



W/Side

**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. 31 DT 28.07.2022
PROCEEDINGS NO. 931 of 2008

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/S. CESC LTD.

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that To **M/s CESC Limited, CESC House, 15/1, Chowringhee Square, Kolkata - 700 069** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That O.P. has violated the condition of tenancy under monthly term lease, as granted by the Port Authority, by way of not making payment of rent and taxes, to the Port Authority.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the notice to quit dated 10.08.2007 as served upon O.P. by the Port Authority are valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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
28.07.2022

Please see on reverse

:2:

A copy of the reasoned order No. 31 dated 28.07.2022 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said M/s CESC Limited, CESC House, 15/1, Chowringhee Square, Kolkata - 700 069 and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said M/s CESC Limited, CESC House, 15/1, Chowringhee Square, Kolkata - 700 069 and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

Plate no - HL-614

The said piece or parcel of land msg.25 Sq.m or thereabouts is situated at Timber Pond, Howrah, P.S: Howrah, Dist.: Howrah, Registration Dist.: Howrah. It is bounded on the North by the Trustees land allotted to Dalpat Rai Ashra, on the East & South by the Trustees' land leased to O.P. Saxena and on the West by the Foreshore Road.

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

Dated: 29.07.2022 .



**Signature & 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 BY THE ESTATE OFFICER
* 28.07.2022
THE 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 Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place (1st FLOOR) KOLKATA-700001

Form " E "

PROCEEDINGS NO. 931/R OF 2008
ORDER NO. 31 DATED: 28.07.2022

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

To
**M/s CESC Limited,
CESC House,
15/1, Chowringhee Square,
Kolkata - 700 069.**

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

AND WHEREAS, by written notice dated 24.01.2022 (Vide Order No 27 dated 13.01.2022) you were called upon to show cause on/or before 27.01.2022 why an order requiring you to pay a sum of Rs 1,860.00 (Rupees One Thousand Eight Hundred and Sixty 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. Rs 1,860.00 (Rupees One Thousand Eight Hundred and Sixty only) for the period 30.11.1990 to 09.09.2007 (both days inclusive) to Kolkata Port Trust by 16.08.2022.

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 I.D. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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, 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 incurrance 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. 31 dated 28.07.2022 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 - HL-614

The said piece or parcel of land msg.25 Sq.m or thereabouts is situated at Timber Pond, Howrah, P.S: Howrah, Dist.: Howrah, Registration Dist.: Howrah. It is bounded on the North by the Trustees land allotted to Dalpat Rai Ashra, on the East & South by the Trustees' land leased to O.P. Saxena and on the West by the Foreshore Road.

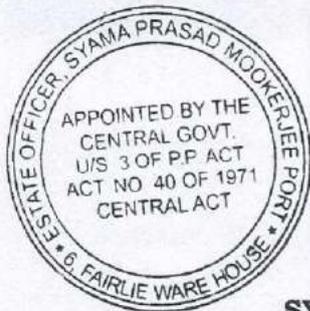
Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Dated: 29.07.2022.


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
COPY OF THE ORDER
BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022
Head Assistant
OFFICE OF THE I.D. 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. 31 DT 28.07.2022
PROCEEDINGS NO 931/D OF 2008

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 CESC Limited,
CESC House,
15/1, Chowringhee Square,
Kolkata - 700 069.**

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 16.12.2021 you were called upon to show- cause on/or before 23.12.2021 why an order requiring you to pay a sum of Rs 60,981.00 (Rupees Sixty Thousand Nine Hundred and Eighty One 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 60,981.00 (Rupees Sixty Thousand Nine Hundred and Eighty One only) for the period from 10.09.2007 to 31.03.2019 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 16.08.2022.

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

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
28.07.2022

Please see on reverse

:2:

A copy of the reasoned order no. 31 dated 28.07.2022 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.

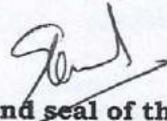
SCHEDULE

Plate no - HL-614

The said piece or parcel of land msg.25 Sq.m or thereabouts is situated at Timber Pond, Howrah, P.S: Howrah, Dist.: Howrah, Registration Dist.: Howrah. It is bounded on the North by the Trustees land allotted to Dalpat Rai Ashra, on the East & South by the Trustees' land leased to O.P. Saxena and on the West by the Foreshore Road.

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

Dated: 29.07.2022.


**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
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
28.07.2022
OFFICE OF THE I.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

Proceeding No. 931, 931/R & 931/D of 2008 Order Sheet No. 27

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S C.E.S.C. LTD VS

FINAL ORDER

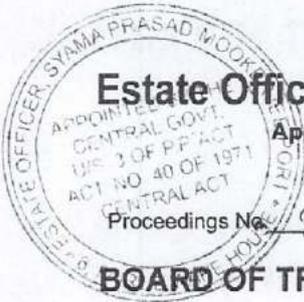
31
28.07.2022

The instant proceeding No 931, 931/R and 931/D of 2008 arises out of the application bearing No. Lnd. 4690/08/3987 dated 01.02.2008 filed by **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMPK**'], the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as '**the Act**') praying for an order of eviction and recovery of dues, along with accrued interest in respect of the Public Premises as defined under Schedule- 'A' of said application, against **CESC LTD.** (hereinafter referred to as **O.P.**).

It is the case of SMPK that the O.P. came into occupation of the port property (under Plate Nos. HL- 614) at Timber Pond, Howrah on a short term lease and has defaulted in payment of monthly rent and taxes in gross violation of the terms and conditions of the Lease in question. It is the case of SMPK that the tenancy with the O.P. was determined w.e.f. 10.09.2007, in terms of the notice to quit dated 10.08.2007 and the O.P. failed and neglected to vacate/ hand over possession of the premises after service of the said notice to quit. SMPK has made out a case that O.P. has no right to occupy the premises after the termination of the lease in question upon service of a quit notice dated 10.08.2007. SMPK filed their revised claim on account of rent as well as compensation/ damage charges in terms of the application bearing no Lnd 4690/21/3622 dated 18.10.2021.

Accordingly, this Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the Public Premises Act, 1971 and issued show cause notices under Sections 4 & 7 of the Act for adjudication of the prayer of Eviction and recovery of Compensation/ Damage charges, respectively, both dated

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022
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 Unauthorised Occupants) Act 1971

Proceedings No. 991, 931/R & 931/D of 2008 Order Sheet No. 28

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s C.E. S.C. LTD

31
28.07.2022

16.12.2021 (vide Order No 24 dated 21.10.2021), as per the Rules made under the Act.

It appears that both the Notices sent through 'Speed Post' upon the recorded address of O.P. did not return undelivered by the Postal Department, raising a strong presumption of its service upon the O.P. The Process Server attached with the Forum for service of notice/ order has submitted his report dated 20.12.2021, stating that hand delivery of the notices were made upon the O.P. on 20.12.2021. Additionally, it appears from the report of Process Server dated 20.12.2021 that affixation of the notices have been made on a conspicuous part of the premises as per mandate of the Act. However, on the date fixed for appearance and/ or filing reply to show cause by the O.P., none appeared on behalf of O.P. At the juncture, it appeared that though this Forum has passed directions upon the Department for issuance of appropriate notice upon O.P. for arrears of Rent u/s 7 of the Act, no such notice came to be issued by the Department, due to the reason reported as inadvertent mistake. Accordingly, a show cause notice u/s 7 of the Act for the reported rental dues of SMPK has been issued by this Forum on 24.01.2022 (vide Order No. 27 dated 13.01.2022). The notice was also sent through 'Speed Post' upon the recorded address of O.P. However, it appears from the 'track consignment' report downloaded from the official website of India Post that the notice return undelivered by the Postal Department, due to the reason "item re-directed addressee moved". Such being the case, Department was directed to serve upon the O.P. through hand delivery. Keeping in mind the basic spirit of the Act, which provides for speedy machinery for disposal of cases, the O.P. was given a chance to file the reply to show cause or represent its case by 24.02.2022, failing which it was made clear in terms of Order dated 10.02.2022 that the Forum would proceed on the basis of the materials on record. It appears that the O.P. has

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022
Head Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

2



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. 931, 931/R & 931/D of 2008 Order Sheet No. 29

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S C.E.S.E LTD

31
28.07.2022

received the Order dated 10.02.2022 under its acknowledgement and seal on 17.02.2022. However, the O.P. failed to file its reply to the show cause notice or otherwise, represent its case before the Forum of Law till passing of the present Order. As nobody appeared before this Forum despite sufficient opportunities, I am inclined to proceed ex-parte against the O.P.

I have carefully considered all the documents placed before me. As regards the allegations of non-payment by O.P., I find that SMPK has produced updated statement of accounts dated 21.07.2022 in respect of the said occupation. It appears from the said statements of accounts that since April, 2006, no payment, whatsoever, has been made on behalf of the O.P. in respect of the occupation. In my view, such statement maintained by the statutory authority in the 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 the Port Authority that the rent 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 rental dues by O.P. for decades together is very much prominent and established, as discussed above. As per law, a short term lease tenancy like the one granted to the O.P., continues only on the basis of timely payment of rent bill/s and non-payment of the same, even for a small period, is enough to vitiate the contract. The moment O.P. delays to pay the rent, there is no scope for automatic monthly renewal of the tenancy. In my view, the breach committed by the O.P. is very much well established in the facts and circumstances of the case and O.P. must have to suffer the consequences, following due applications of the tenets of law. Such a tenancy is to be determined immediately by service of appropriate Notice. As such, I do not find anything irregular or

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

9



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. 931, 931/R & 931/D of 2008 Order Sheet No. 30

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S C.B.S.C LTD

31
28.07.2022

illegal on the part of SMPK. In my view, SMPK's Notices to Quit dated 10.08.2007 is very much pertinent and binding upon the parties in question, duly served on O.P. as per records. Thus, I have no hesitation in upholding the said notice to quit and declaring the occupation of the O.P. as "unauthorized" within the meaning of Sec. 2 (g) of the P.P. act, 1971.

In view of the circumstances, being satisfied as above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMPK, on the following grounds/reasons:-

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That O.P. has violated the condition of tenancy under monthly term lease, as granted by the Port Authority, by way of not making payment of rent and taxes, to the Port Authority.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the notice to quit dated 10.08.2007 as served upon O.P. by the Port Authority are valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing

By Order of:
THE ESTATE OFFICER
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CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022

2



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. 931, 931R & 931D of 2008 Order Sheet No. 31

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S C. F. S. C. VS LTD

over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P., and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

SMPK is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs 1,860.00 (Rupees One Thousand Eight Hundred and Sixty only) for the period from 30.11.1990 to 09.09.2007 is due and recoverable from O.P. by the Port authority on account of Rent and a sum of Rs 60,981.00 (Rupees Sixty Thousand Nine Hundred and Eighty One only) for the period from 10.09.2007 to 31.03.2019 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 SMP, Kolkata on or before 16.08.2022.

Such dues attract 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

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
28.07.2022

2



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

931, 931/R & 931/D of 2008 Order Sheet No. 32

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S C.E.S.C LTD

31
28.07.2022

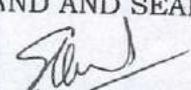
liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of SMP, Kolkata's books of accounts.

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such, the liability of O.P. to pay damages extends beyond 31.03.2019 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.03.2019, indicating therein, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THIS ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
28.07.2022
Assistant
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 THIS ORDER ***