

SCAN



**REGISTERED POST WITH A/D.
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**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 SMPK's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.21 DT 09.09.2022
PROCEEDINGS NO. 1864 OF 2021

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES OF THE PORT OF KOLKATA)
-Vs-**

Regional Manager, Central Warehousing Corporation (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 **Regional Manager, Central Warehousing Corporation, CMC Building, Phase-I, 6th Floor, New Market Complex, 15N, Nellie Sengupta Sarani, Kolkata-700087** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That the proceedings against O.P. is very much maintainable.
2. That O.P. has violated the condition of tenancy under licence as granted by the Port Authority.
3. That O.P. has defaulted in making payment of monthly licence fees/rental dues to SMPK in gross violation to the condition for grant of tenancy under licence.
4. That O.P. cannot take the plea of time barred claim by SMPK, taking the shield of Limitation Act.
5. That the plea of "waiver and/or any principle analogous thereto" as taken by O.P. has got no merit in the facts and circumstances of the case.
6. That O.P. has unauthorisedly sub-let the subject premises in clear violation of the term of such tenancy without having any authority of law.
7. That O.P. has failed to bear any witness or adduce any evidence in support of its "Authorised Occupation".
8. That SMPK is justified in revoking the licence as granted to O.P. by serving notice dated 14.01.2021 which is valid, lawful and binding upon the parties.
9. That O.P.'s occupation has become unauthorized in view of Sec.2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

By Order of :

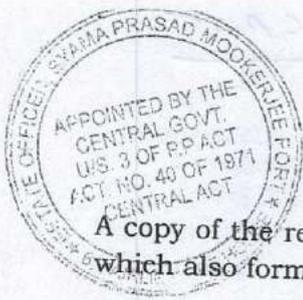
**THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT**

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

09.09.2022



(2)

A copy of the reasoned order No. 21 dated 09.09.2022 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 **Regional Manager, Central Warehousing Corporation, CMC Building, Phase-I, 6th Floor, New Market Complex, 15N, Nellie Sengupta Sarani, Kolkata-700087** 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 **Regional Manager, Central Warehousing Corporation, CMC Building, Phase-I, 6th Floor, New Market Complex, 15N, Nellie Sengupta Sarani, Kolkata-700087** 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

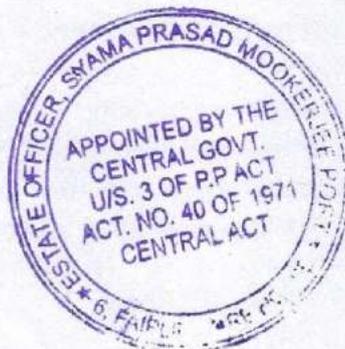
Plate No. CG-286

Trustees' godown space 2569.046 Sq.mtrs on Strand Bank Road, Katgola Ghat near Nimtala under Plate No. CG-286. It is bounded on the **North by SMP's land, being used as passage to SMP's Riverside plots**, on the **South** by Syama Prasad Mookerjee Port, Kolkata's land used as passage, on the **East** by Strand Bank Road, and on the **West** by the River Hooghly. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 09.09.2022

Basu
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
09.09.2022



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



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**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.1864/R OF 2021
ORDER NO. 21 DATED: 09.09.2022

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

To

**Regional Manager, Central Warehousing Corporation,
CMC Building, Phase-I, 6th Floor,
New Market Complex,
15N, Nellie Sengupta Sarani,
Kolkata-700087.**

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

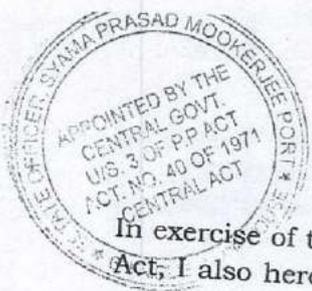
AND WHEREAS, by written notice dated 17.11.2021 you are called upon to
show cause on or before 13.12.2021 why an order requiring you to pay a sum
of Rs.2.00(Rupees Two only) being the rent payable together with compound
interest in respect of the said premises should not be made;

AND WHEREAS, I have considered your objections and/or the evidence
produced by you;

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.2.00(Rupees Two only) for the
period from 15.07.2016 to 31.05.2018 (both days inclusive) to SMPK
by 23.09.2022

PLEASE SEE ON REVERSE

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
09.09.2022



: 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 @ 6.45 % 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. CG-286

Trustees' godown space 2569.046 Sq.mtrs on Strand Bank Road, Katgola Ghat near Nimtala under Plate No.CG-286. It is bounded on the **North** by **SMP's land, being used as passage to SMP's Riverside plots**, on the **South** by Syama Prasad Mookerjee Port, Kolkata's land used as passage, on the **East** by Strand Bank Road, and on the **West** by the River Hooghly.
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

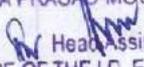
Dated: 09.09.2022


Signature and seal of the
Estate Officer

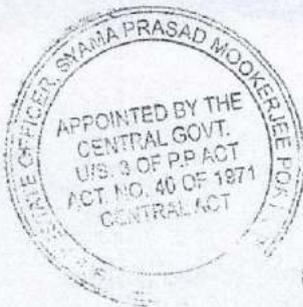


COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

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


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

09.09.2022



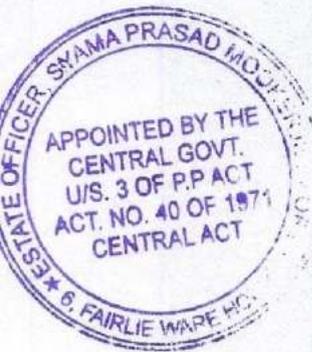
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ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(Erstwhile KOLKATA PORT TRUST)

(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 SMPK's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1864/D OF 2021
ORDER NO. 21 DATED: 09.09.2022



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

Regional Manager, Central Warehousing Corporation,
CMC Building, Phase-I, 6th Floor,
New Market Complex,
15N, Nellie Sengupta Sarani,
Kolkata-700087.

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 17.11.2021 you are called upon to show cause on or before 13.12.2021 why an order requiring you to pay damages of Rs. 9,04,00,432.00 (Rupees Nine Crore four lakh four hundred thirty two only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made;

AND WHEREAS, I have considered your objections and/or the evidence produced by you;

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. 9,04,00,432.00 (Rupees Nine Crore four lakh four hundred thirty two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.06.2018 to 30.04.2021 (both days inclusive) to SMPK by 23.10.2022.

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

09.09.2022

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 @ 6.45 % per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

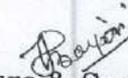
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

SCHEDULE

Plate No. CG-286

Trustees' godown space 2569.046 Sq.mtrs on Strand Bank Road, Katgola Ghat near Nimtala under Plate No.CG-286. It is bounded on the **North by SMP's land, being used as passage to SMP's Riverside plots**, on the **South** by Syama Prasad Mookerjee Port, Kolkata's land used as passage, on the **East** by Strand Bank Road, and on the **West** by the River Hooghly. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 09.09.2022


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
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

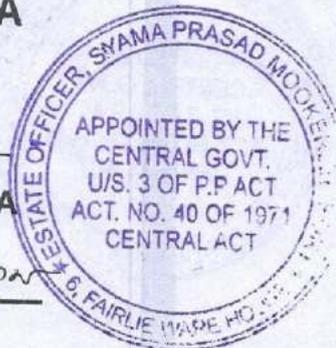
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09-09-2022

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. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 20



BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION

21

FINAL ORDER

The matter is taken up today for final disposal. The background of the matter is required to be put forward in a nutshell in order to appreciate the issues involved in the proceedings on the basis of factual aspect involved in this matter. It is the case of Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust/ KoPT), hereinafter referred to as 'SMPK', the Applicant herein, that **Regional Manager, Central Warehousing Corporation**, hereinafter referred to as the 'opposite party'/'O.P.', came into occupation of the Port Property, being Godown space measuring about 2569.46 sq.m. (under Plate No. CG-286) at Katgola Ghat on Strand Bank Road near Nimtola(south side) as a Licencee on certain terms and conditions, initially for a period of eleven months w.e.f 03.09.2010 and thereafter for a period of another eleven months w.e.f 01.07.2017 on the strength of renewal of such licence in terms of SMPK's Letter of extension of such licence bearing No. Lnd. 5664/ 17/2644 dated 21.08.2017 and O.P. failed miserably to comply with the conditions for extension of tenancy under licence in terms of SMPK's offer bearing No. Lnd. 5664/17/2644 dated 21.08.2017. In the meantime said licence was also expire on 31.05.2018. It is the case of SMPK that O.P. has failed and neglected to pay the licence fees/rent in gross violation to the condition of tenancy under licence and O.P. has sublet the public premises unauthorisedly without having any permission from SMPK. It is strongly argued by SMPK that the licence as granted by SMPK to O.P. has duly been revoked by due service of notice for revocation of licence bearing No.Lnd.5664/21/122 dated 14.01.2021 and O.P. as licencee has no authority under law to occupy the public premises after expiry of the period as

19.09.2022

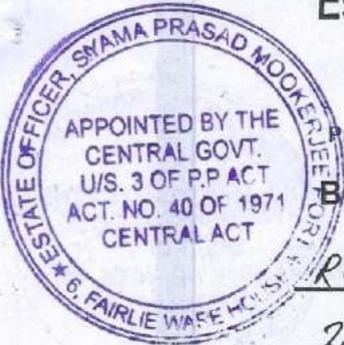
By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09.09.2022

[Handwritten 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. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION

21

09.09.2022

By Order of :
THE ESTATE OFFICER
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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

09.09.2022

mentioned in the said notice for revocation of licence dated 14.01.2021 and O.P. is liable to pay damages for their unauthorized occupation.

This Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the Act and issued Show Cause Notice/s u/s.4 of the Act (for adjudication of SMPK's prayer for order of eviction) and u/s.7 of the Act (for adjudication of the prayer for order of recovery of arrear rent and damages etc.) all dated 17.11.2021.

The O.P. appeared before this Forum through their Ld. Advocate and contested the case and filed several applications/objections. It reveals from record that O.P. filed their reply to the Show Cause Notice/s on 03.01.2022 and thereafter their supplementary reply to the Show Cause Notice/s on 07.02.2022. The O.P. also filed their Written Notes of Arguments on 04.04.2022, SMPK on the other hand, filed their rejoinder/comments dated 18.01.2022 and 27.06.2022 in response to the reply to Show cause & Written Note of Arguments filed by O.P.

The main contentions of O.P. can be summarized as follows:-

- 1) in view of the Gazette Notification dated 29th January, 2019 as issued by the Govt of West Bengal, the proceedings for eviction instituted against O.P. and the Show Cause Notice/s issued by the Forum under the P.P Act are not maintainable.
- 2) SMPK's allegation as regards the unauthorized occupation of O.P. is outrightly incorrect and opposed to the record.
- 3) SMPK's demand of Rs.9,04,00,432/- (Nine Crore Four Lakhs Four hundred thirty two) on account of

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. 1864, 1864/R, 1864/P of 2021 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION



21

9.09.2022

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 ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09.09.2022

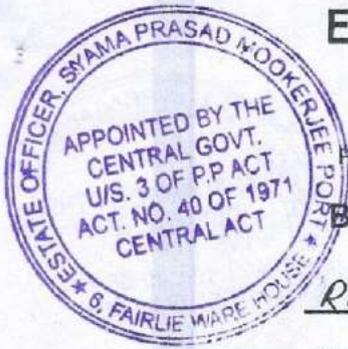
22

damages w.e.f 01.06.2018 till 30.04.2021 is also not maintainable.

- 4) The demand raised by SMPK on account of arrears of rent for the period 15.07.2017 to 31.05.2018 is not only incorrect but the same is also contrary to the record. The said demand is unfounded and as such issuance of the said notice under reference is itself not tenable in facts.
- 5) The O.P. had let out the said space to private entities on the basis of Dedicated Warehousing Agreement for a specified period and upon receipt of Notice from the office of SMPK O.P. also issued notices to depositors for vacating the premises but instead of complying with the said notice, the depositors had instituted frivolous legal proceedings before the Hon'ble High Court at Calcutta and the City Civil Court, Calcutta which are still pending for adjudication.
- 6) By the Agreement dated 4th August, 2017 O.P. had only extended storage facility to three private entities (M/s. Kaba Express Private Ltd, M/s Bharat Express & M/s Jaipur Golden Transport Company Pvt. Ltd) however, at no material point of time any expressed right, title interest was ever created in their favour.
- 7) The relationship between the O.P and such private entities are of a bailee and bailor and the transaction that of bailment being recorded in the said agreement dated 4th August, 2017.
- 8) The actual possession of the space in question is lying with O.P. therefore, in absence of transfer of possession the question of subletting does not and cannot arise.

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. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 23

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION

21

09.09.2022

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

09.09.2022

- 9) SMPK's claim for interest for delayed payment has no basis because total dues demanded to the tune of Rs.8,36,734 as on 30th May, 2018 had already been paid by O.P.
- 10) After receipt of Rs.8,36,734/- SMPK remained silent till the issuance of Show Cause and such act of SMPK is hit by the principles of waiver and/or any principles analogous thereto.
- 11) The claim of SMPK with regard to the alleged interest is clearly barred under the Law of Limitation.

SMPK, the petitioner, denying the claim of O.P. argued that SMPK has issued Quit Notice in terms of revocation of licence and instituted Proceeding against O.P. claiming rent and compensation charges within legitimate period therefore, Limitation Act has no application on the proceedings before the quasi-judicial authority like this Forum and the proceedings is very much maintainable. Further it is argued by SMPK, that the rate and charges as fixed by the SMPK are not fixed whimsically however, such rate and charges are time to time fixed by the Tariff Authority of Major Ports therefore, O.P. cannot deny their liability to pay such rate, charges and interest according to the notification published by the Tariff Authority of Major Ports. The W.P.74 of 2019 filed by SMPK challenging the Gazette Notification dated 29.01.2019 has already been disposed of by Hon'ble High Court, Calcutta in SMPK's favour vide it's order dated 10.08.2020 and the said order has been challenged by the Govt of W.B by preferring an Appeal being No.APO123 of 2020 which is pending without any stay order.

g.p.

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

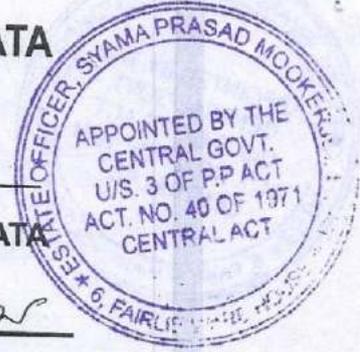
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION



21

09.09.2022

Now, while passing the Final Order, after carefully considered the documents on record and the submissions of the parties, I find that following issues have come up for my adjudication:

- I. Whether the present proceeding is maintainable in view of the State of W.B Gazette Notification dated 29th January 2019 or not;
- II. Whether the Show Cause Notice is maintainable or not;
- III. Whether pendency of appeal (being No. APO 123 of 2020) moved by State of W.B before the Hon'ble High Court, Calcutta in connection with W.P. No. 74 of 2019 puts any embargo upon this Forum of Law to proceed further or not.
- IV. Whether O.P. has defaulted in making payment of licence fees/rental dues to SMPK or not;
- V. Whether O.P. can take the shield of time barred claim under Limitation Act to contradict the claim of SMPK on account of interest for delayed payment or not;
- VI. Whether after receipt of Rs.8,36,734/- SMPK's silence till the issuance of Show Cause is hit by the principles of waiver and/or principles analogous thereto or not;
- VII. Whether SMPK's statement/allegation regarding unauthorized subletting by O.P. has got any merit or not;
- VIII. Whether action of the Port Authority in revoking the licence as granted to O.P. is justified and serving notice, revoking the license as granted to O.P. dated 14.01.2021 bearing No. Lnd.5664/21/122 by the Port Authority is valid and lawful or not;

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
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SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09.09.2022

[Handwritten 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. 1864, 1864/R, 1864/D Of 2021

Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION



21

09.09.2022

IX. Whether O.P. is liable to pay damages/ compensation as claimed by SMPK or not;

With regard to the **issue No.I**, I must say that the properties owned and controlled by the Port Authority has been declared as "public premises" by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and Section-15 of the Act puts a complete bar on Court's jurisdiction to entertain any matter relating to eviction of unauthorized occupants from the public premises and recovery of rental dues and/or damages, etc. SMPK has come up with an application for declaration of representatives of O.P's status as unauthorized occupant in to the public premises with the prayer for order of eviction, recovery of compensation etc against O.P. on the ground of termination of authority to occupy the premises as earlier granted to O.P. in respect of the premises in question. So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law. In fact, proceedings before this Forum of Law is not statutorily barred unless there is any specific order of stay of such proceedings by any competent court of law.

Issue of maintainability in view of Gazette Notification of State of W.B. dated 29th January 2019 as raised by O.P vide their reply to the Show Cause dated 03.01.2022, I must say that such notification is of no effect today because being aggrieved by the said Notification dated

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SV.



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

VS

REGIONAL MANAGER CENTRAL WAREHOUSING CORPORATION

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29.01.2019, SMPK has preferred a Writ Petition being W.P. No. 74 of 2019 before the Hon'ble Calcutta High Court and Hon'ble High Court has already vide its Judgement dated 10.08.2020 allowed such W.P. No 74 of 2019 by setting aside such Notification dated 29th January 2019 with the following observations:-

"..... A) that the original notice dated 25th October, 2018 was both subject and purpose specific.

B) That the contents of the original notice dated 25th October, 2018 had the effect of enticing the Board to take a legal position qua Municipal Premises number 68 and 69 comprising in all 12 Bighas and 7 Cottahs of land.

C) In a well thought out manoeuvre by the State respondents the Board was allowed to hold on its position over a Lot A, while, simultaneously unleashing the provisions of the 2012 Act declaring the surprise Board to be a persona non grata qua Lots B1 and B2.

D) Finding itself outmanoeuvre, the Board has pressed this action by claiming title also in respect of several properties in Lots B1 and B2 in respect of which neither the KMC has measured nor declared the Municipal Premises No. to fulfill the conditions precedent of an inquiry inherent in the 2012 Act.

E) The KMC decided to aid the arbitrary state action by failing to identify and/or correlate the Municipal Premises Nos. of the property in issue with its corresponding area/boundary.

In the backdrop of the above discussion, this Court is persuaded to interdict the passage of the Royal Horse. This Court finds the action impugned of the Respondents

Dr.

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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Proceedings No. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 27

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE & HOUSING CORPORATION



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to the foundationally flawed and accordingly sets it aside....."

In view of the authoritative decisions as cited above, I have no hesitation in my mind to decide the issue in favour of the Port Authority.

With regard to **Issue No. II**, I do not find any argument on behalf of O.P., save and except statement against issuance of notice u/s.4&7 of the Act. It is my considered view based on careful consideration of the materials brought before me that SMPK's case needs to be adjudicated by way of issuing Show Cause Notice/s for initiation of proceedings under the relevant provisions of the Act and Rules made thereunder. Port premises being public premises as defined under the Act, I have definite jurisdiction to entertain the matters relating to the prayer for order of eviction and recovery of arrear licence fees/damages etc. as per provision of the Act. No right has been taken away from O.P. by way of issuing Show Cause Notice/s. In fact, to start with the adjudication process as envisaged under the Act, issuance of Show Cause Notice/s is a sine-qua-non. One cannot go beyond the statutory mandate of an enactment (P.P. Act) which provides a complete code for adjudication of any matter before this Forum of Law. Formation of opinion to proceed against O.P. on the basis of the materials connected with the occupation of O.P. cannot be blamed without establishing irregularity, if any, under the statutory mandate. In such a situation, I do not find any merit to the submissions/statement on behalf of O.P. in this regard and as such, the issue is decided against O.P.

On **issue No.III**, it is evident from the O.P's reply dated 03.01.2022 as well as SMPK's rejoinder dated

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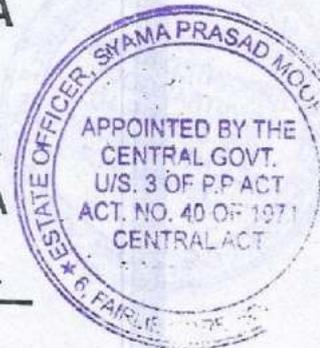
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Proceedings No. 1864, 1864/R, 1864/P of 2021 Order Sheet No. 28



BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION

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18.01.2022 that an appeal being number APO 123 of 2020 has been preferred by State of West Bengal before the Division Bench Of Calcutta High Court challenging the Order dated 10.08.2020 as passed in connection with the W.P 74 of 2019.

In my view, proceedings against O.P., initiated at the instance of Port Authority is certainly a right available to the Port Authority for taking recourses of law for adjudication of its grievance/claim against O.P. and it was not the intention of the Hon'ble High Court to stay any proceedings against O.P. for adjudication of SMPK's claim arising out of and in course of occupation of O.P. into the public premises. As there is no order of stay as per SMPK's submission, in my view, O.P's occupation/possession is not protected by any interim order and SMPK is also not debarred from initiating/continuing proceedings against O.P. under P.P. Act which is the only Forum of Law available for redressal of its grievance against O.P. in respect of the public premises in question. Advocate for O.P. sought to raise an objection regarding maintainability of the proceedings but I am not persuaded to accept the same. To take this view, I must say that this Forum of Law can proceed to dispose of the eviction proceedings etc. on its own merit in accordance with law in as much as continuation of such proceedings under such circumstances is not barred in view of Sec.15 of P.P. Act. Thus the issue is decided in favour of SMPK.

As regards the **issue No. IV**, O.P vide their reply to the Show Cause dated 03.01.2022 denied the claim of SMPK on account of arrear licence fees/rent. It was the categorical submission of O.P. that alleged demand raised by SMPK on account of arrears of rent for the

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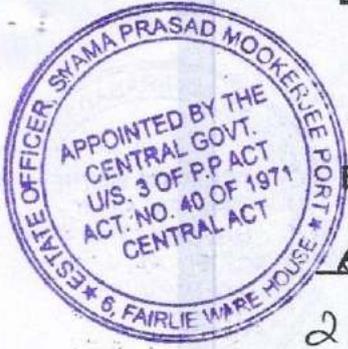
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sd.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION

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period 15.07.2017 to 31.05.2018 is not only incorrect but the same is also contrary to the record. It was also agitated by O.P. that the said demand is unfounded as such issuance of notice under reference is itself not tenable in facts. However, I am not convinced by such submission of O.P. because admittedly, a licence for eleven months was granted to O.P. by the Port Authority on certain terms and conditions which includes a rate for grant of such licence and O.P. continued in occupation of the Port Premises on the basis of such grant. The matter of default in payment of licence fees/rental dues arises during the period 15.07.2016 to 31.05.2018. Although O.P. has made payments but never succeeded in complete and full discharge of their dues taxes and interest. 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. 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. In my view, the conduct of the O.P. does not inspire any confidence and I am not at all inclined to protect O.P. even for the sake of natural justice. In my considered view, the Port Authority has a definite legitimate claim to get its revenue involved into the Port Property in question as per the SMPK's Schedule of Rent Charges for the relevant period and O.P. cannot deny such payment of requisite charges as mentioned in the Schedule of Rent Charges.

SPK

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In the aforementioned circumstances, being satisfied as above, I have no hesitation to uphold the claim of the Port Authority.

Issues No. V & VI are taken up together for convenient discussion as the issues are related with each other. I must say that the plea taken by O.P. for denial of SMPK's claim on account of interest is required to be adjudicated seriously as the issue involves mixed question of fact and law as well. It is the case of SMPK that claim of interest for delayed payment is in accordance with the Schedule of Rent Charges as per provision of the Major Port Trusts Act 1963, after obtaining sanction of the Central Govt. as per provision of the said Act. It is contended that notification published under Authority of Law has statutory force of law and O.P. cannot deny the claim of SMPK on the strength of such notification. It is also contended that continuing in occupation of the public premises must necessarily mean that O.P. is under legal obligation to pay such charges on account of interest also in case of failure to pay SMPK's demand as per Schedule of Rent Charges. It is, however, the contention of O.P. that SMPK's claim for interest for delayed payment has no basis because total dues demanded to the tune of Rs.8,36,734/- as on 30th May, 2018 had already been paid by O.P. and such claim of SMPK with regard to the alleged interest is clearly barred under the Law of Limitation.

I have duly considered the submissions/ arguments made on behalf of the parties. It is my considered view that payment of interest is a natural fall out and one must have to pay interest in case of default in making payment of the principal amount due to be payable. Needless to mention that one of the basic

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Proceedings No. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 31

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION

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conditions of licence that the licensee/ O.P. is liable to pay licence fees rents in timely manner to the licensor SMPK and any breach in such terms shall invariably attract the penal charges by way of interest. All canons of law permits charging of interest if payments are being made in delayed fashion. O.P cannot deny such liability of payment of interest as it has failed to pay the principal amount due to be payable by him more so, the Limitation Act has no application in the proceedings before the Estate Officer which is not a Civil Court, governed by the Civil Procedure Code. Sec. 15 of the Act puts a complete bar on entertaining any matter before the Civil Court in respect of Public Premises. I am firm in holding that Limitation Act has its no application in the instant case and the Division Bench judgement of Madhya Pradesh High Court has its applicability in all sense of law. As such, I have no hesitation to decide the issue in favour of SMPK and I have no bar to accept the claim of SMPK on account of Interest accrued for delayed payment.

Now, according to law "waiver" is an intentional relinquishment of a known right. It means abandonment of right and may be either express or implied from conduct but its basic requirement is that it must be intentional act and Question of "waiver" arises when someone by his conduct signifies not to insist upon any right. In this instant case from the conduct of SMPK no such intention was found wherefrom it can be ascertained that they were silent or reluctant to proceed with the recovery of alleged dues on account of interest after realization of Rs.8,36,734/- from O.P. Thus it is my considered view that the question of 'waiver' and the principles analogous thereto as raised on behalf of O.P. does not arise at all in view of the fact & circumstances

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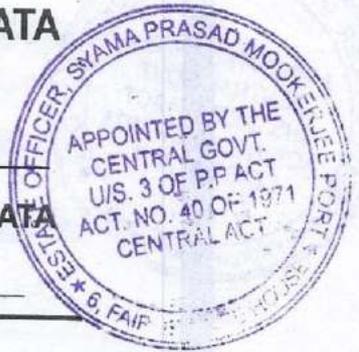
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Proceedings No. 1864, 1864/R, 1864/D Of 2021 Order Sheet No. 32

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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of the case. Accordingly the issue is decided in favour of SMPK.

The matter of unauthorized sub-letting as alleged on behalf of SMPK against O.P. under issue No. VII is required to be considered with all its seriousness as substantial question of law is involved in this issue. In course of hearing, it is submitted on behalf of SMPK that O.P. has unauthorisedly sublet the premises in gross violation to the condition of tenancy under licence. It is, however, the contention of O.P. that the relationship between O.P and depositors were that of a bailee and bailor and in absence of transfer of possession the question of subletting does not arise.

I have duly considered the submissions/ arguments made on behalf of the parties. As per settled law "Sub-letting" means transfer of an exclusive right to enjoy the property in favour of somebody. Although O.P. in this instant case has claimed that they have not transferred any exclusive possession to any entities but in my view, O.P's submissions are contradictory and O.P. vide their supplementary reply dated 07.02.2022 has sufficiently admitted that they have inducted three entities namely M/s Kaba Express Pvt. Ltd, M/s Bharat Express and M/s Jaipur Golden Transport Company Pvt. Ltd for the purpose of providing storage facilities. Moreover, the Letter of O.P. addressing the Estate Manager, SMPK dated 29th January 2020 also depicts that aforementioned entities were very much in occupation of the subject premises therefore, O.P. cannot deny the allegation of subletting as admitted in the said letter. In my view, existence of M/s Kaba Express Pvt. Ltd, M/s Bharat Express and M/s Jaipur Golden Transport Company Pvt. Ltd in the subject occupation of O.P. is

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION

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nothing but an unauthorised subletting and such subletting and parting with possession was made by O.P. without the permission of Port Authority. Thus mere claim on behalf of O.P that in absence of transfer of possession the question of subletting does not arise etc. are all baseless in my view, and not acceptable in any sense of law. Thus, the issue is decided against O.P.

Issues No. VIII & IX are bound to be dominated by discussion against the foregoing paragraphs and the decision thereof. These issues are related with each other and as such taken up together for convenient discussion. There is no scope for denial that O.P. has violated the condition of licence in respect of the property in question as granted by the Port Authority. As such, SMPK is justified in serving notice for revocation of licence dated 14.01.2021 and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property in question. I have deeply gone into the submissions/ arguments made on behalf of the parties in course of hearing. The properties of the Port Trust are coming under the purview of "public premises" as defined under the Act. Now the question arises how a person become unauthorised occupant into such public premises. As per Section 2 (g) of the Act the "unauthorised occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever. The licence granted to O.P. was undoubtedly

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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revoked by the Port Authority by due service of notice for revocation of licence and institution of proceedings against O.P. by SMPK is a clear manifestation of Port Authority's intention to get back possession of the premises. In fact there is no material to prove O.P.'s intention to pay the dues/charges to SMPK and all my intention to narrow down the dispute between the parties has failed. In such a situation, I have no bar to accept SMPK's contentions regarding revocation of licence by notice dated 14.01.2021 on evaluation of the facts and circumstances of the case.

"Damages" are like "mesne profit" that is to say the profit arising out of wrongful use and occupation of the property in question. I have no hesitation in mind to say that after expiry of the period as mentioned in the said notice for revocation of licence dated 14.01.2021, O.P. has lost its authority to occupy the public premises, on the evaluation of factual aspect involved into this matter and O.P. is liable to pay damages for such unauthorized use and occupation. To come into such conclusion, I am fortified by the decision/observation of the Hon'ble Supreme Court in Civil Appeal No.7988 of 2004, decided on 10th December 2004, reported (2005)1 SCC 705, para-11 of the said judgment reads as follows.

Para:11-" under the general law, and in cases where the tenancy is governed only by the provisions of the Transfer of Property Act 1882, once the tenancy comes to an end by determination of lease u/s.111 of the Transfer of Property Act, the right of the tenant to continue in possession of the premises comes to an end and for any period thereafter, for which he continues to occupy the premises, he becomes liable to pay damages for use and occupation at the rate at which the landlord would have

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Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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Proceedings No. 1864, 1864/R, 1864/D Of 2021 Order Sheet No. 35

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATIONS

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let out the premises on being vacated by the tenant.
.....
.....
.....

Undoubtedly, the tenancy under licence is governed by the principles/provisions of the Indian Easement Act and there is no scope for denial of the same. Though the status of a "licencee" is entirely different from the status of a "lessee", the principle established by the Hon'ble Apex Court of India in deciding any question about "damages" in case of a "lease" may be accepted as guiding principle for determining any question about damages in case of a "licence".

In course of hearing, the representative of SMPK states and submits that Port Authority never consented in continuing O.P's occupation into the public premises and never expressed any intention to accept O.P as tenant. It is contended that SMPK's intention to get back possession is evident from the conduct of the Port Authority and O.P. cannot claim its occupation as "authorized" without receiving any rent demand note. The licence was doubtlessly revoked by the landlord by notice, whose validity for the purpose of deciding the question of law cannot be questioned by O.P. Therefore, there cannot be any doubt that the O.P. was in unauthorized occupation of the premises, once the licence was revoked. In my opinion, institution of this proceedings against O.P. is sufficient to express the intention of SMPK to obtain an order of eviction and declaration that SMPK is not in a position to recognize O.P. as tenant under licence.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

REGIONAL MANAGER, VS
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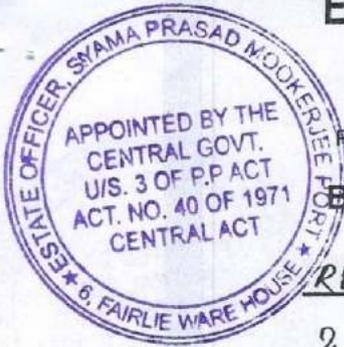
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The Port Authority has a definite legitimate claim to get its revenue involved into this matter as per agreement between the parties on the basis of SMPK's offer dated 21.08.2017 and acceptance of the same from O.P's side for grant of licence in respect of the property in question for the relevant period and O.P. cannot claim continuance of its occupation without making payment of requisite charges as mentioned in the contractual provision for grant of licence to O.P. To take this view, I am fortified by the Apex Court judgment reported in JT 2006 (4) Sc 277 (Sarup Singh Gupta -Vs- Jagdish Singh & Ors.) wherein it has been clearly observed that in the event of termination of lease the practice followed by Courts is to permit landlord to receive each month by way of compensation for use and occupation of the premises, an amount equal to the monthly rent payable by the tenant. In my view, such claim of charges for damages is based on sound reasoning and should be acceptable by this Forum of Law. As per law, when a contract has been broken, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him thereby, which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract to be likely to result from the breach of it. Moreover, as per law O.P. is bound to deliver up vacant and peaceful possession of the public premises to SMPK after expiry of the period as mentioned in the notice to Quit in its original condition. As such, the issues are decided in favour of SMPK. I have no hesitation to observe that O.P's act in continuing occupation is unauthorized and O.P. is liable to pay damages for unauthorized use and occupation of the Port property in question upto the date

SD

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

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of delivering vacant, unencumbered and peaceful possession to SMPK. With this observation, I must reiterate that the revocation notice, demanding termination of licence with O.P. as stated above has been validly served upon O.P. in the facts and circumstances of the case and such notice is valid, lawful and binding upon the parties. In view of the discussions above, the issues are decided in favour of SMPK.

NOW THEREFORE, in view of the discussion above against foregoing issues, I am left with no other alternative but to issue order of eviction u/s 5 of the Act against O.P. for the following reasons/grounds:

1. That the proceedings against O.P. is very much maintainable.
2. That O.P. has violated the condition of tenancy under licence as granted by the Port Authority.
3. That O.P. has defaulted in making payment of monthly licence fees/rental dues to SMPK in gross violation to the condition for grant of tenancy under licence.
4. That O.P. cannot take the plea of time barred claim by SMPK, taking the shield of Limitation Act.
5. That the plea of "waiver and/or any principle analogous thereto" as taken by O.P. has got no merit in the facts and circumstances of the case.
6. That O.P has unauthorisedly sub-let the subject premises in clear violation of the term of such tenancy without having any authority of law.

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. 1864, 1864/R, 1864/D of 2021 Order Sheet No. 38

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION



21

09.09.2022

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

09.09.2022

7. That O.P. has failed to bear any witness or adduce any evidence in support of its "Authorised Occupation".
8. That SMPK is justified in revoking the licence as granted to O.P. by serving notice dated 14.01.2021 which is valid, lawful and binding upon the parties.
9. That O.P's occupation has become unauthorized in view of Sec.2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Accordingly, I sign the formal order of eviction under Sec. 5 of the Act as per Rules made thereunder, giving 15 days time to O.P. 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 as their occupation into the Public Premises is/are unauthorised in view of sec. 2(g) of the Act. 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 could 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.2.00(Rupees Two only) for the period from 15.07.2016 to 31.05.2018 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of licence fees/rental dues and O.P. must have to pay such dues to SMPK on or before 23.09.2021. Such dues attract compound interest @ 6.45 % 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

SV

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. 1864, 1864/R, 1864/D Of 2021 Order Sheet No. 39

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WARE HOUSING CORPORATION



21

29.09.2022

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 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.9,04,00,432.00 (Nine Crore four lakh four hundred thirty two only) as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.06.2018 to 30.04.2021 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMPK by ~~23.09.21~~ ^{23.09.21}. The said damages shall also attract compound interest @ 6.45 % 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 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 further 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 30.04.2021 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 30.04.2021, indicating there-in, the details

By Order of:

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CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT

R Head Assistant

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09.09.2022

SV

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

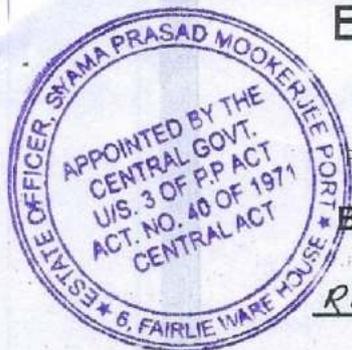
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1864, 1864/R, 1864/D Of 2021 Order Sheet No. 40

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

REGIONAL MANAGER, CENTRAL WAREHOUSING CORPORATION



21

09.09.2022

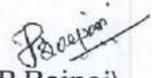
By Order of :
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SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

09.09.2022

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


(J.P Boipai)
ESTATE OFFICER

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