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**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 Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1489/D OF 2016
ORDER NO.07 DATED: 04.01.2022

Form- C

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. **Kshirode Chandra Ghosh and Sons(P) Ltd.**
20, Maharshi Debendra Road,
P.S: Jorabagan,
Kolkata-700007
AND 74-A, Nalini Sett Road,
P.S: Burrabazar,
Kolkata-700007,
AND ALSO OF
B2/2, Strand Warehouse
P.S: N.P.P.S,
Kolkata-700001

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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 21.04.2021 you are called upon to show cause on or before 11.05.2021 why an order requiring you to pay damages of Rs.27,37,063.55(Rupees Twenty Seven Lakh Thirty Seven Thousand Sixty Three and paisa Fifty five Only) for Plate No.SW-59 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.27,37,063.55(Rupees Twenty Seven Lakh Thirty Seven Thousand Sixty Three and paisa Fifty five Only) for Plate No.SW-59 assessed by me as damages on account of your unauthorised occupation of the premises for the period from 30.06.1982 to 28.02.2010 (both days inclusive) to SMP, Kolkata by 25.01.2022.

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 @ 6.20 % 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

Plate No.SW-59

All that one Compartment, being compartment No.B2/2(Southern portion of compartment No. B/2) measuring about 160.722 square meters situated on the ground floor of the Strand Warehouse within P.S. N.P.P.S, Kolkata-1, butted and bounded on the North by the passage in between the two portions of the Strand Warehouse, on the South by the Comptt. No. C-1 of the Strand Warehouse, on the East by the Comptt. No.B/3 of the Strand Warehouse and on the West by the Platform of the Strand Warehouse.

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

Date 06.01.2012



Signature & 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. 1489/D of 2016 Order Sheet No. 11

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s. Kshirode Chandra Ghosh and Sons (P) Ltd.

07

04.01.2022

FINAL ORDER

The instant proceedings No. 1489/D of 2016 arises out of the application bearing No. Lnd. 12/ 37/ II/16/3869 dated 09.03.2016 read with an application bearing No.Lnd.12/37/II/15/2592 dated 19.11.2015 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as SMP, Kolkata, the applicant herein, praying for an order of recovery of dues/ compensation /damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of the earlier application being No.Lnd.12/37/II/08/11234 dated 12.12.2008 against **M/S Kshirode Chandra Ghosh & Sons Pvt. Ltd**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property i.e one compartment being compartment No.B2/2, (Southern portion of Compartment No. B/2) measuring 160.722 sq.mtrs. or thereabout situated on the ground floor of Strand Warehouse, within P.S-N.P.P.S, Kolkata-1 (under Plate No.SW-59) as monthly term Lessee. Thereafter, O.P has parted with possession of the subject premises to M/s Sakti Transport Organization without taking prior permission from SMP, Kolkata. Notice to Quit was issued by SMP, Kolkata to O.P on 02.04.1982. Thereafter, a Title Suit being No.1617 of 1983 was filed by SMP, Kolkata before the Ld' XIII Judge, City Civil Court, Calcutta against the O.P. The said Court vide its order being No.149 dated 18.07.2008 allowed the petition of SMP, Kolkata u/or.7 Rule 10 & 10(a) of the C.P.C and returned the plaint to SMP, Kolkata with a direction to present the plaint before the appropriate authority having jurisdiction to decide the disputes between the parties.

By Order of:

THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER

PASSED BY THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

06/01/2022

OFFICE OF THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]

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. 1489, 1489) D Of 2016 Order Sheet No. 12

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/s. Kshirode Chandra Ghosh and Sons (P) Ltd.
VS

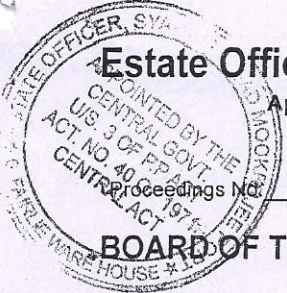
07
04/01/2022

The present applications were filed on 19.11.2015 and thereafter on 09.03.2016 where SMP, Kolkata has prayed for the withdrawal of the eviction proceeding. By filing such applications SMP, Kolkata has intimated that on 14th February 2010 Strand Warehouse was gutted by devastating fire and entire building was demolished for safety reason and the subject premises is under the occupation of SMP, Kolkata since then. Therefore, prayer for eviction become infructuous. It has also been intimated by SMP, Kolkata that a huge amount of compensation /damages/mesneprofit is still due and recoverable from O.P.

After considering the allegation levelled by SMP, Kolkata against the O.P that while in possession of the Port Property, the O.P has defaulted in making payment of damages /compensation and taxes and also accrued interest thereon, this Forum being prima facie satisfied with claim of SMP, Kolkata has issued Notice to Show Cause dated 21.04.2021 (vide Order No.3 dated 19.04.2021) upon the O.P U/S 7 of the Public Premises (Eviction of Unauthorised Occupant) Act 1971 to Show Cause as to why an order requiring to pay arrear damages/compensation together with interest should not be made against O.P. The O.P was called upon to appear before this Forum in person or through authorised representative capable to answer all material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

The said Notice was served through speed Post as well as by hand delivery to the recorded addresses of O.P at 20, Maharshi Debendra Road, P.S. Jorabagan, Kolkata-700007 And 74-A, Nalini Sett Road, P.S- Burrabazar, Kolkata-700007 And also of B2/2, Strand

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Heard 06/01/2022
OFFICE OF THE LT. 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. 1489, 1489 | D of 2016 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s Kshirode Chandra Ghosh and Sons (P) Ltd.

07
04.01.2022

Warehouse, P.S; N.P.P.S Kolkata-700001. However, all three Notice/s were returned undelivered to the Forum as unserved with a remark 'addressee cannot be located' and 'Addressee Moved'. Thereafter, following the principles of natural justice, this Forum made further attempt to serve the notice upon O.P However, it appears that in spite of such efforts being made, the appearance of O.P. could not be procured in order to contest the claim of SMP, Kolkata by usual course of business followed by this Forum and such efforts remain futile. Accordingly a decision was taken to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P. to appear before the Forum and to represent their case. Such Notice was published in the classified column of Times of India(Kolkata) on 23.09.2021 fixing the ultimate date of O.P's appearance on 05.10.2021. But all the efforts went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the continuous non appearance of O.P in spite of sufficient opportunities being given and after exhaustion of all available means of service, this Forum finds no need to keep the matter pending and final Order was reserved in the matter on 05.10.2021. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of SMP, Kolkata on account of damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMP, Kolkata against O.P. as per statement of accounts maintained

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
06/01/2022



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. 1489, 1489/D Of 2016 Order Sheet No. 14

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. Kshirode Chandra Ghosh and Sons (P) Ltd.


07
04.01.2022

regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs.27,37,063.55 (Rupees Twenty Seven Lakh Thirty Seven Thousand Sixty three and paisa Fifty five Only) for the period 30.06.1982 to 28.02.2010 (both days inclusive) for the respective plate in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to SMP, Kolkata on or before 25.01.2022. The said damages shall attract compound interest @ 6.20 % 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 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 SMP, Kolkata's books of accounts. I sign the formal orders u/s 7 of the Act.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMP, Kolkata 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 Ghaha)
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
06/01/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT