

2012

**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, Fairley Place (1st Floor)  
KOLKATA - 700 001  
\*\*\*\*\*

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

REASONED ORDER NO.19 DT 28.11.12  
PROCEEDINGS NO. OF 2012  
14/315

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
**M/s Ashoke Coal Traders (O.P.)**

**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 Ashoke Coal Traders, 38/A, Chetla Railway Siding, Kolkata -700027** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

1. That O.P. has violated the condition of monthly lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P. have failed to make out any case in support of its occupation as "authorised occupation".
3. That O.P. or any other persons asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
4. That the notice to quit dated 03.11.2009 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
5. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

**Please see on reverse**

(2)

A copy of the reasoned order No. 19 dated 28.11.2019 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 Ashoke Coal Traders, 38/A, Chetla Railway Siding, Kolkata -700027** 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 Ashoke Coal Traders, 38/A, Chetla Railway Siding, Kolkata -700027** 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.

### SCHEDULE

#### Plate No.D-530/A


The said piece or parcel of land msg.115.912 sq.m or thereabouts(under Plate No.D-530/A) is situate at Chetla Station Yard, Thana - Chetla, Dist: 24Parganas, Registration District-Alipore. It is bounded on the North by the said Trustees' strip of open land alongside Port Trust Railway siding, on the East partly by the Trustees' land leased to Arjun Singh and Arun Kumar Singh and partly by said Trustees' open land, on the South by the said Trustees' open land alongside the said Trustees' Boat Canal area and on the West by the said Trustees' land leased to Ram Nagina Singh & Bros.

#### Plate No.D-530/A/1

The said piece or parcel of land msg.25.269 Sq.m or thereabouts (under) is situated at Chetla Station Yard, Thana - Chetla, District- 24 Parganas, Registration District- Alipore. It is bounded on the the North by the said Trustees' land occupied by Ashoke Coal Traders, on the East by the Trustees' open land, on the South and on the West by Boat Canal area.

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

Date-2/12/19

  
Signature & Seal of the  
Estate Officer.

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

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Court Room At the 1<sup>st</sup> Floor  
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Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1315/D OF 2012  
ORDER NO 19 DATED 20.04.17

**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 Ashoke Coal Traders,  
38/A, Chetla Railway Siding,  
Kolkata -700027.**

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 18.04.2017 you are/were called upon to show cause on/or before 11.05.2017 why an order requiring you to pay damages of Rs. **3,12,268** (Rupees Three lakhs Twelve thousand Two hundred Sixty eight only) for **Plate No.D-530/A & Plate No.530/A/1** together with compound interest should not be made; for unauthorised use and occupation of the said premises.

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. **3,12,268** (Rupees Three lakhs Twelve thousand Two hundred Sixty eight only) for **Plate No.D-530/A & Plate No.530/A/1** as damages on account of your unauthorised occupation of the premises for the period from 01.12.2009 to 16.03.2017 to Kolkata Port Trust by 12.12.2019.

**PLEASE SEE ON REVERSE**

(2)

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 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 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 by Collector.

### SCHEDULE

#### Plate No.D-530/A

The said piece or parcel of land msg.115.912 sq.m or thereabouts (under Plate No.D-530/A) is situate at Chetla Station Yard, Thana -Chetla, Dist: 24Parganas, Registration District-Alipore. It is bounded on the North by the said Trustees' strip of open land alongside Port Trust Railway siding, on the East partly by the Trustees' land leased to Arjun Singh and Arun Kumar Singh and partly by said Trustees' open land, on the South by the said Trustees' open land alongside the said Trustees' Boat Canal area and on the West by the said Trustees' land leased to Ram Nagina Singh & Bros.

#### Plate No.D-530/A/1

The said piece or parcel of land msg.25.269 Sq.m or thereabouts (under) is situated at Chetla Station Yard, Thana - Chetla, District- 24 Parganas, Registration District- Alipore. It is bounded on the the North by the said Trustees' land occupied by Ashoke Coal Traders, on the East by the Trustees' open land, on the South and on the West by Boat Canal area.  
Trustees' means the Board to Trustees' for the Port of Kolkata.

Date 2/12/19



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.  
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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 Unauthorized Occupant) Act 1971  
1<sup>st</sup> Floor, 6, Fairlie Place Warehouse,  
Kolkata-700001  
\*\*\*\*\*

Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse

**Form " E "**

PROCEEDINGS NO.1315/R OF 2012  
ORDER NO. 19 DATED: 29.11.17

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 Ashoke Coal Traders,  
38/A, Chetla Railway Siding,  
Kolkata -700027.**

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

AND WHEREAS, by written notice dated 18.04.2017 you were called upon to show cause on/or before 11.05.2017 why an order requiring you to pay a sum of Rs 2,48,459.01 (Rupees Two Lakh Forty Eight Thousand Four Hundred Fifty Nine and paisa one 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. Even Paper Publication of the Notice yield no fruitful result and therefore 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 2,48,459.01 (Rupees Two Lakh Forty Eight Thousand Four Hundred Fifty Nine and paisa one only) for the period 01.08.1991 to 31.11.2009 (both days inclusive) to Kolkata Port Trust by 12.12.2019.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act.

PLEASE SEE ON REVERSE

I also hereby require you to pay simple interest at the rate of 15% per annum upto 18.09.1996 and thereafter @18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum 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 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.D-530/A


The said piece or parcel of land msg.115.912 sq.m or thereabouts(under Plate No.D-530/A) is situate at Chetla Station Yard, Thana - Chetla, Dist: 24Parganas, Registration District-Alipore. It is bounded on the North by the said Trustees' strip of open land alongside Port Trust Railway siding, on the East partly by the Trustees' land leased to Arjun Singh and Arun Kumar Singh and partly by said Trustees' open land, on the South by the said Trustees' open land alongside the said Trustees' Boat Canal area and on the West by the said Trustees' land leased to Ram Nagina Singh & Bros.

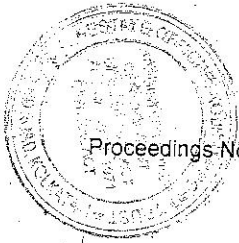
#### Plate No.D-530/A/1

The said piece or parcel of land msg.25.269 Sq.m or thereabouts (under) is situated at Chetla Station Yard, Thana - Chetla, District- 24 Parganas, Registration District- Alipore. It is bounded on the North by the said Trustees' land occupied by Ashoke Coal Traders, on the East by the Trustees' open land, on the South and on the West by Boat Canal area.

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

Dated: 2/12/17

  
Signature and seal of the  
Estate Officer



# 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. 1315, 1315/R-D of 2012 Order Sheet No. 14

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ashoke Coal Traders <sup>VS</sup>

19  
26.11.19

### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that M/s Ashok Coal Traders (Prop: Shri Ranjit Prasad Singh) (O.P. herein) came into occupation of the Port property measuring about 115.912 sq.mtr. and 25.269 sq.mtr. at Chetla Station Yard (Plate No. D-530/A & D-530/A/1 respectively) as a monthly lessee and had defaulted in making payment of the arrear rent and taxes, in clear violation of the terms and conditions of the lease in question.

It is submitted by KoPT that O.P. has no authority under law to occupy the public premises after issuance of notice to quit dated 03.11.2009. This forum issued Show Cause Notice under section 4 & 7 of Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of passing of Order of Eviction, recovery of dues etc. The matter was heard extensively on different occasions.

Now while delivering the final order, I have carefully gone through the application/documents on record. Such as original application bearing No. Lnd. 3184/137/II/4950 dated 15.03.2011 filed by KoPT, copy of Ejectment Notice dated 03.11.2009, copy of Final Notice dated 14.01.2009 and the statement of accounts produced by the Port Authority that the O.P. is a clear defaulter of rent and taxes for a considerable period. This is also practically admitted in the Reply filed by the O.P. on 25.05.2017 through Shri Ashoke Kr Palit who claims to be the Manager of the O.P. (without any document or authority, though). It is seen from record that attempts were also made on behalf of the said Shri Ashoke Kr Palit to clear some of the arrear dues. In such a situation, I am of the firm view that there is no bar to uphold

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By Order of  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
*[Handwritten signature]*  
27/12

# 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. 1315, 1315/K, 1315/P of 2012 Order Sheet No. 13

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ashau<sup>VS</sup> coal Traders

I was unable to take up the matter on 12.04.2018 due to my engagement with other official work. Let the next date for hearing etc. be fixed on 26.04.2018 at 12.00 Noon. Intimate the parties. All concerned are directed to act accordingly.



ESTATE OFFICER

Present: K.Dhar, Asst Estate Manager  
S. Atha, Executive Engineer  
For Kolkata Port Trust (KoPT)  
Sudip Chatterjee, Law Clerk  
For Opposite Party

Representative of O.P. appears before this Forum and files an adjournment petition. It is seen that on consecutive 9 occasions O.P. has either failed to appear or has prayed for time to comply with the order of this Forum. I think that the very spirit which embodies the legislation of the Act has been virtually defeated by prolonging the matter unnecessarily. Let Final Order be reserved.

All concerned are directed to act accordingly.



ESTATE OFFICER

17  
16-04-2018



18  
26-04-2018





# 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. 1315, 1315/R-D Of 2012 Order Sheet No. 15

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ashoke VS Coal Traders.

19  
28.11.19

property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s. 5 of the Act as per Rule made under the Act.

It is my considered view that a sum of Rs. 2,48,459.01/- for the period 01.08.1991 to 30.11.2009 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to KoPT on or before 11.12.2019. Such dues attract interest @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum, till the liquidation of the same, from the date of incurrance of liability in accordance with the notification of KoPT, issued under Authority of Law, as per adjustment of payments made so far by O.P., in terms of KoPT's books of accounts.

Likewise, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs. 3,12,268/- as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.12.2009 to 16.03.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 11.12.2019. The said damages shall carry simple interest @ 18% per annum upto 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. 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



# 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.

1315, 1315 R-D

of

2012

Order Sheet No.

16

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ashoke Coal Traders' <sup>VS</sup>

19

28.11.19

the contention of the Port Authority as brought out in its Notice to Quit dated 03.11.2009.

As such, I am left with no other alternative but to issue the order of eviction against O.P. as prayed for on behalf of KoPT on the following ground/ reasons:

1. That O.P. has violated the condition of monthly lease as granted by the Port authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P. have failed to make out any case in support of its occupation as "authorised occupation".
3. That O.P. or any other persons asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
4. That the notice to quit dated 03.11.2009 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
5. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

ACCORDINGLY, I sign the formal order of eviction u/s 5 of the Act as per Rule made there under, giving 15 days time to O.P. 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.P. in accordance with Law up to the date of recovery of possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the

*[Handwritten signature]*  
2/12



# 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. 1315, 1315/R-D Of 2012 Order Sheet No. 17

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ashoke <sup>VS</sup> Coal Traders

19  
28-11-19

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 16.03.2017 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 16.03.2017, 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.

GIVEN UNDER MY HAND AND SEAL

(A.K. SARKAR)  
ESTATE OFFICER

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

Handwritten initials and date: 11/12

