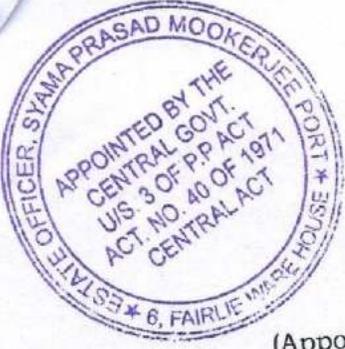


SCAN

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 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse  
Kolkata-700001.

**Form "E"**

PROCEEDINGS NO.660/R OF 2004  
ORDER NO. 19 DATED: 08.07.2022

Form of order under Sub-section (1) and (2A) of Section 7 of the Public  
Premises (Eviction of Unauthorised Occupants) Act, 1971.

To  
**Shri Ganu Hazam.**  
**21, Brace Bridge Road,**  
**Kolkata-700 043**

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

AND WHEREAS, by written notice dated 21.12.2020 you are called upon to  
show cause on or before 18.01.2021 why an order requiring you to pay a sum  
of Rs.4,36,496.67 (Rupees Four lakh thirty six thousand four hundred ninety  
six and paise sixty seven 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.4,36,496.67 (Rupees Four lakh  
thirty six thousand four hundred ninety six and paise sixty seven only) for the  
period 31.10.1977 to 30.11.2020 (both days inclusive) to SMP, Kolkata  
by 28.07.2022.

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

11.07.2022

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 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-96/1**

All that Piece or parcel of land measuring 20.439 Sq.mts. or thereabouts is situate o the South side of Brace Bridge Road, Muza- Sonai, Thana: South Division Port Police, Calcutta, District-24 Parganas. It is bounded on the north by Brace Bridge Road, on the east by the open land of the said Port Trust, on the south by the drain of the said Port Trust alongside their Dock Boundary Wall and on the west by the land of the said Port Trust occupied by Ajit Kumar Das. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).



Signature and seal of the  
Estate Officer

Dated: 11.07.2022

**COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.**

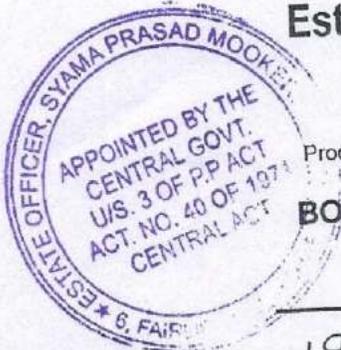
By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

11.07.2022

# 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. 660/R of 2004 Order Sheet No. 14

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

**VS**  
**SHRI GANU HAZAM**

19

08.07.2022

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

11.07.2022

## FINAL ORDER

The instant proceedings No. 660/R of 2004 arisen out of the application bearing No.L.M.4362 dated 28.07.1988 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 arrear rent, taxes and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **Sri Ganu Hazam**, 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 measuring 20.439 Sq.m. or thereabout at Brace Bridge Road, Thana -South Port Police Station, Kolkata (under Plate No.D-96/1) as a monthly term Lessee which is morefully described in the 'Schedule of Property' of the SMP, Kolkata's application dated 28.07.1988. The allegations levelled by SMP, Kolkata against the O.P is that while in possession of Port property as Lessee, the O.P has defaulted in making payment of rent & taxes and also accrued interest thereon the details of which has given in 'Schedule -B' of the SMP,Kolkata's application dated 28.07.1988.

It is argued on behalf of SMP, Kolkata that the amount of Rs.4,36,496.67 is still due and recoverable from O.P. on account of arrear rent excluding the interest as per the current Statement of Accounts as filed on 18.11.2020 and O.P. is liable to pay such dues to SMP, Kolkata till the expiry of the month of November,2020.

Considering the submission and documents as submitted by SMP, Kolkata, Notice to Show Cause dated 21.12.2020(vide Order no 16 dated 21.12.2020) was issued by this Forum to O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to Show Cause as to why an order requiring to pay arrear rent together with interest should not be made against the O.P. The O.P. was also called upon to appear before this 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.

**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. \_\_\_\_\_

6601R of 2004

Order Sheet No. 15

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

**SHRI GANU HAZAM** VS

19

08.07.2022

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

11.07.2022

It appears that in the Show Cause Notice dated 21.12.2020 although the rental amount of Rs.4,36,496.67 has been mentioned but the period of such dues has not been included. In my view, such mistake might be an inadvertent typographical mistake which crept in the said Notice and it deserve to be treated as such. Further, during the course of hearing, nobody has ever pointed out such discrepancies before this Forum. In view of the above, it is therefore directed that such rental dues of Rs. 4,36,496.67 shall be read along with the period from 31.10.1977 to 30.11.2020(both days inclusive) for all the material purposes of this proceeding.

After issuance of the aforesaid notice, on 18.01.2021 O.P. was not appeared before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P. both by hand and Speed Post as per addresses available on record and the communications sent through Speed post returned undelivered to the Forum with a remark "D/L construed as Door Locked" and the report of the Process Server dated 03.02.2021 also depicts that efforts were made by him for personal service of the Notice on the O.P. but O.P. was not found in such addresses. As in spite of such efforts, the appearance of O.P. could not have been procured in order to contest the claim of SMP, Kolkata by usual course of business followed by this Forum and such efforts remain futile, Accordingly a decision was taken by the Forum to publish a Notice in a widely circulated News Paper as well as in the website of SMP, Kolkata 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 Times of India(Kolkata) on 03.02.2021 fixing the ultimate date of O.P's appearance on 15.02.2021. But all such efforts were again went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper as well as in the Website of SMP, Kolkata.

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 publication and after exhaustion of all available means of service, this Forum finds no need to keep the



# 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. 660/R of 2004 Order Sheet No. 16

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
SHRI GANU HAZAM

19

08.07.2022

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

11.07.2022

matter pending and final Order was reserved in the matter on 15.02.2021. 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 rental dues 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.4,36,496.67(Rupees Four Lakh thirty six thousand four hundred ninety six and paise sixty seven Only) for the period 31.10.1977 to 30.11.2020 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay such dues to SMP, Kolkata on or before ~~30.11.2020~~ 30.07.2022 such dues 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 rental dues etc. in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(Rahul Mukherjee)  
ESTATE OFFICER.

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