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

Proceedings No. 1658, 1658/P × 1658/D Of 2018 Order Sheet No. -21-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. The Garge retal Resiring Co. @ 2+d. (SW-120)

FINAL ORDER

24

The instant proceedings No. 1658, 1658/R, 1658/D of 2018 arose out of an application being No. No.Lnd.15/41/17/629 dated 07.04.2017 filed by Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, Applicant herein, praying for an order of eviction and payment of arrear licence fees/rent, taxes, compensation along with interest etc. against M/S The Ganga Metal Refining Co (P) Ltd, the O.P. herein, under relevant provisions of the Public Premises (Eviction of Unauthorised Occupant) Act 1971. The facts of the case is summarised here under.

O.P. came into occupation of the Port property being Compartment No.6 measuring 137.962 sq.mtrs or thereabout on the 1st floor of Pathuriaghat Warehouse (under Plate No.SW-120) in the Presidency town of Kolkata, on month to month licence basis with effect from 01.04.2004 on payment of monthly licence fees/rent on certain terms and conditions as embodied in KoPT's offer/letter for allotment bearing no. LND.15/41 dated 01.12.2003. KoPT has submitted that while in possession of the port property as licensee, OP violated the condition for such grant of licence by way of not making the payment of KoPT's outstanding licence fees/rent, taxes and accrued interest for use and enjoyment of the Port property in question and also by way of parting with possession of the said premises to rank outsiders

In view of the aforesaid breaches committed by the O.P., KoPT had issued notice to quit being No. Lnd.15/41/15/736 dated 08.06.2015 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 31.07.2015. 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.

J #09.12-2020.

Sl



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

Proceedings No. 1658/R A1658/D Of 2018 Order Sheet No. -22-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. The Garge Metal Referring Co. (P) Ltd.

08-12-2020.

Considering the submission advanced by KoPT and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 20.06.2018 (vide Order No.01 dated 20.06.2018) were issued by this Forum to O.P. The Notice/s were issued in terms of the said provisions of the Act calling upon the O.P. to appear before this Forum in person or through authorized representative capable of answering all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice/s were sent through Speed Post/hand delivery to the correct recorded addresses of O.P. at 43, Strand Road, Kolkata-700001. It appears from the records that the Notice/s sent through speed post were returned back with an endorsement 'addressee moved'. However, the report of Process Server dated 03.07.2018 depicts that said notice/s were served upon O.P personally and the same has been received on behalf of O.P. and affixation was also done on the same day at about 3 P.M over the subject premises as per the mandate of the P.P Act. One Sri Naresh Kumar Sharma claiming himself as authorised representative of O.P, appeared before the Forum on 31.01.2019, who later on contested the matter through his Ld' advocate by filing his Letter of Authorisation as well as Vokalatnama along with an application dated 21.02.2019 asking copy of certain documents relied upon by KoPT. Thereafter, on 01.04.2019, Advocate of O.P files his reply/Written objection to such Show Cause along with annexure duly signed by Authorised signatory Of O.P, followed by Letter / Petition / effective reply dated 16.05.2019, 30.05.2019 and written notes of arguments dated 30.07.2019. Thereafter, KoPT

Sil

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

Proceedings No. 1658, 1658/P × 1658/D Of 2018

_ Order Sheet No. $\frac{-23}{}$

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. The Garge Medal Referring Co. (1) itd.

03.12.2020.

also filed its rejoinder/comment on such reply/effective reply filed by O.P on 08.04.2019 and 01.07.2019 along with a copy of updated Statement of Accounts to clarify the present dues as on date. Both the parties were heard extensively. Finally on 08.07.2019 after hearing the arguments of both sides, final order was reserved by this Forum.

To sum up the allegations of KoPT against O.P, I find that main focal points of KoPT's allegations are two folds i.e non payment of licence fees/rent and taxes, and unauthorised parting with possession.

Contention of O.P during the course of hearing and from submitted documents are summarised as follows:-

- I) The instant proceeding is bad in law as well as fact and the same is based on some false, frivolous and concocted story for having illegal gain.
- II) The proceeding is barred by the principle of estopple, waiver and acquiescence as well as the law of Limitation.
- III) As regards the rental dues, KoPT authority except claiming and/or alleging does not provide and/or submit proper document/s to establish their claim.
- IV) Quit Notice, Show Cause Notice/s and application of KoPT except engraving the word 'parted with possession' has failed to specify it as a ground of eviction and KoPT has also failed to produce any documents in support of their claim.

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through all the documents placed on record, I find 1st contention of O.P that the instant proceeding is bad in law as well as fact, and the same is frivolous and based on concocted story for having illegal gain etc... is not tenable in the eye of

J B09-12.2020.

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

Proceedings No. $1658/1658/12 \times 1658/12$ Of 2018 Order Sheet No. -24-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. The Garge Metal Referring Co. (P) 1td.

08.12.2020.

law. As regards the point of maintainability, I must say that proceeding under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is a summary proceeding and So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law.

As regards the O.P's 2nd contention on applicability of estoppels, waiver and acquiescence, I must say that the principles of estoppels, acquiescence, etc are procedural in nature and thus the same will have no application in a case where issues involved are only pure question of law. According to law the question of estoppels arise when one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceedings between himself and such person or his representative, to deny the truth of that thing. In other words to constitute an estoppels there must be an intention or permission to believe certain thing. There is no material in O.P's objection by which it can be proved that there was any intention or permission on the part of KoPT about O.P's occupation in the said public premises in question. Moreover, mere acceptance of an amount tendered by O.P. during pendency of the proceedings cannot be said to be a "waiver" on the part of KoPT. In the present case in hand KoPT actively prosecuted the proceedings for ejectment against O.P. and as such it cannot be an accepted proposition that the notice to quit/s have been waived by any sense of law.

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

Proceedings No. 1658, 1658/R #1658/D Of 2018

_ Order Sheet No. __25

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. The Garge Metal Beginning Co. @ Ltd.

24

With regard to the issue of Limitation as raised by O.P., I must say that it is the settled position in law that the Limitation Act has no application to the proceedings before the Estate Officer as it is not a "Court" to be governed by the Civil Procedure Code. The Limitation Act is applicable for Civil Courts to try suits unless barred by some other Act. Section 9 of the Civil Procedure Code reads as follows:

"The courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred."

There are provisions for filing of suit in Civil Court with regard to territorial jurisdiction, pecuniary jurisdiction and jurisdiction with regard to subject matter of dispute. But in case of recovery of possession of public premises and recovery of arrear rental dues and damages etc. in respect of public premises, this Forum of Law is the only competent adjudicating authority and Civil Courts have no jurisdiction to entertain any matter in respect of the public premises as defined under the P.P. Act. Sec. 15 of the Act, as the same puts a complete bar on entertaining any matter before the Civil Court in respect of Public Premises. No period of limitation is prescribed under the P.P. Act, 1971. Under such circumstances, I am unable to appreciate the suggestion of the O.P. on this count and I am firm in holding that Limitation Act has no application in the instant case and as such there is no bar in proceeding with the instant case and accepting the claim of KoPT on account of licence fees/rent, compensation and other charges. 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.

El

1 209.12.2020.

With regard to the issue of non payment of KoPT's licence fees/rent and taxes, O.P has strongly denied

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

Proceedings No. $\frac{1658,1658}{R}$ A1658/D Of 2018 Order Sheet No. $\frac{26-}{}$

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. The Garga Mital Refining Co. @ Ltd.

08.12. 2020.

& 09-12-2000

the dues on its part vide effective reply/written objection as filed on 30.05.2019. The categorical submission of O.P in para No.8 of it's reply is that.... some of the amounts which KoPT authority is claiming till date as dues has already been paid to KoPT authority and the same has duly been received by them but no adjustment has been shown. But it is seen that a detailed Statements of Accounts showing outstanding dues in question has already been handed over to O.P on 04.07.2019 along with the copy of rejoinder which clearly shows that adjustment has been duly made by KoPT therefore, such allegation of non adjustment raised by O.P. does not stand. Moreover, KoPT has also filed copies of several letters addressing the O.P (such as letter dated 26.09.2005, 09.02.2009,15.01.2010, 13.07.2011 and 09.06.2014) etc. whereby KoPT repeatedly requested O.P for liquidation of their dues but inspite of receiving the copy of such letters, O.P apparently did not pay any heed to that matter. More so, KoPT has filed detailed Statement of Accounts, which clearly indicates the huge dues on the part of the O.P. There is no reason to disbelief such submission of the statutory authority like KoPT which kept in regular course of business. O.P's plea that it has paid regularly the licence fees/rent taxes other miscellaneous charges or port Trust received and acknowledge the payment of dues does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all. Thus this Forum holds that the charge of default in payment of licence fees/rent and taxes is definitely established.

Now as regards the KoPT's allegation on unauthorised parting with possession by O.P, in violation of the term of licence, the content of KoPT's letter to O.P dated 09.06.2014 (styled as Final Notice) is very much vital in deciding the issues. It reveals that KoPT has given one more

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

Proceedings No. 16 58, 16 58/T. # 16 58/D

Of 2018

_ Order Sheet No. _____

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

MS. The Ganga Metal Referring Co. (2) 141.

24

J B09.12.2020

CA

opportunity to O.P to remove the breaches before issuing the Ejectment notice dated 08.06.2015, terminating the licence in question. No suitable explanation to KoPT's allegation regarding parting with possession have been given from O.P's end in it's reply or effective reply to the Shaw Cause dated 01.04.2019 or 30.05.2019. Mere claim on behalf of O.P in para No.9 that it had ever created any third party interest to said \cdot M/S Inland Transport or any other third person or KoPT authority in the main application did not disclose the name, who is directed illegally in the suit premises or the KoPT authority first time at reply to the application disclosed the name of M/S Inland Transport etc... are in my view not sufficient to defend this type of serious allegation of parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. As such it is very difficult to accept the mere claim of the O.P which is bereft of any cogent reason. More over induction of a third party without the approval of KoPT is also against spirit of tenancy. Therefore, this issue is also decided in favour of KoPT.

Discussion against the forgoing reveal that as the notice to quit dated 08.06.2015 is validly issued and served on O.P and the same is binding and very much enforceable, in the facts and circumstances of the case. It is a settled question of law that a licensee like O.P. cannot claim any legal right to hold the property after expiry of the period as mentioned in the notice to Quit, right of licensee to continue possession wholly depends on active willingness of land lord. Therefore, O.P's occupation after expiry of Quit Notice is wholly unauthorised.

Thus being satisfied as above, I am left with no other alternatives but to issue the order of eviction against O.P as prayed for on behalf of KoPT, on following grounds/reasons.

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

Proceedings No. 1658, 1658/R A1658/D Of 2018 Order Sheet No. -28-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. The Garga Metal Referring Co. (P) Ltd.

08-12-2020

- 1) That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
- 2) That the Quit notice dated 08.06.2015 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties.
- 3) That the O.P. was very much in arrears of licence fees, at the time of revocation of the licence by the Port Authority.
- 4) That O.P has violated the condition of license by unauthorisedly parting with possession of KoPT's land without having any authority under law.
- 5) That right from the date of expiry of the period as mentioned in the said notice to quit dated 08.06.2015, O.P. has lost its authority to occupy the Public Premises and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s.5 of the Act as per Rule made there under, giving 15 days time to O.Ps' and any person/s whoever may be in occupation to vacate the premises.

I make it clear that all person/s whoever may be in occupation are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.Ps' in accordance with Law up to the date of recovery of possession of the same.

Regarding payment of rental dues to KoPT, I must say that Rs. 35,666/- as claimed by the Port Authority in relation to the Plate in question, is correctly payable by O.P. for the period 08.02.1991

& Dog. G. Jons,

Cal

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

Proceedings No. 1658, 1658/12 × 1658/D Of 2018 Order Sheet No. -29-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. The Garge Model Refining Co. Ditd.

08.12.2020.

to 31.07.2015 (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by The said rental dues shall 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 incurrence 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.

During the course of hearing, I find that KoPT has made out an arguable claim against O.P., founded sound reasoning, regarding damages/compensation to be paid for unauthorised occupation and in this regard a sum Rs.3,24,213/- for the period 01.08.2015 30.06.2017 is due and recoverable from O.P. by the Port authority on account of compensation /Damages and O.P. must have to pay such dues to KoPT on or before 23.12.2020. The said damages shall 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 incurrence 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 orders u/s 7 of the Act.

I make it clear that KoPT is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such the liability of O.P. to pay damages extends beyond 30.06.2017 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. KoPT is directed to submit a statement comprising details of its calculation of damages after

A Bog. 12. 200.

Sh

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

Proceedings No. 16 58, 16 58/P A 16 58/D	of 2018	Order Sheet No30-
1 100ccdilligs 140,1	. 🗥	Older Officer Fig.

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

12/5. The Garge retal Referring Co. (P) Ltd. (SW-120)

08-12-2020.

30.06.2017, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sourav Mitra)
ESTATE OFFICER.

L 09.12.2020.

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

Web-site.

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

ESTATE OFFICER SYAMA PRASAD MOOKERJEE PORT, KOLKATA (erstwhile 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, Fairley Place (1st Floor)
KOLKATA – 700 001

Court Room At the 1st Floor of Kolkata Port Trust's Fairlie Warehouse

REASONED ORDER NO. 24 DT *8.12.2020.
PROCEEDINGS NO. 1658 OF 2018

6, Fairley Place, Kolkata- 700 001.

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

M/S The Ganga Metal Refining Co(P) Ltd (O.P.)

J. Bog. 12. 2020.

F O R M-"B"

ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that M/S The Ganga Metal Refining Co(P) Ltd of 43, Strand Road, Kolkata-700001 is in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "Authorized Occupation" despite sufficient chances.
- 2) That the Quit notice dated 08.06.2015 as served upon O.P. by the Port authority is valid, lawful and binding upon the parties.
- 3) That the O.P. was very much in arrears of licence fees, at the time of revocation of the licence by the Port Authority.
- 4) That O.P has violated the condition of license by unauthorisedly parting with possession of KoPT's land without having any authority under law.
- 5) That right from the date of expiry of the period as mentioned in the said notice to quit dated 08.06.2015, O.P. has lost its authority to occupy the Public Premises and O.P. is liable to pay damages for wrongful use and enjoyment of the Port Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

Ch

PLEASE SEE ON REVERSE

A copy of the reasoned order No. 24 dated og 12 2020 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said M/S The Ganga Metal Refining Co(P) Ltd of 43, Strand Road, Kolkata-700001 and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said M/S The Ganga Metal Refining Co(P) Ltd of 43, Strand Road, Kolkata-700001 and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

Boar J. nana,

SCHEDULE

Plate No. SW-120

Compartment No.6 msg.137.962 Sq.m on the 1st Floor of Pathuriaghat Warehouse in the Presidency Town of Kolkata, Thana-Jorabagan Police Station. It is bounded on the North by the Compartment No.7 on the 1st Floor of KoPT's Pathuriaghat Warehouse, on the South by the Trustees' passage, on the East by the Compartment No.8 on the 1st Floor of KoPT's Pathuriaghat Warehouse and on the West by the Trustees' passage.

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

Sol

Date- 09.12.2020.

Signature & Seal of the Estate Officer.

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

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

ESTATE OFFICER SYAMA PRASAD MOOKERJEE PORT, KOLKATA (erstwhile 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, Fairley Place (1st Floor)
KOLKATA - 700 001

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

Form " E"

PROCEEDINGS NO.1658/R OF 2018 ORDER NO. 24 DATED: 08-12-2020.

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 The Ganga Metal Refining Co(P) Ltd 43, Strand Road, Kolkata-700001.

J 09.12.2020.

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

AND WHEREAS, by written notice dated 20.06.2018 you are called upon to show cause on or before 25.07.2018 why an order requiring you to pay a sum of Rs 35,666/- (Rupees Thirty Five Thousand Six Hundred Sixty Six only) being the rent payable together with compound interest in respect of the said premises should not be made;

AND WHEREAS I have considered your objections and/or evidence produced before this Forum.

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 35,666/-(Rupees Thirty Five Thousand Six Hundred Sixty Six only) for the period 08.02.1991 to 31.07.2015 (both days inclusive) to SMP, Kolkata by 23.12.2022.

El

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 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

Plate No. SW-120

Compartment No.6 msg.137.962 Sq.m on the 1st Floor of Pathuriaghat Warehouse in the Presidency Town of Kolkata, Thana-Jorabagan Police Station. It is bounded on the North by the Compartment No.7 on the 1st Floor of KoPT's Pathuriaghat Warehouse, on the South by the Trustees' passage, on the East by the Compartment No.8 on the 1st Floor of KoPT's Pathuriaghat Warehouse and on the West by the Trustees' passage.

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

Dated: 09.12.2020.

Signature and seal of the Estate Officer

A contraction of the contraction

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

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

ESTATE OFFICER SYAMA PRASAD MOOKERJEE PORT, KOLKATA (erstwhile 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 (1st FLOOR) KOLKATA-700001

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

PROCEEDINGS NO. 1658/D OF 2018 ORDER NO.24 DATED: 08.12.2020

Form- G

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

To

M/S The Ganga Metal Refining Co(P) Ltd 43, Strand Road, Kolkata-700001

A Q09.12.2020.

WHEREAS I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:

AND WHEREAS by written notice dated 20.06.2018 you are called upon to show cause on/or before 25.07.2018 why an order requiring you to pay damages of Rs. 3,24,213/- (Rupees Three Lakhs Twenty Four thousand Two hundred Thirteen only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

AND WHEREAS I have considered your objections and/or evidence produced before this Forum.

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. 3,24,213/- (Rupees Three Lakhs Twenty Four thousand Two hundred Thirteen only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.08.2015 to 30.06.2017 (both days inclusive) to SMP, Kolkata by 23.12.26.20

Sil

PLEASE SEE ON REVERS

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 on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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. SW-120

Compartment No.6 msg.137.962 Sq.m on the 1st Floor of Pathuriaghat Warehouse in the Presidency Town of Kolkata, Thana-Jorabagan Police Station. It is bounded on the North by the Compartment No.7 on the 1st Floor of KoPT's Pathuriaghat Warehouse, on the South by the Trustees' passage, on the East by the Compartment No.8 on the 1st Floor of KoPT's Pathuriaghat Warehouse and on the West by the Trustees' passage.

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

Date: - 09.12.2020.

Signature & Seal of the Estate Officer.

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