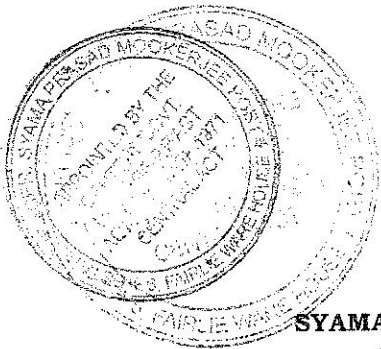


Scan Copy



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 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse

**Form " E "**

PROCEEDINGS NO.1570/R OF 2017  
ORDER NO. 1 | DATED: 03.02.2021

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

Stamp: ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA. Handwritten signature 'S.D.' and date '04.02.2021' over the stamp.

To  
M/S T.D Kumar & Bros. Ld.  
20-1, Maharshi Debendra Road,  
Kolkata- 700007

WHEREAS you were in occupation of the public premises described in the Schedule below.

AND WHEREAS, by written notice dated 09.04.2019 you are called upon to show cause on/or before 23.04.2019 why an order requiring you to pay a sum of Rs 34,425.62 (Rupees Thirty Four Thousand Four hundred Twenty Five and paise Sixty Two only) being the rents payable together with compound interest in respect 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 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 34,425.62 (Rupees Thirty Four Thousand Four hundred Twenty Five and paise Sixty Two only) for the period 31.07.1983 to 31.03.1985 (both days inclusive) to SMP, Kolkata by 18.02.2021

Handwritten signature 'S.D.'

PLEASE SEE ON REVERSE

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 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.HL-512/A**

The said piece or parcel of land msg. about 1145.40 Sq.m or thereabouts situate at West side of Foreshore Road, Shalimar, Howrah, Thana, District and Registration District: Howrah. It is bounded on the North by the said Trustees' strip of open land reserved as margin of safety alongside PTR siding No.10, on the East by the Trustees' land previously occupied by M/S Jhinguriam Mahabirram & partly open land used as passage, on the South by the Trustees' land occupied by Respondent and on the West by the Trustees' Watchman quarters.

Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 03.02.2021

  
Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

THE  
SYAMA  
PRASAD  
MOOKERJEE  
PORT  
KOLKATA  
15.02  
104.02.2021



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

PROCEEDINGS NO. 1570/D OF 2017  
ORDER NO. 11 DATED: 03.02.2021

**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.D Kumar & Bros. Ld.  
20-1, Maharshi Debendra Road,  
Kolkata- 700007

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA  
CERTIFIED  
TRUE COPY  
04.02.2021

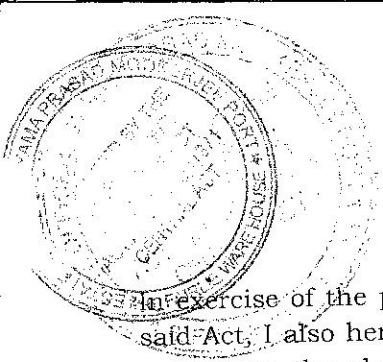
WHEREAS, I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS, by written notice dated 09.04.2019 you are called upon to show cause on/or before 23.04.2019 why an order requiring you to pay damages of Rs. 19,35,797.79 (Rupees Nineteen Lakhs Thirty Five Thousand Seven hundred Ninety Seven and paise Seventy Nine 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. 19,35,797.79 (Rupees Nineteen Lakhs Thirty Five Thousand Seven hundred Ninety Seven and paise Seventy Nine only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.04.1985 to 02.07.2018 (both days inclusive) to SMP, Kolkata by 18.02.2021

PLEASE SEE ON REVERS



: 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 @ 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

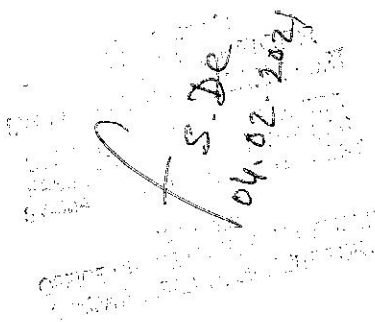
#### **Plate No.HL-512/A**

The said piece or parcel of land msg. about 1145.40 Sq.m or thereabouts situate at West side of Foreshore Road, Shalimar, Howrah, Thana, District and Registration District: Howrah. It is bounded on the North by the said Trustees' strip of open land reserved as margin of safety alongside PTR siding No.10, on the East by the Trustees' land previously occupied by M/S Jhinguriam Mahabirram & partly open land used as passage, on the South by the Trustees' land occupied by Respondent and on the West by the Trustees' Watchman quarters.

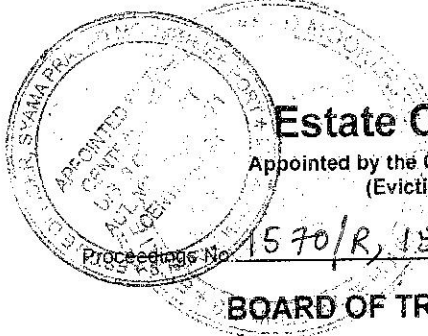
Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 03.02.2021

  
Signature & Seal of the  
Estate Officer.



COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.



# 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. 1570/R, 1570/D Of 2017 Order Sheet No. -09-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s T.D. Kumar & Bros Ltd <sup>VS</sup> Bros Ltd (Plate no. HL-512/A)

### FINAL ORDER

11  
03.02.2021

The instant proceedings being No. 1570/R, 1570/D of 2017 arises out of the application being No. 4036/1/14/1387 dated 06.08.2014 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for recovery of rental dues, interest etc against M/s. T.D. Kumar & Bros. Pvt. Ltd., O.P. herein, under relevant provision of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The facts of the case is summarised here under.

It is the case of KoPT that land measuring about 1145.40 sqm of Land situated at West Side of Foreshore Road Shalimar, Howrah under Plate No. HL-512/A was allotted to the O.P. by the Port Authority on month to month lease basis. It has been claimed that O.P. failed to pay monthly rent and taxes as also interest as applicable as per KoPT rules and also unauthorisedly parted with possession. As per KoPT, O.P. was required to vacate the premises in terms of the Notice to Quit dated 24.01.1985 served as per statute. It is the specific submission that O.P. has no authority under law to occupy the public premises on the expiry of period as mentioned in the notice to quit dated 24.01.1985 as served upon O.P. by the Port Authority. In view of the Quit Notice representative of KoPT took over possession of the subject premises on 25.01.2012.

The instant Proceeding No. 1570/R, 1570/D of 2017 is for adjudication of application being No. 4036/1/14/1387 dated 06.08.2014 submitted by Kolkata Port Trust (KoPT), the Applicant herein, praying for order for recovery of arrear rent, taxes and damages along with interest from M/s. T.D. Kumar & Bros. Pvt. Ltd., O.P. herein.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 09.04.2019 for the purpose of initiation of adjudication process as envisaged under the Act. It reveals from record that the Notice under Section 7 has been return from the postal Department with the acknowledgement 'Not Known' which was send at the recorded address of

9

Handwritten notes and stamps on the left margin, including a signature and the date 04.02.2021.



# 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. 570/R, 1570/D of 2017 Order Sheet No. -10-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S T. D. Kumar & Bros Ltd. <sup>VS</sup>

11  
03.02.2021

O.P. As a result thereof, the Notice under Section 7 was published in Kolkata Port Trust's website and in English Daily "The Times Of India" on 12.09.2019 which yielded no results. As no one appeared on behalf of O.P. or any person interested in this proceedings inspite of publication of notice in Daily Newspaper having wide circulation, I have no bar to allow the prayer of KoPT for recovery of rental dues from O.P.

Department is directed to draw formal order for rent u/s.7 of the Act for Rs. 34,425.62/- for the period 31.07.1983 to 31.03.1985 (both days inclusive), directing O.P. to pay the amount on or before 18.02.2021 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 18.02.2021. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple 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 order u/s 7 (1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P. to pay the amount to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

In my opinion KoPT's claim for damages from 01.04.1985 to 25.01.2012 for Rs. 19,35,797.79/- against Plate No. HL-512/A (excluding interest for delayed payment) for wrongful occupation may be payable by O.P. as it is gathered in course of hearing that the charges so claimed by KoPT is on the basis of the Schedule of Rent Charges published under the Authority of Law as per provisions of the Major Port Trusts Act 1963. In course of hearing, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning. I make it clear that Kolkata Port Trust is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises upto the date of recovery of clear, vacant and

9

*S. De*  
*04.02.2021*  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

**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. 1570/R, 1570/D Of 2017 Order Sheet No. -11-

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

M/s T. D. Kumar & Bros Ltd. (Plate no HL-512/A) <sup>VS</sup>

11  
03.02.2021

unencumbered possession of the same in accordance with Law and KoPT is entitled to claim interest upon dues/charges right from the date of incurrence of liability by O.P. as per KoPT's Rule.

NOW THEREFORE, I hereby assess the damages payable by the O.P. for wrongful and unauthorised occupation of the public premises in question, for the period 01.04.1985 to 25.01.2012 for Rs. 19,35,797.79/- (principal amount) against Plate No. HL-512/A. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple 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 order u/s 7 (1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P. to pay the amount to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

GIVEN UNDER MY HAND AND SEAL

  
(Satyabrata Sinha)  
ESTATE OFFICER

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

*[Handwritten notes and stamps in the left margin]*  
S.D.  
04.02.2021