

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. 199/D of 1993 Order Sheet No. 12 ¹³

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

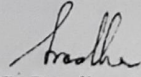
VS
Estte Basumat' Bag

23
13.04.2007

Present: N. Mallick, Executive Engineer
P. K. Majumdar, Asst. Land Manager
&
S. Nandy, Land Inspector, Kolkata Port Trust
(KoPT)

My attention is drawn to the KoPT's letter No.Lnd.662/IV/07/34 dated 12.4.2007 with the prayer to issue necessary order/s for execution of the order No.22 dated 6.12.2004 as passed by this Forum of Law regarding recovery of damages from O.P. It is submitted that nothing has been paid by O.P. in compliance with the order. Heard the submissions. Let a certificate u/s.14 of the Act be issued to the Collector, Dist: Howrah for the amount due and payable to Kolkata Port Trust with the request to realize the same as an arrear of land revenue.

GIVEN UNDER MY HAND & SEAL


(S. Pradhan)
Estate Officer.

450

180

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FORM - I

REGISTERED POST WITH A/D.
HAND DELIVERY

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
OFFICE OF THE ESTATE OFFICER
15, STRAND ROAD
(4th Floor)
KOLKATA - 700 001

Court Room At the 2nd Floor
of Kolkata Port Trust's
Head Office, Old Buildings
15, Strand Road, Kolkata- 700 001.

ORDER NO. 23 DT 13.04.2007
PROCEEDINGS NO. 199/D OF 1993

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

ESTATE BASUMATI BAG
(Represented by Shri Amiya Bag, Shri Ajoy Bag & Smt.
Rama Bag, Legal representatives of Estate Basumati Bag
of 58 Shibpur Road, Howrah-2).

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

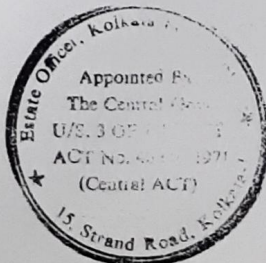
The Collector,
Dist: Howrah,
District Magistrate Bungalow,
Howrah.

Sl. No. _____
Office of the D.M. Howrah
- 8 MAY 2007
Contents not verified
Initials _____

This is to certify that an amount of Rs.28,89,536.25 (Rupees Twenty Eight Lakhs Eighty Nine Thousand Five Hundred Thirty Six and Paise Twenty Five) only is due to Kolkata Port Trust having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from Shri Amiya Bag, Shri Ajoy Bag and Smt. Rama Bag (all for Estate Basumati Bag) all of 58, Shibpur Road, Howrah in respect of unauthorized use and occupation of the Kolkata Port Trust's property (Jheel) msg. about 7026.493 sq.m. or thereabouts situated at Duke Road, Shalimar, Howrah, Thana-Shibpur for the period 1.11.1993 to 4.07.2005 (including difference of tax on land for the period 1.10.1984 to 31.10.1993) on account of arrear damages together with interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum on the above sum 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 Occupant) Act 1971, I Smt. Sarmistha Pradhan, Estate Officer, request to proceed to recover the same as arrears of land revenue.

Date 13.04.2007



Sadha
Signature & Seal of the
Estate Officer.

Estate Officer, Calcutta Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises

(Eviction of Unauthorised Occupants) Act 1971

199
Proceedings No. 199/R

Of 1993

Order Sheet No. 6

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA

VS

SHRI AMIYA BAG

SHRI AJOY BAG

SMT RAMA BAG (ESTATE BASUMATI BAG)

15
19.3.2003

FINAL ORDER

The matter is taken up to-day for final disposal. It is the case of Kolkata Port Trust that O.P. has failed and neglected to pay the rental dues amounting to Rs.15,59,409.88 upto October,1993 for occupation into the public premises measuring about 7026.493 sq.mts. (Jheel) at Duke Road, Shalimar, Howrah. Accordingly proceedings was drawn by issuing Show Cause Notice U/S.4 of the Act and as no one appeared on behalf of O.P., a notice was issued in Bengali Daily ANANDABAZAR on 22.4.99 for effective adjudication of the matter. Finally an order of eviction was passed against the O.Ps on 10.6.1999, allowing the prayer of Kolkata Port Trust as per Application dated 4.12.1993. Now a Show Cause Notice U/S.7 of the Act was issued to O.P. on 24.10.2002 for realisation of rental dues amounting to Rs.15,59,409.88 for the period from 1.11.1973 to 31.11.1993, requiring the O.Ps to file Show Cause on or before 3.12.2002. As no one appeared on 3.12.2002 and no reply to the Show Cause/Written objection on behalf of O.Ps was filed, another date was fixed up for filing reply by Notice dated 11.12.2002. Shri Amiya Bag appeared on 18.12.2002 and filed a petition with the prayer for adjournment on the ground for arranging Advocate to represent his case. His prayer for adjournment on the ground of Advocate was allowed and further date was fixed up on 26.2.2003 for filing Show Cause /Written objection, if any, by 26.2.2003 and hearing etc. on 26.2.2003 at 11.30 A.M. as per notice dated 29.1.2003, which was duly received by Shri Amiya Bag on 24.2.2003. On the day so fixed up, no one appeared on behalf of O.Ps and no reply to the Show Cause Notice U/S.7 of the Act was filed (uptill now). In view of the circumstances, I am left with no other alternative but to issue order requiring the O.Ps to pay the said sum on account of arrear rental dues by 30.4.2003 with interest at the rate of Rs.12% per annum from 4.12.1993. Accordingly department is directed to draw up formal order as per Rule made under the Act.

GIVEN UNDER MY HAND AND SEAL.

Amiya Bag
Estate Officer.