

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 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  
6, Fairlie Place Warehouse  
Kolkata-700001.

**Form " E "**

PROCEEDINGS NO.1949/R OF 2022  
ORDER NO.07 DATED: 30.01.2023

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. Suprin Gold,**  
**6/2, Rangalal Street,**  
**Kolkata-700023**

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

AND WHEREAS, by written notice dated 02.09.2022 you are called upon to show cause on or before 12.09.2022 why an order requiring you to pay a sum of Rs.4,55,315.00 (Rupees Four Lakh fifty five thousand three hundred fifteen 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.4,55,315.00 (Rupees Four Lakh fifty five thousand three hundred fifteen only) for the period 01.05.2012 to 22.10.2012(both days inclusive) to SMPK by 16.02.2023

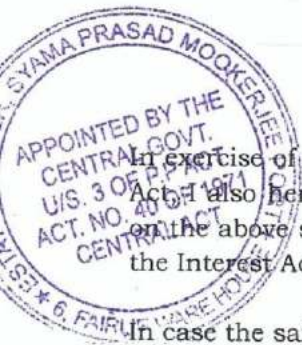
By Order of :  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

PLEASE SEE ON REVERSE

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

Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

31/01/2023



: 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 @ 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-777**

The said piece or parcel of land msg.4603.45 sq.m or thereabouts is situated at J Block, Sonai, Thana: West Port Police Station, District: 24 Parganas, Registration District: Alipore. It is bounded on the north by drain, then K Block, Sonai, on the south by open space, then drain, on the east by open space, then M Block, Sonai and on the west by wall, then GCD yard area. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

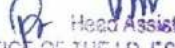
Dated: 31.01.2023

  
Signature and seal of the  
Estate Officer

**COPY FORWARDED TO THE ESTATE MANAGER, SMP, 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

31/01/2023





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  
\*\*\*\*\*

Court Room at the 1<sup>st</sup> Floor  
Of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1749/D OF 2022  
ORDER NO.07 DATED: 30.01.2023

**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  
**M/s. Suprin Gold,**  
**6/2, Rangalal Street,**  
**Kolkata-700023.**

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 02.09.2022 you are called upon to show cause on or before 12.09.2022 why an order requiring you to pay damages of Rs.48,52,663.00 (Rupees Forty eight Lakh fifty two thousand six hundred sixty three only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made;

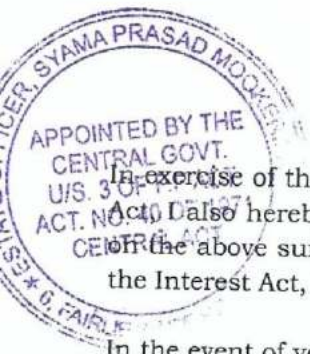
AND WHEREAS you have not made any objections or produced any evidence before the said date;

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.48,52,663.00 (Rupees Forty eight Lakh fifty two thousand six hundred sixty three only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 23.10.2012 to 23.07.2013 (both days inclusive) to SMPK by 15.02.2023.

PLEASE SEE ON REVERSE

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
DISTRIBUTED COPY OF THE ORDER  
BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Assistant  
ESTATE OFFICER  
KOLKATA PORT TRUST

31/01/2023



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 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 through the Collector.

**SCHEDULE**

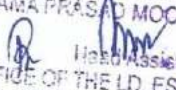
**Plate No. D-777**

The said piece or parcel of land msg.4603.45 sq.m or thereabouts is situated at J Block, Sonai, Thana: West Port Police Station, District: 24 Parganas, Registration District: Alipore. It is bounded on the north by drain, then K Block, Sonai, on the south by open space, then drain, on the east by open space, then M Block, Sonai and on the west by wall, then GCD yard area. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 31.01.2023

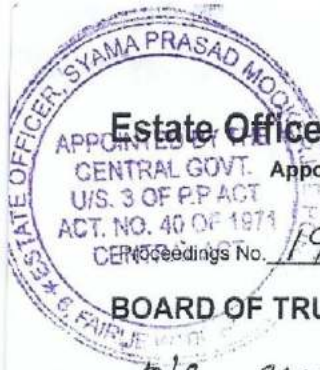
  
Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, 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

31/01/2023





**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

Certified Proceedings No. 1949/R, 1949/D Of 2022 Order Sheet No. 07

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

M/s. SUPRIN GOLD VS

07

30.01.2023

**FINAL ORDER**

The instant proceedings being No. 1949/R, 1949/D of 2022 arises out of the application being No. Lnd. 5474/22/1606 dated 07.06.2022 filed by Syama Prasad Mookerjee Port, Kolkata (erstwhile Kolkata Port Trust/SMPZK), hereinafter referred to as SMPK, Applicant herein, praying for recovery of rental dues and damages/compensation charges along with accrued interest etc against **M/s. Suprin Gold, O.P.** herein, under relevant provision of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The facts of the case is summarised here under.

It is the case of SMPK that land measuring about 4603.45 sq.m at J Block, Sonai, under Plate No. D-777 was allotted to the O.P. by the Port Authority on Licence for a period of 3(three) months i.e upto 22.10.2012 w.e.f 23.04.2012 for the purpose of storage of empty containers only. It is the case of SMPK that after expiry of such licence O.P continued their occupation, failed to pay monthly licence fees/rent and also occupational charges along with interest as applicable as per SMPK's rules. As per SMPK, O.P. was required to vacate the premises in terms of the Notice to Quit being No.Lnd.5474/13/1098 dated 28.06.2013 served as per statute. It is the specific submission of SMPK that O.P. has no authority under law to occupy the public premises on the expiry of period as mentioned in the notice to quit dated 28.06.2013 as served upon O.P. by the Port Authority. In view of the Quit Notice representative of SMPK took over possession of the subject premises on 23.07.2013.

Considering the submissions and the allegations of SMPK and upon prima facie satisfaction with their claim, Notice/s to Show Cause dated 02.09.2022 (vide Order No.04 dated 08.08.2022) were issued 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 licence fees/rent and damages/compensation 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 all material question connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

The said Notice/s were sent through speed Post/hand delivery to the recorded address of O.P. at 6/2, Rangalal Street, Kolkata-700023. Notice/s sent through speed post 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  
For Head Assistant  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

31.01.2023

R





**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. 1949/R, 1949/D of 2022 Order Sheet No. 08

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

M/S. SUPRIN GOLD <sup>VS</sup>

07

30.01.2023

the abovementioned recorded address of O.P. returned undelivered to the Forum with an endorsement "insufficient address". However, the Report of the Process Server dated 07.09.2022 depicts that such Notice/s were affixed on the subject premises as per the mandate of the P.P Act. After attempted service and affixation of the Show Cause Notice/s, as the attendance of O.P. could not be procured, a decision had been taken by the Forum to publish a Notice in a widely circulated News Paper for a notice to all concerned about the pendency of the instant proceeding in order to give further chance to O.P to appear before the Forum and to represent their case. Such Notice was published in the classified column of Times of India(Kolkata) on 20.09.2022 fixing the ultimate date of O.P's appearance on 26.09.2022. However, such effort was also went into vain as the O.P failed to appear before the Forum despite publication of such Notice in the News Paper.

Now in view of the spirit laid down in the Public Premises Act, 1971 for speedy and summary disposal of the case and further considering the non-appearance of O.P in spite of publication of the instant matter. 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 rent, damages /compensation etc. In fact, I have nothing to disbelief in respect of claim of SMPK, 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.4,55,315/- (Rupees Four Lakh fifty five thousand three hundred fifteen only) for the period from 01.05.2012 to 22.10.2012 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of Licence fees/rental dues and O.P. must have to pay such dues to SMPK on or before 31.02.2023. Such dues attract 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 SMP, Kolkata's books of accounts.

Likewise, I find that SMPK has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs.48,52,663/- (Rupees Forty eight Lakh fifty two thousand six hundred

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

31.01.2023



**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. 1949R, 1949/D of 2022 Order Sheet No. 09

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

m/s. SUPRIN GOLD VS

07

30.01.2023

sixty three only) as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 23.10.2012 to 23.07.2013 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to SMPK by 30.01.2023. The said damages shall attract 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. I sign the formal orders u/s 7 of the Act.

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; SMP, Kolkata 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

  
(Rahul Mukherjee)  
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  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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

31.01.2023