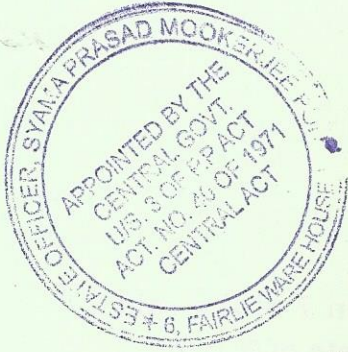


o/c

**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

Form " E "

PROCEEDINGS NO.391/R of 2020
ORDER NO. 24 DATED: 16.04.2021

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

To
**M/s Sarad Enterprise Ltd.
3A, Pullock Street,
Kolkata- 700 001**

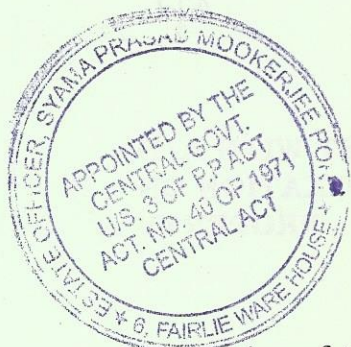
WHEREAS you are in occupation of the public premises described in the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 07.08.2020 (Vide Order No 17 dated 31.07.2020) you were called upon to show cause on/or before 22.11.2017 why an order requiring you to pay a sum of Rs 1,09,127.24 (Rupees One Lakh Nine Thousand One Hundred Twenty Seven and paise Twenty Four Only) being the rent 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 1,09,127.24 (Rupees One Lakh Nine Thousand One Hundred Twenty Seven and paise Twenty Four Only) for the period 14.11.1975 to 31.10.1983 (both day inclusive) to Kolkata Port Trust by 30-04-2021.

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 at the rate of @ 6.20 % per annum [which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India)] per annum till it's liquidation of the same from the date of incurrance of liability in accordance with the notification of SMP, Kolkata issued under Authority of Law as per adjustments of payments made so far by O.P. as per SMP, Kolkata's books of accounts.

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 - D152/7/1

All that piece or parcel of land measuring 966.283 Sqm. or thereabouts is situate at Brooklyn Depot, Thana- West Port Police Station, Kolkata, District: 24 Parganas. It is bounded on the North by the said Trustees' land used as road ways, on the South by the said Trustees' land occupied by M/s Lloyds Betumen Products Pvt. Ltd. and on the West by the said Trustees' strip of open land reserved as margin of safety alongside their Railway siding and on the East by the said Trustees' open land.

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

Dated: 16.04.2021

Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.



**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 1st Floor
of Kolkata Port Trust's
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 24 DT 16.04.2021
PROCEEDINGS NO. 391/D OF 2020

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 Sarad Enterprise Ltd.
3A, Pullock Street,
Kolkata- 700 001**

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

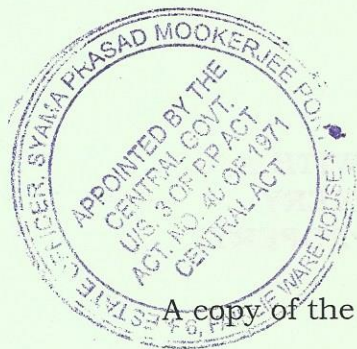
And whereas by written notice dated 07.08.2020 (Vide Order No 17 dated 31.07.2020) you were called upon to show- cause on/or before 21.08.2020 why an order requiring you to pay a sum of Rs 17,52,131.00 (Rupees Seventeen Lakhs Fifty Two Thousand One Hundred Thirty One only) being damages payable together 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 17,52,131.00 (Rupees Seventeen Lakhs Fifty Two Thousand One Hundred Thirty One only) for the period from 01.11.1983 to 11.02.2007 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 30-04-2021.

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, 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) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse



:2:

A copy of the reasoned order no. 24 dated 16.04.2021 is attached hereto.

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.

SCHEDULE

Plate no - D152/7/1

All that piece or parcel of land measuring 966.283 Sqm. or thereabouts is situate at Brooklyn Depot, Thana- West Port Police Station, Kolkata, District: 24 Parganas. It is bounded on the North by the said Trustees' land used as road ways, on the South by the said Trustees' land occupied by M/s Lloyds Betumen Products Pvt. Ltd. and on the West by the said Trustees' strip of open land reserved as margin of safety alongside their Railway siding and on the East by the said Trustees' open land.

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

Dated: 16.04.2021

Signature and seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST 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. 391, 391/R, 391/D of 2000 Order Sheet No. 20

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sarad Enterprises ^{VS}

FINAL ORDER

The instant proceedings No. 391, 391/R and 391/D of 2000 arises out of the application bearing No. Lnd.4421/19/2751 dated 15.11.2019 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, praying for an order of recovery of dues on account of Rent, Compensation etc. along with accrued interest thereon in respect of the subject public premises, against **M/s Sarad Enterprise Ltd.**, (hereinafter referred to as **O.P.**), under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as '**the Act**').

The fact of the case in a nutshell is that the O.P. came into occupation of the port property of piece or parcel of land measuring 966.283 sqm or thereabouts situated at Brooklyn Depot, Thana: West Port Police Station, Kolkata, comprised under occupation no D 152/7/1, on a month to month licence basis as per SMP, Kolkata's letter dated 30.05.1979 with effect from 26.01.1978. Thereafter, notice of revocation of licence was issued by SMP, Kolkata to O.P. As the O.P. did not vacate the premises, a proceeding was initiated by SMP, Kolkata against the O.P. before this Forum of law under relevant provisions of the Act. Subsequently, the Final Order of eviction of O.P. was passed on 02.11.2001. Thereafter, the possession of the premises was taken over on 12.02.2007 in terms of said Order of Eviction dated 02.11.2001. Thereafter, SMP, Kolkata vide applications dated 29.03.2007, 11.03.2008 and finally vide application dated 15.11.2019 has submitted their claim on account of outstanding rent, compensation/ mesne profit/ damage charges, which reportedly was due and

24

16.04.2021

By Order of:

THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER

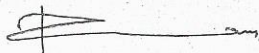
PASSED BY THE ESTATE OFFICER

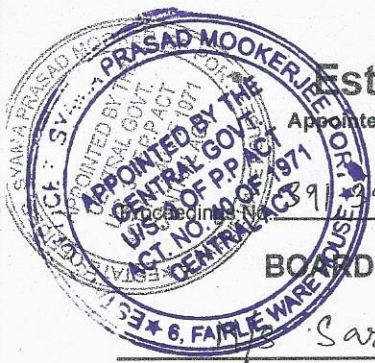
SYAMA PRASAD MOOKERJEE PORT

19.04.2021

ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT





Estate Officer, Kolkata Port Trust

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

391/R, 391/D Of 2000 Order Sheet No. 21

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sarad Enterprises VS

24
16.04.2021

recoverable from the O.P. for its use and enjoyment of the port property in question. After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) no of Show Cause Notices all dated 07.08.2020 (vide Order-17 dated 31.07.2020) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notices were issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rent and compensation/ mesne profit/ damage together with interest would 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/s, capable to answer all material questions connected with the matter, along with the evidence which the O.P. intends to produce in support of this case.

The said Notices were sent through 'Speed Post' to the recorded addresses of O.P. at '3A, Pullock Street, Kolkata- 700 001', however, the notices were returned undelivered by the Postal Department with the remark 'left'. The 'Process Server' attached with this Forum for service of such Notices/ Orders etc. has submitted a report dated 22.01.2021 stating that the addressee/ O.P. was "not found" at the premises. It appears that inspite of such efforts being made, the appearance of O.P. could not be procured and such efforts remained futile. Accordingly, a decision was taken to publish a notice in a widely circulated newspaper for a notice to all concerned about the pendency of the instant proceeding in order to give a chance to the O.P. to appear before this Forum and to represent their case. Such notice was published in 'The Times of India (Kolkata edition)' on 15.01.2021 fixing the date for the O.P's appearance, filing reply to Show Cause on

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, Kolkata Port Trust

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

No. 391/R, 391/D Of 2000 Order Sheet No. 22

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Ms Sarad Enterprises

24

16.04.2021

22.01.2021, but such effort went into vain as none appeared from O.P's side and as such, I am inclined to proceed ex-parte against the O.P.

I find that SMP, Kolkata has produced detailed statement of accounts dated 13.11.2019 in respect of the said premises in question. It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises in question for decades. In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business has definite evidentiary value, unless challenged with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/ damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. Non-payment of dues by O.P. for decades together is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent and damages/compensation/ mesne profit etc. I have nothing to disbelief in respect of SMP, Kolkata's claim against O.P. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.

Thus, it is my considered view that a sum of Rs 1,09,127.24 (Rupees One Lakh Nine Thousand One Hundred Twenty Seven and paise Twenty Four Only) for the period from 14.11.1975 to 31.10.1983 is due and recoverable from O.P. by the Port authority on account

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST

Head Assistant

ESTATE OFFICER

[Handwritten signature]



Estate Officer, Kolkata Port Trust

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

391/R, 391/D Of 2000 Order Sheet No. 23

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
S Sarad Enterprises

24
16.04.2021

of Rent and a sum of Rs 17,52,131.00 (Rupees Seventeen Lakhs Fifty Two Thousand One Hundred Thirty One only) for the period from 01.11.1983 to 11.02.2007 are due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges.

O.P. must have to pay such dues to SMP, Kolkata on or before 30.04.2021. Such dues attracts 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 SMP, Kolkata's books of accounts.

The formal order u/s 7 of the Act is signed accordingly.

I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata 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

(PABITRA MUKHOPADHYAY)
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 THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT