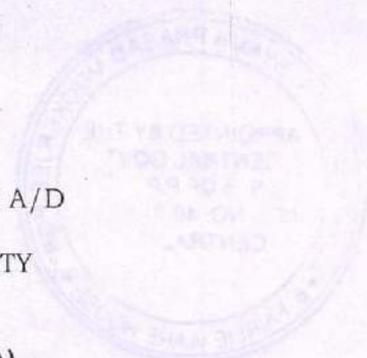




REGISTERED POST WITH A/D
HAND DELIVERY
AFFIXATION ON PROPERTY



**ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT, KOLKATA (SMP, KOLKATA)**
(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971- Central Act.)
The Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie, 1st Floor
Kolkata - 700 001

Court Room at the 1st Floor
Of Kolkata Port Trust's
Legal Division, Head Office,
15, Strand Road, Kolkata-700 001

PROCEEDINGS No.739/D OF 2005
REASONED ORDER No.106 DATED: 27/06/2023

FORM-"G"

Form of Order under Sub-Section (2) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971

To
M/s. Shaw Wallace & Co. Ltd.,
4, Bankshall Street,
Kolkata-700 001

AND ASLO

Block-A, Hide Road, Kidderpore,
Kolkata-700 043.

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

WHEREAS I, the undersigned, am satisfied that you were in unauthorized occupation of the Public Premises described in the Schedule below in Page 02:

AND WHEREAS by written notice Vide Order No.102 dated 22.05.2023 you were called upon to show cause on/or before 06.06.2023 at 3 PM why an order requiring you to pay damages of Rs.4,86,68,571.00 (Rupees Four Crore Eighty-Six Lakhs Sixty-Eight Thousand Five Hundred and Seventy-One and zero paise only) for Plate No. H-1, being total amount including Principal Compensation @ 3XSOR as on 31.03.2023 on account of compensation charges/damages from 01.07.2017 to 31.12.2018 and from 01.03.2020 to 31.03.2023 (considered the compensation charges 3XSOR from 01.06.2012 to 31.08.2012 and 01.08.2016 to 31.03.2023) (both days inclusive) together with compound interest for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS as you have neither appeared on the scheduled date of hearing, additionally another chance being given by way of publication in the Newspaper vide Order No.104 dated 13.06.2023 nor made any objections nor 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 Unauthorized Occupants) Act, 1971, I hereby order you to pay the sum of Rs.4,86,68,571.00 (Rupees Four

Please see on Reverse



// 2 //

Crore Eighty-Six Lakhs Sixty-Eight Thousand Five Hundred and Seventy-One and zero paise only) for Plate No. H-1, and as periods mentioned above, assessed by me as damages/compensation charges on account of your unauthorized occupation of the premises for the period as mentioned above to Syama Prasad Mookerjee Port, Kolkata (erstwhile known as Kolkata Port Trust) by 18.07.2023.

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 @ 7.50% per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered from the official website of State Bank of India) from the date of incurrance of liability till its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.

A copy of the reasoned order No.106 dated 27.06.2023 is attached herewith.

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

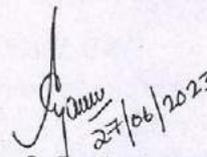
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

SCHEDULE-I

The Trustees' Go-down space marked as Compartment No. 5 & 6 altogether measuring 1319.59 sq. mtrs or thereabouts together with verandah space measuring about 607.215 sq. mtrs. or thereabouts, situated in Block-A, Hide Road, Thana-South Port Police Station, Calcutta, Dist-24 Parganas (S), Registration District-Alipore. It is bounded on the North partly by the Trustees' Go-down leased to Bells Control Limited and partly by Trustees' verandah space leased to lessee, on the East by the Trustees' platform alongside their railway siding, on the South by the Trustees' Go-down and verandah space leased to American Refrigerator Co. Pvt. Ltd., and on the West by the Trustees' compound space leased to the lessee and partly by the Trustees' verandah leased to the lessee.

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

Dated: 27.06.2023


27/06/2023
Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER (I/C)/CHIEF LAW OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF 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. 739, 739/D Of 2005 Order Sheet No. 100

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s Shaw Wallace & Co Ltd

106
27.06.2023

FINAL ORDER

The instant proceeding number 739/D of 2005 arises out of the application bearing No.Lnd.2121/XI/23/1193 dated 10.05.2023 and another application bearing No.Lnd.2121/XI(Loose)/2020/690 dated 26.02.2020 - both filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, praying for an order of recovery of outstanding dues/compensation charges/damages as payable by O.P. for Plate No. H-1, for the respective periods, as mentioned below, being total amount including Principal Compensation @ 3XSoR as on 31.03.2023 on account of compensation charges/damages from 01.07.2017 to 31.12.2018 and from 01.03.2020 to 31.03.2023 (considered the compensation charges 3XSOR from 01.06.2012 to 31.08.2012 and 01.08.2016 to 31.03.2023) (both days inclusive) in respect of the public premises as defined in the schedule of the said applications against **M/s. SHAW WALLACE Co. Ltd.**, the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

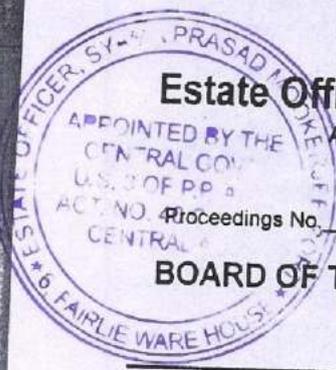
The **factual** matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 739/D of 2005, within the four corners of PP Act, 1971, as revealed under point-wise in a chronological order.

- 1) That in the course of hearing, it was submitted by SMP, Kolkata and also as per the information as gathered from two different applications bearing No. Lnd.2121/XI/23/1193 dated 10.05.2023 and another application bearing No.Lnd.2121/XI(Loose)/2020/690 dated 26.02.2020, as submitted and filed by Syama Prasad Mookerjee Port, hereinafter referred to as SMP, Kolkata, (erstwhile known as Kolkata Port Trust), the applicant herein, which elaborately stated that O.P. came into occupation of the Port Property (Public Premises) being Trustees' Go-down space marked as Compartment No. 5 & 6 altogether measuring about 1319.59 sq. mtrs. and verandah space measuring about 607.215 sq. mtrs. at Block-A, Hide Road, comprised under Plate No.H-1, Thana-South Port Police Station, Kolkata, Dist-24 Parganas (S),

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

[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. 739, 739/D of 2005 Order Sheet No. 101

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s Shaw Wallace & Co Ltd

106

27.06.2023

Registration District-Alipore, the details of the property as mentioned in Schedule-I of Form-'G' attached with this Order Sheet, were leased on a long term basis for a period of 10 years w.e.f. 01.03.1986 with one option of renewal for 10 years in respect of the said Trustees' property (i.e. godown and verandah) to **M/s. SHAW WALLACE Co. Ltd.**, herein referred to as O.P. by the Kolkata Port Trust, herein referred to as the applicant on certain terms and conditions as embodied in the Registered Lease Deed. As O.P. defaulted in payment of the monthly rent and taxes, as per the terms and conditions of the Lease Agreement, which was followed by gross violation of the said Lease Agreement, O.P. was asked to vacate the premises on 23.08.2005 in terms of the Quit Notice dated 02.08.2005.

2) That as O.P. defaulted in payment of the monthly rent and taxes as per the terms and conditions of the Lease Agreement, O.P. was asked to vacate the premises on 23.08.2005, in terms of the Quit Notice dated 02.08.2005. O.P. inspite of the determination of the said tenancy failed and neglected to quit, vacate and deliver up the vacant peaceful possession of the said premises and was occupying and holding the property in question wrongfully without any valid authority. As O.P. failed and neglected to handover possession of the property, an application was filed by SMP, Kolkata (erstwhile known as KoPT) praying for eviction and recovery of outstanding dues/damages/compensation charges, vide application bearing No.Lnd.2121/X/05/4547 dated 26.09.2005.

3) That this Ld. Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the Act and Rules made thereunder and issued Show Cause Notice u/s-4 & 7 of the Act vide Order No.2 dated 28.11.2005 as per Rules made under the Act. It is also understood from the records that O.P. had contested the case and filed an application dated 22.10.2006, informing that O.P. had liquidated certain sum of money to SMP, Kolkata under cover of the letter dated 09.08.2006. It is also seen that O.P. had prayed for waiver on interest. Be that as it may, it is seen that thereafter O.P. proceeded to prefer an

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
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SYAMA PRASAD MOOKERJEE PORT
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. 739, 739/D Of 2005 Order Sheet No. 102

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

m/s Shaw Wallace & Co Ltd

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27.06.2023

Appeal to Chairman, SMP, Kolkata vide their letter dated 27.01.2007, clearly admitting about the dues on their part.

Be that as it may, O.P. had also filed a Written Statement on 29.01.2008, claiming that Notice to Quit dated 02.08.2005 had not been served on the O.P. and as such, they were a valid tenant under SMP, Kolkata. In para-12 of the said Written Statement, O.P. had admitted about payment of the dues during the continuance of the proceedings, while disputing the "method of calculation of the rent". It is as seen that O.P. itself had prayed from time to time for permission to liquidate the SMP, Kolkata's dues, which was allowed by this Ld. Forum on different occasions without prejudice to the rights and contentions of the parties.

Subsequently SMP, Kolkata vide application dated 16.10.2017 claimed that O.P. was not paying regularly and further prayed for an order of joint inspection, which was allowed. At the time of joint inspection dated 26.10.2017, no major physical breach on the part of O.P. was detected. The matter was finally heard by this Ld. Forum on 07.05.2018 when O.P. preferred to file an application praying for dismissal of the proceedings. On 07.05.2018, after hearing the submissions of both the parties, Final Order was reserved by the Ld. Forum.

- 4) That after extensive hearing and based on the materials-on-record as submitted by both SMP, Kolkata and O.P., this Ld. Forum initiated Eviction Proceedings against O.P, and brought out three main issues for adjudication, which are as follows:
- (i) Whether O.P. was defaulted in making payments of rental dues/charges for occupation into Port Property at the relevant period which led to the issuance of the Notice to Quit dated 02.08.2005;
 - (ii) Whether the issuance of Notice to Quit dated 02.08.2005 is valid, enforceable and in accordance with Law;
 - (iii) Whether there is any merit to O.P.'s statement regarding "authorized occupation" has got any merit;

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Signature]
Head Ass't

OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[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. 739, 739/D of 2005 Order Sheet No. 103

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S SHAW WALLACE & CO LTD

106

27-06-2023

5) That as mentioned above, regarding the points of adjudication, all the issues were decided in favour of SMP, Kolkata, based on materials-on-record and submissions of the parties, which are pointed in the body of the Order as follows:

(i) The allegation of SMP, Kolkata against O.P. was basically non-payment of rent and taxes, which led to the issuance of the Notice to Quit date 02.08.2005. In this regard, SMP, Kolkata had filed detailed statement of accounts, which indicate the dues on the part of O.P. There was no reason to disbelieve the submission of the Statutory Authority, more so when during continuance of proceedings, O.P. never disputed the quantum of such dues. In fact, O.P.'s application dated 22.10.2006 is a clear admission of rental dues on its part. It is correct that O.P. took the liberty of the Ld. Forum from time to time to satisfy certain demands of the Port Authority on ad-hoc basis., but such ad-hoc payments nowhere amounts to waiver of the Notice to Quit. In fact, once the rental dues and taxes are admitted substantially, there are no reasons not to uphold the validity of the Notice to quit as issued by the Port Authority. Moreover, the ad-hoc payments made by O.P. did not come to the protection of O.P. at all, as the Port never accepted the due "rent" from O.P after institution of the proceedings and as such there was no opportunity to conclude about waiver of forfeiture of lease. This Forum, in pursuance of Section-114 of the Transfer of Property Act, 1882 gave an opportunity to O.P. to liquidate the dues in its entirety (along with applicable interest) but O.P. made payments in piecemeal manner and never succeeded in complete and full discharge of the dues, taxes and interest.

(ii) In view of the above, it was the firm understanding that the occupation of the O.P. did not deserve any protection in law and that the Notice to Quit as issued by the Port Authority was very much valid, enforceable and in accordance with law. As regards O.P.'s submission regarding non-receipt of Notice to

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE EST
SYAMA PRASAD MOOKERJEE PORT
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. 739, 739/D Of 2005 Order Sheet No. 104

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S SHAW WALLACE & CO LTD

106
27.06.2023

Quit dated 02.08.2005, it was seen that the said notice was evidently sent through registered post to all available addresses of O.P. As such presumption was drawn on due service on O.P. Moreover, O.P. raised this issue only in the year 2008 for the first time although they had been appearing and contesting the matter right since 2005, clearly signifying that it was only an afterthought. As such, this Ld. Forum was not inspired by the submission of O.P.

(iii) On the contrary, it was repeated that the Notice to Quit as issued by the Port Authority was very much legally enforceable and ought to be put into execution readily. It was the view of this Forum that there was no question of violation of natural justice if the forum declared the possession of O.P. as "unauthorized" and hence issued the Order of Eviction against O.P based on the following reasons.

6) That such being the case, Order of eviction was issued against O.P. u/s-5 of the Act, Vide Order No.81 dated 05.02.2019, based on the following reasons/grounds:

- (i) That O.P. had failed to satisfy the rental dues and taxes of the Port Authority for a prolonged period of time.
- (ii) That O.P. had failed to obtain fresh grant from the Landlord, i.e. The SMP, Kolkata (erstwhile known as KoPT).
- (iii) That O.P. had failed to make out any ground for waiver of forfeiture of the lease.
- (iv) That O.P. had failed to secure any relief u/s-114 of the Transfer of Property Act, 1882, despite sufficient opportunities.
- (v) That submission of O.P. as to non-receipt of Notice to Quit dated 02.08.2005 has no basis both in law and in fact.
- (vi) That O.P. had failed to bear any witness or adduce any evidence in support of its occupation into the Public Premises as "authorized occupant".
- (vii) That Ejectment Notice dated 02.08.2005 as served upon O.P., demanding possession of the Public Premises by SMP, Kolkata (erstwhile known as KoPT)

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[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. 139, 139/D of 2005 Order Sheet No. 105

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S. SHAN WARRACE & CO LTD

106

27.06.2023

is valid, lawful, and binding upon the parties.

- (viii) That occupation of O.P. beyond the period as mentioned in the Notice to Quit dated 02.08.2005 is "unauthorized" in view of Section 2(g) of the Public Premises Act, 1971, in question.
- (ix) That O.P. is liable to pay damages for its "unauthorized" use and occupation of the Public Premises upto the date of final handing over the possession in clear, vacant and unencumbered possession to SMP, Kolkata (erstwhile known as KoPT).

7) That vide Order No.82 dated 09.04.2019 this Ld. Forum had appointed an Authorized Officer on the basis of an application filed by SMP, Kolkata, bearing No.Lnd.2121/XI(Loose)/19/3823 dated 25.03.2019, for taking over the possession from O.P. by virtue of the Order of Eviction Vide Order No.81 dated 05.02.2019, as passed by this Ld. Forum. Thereafter it was submitted by SMP, Kolkata vide application bearing No.Lnd.2121/XI(Loose)/2020/690 dated 26.02.2020 that the possession of the subject premises was taken-over by the appointed Authorized Officer (AO) on 20.02.2020, with the help of Police Assistance, as was Ordered by this Ld. Forum vide Order No.83 dated 20.02.2020.

But as stated verbally by the appointed Authorized Officer, due to Pandemic Covid-19 and further lock down, some unauthorized occupants/men and agents of O.P. broke the seal and lock of the concerned premises and possession was again unlawfully taken over by these men and agents of O.P.

As stated in an application submitted by SMP, Kolkata bearing No.Lnd.2121/XI/23/1193 dated 10.05.2023, that with the help of police assistance, the appointed Authorized Officer again made an attempt to take over the premises vide Order No.81 dated 05.02.2019, and was successful in taking over the concerned premises on 31.03.2023.

It further appears from the same application dated 10.05.2023 that SMP, Kolkata, is entitled to huge amount of outstanding dues/compensation/damages,

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

RECEIVED COPY OF THE ORDER
 MAILED BY THE ESTATE OFFICER
 SYAMA PRASAD MOOKERJEE PORT

[Signature]
 OFFICE OF THE ESTATE OFFICER
 SYAMA PRASAD MOOKERJEE PORT

[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. 739, 739/D Of 2005 Order Sheet No. 106

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/s. Shaw Wallace & Co Ltd

106
27.06.2023

etc along with accrued interest on such dues/compensation/damages, which is payable from O.P. During the course of hearing, representatives of SMP, Kolkata verbally stated that there are no rental dues payables by O.P., but O.P. is liable to pay damages for the periods as stated in the first paragraph of this Order.

Since there had been no Restraint Order from any Court of Law in regards to dues, as understood from the material-on-record and all the submissions, both verbal as well as written by SMP, Kolkata, this Ld. Forum had proceeded with the matter under the provisions of the P.P.Act, 1971 and its jurisdiction under which this Ld. Forum is governed.

- 8) Thereafter, considering the submission and materials-on-record as submitted by SMP, Kolkata, this Ld. Forum ordered to issue formal order vide Order No.102 dated 22.05.2023, u/s-7 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 Act to show cause as to why an order requiring to pay the outstanding dues/damages, together with accrued interest should not be made against the O.P. by 06.06.2023.

It is by virtue of the application bearing No. Lnd.2121/XI/23/1193 dated 10.05.2023 as filed by SMP, Kolkata, that this Ld. Forum came to know that no dues on account of Rent is payable by O.P. and the dues on account of compensation charges/damages, along with accrued interest as on 31.03.2023 is only recoverable from O.P. It is the case of SMP, Kolkata that O.P. was asked to pay damages/compensation upto 31.03.2023, as because the subject premises was taken over by the appointed Authorized Officer of SMP, Kolkata finally on 31.03.2023. The O.P. was also called upon to appear before the Ld. Forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case. The said notice was served through Speed Post as well as hand delivery to the correct recorded addresses of O.P (as per records) at M/s. Shaw Wallace & Co. Ltd., 4, Bankshall Street, Kolkata-700 001 **AND ASLO**

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 Office
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

[Handwritten signature]

Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

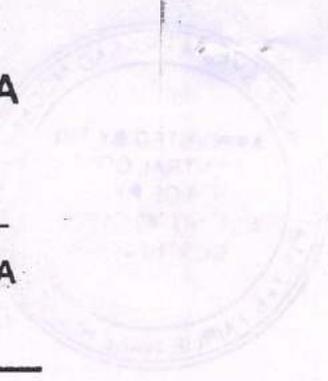
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 739, 739/D of 2005 Order Sheet No. 10F

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

m/s. Shaw Wallace & Co Ltd



106
27.06.2023

Block-A, Hide Road, Kidderpore, Kolkata-700 043. But as per the Report of the Process Serving Officer/Process Server dated 31.05.2023, it showed that the said company was not seen in the recorded addresses. It is further understood that the copy of the said Notice dated 22.05.2023 had also been affixed on the property under schedule. It is also understood that the Notice sent through "Registered Post with A/D" did not return "undelivered" to this Ld. Forum, till date.

Following the principles of Natural Justice, another opportunity vide Order No.103 dated 07.06.2023 was given to O.P. or any other person interested in the said property, for their appearance, on 13.06.2023 for production of documents, evidence, hearing, to file reply to Show Cause Notice dated 22.05.2023, etc. It was also directed by the same Order dated 07.06.2023 to serve upon O.P. through Registered Post with A/D, being registered addresses as "M/s. Shaw Wallace & Co. Ltd., 4, Bankshall Street, Kolkata-700 001 **AND ALSO** Block-A, Hide Road, Kidderpore, Kolkata-700 043" and also affixation on property etc. But as per the Report of the Process Serving Officer/Process Server dated 12.06.2023, it showed that the said company was not seen in the recorded addresses. It is further understood that the copy of the Order dated 07.06.2023 had also been affixed on the property under schedule. It is also understood that the Order dated 07.06.2023 was sent through "Registered Post with A/D" and had returned with an inscription as "left" dated 10.06.2023.

Following the principles of natural justice, and in view of the above facts and circumstances, Department was again directed Vide Order No.104 dated 13.06.2023 to publish a notice in a English Daily & Bengali Daily Newspaper in classified column at the earliest to intimate any person/s interested in the public premises regarding the pendency of the present proceedings and directing such person/s to appear before this Forum for showing cause/hearing/submission etc, failing which the matter will be decided Ex Parte and without any

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 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. 739, 739/D Of 2005 Order Sheet No. 108

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

M/S SHAW WALLACE & CO LTD

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27.06.2023

further reference. Following the Orders of this Ld. Forum, dated 13.06.2023, the same was published in "Times of India" dated 15.06.2023 and in "Bartaman" dated 23.06.2023 simultaneously. But still no one appeared before this Ld. Forum.

Inspite of repeated Orders, and a paper publication, no one appeared before this Ld. Forum, as such I am inclined to pass orders Ex Parte, as there was no bonafide intention on the part of O.P. to appear before this Ld. Forum for any submissions/ hearing, etc.

9) That several dates and opportunities were given by this Ld. Forum with a direction upon O.P. for appearance and also intimation to the interested parties for pendency of the proceedings. But inspite of giving several opportunities to O.P., neither did O.P. appear before this Ld. Forum nor any response was filed on behalf of O.P nor any positive gesture was shown by O.P. to appear before this Ld. Forum for their hearing, submission, etc. on any of the schedule dates of hearing. As such I have no bar to accept the claim of SMP, Kolkata on account of compensation charges, including accrued interest, etc. as per Statement of Accounts maintained regularly in SMP Kolkata's office in regular course of business.

10) It is my considered view that a sum of Rs.4,86,68,571.00 (Rupees Four Crore Eighty-Six Lakhs Sixty-Eight Thousand Five Hundred and Seventy-One and zero paise only) for Plate No. H-1, being total amount including Principal Compensation @ 3XSoR as on 31.03.2023 on account of compensation charges/damages from 01.07.2017 to 31.12.2018 and from 01.03.2020 to 31.03.2023 (considered the compensation charges 3XSOR from 01.06.2012 to 31.08.2012 and 01.08.2016 to 31.03.2023) (both days inclusive) on account of compensation charges/damages/dues against Plate No.H-1 for the periods as mentioned above, with no outstanding rental dues. Hence, I find it prudent to allow time till **18th July, 2023** for such payment. Such dues would attract compound interest @ of 7.50% 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)

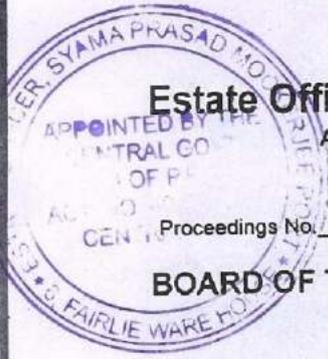
By Order of:

THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER
OF 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. 739, 739/D of 2005 Order Sheet No. 109

BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS
M/S SHAW WALLACE & CO Ltd

106
27.06.2023

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's books of accounts.

I sign the formal order u/s-7(1) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P to pay the amount to SMP as aforesaid; Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up final 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/damages/compensation 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.

(Handwritten signature)
27/06/2023

(NARGIS YEASMEEN)
ESTATE OFFICER

*** ALL EXHIBITS AND DOCUMENTS ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM THE DATE OF PASSING OF HIS ORDER ***

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

RECEIVED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
(Handwritten signature)
Head Assistant
OFFICE OF THE J.D. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT