



Web-site

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HAND DELIVERY  
AFFIXATION ON PROPERTY

ESTATE OFFICER,  
**Syama Prasad Mookerjee Port, Kolkata (SMP.KOLKATA)**  
(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  
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Court Room At the 1<sup>st</sup> Floor REASONED ORDER NO. 21 DT 01.10.2020  
Syama Prasad Mookerjee Port, Kolkata PROCEEDINGS NO.1551 OF 2017  
(SMP.KOLKATA)  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

THE  
SYAMA  
CENTRAL GOVT. ESTATE OFFICER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.10.2020  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
M/s. Sett Shome & Co., ... 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. Sett Shome & Co. of E-32, Jagannath Ghat Road, Kolkata-700 007**, is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

1. That O.P. has failed to submit any reply to the Show Cause Notice u/s 4 of the Act inspite of repeated chances.
2. That O.P. has failed to appear before this Forum of Law and has failed to bear any witness or adduce any evidence in support of its authorized occupation into the Public Premises inspite of sufficient chances.
3. That O.P. has defaulted in making payment of dues to Kolkata Port Trust in gross violation to the condition of tenancy under monthly term lease as granted by the Port Authority.
4. That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice to quit dated 04.08.2006 as issued from the Port Authority.
5. That occupation of O.P. (including the occupation of anybody asserting any right through O.P.) has become unauthorized in view of Sec. 2(g) of the P.P. Act.
6. That O.P. is liable to pay damages for its wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

**PLEASE SEE ON REVERSE**

(2)

A copy of the reasoned order No. 21 dated 01.10.2020 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. Sett Shome & Co. of E-32, Jagannath Ghat Road, Kolkata-700 007**, 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. Sett Shome & Co. of E-32, Jagannath Ghat Road, Kolkata-700 007**, 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.

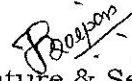
#### SCHEDULE

**Plate No. CG-53/1**

Compartment No.32 msg. about 32.144 sq.m. or thereabouts in Block-E of Kolkata Port Trust's godown known as Jagannath Ghat godown (ground floor) is situated on the west side of Strand Road in the Presidency Town of Kolkata.

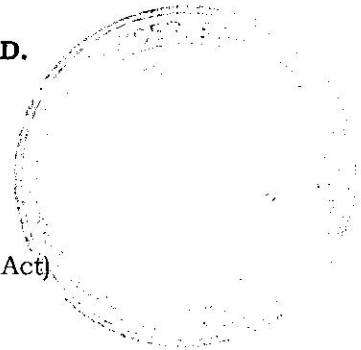
Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (SMP.KOLKATA) (Erstwhile Board of Trustees' for the Port of Kolkata)

Date- 08-10-2020.

  
Signature & Seal of the  
Estate Officer.

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER/CHIEF LAW OFFICER, (SMP.KOLKATA) AT 15, STRAND ROAD, KOLKATA-700 001 FOR INFORMATION.

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



ESTATE OFFICER,  
**Syama Prasad Mookerjee Port, Kolkata (SMP.KOLKATA)**  
(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  
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Court Room At the 1<sup>st</sup> Floor  
Syama Prasad Mookerjee Port, Kolkata PROCEEDINGS NO. 1551/D OF 2017  
(SMP, Kolkata)  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001. ORDER NO. 21 DATED: 01.10.2020.

**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.Sett Shome & Co.,**  
**E-32, Jagannath Ghat Road,**  
**Kolkata-700 007.,**

RECEIVED  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA  
08-10-2020  
OFFICE OF THE ESTATE OFFICER  
6, FAIRLIE PLACE  
KOLKATA - 700 001

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 22.06.2018 you are called upon to show cause on/or before 20.07.2018 why an order requiring you to pay damages of Rs.6,80,041.50/- (Rupees Six Lakhs Eighty thousand Forty One and paisa Fifty 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 Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs.6,80,041.50/- (Rupees Six Lakhs Eighty thousand Forty One and paisa Fifty only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.09.2006 to 15.06.2018 (both days inclusive) to Syama Prasad Mookerjee Port (Erstwhile Kolkata Port Trust) by 16.10.2020.

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 @ 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.

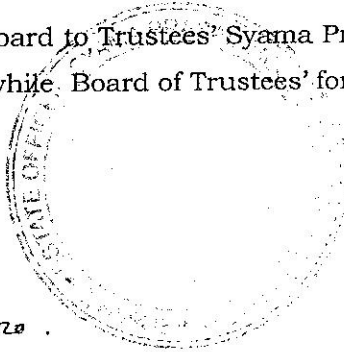
**SCHEDULE**

**Plate No. CG-53/1**

Compartment No.32 msg. about 32.144 sq.m. or thereabouts in Block-E of Kolkata Port Trust's godown known as Jagannath Ghat godown (ground floor) is situated on the west side of Strand Road in the Presidency Town of Kolkata.

Trustees' means the Board of Trustees' Syama Prasad Mookerjee Port, Kolkata, (SMP.KOLKATA) (Erstwhile Board of Trustees' for the Port of Kolkata)

Date 8.10.2020



Signature & Seal of the  
Estate Officer.

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER/CHIEF LAW OFFICER, (SMP.KOLKATA) AT 15, STRAND ROAD, KOLKATA-700 001 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. 1551/1551/D Of 2017 Order Sheet No. 12

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Sett Shome & Co. <sup>VS</sup> (CG-53/1)

### FINAL ORDER

21  
01.10.2020

OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST  
J 08.10.2020

The matter is taken up today for final disposal. It is a case of Kolkata Port Trust (KoPT), Applicant herein that compartment no. 32 measuring about 32.144 Sq.m or thereabout in Block- E of Kolkata Port Trust's godown known as Jagannath Ghat godown (ground floor) on the west side of Strand Road in the presidency town of Kolkata ( Plate no. CG- 53/1) was allotted to M/s. Sett Shome & Co., O.P. herein on short term lease on month to month lease basis with certain terms and conditions and O.P. violated the condition of tenancy by way of not paying rental dues at the time of serving quit notice dated 04.08.2006. It is argued on behalf of KoPT that O.P. has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 04.08.2006. It is also argued that O.P. has no intention to clear up the dues/charges as O.P. is failing to pay the monthly demand for compensation equivalent to monthly rental dues on the basis of KoPT's Schedule of rent charges as time to time notified in Official gazette in terms of the provisions of the Major Port Trusts

# 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. 1551 & 1551/D Of 2017 Order Sheet No. 13

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Seth <sup>VS</sup> Ghose & Co. (CG-53/1)

21  
01-10-2020

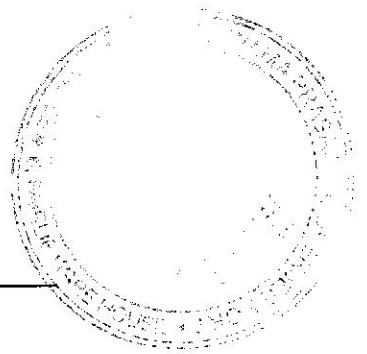
08-10-2020

Act, 1963. This Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the P.P. Act, hereinafter referred to as the 'Act' and issued Show Cause Notice u/s 4 of the Act dated 22.06.2018, calling upon O.P. to Show Cause on or before 20.07.2018. As no one appeared on behalf of O.P. on 20.07.2018 and no reply to the Show Cause Notice u/s 4 of the Act was filed on behalf of O.P. I am satisfied with the service of notice to all concerned interested into the property. In my view, sufficient chances have been given to all concerned to represent their case and O.P. has failed to submit its reply to the Show Cause Notice u/s 4 & 7 of the Act both dated 22.06.2018 inspite of sufficient chances. As no one appeared on behalf of O.P. or on behalf of any person/s interested into the property inspite of several dates scheduled for hearing (20.07.2018, 03.08.2018, 29.08.2018, 24.09.2018, 05.02.2019, 15.02.2019 & 26.02.2019) and no reply to the Show Cause Notice/s has been filed as yet, I am left with no other alternative but to issue order of eviction u/s 5 of the Act to O.P. and to all person/s whoever may be in occupation on the following grounds/reasons:

# 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. 1551 & 1551/D Of 2017 Order Sheet No. 14



## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*M/s. Seth sone & Co.*

21  
01.10.2020.

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J. D. 08.10.2020  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

1. That O.P. has failed to submit any reply to the Show Cause Notice u/s 4 of the Act inspite of repeated chances.
2. That O.P. has failed to appear before this Forum of Law and has failed to bear any witness or adduce any evidence in support of its authorized occupation into the Public Premises inspite of sufficient chances.
3. That O.P. has defaulted in making payment of dues to Kolkata Port Trust in gross violation to the condition of tenancy under monthly term lease as granted by the Port Authority.
4. That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice to quit dated 04.08.2006 as issued from the Port Authority.
5. That occupation of O.P. (including the occupation of anybody asserting any right through O.P.) has become unauthorized in view of Sec. 2(g) of the P.P. Act.

# 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. 1551/1551/D Of 2017 Order Sheet No. 15

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
M/s. Setl Stone & Co.

21  
01-10-2020

6. That O.P. is liable to pay damages for its wrongful use and enjoyment of the Port Property in question upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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 enjoyment 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 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.6,80,045.50/- as claimed by the Port Authority as damages on account of unauthorised use and occupation in relation to

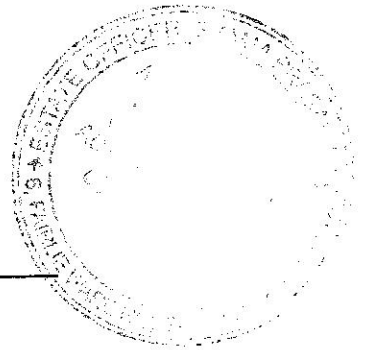
Stamp: THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
Date: 01-10-2020  
Signature: [illegible]



# 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. 1551/1551/D Of 2017 Order Sheet No. 16



## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*M/s. Seth Stone & Co.*

21  
01-10-2020.

the subject premises in question, is correctly payable by O.P. for the period 01.09.2006 to 15.06.2018 and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 16.10.2020. 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 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 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

  
(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 \*\*\*

THE  
SECRETARY  
KOLKATA PORT TRUST

THE  
ESTATE OFFICER  
KOLKATA PORT TRUST

08-10-2020

OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST