

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.)
The Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie, 1st Floor
Kolkata - 700 001

Court Room at the 1st Floor
Of Kolkata Port Trust's
Legal Division, Head Office,
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.782/D of 2006
REASONED ORDER No.67 DATED: 26/05/2022

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
Burn Standard Co. Ltd.,
Central Project Division,
22B, Raja Santosh Road,
Kolkata - 700 027

WHEREAS I, the undersigned, am satisfied that you were in unauthorized occupation of the Public Premises described in the Schedule below:

AND WHEREAS by written notice Vide Order No.65 dated 28.04.2022 you were called upon to show cause on/or before 17.05.2022 why an order requiring you to pay damages of Rs. 5,04,14,702.99 (Rupees Five Crores Four lakhs Fourteen thousand Seven hundred and Two and Ninety-Nine paise only) (including arrear outstanding and accrued interest) against Plate No. GR-155 is due and payable by O.P. for the period from 01.11.2002 to 22.12.2020, together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS as you have neither appeared on the scheduled date of hearing nor made any objections nor 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 Unauthorized Occupants) Act, 1971, I hereby order you to pay the sum of Rs. 5,04,14,702.99 (Rupees Five Crores Four lakhs Fourteen thousand Seven hundred and Two and Ninety-Nine paise only) (including arrear outstanding and accrued interest) against Plate No. GR-155, assessed by me as damages on account of your unauthorized occupation of the premises for the period from 01.11.2002 to 22.12.2020 (both days inclusive) to Syama Prasad Mookerjee Port, Kolkata (erstwhile known as Kolkata Port Trust) by **24.06.2022**.

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 @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of 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.

A copy of the reasoned order No.67 dated 26.05.2022 is attached herewith.

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-I

The following plots in Mouza Gangrachar, Police Station-Nandigram, District-Midnapur.

Low Land

Full Plots-

167,168,173,174,175,172/987,172/923,172/1197

Part Plots-177,172/913,172/914,172/915,172/916,172/917,172/918, 172/919,172/920,172/921,172/924,177/943,172/944,171/1184.

High Land

Full Plots-

194,201,202,203,172/895,172/896,172/897,172/898,172/899,172/900, 172/901,172/902,172/903,172/904,172/905,172/906,172/907,170,177, 171/909,172/910,172/911,172/912,201/1002,200/1021,200/1022, 200/1023,200/1024,200/1025,200/1026,689/1061,689/1062,689/1063, 689/1064,689/1065,689/1066,689/1067,690/1068,690/1069,690/1070, 690/1071,690/1072,690/1073,690/1074,691/1075,691/1076,691/1077, 691/1078,691/1079,691/1080,691/1081,691/1085,691/1086,691/1087, 691/1088,691/1089,691/1090,691/1091,691/1092,691/1093,691/1098, 691/1099,691/1100,691/1101,691/1106,691/1107,691/1131,80,81,82, 137,138,141,142,178,179,180,181,182,188,195,196,198,674,688, 203/1013,203/1014,203/1015,203/1016,203/1017,170/1161.

Part Plots-

177,184,187,189,192,199,200,689,690,691,169/881,172/908,172/913, 172/913,172/914,172/915,172/916,172/917,172/918,172/919,172/920,172 /221,172/924,172/925,172/934,172/943,177/944,177/945,177/946,149/99 2,199/993,199/994,199/995,200/996,200/997,200/998,200/999,200/1000, 200/1001,194/1027,691/084,691/094,691/1097,691/1102, 691/1105,691/1108,691/1109,171/1184.

Total Area of Land: Low Land - 19.07 acres

High Land - 109.61 acres

128.68 acres



// 3 //

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

Dated: 26.05.2022



Signature & Seal of the Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER (I/C)/CHIEF LAW OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) FOR INFORMATION.



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. 782, 782/R. Of 2006 Order Sheet No. 60

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. BURN STANDRAD & CO LTD

67
26/05/2022

FINAL ORDER

The instant proceedings number 782/D of 2006 arises out of the application bearing no. Lnd. 4523/37/1/II/20/2378 dated 04.11.2020 and another application bearing No.4523/37/1/II/22/1086 dated 18.04.2022 filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, praying for an order of recovery of outstanding dues/compensation charges as payable by O.P. for the respective periods, i.e. 01.11.2002 to 22.12.2020 (both days inclusive) till taking over the possession on 22.12.2020 alongwith accrued interest in respect of the public premises as defined in the schedule of the said application against M/s. BURN STANDARD & Co. Ltd., the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The **factual** matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 782/D of 2006, within the four corners of PP Act, 1971, as revealed under point-wise in a chronological order.

