



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  
6, Fairlie Place Warehouse  
Kolkata-700001.

**Form "E"**

PROCEEDINGS NO.198/R OF 1993  
ORDER NO.43 DATED: 10.02.2023

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. Globe Agencies,  
137, Canning Street,  
Kolkata-700001  
And  
238B, A.J.C Bose Road,  
Kolkata-700020.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
DATED 10.02.2023  
10.02.2023

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

AND WHEREAS, by written notice dated 17.08.2022 you are called upon to  
show cause on or before 01.09.2022 why an order requiring you to pay a sum  
of Rs.45,075.87 (Rupees Forty five thousand seventy five and paise eighty  
seven 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.45,075.87 (Rupees Forty five  
thousand seventy five and paise eighty seven only) for the period 01.06.1983 to  
30.04.1985(both days inclusive) to SMPK by 27.02.2023

*Sub*

PLEASE SEE ON REVERSE



: 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. SW-17/1

Compartment No.17, measuring 220.365 Sq.meters or thereabouts is situate on the 2<sup>nd</sup> floor of the Trustees' godown known as Canning Warehouse on the West side of Strand Road under the North Port Police Station within the Presidency Town of Calcutta. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Dated: 10.02.2023.

Signature and seal of the  
Estate Officer

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.02.2023.  
THE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

**COPY FORWARDED TO THE ESTATE MANAGER, SMP, 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 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.198/D OF 1993  
ORDER NO.43 DATED: 10.02.2023.

**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. Globe Agencies,  
137, Canning Street,  
Kolkata-700001  
And  
238B, A.J.C Bose Road,  
Kolkata-700020.**

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
KOLKATA  
10.02.2023

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 17.08.2022 you are called upon to show cause on or before 01.09.2022 why an order requiring you to pay damages of Rs.27,84,540.56 (Rupees Twenty seven lakh eighty four thousand five hundred forty and paise fifty six 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.27,84,540.56 (Rupees Twenty seven lakh eighty four thousand five hundred forty and paise fifty six only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.05.1985 to 29.01.2015 (both days inclusive) to SMPK by 27.02.2023.

PLEASE SEE ON REVERSE

Sub



: 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 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. SW-17/1**

Compartment No.17, measuring 220.365 Sq.meters or thereabouts is situate on the 2<sup>nd</sup> floor of the Trustees' godown known as Canning Warehouse on the West side of Strand Road under the North Port Police Station within the Presidency Town of Calcutta. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

Date 10.02.2023.

  
Signature & Seal of the  
Estate Officer.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
RECEIVED COPY OF THE ORDER  
OFFICER  
10-02-2023  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

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 Unauthorised Occupants ) Act 1971

Proceedings No. 198/R & 198/D of 1993 Order Sheet No. 31

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

**VS**

M/S GLOBE AGENCIES

43  
10.02.2023

### FINAL ORDER

The matter is taken up today for final disposal. The instant proceedings is based on the application dated 09.07.2022 filed on behalf of Syama Prasad Mookerjee Port, Kolkata (erstwhile Kolkata Port Trust) hereinafter referred to as SMPK. The instant proceedings is based on the application bearing No. Lnd. 15/36/22/2223 dated 09/07/2022 wherein SMPK has prayed before the Forum for recovery of outstanding dues/ compensation charges/ damages for wrongful possession of the of the public premises by O.P. till 29.01.2015 against M/s Globe Agencies the Opposite Party, hereinafter referred to as O.P. under the relevant provisions of Public Premises(Eviction of Unauthorised Occupants), Act 1971 (hereinafter referred to as the Act).

Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of SMPK the applicant, herein, that Compartment No. 17 measuring 220.365 Sqm. situated on the 2<sup>nd</sup> Floor of Trustees godown known as Canning Warehouse on the west side of Strand Road under Plate no. SW 17/1 was allotted to O.P. on monthly lease basis. In gross violation of the terms of tenancy, O.P. defaulted in making payment of monthly dues and accordingly O.P. was asked to vacate the premises on 1<sup>st</sup> May 1985 in terms of the quit notice dated 21.02.1985. As O.P. failed to handover vacant possession subject premises to SMPK in terms of the quit notice dated 21.02.1985 application was filed before the Forum on 24.01.1988 praying for eviction of the O.P. from the public premises and recovery of dues. Order of eviction was passed by the Forum vide reasoned order No. 27 dated 26.08.1999. In terms of the said order possession of the premises was taken over by the Authorised Officer on 30.01.2015. And thereafter, application was filed before the Forum on

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
10.02.2023

Sd/-



**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. 198/R 9 198/D of 1993 Order Sheet No. 32

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

**VS**  
M/S GLOBE AGENCIES

43  
10.02.2023

19.07.2022 praying for recovery of dues/ compensation/ damages.

In terms of the said application dated 19.07.2022 and application dated 03.08.2022, O.P. was liable to pay an amount of Rs. 45,075.87 on account of Rental dues calculated from 01.06.1983 to 30.04.1985 and Compensation dues amounting to Rs 27,84,540.56 calculated from 01.05.1985 to 29.01.2015 in respect of the public premises in question.

After considering the prayer of SMPK on the basis of the applications dated 09.07.2022 and 03.08.2022, the Forum formed its opinion to proceed against O.P. Order along with notices under Section 7 (1) & Section 7 (2) were issued to O.P. on 16.08.2022, thereby calling upon O.P. to show cause as to why an order requiring payment of arrear rent/ compensation / damages along with interest should not be made against O.P.

The said order along with the notices were sent through "Speed Post" in both the recorded addresses of O.P. viz: 137, Canning Street, Kolkata- 700 001 and 238B, A.J.C. Bose Road, Kolkata- 700 020. However, the notices have been returned undelivered by the Postal Department with the remark "Moved" & "ACNL" on 18.08.2022 and 14.08.2022 respectively. The said order along with the notices dated 16.08.2022 were also sent through Process Server attached with the Forum. It has been submitted by the Process Servers in their Report dated 24.08.2022, that "Company not found in the address" in respect of the address 238B, A.J.C. Bose Road, Kolkata- 700 020. However, due affixation was made by the Process Server in the premises being 238B, A.J.C. Bose Road, Kolkata- 700 020 for notice to all concerned.

As the order and notices dated 16.08.2022 could not be served upon O.P., this Forum passed an order on

By Order of:  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
RECEIVED COPY OF THE ORDER  
DATE 10.02.2023  
**ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

*Sob*



# 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

198/R & 198/D of 1993 Order Sheet No. 33

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS  
M/S GLOBE AGENCIES

43  
10.02.2023.

21.09.2022, following the principles of natural justice of Audi alterem partem that no person should be judged without fair hearing, directing paper publication of the order in a widely circulated English Daily intimating the pendency of the proceedings to all concerned. Such notice was published in "The Times of India" on September 22, 2022 thereby directing the O.P. to file their Reply to the Show Cause Notice within 13.10.2022. But such effort of the Forum also was in vain as no one appeared for O.P. to represent their case before the Forum, and as such, I am, perforce, left with no other alternative, but to proceed ex parte against O.P.

I find that SMPK has produced accounting statement dated 04.07.2022, from which it is amply clear that O.P. is in default of the payment of the dues accrued on account of rent/ compensation/ damage etc. In my view the statements maintained by a government organisation/ SMPK in its usual course of business has definite evidentiary value unless challenged by the contesting person/ entity 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 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. Non-payment of dues by O.P. for decades 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/ mesne profit etc. 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:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.02.2023  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Sd/-



# 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. 198/R & 198/D of 1993 Order Sheet No. 34

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

**VS**  
**M/S GLOBE AGENCIES**

43  
10.02.2023

Thus, it is my considered view that a sum of Rs 45,075.87 ( Rupees Forty Five Thousand and Seventy five and paise eighty seven only) for the period from 01.06.1983 to 30.04.1985 is due and recoverable from O.P. by the Port authority on account of Rent and a sum of Rs 27,84,540.56 ( Rupees twenty seven lakhs Eighty Four Thousand five hundred and forty and paise fifty six only) for the period from 01.05.1985 to 29.01.2015 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne profit/ damage charges. The O.P. must have to pay such dues to SMPK on or before 27.02.2023.

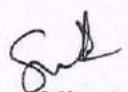
Such dues attracts Compound Interest @ 7.25 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrance of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of 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.

\*\*\* 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  
10.02.2023  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT