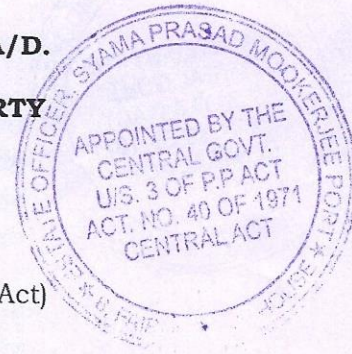


SCAN

**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 1st Floor
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.171/R OF 1993
ORDER NO. 55 DATED: 26.04.2022

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 Lica Pvt. Ltd.
96, Garden Reach Road,
Kolkata-700 023
AND
Old Garagacha Road,
Hide Shed Dump (East of American Refrigerator Co. Ltd.)
Kolkata-700 023

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

AND WHEREAS, by written notice dated 11.12.2002 you are called upon to show cause on or before 08.01.2003 why an order requiring you to pay a sum of Rs.2,80,229/- (Rupees Two lakh eighty thousand two hundred twenty nine 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;

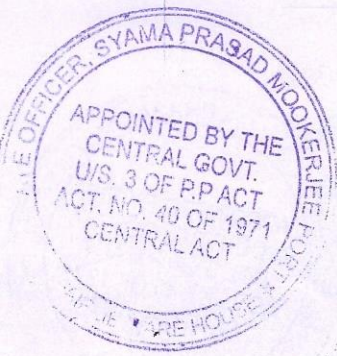
NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby require you to pay the sum of Rs.2,80,229/- (Rupees Two lakh eighty thousand two hundred twenty nine only) for the period 25.06.1981 to 30.04.1984 (both days inclusive) to SMP, Kolkata by 11.05.2022

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

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.

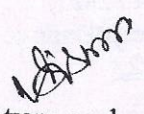
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

Plate No. GR-132

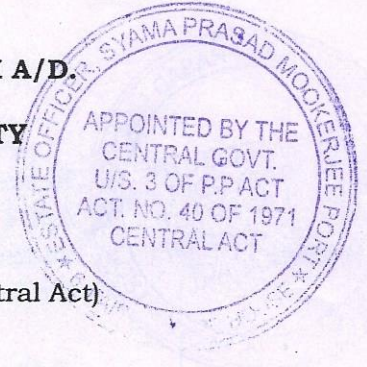
Piece or parcel of land measuring 7,776.26 Sq.mts. or thereabouts is situate at Hide Shed Dump, Thana South Port Police Station, Calcutta, District 24-Parganas, Registration District Alipore. It is bounded on the north by the Trustees' drain beyond which is their office on the east and west by the Trustees' strip of open land reserved as railway margin of safety alongside their railway tracks and on the south by the Trustees open land. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 26.04.2022


Signature and seal of the
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SMP, 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

Court Room at the 1st Floor
Of Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.171/D OF 1993
ORDER NO.55 DATED: 26.04.2022

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. Lica Pvt. Ltd.
96, Garden Reach Road,
Kolkata-700 023
AND
Old Garagacha Road,
Hide Shed Dump(East of American Refrigerator Co. Ltd.)
Kolkata-700 023

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 02.02.2022 you are called upon to show cause on or before 16.02.2022 why an order requiring you to pay damages of Rs.87,47,767/- (Rupees Eighty seven Lakh forty seven thousand seven hundred sixty seven only) 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.87,47,767/- (Rupees Eighty seven Lakh forty seven thousand seven hundred sixty seven only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.05.1984 to 28.11.2005 (both days inclusive) to SMP, Kolkata by 11.05.2022.

By Order of :
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

W
26/04/2022
Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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.

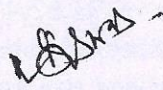
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

SCHEDULE

Plate No. GR-132

Piece or parcel of land measuring 7,776.26 Sq.mts. or thereabouts is situate at Hide Shed Dump, Thana South Port Police Station, Calcutta, District 24-Parganas, Registration District Alipore. It is bounded on the north by the Trustees' drain beyond which is their office on the east and west by the Trustees' strip of open land reserved as railway margin of safety alongside their railway tracks and on the south by the Trustees open land. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 26.04.2022


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

Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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

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. 171/R & 171/D of 1993 Order Sheet No. 18

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. LICA PVT LTD VS



FINAL ORDER

The instant proceedings No. 171/R & 171/D of 2020 arises out of the application bearing No. Lnd. 4104/4/40/A/III/06/7121 dated 04.10.2006 read with an application dated 19.01.2007 and 26.10.2021 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 arrear rent/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against **M/s. Lica Pvt. Ltd**, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the Port property being land measuring 7,776.26 sq.mtrs or thereabout situated on the Hide Sheds Dump, Thana-South Port Police Station, Kolkata (under Plate No.GR-132) as monthly term Lessee on certain terms and condition. Thereafter, O.P. violated the condition for grant of such tenancy under monthly term lease by defaulting in payment of rent, taxes and other charges. Notice to Quit was issued by SMP, Kolkata to O.P on 23.02.1984. Thereafter, Proceeding was initiated by SMP, Kolkata before this Forum against the O.P. under relevant provisions of the Act which numbered as Proceeding No.171, 171/R & 171/D of 1993. O.P. contested the matter before the Forum. Thereafter, Final Order of Eviction against O.P. was passed on 26.12.2000. Thereafter, SMP, Kolkata vide its application dated 04.10.2006, intimated that possession of the premises was taken over from O.P on 28.11.2005 in terms of the said Order of eviction dated 26.12.2000. It has also been intimated by SMP, Kolkata vide their application dated 04.10.2006 & 26.10.2021 that an

Sr S
26.04.2022

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 of the Office of the Estate Officer
SYAMA PRASAD MOOKERJEE PORT
26/04/2022

VS

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. 171/R of 191/D of 1993 Order Sheet No. 19

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. LICIA PVT LTD VS

5750
26.04.2022

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 LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

amount of Rs. 2,80,229/- on account of rent and Rs. 87,47,767/- on account of compensation/damages are still due and recoverable from O.P. As the Notice to Show Cause u/s 7 for rent has already been issued by the Forum on 11.12.2002, considering the submissions and the allegations of SMP, Kolkata and upon prima facie satisfaction with their claim a Notice to Show Cause dated 02.02.2022 (vide Order No.52 dated 01.02.2022) was issued 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 28.11.2005 as because the subject premises was taken over by SMP, Kolkata on 28.11.2005.

The said Notice was sent through speed Post to the recorded addresses of O.P. at 96, Garden Reach Road, Kolkata-700023 and also to Old Garagacha Road, Hide Shed Dump(East American Refrigerator Co. Ltd). Notice sent through speed post to both the abovementioned recorded addresses of O.P. returned undelivered to the Forum with an endorsement "insufficient address /Addressee cannot be located". As the attendance of O.P. could not be procured, a decision had been taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P to appear before the Forum and to represent their

MA

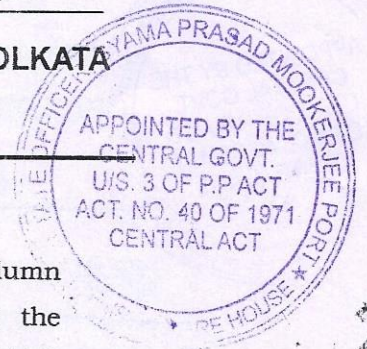
Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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

Proceedings No. 171/R/171/D Of 1993 Order Sheet No. 20

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. LICA PVT LTD VS



55
26.04.2022

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
26/04/2022

case. Such Notice was published in the classified column of Times of India(Kolkata) on 28.02.2022 fixing the ultimate date of O.P's appearance on 15.03.2022. However, such effort was also went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the non-appearance of O.P in spite of publication of the instant matter. 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 rent, damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMP, Kolkata 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.2,80,229/- (Rupees Two Lakh eighty thousand two hundred twenty nine only) for Plate No. GR-132 for the period from 01.07.1983 to 30.04.1984 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to SMP, Kolkata on or before ~~15.03.2022~~ 26.04.2022 Such dues attract 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 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.

Likewise, I find that SMP, Kolkata has made out an arguable claim against O.P., founded with sound

LA

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

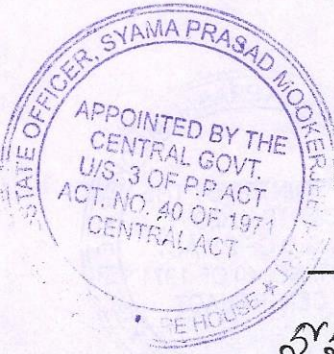
Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 171/R & 171/D Of 1993 Order Sheet No. 21

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. LICA PT LTD



5/5/

26.04.2022

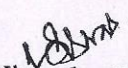
By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Head Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs.87,47,767/-(Rupees Eighty seven Lakh forty seven thousand seven hundred sixty seven only) for Plate No.GR-132 as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.05.1984 to 28.11.2005 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMP, Kolkata by ~~11.05.2012~~. The said damages shall attract 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. I sign the formal orders u/s 7 of the Act.

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


(Nirmalya Biswas)
ESTATE OFFICER

*** ALL EXHIBITS AND DOCUMENTS
ARE REQUIRED TO BE TAKEN BACK
WITHIN ONE MONTH FROM THE DATE
OF PASSING OF THIS ORDER***