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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 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. 21 DT 18.01.2021
PROCEEDINGS NO. 1439 OF 2014

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Rama Trading Company (O.P.)

THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA
SYAMA PRASAD MOOKERJEE PORT TRUST
CERTIFIED TRUE COPY
PASSED BY THE BOARD
19.01.2021

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 Rama Trading Company of 62, Sri Hariram Goenka Street, Calcutta-700007 AND ALSO AT Shalimar beside Siding No.6, Shibpore Coal Depot, P.S. Shibpore, District- Howrah Pincode-711102** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues to KoPT and parted with possession of the Public premises unauthorisedly.
- 2) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 3) 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 15.01.1988.
- 4) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for 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 18.01.2021 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 Rama Trading Company of 62, Sri Hariram Goenka Street, Calcutta-700007 AND ALSO AT Shalimar beside Siding No.6, Shibpore Coal Depot, P.S. Shibpore, District- Howrah Pincode-711102** 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 Rama Trading Company of 62, Sri Hariram Goenka Street, Calcutta-700007 AND ALSO AT Shalimar beside Siding No.6, Shibpore Coal Depot, P.S. Shibpore, District- Howrah Pincode-711102** 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. HL-364/1

The said piece or parcel of land msg.143.07 sq.m. or thereabouts situate at Shibpur, Howrah, Thana- Shibpur, District and Registration District-Howrah. It is bounded on the North by the strip of open land alongside Foreshore Road, on the East by the Trustees' land occupied by M/S Sikri Bros, on the South partly by the Trustees' land occupied by M/S Sikri Bros. and partly by the Trustees' strip of open land used as Railway margin of safety alongside railway siding No.6 and on the West partly by the Trustees' strip of open land used as Railway margin of safety alongside railway siding No.6 and partly by the Trustees' strip of open land alongside Foreshore Road.

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

Date- 18.01.2021


Signature & Seal of the
Estate Officer.

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



REGISTERED POST WITH A/D.
HAND DELIVERY
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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 Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

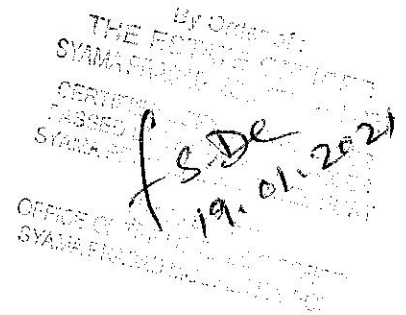
Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1439/R OF 2014
ORDER NO. 21 DATED: 18.01.2021

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

To
M/S Rama Trading Company
62, Sri Hariram Goenka Street,
Calcutta-700007.
AND ALSO AT
Shalimar beside Siding No.6,
Shibpore Coal Depot,
P.S. Shibpore,
District- Howrah Pincode-711102.



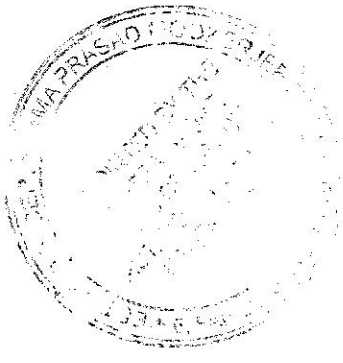
WHEREAS you are in occupation of the public premises described in
the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 01.08.2014 you are called
upon to show cause on or before 22.08.2014 why an order requiring you
to pay a sum of Rs 12,407.29 (Rupees Twelve Thousand Four Hundred
Seven and paise Twenty Nine only) being the rent payable together with
compound interest in respect 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 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
12,407.29 (Rupees Twelve Thousand Four Hundred Seven and paise
Twenty Nine only) for the period 31.07.1983 to 29.02.1988 (both days
inclusive) to SMP, Kolkata by 02.02.2021

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 on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

Plate No. HL-364/1

The said piece or parcel of land msg.143.07 sq.m. or thereabouts situate at Shibpur, Howrah, Thana- Shibpur, District and Registration District-Howrah. It is bounded on the North by the strip of open land alongside Foreshore Road, on the East by the Trustees' land occupied by M/S Sikri Bros, on the South partly by the Trustees' land occupied by M/S Sikri Bros. and partly by the Trustees' strip of open land used as Railway margin of safety alongside railway siding No.6 and on the West partly by the Trustees' strip of open land used as Railway margin of safety alongside railway siding No.6 and partly by the Trustees' strip of open land alongside Foreshore Road.

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

Dated: 18.01.2021


Signature and Seal of the
Estate Officer

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
KOLKATA
CERTIFIED
PASSED BY
SYAMA PRASAD MOOKERJEE PORT TRUST
19.01.2021
OFFICE OF THE
SYAMA PRASAD MOOKERJEE PORT TRUST

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA 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. 1439, 1439/R of 2014 Order Sheet No. 20

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Rama Trading Company ^{VS}

FINAL ORDER

21
18.01.2021

The matter is taken up today for final disposal. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, Applicant herein, that a short term lease was granted to M/S Rama Trading Company (O.P), on certain terms and conditions in respect of land msg.143.07 Sq.m situated at Shalimar beside siding no.6, Howrah comprised under Plate No.HL-364/1 and O.P violated the condition of such tenancy by way of not making payment of rental dues. It is also the case of KoPT that O.P has parted with possession of the public premises in question without having any authority under law. It is argued 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 15.01.1988 and O.P is liable to pay damages for unauthorised enjoyment of the Port property in question.

This Forum formed its opinion to proceed against O.P under the relevant provisions of the Act and issued Show Cause Notice U/S 4 of the Act (for adjudication of the prayer for order of eviction etc.) and Show Cause Notice U/S-7(for adjudication of the prayer for recovery of arrear rental dues etc.) both dated 01.08.2014(vide Order No. 05 dated 25.07.2014 as per rule made under the Act.

After issuance of the aforesaid notice, on 01.08.2014 O.P. did not appear before the Forum

By Order
THE ESTATE OFFICER
KOLKATA PORT TRUST
19.01.2021



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. 1439, 1439/R Of 2014 Order Sheet No. 21

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Rama Trading Company ^{VS}

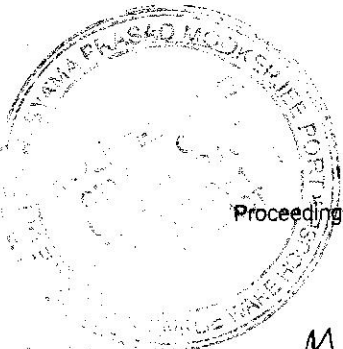
21
(18.01-2021)

for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per addresses available on record.

It reveals from the report of the Process Server dated 14.08.2014 that Show Cause Notice/s u/s 4 & 7 were affixed on the subject premises on 07.08.2014 at about 2.30 P.M It is also seen that one Sandeep Agarwal has received the same on behalf of O.P and he appeared before the Forum on 31.10.2014 with a prayer for time to file his reply to the Show Cause. However, the Postal Services to O.P returned undelivered with the comments of Postal Department as "unclaimed". Thereafter on 16.06.2017, the matter was placed before the undersigned after the Superannuation of Predecessor Estate Officer and Orders dated 28.06.2017 and 12.07.2017 were again served upon the O.P to give him chances as per the Principles of Natural justice.

As none appeared on behalf of O.P or any other person interested in the property and as there is no reply to the Show Cause Notice/s both u/s 4 & 7 of the Act inspite of repeated chances, a publication was made in the classified column of Times of India (Kolkata) on 30.11.2017 fixing the ultimate date of O.P's appearance on 18.12.2017. Finally as the O.P failed to appear on 18.12.2017 the final Order was reserved in the matter. Now

By Order of:
THE BOARD OF TRUSTEES
KOLKATA PORT TRUST
CERTIFIED
ASSED BY THE
KOLKATA PORT TRUST
19.01.2021
OFFICE OF THE
ESTATE OFFICER



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. 1439, 1439/R of 2014 Order Sheet No. 22

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Rama Trading ^{VS} Company

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18.01.2021

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 4 & 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of unauthorised occupation of O.P into the Public Premises in question. I think that it is a fit case for issuing Order of eviction u/s 5 of the Act on the following grounds:-

- 1) That O.P or any other person interested in the property has failed to file any reply to the Show Cause Notice/s U/S 4 & 7 of the Act inspite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues to KoPT and parted with possession of the Public premises unauthorisedly.
- 2) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 3) 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 15.01.1988.
- 4) That O.P's occupation has become unauthorised in view of Sec 2(g) of the Act and O.P is liable to pay damages for 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.

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

f.s.de
19.01.2021

CERTIFICATE
PASSED BY
SYAMBAHARI

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. 1439, 1439/R of 2014 Order Sheet No. 23

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Rama Trading Company ^{VS}

21
18.01.2021

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.Ps' 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.Ps' in accordance with Law up to the date of recovery of possession of the same.

It is my considered view that a sum of Rs.12,407.29 for the period 31.07.1983 to 29.02.1988 (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 such dues to KoPT on or before ~~02.02.2021~~ 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 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 find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for the unauthorised occupation. I make it clear that KoPT is entitled to claim damages against O.P.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY
19.01.2021

[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. 1439, 1439/R Of 2014 Order Sheet No. 24

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s Rama Trading Company


21

18.01.2021

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 as the possession of the premises is still lying unauthorisedly with O.P. KoPT is directed to submit a statement comprising details of its calculation of damages, 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. 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, KoPT 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


(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***

THE OFFICE
SYAMA

CENTRAL
OFFICE
SYAMA

OFFICE
SYAMA

f S.D.
19.01.2021