

O/c

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
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.1289/R OF 2012
ORDER NO.36 DATED: 22.3.2023

Form of order under Sub-section (1) and (2A) of Section 7 of the Public
Premises (Eviction of Unauthorised Occupants) Act, 1971.

To

2483

**Bharat Sanchar Nigam Ltd.,
Telecom Factory, Gopalpur,
71/7, B.B.T Road,
P.O. Sarkarpool,
Kolkata-700143.**



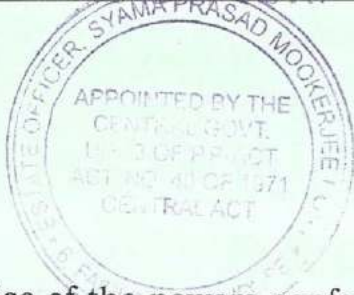
WHEREAS you were in occupation of the public premises described in the
Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 03.02.2017 you are called upon to
show cause on or before 14.02.2017 why an order requiring you to pay a sum
of Rs.22,08,130.06 (Rupees Twenty two Lakh eight thousand one hundred
thirty and paise six 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.22,08,130.06 (Rupees Twenty
two Lakh eight thousand one hundred thirty and paise six only) for the period
from 29.02.2004 to 26.02.2010(both days inclusive) to SMPK by 10.4.2023.

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 @ 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 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.

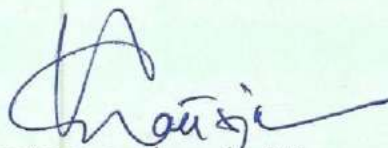
SCHEDULE

Plate No. D-273/2

Piece of Parcel of land msg.3262.568 Sq.m which is situated at Transport Depot Road, Thana-Taratala Police Station, Kolkata, Dist.24 Parganas(South), Registration Dist. Alipore. It is bounded on the **North** by Trustees' vacant land previously occupied by Indian Post and Telegraph Department, on the **South** by Trustees' land occupied by "The Chief Controller of Telegraph Stores, Post and Telegraph Department," on the **East** partly by Trustees' vacant land and partly by Trustees' land occupied by The Chief Controller of Telegraph Stores, Post & Telegraph Department, on the West by Trustees' vacant land previously occupied by Indian Post & Telegraph Department.

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

Dated: 22.3.2023


Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, 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. 1289/R of 2012 Order Sheet No. 33

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Bharat Sanchar Nigam Ltd

FINAL ORDER

The instant Proceedings No. 1289/R of 2012 arises out of application bearing No. Lnd. 4423/III(Loose)/11/4305 dated 29.09.2011 filed by the Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust/KoPT), hereinafter referred to as 'SMPK', the Applicant herein, praying for order of payment of arrear rent and taxes etc. along with interest against **M/s. Bharat Sanchar Nigam Limited**, O.P. herein, under the relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act 1971. The material facts of the case are summarised here-under.

SMPK had allotted the Land measuring 3262.568 sq. mt. in favour of O.P. on license basis under Plate No. D-273/2 for the purpose of workshop and storage of steel materials situated at Transport Depot Road w.e.f. 01.06.1978. Subsequently, a letter No. TFGP/Mntc/T-6/1/9-10(70) dated 18.02.2010 issued by one Mr. R.K. Dutta, Asst General Manager on behalf of Chief General Manager, Telecom Factory, Kolkata Circle, requested SMPK authorities to take over such land and accordingly, the subject land was taken over by the representative of SMPK on 26.02.2010. Thereafter, in terms of another letter dated 06.03.2010 issued by the said Sri R.K. Dutta, Asst. General Manager on behalf of Chief General Manager, Telecom Factory, Kolkata Circle authorised Sri Sankar Bandopadhyay, their representative for collecting the letter of acceptance of handing over of the subject premises to the representative of SMPK.

It is the case of SMPK that O.P. has failed and neglected to pay SMPK's arrear rent and taxes till

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

22.3.2023
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.

1287/R

Of

2012

Order Sheet No.

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Bharat Sanchar VS Nigam Ltd

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22.3.2023

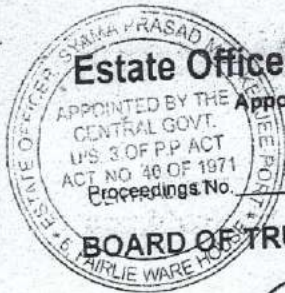
26.02.2010 along with interest in spite of repeated requests made by SMPK, vide letters being No. Lnd.4423/III (Loose)/10/4913 dated 04.03.2010, Lnd.4423/III(Loose)/11/1994 dated 24.08.2011 etc and after the subject land was taken over by the representative of SMPK.

This Forum of Law thereafter issued Notice u/s 7 of the P.P. Act by my predecessor Estate Officer to the O.P., on 02/03.02.2017. One Mr. Joydeb Sengupta, SDE, (Admin) for O.P. appeared on 14.02.2017 and confirms the receipt of the notice under Section 7, but submits that the subject land does not belong to Bharat Sanchar Nigam Ltd., Telecom factory, Gopalpur. Later, an application dated 28.02.2017 received by this Forum on 11.04.2017, was filed by the Asst. General Manager (Admin) Telecom Factory, Gopalpur, stating that the concerned plot of land was never under occupation of BSNL, Telecom Factory, Gopalpur Division/Department and that the concerned land mentioned in the schedule of the notice dated 02.02.2017 was occupied by the Chief Controller of Telegraph Stores, Post & Telegraph Department; and further, that the Telecom/Telegraph Stores/ Telecom Factory are separate entities. It was further gathered during the course of hearing from the representatives of BSNL that the concerned department of Controller of Telecom Stores is now located at 3A, Chowringhee Place, 5th Floor, Kolkata-700013, which is run under the name of BSNL, Chief General Manager, Telecom Stores, Kolkata- 700013. Accordingly, notice was served at the aforesaid address by the predecessor Estate Officer. Thereafter, one Sri A.K. Barman, Accounts officer (Legal & Budget) of Chief General Manager, Telecom Stores, at 3A

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

22.3.2023
Deputy Assistant
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

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Bharat Sanchar Nigam Ltd ^{VS}

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Chowringhee Place, Kolkata-700013, appeared for the hearing on 30.05.2017 but responded with the same denial as was made earlier.

Several attempts were made by the Process Server as well as the applicant herein (SMPK), to serve the Notice issued by this Forum upon O.P., at their recorded address with no result as such. O.P. repeatedly failed to appear before this Forum although few orders viz, order dated 28.03.2017 was duly accepted by O.P. under the seal and signature of BSNL (O.P. herein) on 10.04.2017, with the subsequent date of hearing being fixed on 11.04.2017.

This Forum, thereafter, directed for paper publication of the notice u/s 7 and the same was published on 22.07.2017 in the classified column of 'Times of India' with no fruitful result.

Considering all the contentions and the applications filed before this Forum by both the parties and after going through the arguments raised therein, this Forum is of the view that, admittedly, the possession of the subject premises was taken over by the representative of SMPK and the same was handed over by the O.P. in a peaceful and vacant condition on 26.02.2010. It is also a fact that at the time of vacating the possession, there were arrear rental dues/charges, as also interest for delayed payments recoverable from O.P. Such outstanding rental dues/charges is neither denied by O.P. by any single scrap of paper nor any semblance of representation has been given by them to refute/deny the charges and more so, the conduct of O.P. seems that they are not interested to contest the matter. It is evident from

By Order of:

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
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SYAMA PRASAD MOOKERJEE PORT

22.3.2023
Head Assistant
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

1289/R

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Bharat Sanchar ^{VS} *Nigam Ltd*

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22.3.2013

the records that at different points of time, Officers from the BSNL Authority appeared before this Forum with no clue as to the subject matter of the land/ its handing over to SMPK authorities, although there are series of communications with SMPK from the Office of the O.P. regarding handing over and allied matters, the salient details of which were also shown to the concerned representative of O.P. during the course of hearing.

It appears from the face of the letter dated 18.02.2010 that the said letter has been issued by one Sri R.K. Dutta, Asst. General Manager on behalf of Chief General Manager, Telecom Factory, Kolkata Circle under the Letter Head containing both the names of Telecom Factory, Gopalpur and Bharat Sanchar Nigam Limited. It also appears from a communication dated 06.03.2010 issued by the said Sri R.K. Dutta, Asst. General Manager on behalf of Chief General Manager, Telecom Factory, Kolkata Circle under the Letter Head of Bharat Sanchar Nigam Limited authorising their representative for collecting the letter of acceptance of handing over of the subject premises to the representative of SMPK. Another letter dated 18.03.2010 has been issued by the same signatory Sri R.K. Dutta, under the Letter Pad of Bharat Sanchar Nigam Limited, requesting for copies of certain documents against the subject premises. According to Indian Evidence Act, 1872, whenever any document is produced before any Forum of Law, purporting to be a record or memorandum of evidence, taken in accordance with law and purported to be signed by any officer of a Government of India Enterprise, the Forum has no other option but to presume that the

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

22.3.2013
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

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document is genuine and the statements are purporting to be true. The Forum shall regard such fact as proved, until and unless it is disproved by appropriate evidence. It is a fact that the BSNL authorities are well aware about the issuance of the said letter dated 18.02.2010, 06.03.2010 and 18.03.2010; however, no contrary submission disproving the credibility/genuineness of such letter has been produced by O.P./BSNL Authorities. The truth or falsity of the said letters dated 18.02.2010, 06.03.2010 and 18.03.2010 have not been dealt with by the O.P./BSNL Authorities. Mere denial that at no material point of time the subject premises was under the occupation of Telecom Factory Gopalpur does not suffice the contentions of O.P. in the absence of appropriate evidence or document in support of such contentions. In the event of the O.P./BSNL Authorities having not denied the credibility of the said letters dated 18.02.2010, 06.03.2010 and 18.03.2010, the adjudication of the present matter may proceed accordingly.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

22.3.2023
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

In view of the above facts and circumstances of the case, it is my considered view that the possession of the subject premises has been taken over from M/s. Bharat Sanchar Nigam Ltd, the O.P. herein. May it be mentioned here that in spite of service of notice/s and due publication of the notice in a daily news paper, no other interested party appeared before the Forum accepting their liability to pay the rental dues. Hence, I have no bar to accept the claim of SMPK on account of rental dues. In fact, I have nothing to disbelieve in respect of SMPK's claim against O.P. as per statement



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

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Bharat Sanchar VS Nigam Ltd

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of accounts maintained regularly in SMPK's office in regular course of business.

Thus it is my considered view that a sum of Rs. 22,08,130.06/- (Twenty Two Lakhs Eight Thousand One Hundred Thirty and paise Six only) for the period 29.02.2004 to 26.02.2010 (both days inclusive) ^{are} 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 10.4.2023. Such dues 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 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. Department is directed to draw up formal order as per Rule u/s 7 of the Act. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Signature)
(K. Chatterjee)
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
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

(Signature)
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT