



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.624/D OF 2004
ORDER NO.24 DATED: 14.03.2022

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. Doors Transport,
Rajani Kant Jagani(Added Party)
P-134/1, Mahatma Gandhi Road,
Kolkata-700007
And
5, Kashinath Mukherjee Lane,
Kolkata-700007
And also at
P-27, Nimtolla Goods Shed,
Middle Portion,
Kolkata-700006

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 14/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

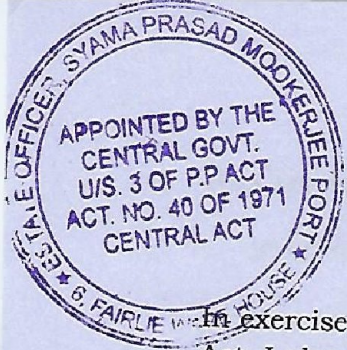
WHEREAS I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 30.12.2021 you are called upon to show cause on or before 17.01.2022 why an order requiring you to pay damages of Rs.18,01,168/- (Rupees Eighteen Lakh one thousand one hundred sixty eight only) for Plate No.CG-215 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.18,01,168/- (Rupees Eighteen Lakh one thousand one hundred sixty eight only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.05.2008 to 09.02.2016 (both days inclusive) to SMP, Kolkata by 07.04.2022.

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-215

Godown space Msg. about 185.713 Sq.m or thereabouts is situate in the middle portion of the Trustees' shed known as Nimtolla goods shed on the north side of Nimtolla Burning Ghat Road at Nimtolla within the presidency Town of Calcutta. The said portion of the said shed is bounded on the north by the portion of the said shed occupied by M/s. Dayanand Bros. On the east by the said Trustees' open land used as courtyard, on the south by the portion of the said shed occupied by M/s. Paul Bros. and on the west by the said Trustees' platform formally used as Rly. Platform. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 14.03.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Head Assistant 14/03/2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

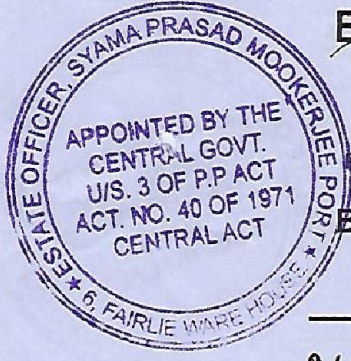

Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

Seen copy

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. 624/D of 2004 Order Sheet No. 35

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/s. DOORS TRANSPORT

24
14.03.2022

FINAL ORDER

The instant proceedings No. 624/D of 2004 arises out of the application bearing No. Lnd.8/24(Loose)/16/1427 dated 19.07.2016 read with an application dated 03.12.2021 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/damages/mesneprofit and other charges etc. along with accrued interest in respect of the subject public premises, against **M/s. Doors Transport(Rajani Kant Jagani, Added Party/A.P)** hereinafter referred to as **O.P.**, under 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 is that the O.P. came into occupation of the Port property being Godown Space measuring about 185.713 sq.m situated at Kolkata Port Trust's Nimtolla Goods Shed, comprised under occupation Plate No. CG-215, on monthly term lease basis. Thereafter, O.P. has defaulted in making payment of SMP, Kolkata's dues/ charges and also violated the condition of such tenancy by way of parting with possession of the subject public premises to third parties. Notice to quit was issued by SMP, Kolkata to O.P. on 11.09.1990. 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 624 of 2004. The O.P. and Added Party/A.P both have appeared before this Forum however, no reply to the Show Cause Notice/s were filed by either of the parties to contest the case. Thereafter, the Final Order of eviction against O.P. was passed on 22.09.2015. It appears that thereafter SMP, Kolkata vide their application/s dated 19.07.2016 and 03.12.2021 have intimated that the possession of the subject premises was taken over by the SMP, Kolkata on 09.02.2016 in terms of the said Order of eviction dated 22.09.2015 and a huge amount of damages/compensation/ mesne profit was

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
MM
Head Assistant 14/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Ad.

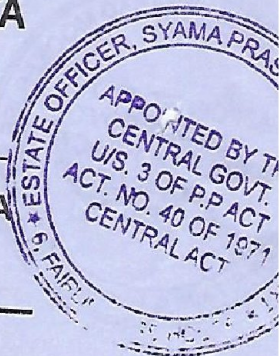
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 624/D of 2004 Order Sheet No. 36

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. DOORS TRANSPORT VS



24

4.03.2022

still due and recoverable from the O.P. for their occupation into the subject Plate in question. After considering the submissions and the allegations levelled by SMP, Kolkata against the O.P. that while in possession of 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 the claim of SMP, Kolkata has issued Notice to Show Cause dated 30.12.2021 (vide Order-21 dated 28.12.2021) upon the O.P. and the Added Party(A.P) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) 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./Added Party(A.P) was also called upon to appear before this forum in person or through authorized representative capable to answer of material question connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

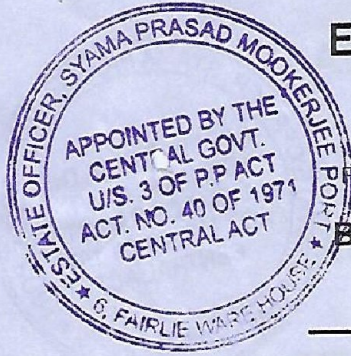
It is the case of SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 09.02.2016 as because the subject premises was taken over by SMP, Kolkata on 09.02.2016.

The said notice was sent through Speed Post to the recorded addresses of O.P. and Added Party/A.P at P-134/1, Mahatma Gandhi Road, Kolkata-700007 And 5, Kashinath Mukherjee Lane, Kolkata-700007 and also to P-27, Nimtolla Ghat Street, CPT Nimtolla Goods Shed, Middle Portion, Kolkata-700006. It appears from record that said Notice sent to O.P./added Party(A.P) through Speed Post returned undelivered to the forum with the endorsements "left" and addressee moved". Accordingly, a decision was taken by the Forum to publish a notice in a widely circulated newspaper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to the O.P. to appear before this Forum and to represent their case. Such notice was published

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 14/03/2022
OFFICE OF THE LD. 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. 624/D Of 2004 Order Sheet No. 37

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. DOORS TRANSPORT

24

14.03.2022

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

Head Assistant 14/03/2022
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

in "The Times of India (Kolkata edition)" on 05.02.2022 fixing the last date for the O.P's appearance on 14.02.2022 but, all the efforts went into vain as the O.P./Added Party(A.P) failed to appear before the Forum despite publication of such notice in the newspaper.

Now, in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of cases and further considering the non-appearance of the O.P./Added Party(A.P) inspite of publication of such Show Cause notice in an esteemed daily, this Forum finds no need to keep the matter pending and the final Order was reserved in the matter on 14.02.2022. Now this Forum has decided to adjudicate the matter ex-parte.

As no one from O.P or other interested party 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/ mesne profit etc. In fact, I have nothing to disbelief in respect of SMP, Kolkata's claim 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.18,01,168/- (Rupees Eighteen Lakh one thousand one hundred sixty eight only) for the Plate No.CG-215 for the period from 01.05.2008 to 09.02.2016 is due and recoverable from O.P. by the Port authority on account of damages/compensation/ mesne profit and O.P. must have to pay such dues to SMP, Kolkata on or before 07.04.2022. 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 incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by them in

jd.

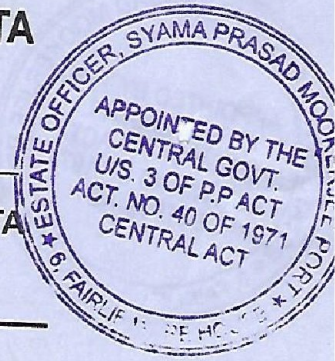
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 624/D of 2004 Order Sheet No. 38

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA


VS
M/S. DOORS TRANSPORT



terms of SMP, Kolkata's books of accounts. The formal order u/s 7 of the Act is signed accordingly.

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

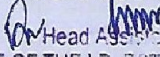

(J.P. Boipai)
ESTATE OFFICER.

*** 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


Head Assistant 14/02/2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

24
4.03.2022