



## Estate Officer, Kolkata Port Trust

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

Proceeding No. 1745/D Of 2019 Order Sheet No. -11-

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

*M/s. Kedarmull Keshardeo.*

*(CG-107)*

10  
12.02.2021

Matter is taken up on requisition. Perused SMP's application bearing no. Lnd.8/17/II/20/1799 dated 09.09.2020 furnishing the address of the concerned Collectorate for the realisation of the adjudged damages against M/S Kedarmull Keshardeo (the Opposite Party herein).

I sign the Certificate 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 Certificate (in FORM- I) issued under the provisions of Section 14 of the Act upon the Collector having Office at **Office of the District Magistrate & Collector South 24 Parganas, Office - 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700027** through 'Speed Post'.

Department is also directed to serve certified copy of this Order and a copy of the Certificate (in FORM- I) upon the Estate Manager, SMP, Kolkata who is directed to pursue the matter with the South 24 Parganas Collectorate for realisation of the damages of SMP, Kolkata amounting a sum of Rs. 84,196.56 for the period 01.06.1974 to 07.01.1996 due and recoverable from O.P. as adjudicated upon by this Forum of Law vide Order no. 07 dated 07.11.2019 from M/S Kedarmull Keshardeo of 138, Canning Street, Kolkata - 700001 and also at 138, Biplabi Rash Bihari Bose Road, Kolkata - 700001 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. 1745/D of 2019 Order Sheet No. 7

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/S Kedarmull Keshardeo. (CG-107)

07

07.11.2019

### FINAL ORDER

The instant proceedings No. 1745/D of 2019 arises out of the application bearing No. Lnd.8/17/II/17/26 dated 2/03/2017 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of dues 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 Kedarmull Keshardeo, 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 172.893sq.mt. or thereabout at Cossipore, Thana-Chitpur, District-Kolkata (under Plate Nos.CG-107) as long 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 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.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 07.01.1996 as because the subject premises was taken over by KoPT on 07.01.1996.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 30.07.2019(vide Order-04 dated 29.07.2019) 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

Sub



# 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. 1745/D Of 2019 Order Sheet No. 8

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Kedarmull <sup>VS</sup> Keshardeo (C.G.-107)

07

07.11.2019

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, on 30.07.2019 O.P. was not appeared before the Forum for giving reply to the Shaw Cause on 26.08.2019. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per addresses available on record and the communication sent through post has been returned back to the Forum with a report "Addressee moved ". However, the report of the Process Server depicts that such notice was not served upon O.P personally on 06.08.2019 as O.P was not found at the abovementioned addresses. As none appeared on behalf of O.P or any other person interested in the property, the attempts have been made by this Forum to provide chances to the O.P. for his appearance and filing of reply before this Forum following the principles of natural justice. As none appeared on behalf of O.P in spite of repeated chances the matter was finally reserved on 09.09.2019 for passing final Order. 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.84,196.56 for the period 01.06.1974 to

*Col*

# 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. 1745/0 Of 2019 Order Sheet No. 9

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/s Kedarnull Keshardeo. (C.G-107)

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
07.11.2019

07.01.1996 is 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 22.11.2019. such dues attract simple interest @ 6.90 % 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 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 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

  
(S.Mitra)

ESTATE OFFICER.

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





FORM - I

SPEED POST WITH A/D.

**THE ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**  
(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. 10 DT 15.02.2021.  
PROCEEDINGS NO. 1745/D OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/S KEDARMULL KESHARDEO

[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 the District Magistrate & Collector, South 24 Parganas**  
**Office - 12, Biplabi Kanai Bhattacharya Sarani,**  
**Alipore, Kolkata - 700027**

This is to certify that an amount of Rs. 84,196.56 (Rupees Eighty Four Thousand One Hundred Ninety Six and Paisa Fifty Six only) is due to Syama Prasad Mookerjee Port, Kolkata having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from M/S Kedarmull Keshardeo of 138, Canning Street, Kolkata - 700001 and also at 138, Biplabi Rash Bihari Bose Road, Kolkata - 700001 in respect of unauthorized use and occupation of the Port Property / Godown measuring about 172.893 sqm or thereabouts situated at Cossipore, Thana - Chitpur, District - Kolkata comprised under Plate No. CG-107 for the period 01.06.1974 to 07.01.1996 on account of arrear damages/compensation, which sum shall carry simple interest @6.90% per annum, which is the current rate of interest as per the Interest Act, 1978 from the date of incurrence of liability, till the liquidation of the same in accordance with Kolkata Port Trust'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 15.02.2021.

SIGNATURE & SEAL OF THE ESTATE OFFICER

108 o/c

**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  
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Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1745/D OF 2019  
ORDER NO 07 DATED: 07-11-2019.

**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 Kedarmull Keshardeo**  
**138, Canning Street**  
**Kolkata -700001.**  
**AND**  
**138, Biplabi Rash Bihari Bose Road,**  
**Kolkata -700001.**

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 30.07.2019 you are/were called upon to show cause on/or before 26.08.2019 why an order requiring you to pay damages of **Rs.84,196.56/-** (Rupees Eighty Four thousand one hundred ninety six and paise fifty six only) for **Plate Nos.CG-107** 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. .84,196.56/-** (Rupees Eighty Four thousand one hundred ninety six and paise fifty six only) for **Plate Nos.CG-107** as damages on account of your unauthorised occupation of the premises for the period from 01.06.1974 to 07.01.1996 to Kolkata Port Trust by 22.11.2019.

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 @ 6.90 % 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 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 on the above sum from the date of incurrence of liability till its final payment in accordance with Kolkata Port Trust's Notification published in the Official Gazette/s.

**PLEASE SEE ON REVERSE**

Sub





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: 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 through the Collector.

### SCHEDULE

The said godown msg. about 172.893 sq.m. or thereabouts together with the covered platform standing thereon is situated at Cossipore, Thana: chitpur District -24 parganas. It is bounded on the North by the said Trustees' land leased to J.P Pathak, on the East and South the Trustees' open land and on the West by the Trustees' strip of open land reserved as margin of safety alongside P.T Railway Siding. Trustees' means the Board to Trustees' of the Port of Kolkata.

Date 07.11.2019,

Signature & Seal of the  
Estate Officer.

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