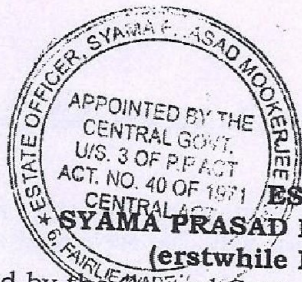


REGISTERED POST WITH A/D.  
HAND DELIVERY  
AFFIXATION ON PROPERTY



**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  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 45 DT 01.03.2022  
PROCEEDINGS NO. 1161/D of 2011

**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. Bombay Metal Co.,**  
**135, Netaji Subhas Road,**  
**Kolkata- 700 001**

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 04.09.2020 ( vide Order No. 25 dated 02.09.2020) you were called upon to show- cause on/or before 16.09.2020 why an order requiring you to pay a sum of Rs. 24,44,435.30 (Rupees Twenty Four Lakhs Forty Four Thousand Four Hundred Thirty Five and paise Thirty *only*.) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

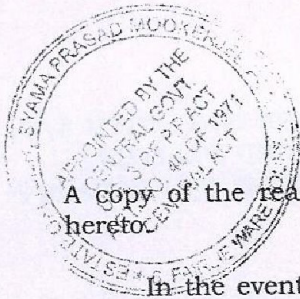
And whereas you have not made any objections or produced any evidence before the said date;

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. 24,44,435.30 (Rupees Twenty Four Lakhs Forty Four Thousand Four Hundred Thirty Five and paise Thirty *only*.) for the period from 01.06.1984 to 05.09.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 21.03.2022.

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, 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) on the above sum with effect from the date of incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY ON THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
Head Assistant  
**OFFICE OF THE LD. ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
21.03.2022



:2:

A copy of the reasoned order no. 45 dated 01.03.2022 is attached hereto.

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.

### SCHEDULE

The piece or parcel of land msg.435.53 Sq.m which is situated at Kantapukur, adjacent to GAMMA Shed, Thana-South Port Police Station, Kolkata, District - 24 Parganas(South), Regn. District- Alipore. It is bounded on the North by the Trustees' open land then Kantapukur, GAMMA Shed, On the East by Trustees' open land, On the South by the Trustees' land occupied by CISF and On the West by the Trustees' road inside Kantapukur "X" shed.

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

Dated: 02. 03. 2022.

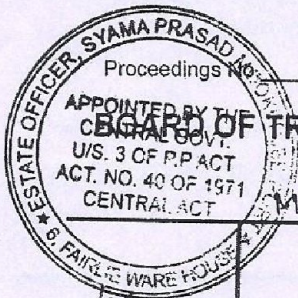
Signature and seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST FOR INFORMATION.

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  
02.03.2022.  
OFFICE OF THE LD. 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.

1161/D

of

2011

Order Sheet No.

43

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

VS

**M/S BOMBAY METAL CO.**

45  
01.03.2022

## FINAL ORDER

The instant proceedings No. 1161/D of 2011 arises out the applications bearing No. Lnd.1435/F/1/A/IV/19/2871 and Lnd.1435/F/1/A/IV/20/1600 dated 26.11.2019 and 13.08.2020, respectively filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust/ KoPT], hereinafter referred to as '**SMP, Kolkata**', the applicant herein, praying for an order of recovery of dues on account of Compensation/ damages/ mesne profit along with accrued interest thereon, in respect of the subject public premises, against **M/s Bombay Metal Co.**, (hereinafter referred to as **O.P.**), under the relevant provisions of **Public Premises (Eviction of Unauthorized Occupants) Act, 1971** (hereinafter referred to as '**the Act**').

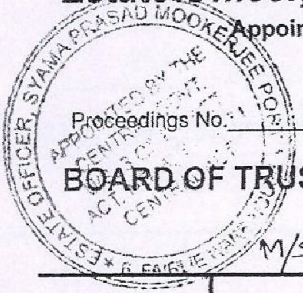
The fact of the case in a nutshell, as revealed from records, is that the O.P., came into occupation of the Port Property of piece or parcel of land measuring 435.53 sqm situated at Kantapukur, adjacent to GAMMA Shed, Thana- South Port Police station, Kolkata, under plate no D- 335/A, as a monthly lessee. As the O.P. had failed to pay the rent to SMP, Kolkata, an Eviction Proceeding was initiated before this Forum by SMP, Kolkata in the year 2011, which culminated into an Order of eviction issued u/s 5 of the Act dated 06.07.2017. Thereafter, vide application dated 26.11.2019, it was submitted by SMP, Kolkata that the possession of the subject premises had been taken over on 05.09.2017 in execution of the said Final Order of Eviction dated 06.07.2017. Now, in terms of the said application dated 26.11.2019 and 13.08.2020, SMP, Kolkata has submitted that huge amount is due and recoverable from the O.P. on account of compensation/ mesne profit/ damage charges, for O.P.'s use and enjoyment of the port property in question till the date of taking over of possession.

After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued Show Cause

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
Head Assistant  
OFFICE OF THE LD. 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. 1161 D of 2011 Order Sheet No. 44

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

**VS**  
**M/S BOMBAY METAL CO.**

45  
01.03.2022

Notice dated 04.09.2020 u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 (vide Order-25 dated 02.09.2020). The Notice was issued calling upon the O.P. to show cause as to why an order requiring payment of arrear compensation/ mesne profit/ damage together with interest would not be made against the O.P.

The said Notice was sent through 'Speed Post' to the recorded address of O.P., viz., at '135, Netaji Subhas Road, Kolkata- 700 001'. However, the notice was returned undelivered by the Postal Department with the remarks "Moved" dated 15.09.2021. The 'Process Server' attached with this Forum, for service of such Notice/ Order etc., has submitted a Report dated 01.01.2021 intimating the failure to serve such notice due to the "Door Locked" condition of the premises. However, it appears from the said Report of Process Server dated 01.01.2021 that the Notice has been affixed upon the premises in terms of the provisions of the Public Premises Act, 1971. As none appeared on behalf of O.P. or anyone interested in the case before this Forum of Law after affixation of such Show Cause Notice, direction was given to SMP, Kolkata, in terms of the Order dated 09.12.2020, to provide alternative address, if any, of O.P. following the principles of natural justice that no one should be condemned unheard ('Audi Alteram Partem'). After repeated chances, SMP Kolkata informed 2 (two) other alternative addresses of O.P. vide their application dated 05.03.2021. Accordingly, the Department was directed to serve the copy of the Order through 'Speed Post' on both the given addresses of O.P. in addition to serve afresh through the Process Server. It was then an application dated 16.03.2021 was received by this Forum, written by the Ld. Advocate, stated to be representing the O.P., requiring certain documents to be sent to them for enabling them to deal with the Show Cause Notice dated 04.09.2020. It also appeared that a similar type of application, seeking certain documents, had already been preferred by that

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE COPY  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
02-09-2022  
OFFICE OF THE LD. 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.

1161/D

Of

2011

Order Sheet No.

45

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

**VS**  
**M/S BOMBAY METAL**

45  
01.03.2022

point of time by the O.P. on 11.01.2021. However, due to certain administrative difficulties, the application dated 11.01.2021 could not reach the undersigned in time. It requires to mention here that both the said applications of the Ld. Advocate for O.P. dated 11.01.2021 and 16.03.2021, acknowledge the fact of receipt of the Show Cause Notice dated 04.09.2020 by the O.P. Be that as it may, this Forum vide Order dated 31.03.2021 observed that the natural justice would prevail if the O.P. is allowed to get the documents, as prayed for by them, upon establishing their proper identity by filing relevant papers/ documents along with the executed Vakalatnama in favour of their Ld. Advocates, to the satisfaction of this Forum, for further representation of their case. The Ld. Advocate was directed to file the identity/ authority of the person he is representing along with the Vakalatnama first, in order to procure the documents as prayed for by them. However, such efforts remained infructuous as no correspondence from the Ld. Advocate has been received afterwards by the office of the undersigned, though the undersigned kept postponing the matter day after day on the assumption that the Ld. Advocate would turn up positively. Apart from writing those applications, the O.P. neither personally, nor through their Ld. Advocate, made any effort to appear before this Forum or to file the requisite documents. As the subsequent orders could not be served upon the Ld. Advocate for O.P., the Order dated 23.07.2021 was sent to the Ld. Advocate for O.P. through e-mail but even after such intimation neither the O.P. nor the Ld. Advoaacte appeared before this Forum on 06.08.2021. It may be said that in spite of such efforts being made, the appearance of O.P. could not be procured and the efforts remained ineffective. A decision was then taken to publish a notice in a widely circulated English daily newspaper for a notice to O.P./ all concerned about the pendency of the instant proceeding, in order to provide an opportunity to the O.P. to appear before this Forum and to represent their case. Such a notice was published in 'The Times of India (Kolkata edition)' on

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
02.03.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

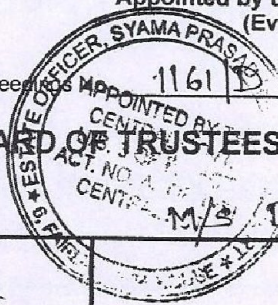
# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises  
(Eviction of Unauthorised Occupants) Act 1971

Proceeding No. 1161 Of 2011 Order Sheet No. 46

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

**VS**  
**M/S BOMBAY METAL CO.**



45

01.03.2022

20.08.2021 fixing the date for the O.P's appearance/ filing reply to Show Cause on 10.09.2021, but such effort too went in vain, as none appeared from O.P's side and as such, I am, perforce, left with no other alternative but to proceed ex-parte against the O.P.

I find that SMP, Kolkata has produced the statement of accounts dated 06.08.2020, as filed under the cover of the said application of SMP, Kolkata dated 13.08.2020, in respect of the said premises in question. It appears from the said statement of account that no payments, for decades altogether, has been made by O.P. in respect of the premises in question. In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business, has a definite evidentiary value, unless challenged by a contesting person/entity with fortified documents/evidences etc, ready to bear the test of legal scrutiny. During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/ damages, charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property. Non-payment of the actual dues by O.P. is very much prominent and established, as per records submitted by SMPK, discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the statement of accounts maintained regularly in SMP, Kolkata's office, in discharge of its regular course of business and office transactions as a statutory authority.

Thus, it is my considered view that a sum of Rs 24,44,435.30 (Rupees Twenty Four Lakhs Forty Four Thousand Four Hundred Thirty Five and Paise Thirty Only) for the period from 01.06.1984 to 05.09.2017 is due and recoverable from O.P. by

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
OFFICE OF THE LD. 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. 161/D

of

2011

Order Sheet No.

47

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S BOMBAY METAL CO.

45

01.03.2022

the Port authority on account of compensation/ mesne profit/ damage charges. The O.P. must have to pay such dues to SMP, Kolkata on or before 21.03.2022.

Such dues attracts 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 full and final 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.

The formal order u/s 7 of the Act is signed accordingly.

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



(Kausik Kumar Manna)  
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

02.03.2022  
Head Assistant

OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT