



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. 326/D Of 2014 Order Sheet No. 39

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

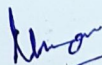
M/s Carry & Co. Ltd. ^{VS}

43
22.04.2015

Matter is taken up on requisition. Perused KoPT's application furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against the M/S Carry & Co. (the Opposite Party herein)

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 having Office at **The Kolkata Collectorate, Plot No. 11, Netaji Subhas Road, B.B.D. Bagh, Kolkata - 700001** through 'Speed 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, KoPT, who is directed to pursue the matter with the Kolkata Collectorate for realisation of the dues of KoPT as adjudicated upon by this Forum of Law vide Order no. 31 dated 16.09.2015 from M/S Carry & Co. of 26 Zakaria Street, Kolkata - 700 073 in accordance with law.

All concerned are directed to act accordingly.


(M.K. Das)
ESTATE OFFICER



FORM - I

SPEED POST WITH A/D.

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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 Unauthorised 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. 43 DT 22.04.2019
PROCEEDINGS NO. 326/D OF 2014

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

M/S Carry & Co. Ltd.

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

The Collector,
Kolkata Collectorate,
Plot No. 11,
Netaji Subhas Road, B.B.D. Bagh
Kolkata - 700001

This is to certify that an amount of Rs.1,55,49,199.14 (Rupees one Crore Fifty Five Lakhs Forty Nine Thousand One Hundred Ninety Nine and Fourteen paise only) is due to Kolkata Port Trust having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from M/s Carry & Co. of 26 Zakaria Street, Kolakata - 700 073 in respect of unauthorized use and occupation of the Kolkata Port Trust's property measuring about 1577.493 sqm or thereabouts in the first floor of the Trustees' Godown known as Armenian Ghat Warehouse situated on the West side of Strand Road in the Presidency Town of Calcutta comprised under Plate No. A 21 for the period 01.08.1994 to 20.08.2010 on account of arrear damages/compensation, which sum shall carry interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till its final payment in accordance with Kolkata Port Trust's Notification published in Calcutta Gazette.

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

Date 22.04. 2019



Signature & Seal of the
Estate Officer.

भूखम्पदा अधिकारी
कोलकाता पोर्टन ट्रस्ट
M. K. Das
Estate Officer
Kolkata Port Trust,

Estate Officer, Kolkata Port Trust

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

Appointed By
The Central Govt.
U/S. 3 OF P.P. ACT
ACT No. 40 OF 1971
(Central Act)

Proceedings No.

326/D

Of

2014

Order Sheet No.

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. CARRY ^{VS} COMPANY

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05.08.2015

Present : M. Dutta, Asst. Estate Manager
&
S. Chattopadhyay, Law Officer for
Kolkata Port Trust (KoPT).

No one appears on behalf of O.P. on 2nd call.
Perused the notice published in the English
Daily "The Telegraph" on 22.07.2015 and
considered the matter on the basis of materials
on record. I am satisfied with the service of
notice to all concerned. Let Final Order be
reserved.


Estate Officer

FINAL ORDER

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16.09.2015

Possession of the Public Premises being
Godwon Space Msg. 1577.493 Sq.m (Plate No.
A21) situated at the 1st floor of Kolkata Port
Trust's (KoPT) Arminian Ghat Warehouse on
the West side of Strand Road, Kolkata (which
was previously allotted to M/s. Carry & Co. by
KoPT on monthly term lease) was taken over
on 20.08.2010 in execution of the order of
eviction u/s 5 of the Act dated 07.11.2001. To
adjudicate upon KoPT's claim on account of
damages for wrongful use and enjoyment of
the Public Premises, a notice u/s 7 of the Act
was issued to M/s. Carry & Co. (O.P.) on
07.01.2015 for Rs. 1,55,49,199.14 for the

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Estate Officer, Kolkata Port Trust

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

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

Proceedings No.

326/D

Of

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Order Sheet No.

-30-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. CHERRY VS
a company

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16.09.2015

Contd...from pre page

for the period upto 20.08.2010. As no one appeared on behalf of O.P. in terms of the said notice to represent their case or no reply to the Show Cause Notice has been filed on behalf of O.P., a notice was published in English Daily "The Telegraph" on 22.07.2015, inviting attention of all concerned regarding pendency of the proceedings before this Forum of Law. A notice regarding pendency of proceedings and fixation for date of hearing on 05.08.2015 at 3 P.M. was also displayed in KoPT's website. As no one appeared on behalf of O.P. to represent their case and no reply to the Show Cause Notice has been filed as yet, I think no fruitful purpose will be served by fixing another date of hearing etc.

In my opinion KoPT's claim for damages upto 20.08.2010 for Rs. 1,55,49,199.14 (excluding interest for delayed payment) for wrongful occupation may be payable by O.P. as it is gathered in course of hearing that the charges so claimed by KoPT is on the basis of the Schedule of Rent Charges published under the Authority of Law as per provisions of the Major Port Trusts Act 1963. In course of hearing,

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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. 362/D Or 2014 Order Sheet No. 31

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Carry & Company ^{VS}

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16.09.2015

Contd... from pre page

hearing, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning. I make it clear that Kolkata Port Trust is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law that is upto 20.08.2010 and KoPT is entitled to claim interest upon dues/charges right from the date of incurrance of liability by O.P. as per KoPT's Rule. I am satisfied that Port Authority has made out an arguable claim based on sound reasoning for such claim against O.P.

Department is directed to draw formal order for damages u/s.7 of the Act for Rs. 1,55,49,199.14 for the period 01.08.1994 to 20.08.2010, directing O.P. to pay the amount on or before 31.12.2015. Such amount attracts interest from the date of incurrance of liability @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till its final payment as per notification published under authority of law by the Port Authority as

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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. 362/D of 2014 Order Sheet No. 32

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Carry ^{VS} Company

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16.09.2015

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as per adjustment of payments made so far as per books of accounts of KoPT. I make it clear that in the event of failure on the part of O.P. to pay the amounts 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


(P.K. CHATTOPADHYAY)
ESTATE OFFICER

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

c/c

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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

15, STRAND ROAD (4TH FLOOR) KOLKATA-700001

COURT ROOM AT THE 2ND FLOOR (OLD BLDG.)

15, STRAND ROAD, KOLKATA-700 001

Form "G"

PROCEEDINGS NO.362/D OF 2014

ORDER NO.31

DATED: 16.09.2015

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. Carry & Company,
26, Zakaria Street,
Calcutta-700 073.

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 07.01.2015 you were called upon to show- cause on/or before 04.02.2015 why an order requiring you to pay a sum of Rs.1,55,49,199.14 (Rupees One Crore Fifty Five Lakhs Forty Nine thousand One hundred Ninety Nine and paisa Fourteen only.) being damages payable together with simple 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.1,55,49,199.14 (Rupees One Crore Fifty Five Lakhs Forty Nine thousand One hundred Ninety Nine and paisa Fourteen only.) for the period 01.08.1994 to 20.08.2010 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 31.12.2015.

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 @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter 14.25% per annum on the above sum with effect from the date of incurrence of liability, till its final payment in accordance with Kolkata Port Trust's Notification Published in Calcutta Gazette/s as per Kolkata Port Trust's Rule.

PLEASE SEE ON REVERSE

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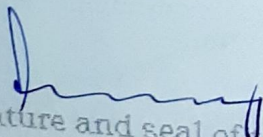
: 2 :

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

The piece and parcel of Trustees' godown space measuring about 1577.493 sq.m. or thereabouts in the first floor of the said Trustees' godown known as Armenian Ghat Warehouse is situated on the West side of Strand Road in the Presidency town of Calcutta comprised under Plate No. A21. It is bounded on the North by the portion of the said warehouse occupied by M/s. Plychem Ltd., on the East by the open below which is Armenian Ghat Street, on the South by the portion of the said Warehouse occupied by M/s. Hoare Millar & Co. Ltd., and on the West by the open below which is the said Trustees' land used as passage. Trustees' means the Board Trustees of the Port Of Calcutta.

Dated: 05-10-2015.


Signature and seal of the
Estate Officer.