



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. 13 DT 21.03.2022  
PROCEEDINGS NO. 612 of 2004

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
SRI MADHUSUDAN GHOSH**

**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  
**Shri Madhusudan Ghosh, Son of Late Hiralal Ghosh, J, 352A, Paharpur  
Road, Garden Reach, Kolkata - 700 024 and also of Hari Mohan Ghosh  
Road, Kolkata - 700 024** is in unauthorized occupation of the Public Premises  
specified in the Schedule below:

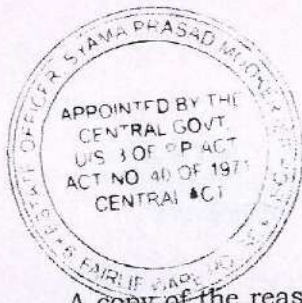
**REASONS**

- 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 O.P. unauthorisedly parted with the possession of the premises to rank outsiders, in clear violation of the conditions of the lease in question.
- 3) That the notice to quit dated 10.05.1983 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
- 4) 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.
- 5) 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.
- 6) 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  
Head Assistant  
21.03.2022  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Please see on reverse





:2:

A copy of the reasoned order No. 13 dated 21.03.2022 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 **Shri Madhusudan Ghosh, Son of Late Hiralal Ghosh, J,352A, Paharpur Road, Garden Reach, Kolkata - 700 024** and also **of Hari Mohan Ghosh Road, Kolkata - 700 024** 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 **Shri Madhusudan Ghosh, Son of Late Hiralal Ghosh, J,352A, Paharpur Road, Garden Reach, Kolkata - 700 024** and also **of Hari Mohan Ghosh Road, Kolkata - 700 024** 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- 132/1

All that piece or parcel of land measuring 199.46 Sq. Metres or thereabouts is situate at Hari Mohan Ghosh Road, Ramnagar, Thana : South Port Police Station, Kolkata, District : 24 Parganas. It is bounded On the North partly by Hari Mohan Ghose Road and partly by the Trustees' land occupied by Goleynur Bibi and others, On the East partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Goleynur Bibi and others, On the South partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Shri M. L. Ghosh and On the West partly by the Trustees' land occupied by Shri M.L. Ghosh and partly by Hari Mohan Ghosh Road.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (SMP,KOLKATA) (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 22.03.2022

Signature & Seal of the  
Estate Officer.

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

22.03.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE  
PORT, 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

Form "E"

PROCEEDINGS NO. 612/R of 2004  
ORDER NO. 13 DATED: 21.03.2022

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

To

Shri Madhusudan Ghosh,  
Son of Late Hiralal Ghosh,  
J,352A, Paharpur Road,  
Garden Reach, Kolkata - 700 024.  
And also of  
Hari Mohan Ghosh Road,  
Kolkata - 700 024.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
8-22.03.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

AND WHEREAS, by written notice dated 24.12.2020 (Vide Order No 08 dated  
24.12.2020) you were called upon to show cause on/or before 15.01.2021 why an  
order requiring you to pay a sum of Rs. 4,806.74 (Rupees Four Thousand Eight  
Hundred Six and paise Seventy Four 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. 4,806.74 (Rupees Four Thousand Eight  
Hundred Six and paise Seventy Four only) for the period 01.01.1982 to 30.06.1982  
(both days inclusive) to Kolkata Port Trust by 06.04.2022

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, 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 incurrance 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. 18 dated 21.03.2022 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 - D 132/1

All that piece or parcel of land measuring 199.46 Sq. Metres or thereabouts is situate at Hari Mohan Ghosh Road, Ramnagar, Thana : South Port Police Station, Kolkata, District : 24 Parganas. It is bounded On the North partly by Hari Mohan Ghose Road and partly by the Trustees' land occupied by Goleynur Bibi and others, On the East partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Goleynur Bibi and others, On the South partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Shri M. L. Ghosh and On the West partly by the Trustees' land occupied by Shri M.L. Ghosh and partly by Hari Mohan Ghosh Road.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (SMP.KOLKATA) (Erstwhile 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

Dated: 22.03.2022

Signature and seal of the  
Estate Officer

Head Assistant

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, 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 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. 13 DT 21.03.2022  
PROCEEDINGS NO. 612/D of 2004

**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  
**Shri Madhusudan Ghosh,**  
**Son of Late Hiralal Ghosh,**  
**J, 352A, Paharpur Road,**  
**Garden Reach, Kolkata - 700 024.**  
And also of  
**Hari Mohan Ghosh Road,**  
**Kolkata - 700 024.**

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
22.03.2022  
Head Assistant  
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 24.12.2020 you were called upon to show- cause on/or before 15.01.2021 why an order requiring you to pay a sum of Rs. 18,87,420.89 (Rupees Eighteen Lakhs Eighty Seven Thousand Four Hundred Twenty and paise Eighty Nine only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

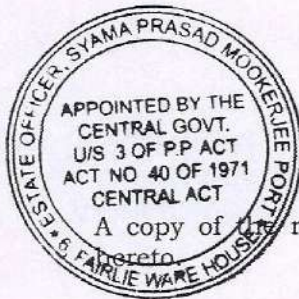
And whereas you have not made any objections or produced any evidence before the said date;

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. 18,87,420.89 (Rupees Eighteen Lakhs Eighty Seven Thousand Four Hundred Twenty and paise Eighty Nine only) for the period from 01.07.1983 to 30.09.2020 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by  
06.04.2022.

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





:2:

A copy of the reasoned order no. 13 dated 21.03.2022 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 - D 132/1

All that piece or parcel of land measuring 199.46 Sq. Metres or thereabouts is situate at Hari Mohan Ghosh Road, Ramnagar, Thana : South Port Police Station, Kolkata, District : 24 Parganas. It is bounded On the North partly by Hari Mohan Ghose Road and partly by the Trustees' land occupied by Goleynur Bibi and others, On the East partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Goleynur Bibi and others, On the South partly by the Trustees' strip of open land reserved as margin of safety alongside their railway siding and partly by the Trustees' land occupied by Shri M. L. Ghosh and On the West partly by the Trustees' land occupied by Shri M.L. Ghosh and partly by Hari Mohan Ghosh Road.

Trustees' means the Board to Trustees' Syama Prasad Mookerjee Port, Kolkata, (SMP.KOLKATA) (Erstwhile Board of Trustees' for the Port of Kolkata)

Dated: 22.03, 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  
\* 22.03.2022  
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

612

Of

2004

Order Sheet No.

14

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

VS  
SRI MADHUSUDAN GHOSH

13  
21. 03, 2022



### FINAL ORDER

The instant proceedings No. 612, 612/R and 612/D of 2004 arise out of the applications bearing No. Lnd 3798/II, Lnd 3798/II/04/1755 and Lnd 3798/II/20/2244 dated 04.07.1991, 13.09.2004 and 15.10.2020 respectively, 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 rental as well as compensation dues/mesne profit/ damages dues along with accrued interest in respect of the public premises, being the land measuring about 199.46 sq.m. situated as Hari Mohan Ghosh Road, Ramnagar, Thana: South Port Police Station, Kolkata (morefully described in the Schedule 'A' of the SMP, Kolkata's said application dated 04.07.1991) against **Shri Madhusudan Ghosh, son of Late Hiralal Ghosh**, (hereinafter referred to as **O.P.**).

The fact of the case in a nutshell is that the O.P. came into occupation of the said port property (under Plate Nos. D- 132/1) as a monthly term lessee. The allegations of SMP, Kolkata against the O.P are that the O.P defaulted in making payment of the rent and taxes, unauthorisedly parted with the possession of the premises to rank outsiders, who are occupying the premises by way of garage, hutment etc. in clear violation of the conditions of the lease in question. 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 premises in terms of the notice to quit dated 10.05.1983. It is the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 01.07.1983 in terms of the Notice to Quit dated 10.05.1983 and the O.P. failed and neglected to vacate/ hand over the possession of the premises after service of the said Notice to Quit. SMP, Kolkata has made out a case that O.P. has no right to occupy the premises after the determination of tenancy in question upon service of a quit notice dated 10.05.1983.





# 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

612

Of

2004

Order Sheet No.

15

TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI MADHUSUDAN GHOSH

13  
21.03.2022

This Forum of Law formed its opinion to proceed against the O.P. and issued 3 (three) nos. of Show Cause Notices upon the O.P. The first one was issued u/s 4 of the Act (for adjudication of the prayer of eviction) and the other two were issued u/s 7 of the Act (for adjudication of the prayer of arrear rent as well as arrear compensation/ damages/ mesne profit along with the accrued interest thereon etc.), all dated 24.12.2020 (vide Order No. 08 dated 24.12.2020), as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to the 2 (two) nos. of recorded addresses of O.P., viz., at 'J, 352A, Paharpur Road, Garden Reach, Kolkata- 700 024', and 'Hari Mohan Ghosh Road, Kolkata- 700 024'. One of such notices sent to 'J, 352A, Paharpur Road, Garden Reach, Kolkata- 700 024' returned undelivered by the Postal Department. However, the other notice sent to 'Hari Mohan Ghosh Road, Kolkata- 700 024' has not returned to this Forum raising a presumption of its due delivery to the addressee. The 'Process Server' attached with this Forum has submitted a report dated 22.02.2021 stating the notices could not be hand delivered as the premises was found to be in "door closed" condition. However, the Notices have been affixed in a conspicuous part of the property under schedule for a notice to all concerned, as per the mandate of the Act. However, on the day fixed for Show Cause by the O.P., viz. on 15.01.2021, neither the O.P. nor any person interested in the property has appeared before this Forum. Following the principles of natural justice that no one should be condemned unheard ('Audi Alteram Partem'), chance was given to the O.P. to represent their case. However, such effort remained infructuous as neither the O.P. nor anyone interested in the property made a contact or approached the Forum in connection with the Show Cause Notice issued by this Forum thereafter. A decision was then taken to publish a notice in a widely circulated newspaper and in the official website of SMP, Kolkata for a notice to 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 notice was published in 'The Times of India (Kolkata edition)' on 21.02.2022 fixing the date for O.P.'s appearance, filing reply to Show





# 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. 612 Of 2004 Order Sheet No. 16

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

VS

SRI MADHUSUDAN GHOSH

13  
21.03.2022

Cause etc. on 09.03.2022, but such effort too went in vain, as none appeared from O.P's side and the efforts remained ineffective. Considering the situation that the attendance of O.P. could not be procured by this Forum, at any point of time, inspite of the possible efforts being made, even after the publication of a Notice in an English daily and even thereafter, I am inclined to proceed ex-parte against the O.P.

It appears that SMP, Kolkata has filed copies of several communications of SMP, Kolkata written to the O.P., such as letters dated 25.01.1982, 15.12.1980, 18.11.1980 with request to O.P. to liquidate the dues mentioned therein. SMP, Kolkata has filed the copy of offer letter of SMP, Kolkata dated 28.12.1979 and the copy of acceptance letter of O.P. dated 06.06.1980 agreeing with the terms and conditions of the lease in question. SMP, Kolkata has also produced detailed Statements of Account dated 12.10.2020 (filed under the cover of SMP, Kolkata's application dated 15.10.2020) in respect of the premises in question. It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises for decades altogether. In my view, such Accounts /Statements maintained by a Statutory Authority/ SMP, Kolkata in its usual course of business, has a definite evidentiary value, unless challenged with fortified documents/evidences etc., ready to bear the test of legal scrutiny. SMP, Kolkata also filed photographs of the premises in question in support of their contentions of garage, hutments etc.

Hence, I may say that I have nothing to disbelieve the allegations levelled against the O.P. from the documents filed by the Port Authority and 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.





# 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

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

VS  
SRI MADHUSUDAN GHOSH

13  
21.05.2022

*[Handwritten signature]*

- 2) That the O.P. unauthorisedly parted with the possession of the premises to rank outsiders, in clear violation of the conditions of the lease in question.
- 3) That the notice to quit dated 10.05.1983 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
- 4) 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.
- 5) 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.
- 6) 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.

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 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.

*[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

612

of

2004

Order Sheet No.

18

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

VS

SRI MADHUSUDAN GHOSE

13

21.03.2022

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 and non-payment of dues by O.P. appears to be established. Hence, I have no bar to accept the claim of SMP, Kolkata on account of rent as well as damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the records maintained regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs. 4,806.74 (Rupees Four Thousand Eight Hundred Six and paise Seventy Four only) for the period from 01.01.1982 upto 30.06.1982 and Rs. 18,87,420.89 (Rupees Eighteen Lakhs Eighty Seven Thousand Four Hundred Twenty and paise Eighty Nine only) for the period from 01.07.1983 upto 30.09.2020 is due and recoverable from O.P. by Port Authority on account of compensation dues/damages/ mesne profit and O.P. must have to pay the rental dues to SMP, Kolkata on or before 06.04.2022.

Such dues shall also 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 accordingly.

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





**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

612 Of 2004 Order Sheet No. 19

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

**VS**  
**SRI MADHUSUDAN GHOSE**

19  
21.09.2022

30.09.2020 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 calculation of damages after 30.09.2020, 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

(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 \*\*\*