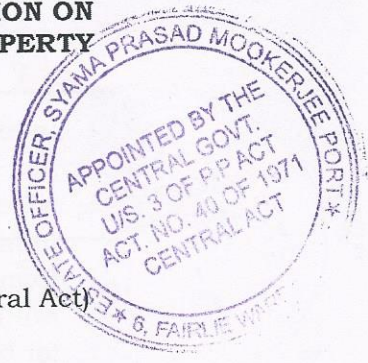


Seamed copy.

**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 Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place (1st FLOOR) KOLKATA-700001

Form " E "

PROCEEDINGS NO. 1739/R of 2019
ORDER NO. 09 DATED: 06.09.2021

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. Murlimal Santram & Co.
6A, S. N. Banerjee Road,
Kolkata - 700 0013.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
06.09.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 20.04.2021 (Vide Order No 06 dated 16.04.2021) you were called upon to show cause on/or before 06.05.2021 why an order requiring you to pay a sum of Rs.26,21,377.98 (Rupees Twenty Six lakhs Twenty One Thousand Three hundred seventy seven and paise ninety eight only) for plate no.CG-92 and Rs.64,209.93 (Rupees Sixty Four Thousand Two hundred nine and paise ninety three only) for Plate No. CG-92/1 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 or after 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.26,21,377.98 (Rupees Twenty Six lakhs Twenty One Thousand Three hundred seventy seven and paise ninety eight only) for plate no.CG-92 and Rs.64,209.93 (Rupees Sixty Four Thousand Two hundred nine and paise ninety three only) for Plate No. CG-92/1 for the period July'1983 to July'2006 (both days inclusive) to Kolkata Port Trust by 20.09.2021.

Sub

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, 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) till liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 09 dated 06.09.2021 is attached hereto.

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. CG-92/1

The said Compartment No. 3 msg. about 286.327 Sq.m is situated at KoPT's Saheb Bazar Godown (Plate No. CG-92) and a pucca goomty msg. about 10.68 Sq.m & verandah space Msg. about 2.41 Sq.m or thereabouts on the East side of the Port Trust Railway lines at Manik Bose Ghat (Plate No. CG-92/1).

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

Dated: 08.09.2021.

Signature and seal of the
Estate Officer



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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
08.09.2021
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Estate Officer, Kolkata Port Trust

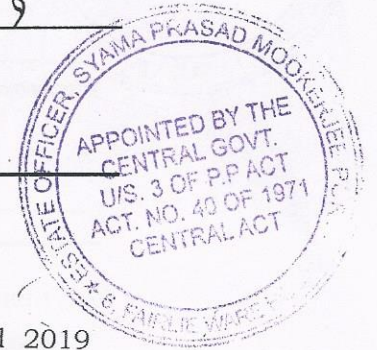
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971

Proceedings No. 1739/1739/R Of 2019 Order Sheet No. 9

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Murlimal Santram & Co.



FINAL ORDER

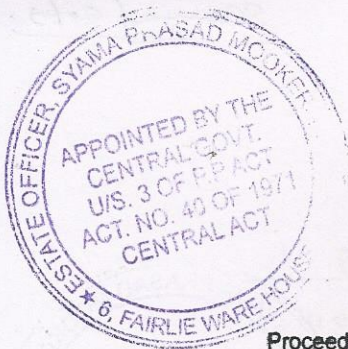
09
06.09.2021

The instant proceedings No. 1739, 1739/R and 2019 arises out of the application bearing No. Lnd.8/66/06/7353 dated 31.10.2006 (registered under E.O. No 785 dated 25.03.2019) filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, praying for an order of recovery of dues on account of Rent along with the accrued interest thereon in respect of the subject public premises, against **M/s Murlimal Santram & Co.**, (hereinafter referred to as **O.P.**), under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as '**the Act**').

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
J 07.09.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
KOLKATA

The fact of the case in a nutshell is that the O.P. came into occupation of the port property of Compartment No. 3, measuring about 286.327 Sqm situated at SMP, Kolkata's Saheb Bazar Godown (comprised under occupation no CG- 92) and a pucca goomty measuring about 10.68 Sqm and veranda space measuring about 2.41 Sqm or thereabouts on the east side of the Port Trust Railway Lines at Manik Bose Ghat (comprised under occupation no CG- 92/1) as a tenant. The possession of the premises has been taken over by SMP, Kolkata from O.P. on 27.07.2006. The O.P. has defaulted in payment of rent and taxes 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 1 (one) no of Show Cause Notice dated 20.04.2021 (vide Order-06 dated 16.04.2021) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notice was

Sud



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. 1739 & 1739/R Of 2019 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Murlimol Gantaram & Co.

09
06.09.2021

issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rent 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 Notice was sent through 'Speed Post' to the recorded addresses of O.P. at '6A, S.N. Banerjee Road, Kolkata- 700 013', however, the notice was returned undelivered by the Postal Department with such remarks as Door Locked/ "D/L", 'final intimation served' etc. The 'Process Server' attached with this Forum for service of such Notice/ Order etc. has submitted his report dated 21.04.2021 stating that the addressee/ O.P. has "left the address". However it appears from the Report of Process Server dated 21.04.2021 that the Notice u/s 7 was affixed on the subject Port property as per the mandate of the Act. In spite of such efforts being made, the appearance of O.P. could not be procured and such efforts remained futile. Then it was decided 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 further chance to O.P. to appear before the Forum to represent their case. Such notice was published in 'The Times of India (Kolkata edition)' on 25.06.2021 fixing the date for the O.P's appearance, filing reply to Show Cause on 08.07.2021, 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.

By Order of:
THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE
CERTIFIED COPY OF THE
PASSED BY THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE
06.09.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE

Sud

Estate Officer, Kolkata Port Trust

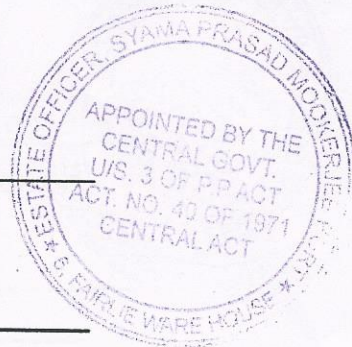
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1739 & 1739/R Of 2019 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/S. Murlimal Santram & Co.



09
06.09.2021.

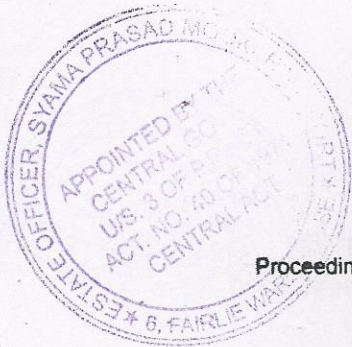
By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
KOLKATA
CERTIFIED COPY OF THE ORDER
PASSES BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
KOLKATA
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
KOLKATA
07.09.2021.

I find that SMP, Kolkata has produced detailed statement of accounts dated 10.06.2013 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 that was 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. I have nothing to disbelieve 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 25,21,377.98 (Rupees Twenty Six Lakhs Twenty One Thousand Three Hundred Seventy Seven and paise Ninety Eight only) for Plate No CG 92 and Rs 64,209.93 (Rupees Sixty Four Thousand Two Hundred Nine and paise Ninety Three only) for Plate No CG 92/1 from July, 1983 to July, 2006 are due and recoverable from O.P. by the Port authority on account of Rent.

O.P. must have to pay such dues to SMP, Kolkata on or before 20.09.2021. Such dues attracts Compound Interest @ 6.20 % per annum, which is the current rate of

Suk



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. 1739 & 1739/R Of 2019 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Murlimal ^{VS} Sankar & Co.

09
06.09.2021

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

(Sourav Mitra)
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
Head Assistant
06.09.2021
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***