

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. 1680/R OF 2018
ORDER NO. 40 DATED: 28.6.2022

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. Haldia Alloys & Ispat Pvt. Ltd.
23A, Netaji Subhas Road,
7th Floor, Room No. 5
Kolkata - 700 001
AND
4th Government Place North,
Chamber No. 3H,
Kolkata - 700 001.**

By Order of
**THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT**
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.6.2022
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 17.11.2021 (Vide Order No 33
dated 26.10.2021) you were called upon to show cause on/or before
07.12.2021 why an order requiring you to pay a sum of Rs. 5,74,035.00 (Rupees Five Lakhs Seventy Four Thousand and Thirty Five 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. 5,74,035.00 (Rupees Five
Lakhs Seventy Four Thousand and Thirty Five only) for the period 01.12.2015
to 02.08.2018 (both days inclusive) to Kolkata Port Trust by
15.7.2022.

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. 40 dated 28.6.2022 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 - CG 289

KoPT building space Msg. 140.148 Sq.m and ASBR covered space msg.52.892 Sq.m at Strand Road opposite KoPT Head Office, in the presidency town of Kolkata under Plate No. CG-289. It is bounded on the North by Trustees' open land, on the South by the Trustees' land used as garage, on the East by Strand Road and on the West partly by Trustees' land used as garage and partly as Trustees open land.

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

Dated: 28.6.2022.


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
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.6.2022
Estate Officer
SYAMA PRASAD 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. 40 DT 28.6.2022.
PROCEEDINGS NO. 1680/D OF 2018

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. Haldia Alloys & Ispat Pvt. Ltd.
23A, Netaji Subhas Road,
7th Floor, Room No. 5
Kolkata - 700 001
AND
4th Government Place North,
Chamber No. 3H,
Kolkata - 700 001.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.6.2022
Assistant
OFFICE OF THE 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 17.11.2021 (Vide Order No 33 dated 26.10.2021) you were called upon to show- cause on/or before 07.12.2021 why an order requiring you to pay a sum of Rs. 51,54,573.68 (Rupees Fifty one lakhs Fifty four thousand five hundred seventy three and paise sixty eight 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. 51,54,573.68 (Rupees Fifty one lakhs Fifty four thousand five hundred seventy three and paise sixty eight only) for the period from 03.08.2018 to 22.03.2021 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by
15.7.2022.

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 incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

:2:

28.6.2022

A copy of the reasoned order no. 40 dated 28.7.2022 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 - CG 289

KoPT building space Msg. 140.148 Sq.m and ASBR covered space msg.52.892 Sq.m at Strand Road opposite KoPT Head Office, in the presidency town of Kolkata under Plate No. CG-289. It is bounded on the North by Trustees' open land, on the South by the Trustees' land used as garage, on the East by Strand Road and on the West partly by Trustees' land used as garage and partly as Trustees open land.

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

Dated: 28.6.2022


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
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.6.2022
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 Unauthorized Occupants) Act 1971

Proceedings No. 1680/R, 1680/D OF 2018 Order Sheet No. - 48 -

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Haldia Alloys & Ispat Pvt. Ltd. ^{VS}

FINAL ORDER

The instant proceedings No. 1680/R and 1680/D of 2018 are based on the application bearing No. Lnd.5677/21/3396 dated 22.09.2021 filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust/ KoPT], hereinafter referred to as '**SMPK**', the applicant herein, praying for Order for recovery of dues on account of Licence Fees/Rent and damages, along with accrued interest thereon, in respect of the subject premises, being a Public Premises, against **Haldia Alloys & Ispat Pvt. Ltd** (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. had been in occupation of SMPK's building space measuring 140.148 sq.m. and ASBR covered space measuring 52.892 sq.m. at Strand Road, till 23.03.2021, when the possession of the premises was taken over by SMPK from O.P., in execution of the Order of eviction dated 22.02.2021 passed by this Forum of Law.

Now, in terms of the said application of SMPK dated 22.09.2021, as well as the application dated 26.10.2021 subsequently been filed, it is the case of SMPK that huge amount of outstanding to the tune of more than Rupees 57 Lakhs is due and recoverable from the O.P., on account of the principal charges of Licence Fees/ Rent as well as Compensation/ Damage, for O.P.'s use and enjoyment of the port property in question till 23.03.2021.

After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) Show Cause Notices, both dated 17.11.2021 (vide Order no. 33 dated 26.10.2021), 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

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

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28-6-2022



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. 1680/R, 1680/D OF 2018 Order Sheet No. -44-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Haldia Alloys & Spat Pvt. Ltd.

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28.6.2022

requiring payment of arrear Licence Fess/ Rent as well compensation/ damage, together with interest charges, would not be made against the O.P.

The said Notices were sent through 'Speed Post' to the recorded addresses of O.P., viz., at '23A, Netaji Subhas Road, 7th Floor, Room No 5, Kolkata - 700 001' and '4th Government Place North, Chamber No. 3H, Kolkata- 700 001'. The notices were returned undelivered by the Postal Department with the remarks "ACNL (RTS)" and "Left". However, the 'Process Server' attached to the Forum, for service of Notice/ Order etc., has submitted his report dated 18.11.2021 intimating hand service of notices on 18.11.2021. Additionally, the show cause notices were affixed on a conspicuous part of the premises on 18.11.2021, for a notice to all concerned, as per the mandate of the Act.

Inspite of such attempts being made none appeared on behalf of O.P. to respond the Show Cause. Following the principles of natural justice that no one should be condemned unheard ('Audi Alteram Partem'), direction was given to SMPK in terms of the Order dated 07.12.2021 to provide alternative address, if available, of O.P. Then, SMPK reported an alternative address of O.P. in terms of their application bearing no Lnd. 5677/21/4273 dated 21.12.2021. Accordingly, the Department was directed to serve copy of the Order to such alternative address reported by SMPK. However, such effort also remained infructuous as the communication sent through 'Speed Post' was returned undelivered by the Postal Department with the remark "ACNL/RTS" and the appearance of O.P. could not be procured. A decision was then taken to publish a notice in a widely circulated English newspaper for a notice to all concerned about the pendency of the instant proceeding, in order to provide an opportunity to the O.P. to appear before this Forum and to represent their case. Such a notice was published in 'The Times of India (Kolkata edition)' on 28.02.2022 fixing the date for 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
28.6.2022
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. 1680/R, 1680/D Of 2018 Order Sheet No. -45-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Haldia Alloy & Spat Pvt. Ltd.

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28.6.2022

O.P.'s appearance/ filing reply to Show Cause on 15.03.2022, but such effort too went in vain, as none appeared 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 SMPK has produced the statement of accounts dated 26.10.2021 and the calculation of occupational charges due and recoverable from 03.08.2018 under the cover of SMPK's application dated 26.10.2021, in respect of the premises in question. It appears from the said statements of account that less payments compared to the actual amount due/ occupational charges per month was made by O.P. in respect of the premises in question. It is apparent that haphazard payments have been made by O.P., as per their own whims and fancies. In my view, such statements maintained by a statutory authority/ SMPK 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 SMPK that the rent as well as mesne profit/compensation/ damages, charged from time to time is based on the rate accepted by O.P. in terms of the SMPK's tender in which O.P. had participated and was ultimately got allotment of the premises. 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 SMPK on account of damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMPK's claim against O.P. as per the statement of accounts maintained regularly in SMPK'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. 5,74,035.00 (Rupees Five Lakhs Seventy Four Thousand Thirty Five only) for the period from 01.12.2015 to 02.08.2018 is due and recoverable

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Deputy Assistant
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. 1680/R.1680/D Of 2018 Order Sheet No. -46-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s Haldia Alloys & Spat Pvt. Ltd.

from O.P. by the Port authority on account of arrear License Fees/ Rent and Rs. 51,54,573.68 (Rupees Fifty one lakhs Fifty four thousand five hundred seventy three and paise sixty eight only) for the period from 03.08.2018 to 22.03.2021 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 SMPK on or before 15.7.2022.

Such dues attracts 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 incurrence 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 SMPK's books of accounts.

The formal order u/s 7 of the Act is signed accordingly.

I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMPK 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

(Sayan Sinha)
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
28.6.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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28.6.2022