

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

Court Room at the 1st Floor
of Kolkata Port Trust's

Fairlie Warehouse

6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1463/D OF 2015

ORDER NO. 24 DATED: 11.01.2022.

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. City Variety Stores,
212A, Mahatma Gandhi Road,
Kolkata-700007.**

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 16.03.2021 you are called upon to show cause on or before 25.03.2021 why an order requiring you to pay damages of Rs. 65,73,128/- (Rupees Sixty five lakh seventy three thousand One hundred twenty eight 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. 65,73,128/- (Rupees Sixty five lakh seventy three thousand One hundred twenty eight only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.11.1985 to 31.10.2018 (both days inclusive) to SMP, Kolkata by 28.01.2022.

[Handwritten signature]

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 @ 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

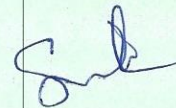
Plate No. SW-10

Compartment No.10 measuring about 213.027 Sq.m or thereabouts is situated in the 1st Floor of the Trustees' godown known as Canning Warehouse on the West side of Strand Road under the North Port Police Station within presidency town of Kolkata.

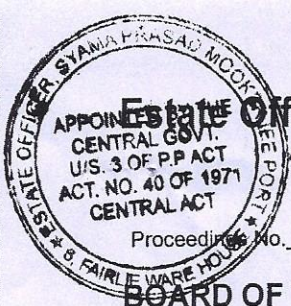
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 27.01.2022

Signature & Seal of the
Estate Officer.



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



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. 1463/D of 2015 Order Sheet No. 27

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. City Variety Stores.

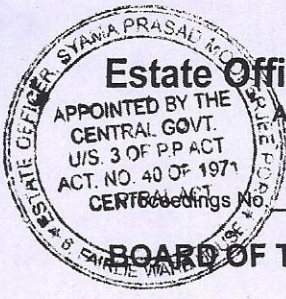
FINAL ORDER

The instant proceedings No. 1463/D of 2015 arises out of the application bearing No. Lnd. 13/25/19/2746 dated 15.11.2019 read with an application date 05.08.2019 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/compensation 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. City Variety Stores**, 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 213.027sq.mtrs or thereabout at 1st floor of SMP, Kolkata's godown known as Canning Warehouse on the West side of Strand Road, Thana-North Port Police Station (under Plate No.SW-10) as monthly term Licencee. Thereafter, O.P. violated the conditions of such licence by defaulting in payment of licence fees and taxes and also by parting with possession of the subject premises in favour of rank outsiders. Notice of revocation was issued by SMP, Kolkata to O.P on 21.08.1985. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.1463 of 2015. It is seen from the record that inspite of getting sufficient opportunity, O.P. or any other person interested in the property not only unturned before the Forum to contest the case but also refused to accept the order as passed by the Forum. Thereafter, finding no other alternative,

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
27.01.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA

Signature



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

1463/D of 2015 Order Sheet No. 28

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. City variety stores.

24

11.01.2022

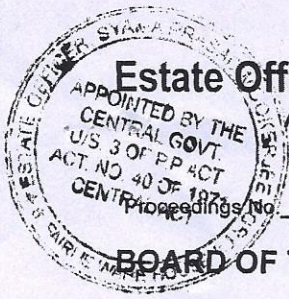
By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
27.01.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

the Final Order of Eviction was passed on 30.08.2018. It appears that thereafter SMP, Kolkata vide its application dated 05.08.2019 has intimated that possession of the subject premises was taken over from O.P on 31.10.2018 in terms of the said Order of eviction dated 30.08.2018. It has also been intimated by SMP, Kolkata that a huge amount of compensation/damages along with interest is still due and recoverable from O.P. After considering the allegation levelled by SMP, Kolkata 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 claim of SMP, Kolkata has issued Notice to Show Cause dated 16.03.2021(vide Order No.20 dated 04.03.2021) 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 SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 31.10.2018 as because the subject premises was taken over by SMP, Kolkata on 31.10.2018.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at

[Handwritten initials]



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

1463/D

of 2015

Order Sheet No.

29

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. City Society Stores.

24

11.01.2022

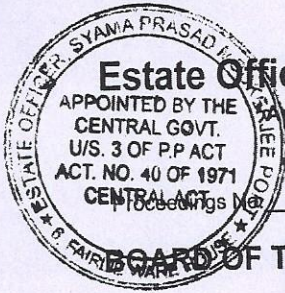
212A, Mahatma Gandhi Road, Kolkata-700007. However, both the Notice/s were returned back to the Forum with the endorsement "addressee moved". Thereafter, following the principles of natural justice, this Forum made further attempt to serve the notice upon O.P by directing SMP, Kolkata to provide alternative address, if any, of the O.P. Thereafter on 01.04.2021 SMP, Kolkata vide their application being No. Lnd.13/25/21/942 dated 01.04.2021 provided such alternative address of O.P. and accordingly the Forum made a further attempt to serve such notice upon such alternative address of O.P. at 208, Mahatma Gandhi Road, Kolkata-700007 both by speed Post/hand delivery, however, both the Notice/s again returned undelivered to the Forum due to O.P's refusal.

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 continuous non-appearance of O.P in spite of sufficient opportunities being given 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 14.07.2021 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 SMP, Kolkata on account of damages /compensation etc. In fact, I have nothing to disbelieve in respect of claim of SMP, Kolkata against O.P. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
27.01.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Sud



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

1463/D

Of 2015

Order Sheet No. 30

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. City variety stores.

24

11.01.2022

It is my considered view that a sum of Rs.65,73,128/- (Rupees Sixty five Lakh Seventy three thousand one hundred twenty eight Only) for the period 01.11.1985 to 31.10.2018 (both days inclusive) for the respective plate 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 SMP, Kolkata on or before 28.01.2022. 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 SMP, Kolkata's books of accounts. I sign the formal orders u/s 7 of the Act.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
27.01.2022
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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; 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

(S. Mitra)
ESTATE OFFICER

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