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HAND DELIVERY
AFFIXATION ON PROPERTY

ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(erstwhile KOLKATA PORT TRUST)

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorized Occupant) Act 1971
OFFICE OF THE ESTATE OFFICER
6, Fairley Place (1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 34 DT 22.03.2021.
PROCEEDINGS NO. 1464 OF 2015

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

M/S Everett(India) Pvt. Ltd (O.P.)

F O R M - "B"

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

ESTATE OFFICER
THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA
6, FAIRLEY PLACE, KOLKATA - 700 001
23.03.2021

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Everett(India) Pvt. Ltd, 4, Government Place North, Calcutta-700001** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear dues/damages etc. as prayed for on behalf of KoPT.
2. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
3. That O.P. has failed to make out any ground with regard to the application of the law of Limitation to the present proceeding.
4. That the O.P has parted with Possession of the subject premises to third party in violation of the condition of such lease.
5. That the notice to quit dated 12.10.1983 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
6. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

sd/

PLEASE SEE ON REVERSE

(2)

A copy of the reasoned order No. 34 dated 22.03.2021 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **M/S Everett(India) Pvt. Ltd, 4, Government Place North, Calcutta-700001** and all persons 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 **M/S Everett(India) Pvt. Ltd, 4, Government Place North, Calcutta-700001** 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

Plate No. SW-38

Southern half of Compartment No.7 measuring about 100.521 Sq. mtrs in the ground floor of the Trustees' godown known as Clive Warehouse, which is situated on the West side of Strand Road within the presidency town of Kolkata, under Plate No.SW-38. It is bounded on the north by the northern half of the said Compartment No.7 on the east by the Trustees' vacant space on the south by Compartment No.8 of the said godown and on the west by the platform (verandah) of the said godown.

Trustees' means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata).

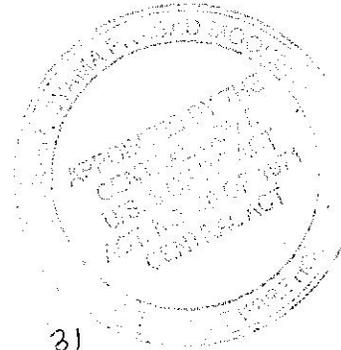
Date- 23.03.2021.


Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.

Estate Officer, Kolkata Port Trust

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FINAL ORDER

The matter is taken up today for final disposal. The factual aspect involved in this matter is required to be put forward in a nutshell in order to link up the chain of events leading to this proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, Applicant herein, that Southern half of Compartment No.7 measuring about 100.521 Sq. mtrs in the ground floor of the Trustees godown known as Clive Warehouse comprised under occupation Plate No. (SW-38) in the presidency town of Kolkata was allotted to M/S Everett (India) Pvt. Ltd, O.P. herein, on monthly term Lease on certain terms and condition. It is submitted on behalf of KoPT that in view of the requirements of such land for the port purposes, it had issued notice to quit dated 12.10.1983 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 30.10.1983. However, O.P has failed and neglected to vacate/ hand over the possession of such premises to KoPT after service of the said Notice to Quit and remained on the premises unauthorisedly therefore, O.P is liable to pay arrears/compensation charges along with accrued interest thereon to KoPT.

It is further alleged on behalf of KoPT that during the inspection by Office representative it was also found that O.P has parted with possession and inducted unauthorized occupant upon the subject premises in question in violation of the terms of such tenancy.

Considering the submission advanced by KoPT and the documents on record, Notice to Show Cause under section 4 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 dated 08.07.2015

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(vide Order No.02 dated 01.04.2015) was issued by this Forum to O.P. The Notice was issued in terms of the said provisions of the Act calling upon the O.P. to appear before this Forum in person or through authorized representative capable of answering all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice was sent through Speed Post/hand delivery to the recorded addresses of O.P. at 4, Government Place North Calcutta-700001. It appears from the records that the Notice sent through speed post was returned back with endorsement "left". However, the said Order/Notice has been received by the representative of O.P. on 10.07.2015.

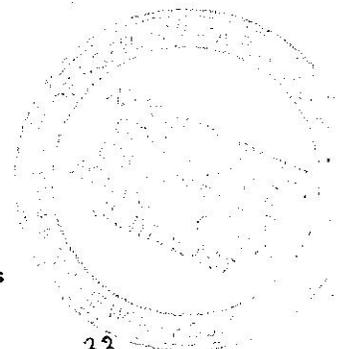
On the schedule date of appearance i.e on 19.08.2015, One Sri Abhijit Boral, Ld' Advocate, appeared on behalf of O.P and prayed for time to file reply to the Show Cause along with an undertaking to file Vokalatnama. Thereafter dated 18.11.2015, Ld' Advocate of O.P filed such Vokalatnama and prayed further time to file their reply to the Show Cause along with a Scheme for liquidation to liquidate the dues of KoPT. Thereafter dated 17.02.2016, Forum allowed the KoPT's prayer for Joint Inspection and in the mean time another Ld' Advocate Mr. B. Konar entered his appearance on behalf of O.P by filing his Vokalatnama. Be that as it may, on appearing before the Forum, said Advocate of O.P filed an application dated 20.04.2016 with a prayer for supply of certain documents on which KoPT had relied upon. Thereafter dated 08.06.2016, Ld' Advocate of O.P filed further two applications one for the rejection of Minutes of Joint Inspection and another for supply of Copy of the Official Gazettes. Finally On 09.03.2018, Ld' Advocate

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23.03.2021

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By Order of:
ESTATE OFFICER
KOLKATA PORT TRUST
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KOLKATA PORT TRUST

O.P filed their reply to the Show Cause. KoPT filed their rejoinder to such reply on 16.05.2018 and comments on O.P's Written Notes of Arguments on 23.12.2020. I have duly considered the applications of O.P as filed on 22.04.2016, 08.06.2016, 07.11.2016, 05.01.2018, 09.03.2018, 13.06.2018 and written notes of arguments dated 01.04.2019. After due consideration of the submissions/arguments made on behalf of the parties, I find that following issues have come up for my adjudication/decision :

- I) Whether the proceeding under PP Act is maintainable or not;
- II) Whether the Show Cause Notice issued upon O.P. under P.P Act is bad, illegal and void or not;
- III) Whether the present proceeding is maintainable in view of the State of W.B Gazette Notification dated 29th January 2019 or not;
- IV) Whether O.P. can take the shield of Limitation Act to contradict the eviction proceedings against O.P. and claim of KoPT on account of dues while in possession and enjoyment of the Port Property in question or not;
- V) Whether the said application is barred by the principle of waiver, acquiescence and estoppel or not;
- VI) Whether all the documents relied upon by KoPT have been handed over to O.P or not;
- VII) Whether the O.P's objection on non recording of their submission during Joint Inspection (dated 26 May 2016) has got any merit or not;
- VIII) Whether the Reports filed by KoPT on 26th May 2016 is predecisional and/or verbatim to the Report dated 20th April 2016 or not;

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IX) Whether O.P has parted with possession of the said premises or not;

X) Whether KoPT's notice dated 12th October 1983 as issued to O.P., demanding possession from O.P. is valid lawful or not;

XI) Whether O.P. is in unauthorised occupation of port property in terms of Sec 2 (g) of the PP Act, and whether O.P. is liable to pay compensation along with interest to the Port Authority for unauthorised occupation of the public premises, or not;

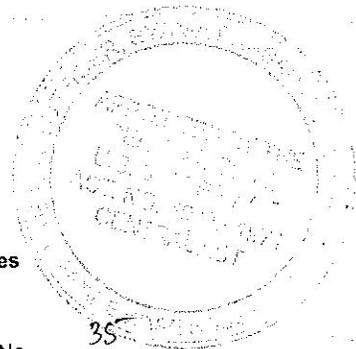
Issue No. I, II and III, are taken up together, as the issues are related with each other. I must say that the properties owned and controlled by the Port Authority has been declared as "public premises" by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and Section-15 of the Act puts a complete bar on Court's jurisdiction to entertain any matter relating to eviction of unauthorized occupants from the public premises and recovery of rental dues and/or damages, etc. KoPT has come up with an application for declaration of representatives of O.P's status as unauthorized occupant in to the public premises with the prayer for order of eviction, recovery of compensation etc against O.P. on the ground of termination of authority to occupy the premises as earlier granted to O.P. in respect of the premises in question. So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law. In fact, proceedings before this Forum of Law is not statutorily barred unless there is any

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specific order of stay of such proceedings by any competent court of law. To take this view, I am fortified by an unreported judgment of the Hon'ble High Court, Calcutta delivered by Hon'ble Mr. Justice Jyotirmay Bhattacharya on 11.03.2010 in Civil Revisional Jurisdiction (Appellate Side) being C.O. No. 3690 of 2009 (M/s Reform Flour Mills Pvt. Ltd. -Vs- Board of Trustees' of the Port of Calcutta) wherein it has been observed specifically that the Estate Officer shall have jurisdiction to proceed with the matter on merit even there is an interim order of status-quo of any nature in respect of possession of any public premises in favour of anybody by the Writ Court. Relevant portion of the said order is reproduced below:

"In essence the jurisdiction of the Estate Officer in initiating the said proceedings and/or continuance thereof is under challenge. In fact, the jurisdiction of the Estate Officer either to initiate such proceedings or to continue the same is not statutorily barred. As such, the proceedings cannot be held to be vitiated due to inherent lack of jurisdiction of the Estate Officer. The bar of jurisdiction, in fact, was questioned because of the interim order of injunction passed in the aforesaid proceedings".

Hon'ble Division Bench of Calcutta High Court had the occasion to decide the jurisdiction of the Estate Officer under P.P. Act in Civil Appellate Jurisdiction being MAT No.2847 of 2007 (The Board of Trustees of the Port of Kolkata and Anr -vs- Vijay Kumar Arya & Ors.) reported in Calcutta Weekly Note 2009 CWN (Vol.113)-P188 The relevant portion of the judgment (Para-24) reads as follows:-

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KOLKATA PORT TRUST
J. 23-03-2021

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"The legal issue that has arisen is as to the extent of Estate Officer's authority under the said Act of 1971. While it is an attractive argument that it is only upon an occupier at any public premises being found as an unauthorized occupant would he be subject to the Estate Officer's jurisdiction for the purpose of eviction, the intent and purport of the said Act and the weight of legal authority that already bears on the subject would require such argument to be repelled. Though the state in any capacity cannot be arbitrary and its decisions have always to be tested against Article 14 of the Constitution, it is generally subjected to substantive law in the same manner as a private party would be in a similar circumstances. That is to say, just because the state is a Landlord or the state is a creditor, it is not burdened with any onerous covenants unless the Constitution or a particular statute so ordains".

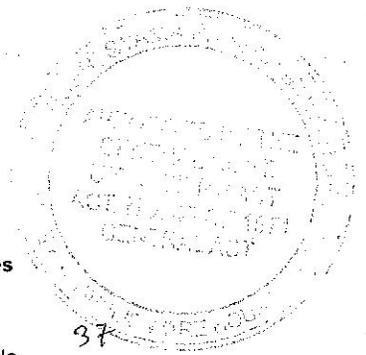
As regards the issue of Gazette Notification of State of W.B dated 29th January 2019 as annexed by O.P with the application dated 05.03.2019, I must say that such notification is not relevant today because being aggrieved by the said Notification dated 29.01.2019, KoPT has preferred a Writ Petition being W.P. No. 74 of 2019 before the Hon'ble Calcutta High Court and Hon'ble High Court has already vide its Judgment dated 10.08.2010 allowed such W.P. No 74 of 2019 by setting aside such Notification dated 29th January 2019 with the following observations:-

"... A) that the original notice dated 25th October, 2018 was both subject and purpose specific.

B) That the contents of the original notice dated 25th October, 2018 had the effect of enticing the Board to take

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a legal position qua Municipal Premises number 68 and 69 comprising in all 12 Bighas and 7 Cottahs of land.

C) In a well thought out manoeuvre by the State respondents the Board was allowed to hold on its position over a Lot A, while, simultaneously unleashing the provisions of the 2012 Act declaring the surprise Board to be a persona non grata qua Lots B1 and B2.

D) Finding itself outmanoeuvred, the Board has pressed this action by claiming title also in respect of several properties in Lots B1 and B2 in respect of which neither the KMC has measured nor declared the Municipal Premises No. to fulfill the conditions precedent of an inquiry inherent in the 2012 Act.

E) The KMC decided to aid the arbitrary state action by failing to identify and/or correlate the Municipal Premises Nos. of the property in issue with its corresponding area/boundary.

In the backdrop of the above discussion, this Court is persuaded to interdict the passage of the Royal Horse. This Court finds the action impugned of the Respondents to be foundationally flawed and accordingly sets it aside....."

In view of the discussions above, I must say that the proceeding is very much maintainable and the Show Cause Notice issued by KoPT is very much valid and lawful therefore, the issues are decided in favour of KoPT.

As regards the issue No. IV, It is my considered view that O.P. cannot escape their liability towards payment of

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KOLKATA PORT TRUST

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dues on the plea of "limitation" as per Sec. 25 of the Indian Contract Act, while acknowledging the jural relationship as debtor. No attempt has been made on behalf of O.P. as to how O.P.'s occupation could be termed as "authorised" in view of Sec. 2(g) of the P.P. Act, after expiry of the contractual period of lease.

The core submissions regarding non-applicability of the Limitation Act in proceedings before this Forum is based on various decisions of the Hon'ble Apex Court of India and Calcutta High Court, wherein it has been decided that Limitation Act has no application before quasi-judicial authorities like this Forum of Law which is not a civil court to be governed by the Civil Procedure Code.

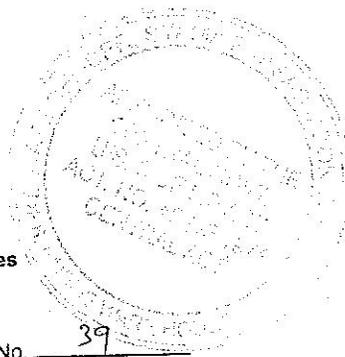
The judgment of the Hon'ble Apex Court of India reported in New India Assurance Case - 2008 (3) SCC 279 = AIR 2008 SC 876 is very much relevant in deciding the question whether this Forum is a court or not. It was decided by the Supreme Court that Civil Procedure Code and Indian Evidence Act are not applicable for proceedings before the Estate Officer under P.P. Act which provided a complete code. The Limitation Act applies to "suits" to be governed by CPC and Indian Evidence Act. When the basic elements for adjudication of a "suit" are totally absent for proceedings under P.P. Act, 1971, it is futile to advance any argument for its application. The judgments of different High Courts including that of Delhi High Court could be accepted as a guiding principle. In this connection, I am fortified by a judgment of the Hon'ble High Court, Calcutta in S.N. BHALOTIS -vs- L.I.C.I. & Ors. reported in 2000(1) CHN 880 with reference to the judgment reported in AIR 1972 Tripura 1 (Hemchandra Charkraborty -vs- Union of India) wherein, it was clearly held that proceedings initiated by an Estate Officer are not in the nature of

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suit nor the Estate Officer acts as a Court while deciding proceedings before him.

It is worthy to record that there is no prescribed period of limitation in the Limitation Act itself for recovery of "damages". It would not be out of scope to mention that Limitation Act bars the remedy by way of "suit" but not the entitlement. In my view, there is a clear distinction between 'rent' and 'damages'. So long both the parties admit their relationship as landlord and tenant, the question of paying damages does not arise. In other words, if the tenant is asked to pay rent by the landlord, the element of authorized occupation could be inferred out in case of demand for damages, there is element of unauthorized use and enjoyment of the property (1996) 5 SCC 54 (Shangrila Food Products Ltd. & Anr vs Life Insurance Corporation of India & Another).

In view of the discussion above, I am of the view that this Forum of Law is very much competent under law to adjudicate the claim of KoPT against O.P. and Limitation Act has no application to the proceedings before the Estate Officer which is a quasi-judicial authority under P.P. Act and is neither a Civil Court to be governed by the Civil Procedure Code nor a "court" within the scheme of the Indian Limitation Act. In holding so, I have also relied on the judgment delivered by the Hon'ble Supreme Court of India on 23.4.2015 in Civil Appeal No. 4367 of 2004 (M.P. Steel Corporation -vs- Commissioner of Central Excise) reported in (2015) 7 SCC 58. I have also taken a note of Sec.29 of The Limitation Act, 1963 read with Sec. 25 of the Indian Contract Act, 1872. It is my well considered view that even if for the sake of argument, Limitation Act is taken to apply to the proceedings before the Estate Officer (not admitting), Sec.25 of the Indian Contract Act will definitely come into play against O.P.'s

Stamp: BOARD OF TRUSTEES OF THE PORT OF KOLKATA, ESTATE OFFICER, KOLKATA PORT TRUST, 23.03.2021

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Estate Officer, Kolkata Port Trust

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plea for "time barred" claim under Limitation Act. I am of the view that O.P. acknowledged its relationship as debtor and Sec. 25 of the Contract Act debars O.P. to take the plea of "barred by limitation", in the facts and circumstances of the case. The Issue is thus decided accordingly.

As regards the issue No. V, I must say that the principles of estoppels, waiver and acquiescence are procedural in nature and thus the same will have no application in a case where issues involved are only pure question of law. According to law the question of estoppels arise when one person has, by his declaration, act or omission, **intentionally** caused or **permitted** another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceedings between himself and such person or his representative, to deny the truth of that thing. In other words to constitute an estoppels there must be an intention or permission to believe certain thing. There is no material in O.P's objection by which it can be proved that there was any intention or permission on the part of KoPT about O.P's occupation in the said public premises in question.

As regards the issue No. VI, I must say that non handing over of the documents as relied upon by KoPT as raised by O.P. does not seem to have any merit at this juncture because it appears from the record that during the course of hearing on 08.06.2016 O.P has already received those documents in presence of KoPT. Therefore, this issue is decided in favour of KoPT.

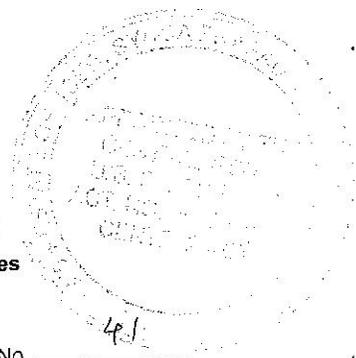
Issue No. VII and VIII, are taken up together for convenient discussion as the issues are related with each other. O.P's claim of non recording of their submission

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in the field note of joint inspection or the claim of identity and similarity of both the Reports filed by KoPT dated 26th May 2016 dated 20th April 2016 etc. in my view is not much relevant because after signing any documents O.P cannot raise any dispute regarding such document. Moreover, in this instant case O.P has already signed the Minutes of Joint Inspection dated 26.05.2016 without any objection. Therefore this issue is decided in favour of KoPT.

As regards the issue No. IX, i.e on unauthorized parting with possession, O.P's claim that it has ever parted with possession of the premises and/ or created third party interest in respect of the Schedule premises is also in my view not sufficient to defend this type of serious allegation such as unauthorized parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. Even O.P did not produce any single photographic evidence to counter the allegation of KoPT. Moreover, it appears from the application dated 23.09.2009 as submitted by KoPT that subject premises has been enjoyed by M/S Indian Road Transport Pvt. Ltd. Such submission made by a statutory authority like KoPT cannot be disregarded. As such it is very difficult to accept the mere claim of the O.P which is bereft of any cogent reason. More over induction of a third party without the approval of KoPT is also against spirit of tenancy. Therefore this issue is decided in favour of KoPT.

Issue no X and XI are taken up together, as the issues are related with each other. I must say that a lessee like O.P. cannot claim any legal right to hold the property after expiry of the period as mentioned in the Notice to Quit. O.P has failed to satisfy this Forum about any

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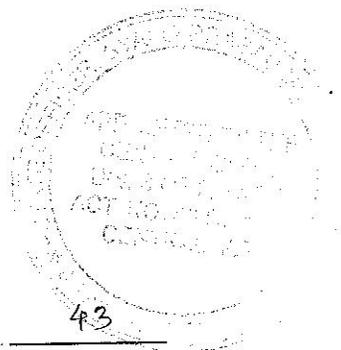
consent on the part of KoPT in occupying the public premises. Rather it is a case of KoPT that by notice dated 12.10.1983, O.P. was directed to hand over possession of the premises to KoPT. A letter/notice issued in official course of business has definitely got an evidentiary value unless there is material, sufficient to contradict the case of KoPT on the basis of such letter. Further, I am consciously of the view that KoPT never recognized O.P., as a lawful user/tenant in respect of the property in question after expiry of the period mentioned in the Notice to Quit dated 12.10.1983. As per Section 2 (g) of the P. P. Act the "unauthorized occupation", in relation to any Public Premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever. Further, as per the Transfer of Property Act, a lease of immovable property determines either by efflux of time limited thereby or by implied surrender or on expiration of notice to determine the lease or to quit or of intention to quit, the property leased, duly given by one party to another. It is a settled question of law that O.P. cannot claim any legal right to hold the property after expiry of the period mentioned in the Notice to Quit dated 12.10.1983, without any valid grant or allotment from KoPT's side. This issue is also decided in favour of KoPT. In the instant case, the landlord i.e. KoPT claims to have issued a Notice to O.P. dated 12.10.1983 asking for vacation of the premises on 30.10.1983 as O.P. was duty bound to hand over possession to KoPT and it had failed to do, KoPT's claim

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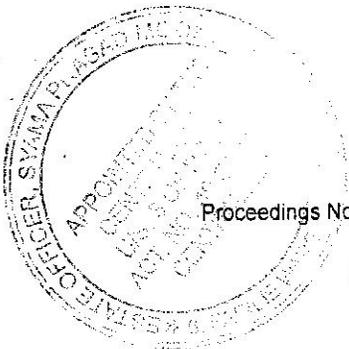
by filing Application dated 25.05.2011 is very much justifiable. O.P. failed to substantiate as to how its occupation could be termed as "authorised" in view of Sec. 2(g) of the P.P Act, after expiry of the period as mentioned in the KoPT's notice dated 12.10.1983, demanding possession from O.P. I have no hesitation to observe that O.P's act in continuing occupation after expiry and determination of the lease is unauthorized and O.P. is liable to pay damages for unauthorized use and occupation of the Port property in question upto the date of delivering vacant, unencumbered and peaceful possession to KoPT. The Issues X and XI are thus decided in favour of KoPT.

In view of the discussions above, the issues are decided firmly in favour of KoPT. I find that this is a fit case for passing order of eviction against O.P or other interested Party whoever in occupation, and hence, being satisfied as above I hereby, passing Order of eviction under Section 5 of the Act on following grounds.

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1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear dues/damages etc. as prayed for on behalf of KoPT.
2. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation".
3. That O.P. has failed to make out any ground with regard to the application of the law of Limitation to the present proceeding.

JP



Estate Officer, Kolkata Port Trust

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

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4. That the O.P has parted with Possession of the subject premises to third party in violation of the condition of such lease.
5. That the notice to quit dated 12.10.1983 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties and O.P.'s occupation and that of any other occupant of the premises has become unauthorised in view of Sec.2 (g) of the P.P. Act.
6. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

ACCORDINGLY, I sign the formal order of eviction u/s 5 of the Act as per Rule made there under, giving 15 days time to O.P. and any person/s whoever may be in occupation to vacate the premises. I make it clear that all person/s whoever may be in occupation are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P. in accordance with Law up to the date of recovery of possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s. 5 of the Act as per Rule made under the Act.

I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for the unauthorised occupation. I make it clear that KoPT is

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sl

Estate Officer, Kolkata Port Trust

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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

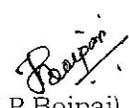
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entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law as the possession of the premises is still lying unauthorisedly with the O.P. KoPT is directed to submit a statement comprising details of its calculation of damages, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(J.P Boipai)

ESTATE OFFICER

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

23.03.2021