

SCAN

REGISTERED POST WITH A/D
HAND DELIVERY/AFFIXATION ON PROPERTY

ESTATE OFFICER, 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, Fairlee Warehouse, 1st Floor
Kolkata - 700 001

(FORM 'F')

PROCEEDINGS NO.904/D OF 2007
ORDER NO. 35 DATE 24.12.19

Form of notice under Sub-Section (3) or Section 7 of the Public Premises Eviction of Unauthorised Occupants Act, 1971.

To
M/s. Industrial Minerals & Mills Stores Traders(P) Ltd
Mercantile Buildings,
Lal Bazar,
Kolkata-700001.
AND ALSO AT
93, Dakshindari Road, Kolkata-700048.

Whereas I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the SCHEDULE-I below:

And, whereas, 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 consider the damages amounting to Rs.14,32,895.74 (Rupees Fourteen lakhs Thirty-two thousands Eight hundred Ninety five and paisa Seventy four only) for Plate No. HS-27 is due for the period (s) and at the rate(s) shown in Schedule-II below on account of unauthorised use and occupation of the said premises;

And, whereas, in exercise of the powers conferred on me by Sub-Section (2A) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I consider that you are also liable to pay compound interest to the Kolkata Port Trust, Government/Statutory Authority on the said arrears at the rate determined by the undersigned till its final payment.

Now, therefore, under the provisions of Sub-section (3) of Section 7 of the Act, I, hereby, call upon you to show-cause on or before 14.1.2020 at 4 PM why an order requiring you to pay the said damages together with interest should not be made.

PLEASE SEE ON REVERSE

SCHEDULE-I

The godown space msg. about 334.58 sq.m. is situated at shed No.8, Sec-C at Hoboken Depot, Thana-SPPS, Registration District-Alipore. It is bounded on the north by the Trustees' Godown (Section-D, Shed No.8), on the east by the Trustees' road. On the south by the Trustees' Godown (section B, Shed No.8) and on the West by the Trustees' strip of open land.

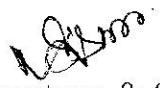
Trustees means the Board of Trustees for the Port of Kolkata.

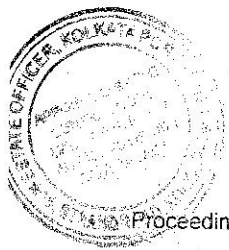
SCHEDULE-II

<u>Period</u>	<u>Rate at which assessed</u>	<u>Amount assessed</u>	<u>Amount paid</u>	<u>Balance in arrears</u>
01.02.2006 to 28.05.2012 (HS-27)	As per the rate of Port Trust's Rent Schedule/s as time to time Notified in Official Gazette/s for the relevant period.	Rs. 14,32,895.74	Nil	Rs. 14,32,895.74

Dated: 24.12.19




Signature & Seal of the
Estate Officer



Estate Officer, Kolkata Port Trust

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

Proceedings No. 904/D Of 2007 Order Sheet No. 45

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Industrial Minerals & Mills Store trade (P) Ltd.

35

24.12.19

It transpire from the application of KoPT bearing No.Lnd.4091/Q/1/06/741 dated 03.03.2006 that O.P. came into occupation of the Port Property in question as a monthly licensee in respect of Godown space, situated at Hoboken Depot(Shed No-8,Sec-C)Thana-SPPS District-24Parganas(S), msg. about 334.58 sq.m under Plafé No-HS-27. That it was on 28.05.2012, the possession of such godown space had been taken over by KoPT from O.P and part assessment of damages had already been done by this Forum vide Order dated 07.05.2012. It is submitted that O.P. has defaulted in payment of compensation/damages/Mesne profits and draws my attention to KoPT's application dated 03.12.2019 and another application dated 06.09.2018 filed in connection with the instant matter.

In my consideration KoPT has made out an arguable claim for such assessment of damages for the rest period i.e from 01.02.2006 till the date of taking over possession i.e till 28.05.2012. As such issuing notice of Show Cause accordingly to O.P. in terms of section 7(2) of the Act and Rules made thereunder, fixing 14.01.2020 at 4.PM for production of documents, evidence, hearing etc O.P. to file reply to show cause notice by 14.01.2020

It is however made clear that such assessment of damages is only for a particular period as claimed by KoPT at this stage only.

The notice must have to be served upon O.P. through Registered Post with A/D, affixation on property etc. O.P. to file reply to show cause notice by 14.01.2020.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(Nirmalya Biswas)
ESTATE OFFICER

BY ORDER OF:
THE ESTATE OFFICER,
KOLKATA PORT TRUST
ORDER
OFFICER
KOLKATA PORT TRUST

