

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. 1691/R Of 2019 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sett Dey & Co (Homeo) Pvt Ltd.

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24.9.19

FINAL ORDER

The instant proceedings No. 1691/R, of 2019 arises out of the application bearing No. Lnd.12/30/13/2146 dated 30.09.2013 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of rent and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Sett Dey & Co.(Homeo)Pvt.Ltd(earlier M/S Sett Dey & Co.), the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property measuring 62.524sq.mt. or thereabout at Compartment No.A, Strand Warehouse (under Plate No.SW-46/8 & wayleave under SW-46/9) in the Presidency Town of Kolkata as Licensee, more fully described in the 'Schedule of Property' of the KoPT's application. The allegations levelled by KoPT against the O.P is that while in possession of Port property as Licensee, the O.P has defaulted in making payment of Licence Fees/rent and taxes and also accrued interest thereon the details of which has given in 'clause 6' of the KoPT's application.

It is the case of KoPT that the O.P. was asked to pay Licence fees/rents upto 14.02.2010 as because the subject premises was enjoyed by O.P. till it was gutted by devastating fire on 14.02.2010.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated



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Proceedings No. 1641) R Of 2019 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Sett Dey & Co. (Homeo) Pvt Ltd.

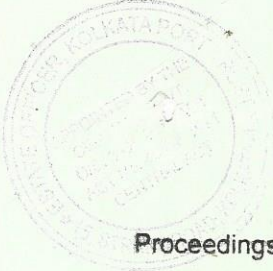
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24.9.19

09.04.2019 was issued by this forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear rent together with interest should not be made against the O.P. The O.P. was also called upon to appear before this forum in person or through authorized representative capable to answer material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

After issuance of the aforesaid notice, on 09.04.2019 O.P. has not appeared before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P. both by hand and Registered Post as per addresses available on record and the communications served by this Forum have been received by O.P. on 16.04.2019, and 24.04.2019 respectively.

As none appeared on behalf of O.P. upto 07.05.2019 in spite of valid service of the Notice/orders of this forum to O.P, the final Order was reserved on 07.05.2019 and this forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of rental dues etc. In fact, I have nothing to disbelief in respect of KoPT's claim against O.P. as per statement of accounts maintained regularly in KoPT's office in regular course of business.



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1691/R Of 2019 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sett Dey & Company (Homes) Pvt. Ltd. ^{VS}

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24.9.19

It is my considered view, that a sum of Rs.3,73,347.38 (Rupees three lakh seventy three thousands three hundred forty seven and paise thirty eight) for the period 31.10.2004 to 14.02.2010 is due and recoverable from O.P. by the Port authority on account of rental dues/Licence Fees and O.P. must have to pay the rental dues to KoPT on or before 15.10.19. Such dues attract interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 14.02.2010 and thereafter @14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with the relevant notification/s published in Official Gazette. The formal order u/s 7 of the Act is signed accordingly.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid, KoPT is at liberty to recover the rental dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(Sayan Sinha)
ESTATE OFFICER.

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



SPEED-POST.
REGISTERED POST WITH A/D.

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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 Occupatns) Act 1971

OFFICE OF THE ESTATE OFFICER

6th, Fairley Warehouse (1st FLOOR) KOLKATA-700001

Form "E"

PROCEEDINGS NO.1691/R OF 2019

ORDER NO. 10 DATED: 24.9.19

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

To

Sett Dey & Co. (Homeo) Pvt.Ltd

94,Mahatma Gandhi Road,

Kolkata-700007

53963

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

AND WHEREAS, by written notice dated 09.04.2019 you are/were called upon to show cause on/or before 23.04.2019 why an order requiring you to pay a sum of **Rs.3,73,347.38** (Rupees Three lakh Seventy three thousand Three hundred forty seven and paise thirty eight only) being the rent payable together with simple interest in respect of the said premises should not be made;

And whereas I have considered your objection and/or the evidence produced by you.

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.3,73,347.38** (Rupees Three lakh Seventy three thousand Three hundred forty seven and paise thirty eight only) for the period 31.10.2004 to 14.02.2010 to Kolkata Port Trust by 15.10.2019.

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 at the rate of 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 till its final payment in accordance with Kolkata Port Trust Notification Published in Calcutta Gazettee/s as per Kolkata Port Trust's 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

Boundary of Compartment 'A' erstwhile Strand Ware House Msg. about 62.524 Sq.M under Plate No.SW: 46/8 and Way leave Plate No. 46/9 at Strand Warehouse is butted and bounded in the manner as follows:

- On the North by : Trustee's room space No. 1& 2
- On the South by: Trustee's Compartment No. A/1
- On the East by : Trustee's Room space msg.about 28.985 sq.m
- On the West by: Trustee's room space msg. asbout 137.682 Sq.m

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

Dated: 25-9-19



Signature and seal of the Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.

पंजीकरण संख्या /Registration No.....
 प्राप्त किया /Received on 26/9/19. समय /Time 3 PM.
 Contents/Annexure/Attachment not verified
 लिपिकारी /परीक्षक/संलग्नक को सत्यापित नहीं किया गया
 प्राप्त किया /Received by.....
 Legal Division, Kolkata Port Trust
 दिवस प्रमाण, कोलकाता पोर्ट ट्रस्ट



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. 1691/R Of 2019 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Sett Dey & Co. (Homeo) Pvt. Ltd. ^{VS}

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3.11.2020

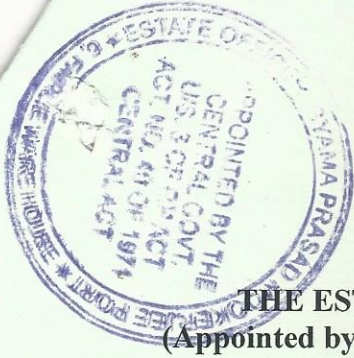


Matter is taken up on requisition. Perused SMP, Kolkata's application dated 07.10.2020 received by this Forum on 12.10.2020 furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against Sett Dey & Co. (Homeo) Pvt. Ltd.

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 24 Paraganas (South) having Office at **New Administrative Building Alipore, South 24 Paraganas, Kolkata- 700 027** 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 KoPT as adjudicated upon by this Forum of Law vide Order no. 10 dated 24.09.2019 from Sett Dey & Company (Homeo) Pvt. Ltd.94, Mahatma Gandhi Road, Kolkata- 700 007 in accordance with law.

All concerned are directed to act accordingly.

(Sayan Sinha)
ESTATE OFFICER



118 o/c

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. 11 DT 3.11.2020
PROCEEDINGS NO. 1691/R OF 2019

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

SETT DEY & COMPANY (HOME0) PVT. LTD.

[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)
New Administrative Building,
Alipore,
24 Paraganas (South)
Kolkata- 700 027

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This is to certify that an amount of Rs. 3,73,347.38/- (Rupees Three lacs Seventy Three Thousand Three Hundred Forty Seven and paisa Thirty Eight Only) for the period of 31.10.2004 to 14.02.2010 (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 Sett Dey & Company (Homeo) Pvt. Ltd. of 94, Mahatma Gandhi Road, Kolkata- 700 007 in respect of use and occupation of the SMP, Kolkata's property measuring about 62.524 sqm. or thereabouts at Compartment No. A, Strand Warehouse (Plate No. SW-46/8 & SW- 46/9), Thana: North Port Police Station, Kolkata, District-24th Paraganas, Registration District: Alipore on account of arrear Rent, 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 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 Sourav Mitra, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 4.11.2020


Signature & Seal of the
Estate Officer.