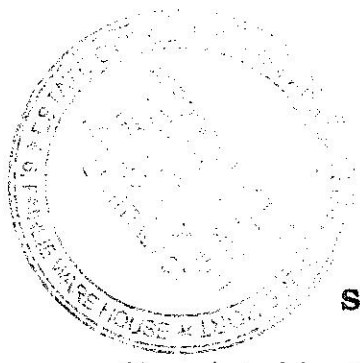


SCOPY



**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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
2017

PROCEEDINGS NO. 714/D & 715/D OF 2005

Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

ORDER NO. 33 DATED : 19.02.2021

**Form- G**

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

To  
M/S T.E Thomson & Company Ltd  
5, Dalhousie Square (East),  
Stephen House, Room No.20  
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 27.02.2020 you are called upon to show cause on or before 10.03.2020 why an order requiring you to pay damages of Rs.18,78,089/- (Rupees Eighteen Lakhs Seventy Eight thousands Eighty Nine 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 evidence produced before this Forum.

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.18,78,089/- (Rupees Eighteen lakhs Seventy Eight thousands Eighty Nine only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 15.02.2005 to 24.04.2008 (both days inclusive) to SMP, Kolkata by 15.02.2021.

PLEASE SEE ON REVERS

LS

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 @ 6.20 % 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

#### Under Plate No.D-62 & SF-1

The said land msg.3174.59 Sq.m(1<sup>st</sup> belt 1886.77 Sq.m and 2<sup>nd</sup> belt 1287.82 Sq.m) or thereabouts is situated at Satya Doctor Road, Thana-South Port Police Station, District-24 Parganas(South) and Registration District Alipore. It is bounded on the North by the private property on the South by Trustees' land previously leased to Robert Hudson(I) Ltd and building leased to Khidderpore Oria High School, on the east by the foot path and then Satya Doctor Road and on the west by the Trustees' Dock Boundary wall. Trustees means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

#### Under Plate No.DB-31/1

The said land msg.142.607 sq.m or thereabouts is situated at Satya Doctor Road, Thana-South Port Police Station, District-24 Parganas(South) and Registration District Alipore. It is bounded on the North by the private property on the South by Trustees' land previously leased to Robert Hudson(I) Ltd and building leased to Khidderpore Oria High School, on the east by the foot path and then Satya Doctor Road and on the west by the Trustees' Dock Boundary wall. Trustees means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Date 20.01.2021

  
Signature & Seal of the  
Estate Officer.

# Estate Officer, Kolkata Port Trust

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

Proceedings No.

714 D, 715/D

Of

2005

Order Sheet No.

27

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/S. T.E. Thomson & Co. Ltd.

33  
19.01.2021

### FINAL ORDER

The instant proceedings No. 714/D and 715/D of 2005 arises out of the application bearing No. Lnd. 3769/III/(Dup)/05/865 and Lnd.3769/III/(Dup)/05/868 both dated 29.06.2005 read with an application dated 08.03.2019 filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, the applicant herein, praying for an order of recovery of 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 T.E Thomson & Co Ltd, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

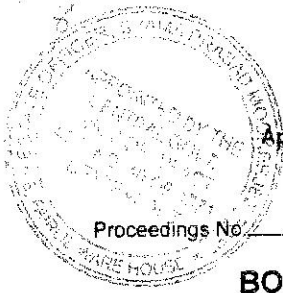
The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being land and building measuring about 3174.59 Sq.m and 142.607 Sq.m at Satya Doctor Road, Thana-South Port Police Station (under Plate Nos.D-62, SF-1 and DB-31/1) as short term monthly Lessee which is more fully described in the 'Schedule-A' of the KoPT's application dated 29.06.2005. The allegations levelled by KoPT against the O.P is that while in possession of Port property as long term Lessee, the O.P has defaulted in making payment of damages/ compensation and taxes and also accrued interest thereon the details of which has been given with the KoPT's application dated 19.11.2019.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 24.04.2008 as because the subject premises was taken over by KoPT on 24.04.2008 in terms of eviction order dated 11.11.2005.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated

MA

12/1/21  
12/1/21



## Estate Officer, Kolkata Port Trust

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

Proceedings No. 714/D, 715/D of 2005 Order Sheet No. 28

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/s. T. E. Thomson & Co. Ltd.

33

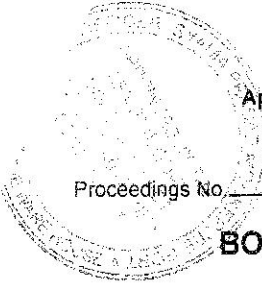
19.01.2024

27.02.2020 (vide Order No.28 dated 21.02.2020) was issued by this Forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear damages/ compensation together with interest should not be made against the O.P. The O.P. was also called upon to appear before this Forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

After issuance of the aforesaid notice, on 10.03.2020 O.P. did not appear before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Speed Post as per address available on record. The communication sent through Speed Post has been returned back to the Forum with a report "Door Locked". The Report of the Process Server dated 28.02.2020 depicts that personal service of the Notice on the O.P. was also not made as the registered office of O.P was under "lock and key". Under such circumstances, as both the reports were unsatisfactory and none appeared on behalf of O.P or any other person interested in the property, a publication was made in the classified column of Times of India(Kolkata) on 05.11.2020 fixing the ultimate date of O.P's appearance on 24.11.2020. Finally as the O.P failed to appear on 24.11.2020 the final Order was reserved in the matter. 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 KoPT on account of damages/compensation etc. In fact, I have nothing to

*[Handwritten signature and stamp]*  
ESTATE OFFICER  
KOLKATA PORT TRUST  
APPOINTED BY THE CENTRAL GOVT.  
UNDER SECTION 3 OF THE PUBLIC PREMISES  
(EVICTION OF UNAUTHORIZED OCCUPANTS) ACT 1971



# Estate Officer, Kolkata Port Trust

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

Proceedings No. 714/D, 715/D Of 2005 Order Sheet No. 29

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
M/s. T. E. Thomson & Co. Ltd.

32  
19/01/2021

disbelief in respect of KoPT's claim against O.P. as per statement of accounts maintained regularly in KoPT's office in regular course of business.

It is my considered view that a sum of Rs.18,78,089/- for the period 15.02.2005 to 24.04.2008(both days inclusive) for the respective plates 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 KoPT on or before ..... The said damages shall attract compound interest @ 6.20 % 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 KoPT'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, KoPT 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

  
(Nirmalya Biswas)  
ESTATE OFFICER.

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

COPIED COPY OF THE ORDER BY THE ESTATE OFFICER, KOLKATA PORT TRUST. *(Handwritten initials)*

\*\*\*\*\* DAMAGES ON ACCOUNT OF YOUR UNAUTHORISED