

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  
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Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 39 DT 22.07.2022  
PROCEEDINGS NO 371/D of 1999

Form "G"

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

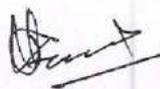
To  
**Shri Rupendra Mohan Chatterjee,**  
**Shri Ranjit Mohan Chatterjee,**  
**Shri Ratan Mohan Chatterjee,**  
**Shri Rohini Mohan Chatterjee,**  
**Shri Rajat Mohan Chatterjee,**  
**Shri Rabindra Chatterjee of**  
**21/A/2, Hindusthan Road,**  
**Kolkata-700 029**  
And also at  
**Transport Depot Road,**  
**Kolkata-700 088.**

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 20.04.2022 you were called upon to show- cause on/or before 05.05.2022 why an order requiring you to pay a sum of Rs. 1,73,42,879.08 (Rupees One crore seventy three lakhs forty two thousand eight hundred seventy nine and paise eight only) for plate No. D-273/4/1, Rs.1,10,98,559.93 (Rupees one crore ten lakhs ninety eight thousand five hundred fifty nine and paise ninety three only) for Plate No. SF-98 and Rs. 1,48,52,921/- (Rupees One crore forty eight lakhs fifty two thousand nine hundred twenty one only) for plate No. SF-98/1 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. 1,73,42,879.08 (Rupees One crore seventy three lakhs forty two thousand eight hundred seventy nine and paise eight only) for plate No. D-273/4/1, Rs.1,10,98,559.93 (Rupees one crore ten



Please see on reverse

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

laks ninety eight thousand five hundred fifty nine and paise ninety three only) for Plate No. SF-98 and Rs. 1,48,52,921/- (Rupees One crore forty eight lakhs fifty two thousand nine hundred twenty one only) for plate No. SF-98/1 for the period from 31.05.2009 to 19.03.2021 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 10.08.2022.

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.

A copy of the reasoned order no. 39 dated 22.07.2022 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

The said Piece or parcel of land Msg.2618.006 Sq.m or thereabouts is situated at off Transport Depot Road, Thana Taratala (Previous Garden Reach) District 24 -Parganas (S), Registration District -Alipore, It is bounded on the North and East by the Trustees' open land on the South by the Trustees' strip of open land beyond which is the Trustees' land leased to Steel Rolling Mills of Hindustan Ltd. and on the West by the Trustees' land leased to the President of India represented by the Chief Controller of Telegraph Stores, post and Telegraphs Department .

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

Dated: 25.07.2022



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  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
25.07.2022  
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 Unauthorized Occupants) Act 1971

Proceedings No. 371/R, 371/D of 1999 Order Sheet No. 86

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

**VS**

**SHRI RUPENDRA MOHAN CHATTERJEE & OTHERS**

## FINAL ORDER

The instant proceedings No. 371/D of 1999 arises out of 2 (two) no of applications filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as 'SMPK'], the applicant herein, vide application bearing No. Lnd.4414/IV/21/3887 dated 19.11.2021, praying for an order of recovery of dues on account of Compensation/ Damage charges, along with accrued interest thereon, in respect of the public premises, against **Rupendra Mohan Chatterjee & Ors.**, (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 is that the O.P. came into occupation of the port property of piece or parcel of land measuring 2618.006 sqm or thereabouts situated at Transport Depot Road, Thana- Taratala comprised under occupation plate no D- 273/4/1, SF- 98 and SF-98/1, on a long term lease basis for a period of 10 years with effect from 21.10.1970, with two options of renewal for further period of 10 years each. Thereafter, the lease was determined by SMPK by serving the notice to quit dated 17.02.1995. The O.P. was asked to hand over clear, vacant and unencumbered possession of the premises on 01.09.1995 in terms of the notice to quit dated 17.02.1995. As the O.P. did not vacate the premises, SMPK initiated a proceeding for eviction, which culminated into an Order of eviction dated 02.05.2011 passed by this Forum of Law. Finally, the possession of the premises was taken over on 19.03.2021 by the Authorised Officer, who handed it over to SMPK. Thereafter, SMPK in terms of said application dated 19.11.2021 has submitted its claim on account of compensation/ damage charges, which reportedly was due and recoverable from the O.P. for its use and enjoyment of the port property in question. After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued Show Cause Notice dated 25.11.2021 (vide Order no.

By Order of:

**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**

Head Assistant  
25.07.2022

**OFFICE OF THE LD. ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

39

22.07.2022



# 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

371, 371R & 371D Of 1999 Order Sheet No. 87

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

VS

SARI' RUPENDRA MOHAN CHATTERJEE & OTHERS

39  
22.07.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
25.07.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

31 dated 19.11.2021) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notice was issued calling upon the O.P. to show cause as to why an order requiring payment of arrear compensation/ damage charges together with interest would not be made against the O.P. The Notice was sent through 'Speed Post' to the recorded addresses of O.P. Thereafter on 19.04.2022, when the matter was taken up for consideration, it was detected that the outstanding amounts were mentioned wrongly, due to inadvertent mistake, in the said notice dated 25.11.2021 and a fresh notice was required to be issued and served upon the O.P. mentioning the correct outstanding. Accordingly, a fresh notice dated 20.04.2022 (vide order no. 35 dated 19.04.2022) was issued upon the O.P., mentioning therein the correct outstanding as reported by SMPK. The Notice once again was sent through 'Speed Post' to the recorded addresses of O.P. However, the notice was returned undelivered by the Postal Department with the remarks viz. "I/S (187)", "ACNL" and "Insufficient Address, hence return to sender". It appears from the postal track report generated and downloaded from the official website of India Post that the notice could not be delivered to the addressee due to 'Item on hold addressee absent', 'item returned unclaimed' and 'Item returned addressee cannot be located'. Be that as it may, the 'Process Server' attached with this Forum, for service of such Notices/ Orders etc., has submitted the Report dated 22.04.2022 stating that the Notice has been served personally upon the recorded address of O.P. Additionally, it appears from the said Report of Process Server dated 22.04.2022 that the notice was affixed on a conspicuous part of the premises, as per mandate of the Act. However, inspite of such efforts being made, the appearance of O.P. could not be procured and the efforts remained futile. Then following the principles of Natural Justice that no one should be condemned unheard, another attempt was made to serve the notice through hand delivery by the Process Server, who filed the Report dated 24.05.2022 stating that the "party refused to take



# 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. 3737/R & 371/D of 1999 Order Sheet No. 88

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

**VS**  
**SHRI RUPENDRA MOHAN CHATTERJEE & OTHERS**

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22.07.2022

damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. Non-payment of dues by O.P. for years together is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMPK on account of damages/compensation charges. I have nothing to disbelief in respect of SMPK's claim against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

Thus, it is my considered view that a sum of Rs 1,73,42,879.08 ( Rupees One Crore Seventy Three Lakhs Forty Two Thousand Eight Hundred Seventy Nine and paise Eight only) for plate no D-273/4/1, Rs 1,10,98,559.93 ( Rupees One Crore Ten Lakhs Ninety Eight Thousand Five Hundred Fifty Nine and paise Ninety Three only) for plate no SF-98 and Rs 1,48,52,921.00 ( Rupees One Crore Forty Eight Lakhs Fifty Two Thousand Nine Hundred Twenty One Only) for plate no SF-98/1 are due and recoverable from the O.P. for the period from 31.05.2009 to 19.03.2021 by the Port authority on account of compensation/ mesne profit/ damage charges.

O.P. must have to pay such dues to SMPK on or before 10.08.2022.

Interest is the natural fallout for delayed payments of Rent/ Compensation and as such, the O.P. is liable to pay interest for the same. 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 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 SMPK's books of accounts.

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Head Assistant  
25.07.2022  
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. 371, 371/R/371/D of 1999 Order Sheet No. 89

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

**VS**

**SHRI RUPENDRA MOHAN CHATTERJEE & OTHERS**

39  
22.07.2022

the Order". In view of the circumstances and considering the huge dues of O.P. to the public exchequer as reported by SMPK, a decision was taken in terms of Order dated 25.05.2022 to publish a notice in a widely circulated English Daily as well as in official website of SMPK for a notice to all concerned about the pendency of the instant proceeding in order to give a chance to the O.P. to appear before this Forum and to represent his case. Such notice was published in 'The Times of India (Kolkata edition)' on 08.06.2022 fixing the date for the O.P's appearance, filing reply to Show Cause on 15.06.2022. It appears that on 15.06.2022 neither the O.P. nor anyone interested in the property approached the Forum or made a contact in the meantime in connection with the Show Cause Notice issued by this Forum. Considering the situation that the attendance of O.P. could not be procured by this Forum at any point of time inspite of every possible efforts being made, even after the publication of a Notice in the English daily newspaper and thereafter, I have been constrained to proceed ex-parte against the O.P.

I find that SMPK has produced detailed statement of accounts dated 21.10.2021 in respect of the public premises in question. It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises for years together. It appears that in the year 2010 and 2011 the O.P. has made certain payments, which have been adjusted by and large against the previous dues of O.P. for the period from 1993 to 2001. Thereafter, the O.P. made some sporadic paltry payments in the year 2013, 2015 and 2016. In my view, such statements maintained by a statutory authority/ SMPK in its usual course of business has definite evidentiary value, unless challenged 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 compensation/

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**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. 371, 371R, 371D of 1999 Order Sheet No. 900

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

**VS**

**SHRI RUPENDRA MOHAN CHATTERJEE & OTHERS**

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22.07.2022

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

(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  
25.07.2022  
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