



**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, FAIRLIE PLACE  
(1<sup>ST</sup> Floor)  
KOLKATA – 700 001  
\*\*\*\*\*

Court Room At the 2<sup>nd</sup> Floor  
of Kolkata Port Trust's  
Fairley Warehouse  
6, Fairlie Place (1<sup>st</sup> Floor), Kolkata- 700 001.

**REASONED ORDER NO. 11 DT 12.06.2019**  
**PROCEEDINGS NO.1194 OF 2011**

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**  
**-Vs-**  
**M/s Ghosh Corporation (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 Ghosh Corporation OF 6, Old China Bazar Street, Kolkata 700001 AND also of Plot no. 39/B, Chetla Station Yard, Kolkata 700027** is in unauthorized occupation of the Public Premises specified in the Schedule below:

**REASONS**

- 1) That O.P. has failed to liquidate the dues of the Port Authority, for a considerable period, despite being requested for its immediate liquidation.
- 2) That O.P. has failed to appear before this Forum and failed to show cause as to why order of eviction should not be passed on the O.P.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as “authorised occupation”, inspite of sufficient chances being given.
- 4) 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.
- 5) That O.P. has parted with possession of the property in favour of rank outsiders which cannot be allowed to be continued.
- 6) That the notice to quit dated 14.02.1985 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.

**Please see on reverse**

*S*  
12-06-19

A copy of the reasoned order No. 11 dated 17.05.2019 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 Ghosh Corporation OF 6, Old China Bazar Street, Kolkata 700001 AND also of Plot no. 39/B, Chetla Station Yard, Kolkata 700027** 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 Ghosh Corporation OF 6, Old China Bazar Street, Kolkata 700001 AND also of Plot no. 39/B, Chetla Station Yard, Kolkata 700027** 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

The said piece or parcel of land Msg. 147.995 sq.m. or thereabouts, situated at Chetla Station Yard, P.S. Previously Alipore now Chetla Police Station. It is bounded on the North by the Trustees' land beyond which is their Nikashi Drain, on the East by the Trustees' land leased to M/s. Banerjee Brothers, on the South by the Trustees' strip of open land used as passage and on the West by the Trustees' land leased to M/s. Chetla Coal Concern.

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

Dated: 12.06.2019

  
Signature & Seal of the  
Estate Officer.

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

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. 1194/D OF 2011  
ORDER NO. 11 DATED: 12.06.2019

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

To

**M/s Ghosh Corporation  
6, Old China Bazar Street,  
Kolkata 700001**

**AND also of Plot no. 39/B,  
Chetla Station Yard,  
Kolkata 700027**

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 28.06.2018 you were called upon to show cause on or before 19.07.2018 why an order requiring you to pay a sum of Rs. 6,98,875/- (Rupees Six Lakhs Ninety Eight Thousand Eight Hundred and Seventy Five only) being the damages 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 also failed to represent your case.

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. 6,98,875/- (Rupees Six Lakhs Ninety Eight Thousand Eight Hundred and Seventy Five only) assessed by me as damages on account of your unauthorised occupation of the public premises for the period 01.04.1985 to 24.04.2018 to Kolkata Port Trust by 12.07.2019.

  
12.06.19

PLEASE SEE ON THE REVERSE

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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 15% per annum upto 18.09.1996 and thereafter 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.

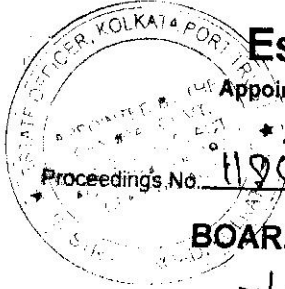
**S C H E D U L E**

The said piece or parcel of land Msg. 147.995 sq.m. or thereabouts, situated at Chetla Station Yard, P.S. Previously Alipore now Chetla Police Station. It is bounded on the North by the Trustees' land beyond which is their Nikashi Drain, on the East by the Trustees' land leased to M/s. Banerjee Brothers, on the South by the Trustees' strip of open land used as passage and on the West by the Trustees' land leased to M/s. Chetla Coal Concern.

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

Dated: 12.06.2019

  
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. 1194, 1194/D Of 2011 Order Sheet No. 10

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ghosh vs Corporation (op)

10  
13-12-2018

Present: K. Dhar, Asstt. Estate Manager  
A. Dey, Resolution Officer (Legal)

None appears on behalf of O.P. even on 2<sup>nd</sup> call.  
It is seen from record that newspaper publication has been duly made in terms of my earlier order dated 29.11.2018, inviting the attention of all concerned and intimating today's date and time of hearing. Still, neither O.P. nor any other interested person is present.

Representatives of KoPT summarize the matter and strongly prays for eviction against O.P.. In my view, another date of hearing is not called for. Let final order be reserved.

All concerned are directed to act accordingly.

*Sumit Mukherjee*  
ESTATE OFFICER

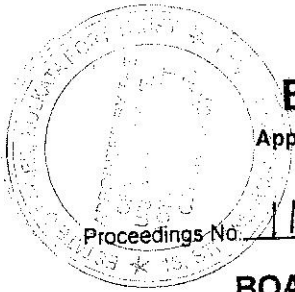
### FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that M/s Ghosh Corporation, O.P. herein, came into occupation of KoPT's land measuring about 147.995 sqm at Chetla Station Yard, Kolkata comprised under occupation No. D-542, being the Public Premises in question, as a monthly lessee on certain terms and conditions, and O.P. violated the fundamental condition of grant of tenancy by way of not making payment of rental dues, taxes and interest for a prolonged period, and also encroached into the Port property and parted with possession in favour of rank outsiders. It is strongly argued on behalf of KoPT that the O.P. has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 14.02.1985 and the O.P. is liable to pay damages for wrongful use and occupation of the Port property upto the date of handing over of vacant possession of the same.

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12-06-2019

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# Estate Officer, Kolkata Port Trust

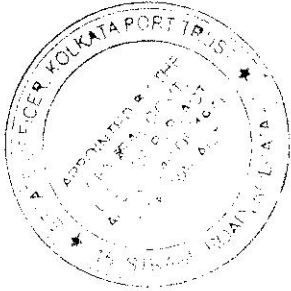
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1194, 1194/D Of 2011 Order Sheet No. 09

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Ghosh<sup>VS</sup> Cosporation

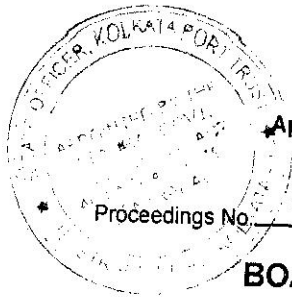
09  
29.11.2018



person/s to appear before this Forum for showing cause/hearing etc, failing which the matter will be decided exparte without any further reference. The matter will come up for hearing/consideration etc on 13.12.2018 at 11 A.M. All concerned are directed to act accordingly.

*Somen Mukhopadhyay*  
(S.Mukhopadhyay)  
ESTATE OFFICER

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*[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. 1194, 1194/D Of 2011 Order Sheet No. 11

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Gihosh VS Corporation (OP)

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12-06-2019

This Forum issued Show Cause notice under Section 4 of the Act (for adjudication of the prayer for issuance of Order of Eviction etc.) and Show Cause Notice/s under 7 of the Act (for adjudication of the prayer for recovery of damages, interest etc) both dated 28.06.2018.

It is seen from record that the letters sent through registered post containing the Notice/s as aforesaid were returned by the Postal Department undelivered. In one of such returned letter (addressed to O.P. at its address at 6, Old China Bazar Street, Kolkata 700001) the Postal Department has endorsed that "No such company in this address, hence return to sender". It is further seen from the report of the Process Server that the Notice/s could not be served on the O.P. as O.P. could not be found; however, the Process Server has confirmed that the Notice/s have been affixed on the property in question as per the mandate of the Act. In such circumstances, direction for newspaper publication was passed by this Forum and such publication took place on "The Telegraph" dated 05.12.2018 intimating the O.P. and/or anybody interested in the property to appear before the undersigned on the scheduled date and time. Publication was also made in KoPT's official website for information to all concerned. However, still nobody appeared before me on the date fixed, i.e. 13.12.2018. Thus, being satisfied with service of Notice/s on all concerned, and after hearing the arguments of KoPT, I proceeded to reserve the final order.

Now while passing the final order, I have carefully gone through the contentions made by KoPT against the O.P. It is seen that KoPT in its communications dated 01.02.1982 etc. requested the O.P. to liquidate the dues but apparently no heed was paid by the O.P. During the course of hearing, KoPT has placed before me statement of accounts, maintained in official course of business, from where non-payment

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13/6

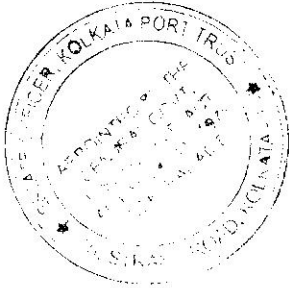
# Estate Officer, Kolkata Port Trust

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

Proceedings No. 1194, 1194/D Of 2011 Order Sheet No. 12

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Ghosh VS Corporation (OP)



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12-06-2019

of dues by the O.P. is very much evident. Moreover, it is revealed through KoPT's recent inspection of the public premises (as reported vide application dated 24.04.2018) that strangers are in occupation of the premises and there is no trace of O.P. Moreover, certain encroachments have also been detected during such inspection. In my view, it appears to me that the termination of the tenancy by KoPT is very much justified inasmuch as the O.P. has breached several terms of the monthly lease. Abandonment of public premises in favour of rank outsiders ought to be taken very seriously by this Forum. As such, it is my considered view that the Notice to Quit dated 14.02.1985 had been validly issued and served on the O.P. and the same is binding on the parties.

In view of the circumstances, and being satisfied as above, I am left with no other alternative but to issue the Order of Eviction against O.P. ex-parte, as prayed for on behalf of KoPT, on the following grounds/reasons:-

- 1) That O.P. has failed to liquidate the dues of the Port Authority, for a considerable period, despite being requested for its immediate liquidation.
- 2) That O.P. has failed to appear before this Forum and failed to show cause as to why order of eviction should not be passed on the O.P.
- 3) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 4) 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.
- 5) That O.P. has parted with possession of the property in favour of rank outsiders which cannot be allowed to be continued.
- 6) That the notice to quit dated 14.02.1985 as served upon O.P. by the Port Authority is valid,

12-06-19



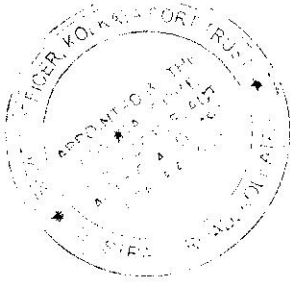
# Estate Officer, Kolkata Port Trust

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

Proceedings No. 1194, 1194/D Of 2011 Order Sheet No. 13

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Ms. Goshwari Corporation (OP) VS



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12.06.2019

Stamp: MAR 13 2019  
Stamp: 12.06.2019  
Signature: [Handwritten Signature]

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, 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.

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. 6,98,875/- as claimed by the Port Authority as damages in relation to the Plate in question, is correctly payable by O.P. for the period 01.04.1985 to 24.04.2018 (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 12.07.2019. The said damages shall carry simple interest @ 15% per annum upto 18.09.1996 and thereafter @ 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 its final payment in accordance with the relevant notification/s

# 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. 1194, 1194/D Of 2011 Order Sheet No. 14

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Zinosh vs Corporation (OP)



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12.06.2019

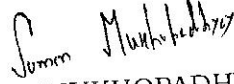
published in Official Gazette. The formal order u/s 7 of the Act is signed accordingly.

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 24.04.2018 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 24.04.2018, 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

  
(S. MUKHOPADHYAY)  
ESTATE OFFICER

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