



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 Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st FLOOR) KOLKATA-700001  
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Court Room at the 1st Floor  
Of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.195/D & 196/D OF 1993  
ORDER NO.25 DATED:

**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 Sutna Stone & Lime Company Ltd.  
6, Middle Road, Hastings  
Kolkata-700022.**

2446

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 24.02.2021 you are called upon to show cause on or before 23.03.2021 why an order requiring you to pay damages of Rs.1,71,062.69 (Rupees One lakh seventy one thousand sixty two and paise sixty nine only) for Plate No.D-329 and Rs. 48,385.03 (Rupees Forty eight thousand three hundred eighty five and paise three only) for Plate No.D-330 together with [compound interest]for unauthorised use and occupation of the said premises, should not be made;

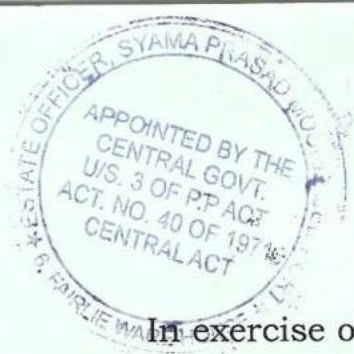
AND WHEREAS you have not made any objections or produced any evidence before the said date;

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. 1,71,062.69 (Rupees One lakh seventy one thousand sixty two and paise sixty nine only) for Plate No.D-329 and Rs. 48,385.03(Rupees Forty eight thousand three hundred eighty five and paise three only) for Plate No.D-330 assessed by me as damages on account of your unauthorised occupation of the premises both for the period from 01.10.1993 to 10.06.2001(both days inclusive) to SMP, Kolkata by 28/02/2022.

W

**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 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

#### **Proceeding No.195/D (Plate No.D-329)**

The piece or parcel of land Msg.307.695 Sq.m or thereabouts situate at Kantapukur, Thana: South Port, Registration District: Alipore. It is bounded on the north by the said Trustees' land occupied by Lessee, on the east by the said Trustees' strip of open land alongside Bhuikailash Road and on the south and west by the said Trustees' open land.

#### **Proceeding No.196/D (Plate No.D-330)**

The piece or parcel of land comprising of two plots of land measuring 66.89 sq.metres and 9.197 sq.metres altogether measuring 76.087 sq.metres is situate at Kantapukur, Thana-South Port, Registration District : Alipore. The plot of land measuring 66.89 sq.metres is bounded on the north by the said Trustees' land leased to Indian Institute of Port Management, on the east by the said Trustees' strip of open land beyond which is Bhuikailash Road, on the south by the said Trustees' land occupied lessee and on the west by the said Trustees' open land. The plot of land measuring 9.197 sq.metres is bounded on the north and east by the said Trustees' open land, on the south by the said Trustees' Remount Road and on the west by the said Trustees' land leased to Indian Institute of Port Management. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 11/02/2022



*L. S. M.*  
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 Unauthorized Occupants) Act 1971

Proceedings No. 195/D, 196/D of 1993 Order Sheet No. 23

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

**M/s. Sutna Stone and Lime Company Ltd.** VS

25  
08-02-2022

**FINAL ORDER**

The instant proceedings No. 195/D & 196/D of 1993 arises out of the application bearing No. Lnd. 3217/II/19/962 dated 27.06.2019 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 and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s Sutna Stone & Lime Co 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 properties being land measuring about 307.695sq.mtrs and 76.087 Sq.mtrs situated at Kantapukur, Thana-South Port Police Station (under Plate Nos.D-329 & 330) as monthly term Lessee. Thereafter, O.P. violated the conditions of such lease by erecting unauthorised structure on the demised land, by non-utilisation of leased outland for several years after creation of such lease and also by change of purpose. Notice to Quit was issued by SMP, Kolkata to O.P on 28.08.1993. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P under relevant provisions of the Act which was numbered as Proceeding No.195 & 196 of 1993. It is seen from the record that inspite of getting sufficient opportunity, O.P. or any other person interested in the property never appeared and adduce any evidence to contest the instant matter before the Forum. Thereafter, finding no other alternative, the Final Order of Eviction was passed on 22.05.1998. It

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 ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

VP





# 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. 195/D, 196/D of 1993 Order Sheet No. 24

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

**VS**  
M/s. Sutna Stone and Lime Company Ltd.

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08/02/2022

appears that thereafter, SMP, Kolkata vide its application dated 27.06.2019 has intimated that possession of both the subject premises were taken over from O.P on 11.06.2001 in terms of the said Order of eviction dated 22.05.1998. It has also been intimated by SMP, Kolkata that a huge amount of compensation/damages along with interest are still due and recoverable from O.P. in respect of both the premises. After considering the allegation levelled by SMP, Kolkata against the O.P that while in possession of the Port Properties, 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 24.02.2021 (vide Order No.20 dated 23.02.2021) 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.

It is the case of SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 10.06.2001 as because both the subject premises were taken over by SMP, Kolkata on 11.06.2001.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at 6, Middle Road, Hastings, Kolkata-700022. However, the Notice was returned back to the Forum with the

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SYAMA PRASAD MOOKERJEE PORT

Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

J



**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

APPOINTED BY THE  
CENTRAL GOVT.  
U/S 3 Proceedings No.  
ACT. NO. 40 OF 1971

1951D, 1961D Of 1993 Order Sheet No. 25

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

**VS**  
**M/s. Sutna Stone And Lime Company Ltd.**

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08/02/2022

endorsement "addressee moved/addressee was not found." Thereafter, 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 in the classified column of Times of India(Kolkata) on 18.09.2021 fixing the ultimate date of O.P's appearance on 05.10.2021. Such notice was also published in the website of SMP, Kolkata. 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 as well as in the Website of SMP, Kolkata.

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

It is my considered view that a sum of Rs.1,71,062.69 (Rupees One Lakh Seventy one

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SYAMA PRASAD MOOKERJEE PORT

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

Proceedings No. 195D / 196D Of 1993 Order Sheet No. 26

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*vs*  
M/s. ~~Saha~~ *Sutna* Stone and Lime Company Ltd.

25  
08/08/2022

thousand sixty two and paise sixty nine Only) for Plate No.D-329 and Rs.48,385.03(Rupees Forty eight thousand three hundred eighty five and paise three only) for plate No.D-330 both for the period 01.10.1993 to 10.06.2001 (both days inclusive) are 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 ~~22/02/2022~~ 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 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 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

*Nirmalya Biswas*  
(Nirmalya Biswas)  
ESTATE OFFICER

\*\*\* ALL EXHIBITS AND DOCUMENTS  
ARE REQUIRED TO BE TAKEN BACK  
WITHIN ONE MONTH FROM THE DATE  
OF PASSING OF THIS ORDER\*

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PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*Saha*  
Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT