

Website



**REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY**

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

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

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

REASONED ORDER NO. 06 DT 31.10.2022.
PROCEEDINGS NO. 1890 of 2021

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

KANAIYALAL VYAS

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

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
01.11.2022.
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Kanaiyalal Vyas of P-221/2, Strand Bank Road, (3rd Floor), Kolkata- 700 001** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P has failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 23.04.2021 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 3) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the landlord/ SMPK is at liberty to require the occupier of the premises/building of SMPK to vacate such premises/building, in case such premises/ building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
- 6) That the estate of O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Sub

Please see on reverse

:2:

A copy of the reasoned order No. 06 dated 31.10.2022 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 **Kanaiyalal Vyas of P-221/2, Strand Bank Road, (3rd Floor), Kolkata- 700 001** 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 **Kanaiyalal Vyas of P-221/2, Strand Bank Road, (3rd Floor), Kolkata- 700 001** 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.

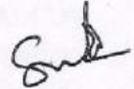
SCHEDULE

Plate no - CG 177

Trustees' room space in the 3rd Floor of Premises No. P-221/2, Strand Bank Road, Msg. 19.6 sq. mts under Plate No. CG-177. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' passage, on the East by the Trustees' room occupied by Ram Dahin Pandey and on the West by Trustees' room occupied by Sagarmall Hirawat.

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

Dated: 01.11.2022.



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
01.11.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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

Form " E "

PROCEEDINGS NO.1890/R of 2021
ORDER NO.06 DATED: 31.10.2022.

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

To
Kanaiyalal Vyas
P-221/2, Strand Bank Road, (3rd Floor),
Kolkata- 700 001

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT
01.11.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 30.12.2021 (Vide Order No 01
dated 09.12.2021) you were called upon to show cause on/or before 20.01.2022
why an order requiring you to pay a sum of Rs. 7,42,034.37 (Rupees Seven
Lakhs Forty Two Thousand Thirty Four and paise Thirty Seven only) being the
rent payable together with compound interest in respect of the said premises
should not be made;

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

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of
Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I
hereby require you to pay the sum of Rs. Rs. 7,42,034.37 (Rupees Seven Lakhs
Forty Two Thousand Thirty Four and paise Thirty Seven only) for the period
01.05.1988 to 17.05.2021 (both days inclusive) to Kolkata Port Trust by
15.11.2022.

sub

PLEASE SEE ON REVERSE

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 from the official website of the State Bank of India) till liquidation of the same from the date of incurrance of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 06 dated 31.10.2022. is attached hereto.

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 177

Trustees' room space in the 3rd Floor of Premises No. P-221/2, Strand Bank Road, Msg. 19.6 sq. mtra under Plate No. CG-177. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' passage, on the East by the Trustees' room occupied by Ram Dahin Pandey and on the West by Trustees' room occupied by Sagarmall Hirawat.

By Order of:
THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.11.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Dated: 01.11.2022.

Signature and seal of the
Estate Officer

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





REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY

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

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

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

REASONED ORDER NO.06 DT 31.10.2022
PROCEEDINGS NO 1890/D of 2021

Form " G "

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

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
H. Assistant
01.11.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

To
Kanaiyalal Vyas
P-221/2, Strand Bank Road, (3rd Floor),
Kolkata- 700 001

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 30.12.2021 (Vide Order No 01 dated 09.12.2021) you were called upon to show- cause on/or before 20.01.2022 why an order requiring you to pay a sum of Rs. 49,269.41 (Rupees Forty Nine Thousand Two Hundred Sixty Nine and paise Forty One 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. 49,269.41 (Rupees Forty Nine Thousand Two Hundred Sixty Nine and paise Forty One Only) for the period from 18.05.2021 to 31.08.2021 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.

Sub

Please see on reverse

:2:

A copy of the reasoned order no. 06 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 177

Trustees' room space in the 3rd Floor of Premises No. P-221/2, Strand Bank Road, Msg. 19.6 sq. mtra under Plate No. CG-177. It is bounded on the North by Trustees' land occupied by North Port Police Station, on the South by Trustees' passage, on the East by the Trustees' room occupied by Ram Dahin Pandey and on the West by Trustees' room occupied by Sagarmall Hirawat.

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

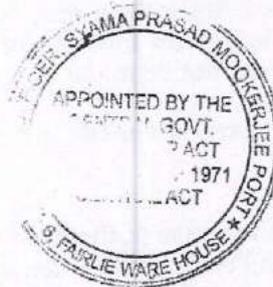
Dated: 01.11.2022.



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
01.11.2022
Office 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. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -08-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Kanaiyalal Vyas ^{VS}

06
31.10.2022

FINAL ORDER

The instant proceeding No 1890, 1890/R and 1890/D of 2021 arises out of the application bearing No. Lnd. 8/50/21/3603 dated 11.10.2021 filed by **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as 'SMPK'], the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as 'the Act') praying for an order of eviction and recovery of dues on account of rent and compensation charges along with accrued interest thereon, in respect of the Public Premises as stated under Schedule- 'A' of said application, against **Kanaiyalal Vyas** (hereinafter referred to as **O.P.**).

It is the case of SMPK that the O.P. came into occupation of the port property (under Plate Nos. CG 177) at Trustees' Room Space in the 3rd Floor of premises No. P221/2, Strand Bank Road on a short term lease and has defaulted in payment of monthly rent and taxes. It is further the case of SMPK that on an inspection of the evaluation of the structural safety and stability, it was found that the port property /building is in a very advance stage of decay and is unsafe for human inhabitation. Considering the non-payment of the rental dues, taxes and the precarious condition of the building and fatal consequences thereof, the notice to quit dated 23.04.2021 was issued to the O.P. requiring the O.P. to quit, vacate and deliver up peaceful possession of the premises on 18.05.2021 in terms of the said notice. It is the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 18.05.2021, in terms of the Notice to Quit dated 23.04.2021 and the O.P. failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit. SMP, Kolkata

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature] 01.11.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Sud



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. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -09-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Kanaiyalal Vyas

06
31.10.2022.

has made out a case that O.P. has no right to occupy the premises after the determination of tenancy in question upon service of a quit notice dated 23.04.2021.

This Forum of Law formed its opinion to proceed against O.P. and issued 3 (three) no. of Show Cause Notices all dated 30.12.2021 (vide Order No. 01 dated 09.12.2021) upon the O.P., u/s 4 (for adjudication of the prayer of eviction) and u/s 7 (for adjudication of the prayer for rent as well as compensation/ damage charges) of the Act, as per the Rules made under the Act.

The said Notices sent through 'Speed Post' to the recorded addresses of O.P. at '221/2, Strand Bank Road (3rd Floor), Kolkata- 700 001' did not return undelivered by the Postal Department raising a presumption of its service upon the O.P. The 'Process Server' attached with this Forum has submitted the report dated 03.03.2022 that the Notices could not be hand delivered to O.P. as the door of the premises was closed during his visit on 03.03.2022. However, as per the said Report of the Process Server dated 03.03.2022 the Notices have been affixed in a conspicuous part of the property under schedule for a notice to all concerned, as per the mandate of the Act.

On the day fixed for Show Cause by the O.P., viz. 20.01.2022, neither the O.P. nor any person interested in the property appeared before this Forum. Following the principles of Natural Justice that no one should be condemned unheard, the matter was adjourned till 10.02.2022 in order to provide a chance to O.P. to represent its case. Department was directed to make another attempt to serve the Orders by 'Speed Post' upon the recorded address of O.P. However, such attempt did

Sd/-

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature] 06.11.2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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



Proceedings No. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -10-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Kanaiyalal Vyas.

06
31.10.2022.

not bring any result as neither the O.P. nor any other person interested in the property appeared before the Forum. No reply to show cause notice was filed by the O.P. Considering the situation above stated, I find no reason to prolong the matter any further and the hearing was concluded on 17.03.2022. As nobody appeared before this Forum despite providing opportunities, I am inclined to proceed ex-parte against the O.P.

I have carefully considered all the documents placed before me. As regards the allegations of non-payment by O.P., I find that SMPK has produced statement of accounts dated 14.09.2021 in respect of the said occupations. It appears from the said statements of accounts that the O.P. made defaults in payment of SMPK's legitimate dues/ charges. In my view, such statement maintained by the statutory authority in the 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 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. Non-payment of rental dues by O.P. for is very much prominent and established, as stated above. As per law, a short term lease tenancy like the one granted to the O.P., continues only on the basis of timely payment of rent bill/s and non-payment of the same, even for a small period, is enough to vitiate the contract. The moment O.P. delays to pay the rent, there is no scope for automatic monthly renewal of the tenancy. 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

By Order of:
THE ESTATE OFFICER
MA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
MA PRASAD MOOKERJEE PORT
[Signature]
Joint Assistant
ESTATE OFFICER
MA PRASAD MOOKERJEE PORT
01.11.2022

sd



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. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -11-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Kanaiy Lal Vyas VS

06
31.10.2022

applications of the tenets of law. Such a tenancy is to be determined immediately by service of appropriate Notice. As such, I do not find anything irregular or illegal on the part of SMPK. In my view, SMPK's Notices to Quit dated 23.04.2021 is very much pertinent and binding upon the parties in question, duly served on O.P. as per records. Thus, I have no hesitation in upholding the said notice to quit and declaring the occupation of the O.P. as "unauthorized" within the meaning of Sec. 2 (g) of the P.P. act, 1971. Further to that, if any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, the landlord is always at liberty to require the occupier of such building to vacate such building, remove the things lying thereon or do other things, so as to prevent all cause of danger therefrom. If the occupier of the building does not vacate the premises, even after being notified, the landlord may take such steps in relation to the building as to prevent all cause of danger therefrom. Hence, I find the action of SMPK in serving the notice dated 23.04.2021 to the occupier of such dangerous building, reasonable and acceptable in all sense.

Considering all, as discussed above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

- 1) That O.P has failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 23.04.2021 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that

SK

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.11.2022
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. 1890, 1890/R, 1890/P 2021 Order Sheet No. -12-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Kanayalal VS Vyas.

06
31.10.2022

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
06.11.2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

- of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 3) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
 - 4) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
 - 5) That the landlord/ SMPK is at liberty to require the occupier of the premises/building of SMPK to vacate such premises/building, in case such premises/building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
 - 6) That the estate of O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P. or any other person/s asserting any right through O.P. or 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 the O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

Sudh

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. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -13-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Kanayalal Vyas ^{VS}

06
31.10.2022.

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 can 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. 7,42,034.37 (Rupees Seven Lakhs Forty Two Thousand Thirty Four and paise Thirty Seven only) for the period from 01.05.1988 to 17.05.2021 (both days inclusive) is due and recoverable from O.P. by Port Authority on account of rental dues and Rs. 49,269.41 (Rupees Forty Nine Thousand Two Hundred Sixty Nine and paise Forty One Only) for the period from 18.05.2021 to 31.08.2021 (both days inclusive) is due and recoverable from O.P. by Port Authority on account of compensation/ damage charges.

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

Such rental as well compensation dues shall attract 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 incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of SMPK books of accounts. I sign the formal orders u/s 7 of the Act.

I make it clear that SMPK is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.11.2022
Deputy Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Sudh



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. 1890, 1890/R, 1890/D of 2021 Order Sheet No. -14-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Kanauj Lal Veras VS

06
31.10.2022

Law, and as such the liability of O.P. to pay damages extends beyond 31.08.2021 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P. SMPK is directed to submit a statement comprising details of its calculation of damages after 31.08.2021, indicating therein, 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 pay the amounts to SMPK as aforesaid, Port Authority is entitled to proceed further for recovery of its claim 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
01.11.2022
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT