

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

**Form "E"**

PROCEEDINGS NO. 1808/R of 2020  
ORDER NO. 19 DATED: 05.12.2022

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. Salil & Company,  
Prop.- Salil Ghosh,  
20, Chandney Chawk Street,  
Kolkata - 700 082.

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

AND WHEREAS, by written notice dated 21.03.2022 (Vide Order No 13 dated 21.03.2022) you were called upon to show cause on/or before 04.04.2022 why an order requiring you to pay a sum of Rs 28,916.21 (Rupees Twenty Eight Thousand Nine Hundred Sixteen and paise Twenty One 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 28,916.21 (Rupees Twenty Eight Thousand Nine Hundred Sixteen and paise Twenty One Only) for the period 31.07.1988 to 29.02.1992 (both days inclusive) to Kolkata Port Trust by 21.12.2022.

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

PLEASE SEE ON REVERSE

06/12/2022



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 @ 6.90 % 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 incurrence 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. 19 dated 05.12.2022 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 - DB 61/2


The Western half of the Trustees' old Electric Sub-Station Building measuring 42.735 Sq.m or thereabouts is situate near Gate No. 3 N.S. Dock Thana South Port Police Calcutta District- 24 Parganas, Registration District Alipore. It is bounded on the North partly by the Trustees' godown used as their stores and partly by the Trustees open land on the East partly by the Trustees godown used as their stores and partly by the Trustees; godown leased to Steam Ship Company Ltd. On the South and West by the Trustees open land.

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

Dated: 06.12.2022

  
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  
  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

06/12/2022





# 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

1808 Of 2020 Order Sheet No. 12

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

VS  
M/S. SALIL & COMPANY

19

05.12.2022

### FINAL ORDER

The instant proceeding No. 1808 of 2020 is initiated on the basis of the application bearing No. Lnd. 4136/II/21/2718 dated 23.07.2021 read with application bearing no. Lnd. 4136/II dated 09.07.1993 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, along with accrued interest thereon, in respect of the public premises, against **M/s Salil & Company**, (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 being the Western half of the Trustees' old Electric Sub-Station Building, measuring 42.735 sqm or thereabouts situated near Gate No. 3 of N.S. Dock, Thana: South Port Police Station, Kolkata, under occupation plate no. DB- 61/2, as a monthly tenant. The O.P. vacated the premises on 29.02.1992. SMPK in terms of said applications dated 09.07.1993 and 23.07.2021 has submitted its claim on Rent charges, which reportedly is due and recoverable from the O.P. for its use and enjoyment of the port property in question upto 29.02.1992.

After considering the claim of SMPK, this Forum formed its opinion to proceed against the O.P. and issued Show Cause Notice dated 21.03.2022 (vide Order no. 13 dated 21.03.2022) u/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971. The Notice was issued calling upon the O.P. to show cause as to why an order requiring payment of arrear Rent charges, together with interest, would not be made against the O.P.



By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA

06/12/2022





**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

1808 Of 2020 Order Sheet No. 16

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

VS

M/S. SALIL & COMPANY

19

DSY, 12. 2022



By Order of  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA  
06/12/2022

OFFICER  
SYAMA PRASAD MOOKERJEE PORT

The Notice was sent through 'Speed Post' to the recorded addresses of O.P. However, the notice was returned undelivered by the Postal Department with the remarks viz. "Addressee cannot be located, RTS". The 'Process Server' of this Forum, has submitted the Report dated 29.03.2022, stating that the Notice could not be served upon O.P. as the door of the premises was found in a closed condition at the time of his visit on 29.03.2022. However, it is stated by the Process Server in his said report dated 29.03.2022 that the notice has been affixed on a conspicuous part of the premises as per the mandate of the Act on 29.03.2022. On the date fixed for answering the show cause, none appeared on behalf of O.P. before this Forum of Law. Considering the situation, the Department was directed to make another attempt to serve the Notice as well as the Orders recording the summary of proceedings of this Forum. Thereafter, it is reported by the Process Server vide his Report dated 07.09.2022 that the addressee could not be located at the time of his visit on 07.09.2022. The postal service also returned undelivered for the second time by the Postal Department with the remarks viz. "Missing", "ACNBL RTS". Then the possibility of O.P. having an alternative/ additional address was explored by this Forum and SMPK was directed to provide the alternative address, if any, of O.P. in terms of Order dated 12.09.2022. In response, it has been verbally submitted by the representative of SMPK that no alternative address of O.P. is available with SMPK. In view of the circumstances, a decision was taken by this Forum in terms of Order dated 26.09.2022 to publish a notice in a widely circulated English Daily, as well as, in the official website of SMPK for a notice to all concerned about the pendency of the instant proceeding in order to give a further chance to the O.P. to appear before this Forum and to represent his case. Such notice was published in 'The Times of India (Kolkata edition)' on 08.10.2022 fixing the date for the O.P's appearance, filing reply to Show Cause on 17.10.2022. It appears that on 17.10.2022 neither the O.P. nor anyone



# 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. 1808 Of 2020 Order Sheet No. 17

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

VS

M/S. SALIL & COMPANY

05.12.2022

interested in the property approached the Forum or made a contact in the meantime in connection with the Show Cause Notice issued by this Forum. Considering the situation that the attendance of O.P. could not be procured by this Forum at any point of time, inspite of every possible efforts being made, even after the publication of a Notice in the English daily newspaper and even thereafter, I am inclined to proceed ex-parte against the O.P.

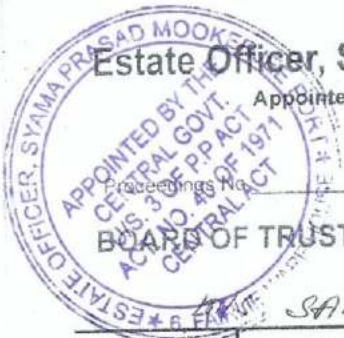
I find that SMPK has produced detailed statement of accounts dated 22.07.2021 in respect of the public premises in question.

It appears from the said statements of accounts that no payment, whatsoever, was made by O.P. in respect of the premises after some haphazard, paltry payments made in the year 1975 and 1983. 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. Non-payment of dues by O.P. is very much prominent and established, as discussed above. Hence, I have no bar to accept the claim of SMPK on account of Rent 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.

Thus, it is my considered view that a sum of Rs 28,916.21 (Rupees Twenty Eight Thousand Nine Hundred Sixteen and paise Twenty One Only) for plate DB 61/2 is due and recoverable from the O.P. for the period from 31.07.1988 to 29.02.1992 by the Port authority on account of Rent charges.

The O.P. must have to pay such dues to SMPK on or before 21.12.2022.

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  
06/12/2022



**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. 1808 Of 2020 Order Sheet No. 18

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

**VS**

**SALIL & COMPANY**

19

05.12.2022

I must say that the Interest is the natural fallout for delayed payments of Rents and as such, the O.P. is liable to pay interest for the same. Such dues attracts Compound Interest @ 6.90 % 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.

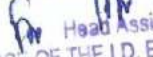
I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid; SMPK is at liberty to recover the dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(Rajul Mukherjee)  
ESTATE OFFICER.

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

  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

06/12/2022

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