

o/c

**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. 16 DT. 07.04.2022  
PROCEEDINGS NO. 743/D OF 2005

**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  
**Shree Ganga Flour Mills  
12 & 15, Grand Foreshore Road,  
Ramkristopur,  
Howrah -711 101**


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 22.06.2021 ( Vide Order No 11 dated 22.04.2021) you were called upon to show- cause on/or before 22.07.2021 why an order requiring you to pay a sum of Rs 54,44,243.39 (Rupees Fifty Four Lakhs Forty Four Thousand Two Hundred Forty Three and paise Thirty Nine only) for Plate No HL- 128/1/A 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 and even thereafter;

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 54,44,243.39 (Rupees Fifty Four Lakhs Forty Four Thousand Two Hundred Forty Three and paise Thirty Nine only) for Plate No HL- 128/1/A for the period from 01.03.1991 to 31.03.2019 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 19.04.2022.

Please see on reverse



By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSES BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
08.04.2022  
Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

: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 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.

A copy of the reasoned order no. 16 dated 04.04.2022 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 - HL-128/1/A

The said piece or parcel of land msg. about 1583.71 Sq.m or thereabouts is situated at Ramkrishtopur, Thana- Howrah, Dist.: Howrah registration District Howrah. It is bounded on the North by the Cross Road No. 4 on the East by the Trustees' land leased to Burn Standard Co. Ltd. On the South partly by Grand Foreshore Road and partly by the Trustees' land previously leased to M/s. United Oil Co. India Ltd, and on the West partly by the Trustees' land previously leased to M/s. United Oil Company India Ltd. and partly by the Cross Road No. 3.

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

Dated: 08.04, 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  
08.04.2022  
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. 743 of 2005 Order Sheet No. -17-

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

**VS**  
**SHREE GANGA FLOUR MILLS**

## FINAL ORDER

The instant proceedings No. 743/D of 2005 arises out of the application filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, bearing No. Lnd.3921/III/21/090 dated 20.04.2021, praying for an order of recovery of dues on account of Compensation, along with accrued interest thereon in respect of the subject public premises, against **Shree Ganga Flour Mills**, (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 is that the O.P. came into occupation of the port property of piece or parcel of land measuring 1583.71 sqm or thereabouts, situated at Ramkrishtopur, Howrah, comprised under occupation no HL 128/1/A, on a long term lease basis for a period of 10 years with effect from 14.02.1981. The Lease expired on 13.02.1991. Thereafter, a notice demanding possession dated 18.07.2005 was issued by SMP, Kolkata to the O.P. requesting the O.P. to vacate the premises on 31.08.2005. As the O.P. did not vacate the premises, a proceeding was initiated by SMP, Kolkata against the O.P. before this Forum of law under relevant provisions of the Act. Subsequently, the Order of eviction of O.P. was passed by this Forum on 14.06.2006 and possession of the premises was taken over by SMP, Kolkata on 03.03.2021. Thereafter, SMP, Kolkata vide the said application dated 20.04.2021 has submitted its claim on account of compensation/ mesne profit/ damage charges, which was reportedly due and recoverable from the O.P. for its use and enjoyment of the port property in question. After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued Show Cause Notice dated 22.06.2021 (vide Order no. 11 dated 22.04.2021) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notice was issued calling upon the O.P. to show cause as to why an order requiring payment of arrear compensation/ mesne

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**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**

16  
07.04.2022

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# 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. 743 Of 2005 Order Sheet No. -18-

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

VS  
SHREE GIANGA FLOUR MILLS

16

07.04.2022

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. at '12 & 15, Grand Foreshore Road, Ramkristopur, Howrah -711 102'. However, the notice was returned undelivered by the Postal Department after incorporating the correct postal PIN code number as "711 101" with the remark 'No such addressee in the address (RTS)'. The 'Process Server' attached with this Forum for service of such Notices/ Orders etc. has submitted a report dated 28.06.2021 stating that the door was closed at the premises at the time of his visit on 28.06.2021. The Process Server in the said report dated 28.06.2021 has stated that the said notice was affixed on the premises, as per the mandate of the Act. In spite of such efforts being made, the appearance of O.P. could not be procured and efforts remained futile. Then the possibility of O.P. having an alternative address was explored by this Forum. However, the representative of SMP, Kolkata submitted that there is no alternative address of O.P., other than the recorded address as aforesaid, during the course of hearing on 22.08.2021. Accordingly, a decision was taken vide Order dated 22.08.2021, to publish a notice in an English daily, having circulation in the locality, for a notice to all concerned about the pendency of the instant proceeding in order to give a chance to the O.P. to appear before this Forum and to represent its case. Such notice was published in 'The Times of India (Kolkata edition)' on 26.08.2021 for intimation of all concerned that the date for the O.P's appearance, filing reply to Show Cause was fixed on 09.09.2021. However, on 09.09.2021 it has been informed by Department that neither 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. Considering the situation that the attendance of O.P. could not be procured by this Forum at any point of time in spite of all possible efforts being made, even after publication of the Notice in English newspaper and even thereafter, I am constrained to proceed ex-parte against the O.P. and the hearing of the matter has been concluded on 22.09.2021.

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

08.07.2022

OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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# 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. 743 of 2005 Order Sheet No. -19-

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

SARBE GANGA FLOUR MILLS <sup>VS</sup>

16  
07.04.2022

Now, while passing this Order, I have carefully considered all the papers/ documents on record and the detailed statement of accounts dated 13.04.2021, filed under the cover of the application dated 20.04.2021, in respect of the premises in question. It is quite apparent from the said statement of accounts that no payment, whatsoever, was made by O.P. in respect of the premises in question for decades altogether. In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business has 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 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 together is very much prominent and established, as 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 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.

Thus, it is my considered view that a sum of Rs 54,44,243.39 (Rupees Fifty Four Lakhs Forty Four Thousand Two Hundred Forty Three and paise Thirty Nine only) for subject premises/ Plate No HL-128/1/A is due and recoverable from the O.P. for the period from 01.03.1991 to 31.03.2019 by the Port authority on account of compensation/ mesne profit/ damage charges.

O.P. must have to pay such dues to SMP, Kolkata on or before 19.04.2022. 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 O.P., in terms of SMP, Kolkata's books of accounts.

By Order of :  
**THE ESTATE OFFICER**  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICE  
SYAMA PRASAD MOOKERJEE PORT  
08.04.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*(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. 743 of 2005 Order Sheet No. - 20 -

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

**VS**  
**SHREE GANGA FLOUR MILLS**

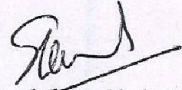
16  
07.04.2022

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

  
(Satyabrata 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**

08.04.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**