



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

PROCEEDINGS NO.1141/D OF 2011  
ORDER NO.25 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. A.T.C. Industries,  
10, Gurusaday Road,  
Kolkata-700019  
And  
11, Clive Warehouse,  
Kolkata-700001.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
APPOINTED BY THE CENTRAL GOVT.  
U/S 3 OF P.P. ACT  
ACT. NO. 40 OF 1971  
CENTRAL ACT  
OFFICE OF THE ESTATE OFFICER  
6, FAIRLIE PLACE, KOLKATA-700001  
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 05.07.2022 you are called upon to show cause on or before 21.07.2022 why an order requiring you to pay damages of Rs.1,02,76,344.55 (Rupees One Crore Two lakh seventy six thousand three hundred forty four and paise fifty five 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.1,02,76,344.55 (Rupees One Crore Two lakh seventy six thousand three hundred forty four and paise fifty five only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.03.2002 to 23.08.2021 (both days inclusive) to SMPK by 27.02.2023

PLEASE SEE ON REVERSE

Sud



: 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-101/1

Compartment No.11 measuring 216.278 sq.m or thereabouts in the 1<sup>st</sup> floor of the Trustees' godown known as Clive Warehouse is situate on the west side of Strand Road within the Presidency town of Kolkata. It is bounded on the north by Compartment no.10 occupied by the Co-operative Credit Society of the Trustees for the Port of Calcutta on the east vacant space, on the south by Compartment No.12 of the said godown occupied by M/s. Bhagatpur Tea Co. Ltd. on the west by the Platform 9(varandah) of the said godown. Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

By Order of  
THE BOARD OFFICER  
SYAMA PRASAD MOKERJEE PORT  
KOLKATA  
10.02.2023.

Date 10.02.2023.

Signature & Seal of the  
Estate Officer.

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

1141/D of 2011 Order Sheet No. 54

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

**VS**

**M/s A.T.C. INDUSTRIES**

**FINAL ORDER**

25  
10.02.2023

The matter is taken up today for final disposal. The instant proceedings is based on the application dated 12.05.2022 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. 12/3/IV/22/1335 dated 12.05.2022 wherein SMPK has prayed before the Forum for recovery of outstanding dues/ compensation / damages for wrongful possession of the of the public premises by O.P. till 23.08.2021 against M/s A.T.C. Industries 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. 11 measuring 216.278 Sqm. situated on the 1<sup>st</sup> Floor of Trustees godown known as Clive Warehouse on the west side of Strand Road under Plate no. SW 101/1 was allotted to O.P. on monthly licence 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 01.12.1983 in terms of the quit notice dated 11.10.1983. As O.P. failed to handover vacant possession subject premises to SMPK in terms of the quit notice dated 11.10.1983 application was filed before the Forum on 18.03.2022 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. 16 dated 18.03.2013. In terms of the said order possession of the premises was taken over by the Authorised Officer on 23.08.2021. And thereafter, application was filed before the Forum on 12.05.2022 praying for recovery of dues/ compensation/ damages.

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

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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. 1141/D of 2011 Order Sheet No. 55

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

**VS**

M/s A.T.C. INDUSTRIES

25

10.02.2023.

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

In terms of the said application dated 12.05.2022 and subsequent application dated 16.06.2022, O.P. was liable to pay Compensation dues amounting to Rs 1,02,76,344.55 calculated from 01.03.2002 to 23.08.2021 in respect of the public premises in question.

After considering the prayer of SMPK on the basis of the applications dated 12.05.2022 and 16.06.2022, the Forum formed its opinion to proceed against O.P. Order along with notices under Section 7 (2) were issued to O.P. on 16.06.2022, thereby calling upon O.P. to show cause as to why an order requiring payment of arrear 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:- 10, Gurusaday Road, Kolkata-700 019 and 11, Clive Warehouse, Kolkata- 700 001. However, the notices have been returned undelivered by the Postal Department with the remark "Left" on both the envelopes on 07.07.2022 and 12.07.2022 respectively. The said order along with the notices dated 16.06.2022 were also sent through Process Server attached with the Forum. It has been submitted by the Process Servers in their Report dated 07.07.2022, that "party moved from the address, property lock & key" in respect of the address 238B, A.J.C. Bose Road, Kolkata-700 020 and 11, Clive Warehouse, Kolkata- 700001. However, due affixation was made by the Process Server in both the addresses for notice to all concerned.

As the order and notices dated 16.06.2022 could not be served upon O.P. and SMPK could not provide an alternative address of O.P. as submitted by them vide their application dated 16.06.2022, this Forum passed an order on 23.08.2022, following the principles of natural justice of Audi alterem partem that no person should be judged without fair hearing, directing paper publication of the

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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. \_\_\_\_\_

1141/D of 2011 Order Sheet No. 56

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

**VS**  
**M/S A.T.C INDUSTRIES**

25  
10.02.2023.

order in a widely circulated English Daily intimating the pendency of the proceedings to all concerned. Such notice was published in "The Statesman" on August 25, 2022 thereby directing the O.P. to file their Reply to the Show Cause Notice within 08.09.2022. 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 15.06.2022, from which it is amply clear that O.P. is in default of the payment of the dues accrued 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.

Thus, it is my considered view a sum of Rs 1,02,76,344.55 (One Crore two lakhs seventy six thousand three hundred forty four and fifty five paise only) for the period from 01.03.2002 to 23.08.2021 is due and recoverable from O.P. by the Port authority on account of compensation/ mesne

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

Sub



**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. 1141/D of 2011 Order Sheet No. 57

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

**VS**  
**M/S A.T.C. INDUSTRIES**

25  
10.02.2023.

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 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.

\*\*\* 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  
LAND ASSISTANT  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT