



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

PROCEEDINGS NO.258/D OF 1998
ORDER NO. 30 DATED: 19.08.2024.

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. Inland Transport,
Compartment No.1, Clive Warehouse,
Strand Bank Road,
Kolkata-700001.**

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 27.04.2022 you are called upon to show cause on or before 09.05.2022 why an order requiring you to pay damages of Rs.53,80,185.36(Rupees Fifty three Lakh eighty thousand one hundred eighty five and paise thirty six 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.53,80,185.36(Rupees Fifty three Lakh eighty thousand one hundred eighty five and paise thirty six only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 25.06.1984 to 18.01.2003(both days inclusive) to SMPK by 02.09.2024.

PLEASE SEE ON REVERSE

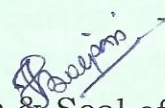
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 7.50* % per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

In 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

Compartment No. D/2, measuring 81.57 Sq. meters or thereabouts in the ground floor of Kolkata Port Trust's Warehouse known as Strand Warehouse which is situated on the west of Strand Road in the Presidency town of Calcutta.

Date 19.08.2024 .


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

258/D

of

1998

Order Sheet No.

25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s. INLAND TRANSPORT

COMPT. NO. D/2

FINAL ORDER

The instant proceedings 258/D of 1998 arose out of an application dated 05.02.1998 read with the application/s dated 10.07.2002 and 18.04.2022 filed by Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust/ KoPT), Applicant herein, claiming damages alongwith interest from **M/s. Inland Transport**, the **O.P.** herein, under relevant provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. It is the contention of SMPK that the O.P. failed and neglected to comply with the terms and conditions for grant of tenancy on month to month licence as per letter dated 30.04.1997 and continued their occupation over the public premises without having any authority of law. Therefore, a Proceedings being no. 258 of 1998 was initiated by SMPK before this Forum against the O.P. under relevant provisions of the Act and subsequently such proceedings was culminated in an eviction order dated 06.04.1999. It is also submitted by SMPK that considerable amount of damages/compensation charges is still due and recoverable from the O.P for the subject Plate in question upto 18.01.2003.

On 27.04.2022 this Forum issued Show Cause notice u/s 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of recovery of damages, interest etc vide its order No.24 dated 27.04.2022.

It is seen from the record that no one appeared on behalf of O.P., during the course of hearing before this Forum. It appears that the notice sent through Speed post at the recorded address of O.P. was returned by postal department with the endorsement "insufficient address". As per order of this Forum, notice of the Proceeding was

30

19.08.2024

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
21.08.2024
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[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

258/D

Of

1998

Order Sheet No.

26

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/B. INLAND TRANSPORT

VS

COMPT. NO. DP

30
19.08.2024

published in an English daily namely "The Statesman, Kolkata" dated 08.07.2022 for notice to all concerned, to appear before this Forum on or before 25.07.2022 either in person or through authorised representative capable of answering all material questions in respect of the property in dispute. But still no one appeared on behalf of O.P. in spite of paper publication. Thus being satisfied with the service of notice/s to all concerned as mandated under law, this Forum, after hearing the argument of SMPK proceeded to reserve the final order on 25.07.2022. Now this Forum has decided to adjudicate the matter ex-parte.

I have carefully gone through the contention made by SMPK against the O.P. and the supporting documents submitted in this respect. On perusal of submissions and materials available on the record, I have nothing to disbelieve the claim of SMPK. SMPK has placed on record computerised statement of accounts, maintained in official course of business, and I find the same very much reliable, in the facts and circumstances of the case.

In view of the circumstances, as O.P. failed to appear before this Forum and no reply to show cause notice u/s 7 of the Act is filed by O.P., I am left with no other alternative but to issue the order against O.P. to pay arrear damages and accrued interest thereupon as contended by SMPK before this Forum.

It is my considered view that a sum of Rs. 53,80,185.36 (Rupees Fifty three lakh eighty thousand one hundred eighty five and paise thirty six only) for the period from 25.06.1984 up to 18.01.2003 (both day inclusive) is due and recoverable from O.P. by 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
21.08.2024
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

SMV



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

258/D Of 1998 Order Sheet No. 27

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. INLAND TRANS PORT

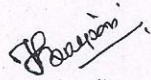
COMPT. No. D12.

30
19.08.2024

authority on account of damages/compensation charges and O.P. must have to pay such damages to SMPK on or before 02.09.2024. Such dues attracts 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 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 SMPK's books of accounts. The formal order u/s 7 of the Act is signed accordingly.

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


(J.P Boipai)
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
22.08.2024
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT