



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. 1452/R of 2014 Order Sheet No. -10-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

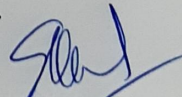
Sri Monmotho Nath Mondal ^{VS}

10
14.12.2020

Matter is taken up on requisition. Perused SMP, Kolkata's application dated 09.09.2020 received by this Forum on 10.09.2020 furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against Monmotho Nath Mondal.

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 **Howrah** having Office at **Office of the District Magistrate & Collector, Howrah, DM, Bungalow Office, 6 Rishi Bankim Chandra Road, P.O. & P.S. Howrah, District;- Howrah Pin; 711 101** 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, 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. 09 dated 06.09.2019 from Monmotho Nath Mondal of 83, Apraksh Chandra Mukherjee Lane, P.O Shibpur, Howrah- 711102 in accordance with law.

All concerned are directed to act accordingly.


(S.Sinha)
ESTATE OFFICER

Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971



Proceedings No. 1452, 1452/R Of 2014 Order Sheet No. -09-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA (Plate no. HL-108/1)

M/S Monmotho Nath Mondal ^{VS}

09
06.09.2019

FINAL ORDER

The instant proceedings arises out of the application dated 06.02.2014 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for recovery of rental dues, interest etc against Sri Monmotho Nath Mondal, O.P. herein, under relevant provision of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The facts of the case is summarised here under.

It is the case of KoPT that land measuring about 367.90 sqm at Ramkristopur, Howrah, Thana-Shibpur Police Station under Plate No. HL-108/1 was allotted to the O.P. by the Port Authority on month to month lease basis. It has been claimed that O.P. failed to pay monthly rent and taxes as also interest as applicable as per KoPT rules. KoPT has further claimed that O.P. has carried out unauthorized construction without any authority of law. As per KoPT, O.P. was required to vacate the premises in terms of the Notice to Quit dated 02.12.2011 served as per statute. It is the specific submission that O.P. has no authority under law to occupy the public premises on the expiry of period as mentioned in the notice to quit dated 02.12.2011 as served upon O.P. by the Port Authority. In view of the Quit Notice representative of KoPT took over possession of the subject premises on 23.12.2011.

The instant Proceeding No. 1452/R of 2014 is for adjudication of application being No. Lnd.2649/II/14/3119 dated 06.02.2014 submitted by Kolkata Port Trust (KoPT), the Applicant herein, praying for order for recovery of arrear rent, taxes, along with interest from Sri Monmotho Nath Mondal, O.P. herein.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 18.10.2017 for the purpose initiation of adjudication process as envisaged under the Act. It reveals from record that the acknowledgement due card of the postal service to O.P. at the recorded address did not return. As a result thereof, the Notice under Section 7 was published in Kolkata Port Trust's website and 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.

1542,1452/R

Of 2014

Order Sheet No.

10-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

(Plate no HL-108/1)

VS

M/s Mammoth Nath Mondal

09

06.09.2019

English Daily "The Times Of India" on 22.01.2018 which 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 recovery of rental dues from O.P.

Department is directed to draw formal order for rent u/s.7 of the Act for Rs. 4,92,839.00/- for the period 01.01.1981 to 23.12.2011(both days inclusive), directing O.P. to pay the amount on or before 22.09.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 22.09.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 6.75 % 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 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

(SATYABRATA SINHA)
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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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
(1st Floor)
KOLKATA - 700 001

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

ORDER NO. 10 DT
PROCEEDINGS NO. 1452/R OF 2014

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

MONMOTHO NATH MONDAL.

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

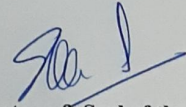
The Collector,
Office of District Magistrate & Collector
Howrah
DM, Bungalow Office,
6, Rishi Bankim Chandra Road,
P.O. & P.S. : Howrah
District: Howrah,
Pin: 711101

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This is to certify that an amount of Rs. 4,92,839.00/- (Rupees Four Lacs Ninety Two Thousand Eight Hundred and Thirty Nine Only) for the period of 01.01.1981 to 23.12.2011 (both day inclusive) as Rent 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 Monmotho Nath Mondal of 83, Apakrash Chandra Mukherjee Lane, P.O. Shibpur, District: Howrah in respect of use and occupation of the SMP, Kolkata's piece and parcel of land measuring about 367.90 sqm. or thereabouts at Ramkrishnapur, Howrah, P.S: Howrah (Plate No. HL-108/1), District- Howrah, Registration District: Howrah on account of arrear Rent, which sum shall carry simple interest @6.75% per annum, which was the current rate of Interest on 06.09.2019 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 Satyabrata Sinha, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 14.12.2020


Signature & Seal of the
Estate Officer.



o/c

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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 Unauthorised Occupant) Act 1971
1st Floor, 6, Fairlie Place Warehouse,
Kolkata-700001

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form " E "

PROCEEDINGS NO.1452/R OF 2014
ORDER NO. 09 DATED: 06.09.2019

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

To
M/s. Monmotho Nath Mondal
83, Aprakash Chandra Mukherjee Lane,
P.O. Shibpur,
Howrah- 711102.

Brandal (son)
for late M.N. Mondal
16/9/2019

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

AND WHEREAS, by written notice dated 18.10.2017 you were called upon to show cause on/or before 30.10.2017 why an order requiring you to pay a sum of Rs. 4,92,839.00/- (Rupees Four Lakhs Ninety Two Thousand Eight Hundred and Thirty Nine only.) being the rent payable together with compound interest in respect of the said premises should not be made;

And whereas you have failed to represent the instant proceedings inspite of repeated chances being given to you and no evidence have been produced by you in support of your case..

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. 4,92,839.00/- (Rupees Four Lakhs Ninety Two Thousand Eight Hundred and Thirty Nine only.) for the period 01.01.1981 to 23.12.2011 (both days inclusive) to Kolkata Port Trust by 22.09.2019

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 @ 6.75 % 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) payable from the date of incurrence of liability, on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

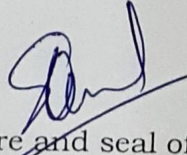
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

The said piece or parcel of land Msg. 367.90 sqm or thereabouts situated at Ramkristopur, Howrah P.S. Howrah Police Station, Dist. & registration District- Howrah under Plate No. HL-108/1. It is bounded on the North by the Trustees' Cross Road No. 4, on the East by the Trustees' land partly occupied by Ashima Khan and others partly occupied by Madan M. Khan and partly by Anil Kumar Khan, on the South by the Trustees' land occupied by Jamuna Das and Tribhuban Das & Co. and on the West by the Trustees' land occupied by Manujendra Nath Bhattacharjee and ors.

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

Dated: 09.09.2019


Signature and seal of the

Estate Officer