

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 1st Floor
of Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 21 DT 01.08.2022
PROCEEDINGS NO. 1462 OF 2015

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/s. JKPK Sadhukhan & Bros. (O.P)

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 **M/s. JKPK Sadhukhan & Bros No.2, D/3, J.N Ghat Posta, 67/50, Strand Road, Kolkata-700007** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

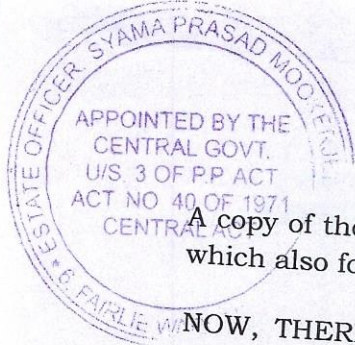
- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues/licence fees to SMPK and also failed to comply with the Order of regular payment dated 12.02.2007 as passed by the Hon'ble High Court, Calcutta in APO No.367 of 2006, W.P No.347 of 1997 (The Port Tenant Welfare Association & Ors. Vs The Board of Trustees for the Port of Calcutta & Ors.) inspite of repeated request from SMPK.
- 3) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 4) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice of revocation of licence dated 6.09.2008.
- 5) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for wrongful use and enjoyment of the Port property in question 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
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 21 dated 01.08.2022 is attached hereto which also forms a part of the reasons.

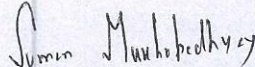
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **M/s. JKPK Sadhukhan & Bros No.2, D/3, J.N Ghat Posta, 67/50, Strand Road, Kolkata-700007** and all persons who 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. JKPK Sadhukhan & Bros No.2, D/3, J.N Ghat Posta, 67/50, Strand Road, Kolkata-700007** 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 Nos. CG-219 & SB-528

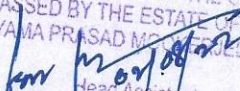
Trustees' godown No. D/3 msg. about 100.335 Sq.mtrs. and common passage msg. about 32.61 Sq. mtrs. in front of godown No. D/3 on the South side of the J.N Ghat Cross Road in the Presidency town of Kolkata
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 02/08/22

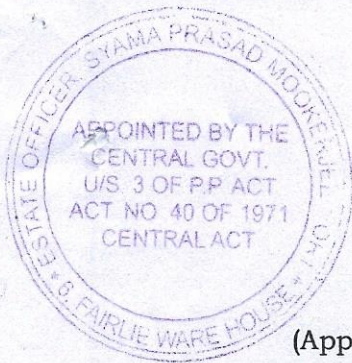

Signature & Seal of
Estate Officer.

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

**COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT,
KOLKATA FOR INFORMATION.**



**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
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.1462/R OF 2015
ORDER NO. 21 DATED: 01.08.22

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. JKPK Sadhukhan & Bros,
No.2, D/3, J.N Ghat Posta,
67/50, Strand Road,
Kolkata-700007**

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

AND WHEREAS, by written notice dated 15.06.2022 you are called upon to
show cause on or before 23.06.2022 why an order requiring you to pay a sum
of Rs.12,66,341.01(Rupees Twelve lakh sixty six thousand three hundred forty
one and paise one only) for Plate No.CG-219 and Rs.1,39,826/- (Rupees One
lakh thirty nine thousand eight hundred twenty six only) for Plate No.SB-528
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;

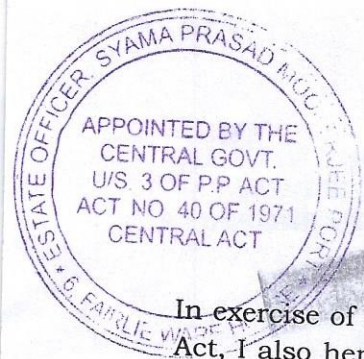
NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of
Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act
1971, I hereby require you to pay the sum of Rs.12,66,341.01(Rupees Twelve
lakh sixty six thousand three hundred forty one and paise one only) for Plate
No.CG-219 and Rs.1,39,826/- (Rupees One lakh thirty nine thousand eight
hundred twenty six only) for Plate No.SB-528 both for the period from
01.10.1991 to 31.10.2008 (both days inclusive) to SMP, Kolkata by 16.08.22

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

8

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.

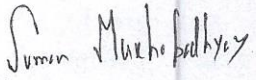
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.


SCHEDULE

Plate Nos. CG-219 & SB-528

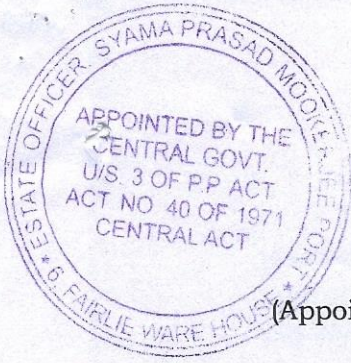
Trustees' godown No. D/3 msg. about 100.335 Sq.mtrs. and common passage msg. about 32.61 Sq. mtrs. in front of godown No. D/3 on the South side of the J.N Ghat Cross Road in the Presidency town of Kolkata
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 02/08/2022


Signature and seal of the
Estate Officer

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

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.



**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.1462/D OF 2015
ORDER NO. 21 DATED: 01.08.22

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. JKPK Sadhukhan & Bros,
No.2, D/3, J.N Ghat Posta,
67/50, Strand Road,
Kolkata-700007**

WHEREAS I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 15.06.2022 you are called upon to show cause on or before 23.06.2022 why an order requiring you to pay damages of Rs. 63,89,662.81 (Rupees Sixty three Lakh eighty nine thousand six hundred sixty two and paise eighty one only) for the Plate No CG-219 and Rs. 18,04,515/- (Rupees Eighteen Lakh four thousand five hundred fifteen only) for Plate No.SB-528 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;

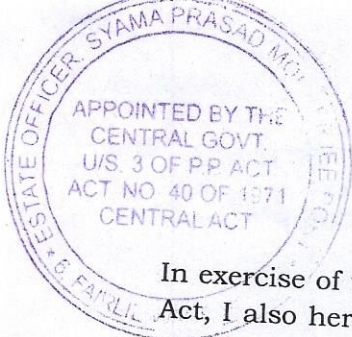
NOW, THEREFORE, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs. 63,89,662.81 (Rupees Sixty three Lakh eighty nine thousand six hundred sixty two and paise eighty one only) for the Plate No CG-219 and Rs. 18,04,515/- (Rupees Eighteen Lakh four thousand five hundred fifteen only) for Plate No.SB-528 assessed by me as damages on account of your unauthorised occupation of the premises both for the period from 01.11.2008 to 30.04.2022 (both days inclusive) to SMP, Kolkata by 16.08.22

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

8



: 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 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 Nos. CG-219 & SB-528

Trustees' godown No. D/3 msg. about 100.335 Sq.mtrs. and common passage msg. about 32.61 Sq. mtrs. in front of godown No. D/3 on the South side of the J.N Ghat Cross Road in the Presidency town of Kolkata
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date

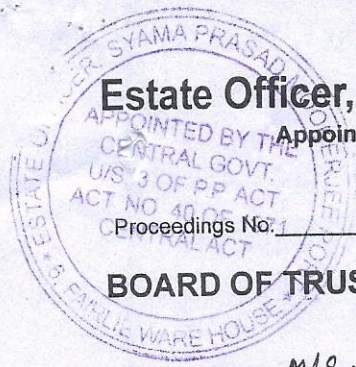
02/08/2022

Suman Mukherjee
Signature & Seal of the
Estate Officer.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Suman Mukherjee
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT,
KOLKATA FOR INFORMATION



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.

1462

Of 2015

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s. JKPK Sadhukhan & Bros (O.P.)

FINAL ORDER

The matter is taken up today for final disposal. Factual aspect involved in this matter is required to be put forward in a nutshell in order to link up the chain of events leading to this proceeding. It is the case of Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust), hereinafter referred to as **SMPK**, the applicant herein, that Godown No. D/3 msg. about 100.335 Sq.m and common passage msg. about 32.61 Sq.m situated in front of Godown No. D/3 on the south side of the J.N Ghat Cross Road, in the Presidency town of Kolkata comprised under Plate Nos. CG-219 & SB-528 was allotted to **M/s. JKPK Sadhukhan & Bros, O.P.** herein on licence with certain terms and conditions as embodied therein and O.P. violated the condition of tenancy as granted under licence by defaulting in payment of licence fees/rent to SMPK and also by failing to comply with the Order of regular payment dated 12.02.2007 as passed by Hon'ble High Court, Calcutta in APO No.367 of 2006, W.P No.347 of 1997 (The Port Tenant Welfare Association & Ors. Vs The Board of Trustees for the Port of Calcutta & Ors.) inspite of repeated request from SMPK even after the issuance of Final Notice dated 16.06.2008.

It is also the case of SMPK that O.P. has not only committed the aforementioned breaches but also failed to handover possession of the Public Premises in terms of the notice of revocation of licence dated 16.09.2008. Now, it is argued on behalf of SMPK that O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the said notice of revocation of licence dated 16.09.2008 and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property in question.

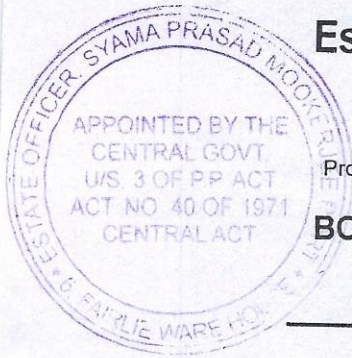
By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

21
04.08.2022

8



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. 14621 Of 2015 Order Sheet No. 18

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S- JPK Sadhukhan + 6008 (O.P.)

21
09-08-2022

This Forum formed its opinion to proceed against O.P under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for Order of eviction etc.) dated 10.08.2015(vide Order No. 02 dated 01.04.2015) as per rule made under the Act.

After issuance of the aforesaid notice, on 10.08.2014 O.P. did not appear 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.

It reveals from the report of the Process Server dated 12.08.2015 that Show Cause Notice u/s 4 was affixed on the subject premises on 12.08.2015 at about 3:15 P.M. It is also seen that one Sunil Samanta has received the same on behalf of O.P and thereafter on 09.11.2016, one Sandip Sadhukhan, claiming himself to be one of the shareholders of O.P., appeared before the Forum and the Forum extends opportunity to O.P. including Sandip Sadhukhan thereafter, for representing their case by filing reply to the Show Cause along with the other relevant documents including letter of authority from the other interested parties. However, O.P. including Sandip Sadhukhan did not file any reply or any other relevant documents in compliance with that Order of the Forum. Thereafter on 23.03.2022 when the instant matter was placed before the undersigned, it receive my attention that except 09.11.2016, O.P. or any other interested party was never appeared before the Forum to contest the instant matter and it is also seen that even after the issuance of Show Cause notice U/S-7 (for adjudication of the prayer for recovery of arrear rental dues & damages etc.) all dated 15.06.2022(vide Order No. 18 dated 14.06.2022, no response was received from O.P's end and

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
02/08/22
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

8



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.

1462

Of 2015

Order Sheet No.

19

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s - JPKK Sadhukhan & Sons (O.P.)

such Order along with the Notice/s were returned undelivered to the Forum with an endorsement "Addressee moved". However the Report of the Process Server dated 21.06.2022 depicts that due affixation of such Order & notice/s u/s-7 was made on the subject premises in question as per the mandate of P.P Act.

As none appeared on behalf of O.P or any other person interested in the property and as there is no reply to the Show Cause Notice/s both u/s 4 & 7 of the Act inspite of repeated chances, a decision was taken 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 in the classified column of Times of India (Kolkata) on 12.07.2022 fixing the ultimate date of O.P's appearance on 21.07.2022. Such notice was also published in the website of SMP, Kolkata. But all the efforts were 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 continuous 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 21.07.2022. Now this Forum has decided to adjudicate the matter ex-parte.

Now, while passing the Final Order, I have carefully considered the documents on record and the submissions of SMPK. The question now arises is how

21
01.08.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT

OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

8

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. 14621 Of 2015 Order Sheet No. 20

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s - J.R.P.K. Sadhukhan & Brothers O.P.

21
01.08.2020

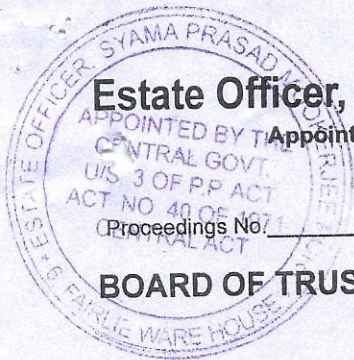
far the service of the Show Cause Notice/s deserves merit in the facts and circumstances of the case. After a through perusal of all the records in the case and from the fact of affixation & publication of such notice/s in a daily news paper, I have left with no other alternative but to accept that the said notice/s have duly been served upon O.P. It is seen that during the entire proceedings, no justification came from the O.P. inspite of providing repeated chances as to how the O.P. is entitled to enjoy the property after determination of their licence. No attempt has been made on behalf of O.P. to satisfy this Forum of Law about any consent on the part of SMPK in occupying the public premises after determination of the monthly term licence. No paper/document was ever produced on behalf of O.P., contradicting/ disputing the claim of SMPK inspite of repeated chances being given. Further the occupation of O.P. beyond the period of determination of such licence is unauthorized in view of Sec. 2. (g) of the Public Premises Act in question.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 4 & 7 of the Act has been filed as yet, I have no bar to accept the claim of SMPK on account of unauthorised occupation of O.P into the Public Premises in question. I think that it is a fit case for issuing Order of eviction u/s 5 of the Act on the following grounds:-

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues/licence fees to SMPK and also failed to comply with the Order of regular payment dated 12.02.2007 as passed by the Hon'ble High Court, Calcutta in APO

By Order of:
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SYAMA PRASAD MOOKERJEE PORT
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.

1462

Of

2015

Order Sheet No.

21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s JKPK Sadhukhan & Bros (O.P.)

No.367 of 2006, W.P No.347 of 1997 (The Port Tenant Welfare Association & Ors. Vs The Board of Trustees for the Port of Calcutta & Ors.) inspite of repeated request from SMPK.

3) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".

4) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice of revocation of licence dated 6.09.2008.

5) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for wrongful use and enjoyment of the Port property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s.5 of the Act as per Rule made there under, giving 15 days time to O.Ps' 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.Ps' in accordance with Law up to the date of recovery of possession of the same.

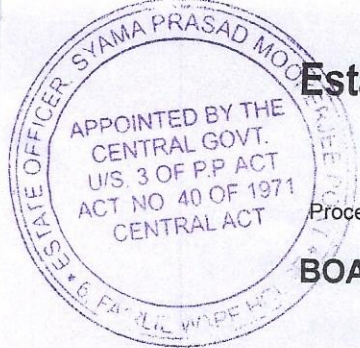
It is my considered view that a sum of Rs.12,66,341.01(Rupees Twelve lakh sixty six thousand three hundred forty one and paise one only) for Plate No.CG-219 and Rs.1,39,826/-(Rupees One lakh thirty nine thousand eight hundred twenty six only) for Plate No.SB-528 both for the period from 01.10.1991 to 31.10.2008 (both days inclusive) are due and recoverable from O.P. by the Port authority on account of rental dues

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

and Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

8



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. 1462 Of 2015 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/B. J.K.K. Sankar & Boro (O.P.)

21
01.08.2022

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

Likewise, I find that SMPK has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/ compensation to be paid for unauthorised occupation. As such, I must say that Rs. 63,89,662.81 (Rupees Sixty three Lakh eighty nine thousand six hundred sixty two and paisa eighty one only) for the Plate No CG-219 and Rs. 18,04,515/- (Rupees Eighteen Lakh four thousand five hundred fifteen only) for Plate No.SB-528 as claimed by the Port Authority as damages in relation to the subject premises in question, are correctly payable by O.P. both for the period from 01.11.2008 to 30.04.2022 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMPK by The 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 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. I sign the formal orders u/s 7 of the Act.

I make it clear that SMPK 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

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

JS



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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S JPRK Sadashan & Sons (O.P.)

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01.08.2022

accordance with Law, and as such the liability of O.P. to pay damages extends beyond 30.04.2022 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. SMPK is directed to submit a statement comprising details of its calculation of damages after 30.04.2022, indicating there-in, 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 comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

S. Mukhopadhyay
(S. Mukhopadhyay)
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

01/08/22
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT