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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 Unauthorised Occupants) Act 1971

OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st FLOOR) KOLKATA-700001  
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Court Room at the 1st Floor  
Of SMPK's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.318/D OF 1999  
ORDER NO. 21 DATED: 05.05.2023

**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. Rash Mohan Kundu & Sons  
20/A, Ultadanga Road  
Kolkata-700004.**

10334



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 15.03.2022 you are called upon to show cause on or before 23/03/2022 why an order requiring you to pay damages of Rs.19,74,880/- (Rupees Nineteen Lakh seventy four thousand eight hundred eighty Only) for Plate No. SB-513 and Rs.4,84,478/- (Rupees Four Lakh eighty four thousand four hundred seventy eight only) for Plate No.SB-513/1 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.19,74,880/- (Rupees Nineteen Lakh seventy four thousand eight hundred eighty Only) for Plate No. SB-513 for the period from 31.01.1989 to 31.01.2019(both days inclusive) and Rs.4,84,478/- (Rupees Four Lakh eighty four thousand four hundred seventy eight only) for Plate No.SB-513/1 for the period from 28.02.1989 to 31.01.2019 (both days inclusive) assessed by me as damages on account of your unauthorised occupation of the premises to SMPK by 20.05.2023

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 @ 7.50 % 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. SB-513**

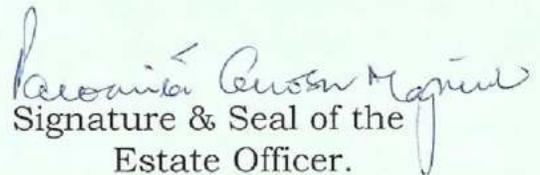
The said piece or parcel of land msg.96.15 Sq.m or thereabouts situated on the North Eastern corner of Baghbazar Warehouse at Baghbazar in the Presidency town of Kolkata. It is bounded on the North by the said Trustees' land leased to you, on the East by the said Trustees' land leased to the Calcutta Tramways Co. Ltd. On the South by the said Trustees' open land and on the West by the said Trustees' strip of open land.

#### **Plate No.513/1**

The said piece or parcel; of land Msg. 23.59 Sq.m, or thereabouts situated on the North Eastern corner of Baghbazar Warehouse at Baghbazar in the Presidency Town of Kolkata. It is bounded on the North by the Government land, on the East by the said Trustees' land leased to the Calcutta Tramways Co. Ltd. On the South by the said Trustees' land leased to you and on the West by the said Trustees' strip of open land.

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

Date 08 MAY 2023

  
Signature & Seal of the  
Estate Officer.



## 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. 318, 318/D of 1999 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S RASH MOHAN KUNDU & SONS.

21  
05.05.2023

### FINAL ORDER

The instant proceedings No. 318/D of 1999 arises out of the application bearing No. Lnd. 8/80/II/19/2740 dated 15.11.2019 read with an application dated 09.08.2021 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/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. Rash Mohan Kundu & Sons**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Be it mentioned here that the page Nos. 14 to 24 Of instant Proceeding No.318/D of 1999 are inadvertently recorded as page No.11 to 21 of the daily Orders which shall be read as page Nos. 14 to 24 instead of page No.11 to 21.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being land respectively measuring about 96.15 sq.mtrs(under Plate No.SB-513) and 23.59 Sq.m(under Plate No.SB-513/1) situated on the North Eastern Corner of Bagbazar Warehouse at Bagbazar, Thana-Jorabagan(now Shyampukur Police Station), District-Calcutta as a monthly term lessee on certain terms and conditions. Thereafter, O.P violated the condition for grant of such tenancy by defaulting in payment of rental dues to SMPK and also by unauthorised subletting to rank outsiders. Notice to quit was issued by SMPK to O.P on 07.07.1988. Thereafter, Proceedings was initiated by SMPK before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.318 & 318/D of 1999. The O.P. did not appear before the Forum to contest the case. Thereafter, an ex-parte Final Order of Eviction against O.P. was passed on 28.03.2018. Thereafter, SMPK vide its application dated 15.11.2019, intimated that possession of the premises was taken over from O.P on 01.02.2019 in terms of the said Order of eviction dated 28.03.2018. It has also been intimated by SMPK vide their

*[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  
08/05/23  
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. 318, 318B of 1999 Order Sheet No. 26

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

VS

M/S RASHMOHAN KUNDU + SONS

21  
05.05.2023

application dated 09.08.2021 that Rs. 19,74,880/- for Plate No.SB-513 and Rs.4,84,478 for Plate No.SB-513/1 on account of compensation /damages are 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 Property, 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 U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 upon the O.P to Show Cause (vide Order No.17 dated 14.03.2022) 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 31.01.2019 as because the subject premises was taken over by SMPK on 01.02.2019.

The said Notice was served through speed Post as well as hand delivery to the recorded address of O.P. at 20/A, Ultadanga Road, Kolkata-700004. The Notice sent through Speed Post returned undelivered to the Forum with an endorsement 'unclaimed'. However, the Report of the Process Server dated 22.03.2022 depicts that Notice was handed over to the representative of O.P and the Notice was also affixed on the O.P's address as per the mandate of the P.P Act. As O.P or any other person interested in the property did not appear before the Forum, following the principles of natural justice, a further attempt was made by the Forum for service of the order upon the O.P. but all such efforts were again went into vain as the attendance of O.P could not be procured. Thereafter, a decision had been taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about

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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. 318, 318/D Of 1999 Order Sheet No. 27.

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

VS

M/S RASH MOHAN KUNDU & SONS

21  
05-05-2023

the pendency of the instant proceeding in order to give further chance to 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 01.12.2022 fixing the ultimate date of O.P's appearance on 13.12.2022. But all the efforts went into vain as the O.P. failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the non-appearance of O.P in spite of sufficient opportunities had been provided and after exhaustion of all available means of service, this Forum finds no need to keep the matter pending and final Order was reserved in the matter on 13.12.2022. 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.19,74,880/- (Rupees Nineteen Lakh seventy four thousand eight hundred eighty only) for Plate No.SB-513 for the period from 31.01.1989 to 31.01.2019(both days inclusive) and Rs.4,84,478/- (Rupees Four Lakh eighty four thousand four hundred seventy eight only) for Plate No.SB-513/1 for the period from 28.02.1989 to 31.01.2019(both days inclusive) are due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to SMPK on or before 20.05.23 The said damages shall attract a compound interest @ 7.50 % 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

*[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. 318, 318/D of 1999 Order Sheet No. 28

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

**VS**

M/S. RASHMEHAN KUNDU & SONS

21  
05.05.2023

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 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

*Pooanita Anuson Majumdar*  
(P. Ghosh Majumdar)  
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  
PASSED BY THE ES  
SYAMA PRASAD M. PORT  
*[Signature]*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT