

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. 06 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 Prasad,
27, R.N. Mukherjee Road,
4th Floor,
Kolkata-700001.

20721

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.

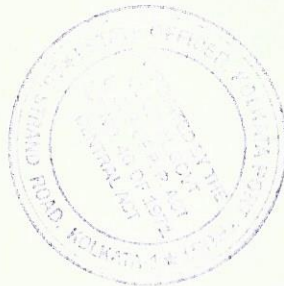
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest at the rate of 7.35% per annum on the above sum till its final payment being the current rate of interest as per the Interest Act,1978.

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 Gurdayal, 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. 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

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

ESTATE OFFICER
KOLKATA PORT TRUST
Verified copy of the Order
Passed by the Estate Officer
Kolkata Port Trust
24/8/18
Head Assistant
Office of the E.A. Estate Officer

06
20-08-2018



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. 06

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Debidutt Bhagwati Prasad ^{VS}

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

ESTATE OFFICER
THE ESTATE OFFICE
KOLKATA PORT TRUST

Verified copy of the Order
issued by the Estate Officer
Kolkata Port Trust

20/8/18
Good Assistant

Office of the Ld. Estate Officer
KOLKATA PORT TRUST

Q

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. 07

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Debidutt Bhagwati Prasad ^{VS}

06
20.08.2018

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.

(Signature)

EST OFFICE
THE ESTATE OFFICER
KOLKATA PORT TRUST

Notified copy of the Order
issued by the Estate Officer
Kolkata Port Trust

24/8/18
Road Assistant

Officer of the L.A. Estate Officer
KOLKATA PORT TRUST

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 Prasad ^{VS}

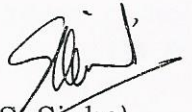
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20.08.2018

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 incurrence 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 ***

OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST
verified copy of the Order
issued by the Estate Officer
Kolkata Port Trust
Date: 24/8/18
Signature of the E.O.
KOLKATA PORT TRUST