

SCAN

**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 (1st Floor)
KOLKATA - 700 001

Court Room At the 1st Floor
of Kolkata Port Trust's
Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1182/D OF 2011
ORDER NO 15 DATED: 06.11.2019

Form- G

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 Ceekay Associates
Jain House,
8/1, Esplanade East,
Kolkata -700069.**

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

And whereas by written notice dated 23.05.2018 you are/were called upon to show cause on/or before 05.06.2018 why an order requiring you to pay damages of **Rs.3,,06,002.35/-** (Rupees Three lakhs Six thousand two and paise thirty five only) for **Plate Nos.D-145/5/17 and SF-100/6** for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date.

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.3,06,002.35/-** (Rupees Three lakhs Six thousand two and paise thirty five only) for **Plate Nos.D-145/5/17 and SF-100/6** as damages on account of your unauthorised occupation of the premises for the period from 01.01.2006 to 28.02.2007 to Kolkata Port Trust by 21.11.2019.

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 @ 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 Kolkata Port Trust's Notification published in the Official Gazette/s.

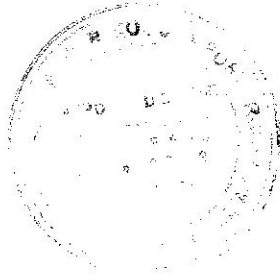
PLEASE SEE ON REVERSE

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 through the Collector.

SCHEDULE

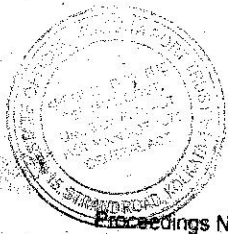
The Piece or parcel of land measuring 1360.01sq.m. is situate of Brooklyn Depot, Paharpur, P.S: Garden Reach, Calcutta, District 24 Parganas. It is bounded on the North by leased out land of KoPT, On the East by Trustees' land leased to M/S Ramkrishna Kulwant Rai, on the South by drain then T.N Shed and on the West by T.G. Shed. Trustees' means the Board to Trustees' of the Port of Kolkata.

Date 6-11-19



[Signature]
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 the Public Premises (Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1182/D Of 2011 Order Sheet No. 10

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/S Ceekay Associates

15

06.11.2019

FINAL ORDER

The instant proceedings No. 1182/D of 2011 arises out of the application bearing No. Lnd.4546/II/09/11711 dated 21.01.2009 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of dues and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against M/S Ceekay Associates, 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 1360.01sq.mt. or thereabout at Brooklyn Depot, Paharpur, Thana-Garden Reach (under Plate Nos.D-145/5/17 and SF-100/6) as long term Lessee, more fully 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 long term Lessee, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon the details of which has given in 'Schedule-C' of the KoPT's application.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 28.02.2007 as because such long term lease was expired on 01.12.2003 and the subject premises was taken over by KoPT on 01.03.2007.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 23.05.2018(vide Order-12 dated 26.04.2018) was

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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. 1182/D Of 2011 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S *Caekay* ^{VS} *Associates*

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06.11.2019

issued by this forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear damages/compensation 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 opposite party intends to produce in support of this case.

After issuance of the aforesaid notice, on 23.05.2018 O.P. was not appeared before the Forum for giving reply to the Show Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per address available on record and both the communications have been returned back to the Forum with a report "Addressee moved/office moved". Subsequently efforts were made by the Process Server for personal service of the Notices on the O.P. but O.P was not found in such addresses.

As none appeared on behalf of O.P or any other person interested in the property, a publication was made in the classified column of Statesman, Kolkata on 10.07.2018 fixing the penultimate date of O.P's appearance on 31.07.2018. Finally as the O.P failed to appear on 31.07.2018 the final Order was reserved in the matter. Now this forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of



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. 1182/D Of 2011 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
MIS Ceevay Associates

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06.11.2019

damages/compensation 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.

It is my considered view that a sum of Rs.3,06,002.35/- for the period 01.01.2006 to 28.02.2007 is due and recoverable from O.P. by the Port authority on account of damages/compensation and O.P. must have to pay such dues to KoPT on or before 21.11.2019. Such dues attracts interest at the rate of 15% per annum upto 18.09.1996 and thereafter at the rate of 18% per annum upto 13.02.2010 and thereafter at the rate of 14.25% per annum till its liquidation of the same from the date of incurrence 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.

Department is directed to draw up 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 is at liberty to recover the dues etc. 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***

OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST

