

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.737/D OF 2005
ORDER NO.20 DATED: 18.04.2022

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. National Petroleum Company
23A, Kalakar Street,
Kolkata-700007
And also at
302B, Rabindra Sarani,
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

Dr. Head Assistant 18/04/2022
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.1,81,329/- (Rupees One Lakh eighty one thousand three hundred twenty nine Only) for Plate No.SB- 488/A 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. 1,81,329/- (Rupees One Lakh eighty one thousand three hundred twenty nine Only) for Plate No.B-488/A assessed by me as damages on account of your unauthorised occupation of the premises for the period from 31.03.1994 to 08.10.2007 (both days inclusive) to SMP, Kolkata by *06.05.2022*

PLEASE SEE ON REVERSE



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.SB-488/A

The said piece or parcel of land measuring about 126.25 Sq.m or thereabouts is situate on the west side of Strand Bank Road, Cossipore Thana. It is bounded on the North by Trustees' land partly leased to Sri Kant Pandey and partly by Strand Bank Road. On the South Trustees land leased to Baliram Rai. On the East by the Trustees' land partly leased to Sri Kant Pandey and partly leased to Baliram Rai and on the West by the Trustees' Strand Bank Road.

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

Date 18.04.2022

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
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

SEAN

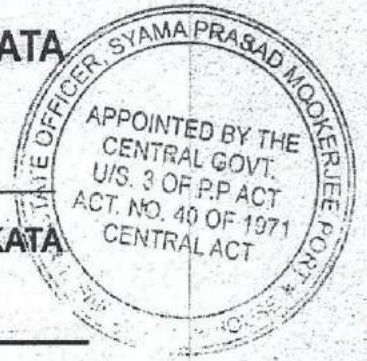
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 737/D Of 2005 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. NATIONAL PETROLEUM & CO
VS



FINAL ORDER

The instant proceedings No. 737/D of 2005 arises out of the application bearing No. Lnd.14/21/II/13/1787 dated 26.08.2013 read with an application bearing No. Lnd.14/21/II/21/4357 dated 24.12.2021 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 and other charges etc. along with accrued interest in respect of the subject public premises, against **M/s National Petroleum Company**, (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 land measuring about 126.25 sq.m situated at Cossipore on the west side of Strand Bank Road, Kolkata, comprised under occupation Plate Nos. SB-488/A, on monthly term lease basis. Thereafter, for the purpose of implementation of SMP, Kolkata's land use plan, Notice to quit was issued by SMP, Kolkata to O.P. on 16.04.2003. 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. 737, 737/R of 2005. The O.P. appeared before this Forum and contested the case. Thereafter, the Final Order of eviction against the O.P. was passed on 27.06.2006. It appears that thereafter SMP, Kolkata vide their applications dated 26.08.2013 has intimated that the possession of the subject premises was taken over by the O.P. on 08.10.2007 in terms of the said Order of eviction dated 27.06.2006. It has also been intimated by SMP, Kolkata vide the said applications as referred above that considerable amount of

20
8.04.2022
18.04.2022
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
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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 ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Handwritten signature/initials



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. 73710 of 2005 Order Sheet No. 22

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. NATIONAL PETROLEUM CO



20
3.04.2022
18.04.2022

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
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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 ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

18/04/2022

damages/compensation/ mesne profit was still due and recoverable from the O.P for 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-17 dated 28.12.2021) upon the O.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 the O.P. The O.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 08.10.2007 as because the subject premises was taken over by SMP, Kolkata on 08. 10.2007.

The said notice was served through Speed Post to the recorded addresses of O.P. at 23A, Kalakar Street, Kolkata-700 029. It appears from record that said Notice sent to both the recorded addresses of O.P. through Speed Post returned undelivered to the Forum with a mark "addressee cannot be located". As no one appeared on behalf of O.P or any other person interested in the property to give reply to the Show Cause, 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

Handwritten mark

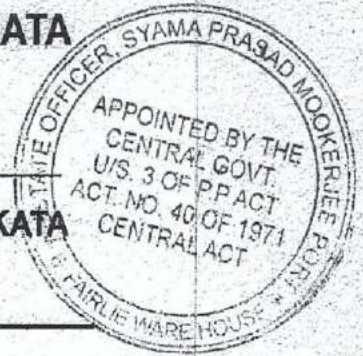
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 737/D of 2005 Order Sheet No. 23

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. NATIONAL PETROLEUM & CO



20
3.04.2022
18.04.2022

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
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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 in "The Times of India (Kolkata edition)" as well as in the Official website of SMP, Kolkata 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. failed to appear before the Forum despite publication of such notice in the newspaper & the website of SMP, 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
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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. inspite of publication of such Show Cause notice both in the website and 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's side 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.1,81,329/- (Rupees One Lakh eighty one thousand three hundred twenty nine only) for the Plate No.D-SB-488/A for the period 31.03.1994 to 08.10.2007(both days inclusive) 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

Handwritten mark



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. 73710 of 2005 Order Sheet No. 24

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S, NATIONAL PETROLEUM CO ^{VS}



20
3.04.2022
18.04.2022

06.05.2022 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. The formal order u/s 7 of the Act is signed accordingly.

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 LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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.

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

GIVEN UNDER MY HAND AND SEAL

Head Assistant 18/04/2022
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

J.P. Boipai
(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***