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HAND DELIVERY
AFFIXATION ON PROPERTY**

**ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(erstwhile KOLKATA PORT TRUST)**

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupant) Act 1971

OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

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

REASONED ORDER NO. 15 DT 31.10.2022.
PROCEEDINGS NO: 1403/D OF 2013

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
**Sri Chandra Sekhar Tewary,
19, Strand Road,
Kolkata- 700 001**

By: _____ of:
THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT
31.10.2022
Assistant
ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT

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 14.07.2022 you were called upon to show- cause on/or before 28.07.2022 why an order requiring you to pay a sum of Rs 53,777/- (Rupees Fifty Three Thousand Seven Hundred Seventy Seven Only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs 53,777/- (Rupees Fifty Three Thousand Seven Hundred Seventy Seven Only) for the period from 01.11.2011 to 17.03.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 15.11.2022.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.45 % 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) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

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Please see on reverse

:2:

A copy of the reasoned order no. 15 dated 31.10.2022, is attached hereto.

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

SCHEDULE

Plate no - CG-130

Goomty No 90 msg. about 4.18 sqm is situated near Gate No. 7 at Kolkata Jetty in the presidency town of Kolkata.

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

Dated: 31.10.2022.



**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
31.10.2022
Joint 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 Unauthorized Occupants) Act 1971

Proceedings No. 1403/D of 2013 Order Sheet No. 16

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Shri Chandra Sekhar ^{VS} *Tewary.*

15
31.10.2022

FINAL ORDER

The instant proceedings No. 1403/D of 2014 arises out the application bearing No. Lnd. 4/3/L/21/3502 dated 30.09.2021 filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust/ KoPT], hereinafter referred to as '**SMPK**', the applicant herein, praying for an order of recovery of dues on account of Compensation/ damage charges along with accrued interest thereon, in respect of the subject public premises, against **Shri Chandra Sekhar Tewary**, (hereinafter referred to as **O.P.**), under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as '**the Act**').

The fact of the case in a nutshell, as revealed from records, is that the O.P., came into occupation of the Port Property/ Goomty no. 90 measuring about 4.18 sqm situated near Gate No. 7 at Kolkata Jetty, under plate no CG-130, as a monthly lessee. Thereafter, on the ground of certain breaches allegedly committed by O.P., an Eviction Proceeding against the O.P. was initiated by SMPK before this Forum in the year 2013. Ultimately the possession of the premises was taken over by SMPK on 17.03.2017. Now, in terms of the said application dated 30.09.2021, SMPK has submitted that huge amount is due and recoverable from the O.P. on account of compensation/ damage charges, for O.P.'s use and enjoyment of the port property in question till the date of taking over of possession.

After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued Show Cause Notice dated 03.12.2021 (vide Order no. 10 dated 03.12.2021) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notice was issued calling upon the O.P. to show cause as to why an order requiring payment of reported arrear compensation/ damage charges together with interest would not be made against the O.P.

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
31.10.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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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

Proceedings No. 1403/D of 2013 Order Sheet No. 17

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Shri Chandre Sekhar Tewary **VS**

15
31.10.2022

Order of:
ESTATE OFFICER -
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
31.10.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

The said Notice was sent through 'Speed Post' to the recorded address of O.P., viz., '19, Strand Road, Kolkata- 700 001'. However, the notice was returned undelivered by the Postal Department. The 'Process Server' attached with this Forum, for service of such Notice/ Order etc., has submitted the Report dated 07.12.2021 intimating failure to serve such notice due to "Door closed" condition of the premises. However, it appears from the said Report dated 07.12.2021 that the Notice has been affixed upon a conspicuous part of the premises as per mandate of the Public Premises Act, 1971. On the date fixed for filing the reply to show cause, none appeared on behalf of O.P. before this Forum of Law. As no alternative address of O.P. is available with the records with SMPK, a decision was taken by this Forum to publish a notice in a widely circulated daily Newspaper as well as in official website of SMPK for a notice to all concerned about the pendency of the instant proceeding in order to provide a chance to the O.P. to appear before this Forum and to represent his case. Such notice was published in 'The Times of India (Kolkata edition)' on 11.01.2022 fixing the date for the O.P's appearance, filing reply to Show Cause on 03.02.2022. It appears that on 03.02.2022 neither the O.P. nor anyone interested in the property approached the Forum or made contact in the meantime in connection with the Show Cause Notice issued by this Forum. Thereafter, SMPK came up with the application dated 28.06.2022 contending that the period for which the compensation/ damage charges is reportedly due and payable by O.P. should be from 01.11.2011 to 17.03.2017 instead of 01.11.2011 to 28.01.2017, as has been wrongly recorded in the Show Cause Notice dated 03.12.2021. Considering the situation, a revised Notice to Show Cause was issued by this Forum on 14.07.2022 (vide Order No. 13 dated 13.07.2022). Department was directed to re-publish the notice in a widely circulated English Daily for a notice to all concerned about the pendency of the proceeding in order to provide a

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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

Proceedings No. 1403/D of 2013 Order Sheet No. 18

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri Chandra Sekhar Tewary VS

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31.10.2022

further chance to the O.P. to represent his case. Such notice was published in 'The Times of India (Kolkata edition)' on 15.07.2022 fixing the date for the O.P's appearance, filing reply to Show Cause on 28.07.2022. However, inspite of such efforts being made none appeared on behalf of O.P. and all the efforts remained futile. Considering the situation that the attendance of O.P. could not be procured by this Forum at any point of time inspite of efforts being made, even after publications of Notice/s in an English Daily twice, I have been constrained to proceed ex-parte against the O.P.

By Order of:
THE ESTATE OFFICE
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICE
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
31.10.2022
Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

I find that SMPK has produced detailed statement of accounts dated 24.06.2021 in respect of the public premises in question. It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises for years together. It appears that since 2012 no payments have been made by the O.P. in respect of the public premises in question, save and except some sporadic paltry payments made in the year 2017. In my view, such statements maintained by a statutory authority/ SMPK in its usual course of business has definite evidentiary value, unless challenged with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMPK that the rent as well as compensation/damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. Non-payment of dues by O.P. for years together is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMPK on account of damages/compensation charges. I have nothing to disbelief in respect of SMPK's claim against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

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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

Proceedings No. 1403/D of 2013 Order Sheet No. 19

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Sri Chandra Sekhar Tewary VS

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31.10.2022

Thus, it is my considered view that a sum of Rs 53,777/- (Rupees Fifty Three Thousand Seven Hundred Seventy Seven Only) is due and recoverable from the O.P. for the period from 01.11.2011 to 17.03.2017 by the Port authority on account of compensation/ damage charges.

O.P. must have to pay such dues to SMPK on or before 15.11.2022.

Interest is the natural fallout for delayed payments of Rent/ Compensation and as such, the O.P. is liable to pay interest for the same. Such dues attracts Compound Interest @ 6.45 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) from the date of incurrence of liability, till the 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. The formal order u/s 7 of the Act is signed accordingly.

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

(Sourav Mitra)
ESTATE OFFICER.

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
31.10.2022.
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT