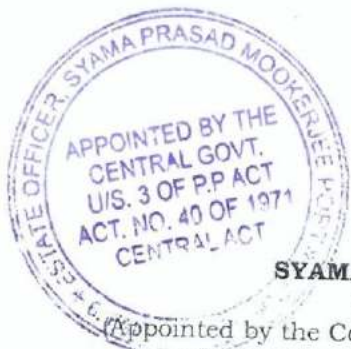


O/c SEAN

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.614/R OF 2004
ORDER NO. 15 DATED: 20.12.2022

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

15167

To

M/s Bengal Behar Construction Co. Ltd,
233/A, Acharya Jagadish Chandra Bose Road,
Kolkata-700 020

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

AND WHEREAS, by written notice dated 08.12.2022 you are called upon to
show cause on or before 04.01.2022 why an order requiring you to pay a sum
of Rs.5,59,223.20 (Rupees Five lakh fifty nine thousand two hundred twenty
three and paise twenty 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.5,59,223.20 (Rupees Five lakh
fifty nine thousand two hundred twenty three and paise twenty only) for the
period 01.10.1983 to 13.10.1993 (both days inclusive) to SMPK by 05.01.2023.

PLEASE SEE ON REVERSE

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Asst. Secy.
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

21/12/2022

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 @ 7.25 % 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

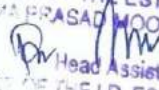
Plate No. D-508/2/B

The said land Msg. About 2635.75 Sq.m or thereabouts is situate at the back of Chetla Station Yard, Thana: New Alipore police Station, District: 24 Parganas(South), Registration District: Alipore. It is bounded on the north by the Trustees' Roadway, on the east by the Trustees' land leased to J.S Jacob, on the south by the Trustees' strip of open land beyond which is their boat canal and on the west by the Trustees' land licensed to Acme Tools Enterprises(Prop. S.K Jhunjhunwall)

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

Dated: 21.12.2022


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

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

21/12/2022

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 Unauthorized Occupants) Act 1971

Proceedings No. 614/R of 2004 Order Sheet No. 13

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

M/S. BENGAL BEHAR CONSTRUCTION COMPANY LTD ^{VS}

FINAL ORDER

The instant proceedings No. 614/R of 2004 arises out of the application bearing No. L.M.3184/116/II dated 25.01.1990 read with an application bearing No. Lnd. 3184/116/II/21/3797 dated 08.11.2021 filed by the Syama Prasad Mookerjee Port, Kolkata (erstwhile Kolkata Port Trust/KoPT), hereinafter referred to as '**SMPK**', the applicant herein, praying for an order of recovery of rent and other charges etc. along with accrued interest in respect of the subject public premises, against **M/s. Bengal Behar Construction Co. Ltd**, (hereinafter referred to as **O.P.**), under 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 land measuring about 2635.75 sq.m situated at the back of Chetla Station Yard, comprised under occupation/Plate No. D-508/2/B, on the basis of a lease initially for a period of 10 years with an option of renewal for a further period of 10 years. Thereafter, O.P. violated the tenancy agreement by defaulting in payment of rent & taxes and consequently, O.P went into liquidation and C.P No.109 of 1985 was filed before the Official Liquidator for compliance with the Order dated 10.09.1993 passed by the Hon'ble High Court at Calcutta and accordingly on 14.10.1993, the Representative of Official Liquidator handed over vacant peaceful possession of such land to SMPK representative.

It appears that thereafter SMPK vide their application dated 08.11.2021 has intimated that the possession of the subject premises was taken over by SMPK however,

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

For Head Assistant
OF THE I.D. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
21/12/2022

20.12.2022

15

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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

PROCEEDINGS No. 14
U/S 3 OF P.P. ACT
ACT. 1971

614, 614/R of 2004 Order Sheet No. 14

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S. BENIGAL BEHAR CONSTRUCTION COMPANY LTD

154
20.12.2022

no claim for any outstanding dues was lodged before the Official Liquidator, Calcutta High Court. It has also been intimated by SMPK vide the said applications as referred above that considerable amount of rental dues for the period 1.10.1983 to 13.10.1993 is still due and recoverable from the O.P for the subject Plate in question.

After considering the submissions and the allegations levelled by SMPK against the O.P that while in possession of Port property, the O.P. has defaulted in making payment of rental dues and taxes and also accrued interest thereon, this Forum being prima facie satisfied with the claim of SMPK, issued Notice to Show Cause dated 08.12.2022 (vide Order-12 dated 30.11.2021) 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 rent 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 SMPK that the subject premises was taken over by SMPK on 14.10.1993 from the Official Liquidator and O.P. was asked to pay rent upto 13.10.1993.

The said notice was served through Speed Post to the recorded addresses of O.P. at 233/A, Acharya Jagadish Chandra Bose Road, Kolkata-700020 both by Speed Post and hand delivery. It appears from record that Notice sent through Speed Post returned undelivered to the

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Assistant
FIELD ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

21/12/2022

14

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

614,614/R of 2004

Order Sheet No. 15

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. BEARGAL-BEHAR CONSTRUCTION COMPANY LTD

20.12.2022

Forum with a mark "addressee cannot be located". The Report of the Process Server also depicts that such notice could not be served upon the O.P. as the addressee was not found. Despite of several attempt, as the Show Cause Notice could not have been served upon O.P or any other person interested in the property for giving reply to the Show Cause, a decision was taken by the Forum to publish a notice in a widely circulated newspaper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to the O.P. to appear before this Forum and to represent their case. Such notice was published in "The Times of India, Kolkata" on 14.01.2022 fixing the ultimate date for the O.P's appearance on 25.01.2022 but, all the efforts went into vain as the O.P. again failed to appear before the Forum despite publication of such notice in the newspaper.

Now, in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of cases and further considering the non-appearance of the O.P. inspite of publication of such Show Cause notice in an esteemed daily, this Forum finds no need to keep the matter pending and the final Order was reserved in the matter on 25.01.2022. Now 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 SMPK on account of arrear rental due. In fact, 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.

By Order of:

ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

RECEIVED COPY OF THE ORDER

ISSUED BY THE ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

Head Assistant

ESTATE OFFICER

SYAMA PRASAD MOOKERJEE PORT

21/12/2022

u

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. 614, 614R of 2004 Order Sheet No. 16


BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
BENGAL BEHAR CONSTRUCTIONS COMPANY LTD

It is my considered view that a sum of Rs.5,59,223.20 (Rupees Five Lakh fifty nine thousand two hundred twenty three and paise twenty only) for the Plate No.D-508/2/B for the period 01.10.1983 to 13.10.1993 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rent and O.P. must have to pay such dues to SMPK on or before ~~01.10.2023~~ Such dues attracts Compound interest @ 7.25 % 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 SMPK's books of accounts. The formal order u/s 7 of the Act is signed accordingly.

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; 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


(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***

18

20.12.2022

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
THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

21/12/2022

