

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 (4<sup>TH</sup> FLOOR) KOLKATA-700001



Form " E "

PROCEEDINGS NO.1490/R OF 2016  
ORDER NO. 15 DATED:09.07.2018

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. Nagarik Swasthya Sangha,  
9, Tarak Pramanik Road,  
Kolkata-700006 AND ALSO  
217, Rabindra Sarani,  
Kolkata-700007 AND ALSO  
8, Sovaram Bysack Street,  
Kolkata-700070.

*W* <sup>where</sup> WHEREAS you ~~are~~ in occupation of the public premises  
described in the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 28.09.2016 you were  
called upon to show cause on/or before 16.11.2016 why an order  
requiring you to pay a sum of Rs.8,499.00/- (Rupees Eight  
thousand Four hundred Ninety Nine only.) being the rent payable  
together with compound interest in respect 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 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.8,499.00/- (Rupees Eight thousand Four hundred Ninety  
Nine only.) for the period 01.01.2010 to 14.02.2010 (both days  
inclusive) to Kolkata Port Trust by 31.07.2018.

*W*  
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 simple interest at the rate of 18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazettee/s as per Kolkata Port Trust's Rule.

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

Godown space msg. 137.682 sq.m. or thereabouts situated at No.A, KoPT's Strand Warehouse, Ground floor, P.S. North Port Police Station, Dist. 24-Parganas (south), Registration Dist. Kolkata. It is bounded on the **North** partly Trustees' godown space occupied by M/s. Ghosh Bros, partly Trustees' godown space occupied by Mukherjee & Co. and partly godown space occupied by M/s. Metal Engineering Store Co., on the **East** by the Trustees' godown space occupied by M/s. Sett Dey & Co., on the **South** by the Trustees' godown space occupied by M/s. Titagarh Paper Mills Co. Ltd. and on the **West** by the Trustees' platform.

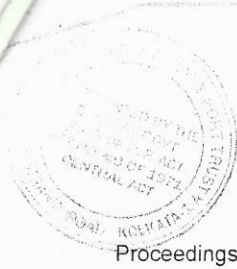
Trustees' means The Board of Trustees' for the Port of Kolkata.



Dated: 09.07.2018

*Kumar*  
Signature and seal of the  
Estate Officer.

Copy to Legal Adviser



# 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. 1490/2 Of 2016 Order Sheet No. 12

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Nagarik VS Swasthya Sangha

14  
07-02-2018

Present: M. Dutta, Asst. Estate Manager,  
S. Dasgupta, Resolution Officer (Legal)  
For Kolkata Port Trust (KoPT)

None appears on behalf of O.P. today. A report is filed by the Process Server.

Heard the submissions of KoPT. In my view, several opportunities have been provided to the O.P. for the sake of natural justice but O.P. has repeatedly failed to turn up before this Forum. There is no point in continuing with the proceedings any further. Let final order be reserved. All concerned are directed to act accordingly.

(M.K. Das)  
ESTATE OFFICER

### FINAL ORDER

The instant proceedings arose out of an application dated 09.10.2015 filed by KoPT, Applicant herein, claiming rental dues alongwith interest from M/s Nagarik Swasthya Sangha, the O.P. herein, under relevant provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. It is the contention of KoPT that the O.P. failed to liquidate the rental dues for a prolonged period. It is also submitted by KoPT that a fire broke out in the premises on 14.02.2010 and finally the premises came to be demolished. Accordingly, KoPT has prayed for realization of dues upto 14.02.2010.



15  
09-07-2018

**BY ORDER OF THE ESTATE OFFICER KOLKATA PORT TRUST**

Identified copy of the Order passed by the Estate Officer Kolkata Port Trust

**Head Assistant**

**of the Lt. Estate Officer**

**KOLKATA PORT TRUST**

*12/2*

*12/2*

PLEASE SEE ON REVERSE

# 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. 1490/R Of 2016 Order Sheet No. 13

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Nagarik VS Swasthya Samiti

15  
09.07.2018



ORDER  
ESTATE OFFICER  
KOLKATA PORT TRUST

Certified copy of the Order  
passed by the Estate Officer  
Kolkata Port Trust

Board Assistant  
of the P.A. Estate Officer

This Forum issued formal Notice u/s 7 of the Act on 28.09.2016, on the O.P., asking to show cause why order regarding payment of the arrears of rent alongwith interest should not be made.

It reveals from record that initially O.P. did not turn up before this Forum. The notice sent through registered post was not returned back. Numerous attempts were made by the Process Server of this Forum but O.P. was not found at the address. Subsequently, one Shri V K Bagri, claiming to be Executive Member of O.P. appeared before this Forum on 25.01.2017 & 22.02.2017 but he neither turned up thereafter nor filed any Reply to the Show Cause Notice. This Forum finally issued Summons against the O.P. but still nobody turned up to represent the O.P. Finding no other alternative, and after giving multiple opportunities to the O.P., this Forum finally reserved the order on 07.02.2018 after hearing the arguments of KoPT.

I have carefully considered the submissions of KoPT and the documents produced before me. It is seen that KoPT wrote many letters to the O.P., such as letters dated 04.08.1998, 11.04.2000, 08.01.2004, 16.03.2006, 04.11.2010, 15.03.2012 etc whereby KoPT repeatedly requested the O.P. to liquidate the rental dues. KoPT has also produced detailed statement of accounts maintained in official course of business. It reveals from said statement that O.P. was indeed in default of rent. In my view, the statement of accounts maintained by a statutory authority has definite evidenciary value in the eye of law and I find no reason to disbelieve the claim of

PLEASE SEE ON REVERSE

## 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. 1490/A Of 2016 Order Sheet No. 14

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Nagarix vs Swasthya Bengala

15  
09.07.2018



Handwritten notes and stamps in purple ink, including a large '15' and '09.07.2018' date, and some illegible text.

KoPT, in the facts and circumstances of the case. During course of hearing, it is submitted by the Port Authority that the calculations of rent are based on the relevant Gazette Notifications of the Tariff Authority for Major Ports (TAMP) which are uniformly applicable on all occupiers of port property and was never denied or disputed by O.P. I find nothing contrary in the records of this Forum. As such, I have no hesitation to decide the case against the O.P.

NOW THEREFORE, I hereby assess the arrears of rental dues payable by the O.P. for its occupation of the public premises in question, for the period 01.01.2010 to 14.02.2010 as Rs 8,499.00/- (principal amount). The O.P. is directed to pay the said amount to KoPT by 31.07.2018. O.P. shall be liable to pay simple interest @ 18% per annum till 06.04.2011 and thereafter @14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with the relevant notification/s published in Official Gazette. The formal order u/s 7 of the Act is signed accordingly.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(M.K. Das)

ESTATE OFFICER

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

Signature and Seal of the  
Estate Officer.

Copy to Legal Adviser