



SCANN

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

REASONED ORDER NO.44 DT 11/10/2022
PROCEEDINGS NO. 760 OF 2006

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

-Vs-

M/s. Annapurna Marketing Agency (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. Annapurna Marketing Agency of 10, Pollock Street, Kolkata-700001** is in unauthorized occupation of the Public Premises specified in the Schedule below:-

REASONS

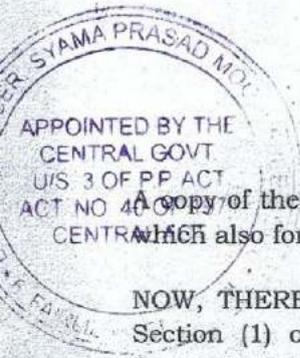
- 1) That after expiry of the period as mentioned in the Notice to quit dated 10.11.2005, O.P. has preferred to continue in occupation of the Public Premises without any valid grant/allotment in respect of the property in question.
- 2) That after termination of tenancy, O.P. is under legal obligation to handover possession of the public premises to SMPK in its original condition and you have failed to do so.
- 3) That O.P. has failed to make out any case in respect of its "authorized occupation" inspite of repeated chances.
- 4) That the Opposite Party has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 5) That Opposite Party has lost their authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 10.11.2005.
- 6) That Opposite Party's occupation has become unauthorised in view of Sec 2(g) of the Act and Opposite Party 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.

PLEASE SEE ON REVERSE

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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



(2)

A copy of the reasoned order No. 44 dated 11/10/2022 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. Annapurna Marketing Agency of 10, Pollock Street, Kolkata-700001** 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. Annapurna Marketing Agency of 10, Pollock Street, Kolkata-700001** 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. SW-7 & SW-25/1

1. Plate No. SW-7 godown space msg. 215.72 Sq.m being compartment No.7 in the 1st floor at the Kolkata Port Trust's Canning Warehouse in the presidency town of Kolkata. It is bounded on the north by the Trustees godown occupied by M/s. Annapurna Marketing Agency, on the east by the Strand Road, on the south by Compartment No.8 of Trustees' Canning Warehouse occupied by M/s. Headway Lithograplie Co. & on the west by the verandah of the Trustees' Canning Warehouse.
2. Plate No. SW-25/1, godown space msg. 202.808 sq.m in the 1st floor of Canning Warehouse Annex at the Kolkata Port Trust's Canning Warehouse in the presidency town of Kolkata. It is bounded on the north by the Trustees' passage on the east by the Strand Road, on the south by the Compartment No.7 of the Trustees' Canning Warehouse occupied by M/s Annapurna Marketing Agency and on the west by the Trustees structure and staircase.

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

Dated: 12/10/2022

Suman Mukherjee
Signature & Seal of
Estate Officer.

By Suman Mukherjee
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.



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

7.60/OF 2006 of 2006 Order Sheet No. 42

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S ANNAPURNA MARKETING AGENCY (O.P.)

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11/10/2022

FINAL ORDER

The matter is taken up to day for final disposal. Factual matrix 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 Proceedings. It is the case of Kolkata Port Trust/KoPT, hereinafter referred to as SMPK, the applicant herein that Godown space msg. 215.72 Sq.m & 202.808 Sq.m both situated at Compartment No.7 in the 1st floor of SMPK's godown known as Canning Warehouse in the Presidency Town of Kolkata comprised under occupation/Plate Nos. SW-7 & SW-25/1 were allotted to M/s. **Annapurna Marketing Agency (O.P.)** on monthly term lease basis with certain terms and conditions. It is the case of SMPK/Applicant that O.P. violated the condition of tenancy under monthly term lease by way of not paying monthly rental dues and still continuing in wrongful occupation of the Public Premises in question after due determination of the lease by serving notice of ejection dated 10.11.2005. It is also the case of SMPK that O.P. has no authority under law to occupy the Public Premises after expiry of the period as mentioned in the said notice to quit dated 10.11.2005 and as such an unauthorised occupant which makes them liable to pay damages for wrongful use and enjoyment of the Prot Property in question upto the date of recovery of possession.

After issuance of Show Cause Notice u/s 4 & 7 of the Act dated 16.02.2006(vide Order No.02 dated 16.02.2006), O.P. entered appearance through their

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SYAMA PRASAD MOOKERJEE PORT
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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s ANCA PURNA MARKETING AGENCY (O.P)

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Ld' Advocate and contested the matter by filing several applications/ objections. It reveals from record that O.P. filed their reply to the Show Cause Notice on 17.04.2013. The O.P. also filed an application on 07.08.2013 praying modification/recall of the Order No.29 dated 17.07.2013. It further reveals from record that a comprehensive order dated 03.09.2014 (Order no. 35) was passed by this Forum rejecting SMPK's plea of eviction. In the said order allowing liberty to both the parties, it was observed that O.P. has cleared off all their principal dues leaving certain amount of interest which might be resolved through reconciliation of accounts only, therefore, the Forum was not inclined to pass any order of eviction against O.P. depriving O.P. of an important civil right on the sole issue of non payment. Thereafter on 23.03.2022, the matter was further placed before the undersigned and it appears that SMPK sought eviction of O.P. on the ground of non compliance of the Order dated 03.09.2014. Preferring several applications before the Forum (such as 27.06.2016, 02.05.2017, 04.10.2017, 09.11.2020 & 27.04.2022), it is submitted by SMPK that a substantial amount is still due and recoverable from O.P. on account of damages. Thereafter, the Forum gave a direction upon the O.P. vide it's order dated 05.05.2022 for payment of such amount and made an attempt for service of that Order dated 05.05.2022 upon the O.P. through Speed Post with an intention of compliance such order by O.P. However, the order

