



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. 1648/R of 2018 Order Sheet No. 05

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Debidutt Bhagwati Prosad ^{VS}

05
13-08-2018

Present: A. Raut, Resolution Officer (Legal)
S. Chattopadhyay, Law Officer
.....For Kolkata Port Trust (KoPT)

None appears on behalf of O.P. today. It is seen from record that the Notice/s of this Forum have been published in daily newspaper "The Telegraph" dated 25.07.2018 but still no one interested in the proceedings has turned up before this Forum.

In my view, enough opportunity as per law has been provided to the O.P. to represent its case before this Forum; however, none on behalf of O.P. has been interested to appear before this Forum despite all modes of service of Notice/s. As such, I am satisfied with Notice to all concerned as mandated under the law.

It is submitted on behalf of KoPT that the dues of the O.P. are very much clear from perusal of the documents placed before me. I am satisfied with the submission of KoPT. Let the final order be reserved. All concerned are directed to act accordingly.


(S. Sinha)
ESTATE OFFICER

FINAL ORDER

06
20-08-2018

The instant proceedings 1648/R of 2018 arose out of an application dated 30.03.2017 filed by KoPT, Applicant herein, claiming rental dues alongwith interest from M/s Debidutt Bhagwati Prosad, the O.P. herein, under relevant provisions of the

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06
20-08-2018

Public Premises (Eviction of Unauthorised Occupants) Act, 1971. It is the contention of KoPT that the O.P. failed to liquidate the rental dues for a prolonged period. It is also submitted by KoPT that owing to several breaches, the short term lease was determined vide Notice to Quit dated 20.04.2016 and finally possession was taken over by KoPT from O.P. on 31.05.2016. Accordingly, KoPT has prayed for realization of dues upto 31.05.2016.

This Forum issued formal Notice u/s 7 of the Act on 15.06.2018, on the O.P., asking to show cause why order regarding payment of the arrears of rent alongwith interest should not be made.

It reveals from record that O.P. did not appear before this Forum at any point of time. As per Report of the Process Server, the O.P. was not found at the recorded address. An unsigned letter was received on 01.07.2018 informing that the O.P. had left the recorded premises several years back. Under such a situation, as mandated under the law, Notice/s were published in daily newspaper "The Telegraph" dated 25.07.2018 and the said Notice/s were also displayed in the official website of KoPT for information to all concerned. But still no one interested in the proceedings turned up before this Forum on 13.08.2018 when the matter was finally heard. It appears to me that the O.P. is not at all interested in contesting the proceedings. Under such a situation, there

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was no option but to proceed ex-parte against the O.P. Accordingly, on 13.08.2018 after hearing the arguments of KoPT I reserved the final order.

I have carefully considered the submissions of KoPT and the documents produced before me. It is seen that KoPT wrote letters to the O.P., such as letter dated 21.05.2014, whereby KoPT requested the O.P. to immediately liquidate the rental dues. KoPT has also produced detailed statement of accounts maintained in official course of business. It reveals from said statement that O.P. was indeed in default of rent. In my view, the statement of accounts maintained by a statutory authority has definite evidenciary value in the eye of law and I find no reason to disbelieve the claim of KoPT, in the facts and circumstances of the case. Moreover, I find that KoPT categorically mentioned about default of payment of rent and taxes in its Notice to Quit dated 20.04.2016 and O.P. in its letter dated 17.05.2016 (in reply to the Notice to Quit) did not deny or dispute such allegations of KoPT.

During course of hearing, it is submitted by the Port Authority that the calculations of rent are based on the relevant Gazette Notifications of the Tariff Authority for Major Ports (TAMP) which are uniformly applicable on all occupiers of port property. I find nothing contrary in the records of this Forum. As such, I have no hesitation to decide the case against the O.P.

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.

1648/R

Of

2018

Order Sheet No.

08

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Debidutt Bhagwati ^{VS} Prasad

06

20.08.2018

NOW THEREFORE, I hereby assess the arrears of rental dues payable by the O.P. for its occupation of the public premises in question, for the period 29.02.2000 to 31.05.2016 as Rs 10,09,922.68/- (principal amount). The O.P. is directed to pay the said amount to KoPT by 14.09.2018. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 7.35 % 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 incurrance of liability, till the liquidation of the same, as per the adjustment of payments, 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.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(S. 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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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.1648/R OF 2018
ORDER NO. 05 DATED:20.08.2018

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

To
Debidutt Bhagwati Frosad,
27, R.N. Mukherjee Road,
4th Floor,
Kolkata-700001.

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

AND WHEREAS, by written notice dated 15.06.2018 you were called upon to show cause on/or before 09.07.2018 why an order requiring you to pay a sum of Rs.10,09,922.68/- (Rupees Ten Lakhs Nine thousand Nine hundred Twenty Two and paisa Sixty Eight 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.10,09,922.68/- (Rupees Ten Lakhs Nine thousand Nine hundred Twenty Two and paisa Sixty Eight only.) for the period 29.02.2000 to 31.05.2016 (both days inclusive) to Kolkata Port Trust by 14.09.2018.



PLEASE SEE ON REVERSE

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: 2 :

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 7.35% per annum 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 and parcel of land measuring about 417.412 Sq.mts. or thereabouts situated at Ramkrishnapur, Howrah, Police Station Howrah, District and Registration District Howrah. It is bounded on the North by the Trustees' strip of land along side Upper Foreshore Road, on the East by the Trustees' land occupied by Pokarmal Gurdoyal, on the South partly by the Trustees' land occupied by Jyoti Agencies Pvt.Ltd. and partly by Cross Road No.2 and on the West by Cross Road No.2.

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



Dated: 20.08.2018


Signature and 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. 1648/R. Of 2018 Order Sheet No. 09-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Debidutt Bhagwati Prasad VS

07


13.04.2021



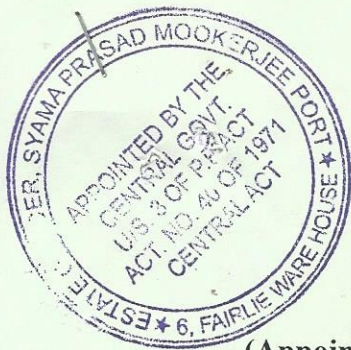
Matter is taken up on requisition. Perused Syama Prasad Mookerjee Port's application dated 09.04.2021 furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against Debidutt Bhagwati Prasad.

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 District Magistrate & Collector, Howrah, DM Bungalow Office, 6 Rishi Bankim Chandra Road, P.O. & P.S.:- Howrah, Dist: Howrah, Pin: 711101** 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 said Collectorate for realisation of the dues of SMP, Kolkata as adjudicated upon by this Forum of Law vide Order no. 06 dated 20.08.2018 from Debidutt Bhagwati Prasad, 27, R.N. Mukherjee Road, 4th Floor, Kolkata- 700 001, in accordance with law.

All concerned are directed to act accordingly.


(S. Sinha)

ESTATE OFFICER



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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. 07 DT 13.04.2021
PROCEEDINGS NO. 1648/R of 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

Debidutt Bhagwati Prosad

[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,
Howrah,
DM Bungalow Office,
6, Rishi Bankim Chndra Road,
P.O. & P.S.: Howrah,
District; Howrah,
Pin; 711101

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This is to certify that an amount of Rs. 10,09,922.68/- (Rupees Ten Lakhs Nine Thousand Nine Hundred Twenty Two and sixty eight paise only) for the period of 29.02.2000 to 31.05.2016 (both day inclusive) is due as Rent to Syama Prasad Mookerjee Port, Kolkata (erstwhile Kolkata port Trust) having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from Debidutt Bhagwati Prosad of 27, R.N. Mukherjee Road, 4th Floor, Kolkata- 700 001 in respect of use and occupation of the Syama Prasad Mookerjee Port's land measuring 417.412 sq. mtrs or thereabout situated at Ramkrishnapur, Howrah, Police Station: Howrah, Dist & Registration District: Howrah. It is bounded on the North by the Trustees' strip of land alongside Upper Foreshore Road, on South partly by Trustees' land occupied by Jyoti Agencies Pvt. Ltd. and partly by Cross Road No. 2 and on the West by Cross Road No. 2 and on the east by Trustees' land occupied by Pokarmal Gurdayal comprised under Plate No. HL-88 on account of arrear Rent, which sum shall carry interest @ 7.35 % per annum till its final payment in accordance with Section 7 (2A) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

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 13.04.2021


Signature & Seal of the
Estate Officer