

Speed Post
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 Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

Court Room at the 1st Floor
6, Fairley Place Warehouse Kolkata- 700 001.

REASONED ORDER NO.04 DT 01.08.2024
PROCEEDINGS NO. 2025 OF 2023

SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES OF THE PORT OF KOLKATA)

-Vs-

G.C. Banerjee & Co. Pvt. Ltd (O.P)

FORM - "B"

ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that
G.C. Banerjee & Co Pvt. Ltd, 147, Netaji Subhas Road, 3rd Floor, Room
No.66, Kolkata-700001 is in unauthorized occupation of the Public Premises
specified in the Schedule below:

REASONS

1. That you have failed to file reply to the Show Cause Notice/s u/s 4 and 7 of the Act in spite of sufficient chances.
2. That there is no scope to disbelieve Port Authority's case against yourself as no reply to the Show Cause Notice/s u/s 4 and 7 of the Act has been filed.
3. That you have defaulted in making payment of rental dues to SMPK in gross violation to the fundamental condition of tenancy under lease as granted by the Port Authority.
4. That you have erected unauthorized construction upon the subject land without having any authority of law.
5. That you have inducted one Sri Ashok Kumar Jain (third party) without having any prior permission from Port Authority and also changed the purpose of such short term lease.
6. That you have failed to bear any witness or adduce any evidence in support of your occupation as 'authorized occupation'.
7. That your tenancy under short terms lease has duly been determined by the Port Authority by due service of ejection notice dated 19.01.2023 and you have lost your authority to occupy the Public Premises after expiry of the period as mentioned in the same notice of ejection dated 19.01.2023.
8. That the ejection notice dated 19.01.2023 is valid, lawful and binding upon the parties and you are liable to pay damages for unauthorized use and enjoyment of the port property in question upto the date of handing over of clear, vacant and unencumbered possession to SMPK.

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
06.08.24
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

8825

PLEASE SEE ON REVERSE

(2)

A copy of the reasoned order No. 04 dated 16.08.2024 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **G.C. Banerjee & Co Pvt. Ltd, 147, Netaji Subhas Road, 3rd Floor, Room No.66, Kolkata-700001** and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said **G.C. Banerjee & Co Pvt. Ltd, 147, Netaji Subhas Road, 3rd Floor, Room No.66, Kolkata-700001** and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

Plate No.HL-430/A & SF-211

Public Premises being land measuring about 1531.88 sq.mts under Plate No.(s) HL-430/A and SF-211 situated at Shalimar, Howrah, P.S.-Shibpur, District-Howrah. It is bounded on the North by SMPK strip of open land reserved as margin of safety along the SMPK Railway sidings, on the South by the SMPK wide road, on the East by the SMPK public premises occupied by Benimadhab Sett Satya Charan Sett, and on the West by SMPK public premises occupied by Banerjee & Co.

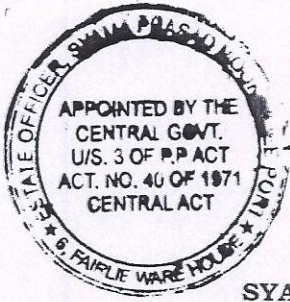
Dated: 02.08.2024.

ISSUED ON
06.AUG.2024

Mandy
Signature & Seal of
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
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
06.08.24.

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
6, Fairlie Place Warehouse
Kolkata-700001.

Form " E "

PROCEEDINGS NO. 2025/R OF 2023
ORDER NO. 04 DATED: 01.08.2024.

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

To
G.C. Banerjee & Co Pvt. Ltd,
147, Netaji Subhas Road,
3rd Floor, Room No.66,
Kolkata-700001

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

AND WHEREAS, by written notice dated 21.07.2023 you are called upon to
show cause on or before 03.08.2023 why an order requiring you to pay a sum
of Rs.55,11,185 (Rupees Fifty five lakh eleven thousand one hundred eighty
five only) for plate no.HL-430/A and Rs.11,82,122/- (Rupees Eleven lakh eighty
two thousand one hundred twenty two only) for Plate No.SF-211 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.55,11,185 (Rupees Fifty five
lakh eleven thousand one hundred eighty five only) for plate no.HL-430/A for
the period from 30.06.1988 to 29.01.2023 (both days inclusive) and
Rs.11,82,122/- (Rupees Eleven lakh eighty two thousand one hundred twenty
two only) for Plate No.SF-211 for the period from 31.12.1988 to 29.01.2023
(both days inclusive) to SMP, Kolkata by 16.08.2024.

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

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 @ 7.50* % 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-430/A & SF-211

Public Premises being land measuring about 1531.88 sq.mts under Plate No.(s) HL-430/A and SF-211 situated at Shalimar, Howrah, P.S.: Shibpur, District: Howrah. It is bounded on the North by SMPK strip of open land reserved as margin of safety along the SMPK Railway sidings, on the South by the SMPK wide road, on the East by the SMPK public premises occupied by Benimadhab Sett Satya Charan Sett, and on the West by SMPK public premises occupied by Banerjee & Co.

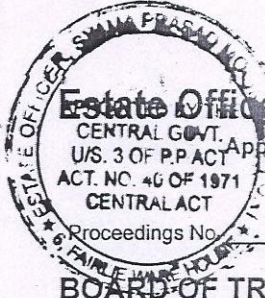
Dated: 06.08.2024.

Alamy
Signature and seal of the
Estate Officer

ISSUED ON
06 AUG 2024

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
06.08.2024
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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. 2025, 2025/R of 2023 Order Sheet No. 06

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
G.C. BANERJEE & CO. PVT. LTD. HL-430/A and SF-211

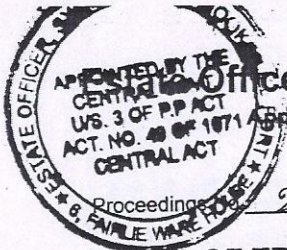
FINAL ORDER

04
01.08.2023

The record is put up before the undersigned on being assigned by the Department. It is seen that the instant matter was heard by my predecessor Estate Officer and he was pleased to reserve the Final Order on 03.08.2023 after completion of the hearing. It is also seen that as per the order dated 06.07.2023 passed by my predecessor Estate Officer, the Show Cause Notice/s were already affixed on the conspicuous part of the subject premises after O.P. being refused to take such order and in response to such Show Cause Notice/s, no one has ever appeared before this Forum to contest the instant matter. Perused the entire record and I am also satisfied with the view of my Predecessor Estate Officer. I think no fruitful purpose will be served if further date of hearing is fixed. Therefore, considering the available documents and materials on record, I am delivering this order today.

The material facts of the case is summarized here under. Land msg. about 1531.88 Sq.m situated at Shahimar, Howrah, P.S-Shibpur, District-Howrah, comprised under occupation Nos. HL-430/A & SF-211 were allotted to **G.C. Banerjee & Co Pvt. Ltd.** (O.P.) on short term lease basis by the applicant Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust/KoPT) hereinafter referred to as SMPK, with certain terms and conditions. It is the case of SMPK that while in possession of the Port property as lessee, O.P. defaulted in making payment of SMPK's monthly rent, taxes and also accrued interest thereon, erected unauthorized structures on the subject premises in question, inducted one Shri Ashok Kumar Jain (third party) and also changed the purpose of such lease by violating the condition of tenancy under short term lease and still continuing in wrongful occupation of the Public Premises in question after due determination of the lease by serving notice of ejection dated 19.01.2023. It is also the case of SMPK that O.P. has no authority under law to occupy the Public Premises after expiry of the period as mentioned in the said notice of ejection dated 19.01.2023 and as such an unauthorised occupant which makes them liable to pay damages for wrongful use and enjoyment of the Port

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
06.08.2023
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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. 2025, 2025/R of 2023 Order Sheet No. 07
BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

GT. C. BANERJEE & CO. PVT. LTD HL- 430/A PSP-211

04

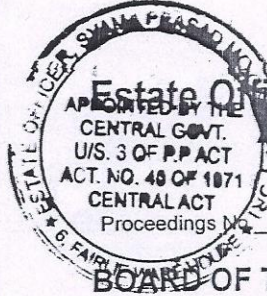
01.08.2024

Property in question upto the date of recovery of possession.

Considering the submission of SMPK and the documents on record, this Forum issued Show Cause Notice/s u/s 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 for adjudication of the prayer for order of eviction and also for realisation of rental dues against O.P. all dated 21.07.2023(vide order No.02 dated 06.07.2023) as per Rules made under such Act. It reveals from record that Postal Service returned undelivered with remarks of the Postal Department as "Moved". I have taken a note of the report of the Process Server dated 26.07.2023 regarding affixation of Show Cause Notice u/s 4 and 7 of the Act on the Schedule property. It is seen that notice/s were affixed on the property in question for information to all concerned after being refused by O.P to take the order. Such, being the case I am satisfied with the service of notice/s to all concerned as per the provision of the P.P. Act. As there is no reply to the Show Cause Notice/s u/s. 4 and 7 of the Act inspite of service of notice/s, I do not find any alternative but to serve order of eviction against O.P. u/s 5 of Act for the following reasons:

1. That you have failed to file reply to the Show Cause Notice/s u/s 4 and 7 of the Act inspite of sufficient chances.
2. That there is no scope to disbelieve Port Authority's case against yourself as no reply to the Show Cause Notice/s u/s 4 and 7 of the Act has been filed.
3. That you have defaulted in making payment of rental dues to SMPK in gross violation to the fundamental condition of tenancy under lease as granted by the Port Authority.
4. That you have erected unauthorized construction upon the subject land without having any authority of law.
5. That you have inducted one Sri Ashok Kumar Jain (third party) without having any prior permission from Port Authority and also changed the purpose of such short term lease.

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
06.08.24
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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

2025, 2025/R of 2023 Order Sheet No. 08

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

G. C. BANERJEE & CO. PVT, LTD HL-430/A & SF-211

04

01.08.2024

6. That you have failed to bear any witness or adduce any evidence in support of your occupation as 'authorized occupation'.
7. That your tenancy under short terms lease has duly been determine by the Port Authority by due service of ejection notice dated 19.01.2023 and you have lost your authority to occupy the Public Premises after expiry of the period as mentioned in the same notice of ejection dated 19.01.2023.
8. That the ejection notice dated 19.01.2023 is valid, lawful and binding upon the parties and you are liable to pay damages for unauthorized use and enjoyment of the port property in question upto the date of handing over of clear, vacant and unencumbered possession to SMPK.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s.5 of the Act as per Rule made there under, giving 15 days time to O.P. and any person/s whoever may be in occupation to vacate the premises. I make it clear that all person/s whoever may be in occupation are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and occupation of the property against O.P. in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs. 55,11,185/- (Rupees Fifty five Lakh eleven thousand one hundred eighty five only) for Plate No.HL-430/A for the period from 30.06.1988 to 29.01.2023(both days inclusive) and Rs. 11,82,122/- (Rupees Eleven Lakh eighty two thousand one hundred twenty two only) for Plate No.SF-211 for the period from 31.12.1988 to 29.01.2023(both days inclusive) are due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay such dues to SMPK on or before 16.08.24. Such dues attract compound interest @ 7.50* % 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 incurrance 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 SMPK's books of accounts.

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 ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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

2025, 2025/R of 2023 Order Sheet No. 09

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

G. C. BANERJEE & CO. PVT. LTD. HL-430/A & SF-211

04
01.08.2024.

SMPK is directed to submit a report regarding its claim on account of damages/compensation charges against O.P., indicating there-in, the details of the computation of such damages/compensation with the rate of charges so claimed for the respective periods (details of computation with rates applicable for the relevant periods) for my consideration in order to assess the damages/compensation as per the Act and the Rules made thereunder.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

Swarup Nandy
(Swarup Nandy)
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