



OK

**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.1027/D OF 2009  
ORDER NO. 32 DATED: 01.12.2021



**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

**Ashim Kumar Ganguly, Ashok Kumar Ganguly  
and Smt. Durga Rani Devi,  
116B, Rashbehari Avenue, Kolkata-700029**

17118

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 23.09.2021 you are called upon to show cause on or before 01.10.2021 why an order requiring you to pay damages of Rs.25,49,313/- (Rupees Twenty Five Lakh Forty Nine Thousand Three Hundred Thirteen only) for Plate No.D-225/1 and Rs.25,58,025/- (Rupees Twenty Five Lakh Fifty Eight Thousand Twenty five only) for Plate No.SF-100/80 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. 25,49,313/- (Rupees Twenty Five Lakh Forty Nine Thousand Three Hundred Thirteen only) for Plate No.D-225/1 and Rs.25,58,025/- (Rupees Twenty Five Lakh Fifty Eight Thousand Twenty five only) for Plate No.SF-100/80 assessed by me as damages on account of your unauthorised occupation of the premises both for the period from 01.01.1994 to 11.07.2011 (both days inclusive) to SMP, Kolkata by 24.12.2021.

PLEASE SEE ON REVERSE

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 @ 6.20 % 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 Nos. D-225/1 & SF-100/80**

The piece or parcel of land measuring 199.277 Sq.m or thereabouts is situated at Hide Road, Thana: West Port Police Station, Kolkata, Dist: South 24 Parganas, Registration District: Alipore. It is bounded on the North by the Circular Garden Reach Road, on the East by Hide Road and on the South by the Trustees' land occupied by Mohan Singh and on the West by the Trustees' Hide Road Institute.

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

Date



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

Proceedings No. 1027/D Of 2009 Order Sheet No. 58

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

VS

M/S Ashim Kumar Ganguly, Ashok Kr. Ganguly, Smt. Durga Rani Devi,

32

10.12.2021

#### FINAL ORDER

The instant proceedings No. 1027/D of 2009 arises out of the application bearing No. Lnd.3296/1/IV/17/721 dated 18.04.2017 read with an application bearing No. Lnd. 3296/1/IV/17/3186 dated 13.07.2017 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, praying for an order of recovery of dues and other charges etc. along with accrued interest in respect of the subject public premises, against **Ashim Kumar Ganguly, Ashok Kumar Ganguly and Smt. Durga Rani Devi**, (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 199.277 sq.m situated at the junction of Hide Road & C.G.R Road, comprising of occupation Plate Nos.D-225/1 & SF-100/80, on long term lease basis. Thereafter, O.P. has defaulted in making payment of SMP, Kolkata's dues/ charges and also sublet the occupation to BPCL and other subtenants after expiry of such lease. Notice to quit was issued by SMP, Kolkata to O.P. on 31.12.1993. Thereafter, proceeding was initiated by SMP, Kolkata before this Forum against the O.P. under relevant provisions of the Act, which was numbered as Proceeding No 1027 & 1027/D of 2009. The O.P. appeared before this Forum and contested the case. Thereafter, the Final Order of eviction and payment of dues/damages by the O.P. was passed on 12.04.2010. It appears that thereafter SMP, Kolkata vide their applications dated 18.04.2017 and 13.07.2017 has intimated that the possession of the subject premises was taken over by the O.P. on 12.07.2011 in terms of the said Order of eviction dated 12.04.2010 and it was also intimated vide a subsequent letter as received by this Forum on 14.07.2021 that at the time of taking over possession of the subject premises certain goods/articles were recovered along

By Order of :  
**THE ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
**SYAMA PRASAD MOOKERJEE PORT**  
14.12.2021  
Head Assistant  
**OFFICE OF THE LD. ESTATE OFFICER**  
**SYAMA PRASAD MOOKERJEE PORT**

# 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. 1027/D Of 2009 Order Sheet No. 59

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

VS

M/s Ashim Kumar Ganguly, Ashok Kr. Ganguly, Smt. Durga Rani Devi

32

10.12.2021

with petroleum products and such materials and structure lying in the premises were valued and placed before the Tender Section, SMP, Kolkata for further allotment. However, the highest bidder of tender being failed to accept the SMP, Kolkata's offer letter and having lost his earnest money, preferred a Title Suit being T.S No.1087 of 2018 before Alipore Court and such Suit is pending without any adverse order. It has also been intimated by SMP, Kolkata vide the said applications as referred above that huge amount of damages/compensation/ mesne profit was still due and recoverable from the O.P for the respective Plates in question. After considering the submissions and the allegations levelled by SMP, Kolkata against the O.P that while in possession of Port property, the O.P. has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon, this Forum being prima facie satisfied with the claim of SMP, Kolkata has issued Notice to Show Cause dated 23.09.2021 (vide Order-29 dated 22.09.2021) 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 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 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 SMP, Kolkata that the O.P. was asked to pay damages/compensation upto 11.07.2011 as because the subject premises was taken over by SMP, Kolkata on 12.07.2011.

The said notice was served through Speed Post as well as by hand delivery to the recorded addresses of O.P. at 116B, Rashbehari Avenue, Kolkata- 700 029. It appears from record that said Notice sent to O.P. through Speed Post was not was

By Order of :

ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

IDENTIFIED COPY OF THE ORDER  
ISSUED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
14.12.2021  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[Handwritten signature]*

*[Handwritten signature]*



## 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. 1027/D Of 2009 Order Sheet No. 60

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

VS

M/s Ashim Kumar Ganguly, Ashok Kr. Ganguly, Smt. Durga Rani Devi,

32

10.12.2021

not returned back. However, the report of the Process Server dated 30.09.2021, depicts that the said Notice was served upon the O.P. personally and one Dulu Nandi has received the same on behalf of O.P. Thereafter, on the scheduled date of appearance and filing of reply to the Show Cause, no one appeared on behalf of O.P or any other person interested in the property to give reply to the Show Cause and accordingly, 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 edition)" on 12.10.2021 fixing the last date for the O.P's appearance on 27.10.2021 but, all the efforts went into vain as the O.P. 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 confirmed service and 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 27.10.2021. 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 SMP, Kolkata on account of damages/compensation/ mesne profit etc. In fact, I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per statement of accounts maintained regularly in SMP, Kolkata's office in regular course of business.

It is my considered view that a sum of Rs.25,49,313/- (Rupees Twenty five Lakh Forty nine thousand three hundred thirteen only) for the Plate No.D-225/1 and Rs.25,58,025/- (Rupees

1. A D.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
16.12.2021  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

# 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. 1027/D Of 2009 Order Sheet No. 61

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

VS

M/S Ashim Kumar Ganguly Ashok K. Ganguly, Smt. Durga Rani Devi

32

10.12.2021

Twenty five Lakh Fifty eight thousand twenty five only) for Plate No.SF-100/80 both for the period 01.01.1994 to 11.07.2011 are due and recoverable from O.P. by the Port authority on account of damages/compensation/ mesne profit and O.P. must have to pay such dues to SMP, Kolkata on or before 24.12.2021. Such dues attracts Compound interest @ 6.20 % 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. 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; 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

  
(Kausik Kumar Manna)  
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 :

ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
10.12.2021  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT