.2021 were given by this Ld. Forum with a direction upon O.P. to appear before this Forum for any submission/hearing etc. But inspite of giving several opportunities to O.P., neither any response was filed on behalf of O.P nor any positive gesture was shown by O.P. to appear before this Ld. Forum for their hearing, submission, etc. on any of the schedule dates of hearing. As such I have no bar to accept the claim of SMP on account of compensation charges, including accrued interest, etc. as per statement of accounts maintained regularly in SMP's office in regular course of business.

8) It is my considered view that a sum of Rs.2,86,064.18 (Rupees Two lakhs Eighty-Six thousand and Sixty-Four and Eighteen paise only) is due from O.P. in lieu of dues on account of damages for encroachment, in respect of said Plate No.DB-230, situated at Coal Dock Road, more specifically situated at the outside of its allotted land owned by SMP, Kolkata, a room space measuring about 28.94 sq. mts, beside the subject premises under said Plate No.DB-230, situated at the Coal Dock Road, is due and payable by O.P. for the period from 02.05.2018 to 21.03.2022 (both days inclusive). Such dues would attract compound interest @ of 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.

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

04  
27.06.22

By Order of

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

1947/D Of 2022 Order Sheet No. 12

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

VS

*M/S. GMS ANTI ENTERPRISE*

04  
27-06-22

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*  
27/06/2022

(NARGIS YEASMEEN)  
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  
*28/06/22*

Head Assistant  
OFFICE OF THE LD. 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 HIS ORDER \*\*\*