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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 (4<sup>TH</sup> FLOOR) KOLKATA-700001

**Form " E "**

PROCEEDINGS NO.1198/R OF 2011  
ORDER NO. 15 DATED: 13.05.2019

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 Bharat Electronics  
(Proprietor: Bharat Ch. Bag)  
51B, Mahim Halder Street  
Kolkata 700026**

**44152**

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

AND WHEREAS, by written notice dated 10.01.2018 you were  
called upon to show cause on/or before 25.01.2018 why an order  
requiring you to pay a sum of Rs. 4,56,891/- (Rupees Four Lakhs  
Fifty Six Thousand Eight Hundred and Ninety One only) being the  
rent payable together with compound interest in respect of the said  
premises should not be made;

And whereas you have failed to appear before the undersigned  
and/or produce any evidence in your support.

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. 4,56,891/- (Rupees Four Lakhs Fifty Six Thousand  
Eight Hundred and Ninety One only) for the period 01.07.2000 to  
31.01.2005 (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 18% per annum upto 06.04.2011 and thereafter 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**

The said godown space msg. 282.43sq.m. or thereabouts, situated at East side of Chetla Station Yard, Thana-Chetla Police Station (Previously under New Alipore Police Station), Dist:24 Parganas (South) and Registration District-Alipore. It is bounded on the North by the Trustees' PF and the Trustees' Railway Tracks, on the South by Trustees' platform and then by the Trustees' Road, on the East by the C.I. Shed godown and on the West by the Trustees' shed leased to Chamdanmull Rajjada, Proprietor of Electrical Elements Co.Ltd.

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

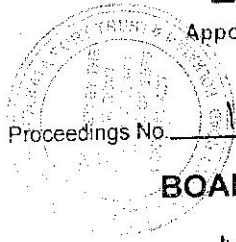
Dated: 13.05.2019



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. 1198/K Of 2011 Order Sheet No. 11

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. + Bharat VS Electronics,

14  
07.06.2018




Present: Sri. S. Atha, Asst. Estate Manager  
For Kolkata Port Trust (KoPT)

It is seen from record that due publication of notice was made in the Times of India on 16.05.2018 in terms of my order inspite which none appears for O.P.

I think that the very spirit which embodies the legislation of the Act would be virtually defeated if the matter is prolonged unnecessarily. Let Final Order be reserved.

All concerned are directed to act accordingly.

  
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. 1198/R Of 2011 Order Sheet No. 12

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Bharat <sup>VS</sup> ~~Electronics~~ Electronics.

15  
13-05-2019

### FINAL ORDER

The instant proceedings 1198/R of 2011 arose out of an application dated 14.12.2005 filed by KoPT, Applicant herein, claiming rental dues alongwith interest from M/s Bharat Electronics (Proprietor: Bharat Ch. Bag), the O.P. herein, under relevant provisions of the 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 such prolonged non-payment, the monthly lease was determined vide Notice to Quit dated 06.01.2005 and finally possession was taken over by KoPT from O.P. on 01.02.2005. Accordingly, KoPT has prayed for realization of dues upto 31.01.2005.

This Forum issued formal Notice u/s 7 of the Act on 10.01.2018, on the O.P., asking to show cause why order regarding payment of the arrears of rent alongwith interest should not be made.

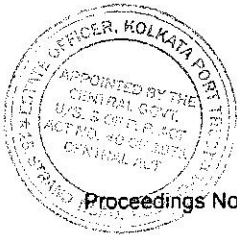
It reveals from record that O.P. did not appear before this Forum at any point of time. As per Report of the Process Server, the O.P. was not found at the recorded address. The Notice sent through registered post was however not returned back. Under such a situation, as mandated under the law, Notice was published in daily newspaper "The Times of India" dated 16.05.2018 and the said Notice was also displayed in the official website of KoPT for information to all concerned.



By Order of  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

CHIEF LEGAL OFFICER  
KOLKATA PORT TRUST  
13/5/19  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

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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.

1198/R

Of

2011

Order Sheet No.

13

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

<sup>VS</sup>  
M/s. Bharat Electronics.

15  
13-05-2019

But still no one interested in the proceedings turned up before this Forum on 07.06.2018 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 was no option but to proceed ex-parte against the O.P. Accordingly, on 07.06.2018 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 letters dated 02.04.2004, 13.05.2004 followed by a Final Notice dated 07.09.2004, whereby KoPT repeatedly requested the O.P. to immediately liquidate the rental dues. The only communication of the O.P. which has been placed before me is a letter dated 19.05.2004 signed by Shri Bharat Ch. Bag as proprietor of O.P. It is seen from said letter that O.P. has merely denied and disputed the claim of the Port Authority without writing a single line as to the nature of the dispute. In my view, mere denial of KoPT's claim is not sufficient to escape the rigours of law. I am given to understand during the proceedings that the claim of KoPT is based on relevant Notifications of the Tariff Authority for Major Ports (TAMP) in the Official Gazette which are uniformly applicable on all occupiers of port property including O.P. and hence mere denial on the part of the O.P. is not sufficient defence in law. As such, I find no reason to disbelieve the claim of KoPT, in the facts and

R

8. 11/5/2015



## 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. 1198/R Of 2011 Order Sheet No. 14

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

**VS**  
M/s. Bharat Electronics.

15  
13-05-2019

circumstances of the case. I find that KoPT categorically mentioned about default of payment of rent and taxes in its Notice to Quit dated 06.01.2005 and O.P. has failed to justify why it should be held otherwise. As such, I have no hesitation to decide the case against the O.P.

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 01.07.2000 to 31.01.2005 as Rs 4,56,891/- (principal amount). The O.P. is directed to pay the said amount to KoPT by 31.05.2019. Such dues attract simple interest @ 18% per annum till 06.04.2011 and thereafter @14.25% per annum on the above sum from the date of incurrance 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) of the Act.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, the 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

(A K SARKAR)  
ESTATE OFFICER

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