

**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.14 DT 03.06.2022  
PROCEEDINGS NO. 332 of 1999

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

**-Vs-**

**SHRI MOHAN LAL AGARWALA**

**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 Mohan Lal Agarwal of 67/25, Strand Road, Nimtolla, Kolkata-700 006** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**R E A S O N S**

- 1) That O.P./ anyone interested in the subject property failed to appear before this Forum and file the requisite papers/documents, effective reply to Show Cause despite repeated opportunities.
- 2) That the issue as was raised on behalf of O.P. regarding 'rent' payable to SMP, Kolkata, had finally been settled by the Hon'ble Supreme Court in terms of Order dated 27.07.2017 in Civil Appeals 4491-4492 of 2010, wherein the Hon'ble Supreme Court was pleased to grant relief to the parties who had already paid interest at the rate fixed by the Hon'ble High Court.
- 3) That O.P. has violated the conditions of tenancy, as granted by the Port Authority, by way of not making payment of occupational charges to the Port Authority.
- 4) 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.
- 5) That the notice to quit dated 20.12.1995 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.
- 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.

**Please see on reverse**

:2:

A copy of the reasoned order No. 14 dated 03.06.2022 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 Mohan Lal Agarwal of 67/25, Strand Road, Nimtolla, Kolkata-700 006 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 Mohan Lal Agarwal of 67/25, Strand Road, Nimtolla, Kolkata-700 006 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.

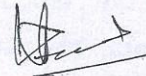
### SCHEDULE

Plate no: SB- 289/2

The piece or parcel of land msg. 133.966 sq.m. or thereabouts is situate at North side of Cross Road, 13/1, Nimtolla in the Presidency Town of Calcutta. It is bounded on the north by the Trustees' land occupied partly by Tara Oil and Ginning Mills and partly by Ball Mook and Lutchminarain, on the east by the Trustees' land occupied by Ramand Dwarka Das, on the south by the Trustees' Cross RoadNo.13/1, and on the west by the Trustees' land occupied by Kailash Timber Works. Trustees' means the Board of Trustees of the Port of Kolkata.

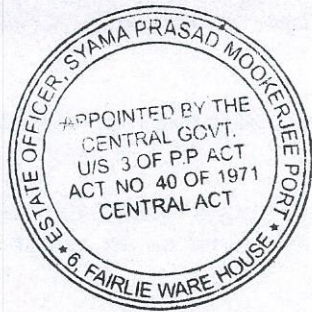
Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata.)

Dated: 06 . 06 . 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 Unauthorized Occupant) Act 1971  
OFFICE OF THE ESTATE OFFICER  
6, Fairley Place (1st Floor)  
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Court Room At the 1<sup>st</sup> Floor  
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Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 14 DT 03.06.2022  
PROCEEDINGS NO. 332/D of 1999

**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/Smt./Km./M/s.  
Shri Mohan Lal Agarwal,  
67/25, Strand Road,  
Nimtolla,  
Kolkata-700 006.

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 08.02.2018 you were called upon to show- cause on/or before 07.03.2018 why an order requiring you to pay a sum of Rs. 21,13,933.30 (Rupees Twenty One Lakhs Thirteen Thousand Nine Hundred Thirty Three and paise Thirty 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. 21,13,933.30 (Rupees Twenty One Lakhs Thirteen Thousand Nine Hundred Thirty Three and paise Thirty only) for the period from 01.07.2000 to 30.06.2017 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 17.06.2022.

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. 14 dated 03.06.2022 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: SB- 289/2

The piece or parcel of land msg. 133.966 sq.m. or thereabouts is situate at North side of Cross Road, 13/1, Nimtolla in the Presidency Town of Calcutta. It is bounded on the north by the Trustees' land occupied partly by Tara Oil and Ginning Mills and partly by Ball Mook and Lutchminarain, on the east by the Trustees' land occupied by Ramand Dwarka Das, on the south by the Trustees' Cross RoadNo.13/1, and on the west by the Trustees' land occupied by Kailash Timber Works. Trustees' means the Board of Trustees of the Port of Kolkata.

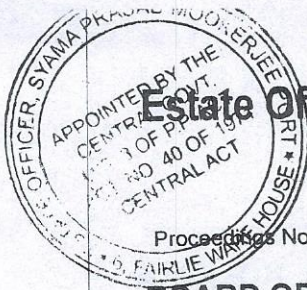
Trustee's means the Syama Prasad Mookerjee Port, Kolkata ( erstwhile the Board of Trustees for the Port of Kolkata.)

**Dated: 06.06.2022 .**



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

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, 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. 332/D Of 1999 Order Sheet No. 10

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

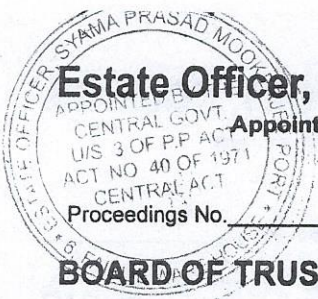
**SRI MOHANLAL AGARWALA** <sup>VS</sup>

### FINAL ORDER

14  
03.06.2022

The instant proceeding No 332, 332/D of 1999 arises out of the application bearing No. Lnd.16/38 dated 20.03.1996 filed by **Syama Prasad Mookerjee Port, Kolkata**, erstwhile Kolkata Port Trust, 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/damages and other charges etc. along with accrued interest in respect of the Public Premises as defined under Schedule- 'A' of said application, against **Shri Mohan Lal Agarwala** (hereinafter referred to as **O.P.**).

It is the case of SMP, Kolkata that the O.P. came into occupation of the port property (under Plate Nos. SB- 289/2) as a long term lessee, without any option of renewal, for a period of 10 years with effect from 08.11.1983, in respect of SMP, Kolkata's piece or parcel of land measuring 133.966 sqm or thereabouts situate at North side of Cross Road, Nimtollah, Kolkata, morefully described in the Schedule 'A' of SMP, Kolkata's application dated 20.03.1996. The allegations leveled by SMP, Kolkata against the O.P are that the O.P has defaulted in payment of monthly rent and taxes, the accrued interest thereon in gross violation of the terms and conditions of the tenancy. It is further the case of SMP, Kolkata that inspite of defaults in payment made by O.P., the O.P. unauthorisedly occupied the premises and as such the O.P. was given a notice dated 20.12.1995 to quit, vacate and deliver up peaceful possession of the premises on the expiry of the month of 31.01.1996. It is submitted by SMP, Kolkata that 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 expiry of lease in question and upon service of a quit notice dated 20.12.1995.



# 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

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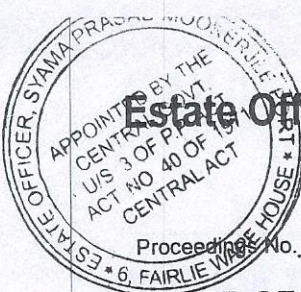
## BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
SRI MOHANLAL AGARWALA

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03.06.2022

This Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the Public Premises Act, 1971 and issued show cause notice under Section 4 of the Act (for adjudication of the prayer of Eviction) dated 13.12.1999 (vide Order No 02 dated 13.12.1999) as per the Rules made under the Act.

It appears that in response to such Show Cause Notice, one Shri B.K. Agarwala appeared on behalf of the O.P. on 16.02.2000 and submitted a Pay Order amounting to Rs 30,000/- (Rupees Thirty Thousand Only) in favour of SMP, Kolkata on account of arrear rental dues of SMP, Kolkata. It was infact admitted by Shri Agarwala that O.P. was in default of liquidation of rent charges of SMP, Kolkata due to the alleged dispute in enhancement of rent charges. SMP, Kolkata, on the other hand, prayed for protection of their legitimate rental dues for the occupation of O.P. in the Public Premises. Having heard both the sides, it was directed that the O.P. would file the reply to the Show Cause by 15.03.2000 and SMP, Kolkata would accept the payment of Rs 30,000/- (Rupees Thirty Thousand only) on account of arrear rental dues/ charges payable by O.P., without prejudice to the rights and contentions of both the parties. The O.P. was also directed to pay a further sum of Rs 50,000/- (Rupees Fifty Thousand only) to SMP, Kolkata on account of such arrear rental dues by 15.03.2000. On the next date of hearing, i.e. 15.03.2000, Shri Agarwala appeared on behalf of O.P. and submitted a Pay Order of only Rs. 30,000/- (Rupees Thirty Thousand only) in favour of SMP, Kolkata with a request to grant installments for liquidation of SMP, Kolkata's dues. Considering the situation, SMP, Kolkata was directed to accept the payments without prejudice to the rights and contentions of both the parties. Be it mentioned here that simultaneous of such orders for payments of dues, the O.P. was directed to file the reply to show cause notices issued by this Forum. However, it appears that inspite of sufficient chances being given to O.P., no such reply was



# 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

Proceeding No. 3321D Of 1999 Order Sheet No. 12

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

**VS**

**SRI MOHANLAL AGARWALA**

filed before this Forum till 31.05.2000, when the matter was reserved for passing the Final Order.

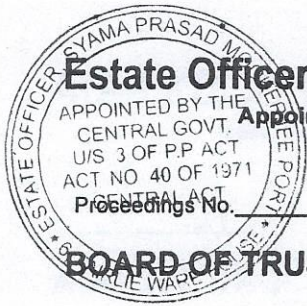
However, it appears from records that no such Final Order was issued /published and no further deliberation on the issues of the proceeding could be made by my predecessor Estate Officer/s until 25.10.2016, when the matter of delivering the Final Order was considered on the basis of the Order dated 12.02.2007 passed by the Hon'ble High Court, Calcutta in A.P.O. No 367 of 2006 with W.P. No 347 of 1988 ( Board of Trustees for the Port of Calcutta - Vs- The Port Tenants Welfare Association & Ors.) and W.P. No 209 of 1997 (The Port Tenants Welfare Association & Ors. -Vs- Board of Trustees for the Port of Calcutta).

Upon taking note of the directions passed by the Hon'ble High Court, Calcutta and considering the fact that huge dues have been accumulated on account of O.P., for compensation charges etc., this Forum of Law formed its opinion to proceed against O.P. under the relevant provision of the Public Premises Act, 1971 and issued Show Cause Notice under Section 7 of the Act, dated 08.02.2018 (vide Order No 10 dated 02.02.2018), as per the Rules made under the Act.

However, it appears from record that the Notice/s sent through 'Speed Post' returned undelivered by the Postal Department with the remark "Not Known". It was reported by the 'Process Server' in terms the Report dated 23.02.2018 that the O.P. could not be found at the premises during visit on 23.02.2018. Additionally, it was submitted by the Process Server that the Notice has been affixed on the property in question for a notice to all concerned, as per the mandate of the Act.

In my view, as per the Rules framed under the P.P. Act, 1971, affixation on property is due service of Notice upon O.P., as well as, to anybody interested in the property in question. However,

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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

3321D Of 1999 Order Sheet No. 13

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

VS  
SRI MOHANLAL AGARWALA

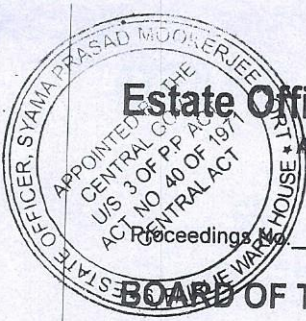
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03.06.2022

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. A decision was then taken to publish a notice in a widely circulated English newspaper 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. It appears that such notice was published in 'The Telegraph (Kolkata edition)' on 01.05.2018 fixing the date for the O.P's appearance, filing reply to Show Cause on 25.05.2018, 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, 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 as per the available records/papers/ documents of the proceeding.

After due consideration of all relevant papers/documents as brought before me in course of hearing, I find that SMP, Kolkata has filed a copy of the lease agreement duly executed with the O.P. under the cover of SMP, Kolkata's application dated 19.11.1999. I also find the copies of the correspondences dated 25.03.1989, 26.06.1989, 06.01.1990, 19.10.1989, 18.08.1989, 16.03.1990, 01.06.1992 etc. issued by SMP, Kolkata to O.P. demanding, inter alia, the amount payable for use and enjoyment of the port property in question. In my view, such communications 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. I have also considered the detailed statement of account dated 17.11.2016, filed under the cover of SMP, Kolkata's application dated 17.11.2016. It appears from the said statement of accounts that no payment, whatsoever, was





# 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.

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Of

1999

Order Sheet No.

14

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

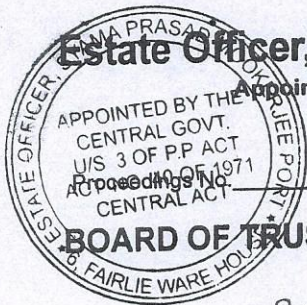
**VS**

**SRI MOHANLAL AGARWALA**

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made by the O.P. for the decades altogether. It is apparent that the last payment was made by the O.P. in August, 2014 which has been adjusted against the dues of SMP, Kolkata of July, 2000. During the course of hearing I am given to understand the adjustment of payments made to SMP, Kolkata is being done following the "FIFO method". It is quite clear from the said statement of accounts that huge payment has become due from O.P.

During the course of hearing, I am given to understand by the Port Authority that the rent/ compensation 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 compensation dues by O.P. for decades together is very much prominent and established, as discussed above. As per law, a tenancy like the one granted to the O.P., continues only on the basis of timely payment of occupational charges/ bills and non-payment of the same, even for a small period, is enough to vitiate the contract. Here, in the instant case, O.P. is a defaulter for decades. In my view, the breach committed by the O.P. is very much well established in the facts and circumstances of the case and O.P. must have to suffer the consequences, following due applications of the tenets of law. During course of hearing, O.P. has tried to make out that it is a member of one Port Tenant Welfare Association and has referred the case pending, at that point of time, before the Hon'ble Calcutta High Court being WP no. 347 of 1988 and W.P. no. 209 of 1997. However, the issues have come to a rest in terms of Order dated 12.02.2007 passed by the Hon'ble High Court, Calcutta in A.P.O. No 367 of 2006 with W.P. No 347 of 1988 ( Board of Trustees for the Port of Calcutta -Vs- The Port Tenants Welfare Association & Ors.) and W.P. No 209 of 1997 (The Port Tenants Welfare Association & Ors. -Vs- Board of Trustees for the Port of Calcutta). Thereafter, the said decision dated 12.02.2007 of the Hon'ble High Court, Calcutta has been set aside by the Hon'ble Supreme Court



# Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

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(Eviction of Unauthorised Occupants) Act 1971

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BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

SRI MOHANLAL AGARWALA

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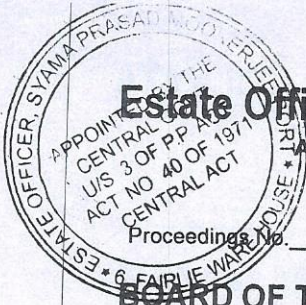
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vide Order dated 27.07.2017 in Civil Appeals 4491-4492 of 2010, wherein the Hon'ble Supreme Court in exercise of its jurisdiction under Article 142 of the Constitution of India granted relief to the parties who had already paid interest at the rate fixed by the Hon'ble High Court. The Hon'ble Supreme Court has directed that there shall be no further levy in respect of the respondents who have already paid interest at the rate fixed by the High Court. It is quite apparent from the said statement of accounts dated 17.11.2016 that the O.P. has completely failed comply with the conditions laid down in the Order of the Hon'ble High Court. The O.P. did not pay the dues of SMP, Kolkata since long.

As such, I am firm in holding that O.P. is very much liable to pay the dues of SMP, Kolkata alongwith the interest as per the P.P. Act, 1971. Such a tenancy is to be determined immediately by service of appropriate Notice. As such, I do not find anything irregular or illegal on the part of SMP, Kolkata. In my view, SMP, Kolkata's Notice to Quit dated 20.12.1995 is very much pertinent and binding upon the parties in question, duly served on O.P. as per records. Thus, I have no hesitation in upholding the said Notice to Quit and declaring the occupation of the O.P. as "unauthorized" within the meaning of Sec. 2 (g) of the P.P. act, 1971.

Considering all, as discussed above, I have no option but to treat the said act on the part of O.P. as highly irregular and not at all in accordance with law. 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./ anyone interested in the subject property failed to appear before this Forum and file the requisite papers/documents; effective reply to Show Cause despite repeated opportunities.



**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

Appointed by the Central Govt. Under Section 3 of the Public Premises  
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16

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

**VS**

**SRI MOHANLAL AGARWALA**

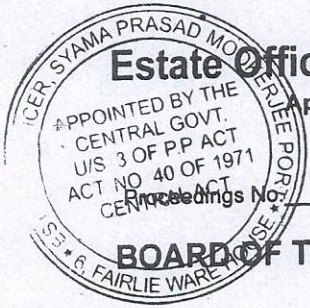
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*[Handwritten signature]*

- 2) That the issue as was raised on behalf of O.P. regarding 'rent' payable to SMP, Kolkata, had finally been settled by the Hon'ble Supreme Court in terms of Order dated 27.07.2017 in Civil Appeals 4491-4492 of 2010, wherein the Hon'ble Supreme Court was pleased to grant relief to the parties who had already paid interest at the rate fixed by the Hon'ble High Court.
- 3) That O.P. has violated the conditions of tenancy, as granted by the Port Authority, by way of not making payment of occupational charges to the Port Authority.
- 4) 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.
- 5) That the notice to quit dated 20.12.1995 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.
- 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

*[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

Proceedings No. 832/D of 1999 Order Sheet No. 17

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

**VS**

**SRI MOHANLAL AGARWALA**

14  
03.06.2022

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.

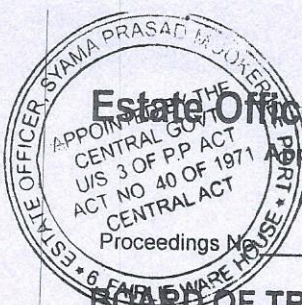
As discussed above, I am convinced that the rent as well as mesne profit/compensation/ damages charged from time to time is based on the rates notified by the Tariff Authority for Major Ports (TAMP) in the Official Gazette, which is binding on all users of the port property and non-payment of dues by O.P. appears to be established, 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 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. 21,13,933.30 (Rupees Twenty One Lakhs Thirteen Thousand Nine Hundred Thirty Three and paise Thirty only) for the period from 01.07.2000 upto 30.06.2017 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 17.06.2022.

Such 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 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 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,



# 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

332/D

of

1999

Order Sheet No.

18

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

**VS**

**SRI MOHANLAL AGARWALA**

14  
03.06.2022

and as such the liability of O.P. to pay damages extends beyond 30.06.2017 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 30.06.2017, 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 \*\*\*