



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
Fairley Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 29 DT
PROCEEDINGS NO.1731 OF 2019

14 AUG 2023

SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(ERSTWHILE BOARD OF TRUSTEES OF THE PORT OF KOLKATA)

-Vs-
M/s. B.B Paul & Company (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. B.B. Paul & Company, 18, Raja Woodmunt Street, Kolkata-700001
AND ALSO AT Cross Road No.8 Kulpighat, P.S: Jorabagan Kolkata-700006
AND Sri Sardar Mall Bijay Kumar and Sri Goutam Bera Both at Cross Road
No.8 Kulpighat, P.S: Jorabagan, Kolkata-700006 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 & 7 of the Act in spite of repeated chances.
2. That O.P. has violated the condition of long term lease as granted by the Port Authority by way of unauthorisedly occupying such premises after expiry of such lease by efflux of time.
3. 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 in spite of sufficient chances.
4. That O.P. has unauthorisedly inducted subtenants without having any permission from Port Authority.
5. That O.P. has erected unauthorized construction over the subject public premises in question without having any authority of law.
6. That the Notice demanding possession from O.P. as issued by SMPK dated 30.08.2000 is valid, lawful and binding upon the parties and O.P. had no authority under law to occupy the Public Premises after expiry of the contractual period of lease in question that is from 10.09.1998.
7. That after expiry of the period of lease occupation of O.P. (including the occupation of anybody asserting any right through O.P.) has become unauthorised in view of Sec. 2(g) of the P.P. Act.
8. 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.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/8/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 29 dated **14 AUG 2023** 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. B.B. Paul & Company, 18, Raja Woodmunt Street, Kolkata-700001 AND ALSO AT Cross Road No.8 Kulpighat, P.S: Jorabagan Kolkata-700006 AND Sri Sardar Mall Bijay Kumar and Sri Goutam Bera Both at Cross Road No.8 Kulpighat, P.S: Jorabagan, Kolkata-700006** 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. B.B. Paul & Company, 18, Raja Woodmunt Street, Kolkata-700001 AND ALSO AT Cross Road No.8 Kulpighat, P.S: Jorabagan Kolkata-700006 AND Sri Sardar Mall Bijay Kumar and Sri Goutam Bera Both at Cross Road No.8 Kulpighat, P.S: Jorabagan, Kolkata-700006** 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 Nos. SB-126/2

The said piece or parcel of land msg.134.12 sq.m or thereabouts is situated at Cross Road No.8, Kulpighat, Kolkata, Thana-Jorabagan in the presidency town of Kolkata. It is bounded on the North by the Trustees' land partly occupied by Brojo Gopal Suphal Chandra Sadhukhan and partly by Amar Nath Hazra, on the East by the Trustees' land occupied by Kanyalal Gupta, on the south by Cross Road no.8 leading from Strand Road and on the West by the Trustees land occupied by Binoyendra Nath Ganguly.

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

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

18 AUG 2023

Dated: 18 AUG 2023

[Signature]
Signature & Seal of
Estate Officer.



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.1731/D OF 2019
ORDER NO. 29 DATED:

14 AUG 2023

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. B.B. Paul & Company,
18, Raja Woodmunt Street,
Kolkata-700001
AND ALSO AT
Cross Road No.8 Kulpighat,
P.S: Jorabagan
Kolkata-700006
AND
Sri Sardar Mall Bijay Kumar and
Sri Goutam Bera
Both at Cross Road No.8 Kulpighat,
P.S: Jorabagan,
Kolkata-700006

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 04.11.2022 you are called upon to show cause on or before 17.11.2022 why an order requiring you to pay damages of Rs.83,22,494.43 (Rupees Eighty three lakh twenty two thousand four hundred ninety four and paise forty three 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.83,22,494.43 (Rupees Eighty three lakh twenty two thousand four hundred ninety four and paise forty three only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 10.09.1998 to 31.05.2022 (both days inclusive) to SMPK by 01.09.2023.

[Handwritten signature]

PLEASE SEE ON REVERSE

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/8/23
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



: 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 @ 7.50 % 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 Nos. SB-126/2

The said piece or parcel of land msg. 134.12 sq.m or thereabouts is situated at Cross Road No.8, Kulpighat, Kolkata, Thana-Jorabagan in the presidency town of Kolkata. It is bounded on the North by the Trustees' land partly occupied by Brojo Gopal Suphal Chandra Sadhukhan and partly by Amar Nath Hazra, on the East by the Trustees' land occupied by Kanyalal Gupta, on the south by Cross Road no.8 leading from Strand Road and on the West by the Trustees land occupied by Binoyendra Nath Ganguly.

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Date 18 AUG 2023

Signature & Seal of the
Estate Officer.

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

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT,
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. 1731, 1731/D of 2019 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. B.B. PAUL & COMPANY

29
14 AUG 2023

FINAL ORDER

The matter is taken up today for delivering Final Order. It is the case of Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust/KoPT), hereinafter referred to as 'SMPK', the Applicant herein, that **M/s. B.B Paul & Company (O.P)** came into occupation of the Public Premises in question being land msg. about 134.12 Sq.m situated at Cross Road No.8, Kulpighat, comprised under occupation/Plate No. SB-126/2 as a long term lessee for a period of 10 years w.e.f 10.09.1988 and such lease in respect of the land in question was expired on 09.09.1998 due to efflux of time. It is the case of SMPK that O.P. prefers to continue in occupation after expiry of the period of lease and that too after demand for possession in terms of the notice dated 30.08.2000 to handover possession on 01.12.2000. It is also the case of SMPK that O.P. has defaulted in making payment of arrear dues, made unauthorised construction on the subject premises and also inducted subtenants at the premises unauthorisedly in contravention of the conditions of such long term lease.

This Forum issued Show Cause Notice u/s 4 of the P.P Act (for adjudication of the prayer for recovery of possession etc. of the Public Premises). Show Cause Notice u/s 7 of the P.P Act was also issued to O.P. (for adjudication of the prayer for recovery of arrear damages etc.). All the Show Cause Notice/s u/s 4 & 7 of the said Act were issued as per Rule made under the Act and all dated 04.11.2022(vide Order No.17 dated 03.11.2022) and O.P. was asked to Show Cause on or before 17.11.2022.

It reveals from record that such Notice/s have been sent to O.P both by hand and Speed Post as per addresses available on record and Postal Services to O.P's address at Cross Road No.8 Kulpighat, P.S: Jorabagan, Kolkata-700006 returned undelivered to the Forum with remarks

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
18/8/23
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. 1731, 1731/D Of 2019 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. B.B. PAUL & COMPANY.

29

14 AUG 2023

"Insufficient address" on 10.11.2022. I have duly considered the report of the Process Server dated 11.11.2022 regarding affixation of Notice u/s 4 & 7 of the Act on the Public Premises. I have also considered the report of the Process Server dated 06.02.2023 and 13.06.2023 regarding personal service/affixation of the order No. 20 dated 09.01.2023. I am satisfied with the service of notice/s to all concerned interested into the property.

It reveals from the record that without appearing before the Forum, O.P., vide their application dated 23.02.2023 addressed to the undersigned, has denied their liability over the subject occupation and subsequently SMPK has refuted O.P's contention by producing a letter dated 24.09.1998. SMPK has also mentioned in their application dated 16.06.2022 that area under adjudication of the present proceedings falls under the area declared as vested by Govt. of West Bengal vide notification dated 29.01.2019 under Section 4(3) of the West Bengal Escheats and Forfeiture Act, 2012 read with Rule 3 of West Bengal Escheats and Forfeiture Rules, 2017 regarding which SMPK has preferred a Writ Petition being W.P. No. 74 of 2019 before the Hon'ble Calcutta High Court, wherein the Hon'ble Court vide its order dated 10.08.2020 was pleased to allow the W.P. No 74 of 2019 setting aside the action of the State of west Bengal in issuance of the Notification dated 29.01.2019. Challenging the said order dated 10.08.2020 State of West Bengal has further filed an appeal being APO 123 of 2020 along with GA no1 & 2 both of 2020 which are still pending.

I have carefully considered the documents on record and the submissions of SMPK. It is amply clear from the records that O.P has neither appeared before the Forum nor filed their reply to the Show Cause. In my view, sufficient chances have been given to all concerned to represent their

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



Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

APPOINTED BY THE CENTRAL GOVT. UNDER SECTION 3 OF THE PUBLIC PREMISES
(EVICTION OF UNAUTHORIZED OCCUPANTS) ACT 1971

U/S, 3 OF P.P. ACT
AC Proceedings No. 1971/1731/2019 Of 2019 Order Sheet No. 23

CENTRAL ACT
BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S B. B. PAUL & COMPANY.

29

14 AUG 2023

14 AUG 2023

case and O.P. has failed to submit its reply to the Show Cause Notice u/s 4 & 7 of the Act all dated 04.11.2022 in spite of sufficient chances. As no one appeared on behalf of O.P. or on behalf of any person/s interested into the property in spite of several chances 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:

1. That O.P. has failed to submit any reply to the Show Cause Notice u/s 4 & 7 of the Act in spite of repeated chances.
2. That O.P. has violated the condition of long term lease as granted by the Port Authority by way of unauthorisedly occupying such premises after expiry of such lease by efflux of time.
3. 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 in spite of sufficient chances.
4. That O.P. has unauthorisedly inducted subtenants without having any permission from Port Authority.
5. That O.P. has erected unauthorized construction over the subject public premises in question without having any authority of law.
6. That the Notice demanding possession from O.P. as issued by SMPK dated 30.08.2000 is valid, lawful and binding upon the parties and O.P. had no authority under law to occupy the Public Premises after expiry of the contractual period of lease in question that is from 10.09.1998.
7. That after expiry of the period of lease occupation of O.P. (including the occupation of anybody asserting

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



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. 17.31.1731/D Of 2019 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. B.B. PAUL & COMPANY.

29
14 AUG 2023

any right through O.P.) has become unauthorised in view of Sec. 2(g) of the P.P. Act.

8. 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 a sum of Rs.83,22,494.43 (Rupees Eighty three lakh twenty two thousand four hundred ninety four and paise forty three only) for the period from 10.09.1998 to 31.05.2022(both days inclusive) is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to SMPK on or before 01.09.2023 The said damages shall attract compound interest @ 7.50 % 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 SMPK's books of accounts. I sign the formal orders u/s 7 of the Act.

I make it clear that SMPK is entitled to claim further damages against O.P. for unauthorized use and occupation

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

18/8/23
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. 1731, 1731/D of 2019 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. B. B. PAUL & COMPANY

29
14 AUG 2023

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 31.05.2022 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. SMPK is directed to submit a statement comprising details of its calculation of damages after 31.05.2022, 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.

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

(A. K. Das)
ESTATE OFFICER

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

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