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**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
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.321/R OF 1999
ORDER NO.39 DATED: 09.01.2023

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

922

To
**M/s. Turner Morrison & Co Ltd(Now known as M/s. Turner Morrison Ltd),
6, Lyons Range,
Kolkata-700001.**

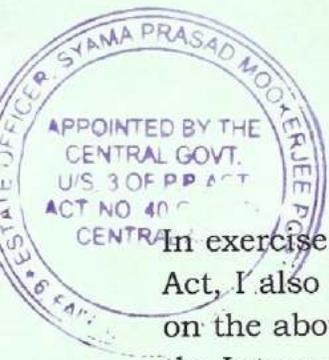
WHEREAS you were in occupation of the public premises described in the
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 30.08.2011 you are called upon to
show cause on or before 26.09.2011 why an order requiring you to pay a sum
of Rs.2,071.82(Rupees Two thousand seventy one and paise eighty 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.2,071.82(Rupees Two
thousand seventy one and paise eighty two only) for the period upto 31st day of
May, 1985 (both days inclusive) to SMPK by 25.01.2023

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 @ 7.25 % 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-134

Godown space measuring 22.20 Sq.mtres or thereabouts is situate in the Trustees' godown known as Fairlie Warehouse on the west Side of Strand Road under the North Port Police Station within the presidency Town of Calcutta. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

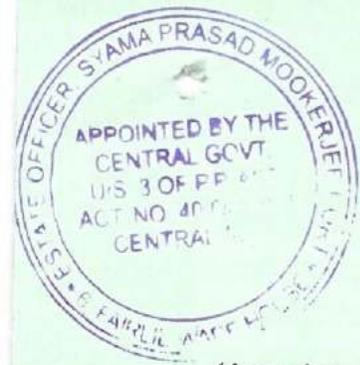
Dated:

10 JAN 2023

10 JAN 2023

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 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.321/D OF 1999
ORDER NO. 39 DATED: 09.01.2023

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. Turner Morrison & Co. Ltd (Now known as M/s. Turner Morrison Ltd),
6, Lyons Range,
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 you are called upon to show cause why an order requiring you to pay damages of Rs 4,37,216.77 (Four Lakh thirty seven thousand two hundred sixteen and paise seventy seven 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 4,37,216.77 (Four Lakh thirty seven thousand two hundred sixteen and paise seventy seven only) assessed by me as damages on account of your unauthorised occupation of the premises for the period upto 01.05.2012 to SMPK by 25.01.2023.

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 @ 7.25 % 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

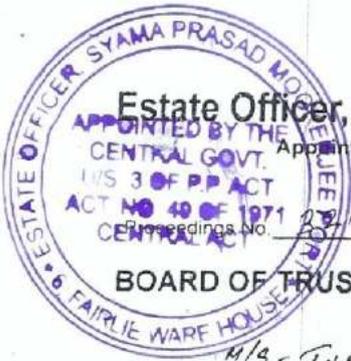
Plate No. CG-134

Godown space measuring 22.20 Sq.mtres or thereabouts is situate in the Trustees' godown known as Fairlie Warehouse on the west Side of Strand Road under the North Port Police Station within the presidency Town of Calcutta. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 10 JAN 2023


Signature & Seal of the
Estate Officer.

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

Proceedings No. 321/R-D of 1999

Order Sheet No. 37

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S - TURNER MORRISON & COMPANY PRIVATE LIMITED

3.9
09.01.2023

FINAL ORDER

The relevant facts leading to this proceeding are required to be put forth in order to link up the chain of events. The instant proceedings No. 321 of 1999 arise out of the application bearing No. Lnd. 12/8 dated 01.02.1996 filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, 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, recovery of rental dues as well as compensation / damage charges along with accrued interest against **M/s. Turner Morrison & Co. Pvt. Ltd** (hereinafter referred to as **O.P.**).

It is the case of SMPK that the godown space measuring 22.20 Sq.m or thereabouts, at Fairly Warehouse situated on the west side of Strand Road, Thana-NPPS in the presidency town of Kolkata, comprised under Plate No. CG-134, was allotted by SMPK to O.P. on monthly term Lease basis and O.P. violated the conditions for grant of such lease by way of non-payment of rental dues.

It is the case of SMPK that in view of such default of non payment and also in view of the requirements of such land for the purpose of implementation of it's land use plan, SMPK made a request to the O.P. to quit, vacate and deliver up the peaceful & vacant possession of the subject premises on 01.06.1985 in terms of the notice to quit dated 10.04.1985. As the O.P. did not vacate the premises even after issuance of the said Quit Notice, the instant Proceeding bearing No.321 of 1999 was initiated before the Forum for eviction of the alleged unauthorised occupant, seeking other relief. It is also the case of SMPK

Handwritten signature

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
for 19/01/23
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. 381, 322/R-D of 1999 Order Sheet No. 38

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. TURNER MORRISON & COMPANY (P) LIMITED

39
09.01.2023

that as the O.P. has failed to deliver back possession even after the issuance of notice demanding possession dated 10.04.1985, O.P's occupation is unauthorised and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property in question.

It appears that the original application was filed by SMPK against M/s. Turner Morrison & Co. Pvt. Ltd. However, it appears from the statement of accounts, O.P's communications, etc. that the case has been initiated against M/s. Turner Morrison & Co. Ltd which has been subsequently modified as M/s. Turner Morrison Ltd. It appears that a good number of hearings have taken place before passing of this Order and SMPK has pointed out such discrepancies before this Forum as inadvertent clerical error vide their application dated 24.09.2019. Further, it appears from the record that in reference to SMPK's letter dated 14.02.1978 vide their application dated 17.03.1978, M/s. Turner Morrison & Co. Ltd has acknowledged their liability as M/s. Turner Morrison Co. (P) Ltd towards the subject occupation. Hence, it appears to me that such discrepancy in the name of O.P., as mentioned in the original application of SMPK dated 01.02.1996, is an inadvertent clerical one and did not prejudice the rights and liabilities of the parties to the present proceeding. In view of the above, it is therefore, directed that henceforth the name of O.P should be read as M/s. Turner Morrison & Co. Ltd(now known as M/s. Turner Morrison Ltd) for all the material purposes of this proceeding.

This Forum of Law formed its opinion to proceed against O.P. and issued Show Cause Notice/s against O.P. under the relevant provisions of P.P Act.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
for [Signature]
Head Assessor
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.

321, 322/R-DOT 1999

Order Sheet No.

39

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. TURNER MORRISON & CO (P) LIMITED

39
09.01.2023

Thereafter, in response to such Show Cause Notice/s, one Mr. Tanmay Karmakar expressing himself as an Advocate of M/s. Turner Morrison & Co. Ltd, appeared before the Forum and prayed adjournment of the instant hearing upto 30.09.2011. It reveals that a Writ Petition being W.P. No. 922(W) of 2011 was moved by O.P. before the Hon'ble High Court, Calcutta, interalia challenging the Show Cause Notice dated 30.08.2011 and also emphasising on restraintment on SMPK from making any claim/demand or further demand upon O.P. However, the Hon'ble High Court vide it's Order dated 17.11.2016 disposed of such Writ petition on the ground of default of O.P.

It also reveals from record that during the course of hearing M/s. Turner Morrison Co. Ltd/O.P. has filed several applications/objections to contest the instant matter. It further reveals from record that Turner Morrison Co. Ltd/O.P. filed their reply to the Show Cause Notice/s on 18.06.2019. The O.P. also filed their sur-rejoinder on 22.08.2019 and their Written Notes of Arguments on 03.03.2020, SMPK on the other hand, filed their comments dated 09.07.2019, 24.09.2019 and 18.02.2020 in response to the reply to Show cause filed by O.P.

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

- 1) Prior to 26.04.1994 M/s. Turner Morrison Ltd(TML) was known as M/s. Turner Morrison & Company Ltd and has subsequently modified it its name.
- 2) At no material point of time, Turner Morrison Ltd (TML) was ever known and/or registered as Turner Morrison & Company (Private) Ltd. As such there is no corporate existence of Turner Morrison & Company (Private) Ltd as arrayed as Opposite Party.

[Handwritten signature]

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]
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. 321, 321/R-D of 1999 Order Sheet No. 40

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. TURNER MORRISON & CO (P) LIMITED

Thus the present proceeding is liable to be dismissed in limine with exemplary costs.

- 3) TML has not acquired any property either by way of lease or otherwise from SMPK and as such, there is no jural relationship between TML and SMPK.
- 4) As TML is not in use and occupation of the Port premises, question of making payment of compensation does not arise.
- 5) The purported Notice to quit dated April 10, 1985 was never been received by TML.
- 6) The present Proceeding is not at all maintainable as the SMPK has failed to show that there has been unauthorised occupation of the said premises by TML.
- 7) The SMPK has got back possession of the said premises admittedly on April 12, 2012 thus the question of eviction does not and cannot arise. When the main proceeding dies the claim of damages also fails to survive.
- 8) The correction or alteration or amendment of pleading after almost 24 years amounts to gross failure of justice. Therefore SMPK cannot be allowed to amend such pleadings after enormous delay.
- 9) TML is not unauthorised occupant of the public premises for the purpose of Section 7 of the PP Act 1971 therefore the jurisdiction of Ld' Estate Officer cannot be invoked.
- 10) The SMPK cannot resort to public premises (Eviction of Unauthorised Occupant Act, 1971 for recovery of any money from TML. The appropriate remedy is a civil suit rather than to proceed before the Ld' Estate Officer.
- 11) The document relied upon by SMPK to show creation of tenancy if any shall not be relied upon as

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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SYAMA PRASAD MOOKERJEE PORT

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

39
09-01-2023



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.

321.82/R-301/1999

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S - TURNER MORRISON & CO (P) LIMITED

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09.01.2025

the purported document is fabricated and forged and created for the purpose of the present proceeding.

SMPK, the Petitioner, denying the claim of O.P. argued that Quit Notice dated 26.09.1978 was issued to O.P. i.e. M/s Turner Morrison & Co. Pvt. Ltd however, quite surprisingly, One Turner Morrison & Co Ltd vide their letter/s dated 08.11.1978, 24.02.1977 and 22.06.1979 showed their possession over the subject godown space. Such fact of possession by Turner Morrison & Co Ltd amply proves that M/s Turner Morrison & Co. Pvt. Ltd and Turner Morrison & Co Ltd are same. Therefore, the plea of Turner Morrison & Co Ltd that they never had any nexus with M/s Turner Morrison & Co. Pvt. Ltd has no basis at all. Further it is argued by SMPK that O.P. has admitted the fact of payment of rent/dues to SMPK vide their letters dated 02.09.1974, 23.05.1984, 20.11.1975, 15.03.1975 and 22.12.1970 respectively and the subject property was taken over by SMPK on 12.04.2012. It is further pointed out by SMPK that O.P. is liable to pay rent/ compensation charges along with accrued interest to SMPK.

Heard the rival arguments from both the sides and considered all the documents placed before me including SMPK's quit notice dated 10.04.1985, petition dated 01.02.1996, SMPK's application dated 20.04.2012, 18.01.2019 24.09.2019, 17.12.2019, Statement of Accounts (25.08.2011 & 18.01.2019), O.P.'s applications dated 22.08.2019 & 04.02.2020, O.P.'s reply/written Objection to show cause notice filed on 18.06.2019, SMPK's comment/rejoinder dated 09.07.2019 & O.P.'s written notes of argument dated 03.03.2020.

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



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. 321, 321/R-D of 1999 Order Sheet No. 42

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S - TURNER MORRISON & CO (P) LIMITED

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09.01.2023

It appears that the possession of the public premises in question was taken over on 12.04.2012 by the Port Authority. Delivery of possession of the public premises by O.P. does not necessarily mean that claim of SMPK on account of rent and damages against O.P. for the relevant period need not be proceeded in accordance with law. In other words, O.P. cannot absolve its liability towards payment of dues, damages to SMPK, in case it is established that O.P. was in unauthorized occupation for a particular period, even after surrendering possession. O.P. must have to pay to SMPK either in the form of rent or in the form of damages to SMPK upto the date of handing over of possession to SMPK. In a situation where possession of public premises has been surrendered or delivered by O.P., there is no need of issuing order of eviction u/s.5 of the Act. Hence, the proceeding of eviction is dropped against O.P. However, I am not inclined to accept that after delivery of possession of the public premises to port authority by O.P., the entire adjudication process has lost its force. In the instant case, SMPK still has its cause of action for realization of it rent and damages, as accrued for the relevant period.

Such being the case, as the subject matter of dispute after delivering possession to SMPK by O.P. remains on the issue of SMPK's claim on account of damages and rental dues, if any, in respect of the premises in question, now therefore; upon considering the deliberations of the parties and after carefully going through all the documents placed on record, the issue of non payment of arrear rent, damages and other charges of SMPK has received the serious attention of the Forum. It appears that O.P vide it's reply dated 18.06.2019 has denied such

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]
1800 Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten mark]

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.

321, 322/R-101 1999

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S - TURNER MORRISON & COMPANY (P) LIMITED

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09.01.2023

dues for the occupation of the said Public premises, however, It is settled law that mere denial is not sufficient to rebut the charge unless it is corroborated by sufficient evidence. Here, no such attempt has been made by the O.P. at all. As regards the allegations of non payment of such rent and damages against the O.P., I find that SMPK has produced detailed statement of accounts dated 25.08.2011 and 18.01.2019 in respect of the said occupation. It appears from the said statements of accounts that since October, 1984, no payment, whatsoever, has been made on behalf of the O.P. In my view, such statement maintained by the statutory authority in the usual course of business has definite evidentiary value, unless challenged by any of the concerned/interested parties with fortified documents/evidences etc, ready to bear the test of legal scrutiny. Moreover, during the course of hearing, no other submissions or documents have been placed before this Forum which may be in contradiction with the Statements produced by SMPK Authorities. 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

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]
Assistant
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. 371, 32/R-D of 1999 Order Sheet No. 44

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

MIS. TURNER MORRISON & CO (P) LIMITED

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09.01.2023

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.

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

Further O.P has also denied the SMPK's claim on account of interest. Therefore, it required to be adjudicated seriously as the issue involves mixed question of fact and law as well. 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. Here in this instant matter O.P cannot deny such liability of payment of interest also as he has failed to pay the principal amount due to be payable by him. 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.

It is my considered view that a sum of Rs.2,071.82 (for Plate No.CG-134) for the period upto 31st day of March, 1985 is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay such rental dues to SMPK on or before 25.01.2023. It is clarified that such dues will attract compound interest @ 7.25 % 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 order u/s 7 of the Act.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE EST. OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
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.

32,32/R-D of 1999

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. TURNER MORRISON + CO (P) LIMITED

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09.01.2023

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 4,37,216.77(Four Lakh thirty seven thousand two hundred sixteen and paise seventy seven 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 upto 01.05.2012 and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMPK by ~~25.01.2023~~ 25.01.2023. The said damages shall attract compound interest @ 7.25 % 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 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's books of accounts. I sign the formal order u/s 7 of 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

(A.K Das)
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
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT