



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, 1<sup>st</sup> Floor  
Kolkata - 700 001

Court Room at the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Legal Division, Head Office,  
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.910/R of 2011  
REASONED ORDER No.77 DATED: 31/05/2022

FORM-"E"  
Form of Order under Sub-Section (1) and (2A) of Section 7 of the Public Premises  
(Eviction of Unauthorized Occupants) Act, 1971

To  
Metal Box India Ltd.,  
7, Mistry Manor,  
62A, Napean Sea Road,  
Mumbai-400 006  
AND ASLO  
Metal Box India Ltd.,  
Barlow House,  
59 C, Chowringhee Road,  
Kolkata-700 020.

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

AND WHEREAS by written notice dated 16.05.2022 you were called upon to  
show cause on/or before 26.05.2022 why an order requiring you to pay damages of a  
sum of Rs.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six  
Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only) against Plate No.  
D-293/6, being the rest payable together with compound interest in respect of the said  
premises should not be made.

AND WHEREAS 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  
(1) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971,  
I hereby order you to pay the sum of Rs.141,63,36,984.28 (Rupees One Forty-One  
Crore Sixty-Three lakh Thirty-Six

**Please see on Reverse**



// 2 //

Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only) Plate No. D-293/6, being arrears of rent and taxes from 01.04.1985-30.06.1987 (both day inclusive) to the tune of Rs.13,74,448.17 (Thirteen Lakh Seventy-Four Thousand Four Hundred Forty-Eight and Seventeen Paise) and Compensation charges/damages from the period 01.07.1987-06.08.2019 (considered the compensation charges 3xSoR from 01.08.2016-06.08.2019) to the tune of Rs.84,91,27,959.74 (Eighty-Four Crore Ninety-One Lakh Twenty-Seven Thousand Nine Hundred Fifty Nine and Seventy-Four Paise), total being Rs.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only), assessed by me as damages for the concerned premises for the period as mentioned above to Kolkata Port Trust by 30.06.2022.

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 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.77 dated 31.05.2022 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

The said piece or parcel of land consisting of two plots; one measuring 28,308.190 sq.m. (Plot-'A') and the other measuring 12,168.712 sq.m. (Plot-'B'), altogether measuring about 40,476.902 sq.m. at Hide Road Extension, Thana-Taratata Police Station, Dist.-24 Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' land leased to M/s. R. Sen & Co., on the East by the Trustees' strip of open land reserved as margin of safety alongside a Port Trust Railway Siding, on the South by the Trustees' land occupied by Amin Chand Payarelal Ltd., and on the west partly by the Trustees Hide Road Extension and partly by the Trustees low level Road along Hide Road Extension.

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

Dated: 31.05.2022



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.**



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, 1<sup>st</sup> Floor  
Kolkata - 700 001

Court Room at the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Legal Division, Head Office,  
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.910/D of 2011  
REASONED ORDER No.77 DATED: 31/05/2022

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  
Metal Box India Ltd.,  
7, Mistry Manor,  
62A, Napean Sea Road,  
Mumbai-400 006  
AND ASLO  
Metal Box India Ltd.,  
Barlow House,  
59 C, Chowringhee Road,  
Kolkata-700 020.

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 dated 16.05.2022 you were called upon to show cause on/or before 26.05.2022 why an order requiring you to pay damages of a sum of Rs.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only) Plate No. D-293/6, together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS 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.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six

**Please see on Reverse**



// 2 //

Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only) Plate No. D-293/6, being arrears of rent and taxes from 01.04.1985-30.06.1987 (both day inclusive) to the tune of Rs.13,74,448.17 (Thirteen Lakh Seventy-Four Thousand Four Hundred Forty-Eight and Seventeen Paise) and Compensation charges/damages from the period 01.07.1987-06.08.2019 (considered the compensation charges 3 x SoR from 01.08.2016-06.08.2019) to the tune of Rs.84,91,27,959.74 (Eighty-Four Crore Ninety-One Lakh Twenty-Seven Thousand Nine Hundred Fifty Nine and Seventy-Four Paise), total being Rs.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only), assessed by me as damages for the concerned premises for the period as mentioned above to Kolkata Port Trust by 30.06.2022.

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 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. 77 dated 31.05.2022 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 said piece or parcel of land consisting of two plots; one measuring 28,308.190 sq.m. (Plot-'A') and the other measuring 12,168.712 sq.m. (Plot-'B'), altogether measuring about 40,476.902 sq.m. at Hide Road Extension, Thana-Taratata Police Station, Dist.-24 Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' land leased to M/s. R. Sen & Co., on the East by the Trustees' strip of open land reserved as margin of safety alongside a Port Trust Railway Siding, on the South by the Trustees' land occupied by Amin Chand Payarelal Ltd., and on the west partly by the Trustees Hide Road Extension and partly by the Trustees low level Road along Hide Road Extension.

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

Dated: 31.05.2022



*[Signature]*  
31/05/2022  
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

910/R, 910/D of 2011 Order Sheet No. 122

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s, METAL BOX INDIA LTD

FF  
31/05/2022

## FINAL ORDER

The instant proceedings numbers 910/R, 910/D of 2011 arises out of the application bearing no. Lnd. 4194/XI/(Dup)/21/3528 dated 01.10.2021 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 rental dues/compensation charges/damages, etc, for wrongful possession of public premises by O.P. till 06.08.2019 alongwith accrued interest in respect of the public premises as defined in the schedule of the said application against M/s. METAL BOX INDIA 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 nos. 910/R, 910/D of 2011, 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 that O.P. came into occupation of the two plots of Port Property in question; one measuring 28,308.190 sq. m. (Plot-'A') and another measuring 12,168.712 sq. m. (Plot-'B'), altogether measuring 40,476.902 sq. m. against Plate No. D-293/6 at Hide Road Extension, and the details of the property as mentioned in Schedule-I of Form-'E' and Form-'G' as attached with this Order Sheet, were leased to M/s. Metal Box India Ltd., herein referred to as O.P. by the Kolkata Port Trust, herein referred to as the applicant, on certain terms and conditions as embodied in the Registered Lease Deed dated 25.01.1954. The lease referred to above was for a period of 30 years commencing from 11.06.1952 with two options for renewal for 30 years each.
- 2) That it may be put on record here that proceedings No.231 of 1994 was renumbered as 910 of 2007 with the issuance of Show Cause Notice u/s-4 of the PP Act, 1971 dated 17.09.2007 in terms of the Order No. 08 dated 10.08.2007 as passed by this Ld. Forum of Law.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01/06/22  
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

UP. 3 OF 1971 ACT No. 40 OF 1971 910/R, 910/D of 2011 Order Sheet No. 123

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

**VS**  
**M/s. METAL BOX INDIA LTD**

77  
31/05/2002

3) That it is the case of SMP, Kolkata that Ejectment Notice dated 05.05.1987 was issued to O.P. for non-payment of rental dues and in the lease granted to M/s. Metal Box India Ltd., O.P. herein had already expired due to efflux of time. It was submitted by SMP, Kolkata on earlier occasion that tenancy was allowed to continue on month-to-month basis from 11.06.1982 in terms of the letter No.LM.4194/VI dated 22.04.1985 as issued to O.P. It also reveals from record that a Suit No.110 of 1998 was instituted by O.P. against the Board of Trustees of the Port of Kolkata and Ors. (KoPT) before the Hon'ble High Court, Calcutta, claiming that O.P. is entitled to renewal of a lease dated 25.01.1954 and also a declaration that the notice dated 05.05.1987 by which KoPT intended to determine the said lease is not enforceable under law. It is seen that O.P. in the said Suit before the Hon'ble High Court, Calcutta claimed for a decree, directing the defendants (KoPT) to renew the lease in respect of the public premises in question in terms of the lease agreement dated 25.01.1954 for a further period of 30 years with effect from 11.06.1982, as there was a renewal clause in the said lease deed for two successive terms of 30 years each. It also reveals that a proceeding u/s-4 of the PP Act, 1971 was initiated by the Ld. Estate Officer under the PP Act, 1971 on the basis of Ejectment Notice of KoPT dated 05.05.1987 and the Hon'ble High Court, Calcutta, by its order dated 01.06.1988 restrained the Port Authority to take action on the basis of the Show Cause Notice u/s-4 of the Act issued on 30.01.1988 with the liberty to take action by issuing a fresh notice u/s-4 of the Act against O.P. As per the directions of the Hon'ble High Court, Calcutta, fresh Notice u/s-4 of the PP Act, 1971 was issued on 17.09.2007. In the course of one such hearing O.P. even argued that they are under the protection of Sections 22 and 32 of SICA and during pendency BIFR's judgment/order on KoPT's application, the proceedings should not continue. But KoPT strongly objected to this contention and said that as the leasehold interest in respect of the property had already elapsed long back and the proceedings were continuing on the basis of the liberty granted by the Hon'ble High Court,

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]* 01/06/22  
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 PROVISIONS OF  
ACT. NO. 40 OF 1971

910/R, 910/D of 2011 Order Sheet No. 124

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

**M/S. METAL BOX INDIA LTD** <sup>VS</sup>

77  
31/05/2022

Calcutta in the Suit No.110 of 1988 instituted by O.P. against KoPT as defendants.

- 4) That another issue was raised by O.P. during the course of hearing that as per the Order dated 04.12.2007 as passed by the Appellate Authority for Industrial and Financial Reconstruction in Appeal No.276 of 2006 and 268 of 2006 in the matter of Metal box (I) Ltd. relying upon the order of ASIFR, that the matter relating to the recovery of possession and recovery of dues/charges as payable by O.P. had been referred back to BIFR for dealing with the matter in accordance with law and as such the proceedings before this Ld. Forum is not maintainable. But KoPT strongly submitted that the proceedings had been initiated on the basis of the leave granted by Hon'ble High Court, Calcutta in connection with a Suit instituted by O.P. before the Hon'ble High Court, Calcutta and O.P. entered into the proceedings earlier before this Forum of law. It was further submitted that the instant proceedings is for recovery of possessions as the lease in respect of the public premises in question had expired long back.
- 5) That O.P. also contested through their Ld. Advocates on the point of maintainability in view of Section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985, and also on the "overruling effect" u/s-32 of the SICA, and further on whether draft proposal for Rehabilitation of the Company (O.P.) as sanctioned by BIFR does contain any mandatory direction to KoPT for renewal of lease in question and/or any grant of relief to O.P. for allotment without complying with the requirement of Port Authority for allotment of such property. This Forum of Law took up the issues seriously and stated that the overriding effect of Section 32 of SICA will come into play only in the situation where the provisions of other laws are inconsistent or not in conformity with SICA. These two laws, i.e. SICA and PP Act are operating in its respective field to fulfil the specific intention of the legislature. SICA was enacted to make a Sick Industrial Company financially viable and PP Act was enacted to provide speedy machinery for eviction of the unauthorized occupants from the public premises and recovery of arrear rental dues or damages etc. for

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01/06/22  
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

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

Proceedings No. 910/R, 910/D of 2011 Order Sheet No. 125

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s, METAL BOX INDIA LTD

VS

77  
31/05/2022

occupation and enjoyment of the public premises. Therefore the provisions of SICA & PP Act are not at all conflicting and as such not inconsistent. Further regarding the sanctioned Rehabilitation Package it is understood that KoPT's claim on account of arrear charges for occupation into the Port Property had not been included in the scheme for rehabilitation in question when there is a legal conflict between parties about the service off Ejectment Notice in respect of the Company by the Port Authority before the Hon'ble High Court, Calcutta in connection with the Suit No.110 of 1988 (Metal Box India Ltd. -vs- Board of Trustees of the Port of Kolkata). In fact no reference was found to the High Court's order passed in that Suit for consideration of BIFR at the time of preparation/sanction of the Rehabilitation Package which. As opined by this Forum this was nothing but an expression of utter callousness of the Management of the Company to bring the relevant fact to the notice of BIFR.

6) In view of the issues as raised by O.P. during the course of hearing, several dates were given by this Ld. Forum for submission of facts, documents, claims, counter-claims, etc, both to SMP and O.P. Going through all the processes and submissions, this Forum had no hesitation in its mind to decide the matter in favour of the Port Authority on the basis of the following reasons/grounds:-

- (i) That O.P. had defaulted in making payment of the rental dues to SMP, Kolkata in gross violation of the condition of tenancy under lease.
- (ii) That O.P.'s contention regarding "subsisting lease" in favour of O.P. is not at all supported by fact and law as well
- (iii) That O.P. cannot claim renewal of lease in terms of the Option Clause in the lease in question without performing the duties and responsibilities as specified, and O.P. has no authority under law to dictate the terms and conditions for grant of lease beyond the scope of the lease deed.
- (iv) That O.P.'s contention regarding non-maintainability of the proceedings in view of Section 22 and Section 32 of Sick Industrial

By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

01/06/22  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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**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. 910/R. 910/D of 2011 Order Sheet No. 126

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

**M/S, METAL BOX INDIA LTD**

77  
31/05/2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01/06/22  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

- companies (Special Provisions) Act, 1985 have got no merit in the facts and circumstances of the case and Limitation Act has no application to the proceedings before this Forum of law as it is not a Court to be governed by the Civil Procedure Code and jurisdiction of the courts has been taken away u/s-15 of the Act.
- (v) That O.P. cannot claim any relief/s with regard to the payment of rental dues for enjoyment of Port property in any way.
- (vi) That O.P. cannot claim its occupation as "authorized occupation" in view of Section 2(g) of the PP Act and O.P. cannot challenge the validity of serving the Ejectment Notice by Port Authority dated 05.05.1987 as the legality of the same had been upheld by the Hon'ble High Court, Calcutta dated 01.06.1988 in Suit No.110 of 1988 in Original Civil Jurisdiction (Metal Box India Ltd. -vs- Board of Trustees of the Port of Kolkata).
- (vii) That O.P. had not acted fairly in connection with and upon sanctioned Rehabilitation Scheme of BIFR dated 03.10.2000 by way of not disclosing all material facts connected with the property.
- (viii) That O.P. had also failed to bear any witness or adduce any evidence in support of its contention regarding "authorized occupation" in the Port Property.
- (ix) That O.P. is in wrongful occupation of the public premises after expiry of the period as mentioned in the Quit Notice dated 05.05.1987 and are liable to pay damages for such unauthorized occupation to KoPT upto the date of handing over of clear, vacant and unencumbered possession to KoPT.

Accordingly, Department was directed to draw up formal order of Eviction u/s-5 of the Act as per Rule made thereunder, giving 15 days time to O.P. or any other persons in occupation to vacate the premises.

- 7) That however during the course of hearing it was found that P.P. Appeal No.7 of 2010 before the Ld. District Judge, Alipur was against the Order of Eviction dated 18.01.2010, u/s-5 of PP Act, 1971. But



**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

U/S, Section No. 910/R. 910/D of 2011 Order Sheet No. 127

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

**VS**  
**M/S. METAL BOX INDIA LTD**

inspite of providing several dates to O.P. no concrete observation was given about the final outcome of the above mentioned P.P. Appeal. However as submitted by the representatives of SMP, Kolkata, it is understood that the Order dated 21.06.2019 in relation to the instant P.P. Appeal No.7 of 2010, that the interim order of stay has not been extended by the Ld. Court. Such being the case, there was no bar in executing the Order of Eviction passed by this Ld. Forum on 18.01.2010. Thereafter, as per Order No.26 dated 18.01.2010, the possession of the Public Premises had been taken over by the appointed Authorized Officer on 06.08.2019. The same was also submitted before this Ld. Forum vide application bearing no. Lnd. 4194/XI/ (Dup)/21/3528 dated 01.10.2021.

8) Thereafter, considering the submission and documents as submitted by SMP, Kolkata, in terms of Order Nos.68, 71, 72 and 73 dated 22.11.2021, 12.04.2022, 19.04.2022 and 26.04.2022 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 compensation charges/rental dues/damages, together with interest should not be made against the O.P. It is by virtue of the application bearing No.4194/XI(Dup)/21/3528 dated 12.05.2022 as filed by SMP, Kolkata, that this Ld. Forum came to know that the dues on account of rental dues, compensation charges considering 3 x SoR is recoverable from O.P. It is the case of SMP, Kolkata that O.P. was asked to pay damages/compensation upto 06.08.2019, as because the subject premises were taken over by SMP, Kolkata on 06.08.2019. 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 "Metal Box, India, Ltd., of 7, Mistry Manor, 62A, Napean Sea Road, Mumbai-400 006" and Also "Barlaw House, 59 C, Chowringhee Road, Kolkata-700

By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE  
PASSED BY THE ESTATE  
OFFICER  
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. 910/R. 910/D of 2011 Order Sheet No. 128

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

M/S. METAL BOX <sup>VS</sup> INDIA LTD

77  
31/05/2022

020." 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 24.05.2022.

9) Thereafter several dates since 25.10.2021 were given by this Ld. Forum, with a direction upon O.P. to appear before this Forum for any submission/hearing etc., but neither did O.P. appear before this Ld. Forum nor filed any response. As such I have no bar to accept the claim of SMP, Kolkata on account of rental dues, damages, compensation charges, etc. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.

10) It is my considered view that a sum of Rs. 141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only) against Plate No. D-293/6, being arrears of rent and taxes from 01.04.1985-30.06.1987 (both day inclusive) to the tune of Rs.13,74,448.17 (Thirteen Lakh Seventy-Four Thousand Four Hundred Forty-Eight and Seventeen Paise) and Compensation charges/damages from the period 01.07.1987-06.08.2019 (considered the compensation charges 3 x SoR from 01.08.2016-06.08.2019) to the tune of Rs.84,91,27,959.74 (Eighty-Four Crore Ninety-One Lakh Twenty-Seven Thousand Nine Hundred Fifty Nine and Seventy-Four Paise), total being Rs.141,63,36,984.28 (Rupees One Forty-One Crore Sixty-Three lakh Thirty-Six Thousand Nine Hundred Eighty-Four and Twenty-Eight paise only), are due and recoverable from O.P by the Port Authority on account of rental dues, compensation charges and damages along with interest and O.P. have to pay such dues to SMP, Kolkata forthwith. Considering the after effects of the ongoing situation due to Covid-19, I find it prudent to allow time till 30<sup>th</sup> 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 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's books of accounts.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01/06/22  
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

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

910/R, 910/D of 2011 Order Sheet No. 129

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

**VS**  
M/S, METAL BOX INDIA LTD

77  
31/05/2022

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.

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

  
31/05/2022  
(NARGIS YASMEEN)  
ESTATE OFFICER

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