



o/c

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

**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.32 DT 19.08.2020
PROCEEDINGS NO. 1665 OF 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Sandip Bind Enterprise Pvt.Ltd, (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**

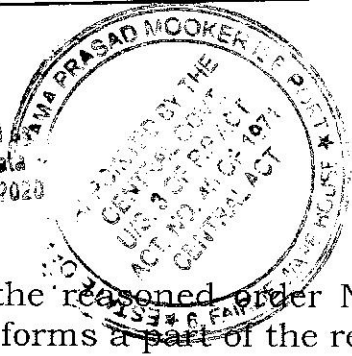
WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Sandip Bind Enterprise Pvt. Ltd, 32, Hemchandra Street, Flat No.1B, 1st floor, Kolkata-700023** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

1. That the O.P has no authority to occupy the port property after expiry of the term of such licence.
2. That O.P has unauthorisedly demolished KoPT structure without any lawful authority.
3. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
4. That O.P has unauthorisedly encroached by covering up drain with RCC slabs in violation of the condition of licence in facts and circumstances of the case.
5. That 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 05.04.2016 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
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 7020 (F) dated 24.6.2020)



(2)

A copy of the reasoned order No. 32 dated 19.08.2020 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 **M/S Sandip Bind Enterprise Pvt. Ltd, 32, Hemchandra Street, Flat No.1B, 1st floor, Kolkata-700023**, 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 **M/S Sandip Bind Enterprise Pvt. Ltd, 32, Hemchandra Street, Flat No.1B, 1st floor, Kolkata-700023** 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.D-813

The said structure comprising, Asbestos structure measuring about 227.28 sq.mts, CI structure measuring about 89.15 sq.mts, RCC Structure measuring about 86.18 sq.mts and land measuring about 3126.75 sq.mts at Oil Installation Road, P.S : West Port Police Station, Dist-24 Parganas. It is bounded on the North by the Trustees' Oil Installation Road, On the East by Sonarpur Road, On the South by the Trustees' leased out land and On the West by the Trustees' drain. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date- 26.08.2020.


Signature & Seal of the
Estate Officer.

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



Kolkata Port Trust has been renamed as
Syama Prasad Mukherjee Port Trust, Kolkata
(GSR No. 833/2020 (E) dated 24.03.2020)

**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, 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.1665/D OF 2018
ORDER NO.32 DATED : 19.08.2020

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
M/S Sandip Bind Enterprise Pvt.Ltd
32, Hemchandra Street,
Flat No.1B, 1st floor
Kolkata-700023.

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

And whereas by written notice dated 19.06.2019 you are called upon to show cause on/or before 11.07.2019 why an order requiring you to pay damages of Rs. 3,73,79,948/- (Rupees Three Crores Seventy Three Lakhs Seventy Nine thousand Nine hundred Forty Eight only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

And whereas I have considered your objections and/or evidence produced before this Forum.

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. 3,73,79,948/- (Rupees Three Crores Seventy Three Lakhs Seventy Nine thousand Nine hundred Forty Eight only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 11.08.2014 to 30.09.2018 (both days inclusive) to Kolkata Port Trust by 04.09.2020.

PLEASE SEE ON REVERS

: 2 :

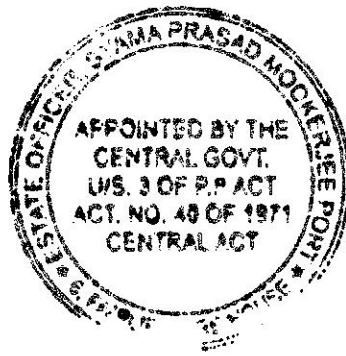
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from 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 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.D-813

The said structure comprising, Asbestos structure measuring about 227.28 sq.mts, CI structure measuring about 89.15 sq.mts, RCC Structure measuring about 86.18 sq.mts and land measuring about 3126.75 sq.mts at Oil Installation Road, P.S : West Port Police Station, Dist-24 Parganas. It is bounded on the North by the Trustees' Oil Installation Road, On the East by Sonarpur Road, On the South by the Trustees' leased out land and On the West by the Trustees' drain. Trustees' means the Board of Trustees' for the Port of Kolkata.



Date 26.08.2020

Signature & Seal of the
Estate Officer.

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

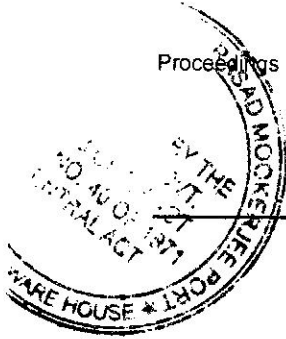
Estate Officer, Kolkata Port Trust

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

Proceedings No. 1665, 1665/D of 2018 Order Sheet No. 26

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Sandip Bind Enterprise (P) Ltd. (D-813)



32
19.08.2020

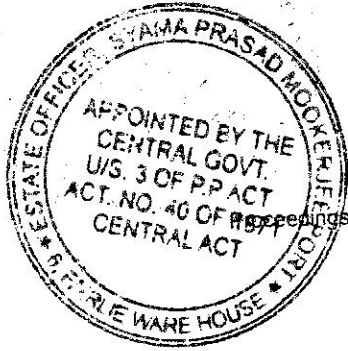
FINAL ORDER

The instant proceedings No. 1665, 1665/D of 2018 arose out of an application being No. No.Lnd.5585/17/3446 dated 19.01.2017 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for an order of eviction and payment of arrear rent, taxes, compensation along with interest etc. against M/S Sandip Bind Enterprises Pvt. Ltd, the O.P. herein, under relevant provisions of the Public Premises (Eviction of Unauthorised Occupant) Act 1971. The facts of the case is summarised here under.

O.P. came into occupation of the port property being Asbestos Structure measuring 227.28 sq.mtrs, CI Structure measuring about 89.15 sq.mtrs, RCC Structure measuring about 86.18 sq.mtrs and land measuring about 3126.75 sq.mtrs or thereabout situated at Oil Installation Road (under Plate No.D-813) Thana- West Port Police Station, District-24 Parganas, as licensee for 11 months with effect from 12.09.2013 on payment of monthly licence fees/rent on certain terms and conditions as embodied in KoPT's offer/letter for allotment bearing no. Lnd/5585/2-2013/ comp. Tender/TN-13/2/08/13/1805 dated 29.08.2013 and the Licence Agreement dated 12.09.2013. KoPT has submitted that while in possession of the port property as licensee, OP violated the condition for such grant of licence by way of not vacating the Public Premises in question after expiry of the period of 11 months commencing from 11.08.2014

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
19.08.2020
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

A



Estate Officer, Kolkata Port Trust

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

1665, 1665/D Of 2018 Order Sheet No. 27

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Sandip ^{VS} Bend Enterprises (P) Ltd.

32
19.08.2020

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
19.08.2020
Head Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

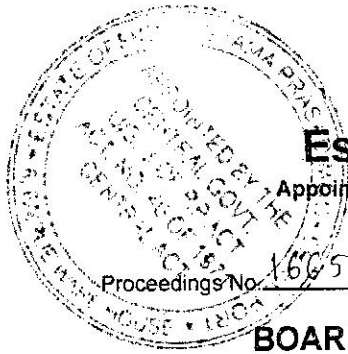
and by way of not making the payment of damages/compensation for use and enjoyment of the Port property in question the details of which has been given in 'Schedule-C' of the KoPT's application dated 19.01.2017.

It is also the case of KoPT that O.P has demolished the structure of KoPT measuring about 151.95 sq.m, has erected unauthorized structure of about 120 sq.m on the demised land and also made encroachment about 582 sq.m by covering up drain with RCC Slabs without taking any permission from KoPT in gross violation of the terms of said tenancy.

In view of the aforesaid breaches committed by the O.P, KoPT had issued notice to quit being No. Lnd.5585/16/69 dated 05.04.2016 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 29.04.2016. But O.P has failed and neglected to vacate/ hand over the possession of such premises to KoPT after service of the said Notice to Quit.

Considering the submission advanced by KoPT and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 19.06.2019 (vide Order No.17 dated 19.06.2019) were issued by this forum to O.P. The Notice/s were issued in terms of the said provisions of the Act calling upon the O.P. to appear before this forum in person or through authorized

[Signature]



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. 1665, 1665/D Of 2018 Order Sheet No. 28

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Sandip Bera Enterprises (P) Ltd.

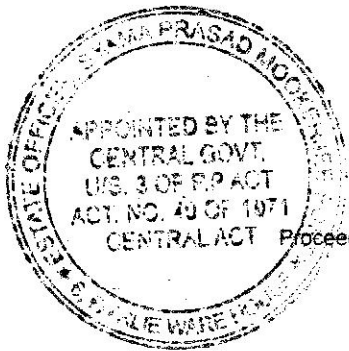
32
19.09.2020.

representative capable of answering all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice/s were served through Speed Post to the correct recorded addresses of O.P. at 32, Hemchandra Street, Flat No.1B, 1st Floor, Kolkata-700023. It appears from records that the Notice/s sent through speed post were not returned back. However, it appears from the report of Process Server dated 19.06.2019 that said notices were served upon O.P personally and Sri Anil kumar Bind has received the same on behalf of O.P. and affixation was also done on the same day at about 1.00 P.M over the subject premises as per the mandate of the P.P. Act. O.P entered appearance through its Ld advocate and filed on 29.08.2019 its Reply/Written Objections along with proof of identity & authority duly signed by Jawaharlal Bind, Authorised signatory/one of the Directors of O.P company, followed by Letter/Petition dated 19.11.2019, 26.11.2019, 03.12.2019 and written notes of arguments filed on 17.12.2019. Thereafter, KoPT also filed its arguments and counter-arguments through letters/applications on various dates. Both the parties were heard extensively. Finally on 17.12.2019, when O.P prayed for time to file Written Notes of Arguments, considering its prayer reasonable, such time was allowed to O.P and the matter was accordingly reserved for final 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
19.09.2020
Head of Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Handwritten signature



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. 1665, 1665/D Of 2018 Order Sheet No. 29

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bind Enterprises (P) Ltd. **VS**

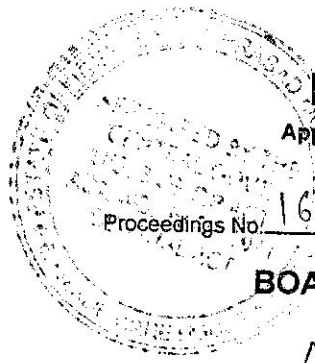
32
19.09.2020

THE ESTATE OFFICER
SWARNA PRASAD MOKHERJEE
CERTIFIED COPY
PASSED BY THE ESTATE OFFICER
SWARNA PRASAD MOKHERJEE
OFFICE OF THE ESTATE OFFICER
SWARNA PRASAD MOKHERJEE
19/09/2020

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through all the documents placed on record, I find that the allegations of KoPT against the O.P are four folds i.e unauthorised demolition of KoPT's structure msg about 151.95 sq.m, unauthorized construction of structures msg about 120 sq.m. on the public premises in question, unauthorized encroachment of an area msg about 582 sq. m. by covering up drain with RCC slabs in violation of the condition of licence and continuation of occupation even after the expiry of licence period.

With regard to the issue of demolition of KoPT's structure msg. about 151.95 sq.m and unauthorized construction of structures msg about 120 sq.m., O.P has submitted vide Para-iv) of its written objections/reply that such allegation is false, harassing and baseless because in the licensee/Tenancy agreement it is specifically written that the O.P shall renovate and repair the existing structures for making it habitable and repair works were done accordingly and in presence of the KoPT authority. Therefore, the question of demolition of the existing structures or erecting of new constructions does not arise at all. In my view, O.P's objection in this regard has no rationality and is devoid of any reason. Because in the Para-xi) of licence agreement as entered into between KoPT and O.P on 12th September 2013, has specifically mentioned that the land is allotted to O.P on "as is where is basis" and Licensee undertakes to carry out

A.



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. 1665, 1665/P Of 2018 Order Sheet No. 30

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bind Enterprises (P) Ltd. ^{VS}

32
19.08.2020

repair of the premises under licence at the cost of licensee after taking over the said premises to ensure structural safety, in consultation with the Trustees Chief Engineer. No addition or alteration or further construction shall be allowed at any stage for the period for which the license will be in force. However, O.P has violated the condition of such licence by shifting the same from the middle of the premises and further vide their letter/application dated 27.11.2014, O.P has claimed that they have altered/shifted the structure and covered up drain with RCC slabs on oral permission. This fact is also not believable because oral permission has no relevance particularly when any matter has any legal implication before any competent forum of law. More over KoPT has also come up with specific drawing/sketch Maps being No. 9325-D-III dated 18.09.2014 highlighting the demolished structure (in blue colour), newly erected unauthorized construction (in pink colour) but O.P is silent as to how this construction can be said to be authorized in nature. As per the P.P Act 1971, once the Notice U/S-4 is issued, burden is on the O.P to Show Cause and/or produce evidence but in this case O.P has hopelessly failed to do so. In my view, the O.P. has sufficiently admitted about the existence of unauthorized construction in the premises, and since it is a settled law that admitted facts need not be proved, I have no bar in accepting that the breach of demolition of existing structure and newly erected unauthorized constructions were existing when the

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
J 19.08.2020
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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. 1665/1665/D of 2018 Order Sheet No. 31

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bend Enterprises (P) Ltd. ^{VS}

32
19-05-2020

By Order
THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE
19-05-2020
OFFICE OF THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE & CO. PORT

notice to quit dated 05.04.2016 came to be issued by the Port Authority.

Now as regards the KoPT's allegation of unauthorized encroachment by covering up drain with RCC slabs in violation of the condition of licence and continuation of occupation even after the expiry of licence period, I must say that O.P has made alleged encroachment of KoPT land which is also clearly visible from the drawing/sketch Maps being No. 9325-D-III dated 18.09.2014 as filed by KoPT on 21.05.2019. Besides this, the plea of O.P as submitted vide letter dated 27.11.2014 that they had no intention of encroachment of any of KoPT's extra land and all the slabs which were kept over the open drains could be removed and would not obstruct cleaning in future etc. are not acceptable to me. In fact, it can be apparently inferred from such letter dated 27.11.2014 that O.P has committed such encroachment without any authority or prior permission from KoPT whatsoever. The O.P could have very well produced documents in support of the same but O.P has failed to do so.

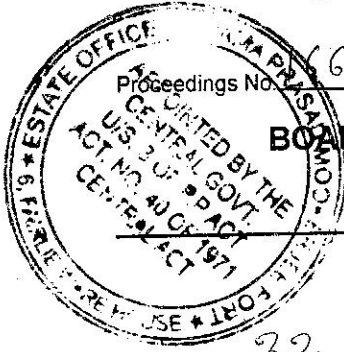
Apart from all the above issues, O.P raised questions about maintainability of the petition in law as well as in fact and also on the point of limitation, estoppels, waiver and acquiescence.

As regards the point of maintainability, I must say proceeding under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is a summary proceeding and there is no provision for maintaining

[Handwritten signature]

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. 165/1665/D of 2018 Order Sheet No. 32

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bind Enterprises (P) Ltd. VS

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19.08.2020

such application raising the question of maintainability and that is why, it has been kept with the record for decision possibly at the time of enquiry. This being the position, since no decision has been taken up on the said application and there is no provision for filing of such application raising the question of maintainability in the said Act of 1971, I am of the view that there is no scope of interference with the application, therefore such application challenging the maintainability is not tenable in the eye of law.

Regarding the applicability of limitation, I must say that The Limitation Act has no application in the proceedings before the Estate Officer which is not a Civil Court, governed by the Civil Procedure Code. Sec. 15 of the P.P. Act puts a complete bar in entertaining any matter before the Civil Court in respect of Public Premises. As such, I am firm in holding that Limitation Act has no application in the instant case.

As regards the applicability of estoppels, waiver and acquiescence, I must say that the principles of estoppels, acquiescence, etc. are procedural in nature and thus the same will have no application in a case where issues involved are only pure question of law. According to law the question of estoppels arise when one person has, by his declaration, act or omission, **intentionally** caused or **permitted** another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
19.08.2020
Head Assessor
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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. 1665/1665/D of 2018 Order Sheet No. 33

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bind ^{VS} Enterprises (P) Ltd.

32

19.08.2020

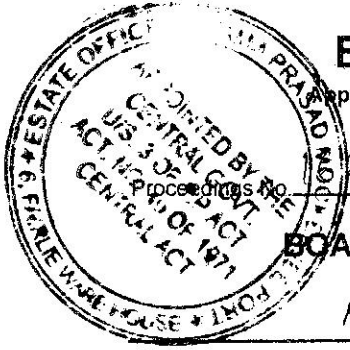
By Order of
THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE PORT
DATE 19.08.2020
OFFICE OF THE ESTATE OFFICER
SWAMI PRASAD MOOKERJEE PORT

proceedings between himself and such person or his representative, to deny the truth of that thing. In other words to constitute an estoppel there must be an intention or permission to believe certain thing. There is no material in O.P's objection by which it can be proved that there was any intention or permission on the part of KoPT about O.P's occupation in the said public premises in question.

Discussion against the forgoing reveal that as the licence period has already been over, the notice to quit dated 05.04.2016 is validly issued and served on O.P and the same is binding and very much enforceable, in the facts and circumstances of the case. Thus being satisfied as above, I am left with no other alternatives but to issue the order of eviction against O.P as prayed for on behalf of KoPT, on following grounds/reasons.

1. That the O.P has no authority to occupy the port property after expiry of the term of such licence.
2. That O.P has unauthorisedly demolished KoPT structure without any lawful authority.
3. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
4. That O.P has unauthorisedly encroached by covering up drain with RCC slabs in violation of the condition of licence in facts and circumstances of the case.
5. That the O.P or any other person/occupant have failed to bear any witness or adduce any evidence

[Signature]



Estate Officer, Kolkata Port Trust

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

65 A 1665/D

Of 2018

Order Sheet No. 34

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S - Sandip Bind ^{VS} Enterprises (P) Ltd.

32
19.08.2020

in support of its occupation as "authorised occupation"

6. That the notice to quit dated 05.04.2016 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.3,73,79,948/- for the period 11.08.2014 to 30.09.2018(both days inclusive) is due and recoverable

Handwritten signature

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOCHERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOCHERJEE PORT
19.08.2020
Head Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOCHERJEE PORT



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. 1665/1665/D Of 2018 Order Sheet No. 35

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sandip Bera ^{VS} Enterprises (P) Ltd.

32

19.08.2020

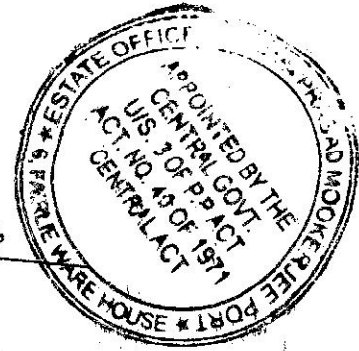
By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
CERTIFIED COPY
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
DATE: 20.09.2020
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST

from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to KoPT on or before 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 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 30.09.2018 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 30.09.2018, 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 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

Estate Officer, Kolkata Port Trust
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971



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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Sandip Bind Enterprises (P) Ltd. (D-813) **VS**

32
19.08.2020

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 MOCHERJEE PORT
CERTIFIED COPY OF ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOCHERJEE PORT
DATE: 19.08.2020
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOCHERJEE PORT

