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

REASONED ORDER NO.14 DT 02.03.2022  
PROCEEDINGS NO. 1546 of 2017

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/S SHYAM SUNDAR AGARWAL

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 M/s Shyam Sundar Agarwal (Prop. Shyam Sundar Agarwal), 67/47, Strand Road, Kolkata- 700 070 AND D/5, Jagannath Ghat Cross Road, Kolkata- 700 007 is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 15.05.1993 as served upon the 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 Section 2(g) of the P.P Act.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "Authorised Occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "Authorised Occupation", inspite of sufficient chances being provided.
- 5) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

By Order of:

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Please see on reverse

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

02.03.2022  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT





:2:

A copy of the reasoned order No. 14 dated 02.03.2022 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 **M/s Shyam Sundar Agarwal (Prop. Shyam Sundar Agarwal), 67/47, Strand Road, Kolkata- 700 070 AND D/5, Jagannath Ghat Cross Road, Kolkata- 700 007** 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 **M/s Shyam Sundar Agarwal (Prop. Shyam Sundar Agarwal), 67/47, Strand Road, Kolkata- 700 070 AND D/5, Jagannath Ghat Cross Road, Kolkata- 700 007** 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 -SB 524

All that piece or parcel of land (common passage) msg. 50.35 sq.m. or thereabouts situated in front of Trustees' godown No D/5 on the South side of J.N.Ghat Cross Road, Thana: Posta Police Station within Presidency Town of Calcutta. It is bounded on the **North** by the Trustees' land (common passage) licensed to Shri Paresh Kumar Gupta, on the **East** by the Trustees' godown licensed to you, on the **South & West** by the Trustees' land leased to Estate Hariram Agarwal.

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

Dated: 03.03.2022.

Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

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





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

Form " E "

PROCEEDINGS NO.1546/R of 2017  
ORDER NO. 14 DATED: 02.03.2022.

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

To  
M/s Shyam Sundar Agarwal  
(Prop. Shyam Sundar Agarwal),  
67/47, Strand Road, Kolkata- 700 070  
AND  
D/5, Jagannath Ghat Cross Road,  
Kolkata- 700 007.

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

AND WHEREAS, by written notice dated 03.09.2021 (Vide Order No 11 dated  
03.09.2021) you were called upon to show cause on/or before 05.09.2017 why an  
order requiring you to pay a sum of Rs. 49,997.51 (Rupees Forty Nine Thousand  
Nine Hundred Ninety Seven and paise Fifty One only) being the rent payable  
together with compound interest in respect 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 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. 49,997.51 (Rupees Forty Nine Thousand  
Nine Hundred Ninety Seven and paise Fifty One only) for the period 01.07.1983 to  
10.06.1993 (both days inclusive) to Kolkata Port Trust by 21.03.2022.

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

PLEASE SEE ON REVERSE

Sub





: 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, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) till liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 14 dated 02.03.2022 is attached hereto.

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 -SB 524

All that piece or parcel of land (common passage) msg. 50.35 sq.m. or thereabouts situated in front of Trustees' godown No D/5 on the South side of J.N.Ghat Cross Road, Thana: Posta Police Station within Presidency Town of Calcutta. It is bounded on the **North** by the Trustees' land (common passage) licensed to Shri Paresh Kumar Gupta, on the **East** by the Trustees' godown licensed to you, on the **South & West** by the Trustees' land leased to Estate Hariram Agarwal.

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

Dated: 03.03.2022.

Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA 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  
02.03.2022  
Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT





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

REASONED ORDER NO. 14 DT 02.03.2022.  
PROCEEDINGS NO. 1546/D OF 2017

**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 Shyam Sundar Agarwal  
(Prop. Shyam Sundar Agarwal),  
67/47, Strand Road, Kolkata- 700 070  
AND  
D/5, Jagannath Ghat Cross Road,  
Kolkata- 700 007.**

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

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 03.09.2021 (Vide Order No 11 dated 03.09.2021) you were called upon to show- cause on/or before 23.09.2021 why an order requiring you to pay a sum of Rs 9,44,612.77 ( Rupees Nine Lakhs Forty Four Thousand Six Hundred Twelve and paise Seventy Seven 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 9,44,612.77 ( Rupees Nine Lakhs Forty Four Thousand Six Hundred Twelve and paise Seventy Seven only) for the period from 11.06.1993 to 02.02.2017 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 incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

*Sud*



:2:

A copy of the reasoned order no. 14 dated 02.03.2022 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.

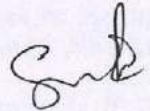
**SCHEDULE**

**Plate no -SB 524**

All that piece or parcel of land (common passage) msg. 50.35 sq.m. or thereabouts situated in front of Trustees' godown No D/5 on the South side of J.N.Ghat Cross Road, Thana: Posta Police Station within Presidency Town of Calcutta. It is bounded on the **North** by the Trustees' land ( common passage) licensed to Shri Paresh Kumar Gupta, on the **East** by the Trustees' godown licensed to you, on the **South & West** by the Trustees' land leased to Estate Hariram Agarwal.

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

Dated: 03.03.2022.



**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  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
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. 1546, 1546/R, 1546/D of 2017 Order Sheet No. 15

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

M/s Shyam Sundar Agarwal <sup>VS</sup>

**FINAL ORDER**

14  
02.03.2022

The instant proceedings No. 1546, 1546/R and 1546/D of 2017 arise out of the applications bearing No. Lnd 14/64/04/2329 dated 04.11.2004 and Lnd 14/64 dated 03.02.2017 filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, hereinafter referred to as 'SMP, Kolkata'], the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as 'the Act') praying for an order of eviction and recovery of rent as well as compensation dues/mesne profit/ damages etc. along with the accrued interest in respect of the public premises, against **M/s Shyam Sundar Agarwal** (hereinafter referred to as **O.P.**).

The fact of the case in a nutshell is that the O.P. came into occupation of the port property (under Plate Nos. SB-524) as a monthly Licencee at the piece or parcel of land (common passage) measuring about 50.85 sq.m. or thereabouts situated in front of Trustees' godown No. D/5 on the South side of J.N. Ghat Cross Road, Kolkata, morefully described in the Schedule 'A' of the SMP, Kolkata's said application dated 04.11.2004, which has further been clarified vide SMP, Kolkata's application bearing no. Lnd 14/64/21/3961 dated 29.11.2021. The allegations levelled by SMP, Kolkata against the O.P are that the O.P. defaulted in making payment of the SMP, Kolkata's dues, has erected unauthorised structures on the demised premises and has parted with the possession of the premises without approval of the SMP, Kolkata authorities in clear violation of the terms and conditions of the License. It is the case of SMP, Kolkata that the O.P. had failed and neglected to quit, vacate and deliver up peaceful possession of the said premises in terms of the notice to quit dated 15.05.1993. It is the case of SMP, Kolkata that the tenancy

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 A.D. ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**

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SYAMA  
CERT  
PASSE  
SYAMA  
OFFICE  
SYAMA

*Sud*





# 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. 1546, 1546/R, 1546/D of 2017 Order Sheet No. 18

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

*m/s Shyam Sundar Agarwal.* <sup>VS</sup>

14  
02.03.2022

business, has a definite evidentiary value, unless challenged 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 dues on account of 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 dues by O.P. for decades is very much prominent and established, as per records submitted by SMP, Kolkata, discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent and damages/compensation/ mesne profit etc. As per law, a monthly License like the one granted to the O.P., continues only on the basis of timely payment of rent bill/s and non-payment of the same, even for a small period, is enough to vitiate the contract. Here, in the instant case, O.P. is a defaulter for decades and had never bothered to pay SMP, Kolkata. In my view, the breach committed by the O.P. is very much well established in the facts and circumstances of the case and O.P. must have to suffer the consequences, following due applications of the tenets of law.

With regard to the other breaches of O.P., as has been alleged by SMP, Kolkata, viz. the erection of unauthorised structures on the demised premises, parting with possession of the premises without approval of the SMP, Kolkata etc., no substantial piece of evidence has been led by SMP, Kolkata, and as such it is very difficult to believe these allegations against the O.P., particularly in a situation of their absence in the proceedings.

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]*  
Assistant  
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. 1546, 1546/R, 1546/D of 2017 Order Sheet No. 17

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

*M/s Jhyam Sunder Agarwal* <sup>VS</sup>

14  
02-03-2022

Such being the case, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

- 1) That O.P. has failed to appear before this Forum and failed to file reply to the Show Cause Notice/s under the Act inspite of sufficient chances being given.
- 2) That the notice to quit dated 15.05.1993 as served upon the 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 Section 2(g) of the P.P Act.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "Authorised Occupation", inspite of sufficient chances being given.
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "Authorised Occupation", inspite of sufficient chances being provided.
- 5) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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]* 02-03-2022  
Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*

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 the canons of





# 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. 1546, 1546/R, 1546/D of 2017

Order Sheet No. 20

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

M/s Shyam Sunder Agarwal. <sup>VS</sup>

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02.03.2022

Law till the date of unencumbered 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 can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It requires mention here that SMP, Kolkata filed an application bearing no. Lnd 14/64/21/3961 dated 29.11.2021, intimating for the first time, that the subject property falls under the jurisdiction of "Posta Police Station" instead of "Jorabagan Police Station", as has wrongly been mentioned in the original application of SMP, Kolkata dated 04.11.2004. It is further been stated that the measurements of the property in question, as has been mentioned in the application dated 04.11.2004, is also wrong and requires to be modified as "50.35 sqm" in place of the wrong recording of "50.85 sqm" in the said application dated 04.11.2004. In my view, such error in the schedule is apparently an inadvertent and typographical one, which crept in the said Show Cause Notices and it deserve to be treated as such. It is my considered view that such error does not go into such deep to affect the merits of the case and is obviously not prejudicial to the rights and contentions of the parties. In my view, the specification of the property, as mentioned in the in the original application of SMP, Kolkata dated 04.11.2004, is sufficient for due identification of such property. When the boundary of the property as mentioned under schedule remains unchanged, there is no scope for any dispute regarding the identification of property. In the given facts and

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  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Sud





**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. 1546, 1546/R, 1546/D of 2017 Order Sheet No. 21

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

*M/S Shyam Sunder Agarwal VS*

14  
02.03.2022

circumstances, Department is directed to issue the Forms incorporating the corrected details accordingly.

It is my considered view, as has been discussed above, that a sum of Rs 49,997.51 (Rupees Forty Nine Thousand Nine Hundred Ninety Seven and paise Fifty One only) for the period from 01.07.1983 to 10.06.1993 is recoverable from O.P. by the Port authority on account of Rent and a sum of Rs 9,44,612.77 ( Rupees Nine Lakhs Forty Four Thousand Six Hundred Twelve and paise Seventy Seven only) for the period from 11.06.1993 to 02.02.2017 is due and recoverable from O.P. by 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 shall attract compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered 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.

By Order of:  
**THE ESTATE OFFICER**  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
Head Assistant  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation 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 02.02.2017 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its

*[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. 1546/R, 1546/D of 2017 Order Sheet No. 22

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

*M/s Shyam Sundar Agarwal.* **VS**

14  
02.03.2022.

calculation of damages after 02.02.2017, indicating therein, 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 pay the amounts to SMP, Kolkata as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sourav Mirta)  
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 ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT