



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

REASONED ORDER NO. 29 DT 02.07.2021 read with ORDER NO.30 DT. 12.07.2021

Court Room At the 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

PROCEEDINGS NO. 1260,1261 &1262 of 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

**M/s. Shalimar Works Ltd(since become M/S Shalimar Works [1980] Ltd),
(O.P.)**

9029

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. Shalimar Works Ltd(since become M/s. Shalimar Works [1980] Ltd),
4, Garden Reach Road, Kolkata-700043 AND ALSO AT Managing Agents
M/s. Turner Morrison & Co. Ltd, 6, Lyons Range, Kolkata-700001** is in
unauthorized occupation of the Public Premises specified in the Schedule
below :

9030

REASONS

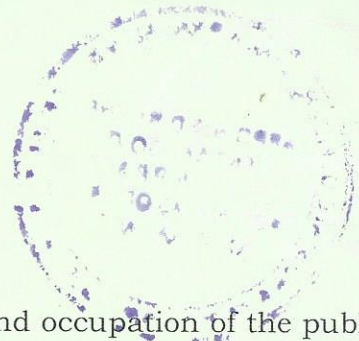
1. That O.P. has violated the condition of both the short term & long term leases as granted by the Port Authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. O.P has failed to register the lease deed in respect of the property for the relevant period as per requirement of law.
3. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
4. That O.P. has failed to make out any ground with regard to the application of the law of Limitation to the present proceedings.
5. That the notice to quit all dated 14.02.1974 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 Sec.2 (g) of the P.P. Act.

o/c

PLEASE SEE ON REVERSE



(2)



6. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

A copy of the reasoned order No. 29 & 30 dated 02.07.2021 & 12.07.2021 are 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. Shalimar Works Ltd (since become M/s. Shalimar Works [1980] Ltd), 4, Garden Reach Road, Kolkata-700043 AND ALSO AT Managing Agents M/s. Turner Morrison & Co. Ltd, 6, Lyons Range, Kolkata-700001** 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. Shalimar Works Ltd (since become M/s. Shalimar Works [1980] Ltd), 4, Garden Reach Road, Kolkata-700043 AND ALSO AT Managing Agents M/s. Turner Morrison & Co. Ltd, 6, Lyons Range, Kolkata-700001** 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. (HL-536/2)

The said piece or parcel of land comprising 6 cottahs 4 chittacks 24 sq. feet or 420.29 sq.m or thereabouts of high land and 51 cottahs 12 chittacks 28 sq. feet or 3464.17 sq.m or thereabouts of low land altogether msg.58 cottahs 1 chittacks 7 sq. feet or 3884.46 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S. Shibpore, District & Registration District- Howrah. It is bounded on the North partly by the lessors land leased to the lessees partly by the Foreshore Road and partly by the lessors toll office goomty, on the East partly by the lessors land leased to the lessees and partly by the lessors toll office goomty, on the South by the River Hooghly and on the West partly by the lessors land leased partly to B.S. and Company and partly to the lessees and partly by the lessors toll office goomty.

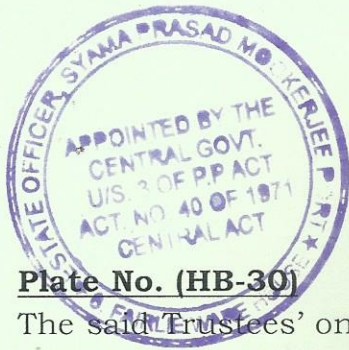
Plate Nos. (HL-533/1 & HL-535)

The said piece or parcel of land comprising Plot(1) msg.2812.17 sq.m or thereabouts and 2471.87 sq.m or thereabouts of high land and low land respectively and Plot(2) msg.437.57 sq.m or thereabouts of high land altogether msg.5721.61 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S. Shibpore, District & Registration District- Howrah. Plot(1) is bounded on the North by the Foreshore Road, on the East by the land owned by private parties, on the South by the river Hooghly and on the West by the Trustees' land leased to the lessee. Plot(2) is bounded on the North partly by Foreshore Road and partly by the Trustees' one storied pucca building leased to the lessees, on the

East partly by the Trustees' land leased to the lessees and partly by Trustees one storied building leased to the lessees, on the South partly by the Trustees' land leased to the lessees and partly by the Trustees' one storied pucca building leased to the lessees and on the West partly by the Trustees' one storied pucca building leased to the lessees and partly by the Trustees' land leased to B.S. and Company.

9

PLEASE SEE ON NEXT PAGE



(3)

Plate No. (HB-30)

The said Trustees' one storied pucca building msg.154.68 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S-Shibpore, District and Registration District-Howrah. It is bounded on the North, East, South and West by the Trustees' land occupied by M/s. Shalimar Works Limited.

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

Date-12.07.2021

Signature & Seal of the
Estate Officer.

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



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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

Form "E"

PROCEEDINGS NO.1260/R,1261/R & 1262/R OF 2011
REASONED ORDER NO. 29 DT 02.07.2021 read with ORDER NO.30 DT. (2.07.2021)

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. Shalimar Works Ltd
(since become M/s. Shalimar Works [1980] Ltd),
4, Garden Reach Road, Kolkata-700043
AND ALSO AT
Managing Agents M/s. Turner Morrison & Co. Ltd,
6, Lyons Range, Kolkata-700001.

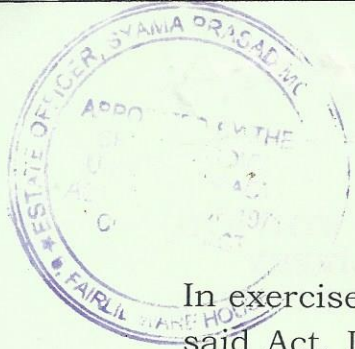
WHEREAS you are in occupation of the public premises described in
the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 04.06.2012 you are called upon
to show cause on or before 06.07.2012 why an order requiring you to pay
a sum of Rs.24,464.47 for (Plate No. HL-536/2), Rs.35,139.99 for (Plate
No.HL-533/1) & Rs.3,123.75 for (Plate No.HB-30) being the rent payable
together with compound interest in respect of the said premises should
not be made;

AND WHEREAS I have considered your objections and/or the evidence
produced by you;

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.24,464.47 for (Plate No. HL-536/2), Rs.35,139.99 for (Plate No.HL-
533/1) & Rs.3,123.75 for (Plate No.HB-30) all for the period 1st May
1971 to 31st March,1974 (both days inclusive) to SMP, Kolkata by
30.07.2021

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.(HL-536/2)

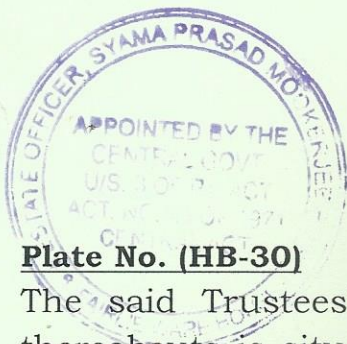
The said piece or parcel of land comprising 6 cottahs 4 chittacks 24 sq. feet or 420.29 sq.m or thereabouts of high land and 51 cottahs 12 chittacks 28 sq.feet or 3464.17 sq.m or thereabouts of low land altogether msg.58 cottahs 1 chittacks 7 sq. feet or 3884.46 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S. Shibpore, District & Registration District- Howrah. It is bounded on the North partly by the lessors land leased to the lessees partly by the Foreshore Road and partly by the lessors toll office goomty, on the East partly by the lessors land leased to the lessees and partly by the lessors toll office goomty, on the South by the River Hooghly and on the West partly by the lessors land leased partly to B.S. and Company and partly to the lessees and partly by the lessors toll office goomty.

Plate Nos. (HL-533/1 & HL-535)

The said piece or parcel of land comprising Plot(1) msg.2812.17 sq.m or thereabouts and 2471.87 sq.m or thereabouts of high land and low land respectively and Plot(2) msg.437.57 sq.m or thereabouts of high land altogether msg.5721.61 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S. Shibpore, District & Registration District- Howrah. Plot(1) is bounded on the North by the Foreshore Road, on the East by the land owned by private parties, on the South by the river Hooghly and on the West by the Trustees' land leased to the lessee. Plot(2) is bounded on the North partly by Foreshore Road and partly by the Trustees' one storied pucca building leased to the lessees, on the East partly by the Trustees' land leased to the lessees and partly by Trustees one storied building leased to the lessees, on the South partly by the Trustees' land leased to the lessees and partly by the Trustees' one storied pucca building leased to the lessees and on the West partly by the Trustees' one storied pucca building leased to the lessees and partly by the Trustees' land leased to B.S. and Company.

PLEASE SEE ON NEXT PAGE

9



(3)

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The said Trustees' one storied pucca building msg.154.68 sq.m or thereabouts is situated at Timber Pond, Howrah, P.S-Shibpore, District and Registration District-Howrah. It is bounded on the North, East, South and West by the Trustees' land occupied by M/s. Shalimar Works Limited.

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

Dated: 12.07.2021

Signature and seal of the
Estate Officer

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



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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

REASONED ORDER NO. 29 DT 02.07.2021 read with ORDER NO.30 DT 12.07.2021

Court Room At the 1st Floor
of Kolkata Port Trust's PROCEEDINGS NO. 1260/D, 1261/D & 1262/D of 2011
Fairlie Warehouse
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 Unauthorised Occupants) Act, 1971

To

**M/s. Shalimar Works Ltd
(since become M/s. Shalimar Works [1980] Ltd),
4, Garden Reach Road, Kolkata-700043
AND ALSO AT
Managing Agents M/s. Turner Morrison & Co. Ltd,
6, Lyons Range, Kolkata-700001.**

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 04.06.2012 you are called upon to show cause on/or before 06.07.2012 why an order requiring you to pay damages of Rs 21,89,137.71 for (Plate No.HL-536/2), Rs.38,59,777.42 for (Plate Nos.HL-533/1 & HL-535) & Rs.3,87,139.20 for (Plate No.HB-30) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS I have considered your objections and/or the evidence produced by you.

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 21,89,137.71 for (Plate No.HL-536/2), Rs.38,59,777.42 for (Plate Nos.HL-533/1 & HL-535) & Rs.3,87,139.20 for (Plate No.HB-30) assessed by me as damages on account of your unauthorised occupation of the premises all for the period from 01.04.1974 to 28.02.2010 (both days inclusive) to SMP, Kolkata by 30.07.2021

PLEASE SEE ON REVERS



: 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 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

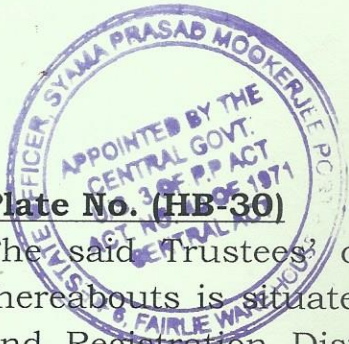
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Plate Nos. (HL-533/1 & HL-535)

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Plate No. (HB-30)

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

Date (2.07.202)


Signature & 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. 1660, 1660/R, 1660/D
1661, 1661/R, 1661/D Of 2011 Order Sheet No. 34-
1662, 1662/R, 1662/D

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Shalimar Works Limited (Since become M/s Shalimar Works [1980] Limited) VS

30
12.07.2021

The matter is requisitioned from the department. It is seen from the record that Final Order for eviction in the instant matter has already been passed on 02.07.2021.

Now it has received my attention that the name of O.P in the said Final Order has been erroneously recorded as "M/S Shalimar Works Private Limited (Since become M/S Shalimar Works [1980] Ltd)" instead of "M/S Shalimar Works Limited (since become M/s Shalimar Works [1980] Limited" and such error has simultaneously been crept into while drawing up the statutory Forms 'B', 'E' and 'G' respectively. Such omission, I find is apparently an inadvertent typographical error which crept in the said Order and Forms and it deserves to be treated as such.

It also appears that the Show Cause order as well the notice/s dated 04.06.2012 (vide Order No.05 dated 25.05.2012) were issued in the name of M/S Shalimar Works Private Limited (Since become M/S Shalimar Works [1980] Ltd) to the correct recorded addresses of O.P. it is also on record that the O.P has contested the case and filed several representations/petitions on the merit of the case and several hearings had taken place in order to decided the rival claims and objections of the contesting parties with regards to the public premises in question. Neither SMP, Kolkata nor O.P has ever pointed out the typographical error in the name of O.P as mentioned in the Show Cause Order as well as Notice/s dated 04.06.2012 (vide Order No.05 dated 25.05.2012).

In view of the above it is my considered view that such typographical error does not go into such deep to affect the merit of the case and I am firm in holding that the error is not prejudicial to the rights and contentions of both the parties. It is therefore, directed that henceforth the name of O.P should be read as M/S Shalimar Works Limited (since become M/s Shalimar Works [1980] Limited for all the material purposes of this proceeding.

Department is directed to draw up the corrected Forms once again incorporating the corrected portion in the Form 'B' 'E' and 'G' which forms a part of the reasoned order No. 29 dated 02.07.2021 and intimate the parties accordingly. All concerned are directed to act 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
14.07.2021
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT


ESTATE OFFICER