

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.1716/R OF 2019
ORDER NO. 10 DATED: 20.08.2019

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 Gandeswari Builders
491, G.T. Road,
Mahesh, Hooghly

AND also of B-1, Strand Warehouse
Kolkata 700001

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

AND WHEREAS, by written notice dated 14.05.2019 you were
called upon to show cause on/or before 27.05.2019 why an order
requiring you to pay a sum of Rs. 4,86,132/- (Rupees Four Lakhs
Eighty Six Thousand One Hundred and Thirty Two 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 represent your case and/or
appear before the undersigned to show cause, despite sufficient
opportunities.

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. 4,86,132/- (Rupees Four Lakhs Eighty Six Thousand
One Hundred and Thirty Two only.) for the period 01.08.2002 to
13.02.2010 (both days inclusive) to Kolkata Port Trust by
30.08.2019.

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST

CERTIFIED COPY OF THE ORDER
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST
[Signature]
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

PLEASE SEE ON REVERSE

: 2 :

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 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

Plate no. SW57/A - The piece or parcel of godown space msg. 84.263 sq.m. at the Compartment No. B/1 (Western half) on the ground floor of Trustees' Strand Warehouse, P.S. North Port Police Station. It is bounded on the North by the Trustees' godown occupied by Ballarpur Industries, on the East by the Trustees' godown occupied by Naresh Nath Mukherjee (Metal) Pvt.Ltd., on the South by the Trustees' godown occupied by Basantalal Ghanashyam Das and on the West by the Trustees' godown occupied by M/s. Balmer Lawrie & Co. Ltd.

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

Dated: 20.08.2019



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. 1716, 1716/R Of 2019 Order Sheet No. 89

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Gandeswari Builders VS

FINAL ORDER

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20.08.2019

The instant proceedings No. 1716/R of 2019 arises out of the application bearing No. Lnd.12/36/14/2719 dated 08.12.2014 filed by the Kolkata Port Trust (KoPT), the Applicant herein, praying for an order of recovery of arrear license fees and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Gandeswari Builders, the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property measuring 84.263 sq.mt. or thereabout at Compartment No. B/1, (Western half) on the Ground Floor of KoPT's Strand Warehouse (under Plate No. SW-57/A) in the Presidency Town of Kolkata, P.S. – North Port Police Station, as Licensee, morefully described in the 'Schedule of Property' of the KoPT's application. The allegations levelled by KoPT against the O.P is that while in possession of Port property as Licensee, the O.P has defaulted in making payment of Licence Fees and taxes and also accrued interest thereon the details of which has given in 'clause 4' of the KoPT's application. It is the case of KoPT that the O.P. was asked to pay the arrears of Licence fees and taxes upto 13.02.2010 as the subject premises was enjoyed by O.P. till it was gutted by devastating fire on 14.02.2010.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 14.05.2019 was issued by this Forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 to show cause as to why an order requiring to pay arrear license fees together with interest should not be made against the O.P. The O.P. was also called upon to appear before this forum in person or through authorized representative capable to answer of material question connected with the matter along with the evidence which the O.P. intends to produce in support of this case.

After issuance of the aforesaid notice, on 27.05.2019 O.P. did not appear before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P. by Registered Post as per addresses available on record and both the postal communications have been returned back to the Forum with endorsements "insufficient address" and "not known". Subsequently efforts were made by the Process

Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1716, 1716/R Of 2019 Order Sheet No. 710

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Gandeshwari ^{VS} Builders.

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20.8.19

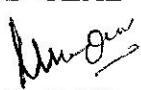
Server for personal service of the Notices on the O.P. but O.P. was not found in either of the addresses; however, the Process Server has claimed that he had affixed the Orders/Notices on the public premises in question, as per mandate of the Act. Upon a query by this Forum, KoPT vide application dated 05.08.2019 confirmed that no other address of the O.P. is available in the records of KoPT.

As none appeared on behalf of O.P. since 27.05.2019 onwards in spite of all attempts of service & affixation of the Notice/orders of this forum on subject premises, the final Order was reserved on 05.08.2019 and this forum has no other alternative but to adjudicate the matter ex-parte. Under such a situation, I have no bar to accept the claim of KoPT on account of arrear license fees etc. In fact, I have nothing to disbelief in respect of KoPT's claim against O.P. as per statement of accounts maintained regularly in KoPT's office in regular course of business. I have gone through KoPT's letter dated 22.12.2010 whereby KoPT specifically requested the O.P. to liquidate the dues but no heed appears to have been paid by O.P.

Under such circumstances, it is my considered view that a sum of Rs.4,86,132/- for the period 01.08.2002 to 13.02.2010 is due and recoverable from O.P. by the Port authority on account of arrear license fees and O.P. must have to pay the said dues to KoPT on or before 30.08.2019. Such dues attracts interest at the rate of 18% per annum upto 06.04.2011 and thereafter at the rate of 14.25% per annum till its 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. as per KoPT's books of accounts.

I sign the formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid, KoPT shall be at liberty to recover the license fees etc. 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***