

Estate Officer, Kolkata Port Trust

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

1178/D

Of 2011

Order Sheet No.

9.

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Dekem ^{VS} & Co

FINAL ORDER

09
11/11/2020

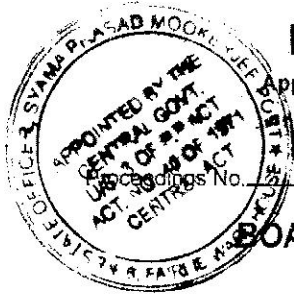
8

The instant proceedings No. 1178/D of 2011 arises out of the application bearing No. Lnd. 4348/2/07/10468 dated 16.02.2007 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of realisation of dues/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 Dekem & Co, 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 land measuring 335.380 Sq.mts. or thereabout at Brooklyn Depot, Thana - West Port Police station, District - 24 Parganas (under Plate No.D-150/C & SF-100/27) as long term Lessee for 10 years which is more fully described in the 'Schedule of Property' of the KoPT's application. The allegations levelled by KoPT against the O.P are that while in possession of Port property as long term Lessee, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon the details of which has given in 'Schedule-B' of the KoPT's application dated 16.02.2007 and also in the application dated 05.04.2018.

It is also the case of KoPT that O.P was asked to pay damages/compensation upto 13.12.2006 as the

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
11/11/2020
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Estate Officer, Kolkata Port Trust

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

1178/D

Of 20 11

Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Dekem VS S Co

09
11/11/2011

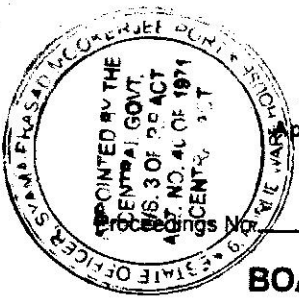
8

subject premises has been taken over by KoPT on that day.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 24.07. 2018 (vide Order-05 dated 24.07. 2018) 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 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 sent through Speed Post as well as by hand delivery to the correct recorded address of O.P. at 14, Sonapur Road, Kolkata-700088. It appears from record that said Notice sent to the recorded address of O.P. by Speed Post was not returned back. However, the report of the Process Server dated 03.08.2018 depicts that such notice was not served upon O.P as because O.P was not found at that address. Thereafter on 09.08.2018, following the principle of natural justice, the Forum made another attempt to serve such notice on an alternative address of O.P at 28A, Lake View Road, Kolkata-29 but that communication was returned with a mark "addressee left". On the day fixed for

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



Estate Officer, Kolkata Port Trust

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

1178/D

Of 2011

Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S DeKam ^{VS} Co

09

11.11.2020

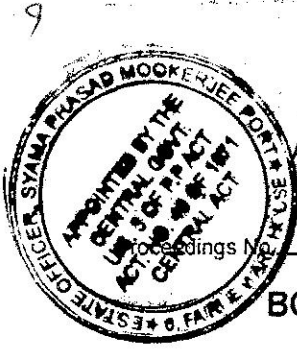
S

appearance and filing of reply to the Show Cause by the O.P., as no one appeared or shown any interest to contest the matter with KoPT by filing his reply before this Forum and none appeared on behalf of O.P or any other person interested in the property, a publication was made in the classified column of Times of India (Kolkata) on 11.01.2019 fixing the ultimate date of O.P's appearance on 25.01.2019. Finally as the O.P failed to appear on 25.01.2019 the final Order was reserved in the matter. 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.84,502.00 for the period 01.03.2004 to 13.12.2006 (both days inclusive) as has been recorded vide the Order requiring Show Cause (Vide Order No.05 dated 24.07.2018) are due and recoverable from O.P. by the Port authority on account of damages/compensation and O.P. must have to pay such dues to KoPT on or before 26.11.2020. Such dues attract compound interest @ 6.20 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the

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



Estate Officer, Kolkata Port Trust

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

1178 / D Of 2011 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/S Dekem s co

09
11/11/2020

official website of the State Bank of India) from the date of incurrence 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 (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 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.

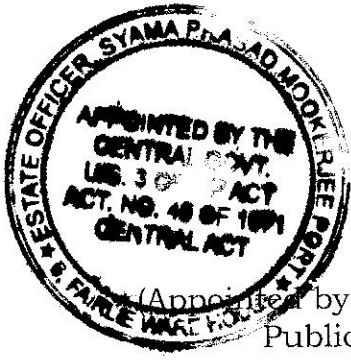
All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

Suman Mukhopadhyay
(S.Mukhopadhyay)
ESTATE OFFICER

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
[Signature]
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

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



**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. 1178/D OF 2011
ORDER NO.09 DATED: 11/11/2020

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 Dekem & Co,
14, Sonapur Road,
Kolkata-700088
AND ALSO AT
28A, Lake View Road,
Kolkata-700029

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 24.07.2018 you are called upon to show cause on/or before 09.08.2018 why an order requiring you to pay damages of Rs. 84,502.00/- (Rupees Eighty Four thousand Five hundred Two 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 or produced any evidence 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. 84,502.00/- (Rupees Eighty Four thousand Five hundred Two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.03.2004 to 13.12.2006 (both days inclusive) to Kolkata Port Trust by 26/11/2020.

PLEASE SEE ON REVERS

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.20 % 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 incurrence of liability till its final payment in accordance with Kolkata Port Trust's Notification published in official Gazette/s.

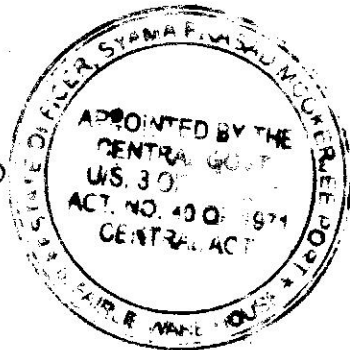
In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

SCHEDULE

Plate No. D-150/C & SF-100/27

The said piece and parcel of the land measuring about 335.380 sq.m or thereabouts is situated at Brooklyn Depot, Thana-West Port Police Station, Dist.24 Parganas, Registration Dist: Alipore. It is bounded on the North by the Trustees' strip of land and beyond which their T.N Shed No.20, On the East by the Trustees' vacant land , On South by the Trustees' drain beyond which there is a godown leased to M/S Phonex Trader, On the West by the Trustees' land beyond which is their Roadway. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date 11/11/2020



Suman Mukherjee
Signature & Seal of the
Estate Officer.

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