



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  
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Court Room at the 1<sup>st</sup> Floor  
Of SMPK's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1361/D OF 2012  
ORDER NO.40 DATED: 07-02-2022

**Form- G**

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

To

**M/s.Safe Cargo Movers,  
1, Armenian Ghat Road(near Armenian Launch Ghat),  
Kolkata-700001.**

WHEREAS I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

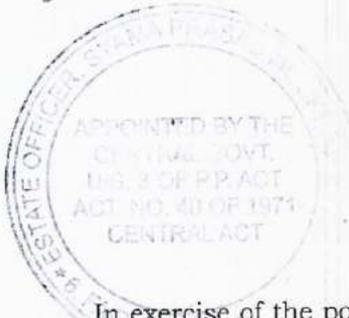
AND WHEREAS by written notice dated 15.11.2022 you are called upon to show cause on or before 29.11.2022 why an order requiring you to pay damages of Rs.2,39,07,694/- (Rupees Two Crore thirty nine lakh seven thousand six hundred ninety four only) together with [compound interest] for unauthorised use 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.2,39,07,694/- (Rupees Two Crore thirty nine lakh seven thousand six hundred ninety four only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.03.2010 to 16.08.2017 (both days inclusive) to SMPK by 22.02.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]* 10/02/22  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



: 2 :

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 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.JS-32**

Room space including varandha and open space on Kolkata Port Trust's(KoPT) Import Warehouse at the crossing of Canning Street, Strand Road(Old KoPT Health Office) and open cement pavement as approach to the room spaces Msg. a)113.23 Sq.m and b) Msg. about 137.95 Sq.m respectively at Import Warehouse at the crossing of Canning Street and Strand Road under the Presidency Town of Kolkata, P.S: North Port Police Station. It is bounded on the North by Trustees' Road beyond which by Trustees' Canning Warehouse, on the South by Trustees' Import Warehouse, On the East by Strand Road and on the West by Trustees' Import Warehouse.  
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees for the Port of Kolkata).

Date 10.02.2023

Signature & Seal of the  
Estate Officer.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10/02/23  
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. 1361/D Of 2012 Order Sheet No. 55

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**

**M/s. SAFE CARGO MOVERS**

**FINAL ORDER**

The instant proceedings No. 1361/D of 2012 arises out of the application bearing No. Lnd. 5412/22/1481 dated 26.05.2022 read with an application dated 12.08.2022 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 Compensation/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s. Safe Cargo Movers**, the **O.P** herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port properties being room spaces including verandah and open space measuring about 113.23 Sq.mtrs and 137.95 sq.m respectively situated at SMPK's Import Warehouse at the crossing of Canning Street and Strand Road comprised under occupation No.JS-32 as monthly term Licencee for 11 months only with certain terms and condition as embodied in SMPK's offer for grant of such licence bearing No.Lnd.5412/09/934 dated 06.07.2009. Thereafter, O.P violated the condition for grant of such tenancy under monthly term licence by way of carrying out unauthorised construction. Notice of revocation of licence was issued by SMPK to O.P on 02.02.2010. Thereafter, Proceeding was initiated by SMPK before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.1361, 1361/R of 2012. The O.P. contested the matter through its Advocate by filing reply to the Show Cause Notice/s. Thereafter, Final Order of Eviction along

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SYAMA PRASAD MOOKERJEE PORT  
10/02/23  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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OF-02-2023

**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. 1361/D Of 2012 Order Sheet No. 56

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**

**M/S. SAFE CARGO MOVERS**

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07.02.2023

with recovery of rental dues against O.P. was passed on 30.03.2016. Thereafter, SMPK vide its application dated 17.08.2017 and 26.05.2022, intimated that possession of the subject premises were taken over from O.P on 17.08.2017 in terms of the said Order of eviction dated 30.03.2016. It has also been intimated by SMPK vide their application dated 26.05.2022 and 12.08.2022 that Rs. 2,39,07,694/- on account of compensation /damages is still due and recoverable from O.P. After considering the allegation levelled by SMPK against the O.P that while in possession of the Port Properties, the O.P has defaulted in making payment of damages /compensation and taxes and also accrued interest thereon, this Forum being prima facie satisfied with the claim of SMPK has issued Notice to Show Cause dated 15.11.2022 (vide Order No.35 dated 15.11.2022) upon the O.P. U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 to Show Cause as to why an order requiring to pay arrear damages/compensation together with interest should not be made against O.P. The O.P was called upon to appear before this Forum in person or through authorised representative capable to answer all material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

It is the case of SMPK that the O.P. was asked to pay damages/compensation upto 16.08.2017 as because the subject premises was taken over by SMPK on 17.08.2017.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at 1, Armenian Ghat Road(Near Armenian Launch

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10/02/23  
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. 1361/D Of 2012 Order Sheet No. 57

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**

**M/S. SAFE CARGO MOVERS**

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07-02-2023

Ghat), Kolkata-700001. Notice sent through speed post was not returned back to the Forum and it reveals from the report of the Process Server dated 23.11.2022 that Show Cause Notice u/s 7 was affixed on O.P's Address on 23.11.2022 at about 11:35 A.M. It is also seen that representative of O.P. has received the same on behalf of O.P and subsequently on 29.11.2022 i.e on the date of filing reply to the Show Cause, one, Mr. Sourav Mondal, expressing himself as an Advocate of O.P. appeared before the Forum and filed his Vakalatnama to contest the instant matter before the Forum however, it appears from the record that after 20.12.2022 none appeared on behalf of O.P. to contest the instant matter except making a prayer for time to file their reply to the Show Cause by way of an application dated 17.01.2023. Ultimately on 31.01.2023, when O.P. has again failed to appear before the Forum, finding no other alternative, the matter was reserved for passing final order. Now this Forum has decided to adjudicate the matter ex-parte. As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMPK on account of damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMPK against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

It is my considered view that a sum of Rs.2,39,07,694/- (Rupees Two Crore thirty nine lakh seven thousand six hundred ninety four only) for the period 01.03.2010 to 16.08.2017 (both days inclusive) for the respective plate in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to

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Head Assistant  
10/02/23  
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. 1361/D, Of 2018 Order Sheet No. 58

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

VS

M/S. SAFE CARGO MOVERS

SMPK on or before 22.02.23. The said damages shall attract a 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 orders u/s 7 of the Act.

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

GIVEN UNDER MY HAND AND SEAL

(Suman Sinha)  
ESTATE OFFICER

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

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SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
10/02/23  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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07-02-2023