- 1) That in the course of hearing, it was submitted by SMP, Kolkata and also as per the information as gathered from three different applications No.Lnd.4523/37/1/05/152 dated 20.04.2005 and application No. Lnd. 4523/37/1/II/20/2378 dated 04.11.2020 and another application bearing No.4523/37/1/II/22/1086 dated 18.04.2022, as submitted and filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, which elaborately stated that O.P. was allotted land/Trustees' property altogether msg. about 128.68 acres (109.61 acres of high land and 19.07 acres of low land) or thereabouts situated at Mouza-Gangrachar, Thana-Nandigram, District-Nadia, comprised against Plate No. GR-155, w.e.f 22.09.1984, and the details of the property as mentioned in Schedule-I of Form-'G' as attached with this Order Sheet, on long term lease for a

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Signature] 31/05/22
Head 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

APPOINTED BY THE
CENTRAL GOVT.
U/S, 3 OF P.P. ACT
ACT. NO. 40 OF 1971
CENTRAL ACT

Order No. 782, 782/R, Of 2006 Order Sheet No. 61

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

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period of thirty years on certain terms and conditions as embodied in the Registered Lease Deed of Syama Prasad Mookerjee Port, (erstwhile known as Kolkata Port Trust) Offer dated 10.08.1984. As per the available records it is understood that the very purpose of such lease was "setting up an Industrial Establishment to Manufacture Offshore Well Head Platform and Equipments" which were required for Oil and Natural Gas Commission, Bombay High Installation Project.

2) That O.P. in violation of the tenancy agreement failed to accept the terms and conditions and defaulted in payment of monthly Rent & Taxes to SMP, Kolkata (erstwhile known as Kolkata Port Trust). As the land was required by the Trustees' to implement the Land Use Plan adopted by the Trustees', O.P. was asked to vacate the premises on 01.11.2002 in terms of the Ejectment Notice dated 22.08.2002 served as per the Statute. It was submitted by SMP, Kolkata (erstwhile known as KoPT) and also as understood by this Ld. Forum from the materials on record that O.P. had failed and neglected to quit, vacate, and deliver up the vacant peaceful possession of the said premises. As O.P. failed and neglected to handover possession of the property, an application No.Lnd.4523/37/1/05/152 dated 20.04.2005 was filed before this Ld. Forum praying for eviction and recovery of outstanding rental dues.

3) That this Ld. Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the Act and Rules made thereunder and issued Show Cause Notice u/s-4 of the Act, vide Order No.2 dated 24.04.2006, directing O.P. to file their reply/comments/submission on or before 21.06.2006. Reply to Show Cause on behalf of O.P. was filed on 21.06.2006. A bare reading of the reply of the Show Cause Notice dated 14.06.2006 brings the following points in the forefront:

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31/05/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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. 782, 782/R. Of 2006 Order Sheet No. 62

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. BURN STANDRAD & CO LTD

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- (i) That the possession of the property in question is with O.P.
- (ii) That "BSCL was referred to BIFR u/s-15(1) of the Sick Industrial Companies (Special Provision) Act, 1985,.....and at the hearing held on 20.01.1995, BIFR declared BSCL as a Sick Industrial Company and Industrial Investment Bank of India (IIBI) was appointed as the Operating Agency (O.A.) u/s-17(3) of the Act".
- (iii) That a Scheme for Rehabilitation of the Company was sanctioned by BIFR vide Order dated 16.04.1999, which was again declared failed vide Order dated 14.09.2001.
- (iv) That BIFR vide its Order dated 09.12.2002 further directed BSCL/BBUNI/DHI/GOI to prepare a Rehabilitation Scheme for BSCL. BSCL also made an attempt to dispose off the idle assets and other closed units of BSCL in pursuance with the provision of Sanctioned Scheme (SS) of BSCL.
- (v) That BSCL further issued an advertisement inviting tenders for sell off assets, as it cannot dispose off its goods without the consent of BIFR as per the provisions of the instant Act.
- (vi) That BSCL further stated in its reply that Ministry of Heavy Industry & Public Enterprise, Govt. of India is yet to take final decision of surrendering the Lease Hold Land to KPT.
- (vii) In the light of the above discussions BSCL prayed before this Ld. Forum that they are not in the position to hand over the possession of the subject Lease Hold Land to KoPT and the restructuring proposal is under active consideration of Central Govt. and a proposal had been placed before the Ministry of Heavy Industry & Public Enterprise, Govt. of India for liquidation of the entire liability after due approval of BIFR.

4) That this Ld. Forum vide its Order No.8 dated 09.08.2007 directed the applicant, Syama Prasad Mookerjee Port, hereinafter referred to as SMP,

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SYAMA PRASAD MOOKERJEE PORT
31/05/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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. 782, 782/R, Of 2006 Order Sheet No. 63

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
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26/05/2022

Kolkata, (erstwhile known as Kolkata Port Trust) to file a reply on the Show Cause Notice Reply of O.P. dated 14.06.2006. In compliance to the said Order dated 09.08.2007 the applicant filed their reply vide application No.Lnd.45/37/1/06/7499 dated 10.11.2006 stating the following:

- (i) That the reply to the Show Cause Notice as filed by O.P. does not disclose any legal right of O.P. to occupy the concerned premises of KoPT measuring vast land about 128.68 acres.
- (ii) That O.P. had admitted its liability towards payment of rental dues/charges as recoverable from O.P for its continued use and occupation of the Port Property in question, and O.P. had also expressed its inability to liquidate the dues/charges of KoPT on the plea of acute financial hardship.
- (iii) That the matter regarding sale of assets of O.P. with the approval of BIFR should not be tagged with the matter relating to surrender of possession of the vast land of KoPT measuring about 128.68 acres, as the movable assets belonging to O.P. are stacked on a negligible portion of the total land area.
- (iv) That O.P. should draw the attention of BIFR for handing over the possession of the land in question in order to prevent accumulation of KoPT's dues/charges, as there is no specific orders of BIFR with regard to handing over the possession of land to KoPT.
- (v) That the Order of BIFR dated 31.05.2005 only relates to advertisement inviting sale of the properties at Jabbalpur, and has no connection with handing over the possession of land at the schedule address, i.e. Gangrachar, West Bengal.

In short, SMP, Kolkata submitted that O.P. cannot take the shield of BIFR proceedings under SICA unless it is proved that the properties in question are coming under the purview of the Act. This was rightly taken in consideration and accepted by this Ld. Forum.

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SYAMA PRASAD MOOKERJEE PORT

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SYAMA PRASAD MOOKERJEE PORT

31/05/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten 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

Proceedings No. 782, 782/R. Of 2006 Order Sheet No. 63

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
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SYAMA PRASAD MOOKERJEE PORT
31/05/22
Head Assistant

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



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. 782, 782/R. Of 2006 Order Sheet No. 64

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
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- 5) Thereafter, O.P. on several occasions dated 10.09.2009, 16.04.2009, 12.03.2009, 07.10.2009 prayed for time in respect of finalization of the Revival Scheme of BSCL duly approved by BIFR as placed before BIFR/DHI/GOI.
- 6) That O. P. had also placed an application dated 15.03.2013 before the Competent Authority of SMP, Kolkata for Waiver of Outstanding Interest and for necessary approval for extension of lease for the period of 30 (Thirty) years commencing from September, 2014 to August 2044. In reply to this, a letter bearing No.Lnd.4523/37/1/II/13/2673 dated 12.12.2013 was sent to M/s. BURN STANDARD & Co. Ltd., the O.P. herein, stating that a fresh Lease will be granted w.e.f 22.09.2014 if the following conditions are fulfilled:- "(i) You will have to clear entire principle dues, within three months from the date of intimation, (ii) You will have to pay 25% of the total interest as on date of payment of entire principle dues, within three months from the date of the above intimation, and (iii) On compliance of (i) & (ii), you will be allowed to pay balance interest dues (75% of total interest) in equal monthly instalments, against which you will have to submit Bank Guarantee amounting to the total payable amount, i.e. 75% of the total interest."
- 7) That during the course of hearing SMP, Kolkata submitted an application bearing No.Lnd.4523/37/1/II/14/3502 dated 14.03.2014 which states that O.P's application dated 15.03.2013 for Waiver of Outstanding Interest was considered by the Board of Trustees of the Port of Kolkata in its meeting dated 23.09.2013, on certain terms and conditions as embodied in the letter dated 12.12.2013.
- 8) Thereafter several dates were given by this Ld. Forum, both to O.P. and the applicant, to reconcile their Books of Accounts and to arrive at a correct outstanding dues position as payable by O.P. and to resolve the dispute with regard to payment of outstanding dues. O.P. was also directed to file a

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[Signature] 31/05/22
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Signature]



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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Proceedings No. 782, 782/R, Of 2006 Order Sheet No. 65

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

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plan of liquidation vide Order No.44 dated 18.04.2018 of the outstanding dues as payable to SMP, Kolkata. But inspite of repeated directions by this Ld. Forum, O.P. on each occasion failed to come up with a Liquidation Scheme.

9) That it is to retaliate, inspite of repeated directions for providing the Liquidation Scheme for clearing the outstanding dues as payable by O.P., O.P. failed each time to provide such scheme rather placed a Letter dated 11.02.2020 before the Competent Authority of SMP, Kolkata regarding handing over the lease hold land under control of Burn standard Co. Ltd. to SMP, Kolkata. Another letter dated 31.01.2020 was also placed before this Ld. Forum stating that "GOI (Cabinet) has approved closure of Burn Standard Co. Ltd. on 4th April, 2018. Accordingly, one-time grant has been provided by GOI to settle outstanding liabilities of the company. There is provision of Rs.7.00 Crore towards one time grant to settle the outstanding liabilities of KoPT." The letter further states that all the four locations (three locations at Howrah & one location at Jhellingham Nandigram) which are under the control of BSCL may be immediately taken over by SMP, Kolkata to facilitate the closure of the company, and further confirmed in the same letter dated 31.01.2020 that the principle amount of Rs.7.00 Crore will also be paid to SMP, Kolkata immediately as one-time settlement.

10) That as per an application bearing No.Lnd.4523/37/1/II/20/2378 dated 04.11.2020, as submitted before this Ld. Forum, it is revealed that site inspection was conducted *suo moto* by the representatives of SMP, Kolkata dated 28.02.2020, wherein it was found that out of 128.68 acres of land as allotted to M/s. Burn Standard Co. Ltd., they are using only 46.40 acres (approx) of land by way of development of Ship Building Yard, though no ship building activities was found at the site during the course of inspection work. The remaining portion of the allotted land (south side) msg. about 82.28 acres (approx) is being occupied

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SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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Proceedings No. 782, 782/R. Of 2006 Order Sheet No. 66

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. BURN STANDRAD & CO LTD

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by Forest Department by building Offices, Nursery, Picnic Spot and Timber Depot. At the northern side of the allotted land, Burn Standard Co. Ltd. encroached 9.79 acres (approx) of land by way of erecting structures, concrete jetty and barbed wire fencing. It is further stated in the said application that a portion of KoPT's vacant land (north side) msg. about 5.08 acres is being encroached by Jellingham Engineering Works Pvt. Ltd. Further it was also seen during the inspection that some encroachment msg. about 1.04 acres (approx) by way of 15-16 hutments adjacent to the Jellingham Engineering Works Pvt. Ltd. At the south side, portion of KoPT's vacant land msg. about 8.24 acres (approx) have been encroached by some local people by way of digging pond for fisheries. KoPT's area msg. about 21.2 acres (approx) at the southern side is being used by the Forest Department, West Bengal by way of plantation/forestry.

- 11) That vide an application No.Lnd.4523/37/1/II/22/1086 dated 18.04.2022, the applicant submitted that the possession of the subject premises under Plate No.GR-155 altogether measuring about 128.68 acres, situated at Mouza Gangrachar, had been taken over on 22.12.2020 from O.P. A joint minute for taking over the possession was also attached with the said application dated 18.04.2022, whereby it seen that both the representatives of M/s. Burn Standard Co. Ltd. and representatives of SMP, Kolkata were present during the handover of the subject premises. It was further stated in the minutes that "The land at Jellingham, Gangrachar, Sonachura, Purba Medinipur under Plate No.-GR-155, measuring 128.68 acres (High Land measuring 109.61 acres and Low Land measuring 19.07 acres) given on lease to BSCL is handed over on as is where is basis to SMP, Kolkata formally known as KoPT on 22.12.2020. Respective keys of 03 buildings are also handed over to SMP, Kolkata. Representatives of SMP, Kolkata pointed out that out of 109.61 acres land measuring approx. 84

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

S. Prasad

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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APPOINTED BY THE
CENTRAL GOVT.
U/S, 3 OF P.P. ACT
ACT. NO. 40 OF 1971
CENTRAL GOVT.

Proceedings No. 782, 782/R Of 2006 Order Sheet No. 67

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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acres is occupied/encroached by Forest Department, West Bengal.”

- 12) It is to be put on record that SMP, Kolkata had submitted two applications bearing No.Lnd.4523/37/1/II/20/2378 dated 04.11.2020 and another application No.Lnd.4523/37/1/II/22/1086 dated 18.04.2022, wherein they had placed before this Ld. Forum about the encroachment of different occupants, only for the purpose of information of this Ld. Forum.

Hence this Ld. Forum will only adjudicate this matter on the basis of the prayer of the applicant, SMP, Kolkata, in the applications bearing No.Lnd.4523/37/1/II/20/2378 dated 04.11.2020 and another application No.Lnd.4523/37/1/II/22/1086 dated 18.04.2022 for recovery on account of dues/compensation charges, including arrear outstanding and accrued interest, upto 22.12.2020, as because the subject premises was mutually taken over by SMP, Kolkata on 22.12.2020.

- 13) Thereafter, considering the submission and documents as submitted by SMP, Kolkata, in terms of Order Nos.53, 57, 64 and 65 dated 23.09.2020, 16.11.2020, 22.04.2022 and 28.04.2022 respectively, this Ld. Forum ordered to issue formal order u/s-7 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 Act to show cause as to why an order requiring to pay the outstanding dues/damages, together with interest should not be made against the O.P. It is by virtue of the application bearing No.4523/37/1/II/22/1086 dated 18.04.2022 as filed by SMP, Kolkata, that this Ld. Forum came to know that no dues on account of Rent is payable by O.P. and the dues on account of compensation charges considering 3 x SoR is only recoverable from O.P. It is the case of SMP, Kolkata that O.P. was asked to pay damages/compensation upto 22.12.2020, as because the subject premises was mutually taken over by SMP, Kolkata on

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Signature] 31/05/22
Head 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

Proceedings No. 182, 782/R, Of 2006 Order Sheet No. 68

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. BURN STANDRAD & Co LTD

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26/05/2022

22.12.2020. The O.P. was also called upon to appear before the Forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case. The said notice was served through Speed Post as well as hand delivery to the correct recorded addresses of O.P (as per records) at "Burn Standard Co. Ltd., Central Project Division, 22B, Raja Santosh Road, kolkata-700 027." It appears from the record that the said notice sent to the recorded address of O.P by speed post was returned on account of "Left" dated 09.05.2022.

14) Thereafter several dates since 16.11.2020 were given by this Ld. Forum with a direction upon O.P. to appear before this Forum for any submission/hearing etc. On O.P.'s non-appearances before this Ld. Forum on several dates, two instances of paper publication vide Order No.61 dated 22.02.2021, which was published in "Bartaman" and "Times of India" dated 04.03.2021 and another Vide Order No.62 dated 02.02.2022, which was published in "Times of India" with a direction for appearance and also intimation to the interested parties for pendency of the proceedings. But inspite of giving several opportunities to O.P., neither any response was filed on behalf of O.P nor any positive gesture was shown by O.P. to appear before this Ld. Forum for their hearing, submission, etc. on any of the schedule dates of hearing. As such I have no bar to accept the claim of SMP on account of compensation charges, including accrued interest, etc. as per statement of accounts maintained regularly in SMP's office in regular course of business.

15) It is my considered view that a sum of 5,04,14,702.99 (Rupees Five Crores Four lakhs Fourteen thousand Seven hundred and Two and Ninety-Nine paise only) (including arrear outstanding and accrued interest) against Plate No. GR-155 is due and payable by O.P. for the period

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

[Handwritten 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

Proceedings No. 782, 782/R, Of 2006 Order Sheet No. 69

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S, BURN STANDRAD & CO LTD

26/05/2022

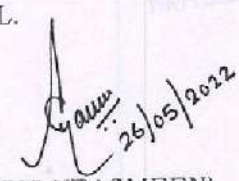
from 01.11.2002 to 22.12.2020 (both days inclusive) on account of compensation charges calculated @ 3 x SoR, including the accrued interest, with no outstanding rental dues. Considering the after effects of Covid-19, I find it prudent to allow time till **24th June, 2022** for such payment. Such dues would attract compound interest @ of 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) 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's books of accounts.

I sign the formal order u/s-7(1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P to pay the amount to SMP as aforesaid; Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up final 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/damages/compensation as aforesaid; SMP, Kolkata is at liberty to recover the dues etc. in accordance with law.

All concerned are directed to act accordingly.

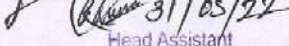
GIVEN UNDER MY HAND AND SEAL.


(NARGIS YEASMEEN)
ESTATE OFFICER

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