



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. 1109, 1109/R-D Of 2011 Order Sheet No. 17

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Shew Prosad ^{VS} Shaw

14

13.6.19

Matter is taken up on requisition. Perused KoPT's application furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against Shri Shew Prosad Shaw, S/O-Ganapati Shaw.

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 of Balia having Office at **Quazipura Middhi Road U.P-277001** through 'Speed Post/Registered 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, KoPT, who is directed to pursue the matter with the Balia Collectorate for realisation of the dues of KoPT as adjudicated upon by this Forum of Law vide Order no. 13 dated 10.05.2018 from Shri Shew Prosad Shaw of Village & Post - Sonabarsa, Thana-Bairia District -Balia, Uttar Pradesh in accordance with law.

All concerned are directed to act accordingly.

(A.K Sarkar)
ESTATE OFFICER



o/c
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FORM - I

SPEED POST WITH A/D.

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 Unauthorised Occupants) Act, 1971
OFFICE OF THE ESTATE OFFICER
6, Fairlie Place, Strand Warehouse
(1st Floor)
KOLKATA - 700 001

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

ORDER NO. 14 DT 13.6.19
PROCEEDINGS NO. 1109/R,1109/D OF 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

SHEW PROSAD SHAW.

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


The Collector,
Balija Collectorate,
Quazipura Middhi Road, -
Uttar Pradesh - 277001

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This is to certify that an amount of Rs27,223.64/-(Rupees Twenty Seven Thousand Two Hundred Twenty Three and Paise Sixty Four Only) for the period of 01-06-1982 to 31.10.1995(both day inclusive) as Rent and Rs.42,726 /-(Rupees Forty Two Thousand Seven Hundred Twenty Six only) for the period of 01.11.1995 to 04.09.2000(both day inclusive) as damages/compensation are due to Kolkata Port Trust having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from Shri Shew Prosad Shaw of Village & Post Office - Sonabarsa, Thana: Bairia, District -Balija Uttar Pradesh in respect of unauthorized use and occupation of the Kolkata Port Trust's property measuring about 26.478 sqm or thereabouts situated at Block No-'F' Room No 11& 12, Basra Line Labour Quarters, Sonai, Thana: South Port Police Station, Calcutta, District-24th Parganas, Registration District: Alipore comprised under Plate No. DB-108/A on account of arrear Rent and damages/compensation, 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 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 Amiya Kumar Sarkar, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 13.6.19


Signature & Seal of the
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. 1109, 1109/D Of 2011 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sri Shew ^{VS} Prosad Shew

13
10-05-2018

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that Sri Shew Prosad Shaw, O.P. herein, came into occupation of the public premises in question measuring about 26.478 sq.mtr. or thereabout situated at Room No.11 & 12 at Basra Mazdoor Line, Sonai, Thana-South Port Police Station, Calcutta, Dist. 24 Parganas, Registration District- Alipore, under Plate no. DB-108/A, on a monthly lease basis on certain terms and conditions. O.P. was issued a quit notice on 06.09.1995 asking to hand over the vacant position of land on 31.10.1995. It is further submitted by KoPT that the premises was taken over on 04.09.2000, but O.P. failed to pay the rental dues as well as compensation charges till date. O.P. has also failed to liquidate the entire amount of outstanding charges on account of interest (accrued for delayed payment) in spite of several reminder from KoPT.

On 07.11.2017 this forum issued two show cause notices u/s 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of recovery of rental dues, damages, interest etc.

It is seen from the record that no one appeared on behalf of O.P., during the course of hearing before

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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. 1109, 1109/D Of 2011 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri. Shew ^{VS} Hoosad Shew

13
10.05.2018

this forum. It appears that the notices sent through registered post at the recorded address of O.P. were returned by postal department. From the report of the Process Server it appears that O.P. was not found in the address.

Accordingly as per order of this forum, notice of the Proceeding was published in an English daily namely "Times of India" dated 13.01.2018 for notice to all concerned, to appear before this forum on or before 01.02.2018 either in person or through authorised representative capable of answering all material questions in respect of the property in dispute. But still no one appeared on behalf of O.P. in spite of paper publication. Thus being satisfied with the service of notice/s to all concerned as mandated under law, this forum, after hearing the argument of KoPT proceeded to reserve the final order on 01.02.2018.

I have carefully gone through the contention made by KoPT against the O.P. and the supporting documents submitted in this respect. On perusal of submissions and materials available on the record, I have nothing to disbelieve the claim of KoPT. KoPT has placed on record computerised statement of accounts, maintained in official course of business, and I find the same very much reliable, in the facts and circumstances of the case.

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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. 1109, 1109/D Of 2011 Order Sheet No. 15

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri. Shew Poo Sad Snow VS

13
10.05.2018

Rent
+
Damages

In view of the circumstances, as O.P. failed to appear before this forum and no reply to show cause notices u/s 7 of the Act is filed by O.P., I am left with no other alternative but to issue the order against O.P. to pay arrear rental dues, damages and accrued interest thereupon as contended by KoPT before this Forum.

It is my considered view that a sum of Rs. 27,223.64/- for the period from 01.06.1982 up to 31.10.1995 (both day inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to KoPT on or before 31.05.2018. It is also my considered view that a sum of Rs. 42,726.00/- for the period from 01.11.1995 up to 04.09.2000 (both day inclusive) is due and recoverable from O.P. by the Port authority on account of damages/compensation and O.P. must have to pay the said dues to KoPT on or before 31.05.2018. Such rental dues and damages/compensation attracts interest @ 15% per annum upto 18.9.1996 and thereafter @ 18% per annum 06.04.2011 and thereafter @14.25% per annum on the above sum/s from the date of incurrance of liability till its final payment in accordance with notifications published in Official Gazette.

ACCORDINGLY, I sign the formal orders u/s 7 of the Act as per Rule made there under, giving time

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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. 1109, 1109/D Of 2011 Order Sheet No. 16

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Shri Shew PooSai Shew ^{VS}

13
10.05.2018

till 31.05.2018 to the O.P. to pay the arrear rental dues, damages and accrued interest thereupon.

I made 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



(A.K.SARKAR)

ESTATE OFFICER

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

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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 (4TH FLOOR) KOLKATA-700001

Form "E"

PROCEEDINGS NO.1109/R. OF 2011
ORDER NO. 13 DATED: 10.05.2018

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

To
Shri Shew Prosad Shaw,
Son of Ganapati Shaw,
Village & Post Office Sonabarsa Thana:Bairia,
Dist:Ballia,Uttar Pradesh AND ALSO OF
Block No.'F' Basra Line Room No.11 &12
Circular Garden Reach Road,Calcutta-700 043

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

AND WHEREAS, by written notice dated 07.11.2017 you were
called upon to show cause on/or before 30.11.2017 why an order
requiring you to pay a sum of Rs.27,223.64/- (Rupees Twenty
Seven thousand Two hundred Twenty Three and paise Sixty Four
only.) being the rent payable together with compound interest in
respect 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 by
sub-section (1) of Section 7 of the Public Premises(Eviction of
Unauthorised Occupants) Act 1971, I hereby require you to pay the
sum of Rs.27,223.64/- (Rupees Twenty Seven thousand Two
hundred Twenty Three and paise Sixty Four only.) for the period
01.06.1982 to 31.10.1995 (both days inclusive) to Kolkata Port
Trust by 31.05.2018.

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PLEASE SEE ON REVERSE

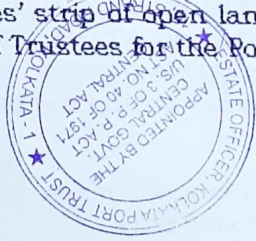
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In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest at the rate of 15% per annum upto 18.09.1996 and thereafter 18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazettee/s as per Rule.

In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

The said Room Nos.11 & 12 in Block 'A' measuring 26.478 sq.m. or thereabouts situated at Basra Line Labour Quarters, Sonai, Thana: South Port Police Station, Calcutta, District-24 Parganas, Registration District: Alipore. It is bounded on the North and West by the said Trustees' Mazdoor Quarters on the East by the said Trustees' strip of open land alongside their drain and on the South by the said Trustees' strip of open land used as passage. Trustees' means the Board of Trustees for the Port of Kolkata.



Dated:10.05.2018

Signature and seal of the Estate Officer.

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

Form "G" PROCEEDINGS NO.1109/D OF 2011
ORDER NO.13 DATED: 10.05.2018

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

To
Shri Shew Prosad Shaw,
Son of Ganapati Shaw,
Village & Post Office Sonabarsa Thana:Bairia,
Dist:Ballia,Uttar Pradesh AND ALSO OF
Block No.'F' Basra Line Room No.11 &12
Circular Garden Reach Road,Calcutta-700 048

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 07.11.2017 you were called upon to show- cause on/or before 30.11.2017 why an order requiring you to pay a sum of Rs.42,726.00/- (Rupees Forty Two thousand Seven hundred Twenty Six only.) being damages payable 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.

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.42,726.00/- (Rupees Forty Two thousand Seven hundred Twenty Six only.) for the period 01.11.1995 to 04.09.2000 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 31.05.2018.

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 @ 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 Official Gazette/s as per Rule.

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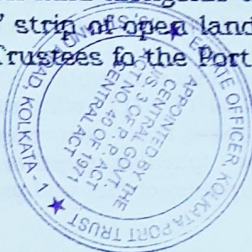
PLEASE SEE ON REVERSE

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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 said Room Nos.11 & 12 in Block 'A' measuring 26.478 sq.m. or thereabouts situated at Basra Line Labour Quarters, Sonai, Thana: South Port Police, Calcutta, District-24 Parganas, Registration District: Alipore. It is bounded on the North and West by the said Trustees' Mazdoor Quarters on the East by the said Trustees' strip of open land alongside their drain and on the South by the said Trustees' strip of open land used as passage. Trustees' means the Board of Trustees for the Port of Kolkata.



Dated:10.05.2018

Signature and seal of the Estate Officer.