



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. 1472/R Of 2015 Order Sheet No. -10-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Kamal Iron & Steel Co ^{VS}

08

02-12-2020

Matter is taken up on requisition. Perused Syama Prasad Mookerjee Port's application furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against M/s Kamal Iron & Steel Co.

I sign the Certificate u/s 14 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 today. Department is directed to serve certified copy of this Order as well as the Certificate (in FORM- I) issued under the provisions of Section 14 of the Act upon the Collector of Howrah having office at DM, Bungalow Office, 6 Rishi Bankim Chandra Road, P.O. & P.S. Howrah, District: Howrah, Pin: 711101 through 'Speed Post/Registered Post'. Department is also directed to serve certified copy of this Order and a copy of the Certificate (in FORM- I) upon the Estate Manager, SMP, Kolkata, who is directed to pursue the matter with the Howrah Collectorate for realisation of the dues of SMP, Kolkata as adjudicated upon by this Forum of Law vide Order no. 07 dated 19.09.2019 from M/s Kamal Iron & Steel Co. of 20, Maharshi Debendra Road, Kolkata- 700 007 in accordance with law.

All concerned are directed to act accordingly.

(Satyabrata Sinha)
ESTATE OFFICER



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No.

1472/R

Of

2015

Order Sheet No.

08

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

(Plate no:- HL 348/3 & SF 150/15)

M/s Kamal Iron & Steel Co

VS

7 07
19.09.2019

FINAL ORDER

The instant proceedings arises out of the application dated 12.03.2014 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for recovery of rental dues, interest etc against M/s. Kamal Iron & Steel Co., O.P. herein, under relevant provision of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The facts of the case is summarised here under.

It is the case of KoPT that land measuring about 460 sqm at Riverside Road, Shibpur, Howrah, P.S. Shibpur, Dist. and Registration Dist.- Howrah under Plate No. HL-348/3 and Sf-150/12 was allotted to the O.P. by the Port Authority on license basis. It has been claimed that O.P. failed to pay monthly license fees and taxes as also interest as applicable as per KoPT rules and have unauthorisedly parted with possession to rank outsiders. As per KoPT, O.P. was required to liquidate the outstanding dues/charges and to remove the unauthorized sub-letting in terms of the Final Notice dated 13.07.2011 served upon O.P. Thereafter, the representative of KoPT took over possession of the subject premises on 14.03.2012.

The instant Proceeding No. 1472/R of 2017 is for adjudication of application being No. Lnd.3949/3/14/3472 dated 12.03.2014 submitted by Kolkata Port Trust (KoPT), the Applicant herein, praying for order for recovery of arrear rent, taxes, along with interest from M/s. Kamal Iron & Steel Co., O.P. herein.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 23.11.2017 for the purpose of initiation of adjudication process as envisaged under the Act. It reveals from record that the Notice under Section 7 has been returned from the postal Department with the acknowledgement 'Not Known' which was sent at the recorded address of O.P. As a result thereof, the Notice under Section 7 was published in Kolkata Port Trust's website and in English Daily "The Times Of India" on 03.01.2018. As no one appeared on behalf of O.P. or any person interested in this proceedings inspite of publication of



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1472/R Of 2015 Order Sheet No. 09-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

(Plate no. #2348/38 SF 105/15)

M/s Kamal Iron & Steel Co.

07

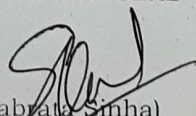
19.09.2019

notice in Daily Newspaper having wide circulation, I have no bar to allow the prayer of KoPT for recovery of rental dues from O.P.

Department is directed to draw formal order for rent u/s.7 of the Act for Rs. 7,29,343.00/- for the period 01.11.1996 to 14.03.2012 (both days inclusive), directing O.P. to pay the amount on or before 30.09.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 30.09.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 7 % 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 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 KoPT'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 KoPT 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


(Satyabrata Sinha)
ESTATE OFFICER.

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



FORM - I

SPEED POST WITH A/D.

THE ESTATE OFFICER, KOLKATA PORT TRUST
(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupants) Act, 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place, Strand Warehouse
(1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
6, Fairlie Place, Strand Warehouse,
Strand Road, Kolkata- 700 001.

ORDER NO. 08 DT 02.12.2020
PROCEEDINGS NO. 1472/R OF 2015

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

M/s KAMAL IRON & STEEL CO.

[Certificate u/s.14 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971,
from the Estate Officer to the Collector].

The Collector,
Howrah,
DM, Bungalow Office,
6, Rishi Bankim Chandra Road,
P.O. & P.S: Howrah
District: Howrah
Pin: 711101

2266

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

This is to certify that an amount of 7,29,343.00/- (Rupees Seven lakhs Twenty Nine Thousand Three Hundred and Forty Three Only) for the period of 01.11.1996 to 14.03.2012 (both day inclusive) as Rent is due to Syama Prasad Mookerjee Port, Kolkata having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from M/s Kamal Iron & Steel Co. of in respect of use and occupation of the Syama Prasad Mookerjee Port's property measuring about 460 sqm. or thereabouts situated at Riverside Road, Shibpur, Howrah, P.O. Shibpur, District & Registration District: Howrah comprised under Plate No. HL-348/3 & SF-105/15 on account of arrear Rent, which sum shall carry simple interest @ 7% 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 as on 10.09.2019) till its final payment.

In pursuance of Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I, Sri Satyabrata Sinha, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 02-12-2020

Signature & Seal of the
Estate Officer.





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

THE ESTATE OFFICER, 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
1st Floor, 6, Fairlie Place Warehouse,
Kolkata-700001

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1472/R OF 2015
ORDER NO. 07 DATED: 19.09.2019

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. Kamal Iron & Steel Co.,
20, Maharshi Dcbendra Road,
Kolkata-700007.

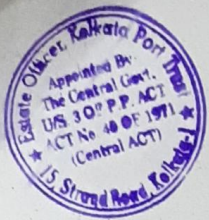
WHEREAS you are in occupation of the public premises
described in the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 23.10.2017 you were
called upon to show cause on/or before 13.11.2017 why an order
requiring you to pay a sum of Rs. 7,29,343.00/- (Rupees Seven
Lakhs Twenty Nine Thousand Three Hundred and Forty Three
only.) being the rent payable together with compound interest in
respect of the said premises should not be made;

And whereas you have failed to represent the instant
proceedings inspite of repeated chances being given to you. Even
Paper Publication of the Notice yield no fruitful result and therefore
no evidence have been produced by you in support of your case.

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. 7,29,343.00/- (Rupees Seven Lakhs Twenty Nine
Thousand Three Hundred and Forty Three only.) for the period
01.11.1996 to 14.03.2012 (both days inclusive) to Kolkata Port
Trust by 30.09.2019

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 simple interest @ 7 % 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) payable from the date of incurrence of liability, on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

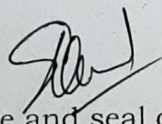
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

The said piece or parcel of land Msg. 460 sqm or thereabouts situated at Riverside Road, Shibpur, Howrah, PO.S. Shibpur, Dist. & Registration District- Howrah under Plate No. HL-348/3 and SF-105/15. It is bounded on the North by the Trustees' Land occupied by Dalchand Omprakash, partly Trustees Land occupied by Ashoka Steel Industries and partly occupied by M/s. Atul Enterprise, on the South by the Trustees' Land partly occupied by M/s. Ganesh Iron Trading Co. and partly occupied by Riverside Road, on the East partly by the Trustees' Land occupied by M/s. Ashoka Steel Industries and partly Trustees' land occupied by M/s. Atul Enterprise , on the West by the Trustees' land allotted to M/s. Ganesh Iron Trading Co.

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

Dated: 19.09.2019


Signature and seal of the

Estate Officer