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**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  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 30 DT 01.03.2022  
PROCEEDINGS NO. 1736 of 2019

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**  
**-Vs-**  
**SREE RAM BHANDER**

**F O R M - "B"**

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/s. Sree Ram Bhandar, Proprietor :Sri Narayan Das Shaw, A/6, Jagannath Ghat Godown, Strand Road, Kolkata-700 007** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P./ appearing parties failed to appear before this Forum and to file the requisite papers/documents or the reply to Show Cause Notices issued under the Act despite effective service of the Notices upon them.
- 2) That O.P. has violated the conditions of tenancy, as granted by the Port Authority, by way of not making payment of rent and taxes, to the Port Authority
- 3) That O.P. has violated the conditions of tenancy, as granted by the Port Authority by way of unauthorised construction, unauthorised parting of possession to rank outsiders
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 5) That the notice to quit dated 17.06.2016 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Please see on reverse

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 ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT



:2:

A copy of the reasoned order No. 30 dated 01.03.2022 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said M/s. Sree Ram Bhandar, Proprietor :Sri Narayan Das Shaw, A/6, Jagannath Ghat Godown, Strand Road, Kolkata-700 007 and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said M/s. Sree Ram Bhandar, Proprietor :Sri Narayan Das Shaw, A/6, Jagannath Ghat Godown, Strand Road, Kolkata-700 007 and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

### SCHEDULE

#### Plate no - CG 7/2

Compartment No. A/6 Msg.71.71 Sq.mtrs. or thereabouts of Jagannath ghat Godown is situated at Jagannath ghat in the Presidency town of Kolkata. It is bounded on the North & West by the Trustees' leased out land, On the East by Strand Road and on the South by the southern portion of the said Compartment,

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

Dated: 02, 03, 2022 .

Signature & Seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

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



**REGISTERED POST WITH A/D  
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**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

**Form "E"**

PROCEEDINGS NO.1736/R of 2019  
ORDER NO.30 DATED: 01.03.2022

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. Sree Ram Bhandar  
Proprietor :Sri Narayan Das Shaw,  
A/6, Jagannath Ghat Godown,  
Strand Road,  
Kolkata-700 007.**

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

AND WHEREAS, by written notice dated 26.08.2019 (Vide Order No 05 dated  
19.08.2019) you were called upon to show cause on/or before 16.09.2019 why an  
order requiring you to pay a sum of Rs. 13,31,710.26 ( Rupees Thirteen Lakhs  
Thirty One Thousand Seven Hundred Ten and Paise Twenty Six 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. 13,31,710.26 ( Rupees Thirteen Lakhs  
Thirty One Thousand Seven Hundred Ten and Paise Twenty Six only) for the  
period 01.04.1994 to 31.07.2016 (both days inclusive ) to Kolkata Port Trust  
by 01.03.2022.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. EST. OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022

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 @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) till liquidation of the same from the date of incurrence of liability in accordance with the notification of KoPT issued under Authority of Law as per adjustments of payments made so far by O.P. as per KoPT's books of accounts.

A copy of the reasoned order no. 30 dated 01.03.2022 is attached hereto.

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 - CG 7/2

Compartment No. A/6 Msg.71.71 Sq.mtrs. or thereabouts of Jagannath ghat Godown is situated at Jagannath ghat in the Presidency town of Kolkata. It is bounded on the North & West by the Trustees' leased out land, On the East by Strand Road and on the South by the southern portion of the said Compartment,

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

Dated: 02.03.2022.

  
Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA FOR INFORMATION.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON T  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022.



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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Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 30 DT 01.03.2022  
PROCEEDINGS NO. 1736/D of 2019

**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. Sree Ram Bhandar  
Proprietor :Sri Narayan Das Shaw,  
A/6, Jagannath Ghat Godown,  
Strand Road,  
Kolkata-700 007.**

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 26.08.2019 (Vide Order No 05 dated 19.08.2019) you were called upon to show- cause on/or before 16.09.2019 why an order requiring you to pay a sum of Rs. 14,71,067/- (Rupees Fourteen Lakhs Seventy One Thousand Sixty Seven only) being damages payable 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. 14,71,067/- (Rupees Fourteen Lakhs Seventy One Thousand Sixty Seven only) for the period from 01.08.2016 to 08.07.2019 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by 21.03.2022.

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 @ 6.30 % 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) on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Notification Published in Official Gazette/s.

Please see on reverse

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE ORIGIN  
ASSSESSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
02.03.2022  
OFFICE OF THE LD. ESTATE OFFICER



:2:

A copy of the reasoned order no. 30 dated 01.03.2022 is attached hereto.

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.

### SCHEDULE

#### Plate no - CG 7/2

Compartment No. A/6 Msg.71.71 Sq.mtrs. or thereabouts of Jagannath ghat Godown is situated at Jagannath ghat in the Presidency town of Kolkata. It is bounded on the North & West by the Trustees' leased out land, On the East by Strand Road and on the South by the southern portion of the said Compartment,

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

Dated: 02.03.2022.

Signature and seal of the  
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST 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  
02.03.2022  
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. 1736, 1736/R, 1736/D Of 2019 Order Sheet No. 22

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

Sree Ram Bhandar VS

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01.03.2022

**FINAL ORDER**

The instant proceedings No. 1736 of 2019 arise out of the application bearing No. Lnd 11/13/II/17/746 dated 19.04.2017, filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust/ KoPT, hereinafter referred to as 'SMP, Kolkata'], the applicant herein, under the provisions of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971** (hereinafter referred to as 'the Act') praying for an order of eviction and recovery of compensation dues/mesne profit/ damages and other charges etc. along with accrued interest in respect of the public premises, being the piece or parcel of land measuring about 66.240 sq.m. or thereabouts situated as Chetla Railway Siding, against **M/s Sree Ram Bhandar, Proprietor Sri Narayan Das Shaw** (hereinafter referred to as **O.P.**).

The case of SMP, Kolkata, in a nutshell, is that the O.P. came into the occupation of the port property as a lessee on monthly term in respect of the Public Premises morefully described under the Schedule 'A' of the SMP, Kolkata's said application dated 19.04.2017. It is the case of SMP, Kolkata that the O.P. failed and neglected to pay the dues of SMP, Kolkata on account of rent and taxes, made certain constructions unauthorisedly and parted with the possession of the premises to rank outsiders in complete violation of the terms and conditions of tenancy. It is further the case of SMP, Kolkata that the tenancy with the O.P. was determined in terms of the Notice to Quit dated 17.06.2016 and the O.P. failed and neglected to vacate/ hand over the possession of the premises in terms of the said Notice to Quit. SMP, Kolkata has made out a case that O.P. has no right to occupy the premises after the determination of tenancy in question upon service of a quit notice dated 17.06.2016.

THE BY Order of:  
ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
03.03.2022

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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. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 23

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

**VS**

Shree Ram Bhandari

30  
01.03.2022

After a careful perusal of the papers/ documents filed under the cover of the said application dated 19.04.2017, this Forum of Law formed its opinion to proceed against O.P. and issued 2 (two) no. of Show Cause Notices upon the O.P., both dated 26.08.2019 (vide Order No. 05 dated 19.08.2019), as per the Rules made under the Act. The first notice was issued u/s 4 of the Act for adjudication of the prayer of eviction and the second notice was issued u/s 7 of the Act for adjudication of the prayer of damages/ compensation dues/ mesne profit along with the accrued interest thereon etc.

The said Notices were sent through 'Speed Post' to the recorded address of O.P., viz., at A/6, Jagannath Ghat Godown, Strand Road, Kolkata- 700 027. The 'Process Server' attached with this Forum for hand service of Order/ Notice has submitted a Report dated 13.09.2019, stating that while making an attempt to deliver the notice on 13.09.2019, the O.P. was not found at the recorded address. However, the notices sent through the 'Speed Post' did not return undelivered by the Postal Department raising the presumption of due delivery to the addressee. Further, as per the said Report of Process Server dated 13.09.2019, the Notices have been affixed in the property under schedule on 13.09.2019 at about 3 PM for a notice to all concerned, as per the mandate of the Act. However, on the day fixed for Show Cause by the O.P., viz. on 16.09.2019, neither the O.P. nor any person interested in the property appeared before this Forum. Soon thereafter, my predecessor Estate Officer retired from service and the matter was taken up by me as the successor Estate Officer on 03.09.2020. It appeared that though the notice sent through the 'Speed Post' did not return undelivered by the Postal Department raising the presumption of a good service, the appearance of O.P. could not be procured by then. Due to

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SYAMA PRASAD MOOKERJEE PORT  
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SYAMA PRASAD MOOKERJEE PORT  
02.03.2022  
Head Assistant  
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. 1736, 1736/R, 1736/D of 2019

Order Sheet No. 24

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

Sree Ram Bhandar

VS

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01.03.2022

some administrative reasons, the Process Server was not available at that point of time for another attempt of hand delivery of such Orders/ Notices. Following the principles of Natural Justice that no one should be condemned unheard ('Audi Alteram Partem'), the matter was adjourned time and again, on various occasions, viz. 09.09.2020, 23.09.2020, 30.09.2020, 14.10.2020, 21.10.2020, 11.11.2020, 18.11.2020, 09.12.2020) in order to provide a chance to the O.P. to represent their case. Thereafter, on 23.12.2020, a different endeavour was attempted to serve O.P. the orders of this Forum and hence, SMP, Kolkata was directed to provide alternative address, if any, of O.P. On the following scheduled date of hearing viz. 13.01.2021, Ld. Advocate stated to be representing the O.P. appeared before this Forum. SMP, Kolkata was directed to file the duplicate set of the original application dated 19.04.2017 along with all the annexure and the Ld. Advocate was directed to file the Vakalatnama. On 24.02.2021, the Ld. Advocate filed a petition seeking adjournment of one month for filing the Vakalatnama, on the ground of his client being out stationed at that point of time. A chance was given to the O.P. to file the Vakalatnama and the matter was adjourned for one month. On 24.03.2021, the Ld. Advocate filed the Vakalatnama. It was found that the Vakalatnama was executed by one Shri Animesh Kr. Bhojnagarwala by the pen of Shri Ravi Kr. Bhojnagarwala, Constituted Attorney, partner of O.P. However, as per records it appeared that the instant proceeding was initiated against Sree Ram Bhandar, proprietor Shri Narayan Das Shaw. Then it was considered that in order to get the clear factual aspect of the matter, the connection of O.P. with Shri Animesh Kr. Bhojnagarwala and Shri Ravi Kr. Bhojnagarwala is required to be established. Hence, Shri Animesh Kr. Bhojnagarwala, Shri Ravi Kr. Bhojnagarwala were directed to submit papers/ documents establishing their relationship with the O.P. On

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

02.03.2022



State 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. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 25

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Srce Ram Bhander

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01.03.2022

the next scheduled date of hearing, viz. 31.03.2021, neither the Ld. Advocate nor anyone interested except the representative of SMP, Kolkata appeared before this Forum. Keeping in mind that the O.P./ appearing parties had already got sufficient opportunity by that point of time, the last chance was given to the O.P. to appear before the Forum and comply with order dated 24.03.2021 by establishing the said relationship. On the following date of hearing, viz. 09.04.2021, another application seeking one month adjournment was filed by the Ld. Advocate on the ground of the illness of the said Constituted Attorney and the marriage ceremony of a relative of the Ld. Advocate. Considering the situation that the Ld. Advocate had already got a number of opportunities by then, one last chance was extended to the Ld. Advocate and it was made clear that on further failure to file papers/ documents the instant matter would be decided on the basis of the available records in the proceeding. On the following date, viz. 16.04.2021, the Ld. Advocate again prayed for adjournment on the ground of his client, viz. Shri Ravi Kr. Bhojnagarwala, detected with Covid positive. On the next scheduled date, viz. 12.05.2021, the matter could not be taken up for hearing due to covid Restrictions imposed in the State. Thereafter, the matter was taken up for hearing on 5 ( five) no. of occasions, attempting to communicate the next date of hearing to the O.P., until 15.09.2021, when I felt no doubt that the party is interested in unnecessary prolonging the matter and has no intention to comply with the Orders of this Forum, as it appeared from the Report of the Process Server dated 07.09.2021 that while attempting to serve of the Order of this Forum dated 27.08.2021, the O.P. has refused to receive the said Order. Further, in terms of the said Report dated 07.09.2021, the Order dated 27.08.202 was affixed on the premises on 07.09.2021, however, none appeared on behalf of

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SYAMA PRASAD MOOKERJEE PORT  
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SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022



**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. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 26

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

Shree Ram Bhandari VS

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01.03.2022

O.P. on 08.09.2021 or even thereafter till 15.09.2021, when the matter was reserved for passing the Final Order.

Be it mentioned here that the Ld. Advocate has filed an application, recently, on 28.01.2022 seeking an intimation of the next date of hearing of the matter. In the case at hand, as I perceive, the Ld. Advocate sought adjournment after adjournment and the same were granted. In the case in hand, the appearing parties Shri Animesh Kr. Bhojnarwala, Shri Ravi Kr. Bhojnarwala have been directed to submit papers/ documents establishing their relationship with the O.P. The relationship once established, the appearing parties would file the Reply to Show Cause as per the mandate of the Act. Neither the personal attendance of Shri Animesh Kr. Bhojnarwala, Shri Ravi Kr. Bhojnarwala was called for by the Forum nor any paper/document beyond the power/control of the parties was asked for by the Forum. However, adjournments were sought on one ground or the other. As per the Public Premises Act, 1971 it is the duty of the Forum to decide the matter as expeditiously as possible and taking unnecessary adjournments would naturally frustrate the basic purpose of the Act. If the parties do not co-operate with the Forum, then a time has come, where the Forum would be left with no option but to decide the matter on its own, by going through the record and pass the Order accordingly. After the Order dated 24.03.2021 was passed, directing the Ld. Advocate of the appearing parties to establish the relation of O.P. with his clients, almost 10 months was elapsed, however the O.P. / appearing parties did not file a single piece of document.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
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SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.02.2022

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Considering the above situation, keeping in mind the basic structure of the Public Premises Act, 1971, which provides for a procedure for speedy disposal of cases and as all the

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**SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

Controlled by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 27

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

**VS**  
Steel Ram Bhandari

30  
01.03.2022

possible efforts have already been made to provide ample opportunities to the O.P. to appear before this Forum and represent their case, this Forum had no option but to close the hearing of the matter and proceed against the O.P. as per available evidence of record.

Now, while passing the Order I must say that I have carefully considered the papers/ documents/ evidence produced before this Forum. After due consideration of all relevant papers/documents as brought before me in course of hearing, I find that SMP, Kolkata has filed copy of offer letter dated 25.09.1957 under the cover of SMP, Kolkata's said application dated 19.04.2017. I also find copy of the letter of O.P. dated 07.02.1958, accepting the terms and conditions of the said offer dated 25.09.1957. The copies of letters dated 06.04.2015 and 30.09.2015 issued by SMP, Kolkata to O.P. are also considered, whereby SMP, Kolkata had intimated the amount payable as arrear rent and taxes for use and enjoyment of the Public Premises in question. In my view, such communications maintained by a statutory authority/ SMP, Kolkata in its usual course of business has definite evidentiary value, unless challenged with fortified documents/evidences etc, ready to bear the test of legal scrutiny. I have also considered the statement of account dated 08.07.2019, filed under the cover of SMP, Kolkata's application dated 29.07.2019. It appears from the said statement of accounts that huge payment has become due from the O.P. Considering all, I have no option but to treat the said act on the part of O.P. as highly irregular and not at all in accordance with law. I find that the public premises is being used only for the purpose of making unlawful gains depriving the statutory authority vis-à-vis the exchequer. I have also considered the copies of the letters dated 06.04.2015 and 30.09.2015 whereby, SMP, Kolkata requested the O.P. to

By Order of:  
THE ESTATE OFFICER  
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Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022

*[Handwritten signature]*

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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

Case No. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 28

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sree Ram Bhandar

30  
01.03.2022

remove the unauthorised construction and unauthorised parting with possession of the premises to one M/s Navin Trading Co. within 21 days from the date of the letter.

Considering all, as discussed above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of SMP, Kolkata, on the following grounds/reasons:-

- 1) That O.P./ appearing parties failed to appear before this Forum and to file the requisite papers/documents or the reply to Show Cause Notices issued under the Act despite effective service of the Notices upon them.
- 2) That O.P. has violated the conditions of tenancy, as granted by the Port Authority, by way of not making payment of rent and taxes, to the Port Authority
- 3) That O.P. has violated the conditions of tenancy, as granted by the Port Authority by way of unauthorised construction, unauthorised parting of possession to rank outsiders
- 4) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", in spite of sufficient chances being provided.
- 5) That the notice to quit dated 17.06.2016 as served upon the O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE OR.  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022

[Signature]

[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. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 29

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

**VS**

Shree Ram Bhandar

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01.03.2022

6) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P., and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the canons of Law till the date of unencumbered recovery of possession of the same.

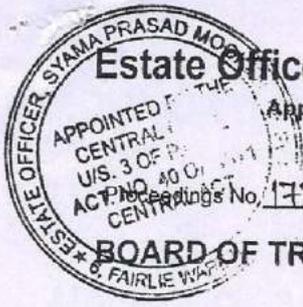
SMP, Kolkata is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs. 13,31,710.26 ( Rupees Thirteen Lakhs Thirty One Thousand Seven Hundred Ten and Paise Twenty Six only) for the period from 01.04.1994 upto 31.07.2016 ( both days inclusive) is due and recoverable from O.P. by Port Authority on account of rental dues and O.P. must have to pay the rental dues to SMP, Kolkata on or before 21.03.2022. Such dues shall attract compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered 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

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
CERTIFIED COPY ON THE  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
02.03.2022

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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

Order No. 1736, 1736/R, 1736/D or 2019 Order Sheet No. 30

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

*Shee Ram Bhandari* VS

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01.03.2022

the adjustment of payments, if any made so far by O.P., in terms of SMP, Kolkata's books of accounts.

During the course of hearing, I am given to understand by SMP, Kolkata 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 and non-payment of dues by O.P. appears to be established, as discussed above. Hence, I have no bar to accept the claim of SMP, Kolkata on account of damages/compensation/ mesne profit etc. I have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per the records maintained regularly in SMP, Kolkata's office in regular course of business.

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It is my considered view that a sum of Rs. 14,71,067/- (Rupees Fourteen Lakhs Seventy One Thousand Sixty Seven only) for the period from 01.08.2016 upto 08.07.2019 is due and recoverable from O.P. by Port Authority on account of compensation dues/ damages/ mesne profit and O.P. must have to pay the rental dues to SMP, Kolkata on or before 21.03.2022. Such dues shall also attract compound interest @ 6.30 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered 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 SMP, Kolkata's books of accounts.

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  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT  
01.03.2022

I sign the formal Orders u/s 7 of the Act accordingly.

I make it clear that SMP, Kolkata is entitled to claim damages against O.P. for unauthorized use and occupation of the

*[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. 1736, 1736/R, 1736/D of 2019 Order Sheet No. 31

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

**VS**

Sree Ram Bhandar

30  
01.03.2022

public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 08.07.2019 as well, till such time the possession of the premise continues to be under the unauthorized occupation with the O.P. SMP, Kolkata is directed to submit a statement comprising details of its calculation of damages after 08.07.2019, indicating therein, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. to pay the amounts to SMP, Kolkata as aforesaid, Port Authority is entitled to proceed further for recovery of its claim 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:  
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  
02.03.2022