

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 1<sup>st</sup> Floor  
Of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1839/D OF 2020  
ORDER NO.18 DATED: 01.03.2022.

**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  
M/s Bhattacharjee Printing Co.,  
P-221/2, Strand Bank Road(Second Floor),  
Kolkata-700001.

By Order of :  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022  
Lead Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

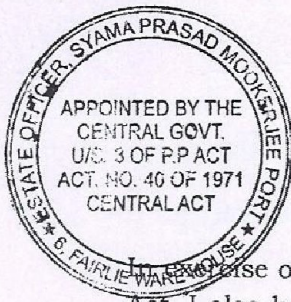
WHEREAS I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 15.11.2021 you are called upon to show cause on or before 30.11.2021 why an order requiring you to pay damages of Rs.3,81,183.32 (Rupees Three Lakh eighty one thousand one hundred eighty three and paisa thirty two only) for Plate No.CG-196/1 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.3,81,183.32 (Rupees Three Lakh eighty one thousand one hundred eighty three and paisa thirty two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 31.05.2002 to 10.08.2017 (both days inclusive) to SMP, Kolkata by 01.03.2022.

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 @ 6.30 % 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 - CG-196/1**

Room No.9 msg.13.935 sq.m or thereabouts on the 2<sup>nd</sup> floor of the Trustees' building being premises no.P-221/2, Strand Road, situated on the west side of Strand Bank Road, in the Presidency Town of Kolkata. It is bounded in the north by open space below which is a strip of open land being the open side space of the said building, on the east by the room previously leased out to M/s Prag Oil Mills Depot, on the south by common verandah and on the west by the room allotted to M/s North British Engineering Corporation.


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

By Order of :

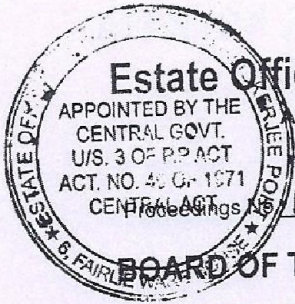
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Date 02.03.2022

  
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

1839 of 2020 Order Sheet No. 15

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

*VS*  
*m/s Bhattacharjee Printing Co.*

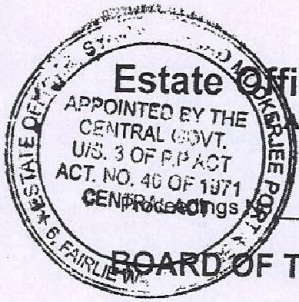
*18*  
*01.03.2022*

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
*01.03.2022*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**

**FINAL ORDER**

The instant proceedings No. 1839/D of 2020 arises out of the application bearing No. Lnd. 5/63/II/20/2060 dated 28.09.2020 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/damages 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. Bhattacharjee Printing Company**, 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 being Room No.9 measuring 13.935 sq.mtrs or thereabout situated on the second floor of the Trustees' building being premises no.P-221/2, Strand Bank Road (under Plate No.CG-196/1) as monthly term Lessee on certain terms and condition. Thereafter, O.P violated the condition for grant of such tenancy under monthly term lease by defaulting in payment of rent and also by unauthorised parting with possession to third parties. Notice to Quit was issued by SMP, Kolkata to O.P on 04.06.1980. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P under relevant provisions of the Act which numbered as Proceeding No.186 of 1993. The O.P. did not appear before the Forum to contest the case. Thereafter, an ex-parte Final Order of Eviction against O.P. was passed on 08.12.2015. Thereafter, SMP, Kolkata vide its application dated 28.09.2020, intimated that possession of the premises was taken over from O.P on 10.08.2017 in terms of the said Order of eviction dated



**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

1839

Of 2020

Order Sheet No.

16

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

*m/s Bhattacharjee <sup>VS</sup> Printing Co.*

18  
01.03.2022

08.12.2015. It has also been intimated by SMP, Kolkata vide their application dated 21.09.2021 that an amount of Rs. 3,81,183.32 on account of compensation /damages 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 15.11.2021(vide Order No.13 dated 21.09.2021) 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 10.08.2017 as because the subject premises was taken over by SMP, Kolkata on 10.08.2017.

The said Notice was served through speed Post as well as by hand delivery to the recorded address of O.P. at P-221/2, Strand Bank Road(2<sup>nd</sup> floor), Kolkata-700001. Notice sent through speed post returned undelivered to the Forum with an endorsement "moved". The Report of the Process Server dated 17.11.2021 also depicts that such notice was not

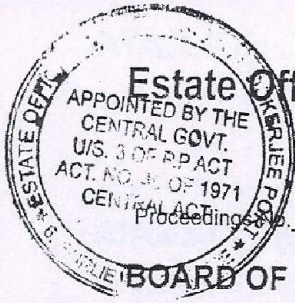
*[Handwritten mark]*

By Order of :

**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*  
6.02.2022  
Asst. 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

1839

Of 2020

Order Sheet No.

17

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

m/s <sup>VS</sup> Bhattacharyya Printing Co

18  
01.03.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022  
Near Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

served upon O.P. due to possible closure of the door. Thereafter, following the principles of natural justice, this Forum on 30.11.2021 made further attempt to serve the notice upon O.P. by directing SMP, Kolkata to provide alternative address, if any, of the O.P. When SMP, Kolkata vide their application dated 21.12.2021 intimated that no other alternative address of O.P. was available with them, a decision had been taken by the Forum 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 12.01.2022 fixing the ultimate date of O.P's appearance on 25.01.2022. 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 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 25.01.2022. 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



**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. 1839 of 2020 Order Sheet No. 18

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

*m/s Bhattacharjee <sup>VS</sup> Printing CO*

18  
01.03.2022

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

It is my considered view that a sum of Rs.3,81,183.32(Rupees Three lakh eighty one thousand one hundred eighty three and paise thirty two only) for the period 31.05.2002 to 10.08.2017 (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 ~~21.03.2022~~. The said damages shall attract compound interest @ 6.30 % 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

(Sayan Sinha)  
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  
*[Signature]* 01.03.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT