



ofc.

**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.17 DT *08/02/22*
PROCEEDINGS NO. 661 OF 2004

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
Estate Triloke Prasad Singh**

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 **Estate Triloke Prasad Singh, Plot No.61/A, Chetla Railway Siding, Kolkata-700027** is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

1. That O.P. has violated the condition of tenancy as granted by the Port Authority by way of not making payment of rental dues and taxes to SMP, Kolkata, for a prolonged period of time.
2. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
3. That O.P has parted with possession of the public premises without any authority of law, in facts and circumstances of the case.
4. 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"
5. That the notice to quit dated 31.12.1991 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.
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.

PLEASE SEE ON REVERSE

12

(2)

A copy of the reasoned order No. 17 dated 28/02/2022 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 **Estate Triloke Prasad Singh, Plot No.61/A, Chetla Railway Siding, Kolkata-700027** 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 **Estate Triloke Prasad Singh, Plot No.61/A, Chetla Railway Siding, Kolkata-700027** 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.

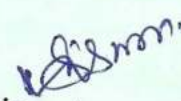
SCHEDULE

Plate No.D-533

All that piece or parcel of land measuring about 43.850 Sq.mtrs or thereabouts is situated at Chetla Station Yard, Thana: New Alipore, District: 24 Parganas, Registration District-Alipore, 24 Parganas. It is bounded on the North by the said Trustees' Roadway, on the East partly by the said Trustees' road and partly by the said Trustees' strip of open land alongside Road, on the South by the said Trustees' drain alongside their Railway siding and on the West by the said Trustees' land occupied by Shri Mohendra Kumar Singh. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees' for the Port of Kolkata).

Date- 08/02/2022




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 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.661/D OF 2004
ORDER NO. 17 DATED : 08/02/2022

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

**Estate Triloke Prasad Singh,
Plot No.61/A, Chetla Railway Siding,
Kolkata-700027**

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 01.10.2021 you are called upon to show cause on or before 21.10.2021 why an order requiring you to pay damages of Rs.2,13,685.22 (Rupees Two Lakh thirteen thousand six hundred eighty five and paise twenty two only) for Plate No.D-533 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.2,13,685.22 (Rupees Two Lakh thirteen thousand six hundred eighty five and paise twenty two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 31.03.1992 to 31.03.2019 (both days inclusive) to SMP, Kolkata by 28/02/2022.

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.D-533

All that piece or parcel of land measuring about 43.850 Sq.mtrs or thereabouts is situated at Chetla Station Yard, Thana: New Alipore, District: 24 Parganas, Registration District-Alipore, 24Parganas. It is bounded on the North by the said Trustees' Roadway, on the East partly by the said Trustees' road and partly by the said Trustees' strip of open land alongside Road, on the South by the said Trustees' drain alongside their Railway siding and on the West by the said Trustees' land occupied by Shri Mohendra Kumar Singh. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees' for the Port of Kolkata).

Date 08/02/2022




Signature & Seal of the
Estate Officer.



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.661/R OF 2004
ORDER NO. 17 DATED: 08/02/2022

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

To
**Estate Triloke Prasad Singh,
Plot No.61/A, Chetla Railway Siding,
Kolkata-700027**

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

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
a sum of Rs.8433.18 (Rupees Eight thousand four hundred thirty three
and paise eighteen only) for Plate No.D-533 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.8433.18
(Rupees Eight thousand four hundred thirty three and paise eighteen
only) for the period 28.02.1983 to 29.02.1992 (both days inclusive) to
SMP, Kolkata by 28/02/2022

PLEASE SEE ON REVERSE

MS

: 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.D-533

All that piece or parcel of land measuring about 43.850 Sq.mtrs or thereabouts is situated at Chetla Station Yard, Thana: New Alipore, District: 24 Parganas, Registration District-Alipore, 24Parganas. It is bounded on the North by the said Trustees' Roadway, on the East partly by the said Trustees' road and partly by the said Trustees' strip of open land alongside Road, on the South by the said Trustees' drain alongside their Railway siding and on the West by the said Trustees' land occupied by Shri Mohendra Kumar Singh. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (Erstwhile the Board of Trustees' for the Port of Kolkata).

Dated: 08/02/2022



[Handwritten Signature]

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. 661, 661/D of 2004 Order Sheet No. 19

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Estate Triloke Prasad Singh.

17
08/02/2022

FINAL ORDER

The instant proceedings No. 661, 661/R, 661/D of 2004 arises out of the application bearing No. Lnd.3184/138 dated 28.12.1992 filed by Syama Prasad Mookerjee Port, Kolkata (Erstwhile Kolkata Port Trust), hereinafter referred to as SMP, Kolkata, Applicant herein, praying for order of eviction and recovery of arrear rent, taxes, compensation/mesneprofit along with interest. The Short Facts of case is summarised hereunder.

Land Msg. 43.850 Sq.m. situated at Chetla Station Yard, Thana - New Alipore, District- 24 Parganas, Reg. District- Alipore comprised under Plate No. D-533, was allotted to **Estate Triloke Prasad Singh** (O.P. herein), by the Port Authority on lease basis w.e.f 01.09.1971. It is the case of SMP, Kolkata that O.P. has failed to pay the monthly rental dues to SMP, Kolkata, erected unauthorised construction and also parted with possession of the subject premises to third parties in violation of the terms of such tenancy. It is also the case of SMP, Kolkata that O.P. has no authority under law to occupy the Public Premises after expiry of the period as mentioned in the notice to quit dated 31.12.1991 as served upon O.P. by the Port Authority and O.P is liable to pay damages for unauthorised enjoyment of the Port property in question.

This Forum of-Law formed its opinion to proceed against O.P. and issued Show Cause Notice/s u/s 4 of the Act (for adjudication for the prayer for issuance of order of eviction etc.) and u/s 7(1) of the Act (for adjudication for prayer for realisation of rent) and u/s 7(2) of the Act (for damages etc.) All dated 24.02.2021(vide order no.09 dated 23.02.2021).

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

17



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

661 | 661 | D Of 2004 Order Sheet No. 20

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Estate Triloke Prasad Singh.

17

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

For Head/Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

It is seen from the record that said notices/Orders were sent through Speed Post/hand delivery to the recorded address of O.P at Plot No.61/A, Chetla Railway Siding, Kolkata-700027 and were not returned back. The report of the Process Server dated 10.03.2021 also depicts that said notices/Order were personally served on O.P. and affixation was duly made on the subject premises on the same day at about 2.55 P.M.

On the scheduled date of appearance & filing of reply to the Show Cause (i.e on 23.03.2021), one Shri Arun Kumar Singh, claiming himself as a younger son of Triloke Prasad Singh, appeared before the Forum and filed his proof of Identity along with a copy of death certificate of O.P. to contest the instant matter on behalf of O.P. Thereafter, the said legal heir of O.P. prayed further time before the Forum to file his reply to the Show Cause and accordingly such prayer was allowed by the Forum. The said legal heir of O.P. ultimately filed his reply to the Show Cause on 13.04.2021 denying the claim of SMP, Kolkata. It is submitted on behalf of the legal heir of O.P that his father was a genuine tenant under SMP, Kolkata and after his demise he (Arun Kumar Singh) along with his elder brother Late Monoj Kumar Singh are occupying the subject premises being the legal heirs of O.P. therefore, no question of unauthorised parting of such subject land arises. Moreover they have bonafide intention of regularising their tenancy upon clearing all their dues however, SMP, Kolkata, should allow them instalments for liquidation of such dues. SMP, Kolkata thereafter filed their rejoinder to such reply on 02.11.2021. Refuting the O.P's claim SMP, Kolkata submits that said Arun Kumar Singh S/O Late Triloke Prasad Singh never intimated the death

[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. 661, 661/D Of 2004 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Estate Triloke Prasad Singh

17

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

of O.P. to the Port Authority. It was the Port Authority who during their routine inspection gather such information from local enquiry and the subject premises is presently being used for residential purposes which is nothing but a clear violation of the terms of such tenancy. Further the claim of the legal heirs of O.P. as a genuine tenant is also not correct because the said licence was terminated long ago w.e.f 29.02.1992 and O.P's prayer of regularisation can only be entertained upon payment of all dues by O.P. The matter was finally heard on 16.11.2021 when after giving direction to both the parties for submission of their Written Notes of Arguments, the matter was reserved for final order.

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through all the documents placed on record, I find that the allegations of SMP, Kolkata against the O.P are three folds i.e non-payment of rent and taxes, unauthorized construction on the public premises in question and unauthorized parting with possession to third party/s in violation of the lease condition and without prior approval of SMP, Kolkata.

With regard to the issue of non-payment of SMP, Kolkata's monthly rent and taxes, O.P has admitted the dues on its part vide reply/written objection to the Show Cause notice/s as filed on 13.04.2021. The categorical submission of O.P is that they have already forwarded payment of rupees 15000/- to port authorities towards adjustment of their dues and SMP, Kolkata has accepted the same. Moreover, in the said reply to the Show Cause Notice and subsequently, during the course of hearing O.P has prayed for instalment for liquidation of dues of SMP, Kolkata. More so, SMP, Kolkata has filed a

18

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. 661, 661 D of 2004 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
Estate Triloke Prasad Singh.

17
08/02/2022.

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

for Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

Statement of Accounts, which clearly indicates the huge dues on the part of the O.P. There is no reason to disbelief such submission of the statutory authority like SMP, Kolkata. Moreover, O.P's plea that O.P has bonafide intention of regularising their lease upon clearing all dues or abiding by all laws in force for the time being etc. does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all. Further, I may add that this Forum, in pursuance of Section 114 T.P Act has given opportunity to O.P to liquidate the dues of SMP, Kolkata but O.P never succeeded in complete and full discharge of such dues taxes and interest. Thus this Forum holds that the charge of default in payment of rent and taxes is definitely established.

Issue of unauthorised construction & unauthorised parting with possession have taken up together as the issues are related with each other. No reply to SMP, Kolkata's allegation regarding unauthorised construction has been given from O.P's end in their initial reply to the Show Cause dated 13.04.2021. However, SMP, Kolkata has come up with specific drawing/sketch Maps being No. 10323-D-I dated 03.11.2020 highlighting the unauthorised construction in red hatch but O.P is silent as to how this construction can be said to be authorized in nature. As per the P.P Act-1971, once the Notice U/S-4 is issued, burden is on the O.P to Show Cause and/or produce evidence but in this case O.P has hopelessly failed to do so. In my view, O.P.'s silence in this regard is nothing but a tacit admission about the existence of unauthorised construction in the premises, and since it is a settled law that admitted facts need not be proved, I have no bar in accepting that the breach of unauthorised

12



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. 661, 661/D Of 2004 Order Sheet No. 23

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

^{VS}
Estate Triloke Prasad Singh.

17

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head of Department
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

construction was existing when the notice to quit dated 31.12.1991 came to be issued by the Port Authority.

Now as regards unauthorized parting with possession, mere claim on behalf of O.P that it has never parted with possession of the premises to any third party or himself in use and occupation of the premises etc. are, in my view not sufficient to defend this type of serious allegation such as unauthorized parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. Even O.P did not produce any single photographic evidence to counter the allegation of SMP, Kolkata. As such it is very difficult for me to accept the claim of the O.P which is bereft of any cogent reason. More over induction of a third party without the approval of SMP, Kolkata is also against spirit of tenancy.

Discussion against the forgoing reveal that notice to quit dated 31.12.1991 is validly issued and served on O.P and the same is binding and very much enforceable, in the facts and circumstances of the case. Thus being satisfied as above, I am left with no other alternatives but to issue the order of eviction against O.P as prayed for on behalf of SMP, Kolkata, on following grounds/reasons.

1. That O.P. has violated the condition of tenancy as granted by the Port Authority by way of not making payment of rental dues and taxes to SMP, Kolkata, for a prolonged period of time.
2. That O.P has carried out unauthorized construction in the public premises without any lawful authority.

17

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. 661, 661/D Of 2004 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Estate Triloke Prasad Singh.

17

08/02/2022.

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

[Signature]
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

3. That O.P has parted with possession of the public premises without any authority of law, in facts and circumstances of the case.
4. 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"
5. That the notice to quit dated 31.12.1991 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.
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.

ACCORDINGLY, I sign the 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 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 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.

[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.

661, 661D

Of

2004

Order Sheet No.

25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Estate Triloke Prasad Singh.

17

08/02/2022

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head of the Office of the Estate Officer
KOLKATA PORT TRUST

It is my considered view that a sum of Rs.8433/- (Rupees Eight thousand four hundred thirty three) for the period 28.02.1983 to 29.02.1992 (both days inclusive) is 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 SMP, Kolkata on or before 28/02/2022. Such dues 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.

Likewise, I find that SMP, Kolkata has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs.2,13,685.22 (Rupees Two Lakh thirteen thousand six hundred eighty five and paise twenty two) as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 31.03.1992 to 31.03.2019 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMP, Kolkata by 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.

I make it clear that SMP, Kolkata is entitled to claim further damages against O.P. for unauthorized use and occupation

NA



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. 661, 661D Of 2004 Order Sheet No. 26

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

^{VS}
Estate Triloke Prasad Singh.

17

08/02/2022.

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

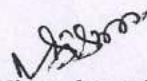
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST

Head Assistant
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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. to pay damages extends beyond 31.03.2019 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 31.03.2019, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

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 execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(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 ***