



**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.1613/R OF 2017
ORDER NO. 07 DATED: 21.11.2019

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. Bhalotia Metal Manufacturing Co.
18/1, Maharshi debendra Road,
Kolkata-700007.

RECEIVED
ESTATE OFFICER
KOLKATA PORT TRUST
21/11/2019
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
HEAD ASSISTANT
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

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

AND WHEREAS, by written notice dated 13.12.2017 you were called upon to show cause on/or before 08.01.2018 why an order requiring you to pay a sum of Rs. 6,45,158.00/- (Rupees Six Lakhs Forty Five Thousand One Hundred and Fifty Eight 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 and 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. 6,45,158.00/- (Rupees Six Lakhs Forty Five Thousand One Hundred and Fifty Eight only.) for the period 01.11.1997 to 28.02.2014 (both days inclusive) to Kolkata Port Trust by 28.11.2019

PLEASE SEE ON REVERSE

Q



: 2 :

In exercise of the powers conferred by Sub-section (2A) of Section 6.75% of the said Act, I also hereby require you to pay simple interest @ 6.75 % 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.

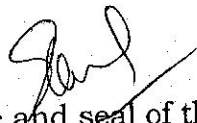
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

The said piece or parcel of land Msg. 275.76 sqm or thereabouts situated at Shibpur Ferry Ghat, Shibpur Howrah, P.S.- Howrah, Dist. & Registration District- Howrah under Plate No. HL-450/B and SF-210. It is bounded on the North partly by the Trustees' Road and partly Trustees land occupied by M/s. Dalchand Omprakash, on the East partly Trustees' land occupied by M/s. Dalchand Omprakash and partly Trustees' land previously occupied by M/s. Kamal Iron & Steel Co., on the South partly Trustees' land occupied by M/s. Libra Trading & Shipping Agency and on the West by the Trustees' land occupied by M/s. Libra Trading & Shipping Agency.

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

Dated: 21.11.2019


Signature and seal of the

Estate Officer

BY ORDER OF
THE ESTATE OFFICER
KOLKATA
DATE: 21.11.2019
ASS: [Signature]

HEADING
OFFICE OF THE ESTATE OFFICER
KOLKATA

Estate Officer, Kolkata Port Trust

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



1613/R

Of 2017

Order Sheet No. 06-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Bhalotia Metal Manufacturing Co. ^{VS}

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21.11.2019

FINAL ORDER

The instant proceedings arises out of the application dated 05.12.2014 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for recovery of rental dues, interest etc against M/s. Bhalotia Metal Manufacturing 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 275.76 sqm at Shibpur Ferry Ghat Road, Shibpur Howrah under Plate No. HL-450/B and SF-210 was allotted to the O.P. by the Port Authority on month to month lease basis. It has been claimed that O.P. failed to pay monthly rent and taxes as also interest as applicable as per KoPT rules. KoPT has further claimed that O.P. has carried out unauthorized construction without any authority of law. As per KoPT, O.P. was required to vacate the premises in terms of the Notice to Quit dated 27.01.2014 served as per statute. It is the specific submission that O.P. has no authority under law to occupy the public premises on the expiry of period as mentioned in the notice to quit dated 27.01.2014 as served upon O.P. by the Port Authority. In view of the Quit Notice, representative of KoPT took over possession of the subject premises on 28.02.2014.

The instant Proceeding No. 1613/R of 2017 has been initiated for adjudication of prayer of KoPT for recovery of arrear rental dues, taxes and interest as prayed for in the application being No. Lnd.3949/4/14/2710 dated 05.12.2014 from M/s. Bhalotia Metal Manufacturing Co., O.P. herein.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 13.12.2017 for the purpose of initiation of adjudication process as envisaged under the Act. It reveals from record that the acknowledgement due card of the postal service to O.P. at the recorded address returned with the endorsement 'Addressee Moved'. Every endeavour was

Estate Officer, Kolkata Port Trust

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07
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made by this office to serve the Notice under Section 7 upon O.P. at the address furnished by KoPT, but with no result. As no one appeared on behalf of O.P. or any person interested in this proceedings 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. 6,45,158/- for the period 01.11.1997 to 28.02.2014(both days inclusive), directing O.P. to pay the amount on or before 28.11.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 28.11.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 6.75 % 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 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


(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***