

# 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. 1486, 1486/R, 1486/D of 2016 Order Sheet No. 22

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
M/s. Bata India Ltd.

25  
07-05-2018


Present: J. Khan, Asst Estate Manager  
For Kolkata Port Trust (KoPT)

Sudarshan Roy, Advocate for O.P.

Mr Roy, Advocate submits that minutes of the Joint Inspection was prepared at the office of the KoPT, who has failed to prove the allegation of unauthorised parting with possession by the O.P. The Ld. Advocate files written notes of arguments today, with a copy to KoPT.

Representative of KoPT submits that the existence of O.P. was not found during the course of joint inspection at the subject premises.

Considered the matter. It appears that there are sufficient materials on record to adjudicate respective rights and liabilities of the parties. Let the hearing of the matter be concluded. All concerned are directed to act accordingly.

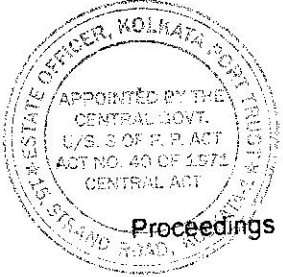
  
(M.K. Das)  
ESTATE OFFICER

### FINAL ORDER

The matter is taken up for final disposal today. It is the case of Kolkata Port Trust (KoPT), the Applicant herein, vide application dated 21.07.2015 that M/s. Bata India Ltd. (hereinafter referred to as the O.P.) came into occupation of the Port Property being room space (Shop) msg. About 26.570 Sq.m or thereabouts situated at Trustees' premises No. P-221/2, Strand Bank Road (Ground Floor), Kolkata, under Occupation no. CG-198, as a short term lessee, and the O.P. violated the terms and conditions of the lease by defaulting in payment of monthly rent and taxes, unauthorisedly parting with possession of the public premises and also making unauthorised construction in gross violation of the terms of lease. A notice to quit dated 20.11.2013 was served upon O.P. by the Port Authority directing O.P. to quit, vacate and deliver up peaceful possession of the Public Premises to KoPT.

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29-04-2019





**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. \_\_\_\_\_ Of \_\_\_\_\_ Order Sheet No. 23

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**  
**VS**

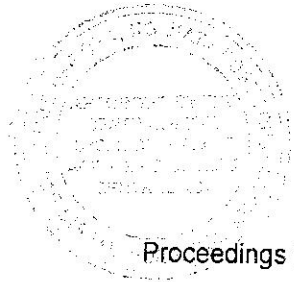
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29-04-2019

KoPT has made out a case that O.P. has no right to occupy the premises on the ground of violation of lease conditions and upon service of the said quit notice dated 20.11.2013.

This Forum of Law formed its opinion to proceed against O.P. under the relevant provisions of the P.P. Act and issued show cause notices under Sec. 4 & 7 of the Act, all dated 04.07.2016 as per Rules made under the Act.

It appears from record that O.P. contested the case through its Ld. Advocate by filing several applications. The O.P. in answer to the Show Cause, filed its Reply on 16.11.2016 admitting about the default of payment of lease rentals to KoPT and praying for depositing the arrear lease rent by installments. It appears from the said Reply that O.P. has not dealt with the other issues of the Show Cause Notice u/s 4 of the Act dated 04.07.2016 such as the issues of unauthorized parting with possession and unauthorized construction. During the course of hearing on 21.12.2016 the Ld. Advocate appearing on behalf of O.P. submitted that O.P. shall make payment of Rs. 50,000/- per month for liquidation of outstanding dues alongwith the current monthly compensation to KoPT and the entire dues will be liquidated by O.P. within 6 months from the date. This Forum upon considering the prayer made by the O.P. directed O.P. to pay the said sum for continuous use and occupation of the Public Premises in question on ad-hoc basis for liquidation of dues. A joint inspection of the Public Premises in question by both the parties was directed to be conducted on 13.01.2017 by the said order dated 21.12.2016. Thereafter, KoPT vide application dated 13.02.2017 intimated that inspection could not be conducted on the scheduled day (i.e.13.01.2017) as the occupation of O.P. was under lock and key on the said date. In support of their contention KoPT has enclosed some photographs of the premises alongwith their application dated 13.02.2017. A counter application has been filed by the O.P. on 15.02.2017 intimating that the Shop Room was closed on the date of joint inspection on 13.01.2017 as the staff of O.P. went to their native places on account of 'Poush Sankranti'. It

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1486, 1486/R, 1486/D Of 2016 Order Sheet No. 24

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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is seen that the Joint Inspection was ultimately conducted on 14.03.2017 and a report signed by representative of both the parties was filed before this Forum on 27.03.2017 under the cover of KoPT's application dated 27.03.2017. Some photographs of the Public Premises in question are annexed with the said report of joint inspection. Thereafter, this Forum vide Order No. 10 dated 27.03.2017 and subsequently vide Orders no 11, 12, 13 dated 12.04.2017, 12.05.2017 and 07.06.2017, respectively provided opportunity to the O.P. to file the effective reply to the Show Cause Notice/s to deal specifically with the grounds mentioned in the Show Cause Notice as the initial reply by the O.P. was silent on some issues. Finally on 03.07.2017 a consolidated Reply has been filed by the O.P. alongwith another application praying for rejection of the said report of the Joint Inspection on the ground that O.P. is using the premises and the report was prepared in the office of KoPT and not at the subject premises. The main contentions of the Reply are that the O.P. is using the premises itself, has complied with the Order for payment of Rs 50,000/- and has been continuing to pay the rentals month by month. Reconciliation of statement accounts has been prayed by the Ld. Advocate appearing for the O.P. and on such prayer several opportunities for such reconciliation of accounts have been provided to the O.P. This Forum vide order dated 21.09.2016, 12.05.2017, 03.07.2017 and 04.08.2017 directed the parties to reconcile their respective Book of Accounts to remove any ambiguity in the mind of O.P. and to rectify any non or ill adjustments of the payments made by the O.P. This Forum takes note of the reconciliation of accounts taken place between the parties vide Order dated 07.06.2017, 03.07.2017, 04.09.2017. It is placed on record that detailed statement of accounts has been provided to the O.P. vide KoPT's letters dated 18.05.2016 and 04.08.2017, copies of which have been marked to this Forum. A detailed list of payment deposits has also been handed over to O.P. on 18.10.2017 and thereafter O.P. did not express any dissatisfaction over the amount/s shown as due.

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# 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. 1486, 1486/R, 1486/D Of 2016 Order Sheet No. 25

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/s. Beta India Ltd.

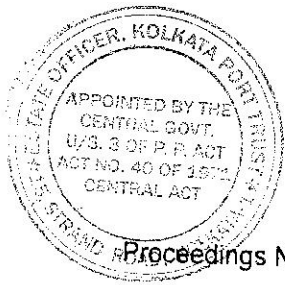
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29.4.19

Be that as it may, it appears that KoPT vide application dated 19.01.2018 submitted a sketch plan bearing No. 9797-K dated 16.03.2017 alleging the area and nature of the unauthorized construction made by O.P. in the Public Premises in question. The copy of the said letter dated 19.01.2018 alongwith the enclosed plan have been handed over to the O.P. on the same day for their comments and producing evidence in support. It also transpires from the record that upon prayer the Ld. Advocate appearing for O.P. has been given opportunity to inspect the record of this Proceedings and the Ld. Advocate has taken the inspection of records on 21.02.2018. The O.P. filed written notes on arguments on 07.05.2018 when the matter was finally heard and final order was reserved.

Now, while passing the final order, I have carefully considered the documents on record and the submissions of the parties. The allegations of KoPT against the O.P. are three folds, i.e. non-payment of rent and taxes, unauthorized parting with possession to third party/s and unauthorized construction on the Public Premises in question in violation of the lease conditions and without taking prior approval of KoPT, which led to the issuance of the Notice to Quit dated 20.11.2013.

With regard to the issue of non-payment of KoPT's rent and taxes, O.P. has admitted the dues on its part vide Reply to Show Cause Notice filed on 16.11.2016. It is the categorical submission of the O.P. that due to shifting of the corporate office of the O.P. the documents related to the leasehold shop room could not be traced out and thus O.P. became an "unintentional defaulter". In the said reply to the Show Cause Notice and subsequently, during the course of hearing on 21.12.2016, O.P. has prayed for installments for liquidation of the dues of KoPT. Before this Forum, KoPT has filed copies of several communications addressed to the O.P. (such as letters dated 28.12.1998, 17.11.1999, 05.07.2001, 20.12.2003, 19.04.2006, 30.11.2012 etc) whereby KoPT repeatedly requested the O.P. to clear the dues at the earliest but apparently no heed was paid by the O.P. KoPT has filed detailed statement of accounts,

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# Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1486, 1486/R. 1486/D Of 2016 Order Sheet No. 26

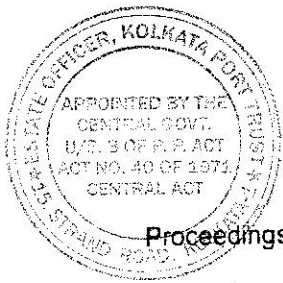
## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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which clearly indicate the huge dues on the part of the O.P. The statements have been handed over to the O.P. vide KoPT's letters dated 18.05.2016 and 04.08.2017. There is no reason to disbelieve such submission of the statutory authority, more so when during continuance of the proceeding, opportunities for reconciliation of accounts statements with KoPT have been provided to the O.P. and no material defect or error in billing could ever be pointed out by the O.P. on any single instance. The Ld. Advocate appearing for the O.P. could not specify any non-adjustment or ill-adjustment of payments made by the O.P. to KoPT. The O.P. did not make any specific disputes regarding the adjustment of payments even after receiving detailed list of payment/suspense deposits made by O.P. to KoPT on 18.10.2017. O.P. never disputed the quantum of such dues. In fact, O.P.'s application dated 16.11.2016 is clear admission of dues on its part. Although the O.P. has claimed that the KoPT enhanced the monthly rent without any information to the O.P., I am not at all agreeable with the submission of the O.P. The fixation of rent for the land under the control of a statutory authority like KoPT is governed by the relevant Gazette Notifications of the Tariff Authority for Major Ports (TAMP) constituted under the Major Ports Act 1963, and such notification/s form deemed notice to all occupiers of the Port property and in such a situation, I am left wondering how the O.P. is entitled to seek any special treatment from the KoPT while being a defaulter at the same time. I may also refer to O.P.'s submission vide their letter dated 28.03.1963 where the O.P. had left the matter of fixing up the future rent in the hands of the KoPT. Taking such argument further, I must say that it is correct that O.P. took the liberty of the Forum to satisfy certain demands of the Port Authority on ad-hoc basis, but such ad-hoc payments nowhere amounts to waiver of the Notice to Quit nor does it restore the contractual relationship of the parties. In fact, once the dues and taxes are admitted substantially by the O.P., there is no reason not to uphold the validity of the Notice to Quit issued by the Port Authority. Moreover, in my considered view, the ad-hoc payments made by the O.P. do not come to the protection of the O.P. at all,



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1486, 1486/R, 1486/D Of 2016 Order Sheet No. 27

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

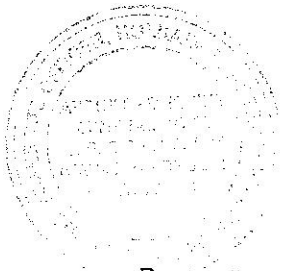
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as, I do not find that at any point of time the Port Authority has accepted the said dues as "rent" from the O.P. after institution of the proceedings and as such, I do not find any opportunity to conclude about waiver of forfeiture of lease. I may add that this Forum, in pursuance of Sec. 114 of the Transfer of Property Act, 1882 gave an opportunity to the O.P. to liquidate the dues in its entirety (alongwith applicable interest) but O.P. made payments in piecemeal manner and never succeeded in complete and full discharge of the dues, taxes and interest. Thus, this Forum holds that the charge of default in payment of rent and taxes is definitely established against the O.P.

With regard to the allegation of KoPT of unauthorized construction and induction of unauthorized sub-tenants/parting with possession by the O.P. in violation of lease terms, the contents of KoPT's letter to O.P. dated 30.11.2012 (styled as final notice) is very much important in deciding the issues. It reveals that KoPT gave one more opportunity to O.P. to remove the breaches before issuing the ejectment notice dated 20.11.2013, terminating the lease in question. No reply to KoPT's allegation regarding "unauthorised parting with possession" has been given from O.P's end in its initial reply to Show Cause filed on 16.11.2016. It has been revealed through the joint inspection that there was no existence of O.P. (Bata India Ltd.) in the premises. There was neither any board/hoarding in the name of O.P. nor the material/s bore any evidence of belonging to the O.P. Mere claim on behalf of O.P. that it is itself in use and occupation of the premises is, in my view, not sufficient to defend this type of serious allegation such as unauthorised parting of possession. The O.P. could have very well produced documents related to their trade and business from the premises (such as challans, waybills, trade license etc.) but O.P. chose to produce nothing at all. Even O.P. did not produce a single photographic evidence to counter the allegations of the KoPT. As such, it is very difficult to accept the mere claim of the O.P. which is bereft of any material evidence. I take note of the fact that parting of possession in favour of outsiders always take place in

*[Signature]*



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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1486, 1486/R, 1486/D of 2016 Order Sheet No. 28

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a clandestine manner and therefore I must take due cognizance of the circumstantial evidence, all of which point out that there is no substantial interest or stake of O.P. in the public premises in question and such interest must have been transferred to some other entity/person behind the back of KoPT, as was found through KoPT's inspection as reported vide application dated 31.05.2016. Now, as regards unauthorised construction, KoPT has come up with specific drawing/sketch map highlighting the unauthorised constructions but O.P. is silent as to how these constructions can be said to be "authorised" in nature. As per the P.P. Act, 1971, once the Notice u/s 4 has been issued, the burden of proof is on the O.P. to show cause and/or produce evidence but in the instant case the O.P. has hopelessly failed to do so. In my view, adverse inference must be drawn against the O.P. for its failure to come up with any cogent explanation or reason. Rather, a lame attempt has been made by O.P. to question the veracity of the joint inspection on the ground that such report was typed/printed in the Office of the KoPT and not on spot. I find no merit in such submission of the O.P. inasmuch as there is no bar in typing/preparing the report at the Office and this view has been recently upheld by the Hon'ble High Court of Calcutta vide Order dated 05.04.2019 in WP 171 of 2019 and WP 172 of 2019 involving some other occupant/s of the Port property. As such, these issues are also decided in favour of the KoPT.

Discussions against the foregoing reveal that the Notice to Quit dated 20.11.2013 had been validly issued and served on the O.P. and the same is binding on the parties and very much enforceable, in the facts and circumstances of the case. Thus, being satisfied as above, I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of KoPT, on the following grounds/reasons:-

- 1) That O.P. has admittedly failed to pay the rental dues and taxes, before issuance of the Notice to Quit dated 20.11.2013.

# 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. 1486, 1488/R, 1486/D Of 2016 Order Sheet No. 29

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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- 2) That O.P. has parted with possession of the public premises without any authority of law, in the facts and circumstances of the case.
- 3) That O.P. has carried out unauthorized constructions in the public premises without any lawful authority.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 6) That the notice to quit dated 20.11.2013 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 Section 2(g) of the P.P Act.
- 7) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of 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 the canons of Law till the date of unencumbered 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,

*[Handwritten Signature]*



# 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. 1486, 1486)R, 1486)D Of 2016 Order Sheet No. 30

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs. 83,220/- for the period 01.11.2012 to 31.12.2013 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to KoPT on or before 31.05.2019. Such dues attract interest @ 14.25% per annum, till the liquidation of the same, from the date of incurrance of liability in accordance with the notification of KoPT, issued under Authority of Law, as per adjustment of payments made so far by O.P., in terms of KoPT's books of accounts.

Likewise, 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 unauthorised occupation. As such, I must say that Rs. 1,14,259/- as claimed by the Port Authority as damages in relation to the Plate in question, is correctly payable by O.P. for the period 01.01.2014 to 31.05.2016 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 31.05.2019. The said damages shall carry simple interest @ 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, after adjustment of payments made so far by O.P.. The formal orders u/s 7 of the Act are signed accordingly.

I make it clear that KoPT is 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, and as such liability of O.P. to pay damages extends beyond 31.05.2016 as well, as the possession of the premises is still with the O.P.. KoPT is directed to submit a statement comprising details of its calculation of damages after 31.05.2016, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till



# Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises  
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## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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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

(M K DAS)

ESTATE OFFICER

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



**REGISTERED POST WITH A/D.  
HAND DELIVERY  
AFFIXATION ON PROPERTY**

THE ESTATE OFFICER, 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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 26 DT 29.04.2019  
PROCEEDINGS NO. 1486 OF 2016

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
M/s. Bata India 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**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/s. Bata India Ltd OF 6A, S N Banerjee Road, Kolkata 700013** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P. has admittedly failed to pay the rental dues and taxes, before issuance of the Notice to Quit dated 20.11.2013.
- 2) That O.P. has parted with possession of the public premises without any authority of law, in the facts and circumstances of the case.
- 3) That O.P. has carried out unauthorized constructions in the public premises without any lawful authority.
- 4) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 5) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 6) That the notice to quit dated 20.11.2013 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 Section 2(g) of the P.P Act.
- 7) That O.P. is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

*lm*  
**Please see on reverse**

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A copy of the reasoned order No. 26 dated 29.04.2019 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. Bata India Ltd OF 6A, S N Banerjee Road, Kolkata 700013** 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. Bata India Ltd OF 6A, S N Banerjee Road, Kolkata 700013** 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

Room (shop) space msg. about 26.570 sq. mtrs. at Trustees' premises No. P/221/2, Strand Bank Road, in the presidency town of Kolkata under Plate No. CG-198. It is bounded on the North by room space (7 & 8) occupied by Krishna Ch. Sen Prafulla Kr. Sen, on the South by Trustees' strip of open land used as passage, on the East by foot path alongside Strand Road and on the West by partly Trustees' room space occupied by United Engineering & Platting Co. & partly Trustees' room space occupied by S. N. Paul & Co.

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

Dated: 29.04.2019

  
Signature & Seal of the  
Estate Officer.

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

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  
6, Fairley Place (1st FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1486/R OF 2016  
ORDER NO. 26 DATED: 29.04.2019

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

To  
**M/s. Bata India Ltd**  
**6A, S N Banerjee Road,**  
**Kolkata 700013**

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

AND WHEREAS, by written notice dated 04.07.2016 you were  
called upon to show cause on/or before 20.07.2016 why an order  
requiring you to pay a sum of Rs. 83,220/- (Rupees Eighty three  
thousand two hundred and twenty only.) being the rent payable  
together with compound 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.

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. 83,220/- (Rupees Eighty three thousand two hundred  
and twenty only.) for the period 01.11.2012 to 31.12.2013 (both  
days inclusive) to Kolkata Port Trust by 31.05.2019.

  
PLEASE SEE ON REVERSE

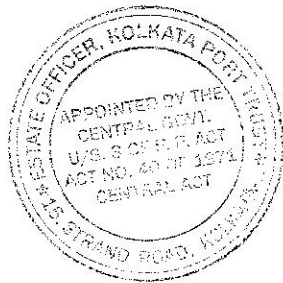
In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest at the rate of 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazette/s.

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.

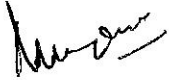
### **SCHEDULE**

Room (shop) space msg. about 26.570 sq. mtrs. at Trustees' premises No. P/221/2, Strand Bank Road, in the presidency town of Kolkata under Plate No. CG-198. It is bounded on the North by room space (7 & 8) occupied by Krishna Ch. Sen Prafulla Kr. Sen, on the South by Trustees' strip of open land used as passage, on the East by foot path alongside Strand Road and on the West by partly Trustees' room space occupied by United Engineering & Platting Co. & partly Trustees' room space occupied by S. N. Paul & Co.

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



Dated: 29.04.2019

  
Signature and seal of the  
Estate Officer



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  
6, FAIRLIE PLACE (1<sup>st</sup> FLOOR) KOLKATA-700001

**FORM -G**

PROCEEDINGS NO. 1486/D OF 2016  
ORDER NO. 26 DATED: 29.04.2019

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

To

**M/s. Bata India Ltd**  
**6A, S N Banerjee Road,**  
**Kolkata 700013**

Whereas I, the undersigned, am satisfied that you are in unauthorised occupants of the public premises described in the schedule below:

AND, whereas, by written notice dated 04.07.2016 you were called upon to show cause on or before 20.07.2016 why an order requiring you to pay a sum of Rs. 1,14,259/- (Rupees One Lakh fourteen thousand two hundred and fifty nine only) being the damages payable together with compound interest in respect of the said premises should not be made;

AND whereas I have considered the cause and/or evidence produced by you or on your behalf, before this Forum.

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 require you to pay the sum of Rs. 1,14,259/- (Rupees One Lakh fourteen thousand two hundred and fifty nine only) assessed by me as damages on account of your unauthorised occupation of the public premises for the period 01.01.2014 to 31.05.2016 to Kolkata Port Trust by 31.05.2019.

PLEASE SEE ON THE REVERSE

:: 2 ::

IN exercise of the powers conferred by Sub-section (2-A) of Section 7 of the said Act, I also hereby require you to pay simple interest at the rate of 14.25% per annum on the above sum till its final payment in accordance with Kolkata Port Trust Notification Published in Official Gazette/s.

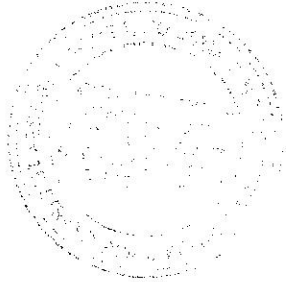
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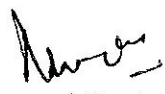
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