

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

REASONED ORDER NO. 18 DT 01.07.2021
PROCEEDINGS NO. 1455 OF 2014

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSES BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.07.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/S Salewell & Co. (O.P.)

F O R M - "B"

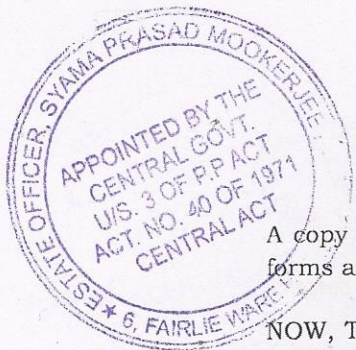
**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that
M/S Salewell & Co, P-221/2, Strand Bank Road, Kolkata-700 001 is in
unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

- 1) That O.P. has failed to liquidate the dues of the Port Authority, for a considerable period, in violation of the condition of the agreement between the parties.
- 2) That O.P. has failed to appear before this Forum and failed to show cause as to why order of eviction should not be passed on the O.P.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 5) That the notice to quit dated 06.11.2003 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) 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.
- 7) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

PLEASE SEE ON REVERSE



(2)

A copy of the reasoned order No. 18 dated 07.07.2021 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. Salewell & Co, P-221/2, Strand Bank Road, Kolkata-700 001** 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. Salewell & Co, P-221/2, Strand Bank Road, Kolkata-700 001** 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./Occupation No. CG-165/A

The Trustees' room No.11 msg.13.963 Sq.m or thereabouts on the 2nd floor of the premises No. 221/2, Strand Bank Road is situated on the West side of Strand Bank Road in the presidency town of Kolkata. It is bounded on the North by a strip of open land being the premises of the same building, on the East by the room leased to Kasiram Agarwala, on the South by the common verandah & in the West by the room leased to Sri H.N.Chakraborty .

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
07-07-2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

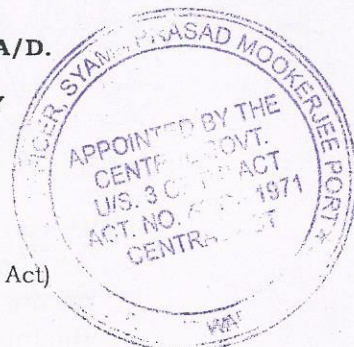
Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date- 07.07.2021.

Signature & Seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

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.1455/R OF 2014
ORDER NO. 18 DATED: 01.07.2021

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. Salewell & Co.,
P-221/2, Strand Bank Road,
Kolkata-700 001.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.07.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 21.05.2015 you were called upon to
show cause on/or before 01.07.2015 why an order requiring you to pay a sum
of Rs.1,21,643/- (Rupees One Lakhs Twenty One thousand six hundred and
forty three only) (for Plata No. CG-165/A) being the arrears of rent from
01.06.1988 to 30.11.2003 payable together with compound interest in respect
of the said premises should not be made;

AND WHEREAS you have failed to represent your case and/or appear before
the undersigned to show cause, despite sufficient opportunities;

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.1,21,643/- (Rupees One Lakhs
Twenty One thousand six hundred and forty three only) (for Plata
No. CG-165/A) for the period 01.06.1988 to 30.11.2003 (both days inclusive)
to Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust)
by 22.07.2021.

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 @ 6.20 % 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./Occupation No. CG-165/A

The Trustees' room No.11 msg.13.963 Sq.m or thereabouts on the 2nd floor of the premises No. 221/2, Strand Bank Road is situated on the West side of Strand Bank Road in the presidency town of Kolkata. It is bounded on the North by a strip of open land being the premises of the same building, on the East by the room leased to Kasiram Agarwala, on the South by the common verandah & in the West by the room leased to Sri H.N.Chakraborty .

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

Dated: 07.07.2021.

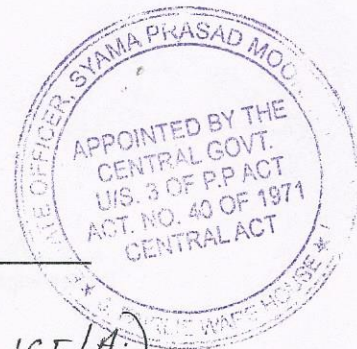

Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

Estate Officer, Kolkata Port Trust

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

Proceedings No. 1455 & 1455/R of 2014 Order Sheet No. 15



BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Salewell & Co. VS (Plate no. :- CG-165/A)

FINAL ORDER

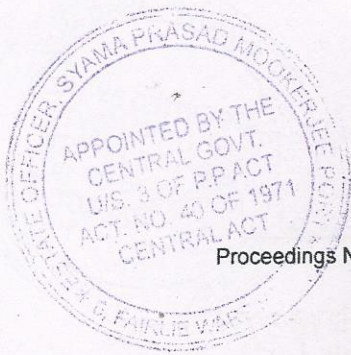
The matter is taken up today for delivering Final Order. It is the case of Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust), hereinafter referred to as KoPT, applicant herein, that M/s. Salewell & Co. (O.P.) came into possession of the public premises Msg. 13.963 Sq.mts. of room space in the 2nd floor of KoPT's building known as P-221/2, Strand Bank Road, Kolkata- 700 001 comprised under occupation No./plate no. CG-165/A on certain terms and conditions as embodied in the short term lease and O.P. violated the condition of tenancy as granted by KoPT by way of default in making payment of the rental dues. It is argued on behalf of KoPT 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 06.11.2003 and O.P. is liable to pay rental dues and damages for wrongful occupation of the Public Premises in question upto the date of handing over clear, vacant and unencumbered possession to the Port Authority.

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 06.11.2003 as issued upon O.P. by KoPT. 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) and 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 etc.) as per Rule made under the Act. Both the Show Cause Notice/s u/s 4 & 7 of the Act were issued as per

18

01.07.2021

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.07.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, Kolkata Port Trust

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

Proceedings No. 1455 & 1455/R of 2014 Order Sheet No. 16

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Sobell & Co.

18
01.07.2021

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

Rule made under the Act and both dated 21.05.2015. O.P. was asked to give reply to the Show Cause on or before 01.07.2015.

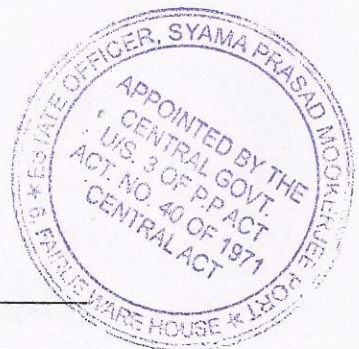
It reveals from record that Postal Service to O.P.'s address at P-221/2, Strand Bank Road, Kolkata-700 001 was returned undelivered with remarks of the Postal Department "Not Known" on 28.05.2015. A writ application also moved before the Hon'ble High Court, Calcutta by O.P. bearing C.O./C.R. No. 10848(w) of 1991 in connection with the KoPT's enhancement rent charges etc. stands dismissed by the Hon'ble High Court, Calcutta on 08.08.2002. After consideration of the reports of the Process Server dated 02.06.2015, 09.07.2015, 04.08.2015, 11.09.2015, 01.10.2015, 04.12.2015 and 04.01.2016 regarding Affixation of Notice u/s 4 and u/s 7 of the Act on the Public Premises in question and orders passed on different dates by this Forum of Law on the Public Premises regarding fixation of date/s of hearing etc., I am satisfied with the service of notice to all concerned interested in the property as mandate under law.

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 both dated 21.05.2015 inspite of sufficient chances. It is seen from the records and the recent Inspection report vide an application No. LND-8/56/21/899 dated 30.03.2021 that the premises in dispute is always found under lock and key.

As no one appeared on behalf of O.P. or on behalf of any person/s interested into the property inspite of several dates scheduled for hearing and no reply to the Show Cause Notice/s has been filed on behalf of O.P. or on behalf of any person/s interested into the property, I am left with no other

Estate Officer, Kolkata Port Trust

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



Proceedings No. 1455/1455/R Of 2014 Order Sheet No. 17

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/S. Sobell & Co.

18
01.07.2021

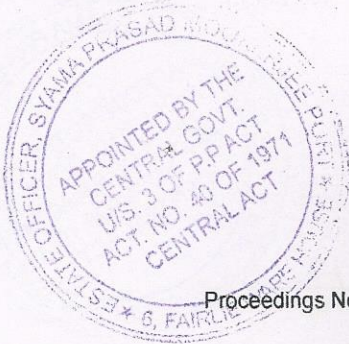
alternative but to issue order of eviction u/s 5 of the Act to O.P. and to all person/s whoever may be in occupation on the following grounds/reasons:

1. That O.P. has failed to submit any reply to the Show Cause Notice u/s 4 of the Act inspite 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 inspite of sufficient chances.
3. That O.P. has defaulted in making payment of rental dues to Kolkata Port Trust in gross violation to the condition of tenancy under short term lease as granted by the Port Authority.
4. That the notice of ejectment dated 06.11.2003 as duly served upon O.P. by the Port Authority is valid, lawful and binding upon the parties.
5. 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 06.11.2003 as issued from the Port Authority.
6. 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.
7. 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

X.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
01.07.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, Kolkata Port Trust

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

Proceedings No. 1455A1455/R Of 2014 Order Sheet No. 18

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/S. Salwell & Co.

18
01.07.2021

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
01.07.2021

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. SMP, Kolkata (Erstwhile KoPT) is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s 5 of the Act as per Rule made under the Act.

SMP, Kolkata (Erstwhile KoPT) is directed to submit a report regarding its claim on account of damages against O.P. and any person/s whoever may be in occupation, indicating there-in the details of the computation of such damages with the rate of charges so claimed for the respective period (details of computation with rates applicable for the relevant period) for my consideration in order to assess the damages as per the Act and the Rules made there under.

It is my considered view regarding the payment of rental dues to KoPT, that a sum of Rs.1,21,643/- (Rupees One Lakhs Twenty One thousand six hundred and forty three only) (for Plate No. CG-165/A) for the period 01.06.1988 to 30.11.2003 (both days inclusive) in respect of the said premises is due and payable by O.P. and any person/s whoever may be in occupation, as claimed by the Port Authority in relation to the Plate in question, is correctly payable by O.P. for the aforementioned period and it is hereby ordered that O.P. and any person/s whoever may be in occupation, shall make payment of the aforesaid sum to KoPT by 22.07.2021. Such dues shall attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the

Estate Officer, Kolkata Port Trust

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

Proceedings No. 1455 & 1455/R Of 2014 Order Sheet No. 19



BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Salwell & Co.

18
01.07.2021

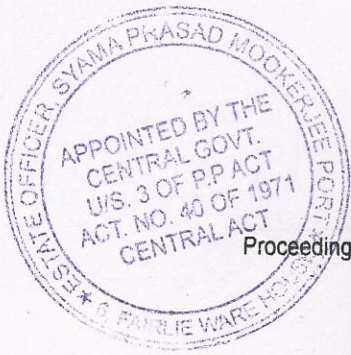
Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P. and any person/s whoever may be in occupation, in terms of KoPT's books of accounts.

Department is directed to draw up formal order u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. and any person/s whoever may be in occupation to pay the dues/charges as aforesaid, KoPT is at liberty to recover the said dues in accordance with law.

I make it clear that KoPT is entitled to claim damages against O.P. and any person/s whoever may be in occupation for the unauthorised 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. and any person/s whoever may be in occupation to pay damages till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. and any person/s whoever may be in occupation. KoPT is directed to submit a statement comprising details of its calculation of damages indicating there-in, the details of the rate of such charges, and the period of damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P. and any person/s whoever may be in occupation, for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I also 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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
01.07.2021
Head Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST



Estate Officer, Kolkata Port Trust

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

Proceedings No. 1455 & 1455/R Of 2014 Order Sheet No. 20

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Solewell & Co. (CS-165/A)

18
01.07.2021

the property against O.P. and any person/s whoever may be in occupation in accordance with Law up to the date of recovery of possession of the same.

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 recovery of possession in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K.Das)

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
Head Assistant
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT