

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.1710/D OF 2019
ORDER NO.29 DATED: 28. 06. 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 Calcutta Gears Pvt. Ltd
C/o, R.M. Singh,
109, Foreshore Road,
Ramkristopur,
Howrah. 711102

10312

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 24.06.2021 you are called upon to show cause on or before 15.07.2021 why an order requiring you to pay damages of Rs.16,24,127/-(Rupees sixteen lakh twenty four thousand one hundred twenty seven only) for Plate No.HL-624 and Rs.16,22,413/-(Rupees Sixteen Lakh twenty two thousand four hundred thirteen only) for Plate No.HB-44 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.16,24,127/-(Rupees sixteen lakh twenty four thousand one hundred twenty seven only) for Plate No.HL-624 and Rs.16,22,413/-(Rupees Sixteen Lakh twenty two thousand four hundred thirteen only) for Plate No.HB-44 assessed by me as damages on account of your unauthorised occupation of both the premises for the period from 10.04.2012 to 13.08.2018(both days inclusive) to SMP, Kolkata by 15.07.2022.

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
29.06.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE

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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

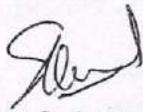
Plate No.HL-624

The said piece and parcel of land msg. about 588 Sq.mts. or thereabouts situated at Ramkristopur, Howrah, P.S. Shibpur Police Station, District & Registration District:- Howrah. It is bounded on the North by the Trustees' Road, on the South by the Trustees' land occupied by M/s. Simpson & Munro(I) Ltd., on the East partly by the Trustees' double storied pucca building and partly Trustees' land occupied by M/s. Simpson Munro(I) Ltd and on the West by the Trustees' land used as road.

Plate No. HB-44

The said piece and parcel of building space measuring about 227.325 Sq.m on the 1st floor situated at Ramkristopur, Howrah P.S. Shibpur Police Station, Dist & Registration District:- Howrah. It is bounded on the North by the Trustees' Road on the South by the Trustees' land occupied by M/s. Simpson & Munro(I) Ltd, on the East by the Trustees' land used as passage and on the West by the Trustees' land erstwhile occupied by M/s. Calcutta Gears Pvt. Ltd. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees for the Port of Kolkata).

Date 30.06.2022.


Signature & Seal of the
Estate Officer.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA FOR INFORMATION.

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
29.06.2022
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. 1710/D of 2019 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s CALCUTTA GEARS (PVT) LTD.

FINAL ORDER

The instant proceedings No. 1710/D of 2019 arises out of the application bearing No. Lnd. 5244/18/2876 dated 21.12.2018 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. Calcutta Gears Pvt. Ltd, C/o R.M Singh**, 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 land measuring about 588 sq.m and adjacent building space(1st Floor) measuring about 227.325 Sq.m respectively situated at 109, Foreshore Road, Ramkristopur, Howrah (under Plate Nos.HL.624 & HB.44) as Licencee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under licence by defaulting in payment of rent and also by unauthorised parting with possession to third parties. Notice for revocation of Licence was issued by SMP, Kolkata to O.P on 29.02.2012. 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.1409 & 1409/R of 2016. The O.P. appeared before the Forum to contest the case. Thereafter, Final Order of Eviction against O.P. was passed on 26.10.2016 and accordingly the possession of the subject premises was taken over by SMP, Kolkata on 13.08.2018 in terms of the said Final Order dated 26.10.2016. It has been intimated by SMP, Kolkata that a huge amount of compensation /damages is still due and

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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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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 claim of SMP, Kolkata has issued Notice to Show Cause dated 24.06.2021(vide Order No.25 dated 24.06.2021) 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 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.

It is the case of SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 13.08.2018 as because the subject premises was taken over by SMP, Kolkata on 13.08.2018.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at 109, Foreshore Road, Ramkristopur, Howrah. Notice sent through speed post returned undelivered to the Forum with an endorsement "insufficient address". However, the Report of the Process Server dated 01.07.2021 depicts that such notice was served upon O.P. personally and one Satyendra Sharma has received the same on behalf of O.P. Thereafter, following the principles of natural justice, this Forum on 15.07.2021 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

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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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28.06.2022

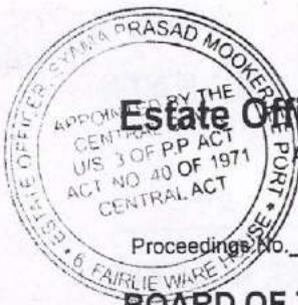
29.07.2021, verbally intimated that no other alternative address of O.P. was available with them, a decision had been taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P to appear before the Forum and to represent their case. Such Notice was published in the classified column of Times of India(Kolkata) on 14.08.2021 fixing the ultimate date of O.P's appearance on 26.08.2021. 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 being given 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 22.09.2021. 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 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.16,24,127/-(Rupees Sixteen lakh twenty four thousand one hundred twenty seven only) for Plate No.HL-624 and Rs.16,22,413/-(Rupees Sixteen lakh twenty two thousand four hundred thirteen only) for Plate No.HB-44 both for the period 10.04.2012 to 13.08.2018 (both days inclusive) are due and recoverable from O.P.

(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. 1710/D of 2019 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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by the Port authority on account of damages and O.P. must have to pay such dues to SMP, Kolkata on or beforeThe said damages 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 dues etc. in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(Satyabrata Sinha)
ESTATE OFFICER

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