



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 SMPK's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1756/D OF 2019
ORDER NO.27 DATED: 03-08-2023

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. Dilip Kr. Halder & Co.,
12/2, Old Post Office Street,
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 09.12.2022 you are called upon to show cause on or before 22.12.2022 why an order requiring you to pay damages of Rs.1,60,43,763.41(Rupees One Crore sixty Lakh forty three thousand seven hundred sixty three and paise forty one 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.1,60,43,763.41(Rupees One Crore sixty Lakh forty three thousand seven hundred sixty three and paise forty one only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 24.01.1976 to 09.04.2014 (both days inclusive) to SMPK by 18.08.2023.

PLEASE SEE ON REVERSE

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

NOTIFIED COPY OF THE ORDER
ASSESSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
03/08/23
OFFICE OF THE LD ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



: 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 @ 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

Plate No.H-72

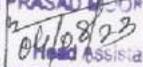
That godown space Msg.848.58 Sq.m and Varandah space Msg.322.19 Sq.m at Block 'E', Hide Road under Plate No.H-72. It was bounded on the North by the SMPK's land occupied by M/s. Baid International Services, on the South by the SMPK's vacant land, on the East by the SMPK's drain alongside SMPK's land occupied by Regional Manager, Central Warehousing Corporation and on the West by the SMPK's vacant land.

Date 04 AUG 2023


Signature & Seal of the
Estate Officer.

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

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, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

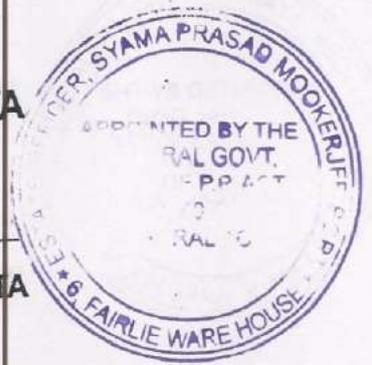
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1756/D Of 2019 Order Sheet No. 19

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S DILIP KR. HALDER & CO



FINAL ORDER

The instant proceedings No. 1756/D of 2019 arises out of the application bearing No. Lnd. 4598/ II(Loose)/ 18/911 dated 18.06.2018 filed by the Syama Prasad Mookerjee Port, Kolkata(Formerly Kolkata Port Trust/KoPT), hereinafter referred to as 'SMPK', the applicant herein, praying for an order of recovery of compensation/damages 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. Dilip Kr. Halder & Co**, hereinafter referred to as '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 about 848.58 sq.m. and verandah space measuring about 322.19 sq.m situated at Block 'E' Hide Road (under Plate No.H-72), as short term Lessee. It reveals from record that possessions of both the subject Public Premises in question were taken over by the Port Authority on 10.04.2014 and SMPK has since come up with prayer for realization of arrear damages/compensation charges against O.P.

Considering the submission and documents as submitted by SMPK, Notice to Show Cause dated 09.12.2022 (vide Order No.23 dated 07.12.2022) was issued by this Forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear damages/compensation together with interest should 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 capable to answer material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

27

03-08-2023

[Handwritten 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

Proceedings No. 1756/D of 2019 Order Sheet No. 20

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. DILIP KR HALDER & CO

27
03.08.2023

The said notice was served through Speed Post as well as by hand delivery to the recorded addresses of O.P. at 12/2, Old Post Office Street, Kolkata-700001. It appears from record that said Notice sent to the recorded address of O.P. by Speed Post returned undelivered to the Forum with a mark 'ACNL/RTS'. However, the report of the Process Server dated 12.12.2022 depicts that the said Notice was affixed on the aforesaid address but O.P did not turn up before the Forum to give reply to the Show Cause. Thereafter, following the principles of natural justice, this Forum on 22.12.2022 made further attempt to serve the notice upon O.P. by directing SMPK to provide alternative address, if any, of the O.P. When SMPK during the course of hearing on 19.01.2023, submits that no other alternative addresses of O.P. is available with them, a decision was taken by the Forum to publish a Notice in a widely circulated News Paper as well as in the official website of SMPK for 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 and to represent their case. Thereafter, due publication of the said Notice was made on the classified column of local daily newspaper 'The Times of India' (Kolkata) dated 22.02.2023 fixing 02.03.2023 as ultimate date of O.P's appearance and filing of reply to the Show Cause. But all the efforts went in vain as the O.P. failed to appear before the Forum despite publication of such Notice in the News Paper as well as in the website of SMPK. 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 non-appearance of O.P in spite of sufficient opportunities had been provided 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 02.03.2023. 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF
FILED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
03/08/23
Deputy Assis.
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

Proceedings No. 1756/D Of 2019 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S DILIP KR HALDER & CO



27
03.08.2023

no bar to accept the claim of SMPK on account of damages/compensation etc. In fact, I have nothing to disbelief in respect of claim of SMPK against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

It is my considered view that a sum of Rs.1,60,43,763.41(Rupees One Crore sixty lakh forty three thousand seven hundred sixty three and paise forty one only) for the period 24.01.1976 to 09.04.2014 (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 SMPK on or before ^{18.08.2023} ~~18.08.2023~~ the said damages shall attract a 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. I sign the formal orders u/s 7 of the Act.

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; SMPK 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

(A.K Das)

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
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/08/23
Head Ass:
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT