



# 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. 180, 181 Of 1993 Order Sheet No. -30-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
*M/s. Janata Mill Stores.*

49  
22.12.2020.

Matter is taken up on requisition. Perused SMP, Kolkata's application dated 17.12.2020 furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against M/s Janata Mills Stores.

I sign the Certificates u/s 14 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 today. Department is directed to serve certified copy of this Order as well as the Certificates (in FORM- I) issued under the provisions of Section 14 of the Act upon the Collector of 24 Paraganas (South) having Office at **New Administrative Building Alipore, South 24 Paraganas, Kolkata- 700 027** through 'Speed Post/Registered Post'. Department is also directed to serve certified copy of this Order and copies of the Certificates (in FORM- I) upon the Estate Manager, SMP, Kolkata, who is directed to pursue the matter with the Collectorate of 24 Paraganas (South) for realisation of the dues of SMP, Kolkata as adjudicated upon by this Forum of Law vide Order no. 48 dated 02.12.2015 from M/s Janata Mill Stores 171/6, Dharmatolla Street, Kolkata-700 013 in accordance with law.

All concerned are directed to act accordingly.

(Sourav Mitra)  
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. 180, 181 of 1993 Order Sheet No. 25

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Janata Mills <sup>VS</sup> Stores

48

~~18-11-2015~~  
~~18-11-2015~~

48  
02.12.2015

### FINAL ORDER

The matter is taken up to day for final disposal. A brief resume of the fact is necessary to deal with the matter. At the instance of Kolkata Port Trust (KoPT), an opinion was formed by this Forum of Law to proceed against M/s. Janata Mills Stores (O.P) for adjudication of the prayer for recovery of possession etc. in respect of compartment no. K-3 Msg. About 182.369 Sq.m (SW-92) situated at the 2<sup>nd</sup> floor of KoPT's godown know as Strand Warehouse (previously under monthly lease to O.P. by the Port Authority). An opinion was also formed for initiation of proceedings against O.P. for adjudication of the prayer for recovery of possession in respect of Public Premises being Compartment No. A-1 Msg. about 52.57 Sq.m (SW-46/5) situated at the ground floor of the said Warehouse which was previously under monthly licence as granted to O.P. by the Port Authority. Two Show Cause Notice u/s 4 of the Act both dated 28.08.1993 were issued to O.P. in respect of the Public Premises mentioned above on the grounds as specified therein on the basis of KoPT's application, verified on 21.11.1989 by Tushar Kanti Sen, the then Asst. Land Manager, KoPT. The situation was changed

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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

Proceedings No. 180, 181 of 1993 Order Sheet No. 26

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Janata Hill **VS** Stores

48  
~~04-01-11~~  
~~18-11-2015~~  
48  
02-12-2015

Contd...from pre page

changed with the application of KoPT dated 14.12.2012 bearing No. Lnd.14/23/12/3750. It is learnt that KoPT's Strand Warehouse has been gutted down by fire on 14.10.02.2010 at about 2.15 A.M. and the structure has been demolished completely. In view of the circumstances by order No. 35 dated 02.01.2013, Proceedings No. 180 of 1993 and 181 of 1993 which were earlier initiated as per Show Notice/s u/s 4 of the Act were dropped and Show Notices u/s 7 of the Act dated 29.01.2013 for adjudication of the prayer for recovery of damages etc. were issued to O.P. in respect of both the premises.

O.P. appeared before this Forum in terms of the Show Cause Notice u/s 7 of the Act which was published in English Daily "The Telegraph" on 09.08.2013 and in Hindi Daily "Sanmarg" on 09.08.2013. I have duly considered O.P's reply to the Show Cause Notice as filed on 07.11.2013, enclosing a photocopy of the representation earlier made to the Land Manager, KoPT dated 14.03.2007. No case has been made out on behalf of O.P. to challenge KoPT's entitlement for recovery of damages as per Show Cause Notice u/s 7 of the Act. In fact, this Forum of Law has no

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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

Proceedings No. 180, 181 of 1993 Order Sheet No. 27

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Janata Hill <sup>VS</sup> Stores.

48

~~18-11-2015~~  
02-12-2015

Contd...from pre page

has no jurisdiction to entertain any matter with regard to prayer for alternative accommodation and to consider any matter on the ground of "financial hardship" as prayed for on behalf of O.P. However, the matter was referred to the Estate Manager, KoPT with liberty to O.P. to approach to the Estate Manager, KoPT for consideration of O.P's prayer in this regard, if any. Perused the application of KoPT bearing No. Lnd.14/23/15/2625 dated 23.11.2015. It reveals that O.P. failed to make any representation/approach to KoPT in this regard. Such being the case, the only point which is left for consideration whether the claim of KoPT is justified or not. As per Division Bench of the Hon'ble Calcutta High Court's order dated 12.02.2007 in A.P.O. No.367 of 2006 arising out of Writ Petitions moved by the Port Tenant Welfare Association to which O.P. is claiming to be a member of such Association, O.P. is under legal obligation to pay all the dues/charges as payable to KoPT in terms of KoPT's Schedule of Rent Charges for the time being in force by 36 Monthly instalments together with interest at the rate of 6% per annum. Needless to mention that

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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

Proceedings No. 180, 181 of 1993 Order Sheet No. 28

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Jamata Hill VS Stores

48

~~18.11.2015.~~

02.12.2015.

Contd...from pre page

mention that O.P. has failed to comply with the order of the Hon'ble High Court, Calcutta regarding liquidation of KoPT's dues/charges and KoPT has come up with the applications for eviction of O.P. from the Public Premises etc. in terms of the liberty as provided in the said order passed by the Division Bench of Calcutta High Court. In my view, O.P. being a member of the Port Tenant Welfare Association was protected by the order of the Hon'ble High Court only upon compliance of the said order and failure on the part of O.P. to comply with the order disentitled them to take any protection of the said order. In such a situation, O.P. is under legal obligation to pay the dues/charges as claimed by KoPT on account of damages (such amounts have reached to Rs. 9,63,840 for the period November,1999 to 14.02.2010 for occupation No. SW92 AND Rs. 5,53,368.29 for the period November,1999 to 14.02.2000 for occupation no. SW 46/5) which attracts interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrance of liability in

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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

Proceedings No. 180, 181 of 1993 Order Sheet No. 29

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Janata Bill Stores <sup>VS</sup>

48

~~18.11.2015~~

48  
02.12.2015

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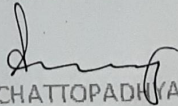
liability in accordance with the notification of KoPT issued under Authority of Law as per adjustment of payments made so far by O.P as per KoPT's books of accounts.

Accordingly, Department is directed to draw up formal order u/s 7 of the Act, requiring O.P. to pay the said amounts on or before 30.01.2016.

I must reiterate that KoPT's total claim against O.P. on account of charges for compensation for wrongful use and enjoyment of the property has received my due attention and I am satisfied that Port Authority has made out an arguable claim based on sound reasoning for such claim against O.P.

I make it clear that in the event of failure on the part of O.P. to pay the amounts to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

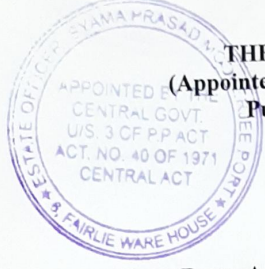
  
(P.K. CHATTOPADHYAY)  
ESTATE OFFICER.

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

268

FORM - I

SPEED POST WITH A/D.



THE ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT  
(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, Strand Warehouse  
(1<sup>st</sup> Floor)

KOLKATA - 700 001  
\*\*\*\*\*

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

ORDER NO. 49 DT 22.12.2020,  
PROCEEDINGS NO. 180/D of 1993

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-

M/s Janata Mill Stores

[Certificate u/s.14 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971,  
from the Estate Officer to the Collector].

The Collector,  
Office of District Magistrate,  
New Administrative Building ,  
Alipore,  
South 24 Paraganas  
Kolkata- 700 027

This is to certify that an amount of Rs. 9,63,840.00/- (Rupees Nine Lakhs Sixty Three Thousand Eight Hundred Forty Only) for the period of November 1999 to 14.02.2010 (both day inclusive) as Damages is due to Syama Prasad Mookerjee Port having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from M/s Janata Mill Stores of 171/6, Dharmatolla Street, Kolkata- 700 013 in respect of use and occupation of the SMP, Kolkata's property at the Eastern portion of compartment No. K/3, msg. about 182.369 sqm. (Plate No. SW- 92), Thana: North Port Police Station, Kolkata, District-24<sup>th</sup> Paraganas, Registration District: Alipore on account of arrear Damages, which sum shall carry interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till its final payment in accordance with SMP Kolkata's Notification published in Calcutta Gazette.

In pursuance of Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I, Sri Sourav Mitra, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 23-12-2020.

Signature & Seal of the  
Estate Officer.

o/e

268

FORM - I

SPEED POST WITH A/D.

THE ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT  
 (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, Strand Warehouse  
 (1<sup>st</sup> Floor)  
 KOLKATA - 700 001  
 \*\*\*\*\*

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

ORDER NO. 49 DT 22.12.2020  
 PROCEEDINGS NO. 181/D of 1993

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
 -Vs-

M/s Janata Mill Stores

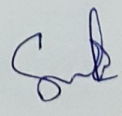
[Certificate u/s.14 of the Public Premises (Eviction of Unauthorized Occupants) Act 1971,  
 from the Estate Officer to the Collector].

The Collector,  
 Office of District Magistrate,  
 New Administrative Building ,  
 Alipore,  
 South 24 Paraganas  
 Kolkata- 700 027

13350

This is to certify that an amount of Rs. 5,53,368.29/-(Rupees Five Lakhs Fifty Three Thousand Three Hundred Sixty Eight and Twenty Nine paisa Only) for the period of November 1999 to 14.02.2010 (both day inclusive) as Damages is due to Syama Prasad Mookerjee Port having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from M/s Janata Mill Stores of 171/6, Dharmatolla Street, Kolkata- 700 013 in respect of use and occupation of the SMP, Kolkata's property being compartment No. A-1, msg. 52.676 sqm or thereabouts in the Ground Floor of Strand Warehouse. (Plate No. SW- 46/5), Thana: North Port Police Station, Kolkata, District-24<sup>th</sup> Paraganas, Registration District: Alipore on account of arrear Damages, which sum shall carry interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till its final payment in accordance with SMP Kolkata's Notification published in Calcutta Gazette.

In pursuance of Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I, Sri Sourav Mitra, Estate Officer, request you to proceed to recover the same as arrears of land revenue.



Date 23.12.2020.

Signature & Seal of the  
 Estate Officer.



elo ✓

225

o/e



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

15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001  
COURT ROOM AT THE 2<sup>ND</sup> FLOOR (OLD BLDG.)  
15, STRAND ROAD, KOLKATA-700 001

Form "G" PROCEEDINGS NO.180/D OF 1993  
ORDER NO.48 DATED:02.12.2015

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. Janata Mill Stores, 18065  
A-1, Strand Warehouse,  
Strand Road,  
Calcutta-700 001 AND ALSO  
171/©, Dharmatolla Street,  
Calcutta-700 013.



18066

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 29.01.2013 you were called upon  
to show- cause on/ or before 30.01.2013 why an order requiring you to pay a  
sum of Rs.9,63,840.00 (Rupees Nine Lakhs Sixty Three thousand Eight  
hundred Forty only.) being damages payable together with simple interest for  
unauthorised use and occupation of the said premises, should not be made.

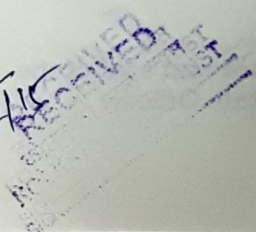
And whereas you have not made any objections or produced any evidence  
before the said date.

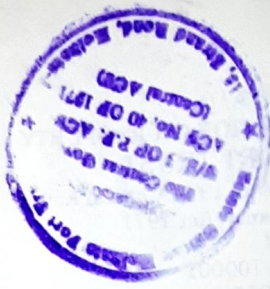
Now, therefore, in exercise of the powers conferred on me by Sub-section  
(2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act  
1971, I hereby order you to pay the sum of Rs.9,63,840.00 (Rupees Nine  
Lakhs Sixty Three thousand Eight hundred Forty only.) for the period  
November 1999 to 14.02.2010 assessed by me as damages on account of your  
unauthorised occupation of the premises to Kolkata Port Trust by 30.01.2016.

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 at the rate of 15% per  
annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011  
and thereafter @ 14.25% per annum on the above sum with effect 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.

PLEASE SEE ON REVERSE

17/12/15





224

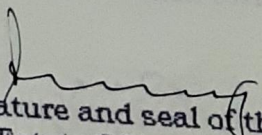
: 2 :

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 Eastern portion of compartment No.K/3, msg. about 182.369 sq.m. or thereabouts is situated in the 2<sup>nd</sup> floor of the Trustees' godown as Strand Warehouse which is situate on the West side of Strand Road under North Port Police Station with the presidency town of Calcutta. Trustees' means the Board of Trustees for the Port of Kolkata.

Dated: 17.12.2015.

  
Signature and seal of the  
Estate Officer.

223

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)

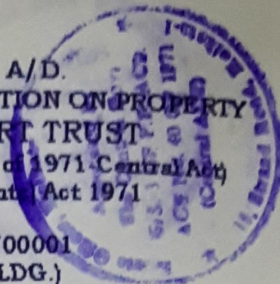
Public Premises (Eviction of Unauthorised Occupants) Act 1971

OFFICE OF THE ESTATE OFFICER

15, STRAND ROAD (4<sup>TH</sup> FLOOR) KOLKATA-700001

COURT ROOM AT THE 2<sup>ND</sup> FLOOR (OLD BLDG.)

15, STRAND ROAD, KOLKATA-700 001



Form "G"

PROCEEDINGS NO.181/D OF 1993  
ORDER NO.48 DATED:02.12.2015

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. Janata Mill Stores,  
A-1, Strand Warehouse,  
Strand Road,  
Calcutta-700 001 AND ALSO  
171/6, Dharmatolla Street,  
Calcutta-700 013.

Whereas I, the undersigned, am satisfied that you were in unauthorised occupation of the public premises mentioned in the Schedule below:

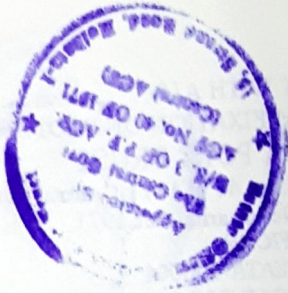
And whereas by written notice dated 29.01.2013 you were called upon to show- cause on/or before 30.01.2013 why an order requiring you to pay a sum of Rs.5,53,368.29 (Rupees Five Lakhs Fifty Three thousand Three hundred Sixty Eight and paise Twenty Nine only.) being damages payable together with simple 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.

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.5,53,368.29 (Rupees Five Lakhs Fifty Three thousand Three hundred Sixty Eight and paise Twenty Nine only.) for the period November'1999 to 14.02.2000 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 30.01.2016.

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 at the rate of 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum with effect 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.

PLEASE SEE ON REVERSE



222

Appoint...  
Proceedings No. 1

PROCEEDINGS NO. 1742 OF 1915  
ORDER NO. 42 DATED 02.12.2015

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 portion of compartment No.A-1, msg. about 52.676 sq.m. or thereabouts in the Ground floor of the Trustees' godown known as Strand Warehouse is situate on the West side of Strand Road under North Port Police Station within the presidency town of Calcutta. Trustees' means the Board of Trustees for the Port of Kolkata.

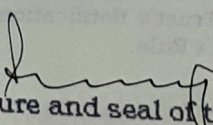
And where you have not made any objection in writing and evidence before the said date

Now therefore in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Public Trusts Act (No. 19 of 1914) I hereby order you to pay the sum of Rs. 1000 (Rupees One thousand) within three months from the date of this order in the period November 1915 to 14.02.1916 assessed by the Board of Trustees for the Port of Kolkata.

in exercise of the powers conferred by sub-section (2) of Section 7 of the said Act, I also hereby require you to pay simple interest at the rate of 12% per annum upto 14.02.1916 and thereafter @ 12% per annum on the above sum with effect from the date of assessment of the said sum, in full payment in accordance with the provisions of the said Act, in the period November 1915 to 14.02.1916.

and thereafter @ 12% per annum on the above sum with effect from the date of assessment of the said sum, in full payment in accordance with the provisions of the said Act, in the period November 1915 to 14.02.1916.

Dated: 17.12.2015'

  
Signature and seal of the  
Estate Officer.