



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
COURT ROOM AT THE 2ND FLOOR (OLD BLDG.)
15, STRAND ROAD, KOLKATA-700 001

Form "G" PROCEEDINGS NO.979/D OF 2008
ORDER NO.11 DATED:17.09.2018

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

To
M/s. East India Watch Co.,
F-223, Strand Bank Road,
Kolkata-700001.

Whereas I, the undersigned, am satisfied that you were in unauthorised
occupation of the public premises mentioned in the Schedule below:

And whereas by written notice dated 07.11.2017 you were called upon to
show- cause on/ or before 27.11.2017 why an order requiring you to pay a
sum of Rs.30,134.00/- (Rupees Thirty thousand One hundred Thirty Four
only.) being damages payable together with compound interest for
unauthorised use and occupation 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 on me by Sub-section
(2) of Section 7 of the Public Premises(Eviction of Unauthorised Occupants) Act
1971, I hereby order you to pay the sum of Rs.30,134.00/- (Rupees Thirty
thousand One hundred Thirty Four only.) for the period 01.07.2006 to
14.02.2010 assessed by me as damages on account of your unauthorised
occupation of the premises to Kolkata Port Trust by 15.10.2018.

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 @ 18% per annum
upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum with
effect from the date of incurrance of liability, till its final payment in
accordance with Kolkata Port Trust's Notification Published in Official
Gazette/s as per Rule.

PLEASE SEE ON REVERSE



: 2 :


In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

SCHEDULE

Pucca Room No.1 msg. about 5.016 sq.m. or thereabouts adjoining the northern boundary of Kolkata Port Trust's Strand Warehouse situated on the west side of Strand Road under North Port Police Station in the presidency town of Kolkata.

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

Dated:17.09.2018


Signature and seal of the
Estate Officer.



Estate Officer, Kolkata Port Trust

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s East India^{VS} Watch Co.

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that M/s East India Watch Co., O.P. herein, came into occupation of the public premises in question being Pucca Room no. 1 measuring about 5.016 sq.mtr. or thereabout situated at West side of Strand Road, Thana-North Port Police Station, Calcutta, under Plate no. SW-102, on a monthly lease basis on certain terms and conditions and O.P. violated such conditions by way of default in making payment of the rent and taxes. O.P. was issued a quit notice on 19.05.2006 asking to hand over the vacant possession of land on 01.07.2006. It is the claim of KoPT that O.P. is liable to pay compensation/damages to KoPT for unauthorized use and occupation of the premises after 01.07.2006. During course of hearing, it was submitted by KoPT (vide application dated 16.03.2017) that the entire premises had been gutted in a fire on 14.02.2010 and as such, the possession of the premises was thereafter with KoPT. On 07.11.2017 this forum issued show cause notice u/s 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of recovery of damages, interest etc.

It is seen from the record that no one appeared on behalf of O.P., during the course of hearing before this forum. It appears that the notice sent through registered post at the recorded address of O.P. was returned by postal department with the endorsement "insufficient address". As per order of this forum,

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17-09-2018

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notice of the Proceeding was published in an English daily namely "The Telegraph" dated 02.01.2018 for notice to all concerned, to appear before this forum either in person or through authorised representative capable of answering all material questions in respect of the property in dispute. But still no one appeared on behalf of O.P. in spite of paper publication. Thus being satisfied with the service of notice/s to all concerned as mandated under law, this forum, after hearing the argument of KoPT proceeded to reserve the final order on 23.03.2018.

I have carefully gone through the contention made by KoPT against the O.P. and the supporting documents submitted in this respect. On perusal of submissions and materials available on the record, I have nothing to disbelieve the claim of KoPT. KoPT has placed on record computerised statement of accounts, maintained in official course of business, and I find the same very much reliable, in the facts and circumstances of the case.

In view of the circumstances, as O.P. failed to appear before this forum and no reply to show cause notice u/s 7 of the Act is filed by O.P., I am left with no other alternative but to issue the order against O.P. to pay the damages and accrued interest thereupon as contended by KoPT before this Forum.

It is my considered view that a sum of Rs. 30,134.00/- for the period from 01.07.2006 up to 14.02.2010 (both day inclusive) is due and

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recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay the said compensation/damages to KoPT on or before 15.10.2018. Such damages/compensation attracts interest @ 18% per annum 06.04.2011 and thereafter @14.25% per annum on the above sum from the date of incurrance of liability till its final payment in accordance with notifications published in Official Gazette.

ACCORDINGLY, I sign the formal order u/s 7 of the Act as per Rule made there under, giving time till 15.10.2018 to the O.P. to pay the damages and accrued interest thereupon.

I made it clear that in the event of failure on the part of O.P. to pay the amounts to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(G. MUKHOPADHYAY)

ESTATE OFFICER

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