

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

**Form " E"**

PROCEEDINGS NO. 235/R of 1994  
ORDER NO. 25 DATED: 23.03.22

Form of order under Sub-section (1) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

To  
**Ram Lakhan Upadhaya,  
C/o Deonath Upadhaya,  
Sonapur Road,  
Kolkata- 700 027.**

5021

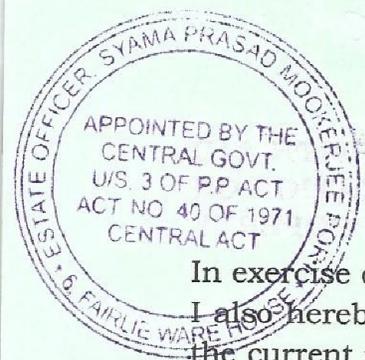
WHEREAS you are in occupation of the public premises described in the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 08.05.2019 (Vide Order No 18 dated 24.04.2019) you were called upon to show cause on/or before 29.05.2019 why an order requiring you to pay a sum of Rs 3,269.02 (Rupees Three Thousand Two Hundred Sixty Nine and Paise Two 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. Rs 3,269.02 (Rupees Three Thousand Two Hundred Sixty Nine and Paise Two only) for the period 31.03.1981 to 31.08.1983 (both days inclusive) to Kolkata Port Trust by 06.04.2022.

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 incurrance 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. 25 dated 23.03.22 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.

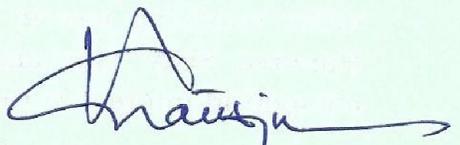
### SCHEDULE

Plate no: D377/5

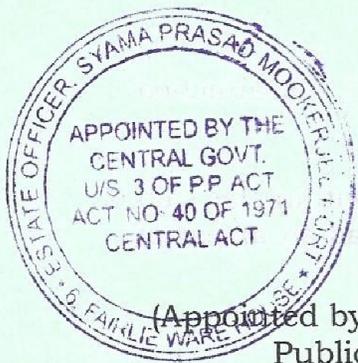
The piece or parcel of land measuring about 33.44 sq.m. or thereabouts is situate at the Western end of the Trustees' Staff Colony, Taratala Road. It is bounded on the North by the Trustees' open land, on the East by the Trustees' land leased to Dhukhi Shaw, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to Sankar Shaw Gupta.

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

Dated: 24-03-22

  
Signature and seal of the  
Estate Officer

COPY FORWARDED TO THE ESTATE MANAGER, SYAMA PRASAD MOOKERJEE PORT, 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 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  
of Kolkata Port Trust's  
Fairley Warehouse  
Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 25 DT 28.8.22  
PROCEEDINGS NO. 235/D of 1994,

**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

**Ram Lakhan Upadhaya,  
C/o Deonath Upadhaya,  
Sonapur Road,  
Kolkata- 700 027.**

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 08.05.2019 (Vide Order No 18 dated 24.04.2019) you were called upon to show- cause on/or before 29.05.2019 why an order requiring you to pay a sum of Rs 2,58,952.69 ( Rupees Two Lakhs Fifty Eight Thousand Nine Hundred Fifty Two and paise Sixty Nine only) being damages payable together with compound interest for unauthorised use and occupation of the said premises, should not be made.

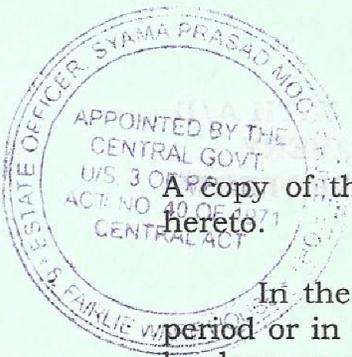
And whereas you have not made any objections or produced any evidence before the said date;

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 2,58,952.69 ( Rupees Two Lakhs Fifty Eight Thousand Nine Hundred Fifty Two and paise Sixty Nine only) for the period from 01.09.1983 to 02.02.2007 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust, by

06-04-2022.

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



:2:

A copy of the reasoned order no. 25 dated 23.8.2022 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.

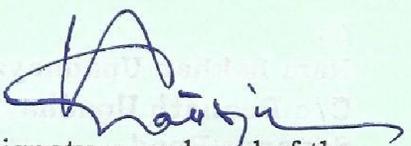
**SCHEDULE**

Plate no: D377/5

The piece or parcel of land measuring about 33.44 sq.m. or thereabouts is situate at the Western end of the Trustees' Staff Colony, Taratala Road. It is bounded on the North by the Trustees' open land, on the East by the Trustees' land leased to Dhukhi Shaw, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to Sankar Shaw Gupta.

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

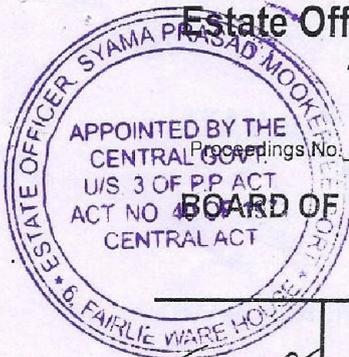
Dated: 24.08.22

  
Signature and seal of the  
Estate Officer.

**COPY FORWARDED TO THE ESTATE MANAGER, KOLKATA PORT TRUST 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. 235/D Of 1994 Order Sheet No. 21

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

**VS**  
**RAM LAKHAN UPADHAYA**

## FINAL ORDER

The instant proceedings No. 235/D of 1994 arises out of the application filed by the **Syama Prasad Mookerjee Port, Kolkata** [erstwhile Kolkata Port Trust, hereinafter referred to as '**SMP, Kolkata**'], the applicant herein, bearing No. Lnd. 2669/3/7/19/108 dated 11.04.2019, praying for an order of recovery of dues on account of Rent and Compensation along with accrued interest thereon in respect of the public premises being the piece or parcel of land measuring about 33.44 sqm or thereabouts situated at the western end of the Trustees' Staff Colony, Taratala Road against **Ram Laxhan Upadhyay**, (hereinafter referred to as **O.P.**), under the 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 said port property/ premises, constituted under occupation no D-377/5, on monthly lease basis. A proceeding was initiated by SMP, Kolkata against the O.P., before this Forum of law, under relevant provisions of the Public Premises Act, for eviction of O.P. from the said premises. The proceeding culminated into an Order of eviction dated 21.11.2005 passed u/s 5 of the Act. Thereafter, the possession of the premises was taken over by SMP, Kolkata on 02.02.2007 in vacant and peaceful condition. Thereafter, SMP, Kolkata vide application dated 11.04.2019 has submitted its claim on account of rent as well as compensation/ mesne profit/ damage charges, which was reportedly due and recoverable from O.P. for its use and enjoyment of the port property in question. After considering the claim of SMP, Kolkata, this Forum formed its opinion to proceed against the O.P. and issued 2 (two) Show Cause Notices, both dated 08.05.2019 (vide Order no 18 dated 24.04.2019), u/s 7 of the Public Premises Act, 1971. The Notices were issued calling upon the O.P. to show cause as to why an order requiring payment of arrear rental as well as

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

*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. 235/D Of 1994 Order Sheet No. 22

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

VS

RAM LAKHAN UPADHAYA

25  
23.08.2022

compensation/ mesne profit/ damage together with interest would not be made against the O.P.

The said Notice was sent through 'Speed Post' to the recorded address of O.P. at 'Ram Lakhan Upadhaya, C/o Deonath Upadhaya, Sonapur Road, Kolkata- 700 027'. The 'Process Server' attached with this Forum for service of such Notices/ Orders etc. has submitted the report dated 10.05.2019 stating that the Notices have been served at the recorded address at the time of visit on 10.05.2019. The Process Server, in his said report dated 10.05.2019, has also submitted that the said notices were affixed on the part of the premises, as per the mandate of the Act.

On the day fixed for hearing of the concerned parties in response to the Show Cause Notice issued, one Shri Prem Adhar Upadhaya appeared before the Forum and introduced himself as the son of Ram Lakhan Upadhaya / O.P., who as per his verbal submission before the Forum, had expired earlier. The said deponent, Shri Prem Adhar Upadhaya did not furnish any Reply to the Show Cause Notice issued by this Forum. Hence, Shri Prem Adhar Upadhaya was advised to submit attested copy of death certificate of his father/ Ram Lakhan Upadhaya / O.P., copy of self attested authentic photo identity proof and other documents to establish his bonafide credentials, viz., that Shri Prem Adhar Upadhaya is the son of Ram Lakhan Upadhaya / O.P. He was also advised to submit his reply to the Show cause Notice to this Forum forthwith, whose acceptance would be subject to his submission/ verification of authenticity of the credentials submitted by him. However, on consecutive dates of scheduled hearing fixed thereafter, viz. on 26.06.2019, 10.07.2019, 24.07.2019 and lastly on 14.08.2019, the said Shri Prem Adhar Upadhaya absented himself from representing the matter before the Forum, despite receipt of order notices. Nor any representative on his behalf or any person interested in the matter attended before this Forum to represent the case. For the sake of natural justice, a number of opportunities were given to the said Prem Adhar Upadhaya to appear and attend this Forum for representation of his case; however, the appearance

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

# 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. 235/D Of 1994 Order Sheet No. 23

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

**VS**

**RAM LAKHMAN UPADHAYA**

of Shri Prem Adhar Upadhaya/ O.P. could not be procured and such efforts remained futile. Considering the situation that the attendance of Shri Prem Adhar Upadhaya/ O.P. could not be procured by this Forum at any point of time inspite of sufficient chances being given to him and even thereafter, this Forum inclined to proceed ex-parte against the O.P.

I find that SMP, Kolkata has produced a statement of accounts dated 09.01.2019 in respect of the said premises in question. It appears from the said statement of accounts that no payment, whatsoever, was made by O.P. in respect of the premises in question for years together. In my view, such statements maintained by a statutory authority/ SMP, Kolkata in its usual course of business has definite evidentiary value, unless challenged by any contender of established credence with fortified documents/evidences etc, ready to bear the test of legal scrutiny. 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. Non-payment of dues by O.P. for years altogether is very much prominent and established, as much as the same has been duly reflected in the official statement of accounts maintained by a statutory authority like SMP, Kolkata during its ordinary course of business, as also in the light of the fact that the same has not been contested/challenged by the O.P./any of his bonafide representatives during the various opportunities given to them, during the course of hearing, as iterated above. Hence, I have no bar to accept the veracity of claim of SMP, Kolkata on account of rent and damages/compensation/ mesne profit etc and have nothing to disbelieve in respect of SMP, Kolkata's claim against O.P. as per statement of accounts maintained in SMP, Kolkata's office in its regular course of business.

Thus, it is my considered view that a sum of Rs 3,269.02 (Rupees Three Thousand Two Hundred Sixty Nine and Paise Two only) is

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  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

*[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. 235/D Of 1994 Order Sheet No. 24

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

**VS**

RAM LAKHAN UPADHAYA.

25  
23.03.2022

due and recoverable from the O.P. for the period from 31.03.1981 to 31.08.1983 (both days inclusive) by the Port authority on account of Rent and a sum of Rs 2,58,952.69 ( Rupees Two Lakhs Fifty Eight Thousand Nine Hundred Fifty Two and paise Sixty Nine only) is due and recoverable from the O.P. for the period from 01.09.1983 to 02.02.2007 (both days inclusive) by the Port authority on account of compensation/ mesne profit/ damage charges.

The O.P. or in case the O.P. has expired, the estate of O.P. must have to pay such dues to SMP, Kolkata on or before 06-04-2022.

Such dues attract 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) from the date of incurrence of liability, till the liquidation of the same, after 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.

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

  
(K. Chatterjee)  
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