

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  
1<sup>st</sup> Floor, 6, Fairlie Place Warehouse,  
Kolkata-700001  
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Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse

**Form "E"**

PROCEEDINGS NO.1452/R OF 2014  
ORDER NO. 09 DATED: 06.09.2019

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. Monmotho Nath Mondal  
83, Aprakash Chandra Mukherjee Lane,  
P.O. Shibpur,  
Howrah- 711102.

BY ORDER OF  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

fs-De  
09-09-2019

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

AND WHEREAS, by written notice dated 18.10.2017 you were  
called upon to show cause on/or before 30.10.2017 why an order  
requiring you to pay a sum of Rs. 4,92,839.00/- (Rupees Four  
Lakhs Ninety Two Thousand Eight Hundred and Thirty Nine 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 the instant  
proceedings inspite of repeated chances being given to you and no  
evidence have been produced by you in support of your case..

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. 4,92,839.00/- (Rupees Four Lakhs Ninety Two  
Thousand Eight Hundred and Thirty Nine only.) for the period  
01.01.1981 to 23.12.2011 (both days inclusive) to Kolkata Port  
Trust by 22.09.2019

PLEASE SEE ON REVERSE 9

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 @ 6.75 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) payable from the date of incurrence of liability, on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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 piece or parcel of land Msg. 367.90 sqm or thereabouts situated at Ramkristopur, Howrah P.S. Howrah Police Station, Dist. & registration District- Howrah under Plate No. HL-108/1. It is bounded on the North by the Trustees' Cross Road No. 4, on the East by the Trustees' land partly occupied by Ashima Khan and others partly occupied by Madan M. Khan and partly by Anil Kumar Khan, on the South by the Trustees' land occupied by Jamuna Das and Tribhuban Das & Co. and on the West by the Trustees' land occupied by Manujendra Nath Bhattacharjee and ors.

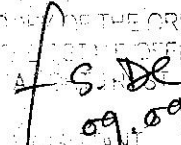
Trustees' means the Board of Trustees of the Port of Kolkata.

Dated: 09.09.2019

  
Signature and seal of the

Estate Officer

BY ORDER OF  
THE ESTATE OFFICER  
PORT OF KOLKATA TRUST

BY ORDER OF THE ESTATE OFFICER  
PORT OF KOLKATA TRUST  
  
09.09.2019  
ESTATE OFFICER  
PORT OF KOLKATA TRUST

# 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.

1452/R

Of

2014

Order Sheet No.

08

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

*Sri* <sup>VS</sup> *Moumstha Nath Mondal*

08

12.2.2018



I was unable to hold the Court on 12.02.2018, as I was on leave. However, I instructed the office personnel of the Estate Court to be present in the Court and communicate the next date of hearing. As instructed, Sri Sandip Patra, the Process server of the Department was present on 12.02.2018, but none appeared on behalf of O.P. or any person interested in the matter. In this connection the report of Sri, Sandip Patra filed before this Forum is kept on record.

It also reveals from the record that inspite of Publication of the Notice/s in the English daily (Times of India) on 22.01.2018 no one appeared and no accommodation was sought from any interested party whatsoever.

In the above facts and circumstances, let Final Order be reserved. All concerned are directed to act accordingly.

*S. Sinha*  
(S. Sinha)

ESTATE OFFICER

BY ORDER OF  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

*f.s.de*  
09.09.2019  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

# 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. 1452, 1452/R Of 2014 Order Sheet No. -09-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

(Plate no. HL-108/1)

M/s Monmotho Nath Mondal <sup>VS</sup>

09  
06.09.2019

### FINAL ORDER

The instant proceedings arises out of the application dated 06.02.2014 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for recovery of rental dues, interest etc against Sri Monmotho Nath Mondal, O.P. herein, under relevant provision of the Public Premises (Eviction of Unauthorised Occupants) Act-1971. The facts of the case is summarised here under.

It is the case of KoPT that land measuring about 367.90 sqm at Ramkristopur, Howrah, Thana-Shibpur Police Station under Plate No. HL-108/1 was allotted to the O.P. by the Port Authority on month to month lease basis. It has been claimed that O.P. failed to pay monthly rent and taxes as also interest as applicable as per KoPT rules. KoPT has further claimed that O.P. has carried out unauthorized construction without any authority of law. As per KoPT, O.P. was required to vacate the premises in terms of the Notice to Quit dated 02.12.2011 served as per statute. It is the specific submission that O.P. has no authority under law to occupy the public premises on the expiry of period as mentioned in the notice to quit dated 02.12.2011 as served upon O.P. by the Port Authority. In view of the Quit Notice representative of KoPT took over possession of the subject premises on 23.12.2011.

The instant Proceeding No. 1452/R of 2014 is for adjudication of application being No. Lnd.2649/II/14/3119 dated 06.02.2014 submitted by Kolkata Port Trust (KoPT), the Applicant herein, praying for order for recovery of arrear rent, taxes, along with interest from Sri Monmotho Nath Mondal, O.P. herein.

This Forum of Law issued show cause notice under Section 7 of the PP Act to O.P. dated 18.10.2017 for the purpose initiation of adjudication process as envisaged under the Act. It reveals from record that the acknowledgement due card of the postal service to O.P. at the recorded address did not return. As a result thereof, the Notice under Section 7 was published in Kolkata Port Trust's website and in

RECEIVED BY THE  
PASSENGER  
09.09.2019

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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. 1542, 1452/R of 2014 Order Sheet No. 10-

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

(Plate no HL-108/1)

M/s Monmotho Nath Mondal VS

09  
06.09.2019

English Daily "The Times Of India" on 22.01.2018 which yielded no results. As no one appeared on behalf of O.P. or any person interested in this proceedings inspite of publication of notice in Daily Newspaper having wide circulation, I have no bar to allow the prayer of KoPT for recovery of rental dues from O.P. Department is directed to draw formal order for rent u/s.7 of the Act for Rs. 4,92,839.00/- for the period 01.01.1981 to 23.12.2011(both days inclusive), directing O.P. to pay the amount on or before 22.09.2019 and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 22.09.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 6.75 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrence of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. I sign the formal order u/s 7 (1) & (2-A) of the Act. I make 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

  
(SATYABRATA SINHA)  
ESTATE OFFICER

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

BY ORDER OF  
THE ESTATE OFFICER  
KOLKATA PORT TRUST

S. De  
09.09.2019

ESTATE OFFICER  
KOLKATA PORT TRUST