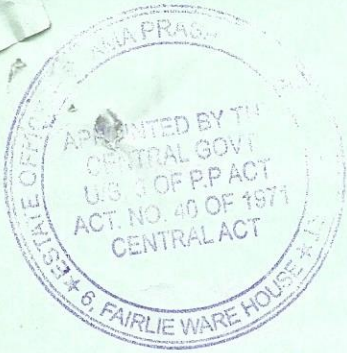


O/C



**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. 04 DT 02.5.2022  
PROCEEDINGS NO. 1894 OF 2022

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
SHRI SARABJIT THAKUR**

**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 Sarabjit Thakur, P-221/2, Strand Bank Road, Kolkata- 700 001 And  
also at Village & Post Office- Karanchapra, District: Balia, Uttar Pradesh** is  
in unauthorized occupation of the Public Premises specified in the Schedule  
below:

**R E A S O N S**

- 1) That the notice to quit dated 23.04.2021 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.
- 2) That O.P. has failed to liquidate the estate dues of SMP, Kolkata.
- 3) That O.P. has failed to justify how he is entitled to occupy the premises after issuance of Notice to Quit dated 23.04.2021.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That 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 the landlord/ SMP, Kolkata is at liberty to require the occupier of the premises/building of SMP, Kolkata to vacate such premises/building, in case such premises/ building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
- 7) That the 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.

**Please see on reverse**

*Sub*

7407  
7408

A copy of the reasoned order No. 04 dated 02.5.2022 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 Sarabjit Thakur, P-221/2, Strand Bank Road, Kolkata- 700 001 And also at Village & Post Office- Karanchapra, District: Balia, Uttar Pradesh** 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 Sarabjit Thakur, P-221/2, Strand Bank Road, Kolkata- 700 001 And also at Village & Post Office- Karanchapra, District: Balia, Uttar Pradesh** 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 - CG 204/6

Trustees' space on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road Msg.2.16 Sq.mtrs. under Plate No. CG-204/6. It is bounded on the North by Trustees' masonry almirah occupied by S.N. Paul & Co., on the South by Trustees' passage, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

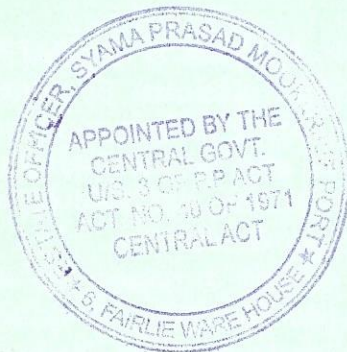
Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata)

Dated: 11.5.2022.



**Signature & Seal of the  
Estate Officer.**

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 Unauthorised Occupants) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairlie Place (1st FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1894/R of 2022  
ORDER NO.04 DATED: 02.5.2022

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

To  
Shri Sarabjit Thakur,  
P-221/2, Strand Bank Road,  
Kolkata- 700 001  
And also at  
Village & Post Office- Karanchapra,  
District: Balia,  
Uttar Pradesh.

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

AND WHEREAS, by written notice dated 18.02.2022 (Vide Order No 01 dated 16.02.2022) you were called upon to show cause on/or before 03.03.2022 why an order requiring you to pay a sum of Rs. 89,545.28 (Rupees Eighty Nine Thousand Five Hundred Forty Five and paise Twenty Eight only) being the rent payable together with compound interest in respect of the said premises should not be made;

AND WHEREAS I have considered your objection and/or the evidence produced by you,

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. 89,545.28 (Rupees Eighty Nine Thousand Five Hundred Forty Five and paise Twenty Eight only) for the period 01.04.1980 upto 17.05.2021 (both days inclusive ) to Kolkata Port Trust by 27.5.2022.

*Sud*

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. 04 dated 02.5.2022 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 - CG 204/6

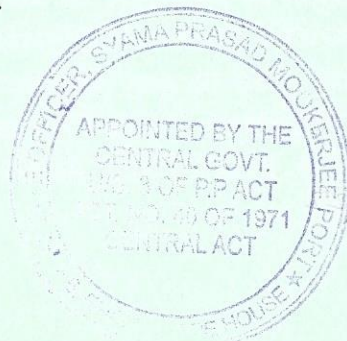
Trustees' space on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road Msg.2.16 Sq.mtrs. under Plate No. CG-204/6. It is bounded on the North by Trustees' masonry almirah occupied by S.N. Paul & Co., on the South by Trustees' passage, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

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

Dated: 11.5.2022

Signature and seal of the  
Estate Officer

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.04 DT 02.5.2022  
PROCEEDINGS NO. 1894/D OF 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  
Shri Sarabjit Thakur,  
P-221/2, Strand Bank Road,  
Kolkata- 700 001  
And also at  
Village & Post Office- Karanchapra,  
District: Balia,  
Uttar Pradesh.

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 18.02.2022 you were called upon to show- cause on/or before 03.03.2022 why an order requiring you to pay a sum of Rs. 6,516.62 (Rupees Six Thousand Five Hundred Sixteen and paise Sixty Two only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS I have considered your objection and/or the evidence produced by you,

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. 6,516.62 (Rupees Six Thousand Five Hundred Sixteen and paise Sixty Two only) for the period from 18.05.2021 to 31.08.2021 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 27.5.2022.

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 incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

Sub

:2:

A copy of the reasoned order no. 04 dated 02.5.2022. 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 - CG 204/6**

Trustees' space on the Eastern side at the entrance of Premises No. P221/2, Strand Bank Road Msg.2.16 Sq.mtrs. under Plate No. CG-204/6. It is bounded on the North by Trustees' masonry almirah occupied by S.N. Paul & Co., on the South by Trustees' passage, on the East by Trustees' room occupied by Bata India Ltd. and on the West by Trustees' passage.

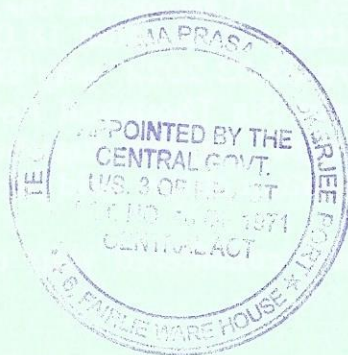
Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata)



**Dated:** 11.5.2022.

**Signature and seal of the  
Estate Officer.**

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST 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. 1894, 1894/R, 1894/D of 2022 Order Sheet No. 06

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

*Shri Sarabjit<sup>VS</sup> Thakur.*

04  
02.5.2022

## FINAL ORDER

The instant proceedings No. 1894, 1894/R and 1894/D of 2022 arise out of the application bearing No. Lnd 5/78/21/4355 dated 24.12.2021 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 dues, compensation charge/damages along with accrued interest in respect of the public premises, being the Trustees' space on the eastern side at the entrance of Premises No. P 221/2, Strand Bank Road, measuring about 2.16 sq.m. under Plate No CG 204/6, against **Shri Sarabjit Thakur** (hereinafter referred to as **O.P.**).

It is the case of SMP, Kolkata that the O.P. came into occupation of the said premises/ port property, morefully described under the Schedule 'A' of the said SMP, Kolkata's application dated 24.12.2021, as a Licencee. It is the case of SMP, Kolkata that the O.P. is in default of payment of monthly rent and taxes, for use and enjoyment of the port property in question, inspite of repeated requests. It is further the case of SMP, Kolkata that on an inspection of the evaluation of the structural safety and stability, it was found that the port property /building is in a very advance stage of decay and is unsafe for human inhabitation and in this regard a notice bearing no Lnd. 3135/86/Fire/21/233 dated 22.01.2021 had been affixed in the subject premises on 22.01.2021. Further, considering the non-payment of the rental dues, taxes and the precarious condition of the building and fatal consequences thereof, the notice to quit dated 23.04.2021 was issued to O.P., requiring the O.P. to quit, vacate and deliver up peaceful possession of the premises on 18.05.2021 in terms of the said notice. It is the case of SMP, Kolkata that the tenancy with the O.P. was determined w.e.f. 18.05.2021, in terms of the said Notice to Quit dated 23.04.2021 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

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
*[Signature]* 10.5.2022  
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. 1894, 1894/R, 1894/Df 2022 Order Sheet No. 07

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

*Shri Parajit Thakur* <sup>VS</sup>

occupy the premises after the determination of tenancy in question upon service of a quit notice dated 23.04.2021.

This Forum of Law formed its opinion to proceed against O.P. and issued 3 (three) no. of Show Cause Notices upon the O.P., the first Notice was issued u/s 4 of the Act for adjudication of the prayer of eviction, the second and third Notices were issued u/s 7 of the Act for adjudication of the prayer of rental dues as well as compensation dues/ damages/ mesne profit, respectively, along with the accrued interest thereon, etc.), all dated 18.02.2022 (vide Order No. 01 dated 16.02.2022), as per the Rules made under the Act.

The said Notices were sent through 'Speed Post' to both the recorded addresses of O.P. at 'P-221/2, Strand Bank Road, Kolkata-700 001' and 'Village & Post Office- Karanchapra, District: Balia, Uttar Pradesh'. The Notice sent to the first mentioned address did not return undelivered raising a presumption of good service of such notice. However, the Notice sent to the later address has been returned undelivered by the Postal Department. The 'Process Server' attached with this Forum has submitted the report dated 01.03.2022 that the Notices could not be hand delivered as the door of the premises was found locked on 01.03.2022. However, as per the said Report of Process Server, the Notices have been affixed in the conspicuous part of the property under schedule for a notice to all concerned, as per the mandate of the Act.

On the day fixed for Show Cause by the O.P., neither the O.P. nor any person interested in the property appeared before this Forum. Following the principles of Natural Justice that no one should be condemned unheard, the matter was adjourned till 17.03.2022 in order to provide a chance to the O.P. to represent his case. Department was directed to serve copy of the Order upon the O.P. However, such attempt did not bring any result as the door of the premises was found in locked condition for the second time on 10.03.2022 ( as per the Process Server Report dated 10.03.2022). However, once again the notice has been affixed in a conspicuous part of the property under schedule for a notice to all concerned, as per the mandate of the Act.

By Order of:

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

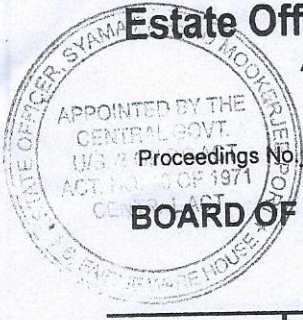
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Signature]*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

04  
02.5.2022

*[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. 1894, 1894/R, 1894/D of 2022 Order Sheet No. 08

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

*Shri Sarabjit Thakur* VS

04  
02.5.2022

In such a situation, where the attendance of O.P. could not be procured inspite of repeated efforts and no reply to show cause notice was filed, I had no reason to prolong the matter any further and as such the hearing was concluded on 17.03.2022 and the matter was kept reserved for passing the Order.

Now, it appears that a Reply to Show Cause Notice has been filed by O.P. on 25.03.2022, i.e. after the hearing was concluded and the matter was reserved for passing Order.

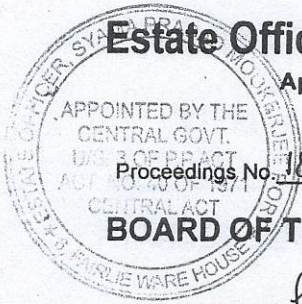
Be that as it may, I have now considered the said reply dated 25.03.2022 and understood the meaning and purport thereof. It appears that through the said reply the party/ O.P. acknowledged dues on his part, gave assurance for liquidation of SMP Kolkata's dues, in installments, in future and prayed for regularization of the tenancy in its original form and status.

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through the documents placed on record, I find that SMP, Kolkata's allegation of non-payment of license fees/ Rent has been practically admitted by the O.P. Upon perusal of O.P.'s application dated 25.03.2022, it is seen that O.P. has nowhere denied dues on its part. The O.P. admitted the rent charge of SMP, Kolkata by submitting that he is ready to pay the arrear rent in installments. Admittedly, O.P. is in possession and still enjoying the Port Property. While enjoying the Public Premises in question, O.P. cannot deny its responsibility to pay the requisite charges for occupation. In my view, O.P. has accepted the Jural relationship between SMP, Kolkata and itself that is to say as debtor.

Further, with regard to the grant of tenancy as prayed for by the O.P. vide his reply dated 25.03.2022, I must say that while exercising powers under the provisions of Public Premises Act, 1971, this Forum of Law is not competent to consider any matter regarding grant of tenancy to anybody and as such no direction can be given by this Forum of Law directing SMP, Kolkata to grant

By Order of :  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
15.5.2022  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sud*



# 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. 1894, 1894/R, 1894/D of 2022 Order Sheet No. 09

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

*Shri Parabjit Thakur* <sup>VS</sup>

04  
02.5.2022.

direct tenancy to O.P. Grant of tenancy in favour of any person is the sole prerogative of the landlord/ SMP, Kolkata and this Forum while adjudicating a case under the provisions of the P.P. Act is not empowered to direct SMP, Kolkata for such grant, unless SMP, Kolkata shows their willingness in this regard. Mere writing letter with the prayer containing inter-alia to grant direct tenancy under SMP, Kolkata cannot create any right whatsoever to occupy the Public Premises in question. Nothing has been disclosed whether the applicant for grant of direct tenancy/ O.P. obtained any permission or consent from SMP, Kolkata.

Incidentally, the representative of SMP, Kolkata referred to the notice dated 22.01.2021, issued by the Estate Manager, SMP, Kolkata, whereby all the occupiers of the premises were given notice to quit, vacate and deliver peaceful and vacant possession of the property to the representative of SMP, Kolkata as on an inspection of the evaluation of the structural safety and stability, it was found that the port property /building is in a very advance stage of decay and is unsafe for human inhabitation. If any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, the landlord is always at liberty to require the occupier of such building to vacate such building, remove the things lying thereon or do other things, so as to prevent all cause of danger therefrom. If the occupier of the building does not vacate the premises, even after being notified, the landlord may take such steps in relation to the building as to prevent all cause of danger therefrom.

Discussions regarding the foregoing reveal that there is a substantial element of factual veracity in SMP, Kolkata's Notice to Quit dated 23.04.2021 and therefore, I am of the firm view that the Licence of the O.P. was rightly revoked by the Port Authority vide the said Notice to Quit. Consequently, I have no hesitation to hold that the said Notice had been validly issued and served on the O.P. and the same are binding on the parties.

By Order of

THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

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

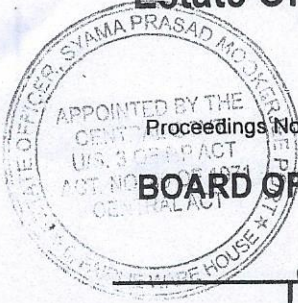
Head Assistant

OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sub*

# 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. 1894, 1894/R, 1894/B of 2022 Order Sheet No. 10

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

*Shri Parabjit Thakur* VS

04  
02.5.2022.

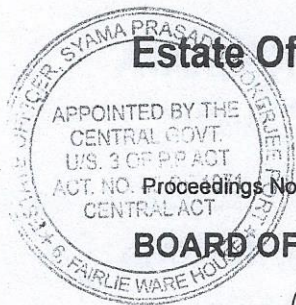
Considering all, as discussed above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

- 1) That the notice to quit dated 23.04.2021 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.
- 2) That O.P. has failed to liquidate the estate dues of SMP, Kolkata.
- 3) That O.P. has failed to justify how he is entitled to occupy the premises after issuance of Notice to Quit dated 23.04.2021.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That 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 the landlord/ SMP, Kolkata is at liberty to require the occupier of the premises/building of SMP, Kolkata to vacate such premises/building, in case such premises/ building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or place in the neighbourhood of such building, so as to prevent all cause of danger therefrom.
- 7) That the 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  
*[Signature]*  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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. or 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 the estate of O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

*[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. 1894, 1894/R, 1894/D of 2022 Order Sheet No. 11

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

*Shri Saradjit Thakur* <sup>VS</sup>

04  
02.5.2022.

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.

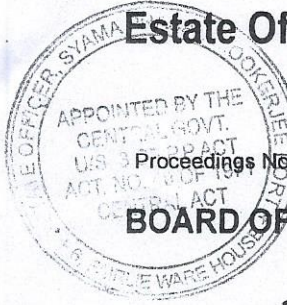
During the course of hearing, I am given to understand by SMP, Kolkata that the rent as well as mesne profit/compensation/damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port 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. 89,545.28 (Rupees Eighty Nine Thousand Five Hundred Forty Five and paise Twenty Eight only) for the period from 01.04.1980 upto 17.05.2021 ( both days inclusive) is due and recoverable from O.P. by Port Authority on account of rental dues and a sum of Rs. 6,516.62 (Rupees Six Thousand Five Hundred Sixteen and paise Sixty Two only) for the period from 18.05.2021 upto 31.08.2021 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 compensation dues to SMP, Kolkata on or before 27.5.2022.

Such rental as well compensation dues shall 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.

By Order of :  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
*[Signature]*  
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. 1894, 1894/R, 1894/0 of 2022 Order Sheet No. 12

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

*Shri Parabjit Thakur* VS

04  
02.5.2022

I make it clear that SMP, Kolkata is entitled to claim damages against O.P./ estate of 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./ estate of O.P. to pay damages extends beyond 31.08.2021 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 31.08.2021, 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./ estate of 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. estate 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

(Sourav Mitra)  
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  
*h* Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.5.2022

1