

Website



**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

**Form " E "**

PROCEEDINGS NO. 1837/R of 2020  
ORDER NO. || DATED: 02.03.2022

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

To  
**Shri Basantlal Ghyanshyamdas,  
8/5, Roopchand Roy Street,  
Kolkata - 700 007.**

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  
02.03.2022  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 19.02.2021 (Vide Order No 07  
dated 18.02.2021) you were called upon to show cause on/or before  
11.03.2021 why an order requiring you to pay a sum of Rs. 29,386.33 (Rupees  
Twenty Nine Thousand Three Hundred Eighty Six and paise Thirty Three 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. 29,386.33 (Rupees Twenty  
Nine Thousand Three Hundred Eighty Six and paise Thirty Three only) for the  
period July, 1977 to April, 1982 (both days inclusive ) to Kolkata Port Trust  
by 21.03.2022.

*Sud*

PLEASE SEE ON REVERSE



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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.11 DT 02.03.2022  
PROCEEDINGS NO. 1837/D of 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  
**Shri Basantlal Ghyanshyamdas,**  
**8/5, Roopchand Roy Street,**  
**Kolkata - 700 007.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
11/02/2022  
High Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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 19.02.2021 (Vide Order No 07  
dated 18.02.2021) you were called upon to show- cause on/or before  
11.03.2021 why an order requiring you to pay a sum of Rs. 14,46,193.77/-  
(Rupees Fourteen lakhs forty six thousand one hundred ninety three and paise  
seventy seven *only*.) being damages payable 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. 14,46,193.77/- (Rupees  
Fourteen lakhs forty six thousand one hundred ninety three and paise seventy  
seven *only*.) for the period from 01.05.1982 to 13.02.2010 assessed by me as  
damages on account of your unauthorised occupation of the premises to  
Kolkata Port Trust, by 21.03.2022.

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 @ 6.30 % 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) on the  
above sum with effect from the date of incurrance of liability, till its final  
payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

Sud

**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

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

APPOINTED BY THE  
CENTRAL GOVT.  
U/S. 3 OF RPACT  
ACT. NO. 1837/R,  
CENTRAL ACT

Proceedings No. 1837/R, 1837/0 of 2020 Order Sheet No. 12

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

*Shri Basantlal Ghyanshyamdas.* VS

**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/ KoPT, hereinafter referred to as 'SMP, Kolkata'], applicant herein, that **Basantlal Ghyanshyamdas**, hereinafter referred to as **O.P.**, came into occupation of the public premises in question being Compartment no. B-3 measuring about 73.858 sq.mtr. at erstwhile Strand Warehouse, under plate no SW-60 situated on the west side of Strand Road, Kolkata on a monthly lease basis on certain terms and conditions and O.P. violated such conditions by way of default in making payment of the rent and taxes. O.P. was issued a quit notice on 18.03.1982 asking to hand over the vacant possession of land on 30.04.1982. It is the claim of SMP, Kolkata that O.P. is liable to pay compensation/damages to SMP, Kolkata for unauthorized use and occupation of the premises after 30.04.1982. It is also submitted by SMP, Kolkata that the entire premises was gutted down by fire on 14.02.2010 and finally the premises came to be demolished.

This Forum issued 2 (two) formal Notices u/s 7 of the Act on 19.02.2021 ( Vide Order dated 18.02.2021), on the O.P., asking to show cause why order regarding payment of the arrears of rent, compensation/ damages/ mesne profit alongwith interest should not be made.

It is seen from the record that no one appeared on behalf of O.P., during the course of hearing before this forum. It appears that the notice sent through registered post at the recorded address of O.P. was returned by postal department with the endorsement "addressee moved". The 'Process Server' attached with this Forum for service of

11  
02.03.2022

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

*Sud*

**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

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

Proceedings No. 1837/R, 1837/D of 2020 Order Sheet No. 14

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

*Shri Basantlal Ghyanshyamdas.* <sup>VS</sup>

11  
02.03.2022

course of hearing, SMP, Kolkata has submitted letters dated 26.01.1946 and 04.03.1946 of O.P. to SMP, Kolkata establishing the contractual relationship between them. SMP, Kolkata has placed on record statement of accounts, maintained in official course of business, and I find the same very much reliable, in the facts and circumstances of the case. During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/ damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property.

In view of the circumstances, as O.P. failed to appear before this forum and no reply to show cause notice u/s 7 of the Act is filed by O.P., I am left with no other alternative but to issue the order against O.P. to pay the rent as well compensation/damages/ mesne profit and accrued interest thereupon as contended by SMP, Kolkata before this Forum.

It is my considered view that a sum of Rs. 29,386.33 (Rupees Twenty Nine Thousand Three Hundred Eighty Six and paise Thirty Three only) for the period from July, 1977 up to April, 1982 is due and recoverable from O.P. by the Port authority on account of arrear rent and a sum of Rs. 14,46,193.77 ( Rupees Fourteen Lakhs Forty Six Thousand One Hundred Ninety Three and paise Seventy Seven only) is due and recoverable from O.P. by the Port authority on account of damages/ compensation for the period from 01.05.1982 to 13.02.2010 and O.P. must have to pay the said rent as well as compensation/damages to SMP, Kolkata on or before 21.03.2022. Such dues attracts Compound Interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as

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

*Suk*



# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 1837/R, 1837/D of 2020 Order Sheet No. 14

## BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*Shri Basantlal Ghyonshyamdas.* <sup>VS</sup>

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02.03.2022

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SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
Field Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*

**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

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



Proceeding No. 1837/R, 1837/D Of 2020 Order Sheet No. 15

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

*Shri Basantlal Ghyanshyamdas.* <sup>VS</sup>

11  
02.03.2022

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.

The formal order u/s 7 of the Act is signed accordingly.

I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata 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

(Sourav Mitra)  
ESTATE OFFICER.

\*\*\* ALL EXHIBITS AND DOCUMENTS  
ARE REQUIRED TO BE TAKEN BACK  
WITHIN ONE MONTH FROM THE DATE  
OF PASSING OF THIS ORDER \*\*\*

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THE ESTATE OFFICER  
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SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT