



Estate Officer, Calcutta Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 379 Of 1999 Order Sheet No. 9

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA

VS

M/S. ROLLS PRINT (PACKAGING) LTD.

18
2.3.2001

Present : A.K.Das, Asst. Land Manager(L)
&
S.De, Law Assistant for KoPT

No one appears on behalf of O.P. It is submitted on behalf of C.P.T. that O.P. has not yet complied with the earlier order/s of ~~the~~ this Forum of Law regarding payment to the Calcutta Port Trust and it is a fit case for issuing an order of eviction as prayed for. Heard the submissions and considered the matter on the basis of materials on record. Let the final order be reserved.

Estate Officer.

19
7.9.2001

FINAL ORDER

The matter is taken up to-day for final disposal. It is the case of Kolkata Port Trust that O.P's occupation into the Kolkata Port Trust's property was continuing on monthly licence basis on and from 4.10.1995 and the O.P. has ~~not~~ defaulted in making payment of licence fees to the KoPT amounting to Rs.12,00,324.00 as on 30.7.1998, in gross violation of the condition of tenancy as granted by the KoPT. It is also the case of KoPT that O.P's occupation has become unauthorised as the licence to occupy the public premises has duly been ~~is~~ revoked by the Kolkata Port Trust. A Show Cause Notice U/S.4 of the Act was issued to O.P. on 10.12.99. Thereafter, one A.K.Kabra expressing himself as an Executive of O.P. appeared and prayed for extention of time to file Show Cause etc. It is seen from records that

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Estate Officer, Calcutta Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 379 Of 1999 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA

VS

M/S. ROLLS PRINT (PACKAGING) LTD.

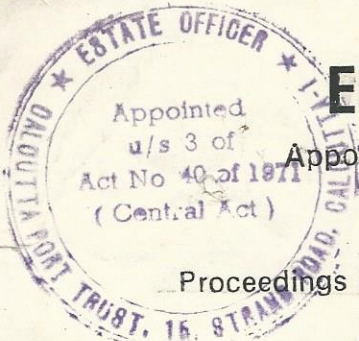
19
11.9.2001

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that O.P.'s case was represented by Advocates by filing VAKALATNAMA. In course of hearing it was submitted on behalf of O.P. that they are willing to come into a settlement with the KoPT. Several adjournments were granted at the instance of O.P. considering the difficulties which were being faced by the O.P. due to suspension of work and other financial matters/hardship. Lastly, O.P. was asked to submit a scheme for liquidation of the KoPT's claim /charges in respect of the occupation of Public Premises and I am very much sorry to state that O.P. has failed to submit such scheme even after a considerable period. Even an order for payment of Rs.9 lakhs to the Kolkata Port Trust on account of Ad-hoc payment which was passed on consent has not been complied by O.P. as a ~~marked~~ mark of their honest gesture for settlement of the dues /charges of Kolkata Port Trust. Having regard to the facts and circumstances of the case, I find no other alternative but to issue an order of eviction against O.P. as prayed for on the following reasons :

- 1) That O.P. has violated the condition for grant of tenancy under licence by the Kolkata Port Trust. and O.P. has failed to establish its authority to occupy the public premises.
- 2) That in gross violation of the condition of tenancy under licence, O.P. has ~~xxx~~ failed and neglected to pay the monthly licence fees amounting to Rs.12,00,324.00 for the period 1.10.95 to 30.7.1998.
- 3) That O.P.'s tenancy under licence has duly been

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Estate Officer, Calcutta Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 3791/10 Of 1999 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA VS

M/s. ROLLS PRINT (PACKAGING) LTD.

19

Contd.....from pre-page.

7.9.2001

been revoked by Kolkata Port Trust.

- 4) That the notice for revocation of licence as served upon O.P. by the Kolkata Port Trust being No.Lnd.4156/A/II dated 14.7.98 is ~~valid~~ lawful, valid and binding upon the parties.
- 5) That after expiry of the period as mentioned in the said notice of revocation of licence dated 14.7.1998 that is to say on and from 31.7.1998, O.P. has no authority to occupy the public premises and O.P. is liable to pay damages to KoPT for unauthorised use and occupation of the public premises up-to the date of recovery of possession of the premises from O.P.

*ACCORDINGLY, Department is directed to draw up formal order of eviction U/S.5 of the Act as per Rules made thereunder giving 15 days time to O.P. to vacate the public premises. Liberty is given to KoPT to claim damages against O.P. in accordance with law.

GIVEN UNDER MY HAND AND SEAL

(Signature)
(S.C.Pahari)
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.
AFFIXATION ON PROPERTY
HAND DELIVERY

THE ESTATE OFFICER, CALCUTTA 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)
CALCUTTA-700001
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REASONED ORDER NO. 19 OF 7.9.2001
PROCEEDINGS NO. 379 OF 1999
BOARD OF TRUSTEES OF THE PORT OF CALCUTTA
- VS -

M/S. ROLLS PRINT (PACKAGING) LTD.

FORM - "B"

ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971.

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that Shri/Smt./Km/M/s. **Rolls Print (Packaging) Ltd., 1/2, New Saratola Road, Calcutta-88 and c/o. Babbar near Nabra of 100, Seabourne Road, Calcutta-700001**

is/are in unauthorised occupation of the Public Premises specified in the Schedule below :

R E A S O N S

THAT YOU HAVE VIOLATED THE CONDITION FOR GRANT OF TENANCY UNDER LICENCE BY THE KOLKATA PORT TRUST AND YOU HAVE FAILED TO ESTABLISH YOUR AUTHORITY TO OCCUPY THE PUBLIC PREMISES. THAT IN GROSS VIOLATION OF THE CONDITION OF TENANCY UNDER LICENCE, YOU HAVE FAILED AND NEGLECTED TO PAY THE MONTHLY LICENCE & FEE AMOUNTING TO RS.12,00,324/- FOR THE PERIOD 1.10.95 TO 30.7.1998. THAT YOUR TENANCY UNDER LICENCE HAS DULY BEEN REVOKED BY KOLKATA PORT TRUST. THAT THE NOTICE FOR REVOCATION OF LICENCE AS SERVED UPON YOU BY THE KOLKATA PORT TRUST BEING NO.LND.4136/X/II DATED 14.7.98 IS LAWFUL, VALID AND BINDING UPON YOU. THAT AFTER EXPIRE OF THE PERIOD AS MENTIONED IN THE SAID NOTICE OF REVOCATION OF LICENCE DATED 14.7.1998 THAT IS TO SAY ON AND FROM 31.7.1998, YOU HAVE NO AUTHORITY TO OCCUPY THE PUBLIC PREMISES AND YOU ARE LIABLE TO PAY DAMAGES TO KEEP FOR UNAUTHORISED USE AND OCCUPATION OF THE PUBLIC PREMISES UP TO THE DATE OF RECOVERY OF POSSESSION OF THE PREMISES FROM YOU.

hs

PLEASE SEE ON REVERSE

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NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby order the said Shri/Smt./Km./M/s. **Holla Print (Packaging) Ltd., 1/2, New Taratala Road, Cal-22 and C/o. Ashok Kumar Babra of 189, Seabourne Road, Calcutta-700001**

and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt./Km./M/s. **Holla Print (Packaging) Ltd., 1/2, New Taratala Road, Calcutta-700001 and C/o. Ashok Kumar Babra of 189, Seabourne Road, Cal-1**

and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

The piece or parcel of land measuring 4180.63 sq.m. or thereabout is situate at Taratala Road, P.S. Taratala, Dist. 24 Parganas(s). It is bounded on the north by Trustees Taratala Road, on the south by Trustees land leased to M/s. JNM Ltd. beyond which Trustees' Staff Quarters east by Trustees land leased to M/s. CESC Ltd. beyond which Trustees Staff Quarters. Trustees means Board of Trustees of the Port of Calcutta.



[Handwritten Signature]

Signature & Seal of the Estate Officer.

Dated: 7.9.2001

SERVICE TO THE LAND MANAGER/LABOUR ADVISER & INDUSTRIAL RELATIONS OFFICER, CALCUTTA PORT TRUST, AT 15, STRAND ROAD, CALCUTTA-700001 FOR NECESSARY ACTION.

Estate Officer, Calcutta Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 379/R Of 1999 Order Sheet No. 14

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA

VS

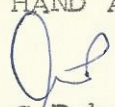
M/S. ROLLS PRINT (PACKAGING) LTD.

24
21.10.2002

ORDER

Notice U/S.7 of the Act was issued to O.P. on 7.9.2001 requiring the O.P. to Show Cause on or before 28.9.2001, why an order requiring payment of arrear rent of Rs.12,00,324/- for the period 1.10.1995 to 30.7.1998 as payable to the Kolkata Port Trust together with simple interest should not be made. I am satisfied with the service of notice to all concerned. No reply to the Show Cause has been filed as yet. ACCORDINGLY, Department is directed to draw up formal order for payment U/S.7 of the Act as per Rule requiring the O.P. to pay the said sum by 30.11.2002 with interest at the rate of Rs.12% per annum with effect from 1.08.1998.

GIVEN UNDER MY HAND AND SEAL


(S.C. Pahari)
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

Proceedings No. 379/R Of 1999 Order Sheet No. 15

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA
VS

M/S. ROLLS PRINT (PACKAGING) LTD.

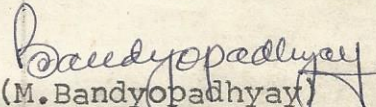
25
11.12.2002

Present : S.De, Asst. Land Manager for KOPT

The record is put up on being mentioned by KOPT.

Heard the submissions and considered the matter of urgency as pleaded. It is informed by KOPT that the O.P. has failed and neglected to pay off their rental dues in terms of the order passed by this Forum of Law on 22.10.2002. It is seen that 30.11.2002 was the time limit fixed up for payment of arrear rental dues to Kolkata Port Trust as per the said order. Considered the matter on the basis of materials on record. I think it is a fit case for issuance of a certificate to the Collector, South 24-Parganas for recovery of Rs.12,00,324/- on account of arrear rental dues, payable to Kolkata Port Trust, excluding interest at the rate of Rs.12% per annum from 1.8.1998 till its final payment. ACCORDINGLY, Department is directed to draw up a formal certificate to the Collector, South 24-Parganas, Alipore with the request to proceed to recover the same as arrears of land revenue as per Rule.

GIVEN UNDER MY HAND AND SEAL


(M. Bandyopadhyay)
Estate Officer.

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ESTATE OFFICER, CALCUTTA 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-700 001

Phone : 220-3451 Extn. 249

No. E.O. 1200

Dated, the 11.12.2002

(Certificate under Sec.14 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, from the Estate Officer to the Collector)

To
The Collector,
South 24-Parganas,
Alipore,
Kolkata.

This is to certify that an amount of Rs.12,00,324/- (Rupees twelve lakhs three hundred twenty-four only) is due to Kolkata Port Trust (Statutory Authority) from M/s.Rolls Print (Packaging) Ltd. at 1/2, New Taratala Road, Kolkata-700088 in respect of Kolkata Port Trust's property under the Schedule for the period from 1.10.1995 to 30.7.1998 on account of Rent (excluding interest @ Rs.12% per annum from 1.8.1998 till its final payment).

In pursuance of Sec.14 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I, Shri Moloy Bandyopadhyay, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

SCHEDULE

The piece or parcel of land measuring 4180.63 sq.m. or thereabout is situate at Taratala Road, P.S. Taratala, Dist. 24-Parganas(S). It is bounded on the north by Trustees Taratala Road, on the south by Trustees land leased to M/s. JKBM Ltd. beyond which Trustees' Staff Quarters, east by Trustees land leased to M/s.CESC Ltd. beyond which Trustees Staff Quarters. Trustees means Board of Trustees of the Port of Kolkata. (The property is owned by Kolkata Port Trust).

GIVEN UNDER MY HAND & SEAL

M. Bandyopadhyay
(M. Bandyopadhyay)
ESTATE OFFICER

CALCUTTA PORT TRUST
Contents not verified
Date 11/12/02
Received by

Office of the Collector
18 DEC 2002
South 24 Parganas, Alipur

Appointed
u/a 3 of
Act No. 40 of 1971
(Central Act)

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PLEASE SEE ON REVERSE