



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. 1359 / D Of 2012 Order Sheet No. 08

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Estate Anjan Kumar Naskar.

11
23.9.2020

FINAL ORDER

The instant proceedings number 1359/D of 2012 arises out of the application bearing no. Lnd. 3184/38/III/12/2511 dated 27.07.2012 filed by Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of arrear compensation charges for the period from 01.11.1982 upto 20.03.2012 alongwith accrued interest in respect of the public premises as defined in the schedule of the said application against M/s. Anjan Kumar Naskar, the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The original application contained some error which was rectified vide letter No. Lnd. 3184/38/III dated 08.08.2017.

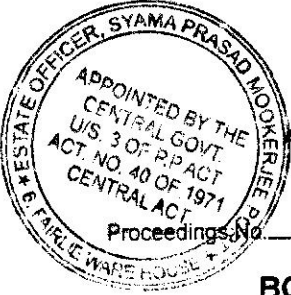
The factual matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 1359/D of 2012. It is submitted by KoPT vide its application being no. Lnd. 3184/38/III/12/2511 dated 27.07.2012 that the O.P. came into occupation of the port property in question on a month to month lease basis dated 26.10.1972 in respect of the Trustee's property situated at Chetla Road, a plot of land measuring 243.13 sq.mt. under Plate No. D-494/B and SF-100/11 more fully described in the 'Schedule of Property' of the KoPT's application. The O.P. apparently defaulted in payment of compensation charges for unauthorised occupation of the said premises and KoPT took over possession of the premises on 20.03.2012.

It is the case of KoPT that O.P. was asked to pay the compensation charges for unauthorised occupation calculated from 04.02.1983 upto 16.04.2012, i.e. the date of recovery of the possession as claimed by KoPT in its application being No. Lnd. 3184/38/III/12/2511 dated 27.07.2012.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 16.11.2017 (vide Order - 06 dated 16.11.2017) was issued by this Forum to 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 compensation charges, together with accrued interest should not be made against the O.P. The O.P. was also

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23/9/2020



Estate Officer, Kolkata Port Trust

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

1359/D Of 2012 Order Sheet No. 09

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Estate Anjan Kumar Naskar.

11

23.09.2020

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 initially served through Speed Post at the address of the public premises which was already under possession of KoPT. The said notice was returned on account of "deceased" on 20/12/2017. As the O.P. Sri Anjan Kumar Naskar died, the proceedings was directed to be continued as Estate Anjan Kumar Naskar, represented by legal heirs vide Order 08 dated 04.01.2018. Thereafter the notice was again sent through registered post at the addresses of the legal heirs at 5/3, Shyam Bose Road, Kolkata-700027 and also at the address at 72/A, Peari Mohan Roy Road, Kolkata-700027. It appears from the available record that the said notices sent to both the above addresses were again returned with the postal remark 'left'.

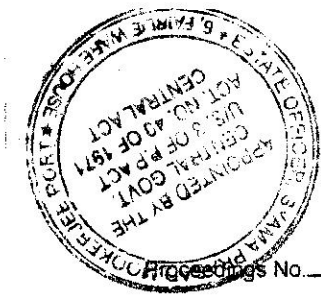
Thereafter, several dates of personal hearing were fixed and notice was issued but none appeared on behalf of the O.P. or his legal heirs.

As no one appeared on behalf of the O.P. or any of his legal heirs and no further response has been filed refuting the claim submitted by KoPT as yet, I have no bar to accept the claim of KoPT on account of dues of compensation charges. I find no reason to disbelieve in respect of KoPT's claim against the O.P. regarding compensation charges as per statement of accounts maintained regularly in KoPT's office in regular course of business as submitted with their amended application dated dated 08.08.2017.

It is my considered view that a sum of rupees 7,67,056/- (Seven Lakh Sixty-seven Thousand and Fifty-six only) for the Plate No. D-494/B and Rs. 39,763/- (Thirty-nine thousand Seven hundred and Sixty Three only) in respect of Plate No SF-100/11 totalling to Rs. 8,06,819/- (Eight lakh Six Thousand Eight Hundred and Nineteen only) being the compensation charges for the period of 01.01.1982 to 20.03.2012 (both days inclusive) are due and recoverable from the O.P. or his legal heirs by the Port Authority and the O.P. or his legal heirs are liable to pay such dues to KoPT forthwith. Considering the ongoing

Handwritten signature and date: 22/9/2020

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Estate Officer, Kolkata Port Trust

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

Process No. 1359/D Of 2012 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Estate Anjan Kumar Nasker.

11
23.9.2020

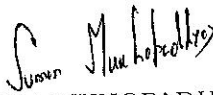
lockdown due to Corona virus spread I find it prudent to allow time till 30th September, 2020, for such payment. Such dues would also attract interest @of 18% per annum upto 06.04.2011 and @ 14.25% thereafter till the date of actual payment of such dues as per the Interest Act 1978 (as gathered from the official website of the State Bank of India) after 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(2) & (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.

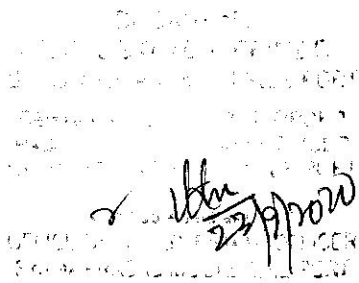
Department is directed to draw up final order as per rule u/s-7 of the Act. I make it clear that in the event of failure on the part of O.P to pay the dues/charges as aforesaid, KoPT is at liberty to recover the confirmed dues in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(S.MUKHOPADHYAY)
ESTATE OFFICER

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





SCAN

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.1359/D OF 2012
ORDER NO.11 DATED: 23.11.2020

Form "G"

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

To
M/s. Anjan Kumar Naskar,
5/3 Shyam Bose Road,
Kolkata 700027
&
72/A, Peari Mohan Roy Road,
Kolkata-700027

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 16.11.2017 you were called upon
to show cause on/or before 07.12.2017 why an order requiring you to pay
damages of Rs. 8,06,819/- (Rupees Eight Lakhs Six Thousand Eight Hundred
and Nineteen only) together with compound interest for unauthorised use and
occupation of the said premises, should not be made.

And whereas you have not made any objections, nor appeared nor
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. 8,06,819/- (Rupees Eight
Lakhs Six Thousand Eight Hundred and Nineteen only) for the period
01.01.1982 to 23.03.2012 (both days inclusive) assessed by me as damages on
account of your unauthorised occupation of the premises to Kolkata Port Trust.

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PLEASE SEE ON REVERSE

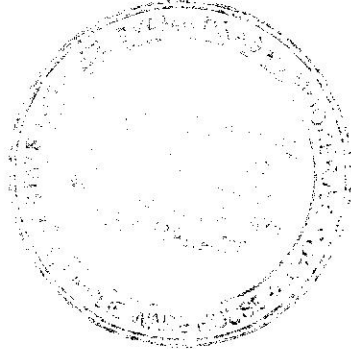
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay interest @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till the date of actual payment of such dues as per the Interest Act, 1978 (as gathered from the official website of the State Bank of India) from the date of incurrence 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 damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

SCHEDULE

The piece or parcel of land msg. 243.13 sq.m. or thereabouts is situated at Chetla Road, Thana-Chetla Police Station, District- South 24 Parganas, Registration District-Alipore. The said land is bounded on the **North** by Trustees' leased out land and partly by the strip of open land, on the **East** Chetla Road, on the South by the Trustees' strip of low land alongside Nikashi drain & on the **West** partly by the Trustees' leased out land and partly by the Trustees' strip of open land alongside Chetla Road.

Dated: 23/9/2020



Simon M. Chatterjee
Signature and seal of
Estate Officer.

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