



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. 1595/D Of 2017 Order Sheet No. -11-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Shankarlal Beswala & Ors ^{VS}



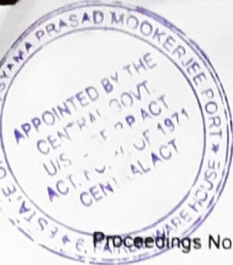
Matter is taken up on requisition. Perused Syama Prasad Mookerjee Port's application bearing no.Lnd.91/2/II/21/388 dated 28.01.2021 furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against Sri Shankarlal Beswala & Ors.

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 **Office of the District Magistrate & Collector, Howrah, 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 said Collectorate for realisation of the damages of SMP, Kolkata amounting to Rs.7,48,327.07/- as adjudicated upon by this Forum of Law in accordance with law vide Order no. 07 dated 24.07.2020 from Sri Shankarlal Beswala & Ors. in respect of SMP, Kolkata's land measuring 401.525 sq.mts. or thereabouts situated at Bansttala Ghat Road, Ramkristopur, Howrah under Plate No.HL-148.

All concerned are directed to act accordingly.

(SATYABRATA SINHA)
ESTATE OFFICER



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1595/D Of 2017 Order Sheet No. 6

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Shankarlal Beswala & Ors

07

24.07-2020

FINAL ORDER

The instant proceedings No. 1595/D of 2017 arises out of the application bearing No. Lnd.91/2/II/14/1163 dated 17.07.2014 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of compensation/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule 'A' of the original application, against Shankarlal Beswala & Ors, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property being land measuring 401.525 sq.m. or thereabout situated at Banstala Ghat Road, Ramkristopur, Howrah, Thana - Shibpur Police Station, under (Plate No.HL-148) as a lessee on monthly term on fulfilment of certain conditions as embodied in KoPT's offer/letter for allotment. KoPT has submitted that while in possession of the port property as lessee, OP violated the condition of such lease by way of not making the payment of arrear compensation/damages along with interest etc, for use and enjoyment of the Port property in question the details of which has been given in 'Schedule-B' of the KoPT's

1



Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1595/0

Of 2017

Order Sheet No. 7

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Shankarlal Beswala & Ors.

7

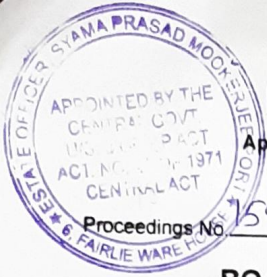
24.07.2020.

application dated 17.07.2014 along with the Statement of Accounts generated on 15.07.2013.

It is also the case of KoPT that O.P has unauthorisedly parted with possession of the said premises to third party, erected unauthorised construction on the subject premises and changed the purpose of such lease without taking prior approval from KoPT.

In view of the aforesaid breaches committed by the O.P., KoPT had issued notice to quit dated 27.04.1973 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 01.07.1973. But O.P has failed and neglected to vacate/ hand over the possession of such premises to KoPT after service of the said Notice to Quit. However, now it appears from the record that KoPT has taken over possession of such premises on 16.04.2012. Therefore, O.P. is asked to pay damages/compensation upto 16.04.2012.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 02.08.2017 (vide Order No.1 dated 2.08.2017) was issued by this forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear



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.

1595/D

Of

2017

Order Sheet No.

8

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Shankarlal Biswas & Ors

07

24.07.2020

damages/compensation together with interest should not be made against the O.P. The O.P. was also called upon to appear before this 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 by hand delivery to the recorded addresses of O.P. at P-66/2, Strand Bank Road, Calcutta-700006 and 152, Upper Chitpur Road, Calcutta-700007. It appears from record that said Notice was not returned. The report of the Process Server also depicts that the copy of the said Notice was duly affixed on the premises. But on the schedule date of O.P's appearance and filing of reply to the Show Cause, as no one appeared on behalf of O.P or any other person interested in the property, following the principles of natural justice, forum made another attempt to serve the Notice along with the Order dated 04.02.2020 upon O.P by hand. The Report of the Process Server dated 12.02.2020 depicts that said notice was received by one Shri Dipak Sen on behalf of O.P. Thereafter the Process Server is once again directed to hand deliver the copy of the notice upon O.P but the Report of the Process Server

9



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.

1595/D

Of 2017

Order Sheet No.

9

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Shankarlal Beswala & Ors.

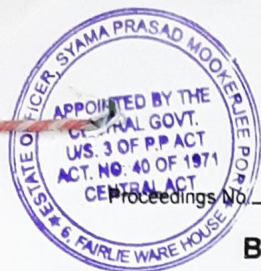
7

24.07.2020.

further depicted that service has been received by one Shri Binay Kumar Singh on behalf of O.P. After getting sufficient chances, as none appeared on behalf of O.P or any other person interested in the property, the final Order was reserved in the matter on 25.02.2020. Now this Forum has decided to adjudicate the matter ex-parte.

I am satisfied with the service. As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of damages/compensation etc. In fact, I have nothing to disbelief in respect of KoPT's claim against O.P. as per statement of accounts maintained regularly in KoPT's office in regular course of business.

It is my considered view that a sum of Rs.7,48,327.07 as claimed by the Port Authority in relation to Plate in question, is payable by O.P. for the period 01.07.1973 to 16.04.2012 i.e upto the date of taking over possession (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sums to KoPT by 13.08.2020 Such dues attract compound interest @ 6.20 % 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



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. 1595/D Of 2017 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sri Shankarlal Bezwala & Ors

07
24.07.2020

same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. The formal order u/s 7 of the Act is signed accordingly.

Department is directed to draw up formal 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/charges as aforesaid; KoPT 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

(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***



o/c

**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
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place (1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1595/D OF 2017
ORDER NO.07 DATED : 24.07.2020

Form- G

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

- 1) Sri Bhadarmal Beswala
2) Sri Shankarlal Beswala, son 3) Sri Bhanawarlal Beswala, son
4) Sri Radhyeshyam Beswala, son 5) Sri Satya Narain Beswala, son
6) Sarada Devi 7) Sri Raju Beswala, Daughter 8) Smt. Malya Beswala
9) Kiran Beswala, Daughter 10) Kusum Beswala 11) Anita Beswala,
Daughter, (above serial No. 2 to 11 are All legal heirs of Bhadarmal
Beswala) of P-66/2, Strand Road, Calcutta-6 AND 152, Upper Chitpur Road,
Calcutta.

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 02.08.2017 you are called upon to show cause on/or before 16.08.2017 why an order requiring you to pay damages of Rs. 7,48,327.07/- (Rupees Seven Lakhs Forty Eight thousand Three hundred Twenty Seven and paisa Seven only) 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. 7,48,327.07/- (Rupees Seven Lakhs Forty Eight thousand Three hundred Twenty Seven and paisa Seven only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.07.1973 to 16.04.2012 (both days inclusive) to Kolkata Port Trust by 13.08.2020.

a

PLEASE SEE ON REVERSE

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 @ 6.20 % 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 its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.

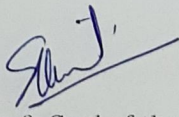
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

SCHEDULE

Plate No.HL-148

The said piece or parcel of land msg.401.525 sq.m or thereabouts situate at Banstalla Ghat Road, Ramkristopur, Howrah P.S-Shibpur Police Station, District & Registration District- Howrah. It is bounded on the North partly by the Trustees' land allotted to M/S. Burma Stone & Lime Co. and partly strip of open land alongside Banstalla Ghat road, On the East partly strip of open land alongside Banstalla Ghat Road and partly Trustees' land occupied by M/S Thakurdas Surekha, On the South by the partly Trustees' land occupied by M/S Thakurdas Surekha partly strip of open land alongside Trustees' Railway Trucks and on the West by the partly strip of open land alongside Trustees' Railway siding and partly Trustees land allotted to Burma Stone & Lime Co. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date 07.08.2020


Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.