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**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
1st Floor, 6, Fairlie Place Warehouse,
Kolkata-700001

Form G

Court Room At the 1st Floor
6, Fairlie Place Warehouse
Kolkata- 700 001.

REASONED ORDER NO. 09 DT 16.09.2019
PROCEEDINGS NO.1629/D OF 2018

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/s. B.P. Mishra & Co.

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

To
M/s. B.P. Mishra & Co.
22, Strand Road,
Kolkata-700001.

Whereas I, the undersigned, am satisfied that you were in
unauthorised occupation of the public premises mentioned in the Schedule
below:

And whereas by written notice dated 01.06.2018 you were called upon to
show cause on/or before 22.06.2018 why an order requiring you to pay
damages of sum of Rs. 2,71,294.48/- (Rupees Two Lakh Seventy One
Thousand Two Hundred and Ninety Four and paise Forty Eight only.) for Plate
No. HL-403/29/C together with compound interest for unauthorised use and
occupation 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. Even Paper Publication of the Notice
yielded no fruitful result and therefore no evidence has been produced by you
in support of your case.

PLEASE SEE ON REVERSE

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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 order you to pay the sum of Rs. 2,71,294.48/- (Rupees Two Lakh Seventy One Thousand Two Hundred and Ninety Four and paise Forty Eight only.) for the period 01.11.1985 to 01.03.2011 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 30.09.2019.


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 @ 7% per annum on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

In the event of your refusal or failure to pay the damages within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

SCHEDULE

The said piece or parcel of land Msg. about 318.29 sqm or thereabouts is situate at Shibpur, P.S.- Shibpur, Dist. and Registration District- Howrah. It is bounded on the North by the Trustees' open Land beyond which is the Trustees' Building, on the East by the Trustees' strip of open land beyond which is the Trustees' River side Road, on the South by the Trustees' Land leased to Indo Sales Corporation and on the West by the Trustees' Road. Trustees' means the Board of Trustees of the Port of Kolkata.

Dated: 17.09.2019


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. 1629/D of 2018 Order Sheet No. -07-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s B. P. Mishra & Co. ^{VS}

09
16.09.2019

FINAL ORDER

The instant proceedings 1629/D of 2018 arose out of an application dated 28.11.2017 filed by Kolkata Port Trust (KoPT), the Applicant herein, claiming arrear dues/ compensation alongwith interest from M/s B.P. Mishra & Co., 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 dues for a prolonged period. It is also submitted by KoPT that owing to several breaches, the short term lease was determined vide Notice to Quit dated 11.09.1985 w.e.f 01.11.1985 and finally possession was taken over by KoPT from O.P. on 01.03.2011 in compliance with the Final Order of this Forum dated 19.03.2010 in respect of the P.P. Act proceeding No. 1009 of 2009. KoPT has prayed for realization of dues upto 01.03.2011.

This Forum issued formal Notice u/s 7 of the Act on 01.06.2018, on the O.P., asking to show cause why order regarding payment of the arrears dues/ compensation 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 dated 06.06.2018, the O.P. was not found at the recorded address as the office of O.P. has been moved. The postal acknowledgement is also returned with the remark 'Moved'. Under such a situation, as mandated under the law, Notice were published in daily newspaper "The Times of India" dated 21.03.2019 and the said Notice were also displayed in the official website of KoPT for information to all concerned. But still no one interested in the proceedings turned up before this Forum on 02.04.2019 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 02.04.2019 I reserved the final order.

DEC 17 2019
PASS
17-09-2019
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.

1629/D

Of

2018

Order Sheet No.

-08-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S B. P. Mishra ^{VS} Co

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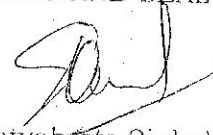
16.09.2019

I have carefully considered the submissions of KoPT and the documents produced before me. It reveals from said statement that O.P. was indeed in default of Compensation bills. In my view, the statement of accounts maintained by a statutory authority has definite evidentiary value in the eye of law and I find no reason to disbelieve the claim of KoPT, in the facts and circumstances of the case.

During course of hearing, it is submitted by the Port Authority that the calculations of rent/ compensation are based on the relevant Gazette Notifications of the Tariff Authority for Major Ports (TAMP) which are uniformly applicable on all occupiers of port property. I find nothing contrary in the records of this Forum. As such, I have no hesitation to decide the case against the O.P.

NOW THEREFORE, I hereby assess the damages/compensation dues payable by the O.P. for its occupation of the public premises in question, for the period 01.11.1985 to 01.03.2011 as Rs 2,71,294.48/- (principal amount). The O.P. is directed to pay the said amount to KoPT by 30.09.2019. In terms of Section 7 (2-A) of the PP Act, 1971, such dues attract simple interest @ 7 % 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, 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. 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 ****

f.s.de
17.09.2019

