

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
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.1638/R OF 2018
ORDER NO. 9 DATED: 23.03.2020

Form "E"


Form of order under Sub-section (1) and (2-A) of Section 7 of the Public Premises
(Eviction of Unauthorised Occupants) Act, 1971

To
M/s. K.M & Co.
Prop. Pawwan Kr. Rungta,
P-223, Strand Bank Road,
Kolkata-700 001
&
23/1, Tagore Castle street,
1st Floor, Kolkata-700 006

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

And whereas by written notice dated 24.10.2019 you were called upon to show
cause on/or before 07.11.2019, why an order requiring you to pay rent of **Rs. 8,235/-**
(Eight thousand Two hundred and Thirty-five) for the Plate No. SW-104, **Rs. 34,483/-**
(Thirty-Four thousand Four hundred and Eighty Three) for Plate No SW-55 and **Rs.**
4,957/- (Four thousand Nine Hundred and Fifty-Seven) for Plate No. SF-171 being the
rent payable together with compound interest in respect said premises, should not be
made.

And whereas I have considered your objection and/or evidence produced by
you.

NOW, THEREFORE, in exercise of the powers conferred on me by Sub-section
(1) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971,
I hereby order you to pay the sum of Rs. Rs. 8,235/- (Eight thousand Two hundred
and Thirty-five) for the Plate No. SW-104, Rs. 34,483/- (Thirty Four thousand Four
hundred and Eighty Three) for Plate No SW-55 and Rs. 4,957/- (Four thousand Nine
Hundred and Fifty-Seven) for Plate No. SF-171 being arrears of rent for the period of
01.03.2009 to 14.02.2010, 01.05.2008 to 14.02.2010 and 01.02.2009 to 14.02.2010
respectively (both days inclusive) to Kolkata Port Trust by 30th September, 2020. 

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.C. 2020 (E) dated 24.6.20)

: 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 interest which would attract compound interest @ of 6.50% 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 its final payment in accordance with Kolkata Port Trust's Notification Published in Calcutta Gazette/s as per Kolkata Port Trust's Rule.

In the event of your refusal or failure to pay the rent 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-55

The said piece and parcel of godown msg. about 14.22 sq.m. or thereabouts was situated at compartment No.A/6, Strand Warehouse, Ground Floor, Police Station-North Port Police Station. It was bounded on the **North** by the space allotted to G.Debnath, on the **South** partly by Strand Road and partly by the space allotted to M/s. Janata Mill Store, on the **East** by the Strand Road and on the **West** by the space allotted to G. Debnath.

Plate No.SW-104

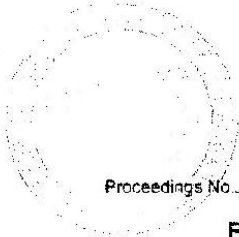
The said piece and parcel of godown msg. about 5.016 sq.m. or thereabouts was situated at North Side of Strand Warehouse, Ground Floor, Police Station-North Port Police Station. It was bounded on the **North** by the Trustees' space, on the **South** by the Godown space allotted to Nagarik Swastha Sangha, on the **East** by the Space allotted to Ghosh Bros., on the **West** by the space allotted to M/s. Metal & Engineering Stores Co.

Dated: 28.08.2020


Signature and seal of
Estate Officer.

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

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Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 2020 (E) dated 24.6.2020)



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 1638/R Of 2018 Order Sheet No -08

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS (Plate no - SW55, SW104)

M/s K-M & Co.

08

28.08.2020

FINAL ORDER

The instant proceedings number 1638/R of 2018 arises out of the application bearing no. Lnd. 3/71/16/285 dated 21.10.2016 filed by Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery and realisation of the arrears of rent and other charges etc. alongwith accrued interest in respect of the public premises as defined in the schedule of the said application against M/s. K.M & Co., the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The factual matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 1638/R of 2018. It is submitted by KoPT vide its application being no. Lnd. 3/71/16/285 dated 21.10.2016 that the O.P. came into occupation of the Port property in question as a short term lessee, more fully described in the 'Schedule of Property' of the KoPT's application in respect of the Trustee's property of Godown space measuring 14.215 sq.mt. under Plate No. SW-55 and room space measuring about 5.016 sq. mt. under Plate No. SW-104 alongwith a permission of subletting under Plate No. SF-171. Another fact that draws my attention is that it was on 14.02.2010, the Strand Warehouse was gutted by a fire and subsequently the said warehouse was demolished and the entire premises is now under the possession of Kolkata Port Trust. The allegations levelled by KoPT against the O.P is that the O.P defaulted in payment of the monthly rent and taxes and also accrued interest thereon the details of which is mentioned in 'Schedule-B' of KoPT's application.

It is the case of KoPT that O.P. was asked to pay the outstanding rental dues and taxes calculated from 01.03.2009 to 14.02.2010, i.e. the date of recovery of the possession as claimed by KoPT in its application being No. Lnd.3/71/16/2485 dated 21.10.2016.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 24.10.2019 (vide Order- 03 dated 24.10.2019) was issued by this Forum to

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Kolkata Port Trust has been renamed as Syama Prasad Mookerjee Port, Kolkata (GSR No. S.O. 2020 (E) dated 24.6.2020)

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. 1638/R Of 2018 Order Sheet No. 09

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. K. M. S. Co.

08

28.08.2020

O.P. u/s-7 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 to show cause as to why an order requiring to pay the outstanding rental dues and taxes, together with interest should not be made against the O.P. The O.P. was also called upon to appear before the Forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case. The said notice was served through Speed Post as well as hand delivery to the correct recorded addresses of O.P. at P-223 Strand Bank Road, Kolkata - 700001 and 23/1, Tagore Castle Street, 1st floor, Kolkata- 700006. It appears from the record that the said notice sent to the recorded address of O.P. by speed post was returned on account of "no such addressee in the address" dated 28/10/2019. However, the hand delivery copy of the order was received and a personal appearance was made by Sri Pawan Kumar Rungta Proprietor of the O.P. on 7/11/2019.

During such appearance he submitted that he was ready to liquidate the outstanding dues/charges payable to KoPT but he also claimed that as regards to Plate No. SW-104, the sub-lessee died on 10/01/2008 and such fact was informed to KoPT vide his letter dated 30.06.2008 with a request to discontinue the sub-lease and waive sub-totting fees for the period 01.02.2008 to 14.02.2010.

The O.P. was allowed another personal hearing on 14/11/2019 when the O.P. submitted written reply to the Show cause Notice and submitted copy of relevant documentary evidences in respect of his claim which included a copy of the death certificate of the sub-lessee. A copy of such reply was served to KoPT for remarks/rejoinder and a further date of PH was allowed on 28.11.2019. However, none appeared for O.P. on such date. KoPT submitted their response and under a rejoinder dated 21.11.2019 refuted the claim of the O.P. and further submitted that in response to the O.P.'s letter dated 30.06.2008 a joint inspection of the relevant premises was held on 13.07.2009 in presence of Sri Rungta (O.P.). That during such inspection, the said premises was found to be under lock & key and in occupation of brother in law of the sub-tenant. As the

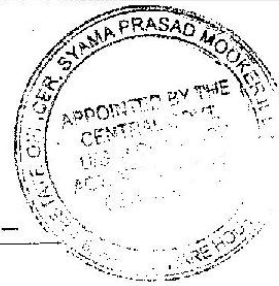
Handwritten signature

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
[Stamp]

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(GSR No. 80 2019 (S) dated 24.8.2019)

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. 1638/R of 2018 Order Sheet No. 710-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S K.M & Co VS

08
28.08.2020

occupation of the said premises was not in exclusive occupation and control of the O.P. sub-tenancy bills cannot be stopped. A copy of the said rejoinder was served to the O.P. and a further date was fixed on 10.12.2019. However, the O.P. did not appear or made any submission.

As no one appeared on behalf of the O.P. and no further response has been filed refuting the facts submitted by KoPT under the rejoinder as yet, I have no bar to accept the claim of KoPT on account of rental dues etc. I find no reason to disbelieve in respect of KoPT's claim against the O.P. regarding sub tenancy fees as per statement of accounts maintained regularly in KoPT's office in regular course of business.

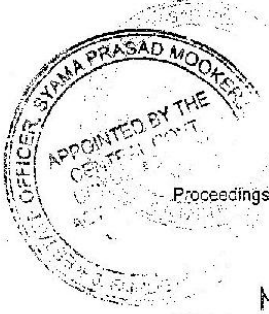
It is my considered view that a sum of Rs. 8,235/- (Eight thousand Two hundred and Thirty-five) for the Plate No. SW-104, Rs. 34,483/- (Thirty-Four thousand Four hundred and Eighty Three) for Plate No SW-55 and Rs. 4,957/- (Four thousand Nine Hundred and Fifty-Seven) for Plate No. SF-171 being arrears of rent for the period of 01.03.2009 to 14.02.2010, 01.05.2008 to 14.02.2010 and 01.02.2009 to 14.02.2010 respectively (both days inclusive) are due and recoverable from O.P by the Port Authority on account of rental dues and taxes and the O.P. have to pay such dues to KoPT forthwith. Considering the ongoing lockdown due to Corona virus spread, I find it prudent to allow time till 30th September for such payment. Such dues would also attract compound interest @ of 6.50% 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 amount to KoPT as aforesaid; Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up final order as per rule u/s-7 of the Act. I make it clear that in the event of failure

THE ESTATE OFFICER,
SYAMA PRASAD MOOKERJEE PORT,
KOLKATA.
CERTIFIED COPY OF ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
FOR
O.P.
Sd/-
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 2020 (E) dated 24.6.2020)



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. 1638/R of 2018 Order Sheet No. -11-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S K. M & Co VS

08
28.08.2020

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.

(S. SINHA)
ESTATE OFFICER

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

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
60
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT