

**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

Court Room At the 1st Floor
6, Fairlie Place Warehouse
Kolkata-700001.

Form "E"

PROCEEDINGS NO.1396/R OF 2013
ORDER NO.25 DATED:

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. Som Services,
11/1A, Marquis Street
Kolkata-700016.

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

AND WHEREAS, by written notice dated 10.05.2018 you were called upon to show
cause on/or before 07.06.2018 why an order requiring you to pay a sum of Rs.8,37,335.53/-
(Rupees Eight Lakhs Thirty Seven Thousand Three Hundred and Thirty Five and paise
Fifty three only.) being the rent payable together with compound interest in respect of the
said premises should not be made;

And whereas I have considered your objections and/or evidence before
the said date.

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.8,37,335.53/- (Rupees Eight Lakhs Thirty Seven
Thousand Three Hundred and Thirty Five and paise Fifty three only.) for the period
01.12.2005 to 17.10.2012 to Kolkata Port Trust by 15.12.2019, subject to adjustment of
the Security Deposit if any.

PLEASE SEE ON REVERSE

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 at the rate of @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 Calcutta Gazettee/s as per Kolkata Port Trust's Rule.

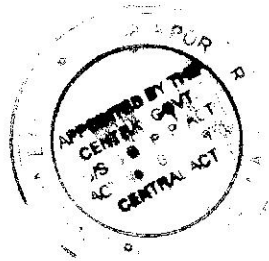
In case the said sum is not paid within the said period or in the said manner, it will be recovered as arrears of land revenue through the Collector.

SCHEDULE

The piece or parcel of land msg. about 928 Sq.m or thereabouts is situate at Remount Road under Plate No. D-628, Thana : South Port Police Station, Dist. 24 Parganas (South) & Registration Dist.: Alipore. It is bounded On the North by the Trustees' land leased to Smt. Ratna Dutta Roy, On the South by the Trustees vacant land, On the East by the Trustees' vacant land and On the West by Trustees' Road connecting Remount Road and Trustees' Labour Quarters area.

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

Dated: 20/11/13



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. 1396/R Of 2013 Order Sheet No. 17

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Som Services

25
02.12.17

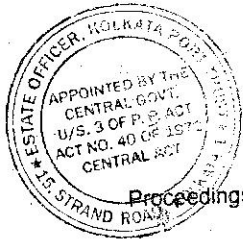
FINAL ORDER

The instant proceedings No. 1396/R of 2013 arises out of the application bearing No. Lnd.5002/L/12/3814 dated 24.12.2012 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of rent/licence fees and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Som Services, 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 928 sq.mt. or thereabout at Remount Road (under Plate No.D-628) as a licensee on month to month basis which is 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/rent and taxes and also accrued interest thereon the details of which has given in 'Schedule -B' of the KoPT's application.

It is the case of KoPT that the O.P. was asked to pay Licence fees/rents upto 17.10.2012 as because the subject premises was enjoyed by O.P. till it's possession was taken over by KoPT on 17.10.2012. Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 10.05.2018(vide Order no 12 dated 18.01.2018) was 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 rent/Licence 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 opposite party intends to produce in support of this case.

BY ORDER OF:
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
STATE 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.

1396/R

Of

2013

Order Sheet No.

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Som Services

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10-01-2019



Present: Manik Lal Das, for Asim Kr. Som
For Opposite Party (O.P.)

No one appears for KoPT. Representative of O.P. prays for time by filing an application. Prayer for adjournment is granted for ends of natural justice.

To come up for Final Hearing. In the mean time KoPT is directed to adjust the security deposit in the mean time.

The parties are directed to collect certified copy of this Order from the Department with appropriate authority.

To come up for production of documents, evidence, hearing etc on 24.01.2019 at 12 noon. All concerned are directed to act accordingly.

ESTATE OFFICER

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24.01.19



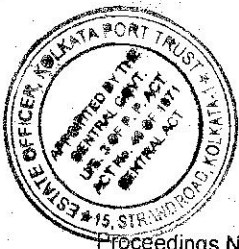
Present: Asim Kr. Som
For Opposite Party (O.P.)

Abhishek Dey, Resolution Officer- Legal

Representative of KoPT submits that the Finance Department vide letter dated 14.01.2019 has communicated that they are in the process of issuance of a duplicate Treasury Receipt *subject to submissions of necessary documents related to the Treasury Receipt.*

Heard the submissions. It is seen from record that the pleadings on behalf of the parties are complete. Let Final Order be reserved. KoPT and O.P. in the meantime are directed to take steps to get the security deposit adjusted. KoPT is directed to let this Forum know the exact amount that is due after adjustment of security deposit. All concerned are directed to act accordingly.

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. 1396/R Of 2013 Order Sheet No. 18

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Some Services

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02.12.19

After issuance of the aforesaid notice, on 10.05.2018 O.P. had appeared before the Forum on 07.06.2018 thereafter, submitted his Letter of Authority to represent before this Forum and filed his reply to Show Cause on 14.06.2018 alleging inter-alia that O.P had surrendered their tenancy in respect of the said land before 6 years on 10.09.2012 and after 6 years KoPT is demanding the arrear rent and KOPT should adjust such amount from security deposit and construction cost which was still lying with KoPT." subsequently KoPT filed their rejoinder on 07.08.2018, denying all the averments of O.P. Finally the matter was lastly heard on 24.01.2019 when the final order was reserved.

Now under the pretext of the entire factual matrix, this Forum has no hesitation to infer that admittedly there is some security deposit in the account of O.P. which needs to be adjusted against the outstanding rental payable to KoPT. It is a procedure followed by KoPT, that against the security deposit a Treasury Receipt is issued in original to the lessee/licensee which in the latter occasion have to be furnished in original to KoPT, so as to adjust against the outstanding amount payable by such lessee/licensee. In the instant case O.P. vide its application dated 25.09.2018 intimated this Forum that the land security deposit document/Treasury Receipt is missing from O.P.'s record and O.P. had lodged a General Diary of such loss of the said document to the Officer-in-charge of the Park Street Police Station on 25.09.2018.

In the above facts and circumstances, this Forum is made to understand that the original Treasury Receipt is an important piece of document so as to get the adjustment against the outstanding dues/charges payable by O.P. The issue regarding the loss of Treasury Receipt is an admitted position and the arrear rental dues payable by O.P. is also an admitted position. O.P. is given the liberty to take up the issue of taking out a duplicate Treasury Receipt with the competent authority of KoPT and KoPT is directed to

Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Sam Services

25
2.12.19

provide all assistance ensuring smooth procurement of such duplicate Treasury Receipt and thereafter to make the necessary adjustment if any, against the security deposit.

As of now, I have no bar to accept the claim of KoPT on account of License fees/rental dues 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.8,37,335.53 for the period 01.12.2005 to 17.10.2012 is due and recoverable from O.P. by the Port authority on account of Licence fees/rental dues and O.P. must have to pay the rental dues to KoPT on or before 15.12.2019. 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 licence fees/rental 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***