

o/c
SCAN

**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.1371/D OF 2012
ORDER NO.40 DATED : 14.01.2020.

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 S.P Industries(India),
34, Netaji Subhas Road(Ground Floor),
Kolkata- 700001
AND
44, Saroda Chatterji Lane, Howrah,
AND ALSO AT
11/2, Brindaban Mullick Lane,
Howrah.**

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 09.07.2019 you are called upon to show cause on/or before 06.08.2019 why an order requiring you to pay damages of Rs. 19,62,090.64 (Rupees Nineteen lakhs Sixty Two thousand Ninety and paisa Sixty four only) 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 on/or before the said date and failed to represent the instant proceedings inspite of repeated chances being given to you.

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. 19,62,090.64 (Rupees Nineteen lakhs Sixty Two thousand Ninety and paisa Sixty four only) as damages on account of your unauthorised occupation of the premises for the period from 01.01.2009 to 19.07.2017 to Kolkata Port Trust by 28.01.2020.

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 @ 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

(Under Plate No.SW-13)

Godown space msg.221.017 sq.m or thereabouts being Compartment No.13 on the 2nd floor of Kolkata Port Trust's Canning Warehouse situated on the West side of Strand Road in the Presidency Town of Kolkata.

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

Date 15/1/2020


Signature & Seal of the
Estate Officer.

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



Estate Officer, Kolkata Port Trust

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

39

Proceedings No. 1371/D Of 2012 Order Sheet No. _____

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. S.P. Industries (India).

40

14.01.2020

FINAL ORDER

The instant proceedings No. 1371/D of 2012 arises out of the application bearing No. Lnd.12/22/17/3036 dated 21.09.2017 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 of said application, against M/S S.P Industries (India), 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 godown space measuring 221.017sq.mt. or thereabout situated on the west side of Strand Road, (under Plate No.SW-13) as monthly term Lessee, more fully described in the 'Schedule of Property' of the KoPT's application. The allegations levelled by KoPT against the O.P is that while in possession of Port property as monthly term Lessee, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon the details of which is given in the KoPT's application dated 06.06.2019 as received by this Forum dated 11.06.2019.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 19.07.2017 as because

CERTIFIED COPY
PASSED BY THE
KOLKATA PORT TRUST
15/1/2020
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

[Handwritten mark]

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. 1371/D Of 2012 Order Sheet No. 40

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. S.P. Industries (India).

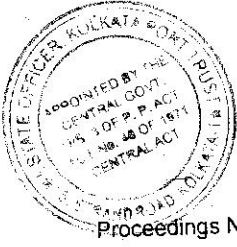
40
14.01.2020

the subject premises was taken over by KoPT on 19.07.2017.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 09.07.2019 (vide Order-32 dated 09.07.2019) 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 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 to answer of material question connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

After issuance of the aforesaid notice, O.P. did not appear before the Forum on the appointed date on 06.08.2019 for giving reply to the Shaw Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Speed Post as per address available on record and both the communications have been returned back to the Forum with a report "addressee left/O.P not found at abovementioned address". Subsequently, Forum directed KoPT to provide alternative addresses of O.P, if available with them. Accordingly another effort was made by the Forum on 03.09.2019 to serve such Notice to O.P's other alternative addresses both by hand and by Speed Post. It is seen

15/1/2020



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. 1371/D Of 2012 Order Sheet No. 41

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. S.P. Industries (India)

40
14.01.2020

that the further communications sent through Speed Post has not returned back to the Forum. The report of the Process Server dated 16.09.2019 as well as postal track report depicted that the copy of the Order dated 03.09.2019 along with notice has been served on O.P.

After getting sufficient chances, as none appeared on behalf of O.P or any other person interested in the property on the appointed date on 05.11.2019 the final Order was reserved in the matter on 05.11.2019. Now this Forum has decided to adjudicate the matter ex-parte.

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.19,62,090.64 as claimed by the Port Authority in relation to the Plate in question, is correctly payable by O.P. for the period 01.01.2009 to 19.07.2017 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 sum to KoPT by 28.01.2020. O.P. shall be liable 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

[Handwritten signature]
15/1/2020



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. 1371 D of 2012 Order Sheet No. 42

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

^{VS}
M/s. S.P. Industries (India).

40
14.01.2020

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.

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

(Sayan Sinha)

ESTATE OFFICER.

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

RECEIVED
KOLKATA
CERTIFIED COPY OF THE ORDER
PASSED BY THE BOARD OF TRUSTEES
KOLKATA PORT TRUST
15/1/2020
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST