

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. 878/R of 2007  
ORDER NO. 32 DATED: 05.9.2022

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

To  
**Estate Raghunath Modi  
67/10, Strand Road,  
Kolkata- 700 006.**

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

AND WHEREAS, by written notice dated 30.12.2021 (Vide Order No 29 dated 09.12.2021) you were called upon to show cause on/or before 20.01.2022 why an order requiring you to pay a sum of Rs 1,84,178.03 (Rupees One Lakh Eighty Four Thousand One Hundred Seventy Eight and Paise Three 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 1,84,178.03 (Rupees One Lakh Eighty Four Thousand One Hundred Seventy Eight and Paise Three Only) for the period 01.07.1982 to 08.06.2006 (both days inclusive) to Kolkata Port Trust by 19.9.2022.

PLEASE SEE ON REVERSE

By Order of:

ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

COPIED COPY OF THE ORDER  
BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

19.9.2022  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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 @ 6.45 % 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. 32 dated 05.9.2022 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

The said piece or parcel of land msg. about 67.076 Sq.m or thereabouts (61.688 Sq.m in the 1<sup>st</sup> belt and 5.388 Sq.m in the 2<sup>nd</sup> belt) is situated on the west side of Maharshi Debendra Road at Nimtollah, in the presidency town of Kolkata, P.S.: Jorabagan Police Station. It is bounded on the north by the Trustees' Road, on the east by the Trustees' land occupied by the said Raghunath Modi, on the South by the Trustees' land occupied by the said Raghunath Modi and on the west by the Trustees' Road.

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



Dated: 05.9.2022.

Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA 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  
05.9.2022  
Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



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

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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. 32 DT 05.9.2022.  
PROCEEDINGS NO. 878/D of 2007

**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  
**Estate Raghunath Modi**  
**67/10, Strand Road,**  
**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 30.12.2021 (Vide Order No 29 dated 09.12.2021) you were called upon to show- cause on/or before 20.01.2022 why an order requiring you to pay a sum of Rs. 5,77,367.56 (Rupees Five lakhs seventy seven thousand three hundred sixty seven and paise fifty six *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. 5,77,367.56 (Rupees Five lakhs seventy seven thousand three hundred sixty seven and paise fifty six *only*.) for the period from 31.07.2006 to 01.08.2012 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 19.9.2022.

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 @ 6.45 % 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.

*Sud*

Please see on reverse

:2:

A copy of the reasoned order no. 32 dated 05.9.2022 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**

The said piece or parcel of land msg. about 67.076 Sq.m or thereabouts (61.688 Sq.m in the 1<sup>st</sup> belt and 5.388 Sq.m in the 2<sup>nd</sup> belt) is situated on the west side of Maharshi Debendra Road at Nimtollah, in the presidency town of Kolkata, P.S.: Jorabagan Police Station. It is bounded on the north by the Trustees' Road, on the east by the Trustees' land occupied by the said Raghunath Modi, on the South by the Trustees' land occupied by the said Raghunath Modi and on the west by the Trustees' Road.

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

Dated: 05.9.2022.



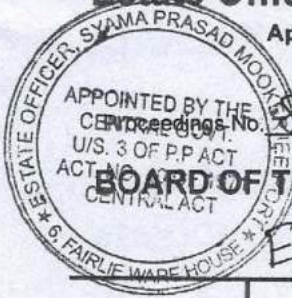
Signature and seal of the Estate Officer.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
05.9.2022  
Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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



Proceeding No. 878/R, 878/D of 2007 Order Sheet No. 25

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

Estate Raghunath Modi <sup>VS</sup>

### FINAL ORDER

The instant proceedings No. 878/R and 878/D of 2007 arises out of the application bearing no. Lnd.4/29/III/21/3109 dated 26.08.2021 filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMPK**'], the applicant herein, praying for an order of recovery of dues on account of Rent and Compensation/ Damage charges, along with accrued interest thereon, in respect of the public premises, against **Estate Raghunath Modi**, (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 about 67.076 sqm or thereabouts on the west side of Maharshi Debendra Road at Nimtollah, under certain terms and conditions. Thereafter, the possession of the premises were taken over by SMPK on 02.07.2012 in terms of the Order of Eviction passed by this Forum of Law. SMPK in terms of said application dated 26.08.2021 has submitted its claim on account of rent as well as compensation/ damage charges, which reportedly was due and recoverable from the O.P. for its use and enjoyment of the port properties in question. After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) no of Show Cause Notices, both dated 30.12.2021 (vide Order no. 29 dated 09.12.2021), for arrear rent and compensation/ damage charges as reported by SMPK, u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notices were issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rent as well as compensation/ damage charges together with interest would

32  
05.9.2022

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
05.9.2022  
Asst. Estate Officer  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*Sud*



272

2

# 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. 878/R, 878/D of 2007 Order Sheet No. -26-

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

*Estate Raghunath vs Modi*

32  
05.9.2022.

not be made against the O.P. The Notices were sent through 'Speed Post' to the recorded addresses of O.P. However, the notices were returned undelivered by the Postal Department with the remarks "Left". The Department Official has submitted the Report dated 05.01.2022 stating that the Notices could not be served personally upon the recorded address of O.P. as the O.P. was not found in the premises on the said date of service. However, the notices have been affixed on a conspicuous part of the premises, as per the mandate of the Act. On the day fixed for filing the reply to show cause, the Ld. Advocate stated to be representing the O.P., appeared before the Forum and sought for adjournment for filing the Vakalatnama and the reply to show cause. The Ld. Advocate also sought for the application filed by SMPK based on which the present proceedings have been initiated. Following the principles of 'Natural Justice' that no one should be condemned unheard, the adjournment as sought for was allowed and the Department was directed to serve upon O.P. the copy of the application preferred by SMPK. On the following date fixed for filing the reply to show cause, neither the O.P. nor anyone interested in the proceedings approached before this Forum. Thereafter, no communication has been received from any interested person till passing of this Order. Keeping in mind the basic spirit of the Public Premises Act, 1871 which provides for speedy machinery for disposal of cases, I have been constrained to proceed ex-parte against the O.P. It is on record that neither the reply to Show Cause nor any paper/ document in connection with the Show Cause came to be filed by the O.P. till 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

I find that SMPK has produced detailed statement of accounts dated 26.08.2021 in respect of the public premises in question. It appears from the said statement of accounts that no payment, which could be adjusted against the dues of

*Sud*

3

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. 878/R, 878/A of 2007 Order Sheet No. -27-

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

*Estate Raghunath Modi* VS

32  
05.9.2022

SMPK was made by O.P. for years together. In my view, such statements maintained by a statutory authority/ SMPK 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 SMPK that the rent as well as 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 years together is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMPK on account of rent and damages/compensation charges. I have nothing to disbelief in respect of SMPK's claim against O.P. as per statement of accounts maintained regularly in SMPK's office in regular course of business.

It is my considered view that a sum of Rs 1,84,178.03 (Rupees One Lakh Eighty Four Thousand One Hundred Seventy Eight and Paise Three Only) for the period from 01.07.1982 to 08.06.2006 is due and recoverable from O.P. by the Port authority on account of Rent and a sum of Rs. 5,77,367.56 (Rupees Five lakhs seventy seven thousand three hundred sixty seven and paise fifty six *only*.) for the period from 31.07.2006 to 01.08.2012 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges.

O.P. must have to pay such dues to SMPK on or before 19.9.2022.

Interest is the natural fallout for delayed payments of Rent/ Compensation and as such, the O.P. is liable to pay interest for the same. Such dues attracts Compound Interest @ 6.45%

*Sub*

By Order of :

THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

*05.9.2022*  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

878

7



# 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. 878/R, 878/D of 2007 Order Sheet No. -28-

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

*Estate Raghunath Modi* **VS**

32  
05.9.2022

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 SMPK's books of accounts.

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; SMPK 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

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

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