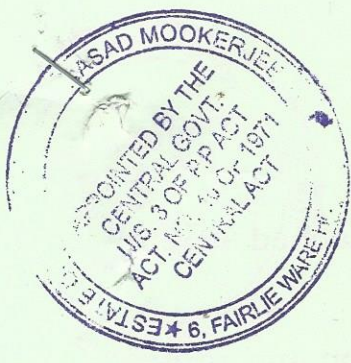


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REGISTERED POST WITH A/D.
HAND DELIVERY
AFFIXATION ON PROPERTY

**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 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. 45 DT 23.04.2021
PROCEEDINGS NO. 1556 OF 2017



BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Sett & Sons 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**

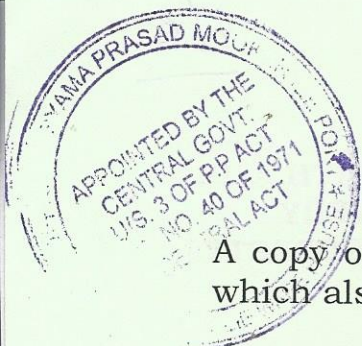
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WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Sett & Sons Pvt. Ltd, B-5, Jagannath Ghat, Loha Patty, Kolkata-700007** is in unauthorized occupation of the Public Premises specified in the Schedule below :

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 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues SMP, Kolkata and parted with possession of the Public premises unauthorisedly.
- 3) That O.P has failed to comply with the Hon'ble High Court Order dated 12.02.2007 in APO No.367 of 2006 related to W.P No.347 of 1988 and W.P No.209 of 1997(The Port Tenant Welfare Association and Ors Vs The Board of Trustees for the Port of Calcutta.
- 4) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
- 5) 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 20.01.2014.
- 6) 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 up to 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. 45 dated 23.04.2021 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 Sett & Sons Pvt. Ltd, B-5, Jagannath Ghat, Loha Patty, Kolkata-700007** 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 & Sons Pvt. Ltd, B-5, Jagannath Ghat, Loha Patty, Kolkata-700007** 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-14/A

The said compartment No.B-5, msg. about 68.84 sq.m at Kolkata Port Trust's godown known as Jagannath Ghat Godown is situated at Jagannath Ghat on the west side of Strand Road in the presidency town of Kolkata.

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

Date- 23.04.2021

Signature & Seal of the
Estate Officer.

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

REGISTERED POST WITH A/D.
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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, Fairlie Place (1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
6, Fairlie Place Warehouse
Kolkata-700001.

Form " E "

PROCEEDINGS NO.1556/R OF 2017
ORDER NO. 45 DATED: 23.04.2021

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 Sett & Sons Pvt. Ltd,
B-5, Jagannath Ghat, Loha Patty,
Kolkata-700007.

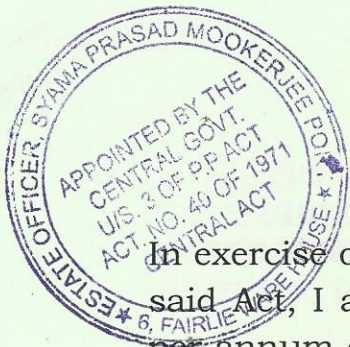
WHEREAS you are in occupation of the public premises described in the
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 19.12.2017 you are called upon
to show cause on or before 12.01.2018 why an order requiring you to pay
a sum of Rs 13,82,525/- (Rupees Thirteen Lakhs Eighty Two Thousand
Five Hundred Twenty Five 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 before the said date;

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
13,82,525/- (Rupees Thirteen Lakhs Eighty Two Thousand Five Hundred
Twenty Five only) for the period 01.01.2002 to 28.02.2014 (both days
inclusive) to SMP, Kolkata by 07.05.2021

PLEASE SEE ON REVERSE



: 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 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. CG-14/A

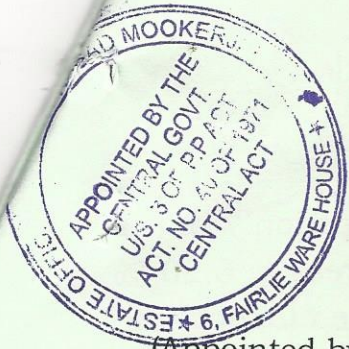
The said compartment No.B-5, msg. about 68.84 sq.m at Kolkata Port Trust's godown known as Jagannath Ghat Godown is situated at Jagannath Ghat on the west side of Strand Road in the presidency town of Kolkata.

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

Dated: 23.04.2021

Signature and seal of the
Estate Officer

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



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

PROCEEDINGS NO. 1556/D OF 2017
ORDER NO. 45 DATED 23.04.2021

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 & Sons Pvt. Ltd,
B-5, Jagannath Ghat, Loha Patty,
Kolkata-700007.

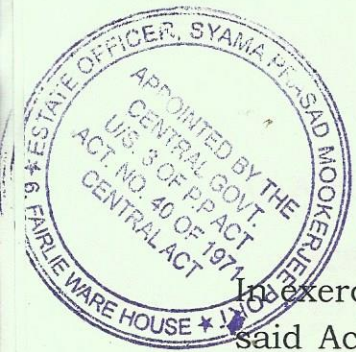
WHEREAS I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 19.12.2017 you are called upon to show cause on or before 12.01.2018 why an order requiring you to pay damages of Rs. 2,85,962/- (Rupees Two Lakhs Eighty Five Thousand Nine Hundred Sixty Two 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. 2,85,962/- (Rupees Two Lakhs Eighty Five Thousand Nine Hundred Sixty Two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.03.2014 to 30.06.2017 (both days inclusive) to SMP, Kolkata by 07.05.2021

PLEASE SEE ON REVERSE



: 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 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. CG-14/A

The said compartment No.B-5, msg. about 68.84 sq.m at Kolkata Port Trust's godown known as Jagannath Ghat Godown is situated at Jagannath Ghat on the west side of Strand Road in the presidency town of Kolkata.

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

Date 23.04.2021

Signature & Seal of the
Estate Officer.

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

Proceed No. 1556, 1556/R, 1556/D Of 2017 Order Sheet No. 35

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sett & Sons Pvt^{VS} Ltd

45
23.04.2021

FINAL ORDER

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 SMP, Kolkata, Applicant herein, that a monthly term lease was granted to M/S Sett & Sons Pvt. Ltd (O.P), on certain terms and conditions in respect of Port property being godown space msg.68.84 Sq.m situated at Eastern half of the Compartment No.5 at Block-B of Trustees' Jagannath Ghat Godown, Thana- North Port Police Station, Dist- Kolkata, comprised under Plate No.CG-14/A and O.P violated the condition of such tenancy by way of not making the payment of rent, taxes and other charges along with interest of SMP, Kolkata and also failed to comply with the Hon'ble High Court's Order dated 12.02.2007 in APO No.367 of 2006 related to W.P No.347 of 1988 and W.P No.209 of 1997(The Port Tenant Welfare Association and Ors Vs The Board of Trustees for the Port of Kolkata). It is also the case of SMP, Kolkata that O.P has parted with possession of the said public premises in question without having any authority under law. Now SMP, Kolkata has 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 20.01.2014 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.) dated 09.03.2017 (vide Order No.1 dated 03.03.2017).

After issuance of the aforesaid notice, on 27.03.2017 i.e on the schedule date of O.P's appearance and filing reply to the Show Cause,

THE ESTATE OFFICER OF THE PORT OF KOLKATA
SYAMA PRASAD MOOKERJEE
CERTIFICATE OF THE PORT
PASSED BY
SYAMA PRASAD MOOKERJEE
OFFICE OF THE
SYAMA PRASAD MOOKERJEE
f S.De
23.04.2021



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. 1556, 1556/R, 1556/D of 2017

Order Sheet No. 36

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sett & Sons PVT Ltd. ^{VS}

45

23.04.2021

one Mousam Singhi, claiming himself as one of the Directors of O.P., appeared before the Forum and prayed time to file his reply to the Show Cause along with an undertaking to file his Letter of Authority on the next date of hearing. Thereafter on 31.05.2017 O.P filed such Letter of Authority and the reply to the Show Cause Notice/s U/S-4. Drawing the attention of the Forum on the aforesaid reply, O.P submitted that due to financial stringencies they could not make payment to SMP, Kolkata regularly however, they want to make lump sum payment towards the liquidation of such dues. On 05.07.2017 O.P filed additional reply to the Show Cause notice u/s 4 dated 03.03.2017 to counter the allegation of unauthorised parting as raised by SMP, Kolkata however, considering the willingness of the O.P, Forum directed them to file a scheme of liquidation of dues of SMP, Kolkata as intimated earlier vide their(SMP, Kolkata's) application dated 05.07.2017. Thereafter on 02.08.2017 O.P filed an application incorporating such scheme of liquidation whereby O.P undertook to pay Rupees 5 Lakhs on ad hoc basis and rest amount on instalments of Rs.3 Lakhs per year towards the liquidation of such dues of SMP, Kolkata. On 15.09.2017, O.P filed an application along with some enclosures with a submission that O.P was not at all a wrongful occupier and has not unauthorisedly parted with possession to anybody. Thereafter dated 06.12.2017, when the time was much ripen enough to proceed against O.P under Section 7, this Forum issued Show Cause Notice (for adjudication of the prayer for recovery of arrear rental dues and damages etc.) dated 19.12.2017 vide its Order No. 11 dated 06.12.2017) as per rule made under the Act, fixing the date of O.P's appearance and filing of reply on 12.01.2018 however, O.P failed to appear on that day due to possible non service of the Notice upon O.P. Thus on 12.01.2018 Forum gave a further

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
F.S.D.
23.04.2021
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. 556, 1556/R, 1556/D of 2017 Order Sheet No. 37

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Selt & Sons Pvt^{VS} Ltd.

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23.04.2021

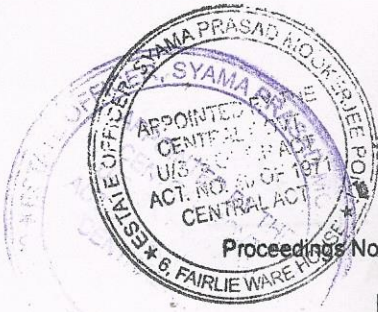
direction to the Department for service of the earlier Order dated 06.12.2017 upon O.P and for filing a Service Report in this regard positively. Thereafter dated 16.02.2018 said Mousam Singhi, again appeared before the Forum and prayed time to file his reply to the Show Cause notice under Section 7 but O.P failed to appear on that day. Thereafter, on 25.04.2018 one Mr. Rajnish Kalawatia expressing himself as the Ld' Advocate for O.P appeared before the Forum and gave an undertaking to file his vokalatnama on the next date of hearing. He also prayed adjournment for filing reply to the Show Cause Notice on the ground of illness of O.P. However, this Forum directed O.P to file reply without further delay. But it appears from the records, that the said direction was never been complied with by the O.P, in spite of having sufficient chances from my predecessor Estate Officer and thereafter from me. Then after observing for quite some long time the casual approach of O.P. and after realizing that they are not interested in representing their cases and taking note of the apprehension of defeat of the very spirit embodying in the Public Premises Act, 1971 for speedy and summary disposal of cases by prolonging the matter unnecessarily, this Forum concluded the hearing of the case and reserved the case for passing the Final Order.

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 SMP, Kolkata against the O.P are three folds i.e non payment of rent and taxes, non compliance of the High Court Order dated 12.02.2007 in APO No.367 of 2006 related to W.P No.347 of 1988 and W.P no.209 of 1997(The Port Tenant Welfare Association and Ors Vs The Board of Trustees for the Port of Kolkata) and unauthorized parting with possession to outsiders in violation of the lease

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE
23-04-2021
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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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. 1556, 1556/R, 1556/D of 2017 Order Sheet No. 38

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sett & Sons Pvt Ltd.

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23-04-2021

condition and without prior approval of SMP, Kolkata.

With regard to the issue of non payment of rent and taxes of SMP, Kolkata, O.P has admitted the dues on its part vide reply and additional reply to the Show Cause notice/s as filed on 31.05.2017 and 05.07.2017. It is the categorical submission of O.P that due to their financial stringencies they could not make payment on regular basis however, they were trying their level best to make the payment of outstanding dues. Before this Forum, SMP, Kolkata has also filed copies of two letters addressing the O.P (such as letter dated 15.01.2010 & 21.12.2005) etc. whereby SMP, Kolkata repeatedly requested O.P for liquidation of their dues but in spite of receiving the copy of such letters, O.P apparently did not pay any heed to that matter. More so, SMP, Kolkata has filed detailed Statement of Accounts as generated on 27.03.2017 & 04.07.2017, which clearly indicates the huge dues on the part of the O.P. The Statements have been handed over to O.P vide application dated 05.07.2017. There is no reason to disbelief such submission of the statutory authority. Moreover, O.P's expression of willingness to liquidate the SMP, Kolkata's dues/charges by way of making lump sum payment etc. does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all. Further, I may add that this Forum, in pursuance of Section 114 T.P Act has given opportunity to O.P to liquidate the dues of SMP, Kolkata but O.P never succeeded in complete and full discharge of such dues taxes and interest. Thus this Forum holds that the charge of default in payment of rent and taxes is definitely established.

With regards to the allegation of unauthorized parting with possession by O.P in violation of lease

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE I.D. 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. 1556, 1556/R, 1556/D of 2017 Order Sheet No. 39

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Selt & Sons^{VS} Pvt Ltd.

45

23.04.2021

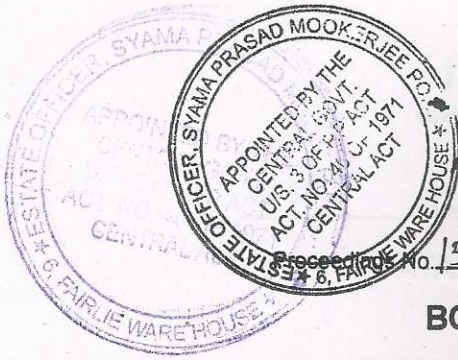
term, the content of SMP, Kolkata's letter to O.P dated 01.08.2012 (styled as Final Notice) is very much vital in deciding the issues. It reveals that SMP, Kolkata has given one more opportunity to O.P to remove the breaches before issuing the Quit notice dated 20.01.2014, terminating the lease in question. Although no reply to the allegation of SMP, Kolkata regarding unauthorized parting with possession have been given from O.P's end in their initial reply to the Shaw Cause dated 31.05.2017, however, by filing an additional reply to the Show Cause Notice dated 05.07.2017 O.P denied such allegation of unauthorised parting. Thus mere claim on behalf of O.P that they have never parted with possession of the premises to any third party etc. is, in my view not sufficient to defend this type of serious allegation such as unauthorized parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. Even O.P did not produce any single photographic evidence to counter the allegation of SMP, Kolkata. As such it is very difficult to accept the mere claim of the O.P which is bereft of any cogent reason. More over induction of a third party without the approval of SMP, Kolkata is also against the spirit of tenancy.

As regards the issue of compliance of the High Court Order dated 12.02.2007 in APO No.367 of 2006 related to W.P No.347 of 1988 and W.P no.209 of 1997(The Port Tenant Welfare Association and Ors Vs The Board of Trustees for the Port of Kolkata), O.P has submitted in their initial reply dated 05.04.2017(as received by this Forum on 31.05.2017) that "they have not been given any information about the Court Order by the erstwhile management". In my view this statement of O.P is nothing but an excuse. O.P. has failed to comply with the order of the Hon'ble

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

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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. 1556, 1556/R, 1556/D of 2017 Order Sheet No. 40

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sett & Sons Pvt Ltd, ^{vs}

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23.04.2021

High Court, Calcutta regarding liquidation of SMP, Kolkata's dues/charges and SMP, Kolkata has come up with the applications for eviction of O.P. from the Public Premises etc. in terms of the liberty as provided in the said order passed by the Division Bench of Calcutta High Court. In my view, O.P. being a member of the Port Tenant Welfare Association was protected by the order of the Hon'ble High Court only upon compliance of the said order and failure on the part of O.P. to comply with the order disentitled them to take any protection of the said order. Here in this instant case O.P has failed to comply with that order therefore, this issue is also decided in favour of SMP, Kolkata.

Discussion against the forgoing reveal that notice to quit dated 20.01.2014 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. Further as no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMP, Kolkata 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 7 of the Act in spite of sufficient chances being provided to them.
- 2) That O.P has defaulted in making payment of rental dues SMP, Kolkata and parted with possession of the Public premises unauthorisedly.
- 3) That O.P has failed to comply with the Hon'ble High Court Order dated 12.02.2007 in APO No.367 of 2006 related to W.P No.347 of 1988 and W.P No.209 of 1997(The Port Tenant Welfare Association and Ors Vs The Board of Trustees for the Port of Calcutta.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
23.04.2021
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



Proceeding No. 1556, 1556/R, 1556/D of 2017 Order Sheet No. 41

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Selt & Sons vs Pvt Ltd.

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23.04.2021

4) That the O.P has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".

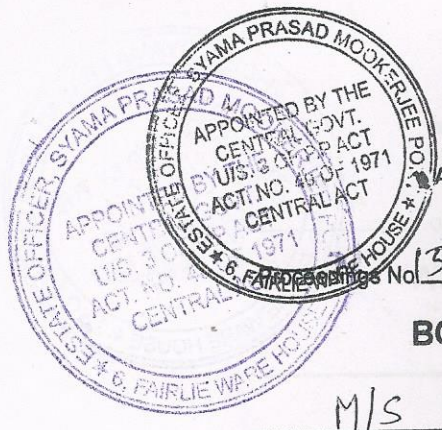
5) That O.P has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the Notice to Quit dated 20.01.2014.

6) 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 up to 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.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.13,82,525(Rupees Thirteen Lakhs Eighty Two thousand Five hundred Twenty Five only) for the period 01.01.2002 to 28.02.2014(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 SMP, Kolkata on or before 07.05.2021 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 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 SMP, Kolkata's books of accounts.

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



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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Order Sheet No. 1356, 1556/R, 1556/D Of 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Selt & Sons Pvt Ltd. ^{vs}

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23.04.2021

Likewise, I find that SMP, Kolkata 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 2,85,962/- (Rupees Two Lakhs Eighty Five thousand Nine hundred Sixty Two) 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 01.03.2014 to 30.06.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMP, Kolkata by 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 SMP, Kolkata's books of accounts. I sign the formal orders u/s 7 of the Act.

I make it clear that SMP, Kolkata 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. SMP, Kolkata 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 possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
23/04/2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



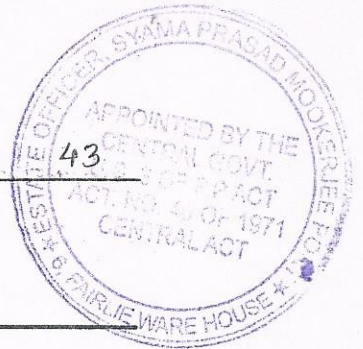
Estate Officer, Kolkata Port Trust

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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Selt & Sons Pvt^{VS} Ltd.



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23.04.2021

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

(Kausik Kumar Manna)
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 THE ORDER
PASSED BY THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT

Head Assistant
OFFICE OF THE LD. ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT