



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.360/D OF 1999  
ORDER NO.39 DATED: 03.08.2023

**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

17929 ✓ M/s. Swaraj Enterprise,  
(Prop. Shri Swaraj Kanti Chakraborty)  
Flat No.M-10, S.M. Nagar,  
Government Housing Estate,  
P.O: Sarkar Pool,  
Dist: 24 Parganas(South)  
Kolkata-700143

AND

17930 ✓ Shed No.8, Hoboken Depot,  
Kolkata-700088.

AND ALSO AT

17931 ✓ 5, Khetra Hari Chatterjee Road,  
P.O-Ghola Bazar, P.S-Ghola.  
24 Parganas(North)  
Pin-700111.

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 04.11.2022 you are called upon to show. cause on or before 17.11.2022 why an order requiring you to pay damages of Rs.1,48,21,382.12(Rupees One Crore forty eight Lakh twenty one thousand three hundred eighty two and paise twelve 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.1,48,21,382.12(Rupees One Crore forty eight Lakh twenty one thousand three hundred eighty two and paise twelve only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.04.2010 to 10.01.2019 (both days inclusive) to SMPK by 18.08.2023

PLEASE SEE ON REVERSE

# 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. 360/D Of 1999 Order Sheet No. 44

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

VS

M/s SWARAJ ENTERPRISE

(Prop - SRI SHARAJ KANTI CHAKRABORTY)

### FINAL ORDER

The instant proceedings No. 360/D of 1999 arises out of the application bearing No. Lnd.4966(D)/19/1985 dated 04.09.2019 read with the applications dated 12.05.2022, 12.07.2022 and 19.09.2022 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 dues/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of the original application dated 17.06.1996 against **M/s. Swaraj Enterprise, (Prop. Shri Swaraj Kanti Chakraborty)** 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 property being godown space measuring 669.16 sq.mtrs or thereabout situated at Hoboken Depot, Thana- S.P.P.S, District-24 Parganas(South) under Plate No.H.S-34 as monthly Licencee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under monthly term licence by defaulting in payment of rent/licence fees. Notice of revocation of licence was issued by SMPK to O.P on 07.12.1995. Thereafter, Proceeding was initiated by SMPK before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.360, 360/R, 360/D of 1999. The O.P. appeared before the Forum to contest the case. Thereafter, Final Order of Eviction along with recovery of rental dues and damages against O.P. was passed on 02.02.2009. Thereafter, SMPK vide its application dated 04.09.2019, intimated that possession of the premises was taken over from O.P on 10.01.2019 in terms of the said Order of eviction dated 02.02.2009. It has also been intimated by SMPK vide their application dated 19.09.2022 that Rs. 1,48,21,382.12 on account of principal compensation charges is still due and recoverable from O.P. After considering the allegation levelled

39  
03-08-2023

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. 360/PD Of 1999 Order Sheet No. 45

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

VS

MIS SWARAJ ENTERPRISE

(PROP. SHRI SWARAJ KANTI CHAKRABORTY)

39

03 AUG 2023

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 to Show Cause dated 04.11.2022 (vide Order No.32 dated 03.11.2022) 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 10.01.2019 as because the subject premises was taken over by SMPK on 10.01.2019.

The said Notice was served through speed Post as well as by hand delivery to the recorded addresses of O.P. Notice sent through speed post to Flat No.M-10, S.M Nagar, Government Housing Estate, P.O- Sarkar Pool, District-24 Parganas(South) returned undelivered to the Forum with a mark 'addressee moved' however, the Report of the Process Server dated 11.11.2022 depicts that such notice was affixed on the said address of O.P as per the mandate of P.P Act but attendance of O.P could not be procured. Thereafter, following the principles of natural justice, this Forum on 17.11.2022 made further attempt to serve the notice upon O.P. by directing SMPK to provide alternative addresses, if any, of the O.P. When SMPK, during the course of hearing on 08.12.2022, submits that two alternative addresses of O.P. has already been filed vide their application dated 12.07.2022 a further attempt was made to serve such Show Cause Notice along with the order upon such alternative addresses of O.P. to give them chances. As the attendance of O.P could not be procured despite of further service and affixation, therefore, a decision was taken by the Forum to publish a Notice in a widely circulated News

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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. 360/D Of 1999 Order Sheet No. 46

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

VS

M/S SWARAJ ENTERPRISE

(PROP. SHRI SWARAJ RANTI CHARRABORTY)

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03.08.2023

Paper as well as in the official website of SMPK for notice to all concerned about 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 21.02.2023 fixing the ultimate date of O.P's appearance on 02.03.2023. But all the efforts went in vain as the O.P. failed to appear before the Forum despite publication of such Notice in the News Paper and said website of SMPK.

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 02.03.2023. 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 particularly @ 3 x SoR from 01.06.2012 to 31.08.2012 and from 01.08.2016 to 10.01.2019. 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.1,48,21,382.12(Rupees One Crore forty eight lakh twenty one thousand three hundred eighty two and paise twelve only) for the period from 01.04.2010 to 10.01.2019 (both days inclusive) for plate No.HS-34 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 SMPK on or before 18.08.2023 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 incurrance of liability, till the liquidation of the same, as per the adjustment of

By Order of  
THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT

04/08/23  
Assistant  
OFFICE OF THE ESTATE OFFICER,  
MOOKERJEE PORT

*At*



# 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. 360/P of 1999 Order Sheet No. 47

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

**VS**

M/S SWARAJ ENTERPRISE

(PROP. SHRI SHARAJ KANTICHAHARABORTY)

39

**03 AUG 2023**

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

(A.K Das)

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  
04/08/23  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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