

### 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 SMPK's Fairlie Warehouse

PROCEEDINGS NO.1725/D OF 2019 ORDER NO. 22 DATED: 23.09.2022.

6, Fairlie Place, Kolkata- 700 001.

### Form- G

Form of order under Sub-section (2) and (2A) of Section 7 of the Public Premises (Eviction of

To

M/s. Annapurna Bhander, North side of Cross Road No.7 Jagannath Ghat, Thana-North Port Police Station And 9/1, Kumartuli Street, Kolkata-700005. And also at BL Plot No.334, Saltlake Sector-II, Kolkata-700091.

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 02.09.2019 you are called upon to damages of Rs.22,18,224/- (Rupees Twenty two Lakh eighteen thousand two 240 hundred twenty four Only) for Plate No. damages of Rs.22,18,224/- (Rupees Twenty two Lakh eighteen thousand two hundred twenty four Only) for Plate No. SB-155/1 and Rs.9,07,551/-(Rupees No. SB-155/1 and Rs.9,07,551/-(Rupees together with [compound interest] for upon the rest of the second state of Nine Lakh seven thousand five hundred fifty one only) for Plate No.SF-162 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

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.22,18,224/- (Rupees Twenty two Lakh eighteen thousand two hundred twenty four Only) for Plate No. SB-155/1 for the period from 09.03.1993 to 07.06.2019(both days inclusive) and Rs.9,07,551/-(Rupees Nine Lakh seven thousand five hundred fifty one only) for Plate No.SF-162 for the period from 09.03.1993 to 30.06.2017 (both days inclusive) assessed by me as damages on account of your unauthorised occupation of the premises to SMPK by 12.10.2022.

PLEASE SEE ON REVERSE

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 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 No -SB-155/1 & SF-162

The said piece or parcel of land msg.87.793 Sq.m or thereabouts is situated on the north side of Cross Road No.7 at Jagannath Ghat, Thana: North Port Police Station, District & Registration District: Kolkata. It is bounded on the North partly by Temple and partly by the Trustees' land occupied by Karunamoye Pratinar, on the East by Cross Road No.7, on the South partly by Trustees' land used as passage and partly strip of open land used as railway margin of safety alongside Circular Railway and on the West by the Trustees' land occupied by Estate Kanailal Tah & Krishnalal Tah.

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

Date 16.09.20 22 .

Signature & Seal of the Estate Officer.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOCKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOCKERJEE PORT
Head Assistant
CERICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOCKERJEE FORT



# 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 SMPK's Fairley Warehouse 6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 22 DT 23.09.2012 PROCEEDINGS NO. 1725 OF 2019

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

M/s. Annapurna Bhander (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 Annapurna Bhander, North side of Cross Road No.7 Jagannath Ghat, Thana-North Port Police Station Kolkata-700001 And 9/1, Kumartuli Street, Kolkata-700005 And also at BL Plot No.334, Saltlake Sector-II, Kolkata-700091 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 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.

  3. That O.P. has defaulted in making payment of rental dues to Characteristics.
- 3. That O.P. has defaulted in making payment of rental dues to SMPK in gross violation of the condition of tenancy under long term lease as granted by the port Authority.
- 4. That O.P has unauthorisedly parted with possession of the subject premises to M/s Jagadamba Trading Co.
- That O.P has erected unauthorized construction upon the subject land & also made encroachment msg. about 14.27 sq.m. upon the SMPK's land without having any authority of law.
- That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice of ejectment dated 01.04.2015 as issued from the Port Authority.
- 7. That 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.

4

PLEASE SEE ON REVERSE

A copy of the reasoned order No. 22 dated <u>28.09.2022</u> 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. Annapurna Bhander, North side of Cross Road No.7 Jagannath Ghat, Thana-North Port Police Station Kolkata-700001 And 9/1, Kumartuli Street, Kolkata-700005 And also at BL Plot No.334, Saltlake Sector-II, Kolkata-700091 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. Annapurna Bhander, North side of Cross Road No.7 Jagannath Ghat, Thana-North Port Police Station Kolkata-700001 And 9/1, Kumartuli Street, Kolkata-700005 And also at BL Plot No.334, Saltlake Sector-II, Kolkata-700091 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 No -SB-155/1 & SF-162

The said piece or parcel of land msg.87.793 Sq.m or thereabouts is situated on the north side of Cross Road No.7 at Jagannath Ghat, Thana: North Port Police Station, District & Registration District: Kolkata. It is bounded on the North partly by Temple and partly by the Trustees' land occupied by Karunamoye Pratinar, on the East by Cross Road No.7, on the South partly by Trustees' land used as passage and partly strip of open land used as railway margin of safety alongside Circular Railway and on the West by the Trustees' land occupied by Estate Kanailal Tah & Krishnalal Tah.

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

Dated: 26. 09. 2022.

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 Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER

6, Fairley Place (1st Floor) KOLKATA - 700 001

Court Room at the 1st Floor of SMPK's

6, Fairlie Place Warehouse Kolkata-700001.

Form " E"

PROCEEDINGS NO.1725/R OF 2019 ORDER NO. 22 DATED: 23.09.2022

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. Annapurna Bhander,
North side of Cross Road No.7
Jagannath Ghat, Thana-North Port Police Station
Kolkata-700001
And
9/1, Kumartuli Street, Kolkata-700005.
And also at
BL Plot No.334, Saltlake Sector-II,
Kolkata-700091.

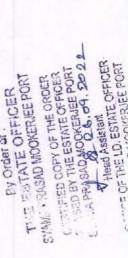
WHEREAS you are in occupation of the public premises described in the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 02.09.2019 you are called upon to show cause on or before 23.09.2019 why an order requiring you to pay a sum of Rs.4,201/-(Rupees Four thousand two hundred one 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.4,201/-(Rupees Four thousand two hundred one only) for the period from 1st February, 1989 to 8th March, 1993 (both days inclusive) to SMPK by 12.10.2022

PLEASE SEE ON REVERSE



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 on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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 -SB-155/1 & SF-162

The said piece or parcel of land msg.87.793 Sq.m or thereabouts is situated on the north side of Cross Road No.7 at Jagannath Ghat, Thana: North Port Police Station, District & Registration District: Kolkata. It is bounded on the North partly by Temple and partly by the Trustees' land occupied by Karunamoye Pratinar, on the East by Cross Road No.7, on the land used as passage and partly strip of open land used as railway margin of safety alongside Circular Railway and on the West by the Trustees' land occupied by Estate Kanailal Tah & Krishnalal Tah.

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

Dated: 26.09.2022.

Signature and seal of the Estate Officer

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOCKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
OYAMA PRASAD MOCKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PELSAD MOCKERJEE PORT

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

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA UIS 3 OF PP ACT Appointed by the Central Govt. Under Section 3 of the Public Premises

ACT NO 40 OF 1971 (Eviction of Unauthorised Occupants ) Act 1971 CENTRALACT Proceedings N 7725, 1725 R 9 1725 D

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

٧S

M/S. Annapurna Bhander

2019

23.09.2022

FINAL ORDER

Order Sheet No.

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. Annapurna Bhander (O.P) came into occupation of the Public Premises in question being land Msg. about 87.793 Sq.m on the north side of Cross Road No.7, Jagannath Ghat, comprised under occupation/Plate No. SB-155/1 & SF-162 as a long term lessee for a period of 10 years w.e.f 09.03.1983(as expired on 08.03.1993) and O.P violated the condition of tenancy under long term lease by way of non-payment of rental dues, unauthorized construction, unauthorised parting with possession of the premises to M/ Jagadamba Trading Co and also by way of encroachment of SMPK's land msg. about 14.27 Sq.m. It is argued that O.P. has no authority under law to occupy the Public Premises after expiry of the period as mentioned in the notice of ejectment dated 01.04.2015 as issued upon O.P. by SMPK. This Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the P.P. Act and issued Show Cause Notice/s u/s 4 of the Act (for adjudication of the prayer for recovery of possession etc. of the Public Premises). Show Cause Notice u/s 7 of the Act was also issued to O.P. (for adjudication of the prayer for recovery of arrear rental dues, damages etc.). All the Show Cause Notice/s u/s 4 & 7 of the Act were issued as per Rule made under the Act and all dated 02.09.2019(vide Order dated 02.09.2019). O.P. was asked to Show Cause on or before 23.09.2019.

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 Service to O.P's address at 9/1, Kumartuli Street, Kolkata-700005 was returned undelivered with remarks of the Postal Department "Not

## Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

CENTRAL GOVI.

UIS 3 OF PP ACT
ACT NO 40 OF 1971
CENTRAL ACT

CENTRAL COVI.

Proceedings No.

PRASA

1725, 1725 R & 1725 D OF

2019

Order Sheet No.

18

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

VS

M/S. Annapurna Bhander

23-09.2022

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

Head Assistant

THE LD RETAIL OFFICER
SHA

Don't

Known" on 04.09.2019. I have duly considered the report of the Process Server dated 04.09.2019 regarding personal service/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 02.05.2022 regarding affixation of the order No. 16 dated 27.04.2022 and order No. 19 dated 01.06.2022 regarding postal service. I am satisfied with the service of notice to all concerned interested into the property. In my view, sufficient chances have been given to all concerned to represent their case and O.P. has failed to submit its reply to the Show Cause Notice u/s 4 & 7 of the Act all dated 02.09,2019 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 dates scheduled for hearing 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:

- 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.
- 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.
- That O.P. has defaulted in making payment of rental dues to SMPK in gross violation of the condition of tenancy under long term lease as granted by the Port Authority.
- That O.P has unauthorisedly parted with possession of the subject premises to M/s Jagadamba Trading Co.
- 5. That O.P has erected unauthorized construction upon the subject land & also made encroachment

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

U/S 3 OF P.P ACT ACT NO 40 OF 1971 CENTRAL ACT Proceedings No. \*

MA PRASA

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

1725, 1725 R 9 1725 D OF

2019

Order Sheet No.

19

COARC OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. Annapurna Bhander

23.09.2022

msg. about 14.27 sq.m. upon the SMPK's land without having any authority of law.

- 6. That O.P. has lost its authority to occupy the Public Premises after expiry of the period as mentioned in the notice of ejectment dated 01.04.2015 as issued from the Port Authority.
- 7. That 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.

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.4,201/-(Rupees Four thousand two hundred one only) for the period from 01st day of February 1989 to 8th March 1993 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to SMPK on or before /2./0.22 Such dues attract 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) from the date of incurrence of liability,

THE FOREIGN OF THE STATE OF THE

## 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 ACT NO 40 OF 1971

17-25, 17-25 R 8 17-25 D OF\_

2019

Order Sheet No.

20

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

M/S. Annapurna Bhander

22 23.09.2022

PRASA

ENTRALACT

Proceedings No.

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.

Likewise, I find that SMPK has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs 22,18,224/-(Rupees twenty two Lakh eighteen thousand two hundred twenty four only) for Plate No.SB-155/1 for the period from 09.03.1993 to 07.06.2019(both days inclusive) and Rs.9,07,551/-(Rupees Nine lakhs seven thousand five hundred fifty one only) for Plate No.SF-162 for the period from 09.03.1993 to 30.06.2017 (both days inclusive) as claimed by the Port Authority as damages in relation to the subject premises in question, are correctly payable by O.P. and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMPK by !2.10.22 The said damages shall attract 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) 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 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 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 07.06.2019 & 30.06.2017 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 calculation of damages after 07.06.2019 &

By Order of: THE ESTATE OFFICER SYAMA PRASAD MOOKERJEE PORT CEPTIFIED COPY OF THE ORDER

PASSED BY THE ESTATE OFFICE! Head Assistant

CAFFICE OF THE LD. ESTATE OFFICER SYAMA PRASAD MOOKERJEE PORT



AMA PRASADA Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA Appointed by the Central Govt. Under Section 3 of the Public Premises U/S 3 OF P.P ACT ACT NO 40 OF 1971 (Eviction of Unauthorised Occupants ) Act 1971 CENTRAL ACT 1725, 1725 R 9 1725 D Of 9019 Order Sheet No. \_ Proceedings No. SUARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA VS M/S. Annapurna Bhander 30.06.2017, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the 22 date of taking over of possession) together with the basis on 23.09.2022 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 By Order (Kausik Kumar Manna) THE ESTAT ESTATE OFFICER \*\*\*ALL EXHIBITS AND DOCUMENTS ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM THE DATE OF PASSING OF THIS ORDER\*\*\*