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SYAMA PRASAD MOOKERJEE PORT
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SYAMA PRASAD MOOKERJEE PORT
15/10/22
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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

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sent through speed post returned undelivered to the Forum on 02.06.2022 with an endorsement "ACNL(RTS)". Thereafter, following the principles of natural justice, this Forum vide it's order dated 09.06.2022 made a further attempt to intimate O.P. through Speed Post as well as hand delivery and the same was again returned undelivered to the Forum on 17.06.2022. However, the Report of the Process Server depicts that such Order dated 09.06.2022 was duly affixed on the subject premises on 22.06.2022 at about 11:10 A.M as per the mandate of the P.P Act. Inspite of service and affixation of the Order dated 09.06.2022, as none appeared on behalf of O.P, 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 chances to Opposite Party (O.P) to appear before the Forum and to represent their case. Such Notice was published in the classified column of 'The Times of India (Kolkata)' on 12.07.2022 fixing the ultimate date of Opposite Party's appearance on 21.07.2022. But all the efforts went into vain as the Opposite Party failed to appear before the Forum despite publication of such Notice in the News Paper.

As O.P. did not appear before the undersigned to contest the instant matter inspite of due service and publication of the order dated 09.06.2022 in a widely circulated News Paper, the matter was reserved for passing final order on 21.07.2022 finding no reason to keep the matter alive. Now I am

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SYAMA PRASAD MOOKERJEE PORT
11/10/22
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

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Of 2006

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S- ANJALIPURNA MARKETING AGENCY (O.P.)

44
11/10/2022

constrained to pass this Final Order only on available documents on record.

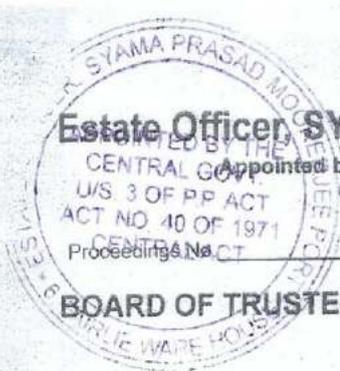
After carefully considering the documents on record and the submissions of the parties, I find that following issues have come up for my adjudication:

- I. Whether O.P. has got any authority under law to occupy the Public Premises after expiry of the period as mentioned in the quit Notice or not;
- II. Whether O.P.'s act in continuing occupation could be termed as 'un-authorised occupation' in terms of the provisions u/s 2 (g) of P.P. Act or not;
- III. Whether SMPK's notice demanding possession dated 10.11.2005 has got any force of law or not;
- IV. Whether O.P. is liable to pay damages for wrongful use and occupation of the Port Property or not;

Issues No. I & II are taken up together for convenient discussion. It is a settled question of law that after determination of the contractual term of lease by serving a valid Quit Notice, the occupation of lessee has become unauthorized until or unless it is proved that O.P./lessee prefers to continue in occupation with the consent of Landlord/lessor. In order to constitute a case of 'holding over' one must have to establish that there is consent on the part of lessor/Landlord in continuing such occupation. No case has been made out on behalf of O.P. to

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SYAMA PRASAD MOOKERJEE PORT
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

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entertain any matter with regard to any case for "Tenant Holding Over" as per section 116 of the T.P. Act. The provision u/s 2(g) of the P.P. Act is very much clear about its intent and object. The provision is clearly applicable to the occupation of O.P. for declaration of O.P's status into the Public Premises as "Unauthorised Occupant" and I do not find any scope to interpret the provision for assistance to O.P. by considering it otherwise. The issues are thus decided accordingly.

Issues No. III & IV are also required to be discussed together. The notice demanding possession dated 10.11.2005 clearly speaks for SMPK's intention to get back possession on 31.12.2005. As per law, a lessee like O.P. is bound to deliver up vacant possession of the property to SMPK /Land Lord in its original condition. Such being the case, I am firm in holding O.P's act of continuing in position after determination of the lease in question as "wrongful occupation" and O.P. is liable to pay damages for such wrongful use and enjoyment of the Port Property in question. The discussions against the foregoing issues are bound to dominate these issues. I have deeply gone into the submissions/ arguments made on behalf of the parties in course of hearing. The properties of the SMPK are coming under the purview of "public premises" as defined under the Act. Now the question arises how a person become unauthorized occupant into such public premises. As per Section 2 (g) of the Act the "unauthorized occupation", in relation to any public premises,

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



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 760 Of 2006 Order Sheet No. 47

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S - ANANDAPURNA MARKETING AGENCY (O.P.)

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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. As per Transfer of Property Act, a lease of immovable property determines either by efflux of time limited thereby or by implied surrender or on expiration of notice to determine the lease or to quit or of intention to quit, the property leased, duly given by one party to another. Here, the tenancy of O.P. under monthly term lease was determined long back by way of a quit notice dated 10.11.2005 and O.P. continued to occupy the premises thereafter. The Port Authority by service of notice dated 10.11.2005 demanded possession and did not recognize O.P. as tenant by way of not issuing rent demand after expiry of the period as mentioned in the said notice demanding possession dated 10.11.2005. In fact there is no material to prove O.P.'s intention to clear up the liability towards payment of interest for delayed payment as per SMPK's rule as applicable for all tenants/occupiers of the Port Property and all my intention to narrow down the dispute between the parties has failed when O.P. challenged the enforceability of SMPK's rent schedule notified in Calcutta gazette, specifying the rate of interest payable in case of default in making payment in time. "Damages" are like "mesne

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By Order of
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
CERTIFIED COPY OF THE
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SYAMA PRASAD MOOKERJEE
Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE 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. 760 Of 2006 Order Sheet No. 48

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. ANNAPURNA MARKETING AGENCY (O.P.)

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11/10/2022

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 to quit, 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 let out the premises on being vacated by the tenant.

....." Undoubtedly, the tenancy under lease is governed by the provisions of the Transfer of Property Act 1882 and there is no scope for denial of the same.

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THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
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ORDER PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

APPOINTED BY
CENTRAL GOVT. Appointed by the Central Govt. Under Section 3 of the Public Premises
ACT NO. 3 OF PP ACT (Eviction of Unauthorised Occupants) Act 1971
ACT NO. 40 OF 1971

Proceedings No. 760 Of 2006 Order Sheet No. 49

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. ANACAPORNA MARKETING AGENCY (O.P)

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11/10/2022

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 question of "Holding Over" cannot arise in the instant case as the Port Authority never consented to the occupation of O.P. In the instant case, the lease was doubtlessly determined by way of quit notice dated 10.11.2005 whose validity for the purpose of deciding the question of law has not been questioned by O.P. Therefore, there can be no doubt that the O.P. was in unauthorized occupation of the premises, once the lease was determined. 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. In the instant case there was no consent on the part of the Port Authority either by way of accepting rent from O.P. or by any other mode, expressing the assent for continuance in such occupation after expiry of the period of lease and after expiry of the period as mentioned in the notice to quit. The Port Authority has a definite legitimate claim to get its revenue involved into this matter as per the SMPK's Schedule of Rent Charges for the relevant period and O.P. cannot claim

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



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

M/S - ANKABORNA MARKETING AGENCY (O.P)

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11/10/2022

continuance of its occupation without obtaining valid grant/allotment in respect of the property on payment of requisite charges. 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 course of hearing, it is submitted on behalf of SMPK that the charges claimed on account of damages is on the basis of the SMPK's Schedule of Rent Charges as applicable for all the tenants/occupiers of the premises in a similarly placed situation and such Schedule of Rent Charges is notified rates of charges under provisions of the Major Port Trusts Act 1963. In my view, such claim of charges for damages by SMPK 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

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12/10/22
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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

APPOINTED BY THE
CENTRAL GOVT.
U/Proceedings No. T
ACT NO 40 OF 1971

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. ANJALAPURNA MARKETING AGENCY(O.P.)

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mentioned in the notice to Quit in its original condition. I have no hesitation to observe that O.P's act in continuing in 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 of delivering vacant, unencumbered and peaceful possession to SMPK. With this observation, I must reiterate that the ejection notice, demanding possession from 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.

In view of the discussion above, I am left with no other alternative but to issue order of eviction u/s 5 of the Act on the following grounds/reasons :

- 1) That after expiry of the period as mentioned in the Notice to quit dated 10.11.2005, O.P. has preferred to continue in occupation of the Public Premises without any valid grant/allotment in respect of the property in question.
 - 2) That after termination of tenancy, O.P. is under legal obligation to handover possession of the public premises to SMPK in its original condition and you have failed to do so.
 - 3) That O.P. has failed to make out any case in respect of its "authorized occupation" inspite of repeated chances.
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THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT
12/10/22
OFFICE OF THE DEPUTY 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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S- ARUNDA PURNA MARKETING AGENCY (CO-P)

- 4) That the Opposite Party has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 5) That Opposite Party has lost their authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 10.11.2005.
- 6) That Opposite Party's occupation has become unauthorised in view of Sec 2(g) of the Act and Opposite Party 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. 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.

RECEIVED
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE
ORDER PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
12/10/22

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Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S ANKAPURNA MARKETING AGENCY (OP)

44
11/10/2022

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 the unauthorised occupation. 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 accordance with Law as the possession of the premises is still lying unauthorisedly with the O.P. SMPK is directed to submit a statement comprising details of its calculation of damages, 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

Suman Mukhopadhyay
(Suman 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 ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
M 11/10/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT