

Debit



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

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

REASONED ORDER NO. 33 DT 24.8.2022.  
PROCEEDINGS NO: 1487/D of 2016

**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 Oriental Agencies,  
5, Clive Row  
Kolkata- 700 001.**

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 31.05.2022 (Vide Order No 29 dated 30.05.2022) you were called upon to show- cause on/or before 17.06.2022 why an order requiring you to pay a sum of Rs 62,65,849.00 (Rupees Sixty Two Lakhs Sixty Five Thousand Eight Hundred and Forty Nine 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 62,65,849.00 (Rupees Sixty Two Lakhs Sixty Five Thousand Eight Hundred and Forty Nine Only) for the period from 01.07.2014 to 24.02.2020 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 09.9.2022.

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 @ 6.45 % 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

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



:2:

A copy of the reasoned order no. 33 dated 24.8.2022 is attached hereto.

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.


### SCHEDULE

Plate no - A-15

The said Godown space msg. about 163.32 sqm or thereabouts situated at Ground Floor of Trustees' Armenian Ghat Warehouse, P.S. North Port Police Station, Dist: Kolkata (South), Regn. Dist: Kolkata. It is bounded on the North by Trustees' Godown Space occupied by M/s Soor Neogy Coomer (P) Ltd., on the East by Trustees' passage, on the South by the Godown Space occupied by Bells General Industries and on the West by the River Hooghly.

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

Dated: 24.8.2022.

  
Signature and seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
FORWARDED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
 24.8.2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT





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.1487/R of 2016  
ORDER NO. 33 DATED: 24.8.2022.

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 Oriental Agencies,  
5, Clive Row  
Kolkata- 700 001.**

WHEREAS you are in occupation of the public premises described in the Schedule  
below. (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

24.8.2022

OFFICE OF

EVANGELINE

AND WHEREAS, by written notice dated 31.05.2022 (Vide Order No 29 dated  
30.05.2022) you were called upon to show cause on/or before 17.06.2022 why an  
order requiring you to pay a sum of Rs 32,59,083.00 (Rupees Thirty Two Lakhs Fifty  
Nine Thousand Eighty 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 32,59,083.00 (Rupees Thirty Two Lakhs  
Fifty Nine Thousand Eighty Three Only) for the period 01.06.1988 to 30.06.2014  
(both days inclusive) to Kolkata Port Trust by 09.9.2022.

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 @ 6.45 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) till liquidation of the same from the date of incurrance of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 33 dated 24.8.2022 is attached hereto.

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 - A-15

The said Godown space msg. about 163.32 sqm or thereabouts situated at Ground Floor of Trustees' Armenian Ghat Warehouse, P.S. North Port Police Station, Dist: Kolkata (South), Regn. Dist: Kolkata. It is bounded on the North by Trustees' Godown Space occupied by M/s Soor Neogy Coomer (P) Ltd., on the East by Trustees' passage, on the South by the Godown Space occupied by Bells General Industries and on the West by the River Hooghly.

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

Dated: 24.8.2022.

Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
24.8.2022  
STATE OF WEST BENGAL  
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



Proceedings No. 1487/R, 1487/D of 2016 Order Sheet No. -55-

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

*M/s Oriental vs Agencies.*

33  
24.8.2022

## FINAL ORDER

The instant proceedings No. 1487/R and 1487/D of 2016 arises out of the application bearing no. Lnd.3/27/20/2053 dated 30.09.2020 filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as 'SMPK'], the applicant herein, praying for an order of recovery of dues on account of Rent and Compensation/ Damage charges, along with accrued interest thereon, in respect of the public premises, against **M/s Oriental Agencies**, (hereinafter referred to as **O.P.**), under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as 'the Act').

The fact of the case in a nutshell is that the O.P. came into occupation of the port property of the godown space measuring about 163.32 sqm on the ground floor of SMPK's Armenian Ghat Warehouse under Plate No. A-15 on month to month Lease basis. Thereafter, the possession of the premises were taken over by SMPK on 25.02.2020 in terms of the Order of Eviction dated 31.01.2018 passed by this Forum of Law. SMPK in terms of said application dated 30.09.2020 and by a further application bearing no. Lnd 3/27/22/830 dated 22.03.2022 has submitted claim on account of rent as well as compensation/ damage charges, which reportedly was due and recoverable from the O.P. for its use and enjoyment of the port properties in question. After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) no of Show Cause Notices, both dated 31.05.2022 (vide Order no. 29 dated 30.05.2022), for arrear rent and compensation/ damage charges as reported by SMPK, u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notices were issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rent as well as compensation/ damage charges together with interest would not be made against the O.P. The Notices were sent through 'Speed Post' to the recorded addresses of O.P. However, the notices were returned undelivered by the Postal Department with the remarks "no such addressee in this address, ACNL/ RTS". The 'Process Server' attached with this Forum for service of such Notices/ Orders etc.,

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
MADE BY THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT  
24.8.2022  
OFFICE OF THE 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. 1487/R, 1487/D of 2016 Order Sheet No. -56-

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

M/s Oriental Agencies <sup>vs</sup>

33  
24.8.2022

has submitted the Report dated 02.06.2022 stating that the "addressee could not be found" in the recorded address. However, the notices were also affixed on a conspicuous part of the premises, as per mandate of the Act. On the day fixed for filing reply to the show cause, neither the O.P. nor anyone interested in the proceedings approached this Forum. Following the principles of 'Natural Justice' that no one should be condemned unheard, Department was directed to make another attempt for service of the Order as well as the Notice upon the recorded address of O.P. However, the effort remained futile as the Process Server filed Report dated 28.06.2022 stating that no such company was found in the premises. The 'Speed Post' sent for the second time also returned undelivered by the Postal Department with the remarks "ACNL/RTS". However, the notices were also affixed on a conspicuous part of the premises for the second time. In view of the circumstances and considering the huge reported dues of O.P., a decision was taken in terms of Order dated 12.07.2022 to publish a notice in a widely circulated English Local Daily as well as in official website of SMPK for a notice to all concerned about the pendency of the instant proceeding in order to give a chance to the O.P. to appear before this Forum and to represent its case. Such notice was published in "The Times of India (Kolkata edition)" on 20.07.2022 fixing the date for the O.P's appearance, filing reply to Show Cause on 26.07.2022. Finally, on the scheduled date for filing the reply to show cause, when neither the O.P. nor anyone interested in the property appeared before this Forum, this Forum finding no good reason to drag the matter further, concluded the hearing of the matter. It appears that neither the reply to Show Cause nor any paper/ document in connection with the Show Cause came to be filed by the O.P., inspite of every possible efforts being made and as such, I am constrained to proceed ex-parte against the O.P.

I find that SMPK has produced detailed statement of accounts dated 22.03.2022 filed under the cover of SMPK's application dated 22.03.2022 in respect of the public premises in question. It appears from the said statement of accounts that no payment, which could

By Order of:  
THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER,  
SYAMA PRASAD MOOKERJEE PORT  
24.8.2022  
THE 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. 1487/R, 1487/A of 2016 Order Sheet No. -57-

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

*M/s Oriental Agencies* **VS**

33  
24.8.2022

be adjusted against the dues of SMPK has been made by O.P. for years together. In my view, such statements maintained by a statutory authority/ SMPK in its usual course of business has definite evidentiary value, unless challenged with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMPK that the rent as well as 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. Non-payment of dues by O.P. for years together is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMPK on account of rent and damages/compensation charges. I have nothing to disbelief in respect of SMPK's claim against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

It is my considered view that a sum of Rs 32,59,083.00 (Rupees Thirty Two Lakhs Fifty Nine Thousand Eighty Three Only) for the period from 01.06.1988 to 30.06.2014 is due and recoverable from O.P. by the Port authority on account of Rent and a sum of Rs 62,65,849.00 (Rupees Sixty Two Lakhs Sixty Five Thousand Eight Hundred and Forty Nine Only) for the period from 01.07.2014 to 24.02.2020 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges.

O.P. must have to pay such dues to SMPK on or before 09.9.2022.

Interest is the natural fallout for delayed payments of Rent/ Compensation and as such, the O.P. is liable to pay interest for the same. Such dues attracts Compound Interest @ 6.45 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered 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.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
OFFICE OF THE 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. 1487/R, 1487/D of 2016 Order Sheet No. -58-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*M/s Oriental Agencies.* <sup>VS</sup>

33  
24.8.2022.

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; SMPK 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

  
(Sayan Sinha)  
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  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
24.8.2022  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT