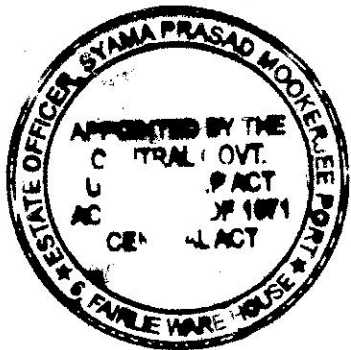


Scanned Copy

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(CSR No. 230 2019-20) dated 24.6.2020



**REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY**

THE ESTATE OFFICER, 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
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.10 DT 03.08.2020
PROCEEDINGS NO. 1614 OF 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Shri Ramesh Kumar Churiwal (O.P.)

F O R M - "B"

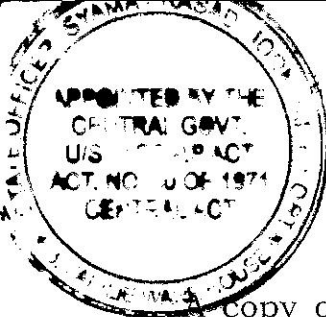
**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri Ramesh Kumar Churiwal of 117, Utkal Moni Gopa Bandhu Sarani (Cotton Street), Kolkata-700007 AND ALSO OF Ramkrishtopur (PL No.HB-47) Howrah-1** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

1. That O.P. has violated the condition of monthly license as granted by the Port Authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P. has failed to appear before the Forum and has failed to file any reply to Show cause Notice.
3. That the sitting occupant appearing before the Forum has failed to explain their authority to occupy the premises.
4. That O.P has lost his authority whatsoever to occupy such public premises after expiry of the license as mentioned in the agreement dated 19.06.2014.
5. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
6. That the notice to quit dated 13.05.2016 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
7. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

PLEASE SEE ON REVERSE



Kolkata Port Trust has been renamed as
Svayam Prasad Ugracharya Port, Kolkata
(GSR No. 8. 1. 2020 (E) dated 24.8.20)

(2)

copy of the reasoned order No. 10 dated 03.08.2020 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 **Shri Ramesh Kumar Churiwal of 117, Utkal Moni Gopa Bandhu Sarani (Cotton Street), Kolkata-700007 AND ALSO OF Ramkrishtopur (PL No.HB-47) Howrah-1**, 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 **Shri Ramesh Kumar Churiwal of 117, Utkal Moni Gopa Bandhu Sarani (Cotton Street), Kolkata-700007 AND ALSO OF Ramkrishtopur (PL No.HB-47) Howrah-1** 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.HB-47

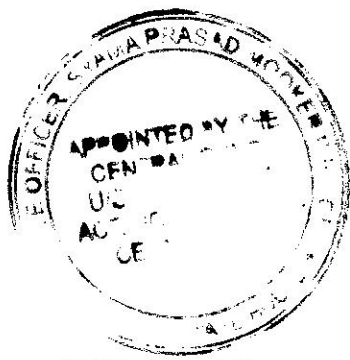
The said piece and parcel of godown space msg about 933.675 sq.m or thereabouts situated at Ramkrishtopur, P.S-Howrah, District and Registration District- Howrah. It is bounded by on the North partly by godown space and partly by the Trustees' land used as Road, on the East partly by godown space and partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad, on the South partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad and partly by the Trustees' land occupied by Joyprokash Narayan Singh, on the West partly by the Trustees' land occupied by Joyprokash Narayan Singh and partly by the Trustees' strip of open land.

Trustees' means the Board of Trustees' for the Port of Kolkata.

Date- 03.08.2020


Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.



Kolkata Port Trust is registered as
Syama Prasad Mohanty Trust, Kolkata
PL No. S.O. 2020 (E) dated 24.9.2020

**REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY**

THE ESTATE OFFICER, 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
1st Floor, 6, Fairlie Place Warehouse,
Kolkata-700001

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1614/R OF 2017
ORDER NO. 10 DATED: 03.08.2020

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

To
Shri Ramesh Kumar Churiwal,
117, Utkal Moni Gopa Bandhu Sarani
(Cotton Street), Kolkata-700007
AND ALSO OF
Ramkrishtopur (PL No.HB-47)
Howrah-1

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

AND WHEREAS, by written notice dated 06.04.2018 you are called
upon to show cause on/or before 23.04.2018 why an order requiring you
to pay a sum of Rs 9,47,126/- (Rupees Nine Lakhs Forty seven Thousand
One hundred Twenty Six only) 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 on/or before the said date and failed to represent the instant
proceedings inspite of repeated chances being given to you.

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
9,47,126/- (Rupees Nine Lakhs Forty Seven Thousand One hundred
Twenty Six only) for the period 01.07.2013 to 31.03.2015 (both days
inclusive) to Kolkata Port Trust by 19.08.2020

PLEASE SEE ON REVERSE

9



: 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, 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 its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.


In the event of your refusal or failure to pay the rent 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.HB-47

The said piece and parcel of godown space msg about 933.675 sq.m or thereabouts situated at Ramkristopur, P.S-Howrah, District and Registration District- Howrah. It is bounded by on the North partly by godown space and partly by the Trustees' land used as Road, on the East partly by godown space and partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad, on the South partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad and partly by the Trustees' land occupied by Joyprokash Narayan Singh, on the West partly by the Trustees' land occupied by Joyprokash Narayan Singh and partly by the Trustees' strip of open land. Trustees' means the Board of Trustees' for the Port of Kolkata.

Dated: 03.08.2020


Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.



Registered Post with A/D
Hand Delivery
Affikation on Property

**REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIKATION ON PROPERTY**

THE ESTATE OFFICER, 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, Fairlie Place (1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO. 1614/D OF 2017
ORDER NO.10 DATED: 03-08-2020

Form- G

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

To
Shri Ramesh Kumar Churiwal,
117, Utkal Muni Gopa Bandhu Sarani
(Cotton Street), Kolkata-700007
AND ALSO OF
Ramkrishtapur (PL No.HB-47) Howrah-1

THE ESTATE OFFICER
KOLKATA PORT TRUST
OFFICE OF THE ESTATE OFFICER
6, FAIRLIE PLACE, KOLKATA-700001
03-08-2020

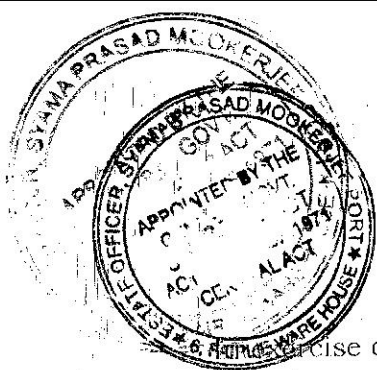
Whereas I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

And whereas by written notice dated 06.04.2018 you are called upon to show cause on/or before 23.04.2018 why an order requiring you to pay damages of Rs. 89,73,838/- (Rupees Eighty Nine Lakhs Seventy Three thousand Eight hundred Thirty 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 on/or before the said date and failed to represent the instant proceedings inspite of repeated chances being given to you.

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971, I hereby order you to pay the sum of Rs. 89,73,838/- (Rupees Eighty Nine Lakhs Seventy Three thousand Eight hundred Thirty Eight only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.04.2015 to 30.06.2017 (both days inclusive) to Kolkata Port Trust by 19.08.2020

PLEASE SEE ON REVERS



Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
KMP No. S.O. 2020 (E) dated 24.5.2020

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 by me from the official website of the State Bank of India) from the date of incurrence of liability till its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.


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. HB-47

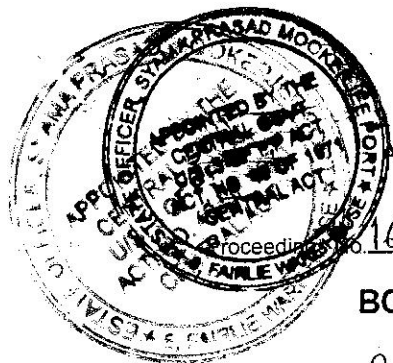
The said piece and parcel of godown space msq about 933.675 sq.m or thereabouts situated at Ramkristopur, P.S-Howrah, District and Registration District- Howrah. It is bounded by on the North partly by godown space and partly by the Trustees' land used as Road, on the East partly by godown space and partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad, on the South partly by the Trustees' land occupied by Estate Haji Ismail Jan Mohammad and partly by the Trustees' land occupied by Joyprokash Narayan Singh, on the West partly by the Trustees' land occupied by Joyprokash Narayan Singh and partly by the Trustees' strip of open land. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date 03.08.2020


Signature & Seal of the
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA
PORT TRUST FOR INFORMATION.**

RECEIVED
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
08/08/2020



Estate Officer, Kolkata Port Trust

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

Proceeding No. 1614, 1614/R, 1614/D of 2017 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Shri Ramesh Kumar Churiwal

10
03.08.2020

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that Shri Ramesh kumar Churiwal (O.P. herein) came into occupation of the Port property being godown space measuring about 933.675 sq.mtr. at Ramkrishtipur, Howrah (Plate No. HB-47) as a licensee for a period of eleven months and had defaulted in making payment of the arrear rent and taxes, in clear violation of the terms and conditions of the license in question.

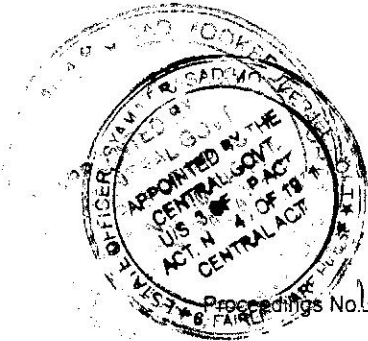
It is submitted by KoPT that O.P. has no authority under law to occupy the public premises after issuance of notice to quit dated 13.05.2016. This forum issued Show Cause Notice under section 4 & 7 of Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of passing of Order of Eviction, recovery of dues etc. The matter was heard extensively on different occasions.

Now while delivering the final order, I have carefully gone through the application/documents on record. Such as original application beaing No. Lnd. 5526/16/3069 dated 15.12.2016 filed by KoPT, copy of Ejectment Notice dated 13.05.2016, and the statement of accounts produced by the Port Authority that the O.P. is a clear defaulter of rent and taxes for a considerable period.

It is also seen that on the scheduled date of filing reply, inspite of service of Show cause notice/s through all available moods & after due affixation, no one appeared on behalf of O.P to contest the matter except Mr. Prakash Kumar Agarwal who claimed himself as a sitting occupant of the said public premises in question. He filed an application dated 23.04.2018 stating that he is presently occupying 2,500 sq.ft of the subject premises for his business purpose which he is using under a licence

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

Kolkata Port Trust has been renamed as
State Assets Corporation Ltd.
(SAR No. S.C. 2020 (S. dated 27.5.2020)



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. 1614/1614/R, 1614/D of 2017 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ramesh Kumar Churawal ^{VS}

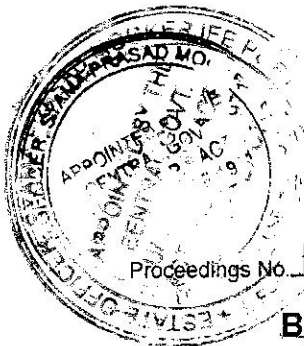
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03.08.2020

agreement with the original O.P on payment of Rs.2,40,000/- as deposit and Rs.20,000/- as monthly licence fees. In such a situation, I am of the firm view that there is no bar to uphold the contention of the Port Authority as brought out in its Notice to Quit dated 13.05.2016. In fact, the presence of sitting occupant in the premises (admittedly, for considerable period) is sufficient enough to conclude "parting with possession" by the O.P. It is evident from the application filed by the sitting occupant on 23.04.2018 that they are occupying the said premises without authority whatsoever and the said occupant has rather sought relief on "humanitarian ground". I must say that this forum is to adjudicate the matter strictly within the four corners of P.P Act while ensuring natural justice is not denied to anyone. In my view, lack of O.P's interest coupled with prolonged enjoyment of a public premises by sitting occupant, deserves no protection in all sense of law. As such, I am not at all inspired by the prayer of sitting occupant. In view of the circumstances, as there is no reply to the Show cause Notice/s either on behalf of O.P or on behalf of any other person interested in the property in question, in spite of sufficient chances given to them, I am left with no other alternative but to issue the order of eviction against O.P. as prayed for on behalf of KoPT on the following ground/ reasons:

1. That O.P. has violated the condition of monthly license as granted by the Port Authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P. has failed to appear before the Forum and has failed to file any reply to Show cause Notice.
3. That the sitting occupant appearing before the Forum has failed to explain their authority to occupy the premises.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

Kolkata Port Trust has been renamed as
Cyamra Ganga Mouth-Jee Port, Kolkata
(GSP No. S.O. 2020 (16) dated 24.6.2020)



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. 1614, 1614/R, 1614/D of 2017 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ramesh Kumar ^{VS} Churnial

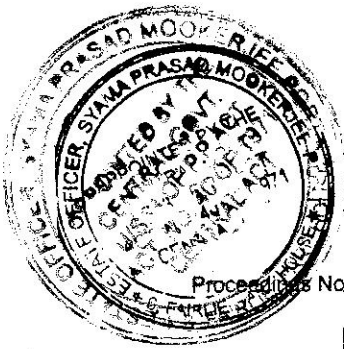
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03.08.2020

4. That O.P has lost his authority whatsoever to occupy such public premises after expiry of the license as mentioned in the agreement dated 19.06.2014.
5. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
6. That the notice to quit dated 13.05.2016 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
7. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

ACCORDINGLY, I sign the 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 enjoyment of the property against O.P. in accordance with Law up to the date of recovery of possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s. 5 of the Act as per Rule made under the Act.

It is my considered view that a sum of Rs.9,47,126.00 for the period 01.07.2013 to 31.03.2015 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay

By Order of:
THE ESTATE OFFICER
CYAMRA GANGA MOUTH-JEE PORT
KOLKATA
12-08-2020



Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(SSR No. S.O. 2020 (E) dated 2-8-2020)

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. 1614, 1614/R, 1614/D Of 2017 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ramesh Kumar Churiwal ^{VS}

10
03.08.2020

the rental dues to KoPT on or before 19.08.2020
Such dues 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 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 KoPT's books of accounts.

Likewise, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs. 89,73,838.00 as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.04.2015 to 30.06.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 19.08.2020. 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 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 KoPT's books of accounts. I sign the formal orders u/s 7 of the Act.

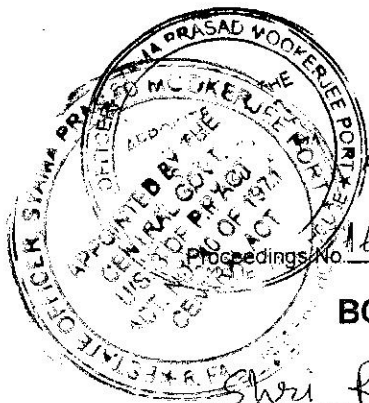
I make it clear that KoPT is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 30.06.2017 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. KoPT is directed to submit a statement comprising details of its calculation of damages after 30.06.2017, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of

OFFICE OF THE
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
ESTATE OFFICER
KOLKATA PORT TRUST

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port Trust
(GSR No. 830/2020 (E), dated 11.08.2020)

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. 1614, 1614/R, 1614/D Of 2017 Order Sheet No. 15

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Ramesh Kumar VS Churiwal

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03.08.2020

possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

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

(Satyabrata Sinha)
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
TRUST
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
DATE: 03.08.2020