

W/S



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

PROCEEDINGS NO.917/D OF 2007
ORDER NO.63 DATED: 16.09.2022

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

**M/s. Nopany & Sons,
12, Government Place East,
Kolkata-700001.**

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 19.05.2022 you are called upon to show cause on or before 01.06.2022 why an order requiring you to pay damages of Rs.42,51,803.04(Rupees Forty two Lakh fifty one thousand eight hundred three and paise four only) for Plate No.D-155/4/A 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.42,51,803.04(Rupees Forty two Lakh fifty one thousand eight hundred three and paise four only) for Plate No.D-155/4/A assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.09.1987 to 05.11.2015 (both days inclusive) to SMPK by 04.10.2022.

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
19.09.2022
Head Assistant,
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



: 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.D-155/4/A

The said piece or parcel of land msg. about 814.295 Sq.m or thereabouts is situated at Taratala Road, Pahrpur, Thana: West Port Police Station, 24 Parganas(S), Registration Dist: Alipore. It is bounded on the north partly by the Trustees' land leased to Ship repairs Ltd & partly by private Road known as Trenching Road and on the east by the Trustees' strip of land reserved as margin of safety alongside their Railway track on the south by the Trustees' land leased to the lessee & on the West by the private Road known as Trenching Ground Road.

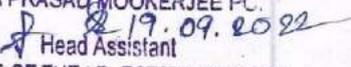
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees for the Port of Kolkata).

Date 19.09.2022 .


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


Head Assistant

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

RECEIVED
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
19.09.2022



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

917, 917/D of 2007 Order Sheet No. 55

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S NOPANY & SONS

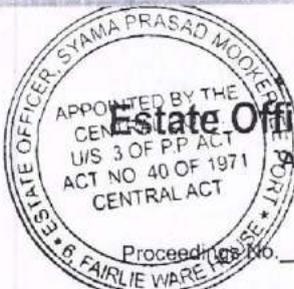
FINAL ORDER

The instant Proceedings No. 917/D of 2007 arises out of the application bearing No. Lnd. 4282/III/18/980 dated 21.06.2018 read with the applications dated 15.03.2019, 09.04.2021 and 04.04.2022 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMPK, the applicant herein, praying for an order of recovery of dues/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s. Nopany & Sons**, the **O.P** herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being land measuring 814.295 Sq.mtrs or thereabout situated at Taratala Road, Paharpur, Thana- West Port Police Station, District- South 24 Parganas (under Plate No.D-155/4/A) as a long term lessee for a period of 10 years without any options of renewal w.e.f 01.09.1977 for the purpose of storage of vegetable oil, oil seeds, oil cakes, grains, pulses sugar, fertilizers & chemicals etc. Thereafter, O.P violated the condition for grant of such tenancy under long term lease by unlawfully remaining on the subject premises after expiry of the erstwhile lease. Notice to quit was issued by SMPK to O.P on 30.05.2006. Thereafter, Proceedings was initiated by SMPK before this Forum against the O.P under relevant provisions of the Act which numbered as Proceedings No.917 & 917/D of 2007. The O.P. appeared before the Forum and contested the case. Thereafter, Final Order of Eviction along with recovery of partial damages against O.P. was passed on

68
16.09.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
16.09.2022
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

Proceeding No. 917, 917/P Of 2007 Order Sheet No. 56

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s NOPANY & SONS

63
16.09.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
19.09.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]

09.10.2014. Thereafter, SMPK vide its application dated 21.06.2018, intimated that possession of the premises was taken over from O.P on 06.11.2015 in terms of the said Order of eviction dated 09.10.2014. It has also been intimated by SMPK vide their application dated 04.04.2022 that Rs. 42,51,803.04 on account of compensation /damages is still due and recoverable from O.P. After considering the allegation levelled by SMPK against the O.P that while in possession of the Port Property, the O.P has defaulted in making payment of damages /compensation and taxes and also accrued interest thereon, this Forum being prima facie satisfied with the claim of SMPK has issued Notice to Show Cause dated 19.05.2022 (vide Order No.60 dated 18.05.2022) upon the O.P. U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 to Show Cause as to why an order requiring to pay arrear damages/compensation together with interest should not be made against O.P. The O.P was called upon to appear before this Forum in person or through authorised representative capable to answer all material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

It is the case of SMPK that the O.P. was asked to pay damages/compensation upto 05.11.2015 as because the subject premises was taken over by SMPK on 06.11.2015.

The said Notice was served through speed Post to the recorded address of O.P. at 12, Government Place East and the same was returned undelivered to the Forum with an endorsement "addressee left without instructions(R.T.S)". Thereafter, following the principles

[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. 917, 917/D Of 2007 Order Sheet No. 57

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S NOPANY & SONS

63

16.09.2022

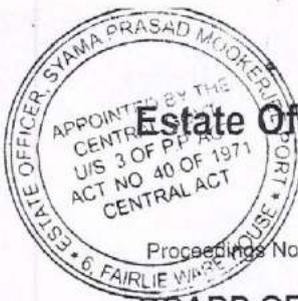
By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT
19.09.2022
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

of natural justice, a decision had been taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant Proceedings in order to give further chance to O.P to appear before the Forum and to represent their case. Such Notice was published in the classified column of Times of India (Kolkata) on 13.06.2022 fixing the ultimate date of O.P's appearance on 17.06.2022. But all the efforts went into vain as the O.P. failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the non-appearance of O.P in spite of sufficient opportunities had been provided 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 17.06.2022. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMPK on account of damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMPK against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

It is my considered view that a sum of Rs.42,51,803.04(Rupees Forty two lakh fifty one thousand eight hundred three and paise four only) for the period 01.09.1987 to 05.11.2015 (both days inclusive) for the Plate No.D-155/4/A in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such



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. 917, 917/D Of 2007 Order Sheet No. 58

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S NOPANY & SONS

63

16.09.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
19.09.2022
Head Assistant
OFFICE OF THE I.D. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

dues to SMPK on or before 07.10.22. The said damages shall attract a 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.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMPK is at liberty to recover the dues etc. in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Kausik Kumar Manna)
ESTATE OFFICER

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