



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. 1230/D Of 2011 Order Sheet No. -17-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Ram Kumar Agarwal VS

14
24.12.2020

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 the Final Order no 11 dated 14.06.2016, this Order as well as the Certificate (in FORM- I) issued under the provisions of Section 14 of the Act upon the Ld. Collector of 24 Paraganas (South) having Office at **1, Harish Mukherjee Road, Gokhale Road, Bhowanipore, Kolkata- 700 020** through 'Speed Post/Registered Post'.

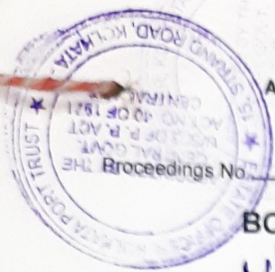
Department is also directed to serve certified copy of this Order and a copy of the Certificate (in FORM- I) upon the Estate Manager, SMP, Kolkata (erstwhile Kolkata Port Trust/ KoPT), who is directed to pursue the matter with the Collectorate of 24 Paraganas (South) for realisation of the dues of SMP, Kolkata (erstwhile Kolkata Port Trust/ KoPT) as adjudicated upon by this Forum of Law vide Order no. 11 dated 14.06.2016 from **M/s Ram Kumar Agarwal** of 402, Upper Chitpur Road, Kolkata- 700007 in accordance with law.

All concerned are directed to act accordingly.

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. 1280/D Of 2011 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Ram Kumar VS Agarwal.

10
26.04.2016

Present : R.P. Mujumder, Jr. Inspector
&
S. Chattopadhyay, Law Officer for
Kolkata Port Trust (KoPT)

No one appears on behalf of O.P. on 2nd call. It is seen that notice has been published in English Daily "The Telegraph" on 09.04.2016, inviting attention of O.P. and all concerned interested in the property to appear before me on 26.04.2016 at 12 Noon for hearing etc. Such notice has already been published in KoPT's website. I think no fruitful purpose will be served by fixing another date of hearing. I am satisfied with the service of notice to all concerned. Let Final Order be reserved.

Alhan
Estate Officer

11
14.06.2016

FINAL ORDER

Noticeable fact involved in this proceedings are required to be enumerated for understanding of the issue involved in this proceedings.

In course of adjudication process, it is submitted by Kolkata Port Trust(KoPT) that M/s. Ram Kumar Agarwala(O.P.) came into occupation of the Port Property being land msg. 1658.51 sq.m (under occupation nos. D-102) and Land msg. 296.82 sq.m (under

Contd.....

Alhan

Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceeding No. 1230/D Of 2011 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

H/s Ram Kumar VS Agarwal

11

14.06.2016

Contd....from pre page
(under occupation D-102/1) on a long term lease w.e.f. 03.05.1963 and 25.11.1968 respectively. Both the plots of land were situated at Circular Garden Reach Road under West Port Police Station, Dist.: South 24 Paranas. It is submitted that as O.P. had defaulted in payment of rental dues to KoPT, ejectment notices were issued to O.P. by KoPT. As O.P. did not vacate the premises in terms of the notice to quit issued by the Port Authority, two Title Suits bearing No. T.S. No. 54 of 1971 and T.S. No. 276 of 1971 were instituted for eviction of O.P. etc. before the Judges Court at Alipore. T.S. No. 54 of 1971 in respect of occupation No.D-102 was decreed ex-parte on 22.3.1973. Consequently, Title Execution Case bearing No. T Ex. 16 of 1973 was filed though T.S. No. 276 of 1971 in respect of occupation No. D-102/1 was continuing. Subsequently, both the suits were compromised through court. However as there was failure on the part of O.P. to liquidate the dues, a fresh ejectment notice dated 11.10.2010 was served on O.P. asking them to handover clear, vacant, peaceful and unencumbered possession of the premises under consideration to the representative of KoPT. Accordingly, the

Agarwal

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Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No.

1230/D

of

2011

Order Sheet No.

14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Ram Kumar ^{VS} Agarwal

11

14.06.2016

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the representative of KoPT went to the site on 19.11.2010 and took over possession of the premises.

It is the case of KoPT that O.P. had defaulted in payment of arrear compensation charges or damages equivalent to monthly rental dues as applicable for all tenant/occupier of the Public Premises in a similarly placed situation for wrongful occupation upto the date of recovery of possession of the Public Premises in question.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 22.09.2005 for the purpose initiation of adjudication process as envisaged under the Act. It reveals from record that postal service to O.P. at the recorded address returned undelivered with remarks of the postal department 'Door Locked'. Even publication of notice in Kolkata Port Trust's website and in English Daily "The Telegraph" on 09.04.2016 yielded no results. As no one appeared on behalf of O.P. or any person interested in this proceedings inspite of publication of notice in Daily Newspaper having wide circulation, I have no bar to allow the prayer of KoPT for damages against O.P.

[Signature]

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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

1230/D

Of 2011

Order Sheet No.

15

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Ram Kumar vs Agarwal

11

14.06.2016

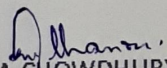
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Department is directed to draw formal order for damages u/s.7 of the Act for Rs. 54,35,021/- for the period 01.07.1989 to 19.11.2010, directing O.P. to pay the amount on or before 31.07.2016. Such amount attracts interest from the date of incurrance of liability @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% till its final payment as per notification published under authority of law by the Port Authority as per adjustment of payments made so far as per books of accounts of KoPT.

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


(A. CHOWDHURY)
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
(Erstwhile Kolkata Port Trust/ KoPT)**

(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.
2011

ORDER NO. 14 DT 24-12-2020
PROCEEDINGS NO. 1230/D OF 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/s Ram Kumar Agarwal

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


**The Collector,
24 Paraganas (South)
1, Harish Mukherjee Road,
Gokhale Road, Bhowanipore,
Kolkata- 700 020**

This is to certify that an amount of Rs. 54,35,021.05 (Rupees Fifty Four Lakhs Thrity Five Thousand Twenty One and paisa Five only) for the period from 01.07.1989 to 19.11.2010 (both day inclusive) as damages is due to Syama Prasad Mookerjee Port (erstwhile Kolkata Port Trust/ KoPT) having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from **M/s Ram Kumar Agarwal** of 402, Upper Chitpur Road, Kolkata- 700007 in respect of use and occupation of the SMP, Kolkata's property measuring about 1658.51 sqm (under occupation plate no D- 102) and 296.82 sqm (under occupation plate no D -102/1) or thereabouts at Circular Garden Reach Road, Thana: West Port Police Station, District-24th Parganas South, Registration District: Alipore on account of arrear damages, which sum shall carry simple interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with SMP Kolkata's Notification published in Calcutta Gazette.

Order of:

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

Date 24-12-2020


Signature & Seal of the
Estate Officer.

chedule,
010

05/06/16
201

OPD
The lead is...
MS. Ch...
22/6/16

RC DK-III
25/6
A.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 (4TH FLOOR) KOLKATA-700001

COURT ROOM AT THE 2ND FLOOR (OLD BLDG.)

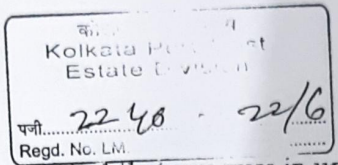
15, STRAND ROAD, KOLKATA-700 001



Form "G" PROCEEDINGS NO.1230/D OF 2011
ORDER NO. 11 DATED: 14.06.2016

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. Ram Kumar Agarwal,
402, Upper Chitpur Road,
Kolkata-700 007.



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 22.09.2015 you were called upon
to show- cause on/or before 06.10.2015 why an order requiring you to pay a
sum of Rs.54,35,021.05 (Rupees Fifty Four Lakhs Thirty Five thousand
Twenty One and paisa Five 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.54,35,021/- (Rupees Fifty Four
Lakhs Thirty Five thousand Twenty One only.) for the period 01.07.1989 to
19.11.2010 assessed by me as damages on account of your unauthorised
occupation of the premises to Kolkata Port Trust by 31.07.2016.

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 @ 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
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.

[Handwritten signature]

PLEASE SEE ON REVERSE

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

D-102

Area-1658.51 Sq.m.

The said piece and parcel of land measuring 1658.51 sq.m. or thereabouts is situated at the lessor's Circular Garden Reach Road at Thana : West Port Police Station, District : 24 Parganas South, Registration District : Alipore comprised under Plate No. D 102. It is bounded on the North by NSD, on the east by the trustees' land occupied by P.C. Chatterjee & Co., on the south partly by Circular Garden Reach Road and partly by on the Trustees' Land occupied by 'Ram Kumar Agarwal' by 'Janab Sabetali' and on the west by NSD,

AND

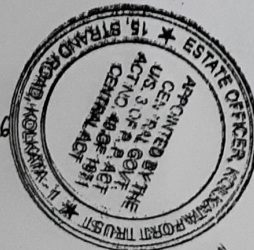
D-102/1

Area-296.82 Sq.m.

The said piece and parcel of land measuring 296.82 sq.m. or thereabouts is situated at the lessor's Circular Garden Reach Road at Thana : West Port Police Station, District : 24 Parganas South, Registration District : Alipore comprised under Plate No. D 102/1. It is bounded on the North partly by Trustees' Land occupied by 'Ram Kumar Agarwala' and partly by 'P.C. Chatterjee & Co', on the east by the trustees' land occupied by P.C. Chatterjee & Co., on the south by Circular Garden Reach Road and on the west by trustees' land occupied by 'Janab Sabetali'.

Trustees' means the Board of Trustees for the Port of Kolkata.

Dated: 21.06.2016



A. Khan
Signature and seal of the
Estate Officer.