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on 13.12.2019.



**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, Fairley Place (1st Floor)
KOLKATA - 700 001

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

REASONED ORDER NO.22 DT 10.12.2019
PROCEEDINGS NO. 1279 OF 2012

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

Smt. Urmila Devi Gupta & Ors (O.P.)

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Smt. Urmila Devi Gupta, & N/G Minor Sons and Daughter, D. Gupta, R. Gupta, S. Gupta, U. Gupta and Saraswati Gupta all of 48/A, C.G.R. Road, Kolkata-700023 And Also At 4/1, Durga Das lane, Kidderpore, Kolkata-700023** are in unauthorized occupation of the Public Premises specified in the Schedule below:

REASONS

- 1) That O.P. or its duly authorised representative has failed to appear before this Forum and has failed to file Reply to the Show Cause Notice/s under the Act, inspite of sufficient chances being given.
- 2) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of not making payment of the dues to KoPT without any valid justification.
- 3) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of unauthorisedly parting with possession to various rank outsiders / strangers without any authority of law.
- 4) That the unauthorised occupant who appeared before this Forum has failed to disclose his identity as well as failed to justify his occupation of the public premises by production of any relevant document.
- 5) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 6) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances.

PLEASE SEE ON REVERSE

That the notice to quit dated 26.05.2005 as served upon O.P by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.

- 8) That O.P is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession of the subject premises to the Port Authority.

A copy of the reasoned order No. 22 dated 10.12.2019 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Smt. Urmila Devi Gupta, & N/G Minor Sons and Daughter, D. Gupta, R. Gupta, S. Gupta, U. Gupta and Saraswati Gupta al of 48/A, C.G.R. Road, Kolkata-700023 And Also At 4/1, Durga Das lane, Kidderpore, Kolkata-700023** and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said **Smt. Urmila Devi Gupta, & N/G Minor Sons and Daughter, D. Gupta, R. Gupta, S. Gupta, U. Gupta and Saraswati Gupta al of 48/A, C.G.R. Road, Kolkata-700023 And Also At 4/1, Durga Das lane, Kidderpore, Kolkata-700023** and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

Land Msg. 17.559 sq. mt.

Piece or parcel of land msg. about 17.559 sq.m or thereabouts is situate at Taratala Staff Colony(Eastern Side), P.S. Garden Reach, now Taratala P.S., Dist. 24 Parganas. It is bounded on the North by the Trustees' vacant land, on the east by the Trustees' land leased to you, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to Monilal Dhoba.

Land Msg. 18.583 sq. mt.

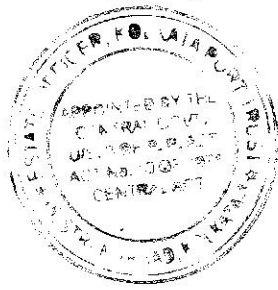
Piece or parcel of land msg. about 18.583 sq.m or thereabouts is situate at Taratala Staff Colony(Eastern Side), P.S. Garden Reach, now Taratala P.S., Dist. 24 Parganas. It is bounded on the North by the Trustees' vacant land, on the east by the Trustees' land leased to Papri Pandey, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to you. Trustees' means the Board to Trustees' of the Port of Kolkata.

Date- 10.12.2019.

Signature & Seal of the

Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER/CHIEF LAW OFFICER, KOLKATA PORT TRUST FOR INFORMATION.



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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- 700 001.

Form " E "

PROCEEDINGS NO.1279/R OF 2012
ORDER NO.22 DATED: 10.12.2019.

Form of order under Sub-section (1) and (2A) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

To
Smt. Urmila Devi Gupta,
& N/G Minor Sons and Daughter,
D. Gupta, R. Gupta, S. Gupta
U. Gupta and Saraswati Gupta,
48/A, C.G.R. Road,
Kolkata-700023.
And Also At
4/1, Durga Das lane,
Kidderpore,
Kolkata-700023.

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST
CERTIFIED COPY OF THE ORDER
DATE: 12-12-19
10.12.2019

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

AND WHEREAS, by written notice dated 12.02.2018 you were called upon to show cause on/or before 14.03.2018 why an order requiring you to pay a sum of Rs. 2,16,465.47/- (Two Lakhs Sixteen Thousand Four Hundred Sixty Five and paise Forty Seven only) being the rent payable together with simple interest in respect of the said premises should not be made;

And whereas I have considered your objection and/or the evidence produced by you.

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. 2,16,465.47/- (Two Lakhs Sixteen Thousand Four Hundred Sixty Five and paise Forty Seven only) for the period 01.02.1983 to 09.06.2005 (both days inclusive) to Kolkata Port Trust by 21.12.2019.

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 @ 15% per annum upto 18.09.1996 and thereafter @ 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

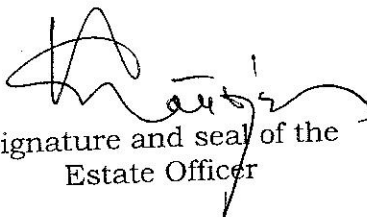
Land Msg. 17.559 sq. mt.

Piece or parcel of land msg. about 17.559 sq.m or thereabouts is situate at Taratala Staff Colony(Eastern Side), P.S. Garden Reach, now Taratala P.S., Dist. 24 Parganas. It is bounded on the North by the Trustees' vacant land, on the east by the Trustees' land leased to you, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to Monilal Dhoba.

Land Msg. 18.583 sq. mt.

Piece or parcel of land msg. about 18.583 sq.m or thereabouts is situate at Taratala Staff Colony(Eastern Side), P.S. Garden Reach, now Taratala P.S., Dist. 24 Parganas. It is bounded on the North by the Trustees' vacant land, on the east by the Trustees' land leased to Papri Pandey, on the South by the Trustees' Roadway and on the West by the Trustees' land leased to you. Trustees' means the Board to Trustees' of the Port of Kolkata.

Dated: 10.12.2019


Signature and seal of the
Estate Officer



**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
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Fairlie Warehouse
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1279/D OF 2012
ORDER NO 22 DATED: 10.12.2019

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
Smt. Urmila Devi Gupta,
& N/G Minor Sons and Daughter,
D. Gupta, R. Gupta, S. Gupta
U. Gupta and Saraswati Gupta,
48/A, C.G.R. Road,
Kolkata-700023.
And Also At
4/1, Durga Das lane,
Kidderpore,
Kolkata-700023.

BY ORDER OF
THE ESTATE OFFICER
KOLKATA PORT TRUST
FOR A COPY OF THE ORDER
PLEASE SEE THE ESTATE OFFICER
KOLKATA PORT TRUST
10/12/2019
THE ESTATE OFFICER
KOLKATA PORT TRUST

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

And whereas by written notice dated 12.02.2018 you were called upon to show cause on/or before 14.03.2018 why an order requiring you to pay damages of **Rs.6,28,951.74/- (Six Lakhs Twenty Eight Thousand Nine Hundred and Fifty One and paise Seventy Four only)** for Plate No.D-379/3 and D-379/3/1 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.

PLEASE SEE ON REVERSE

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.6,28,951.74/-(Six Lakhs Twenty Eight Thousand Nine Hundred and Fifty One and paise Seventy Four only)** for **Plate No.D-379/3 and D-379/3/1** as damages on account of your unauthorised occupation of the premises for the period from 10.06.2005 to 26.05.2017 to Kolkata Port Trust by 21.12.2019. In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act.

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 till 06.04.2011 and thereafter @14.25% per annum on the above sum with effect from the date of incurrence of liability, till its final payment in accordance with Notification Published in Official Gazette/s. 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

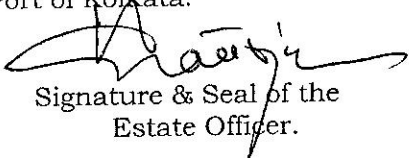
Land Msg. 17.559 sq. mt.

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Land Msg. 18.583 sq. mt.

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Date 10.12.2019.


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. 1279, 1279/R & 1279/D Of 2012 Order Sheet No. -22-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Smt. Urmila Devi Gupta & ors.

FINAL ORDER

22
10-12-2019

The instant proceedings nos. 1279, 1279/R & 1279/D of 2012 arises out of the application filed on 23.02.2007 by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of eviction and recovery of dues and other charges etc. along with accrued interest against Smt Urmila Devigupta & her minor sons and daughters, namely D. Gupta, R. Gupta, S. Gupta, U. Gupta and Saraswati Gupta, the O.P. herein, under the relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

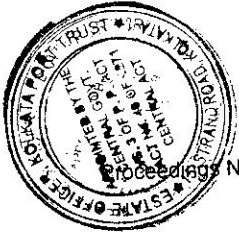
The facts of the case, in terms of a nutshell, are that the O.P. came into occupation of the port properties measuring 17.559 sqm or thereabouts (under plate no. D379/3/1) and 18.583 sqm or thereabouts (under Plate no. D379/3), both situated at the eastern side of Taratala Staff Colony, Thana -Taratala, Registration District : Alipore and District : 24 Parganas, (morefully described under the 'Schedule A' of the KoPT's application filed on 23.02.2007) as a short term month to month lessee and had defaulted in making payment of KoPT's rent and taxes and unauthorisedly parted with possession/sub-let the Public Premises in question to the rank outsiders and also encroached upon the Trustees' land.

It is the case of KoPT that the O.P. was asked to vacate the premises in terms of the Quit Notice dated 26.05.2005, served as per statute upon the O.P. by registered post with Acknowledgement Due. It is the submission of KoPT that inspite of the said Ejectment Notice, the O.P. failed and neglected to quit, vacate and deliver up vacant and peaceful possession of the said premises on the scheduled date or thereafter and hence is liable to be evicted therefrom.

Considering the submissions and materials on record as submitted by KoPT, Notice/s to Show Cause U/s 4 and 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 all dated 12.02.2018 were issued to the O.P. as well as any other person interested in the

subject property, as to why an order of eviction should not be made against the O.P. The O.P. as well as any

DR. URMILA DEVI GUPTA
Smt. Urmila Devi Gupta
12-12-19
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. 1279, 1279/R & 1279/D of 2012 Order Sheet No. -23-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Smt. Arunima Devi Gupta & ors.

22
10-12-2019

*By Order of
The Estate Officer
Kolkata Port Trust
10-12-2019*

other person interested was also called upon to appear before this Forum in person or through their duly authorized representative, capable of answering all material questions related to the matter, along with evidence which the O.P. or such other interested person, intends to produce in support of their case.

It appears from the records that the Notice/s sent through postal service were returned with the endorsement "deceased". However, as per the report of the Process Server, it was served on one of the sitting occupants as well as affixed on the properties in question. During the course of hearing, one Binod kr Shaw appeared before this Forum claiming to be a sitting occupant and praying for relief. A written submission also came to be filed by him on 04.04.2018. KoPT, vide its Rejoinder dated 24.04.2018, duly replied to the contentions of the said sitting occupant. Thereafter, KoPT filed a report of inspection dated 21.05.2018 intimating the names of the sitting occupants of the respective premises. It is to be noted that during the course of hearing, neither the O.P. nor any person authorized by the O.P., appeared before this Forum despite many opportunities being given. The only person who appeared, i.e. Binod Kr Shaw, also failed to disclose his precise identity by production of relevant identity cards/authentication documents. In such a situation, to avoid further unnecessary prolongation of the current proceedings, which, in effect, to my understanding had provided enough opportunities to the parties for representing their respective matters for the sake of natural justice, this Forum reserved the matter for passing final order on 03.08.2018.

Now while delivering the final order, I have carefully gone through all the documents on record. The first and foremost question is, whether this Forum should draw on the presumption of death of the O.P. It is true that the postal endorsement on the envelope of the Notices addressed to the O.P. was returned as undelivered, with the endorsement "deceased". At the same time, it is also correct that the sitting occupant who appeared before this Forum, claiming to be an occupant since long, while verbally commenting about the possible expiry of the O.P. failed to produce any information/document



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. 1279, 1279/R & 1279/D Of 2012 Order Sheet No. -24-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Smt. Urnila Devi Gupta & ors.

22
10.12.2019

regarding death of the O.P. I must take note of the fact that when due affixation of the Orders of this Forum has been made on the properties in question, as per the mandate of the Act, there was every opportunity on the part of all concerned, including the legal heirs/representatives of O.P. to produce any document regarding the death of O.P. (presuming it to be true) before this Forum. But no such document was placed or any person made an appearance before this Forum. Even the Port authority could not confirm anything about the death of the O.P. and seemed to be clueless about it. In such a situation, I am of the considered view that in the absence of convincing documents, there is no scope by this forum to draw any cogent presumption about the death of the O.P. on the basis of certain hear say versions.

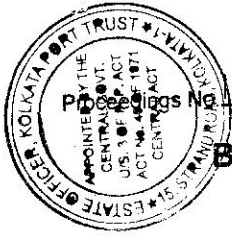
Be that as it may, the question now engages as to how far the contentions of KoPT against the O.P. are valid, as per law. It is seen that KoPT vide several letters dated 15.01.2004, 01/02.04.2004, 11.08.2004 repeatedly requested the O.P. to clear the rental dues and taxes but O.P. seems to have paid no heed to the said entreaties. The statement of accounts produced by the KoPT (as maintained by the statutory authority in due course of business) reveals the O.P. as a defaulter. Even the sitting occupant who appeared before this Forum, does not deny about the arrears on account of estate dues (as per his written submission dated 04.04.2018). In such a situation, in absence of any bankable evidences/documents to support the contrary, I am convinced that the allegation of the Port authority is true and correct. I take further note of the fact that repeated inspections of the KoPT have revealed that unauthorized occupants are in use and enjoyment of the premises in question and this is re-confirmed by the appearance of one such stranger before this Forum who never had any contractual relationship with the KoPT at all. Such a

stranger failed to justify his onus/legal right to use and occupy the land of the statutory authority. This leads me to a definite conclusion that the allegation of parting of possession by the O.P. has definite merits in all sense of law. Of course, the allegation of encroachment has been

RECEIVED BY THE
ESTATE OFFICER
KOLKATA PORT TRUST
12.12.19

Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971



279, 1279/R/1279/D Of 2012 Order Sheet No. -25-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Smt. *Arundha Devi Gupta & ors.* VS

22
10-12-2019

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KOLKATA PORT TRUST
10-12-2019

withdrawn (as per KoPT's own stand as mentioned in their communication dated 12.06.2017) but this does not belittle or dilute the breaches committed by the O.P. as have been described above in any way. In fact, handing over of the premises to rank outsiders is a serious lapse on the part of the O.P. which cannot be condoned by this Forum.

Discussions regarding the foregoing reveal that there is a substantial element of factual veracity in KoPT's Notice to Quit dated 26.05.2005 and therefore, I am of the firm view that the monthly lease of the O.P. was rightly determined by the Port Authority vide the said Notice to Quit. Consequently, I have no hesitation to hold that the said Notice had been validly issued and served on the O.P. and the same are binding on the parties.

In view of the circumstances, as there is no Reply to the Show Cause Notice/s under the Act by or on behalf of O.P., inspite of sufficient chances being provided to the O.P., I am left with no other alternative but to issue the Order of Eviction against O.P., as prayed for on behalf of KoPT, on the following grounds/reasons:-

- 1) That O.P. or its duly authorised representative has failed to appear before this Forum and has failed to file Reply to the Show Cause Notice/s under the Act, inspite of sufficient chances being given.
- 2) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of not making payment of the dues to KoPT without any valid justification.
- 3) That O.P has violated the condition of tenancy under monthly term lease as granted by the Port Authority by way of unauthorisedly parting with possession to various rank outsiders / strangers without any authority of law.
- 4) That the unauthorised occupant who appeared before this Forum has failed to disclose his identity as well as failed to justify his occupation of the public premises by production of any relevant document.

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. 1279, 1279/R & 1279/D Of 2012 Order Sheet No. -26-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Smt. Urmila Devi Gupta & ors.

22
10-12-2019.

- 5) That O.P. has failed to make out any case in support of its occupation as "authorised occupation", in spite of sufficient chances being given.
- 6) That O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", in spite of sufficient chances.
- 7) That the notice to quit dated 26.05.2005 as served upon O.P by the Port Authority is valid, lawful and binding upon the parties and O.P's occupation, and that of any other occupant of the premises, has become unauthorised in view of Section 2(g) of the P.P Act.
- 8) That O.P is liable to pay damages for wrongful use and occupation of the Public Premises upto the date of handing over of clear, vacant and unencumbered possession of the subject premises to the Port Authority.

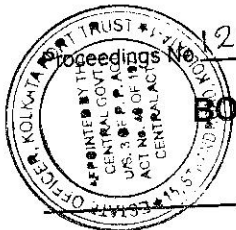
ACCORDINGLY, I sign the formal order of eviction u/s. 5 of the Act as per Rule made there-under, giving 15 days' time to O.P. and any person/s whoever may be in occupation, to vacate the premises. I make it clear that all person/s, whoever may be in occupation, are liable to be evicted by this order and the Port Authority is entitled to claim damages for unauthorized use and enjoyment of the property against O.P., in accordance with the Law, upto the date of recovery of possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs. 2,16,465.47/- (Two Lakhs Sixteen Thousand Four Hundred Sixty Five and paise Fourty Seven only) for the period 01.02.1983 to 09.06.2005 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of

OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST
15 STRAND ROAD, KOLKATA - 700014
12-12-19.
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. 1279, 1279/R & 1279/D Of 2012 Order Sheet No. - 27 -

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Smt. urmila Devi Gupta & ors.

22
10.12.2019.

rental dues and O.P. must have to pay the rental dues to KoPT on or before 21.12.2019. Such dues attract simple interest @ 15% per annum upto 18.09.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum, till the 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., in terms of KoPT's books of accounts.

I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damages/compensation to be paid for unauthorised occupation. As such, I must say that Rs. 6,28,951.74/- (Six Lakhs Twenty Eight Thousand Nine Hundred Fifty One and paise Seventy Four only) (in respect of Plates in question) as claimed by the Port Authority as damages, is correctly payable by O.P. for the period 10.06.2005 to 26.05.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 21.12.2019. The said damages shall carry simple interest @ 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 the relevant notification/s published in Official Gazette. The formal orders u/s 7 of the Act are signed accordingly.

I make it clear that KoPT is entitled to claim damages against O.P. for unauthorized use and occupation of the public premises right upto the date of recovery of clear, vacant and unencumbered possession of the same in accordance with Law, and as such liability of O.P. to pay damages extends beyond 26.05.2017 as well, since the possession of the premises is still lying unauthorisedly with the O.P.. KoPT is directed to submit a statement

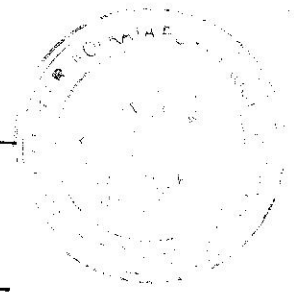
comprising details of its calculation of damages after 26.05.2017, indicating there-in, the details of the rate of such charges, and the period of the damages (i.e. till the date of taking over of possession) together with the basis on which such charges are claimed against O.P., for my

RECEIVED BY THE ESTATE OFFICER, KOLKATA PORT TRUST, KOLKATA. 10/12/2019.

Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises
(Eviction of Unauthorised Occupants) Act 1971

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Smt. Urmila Devi Gupta & ors.


22
10-12-2019.

consideration for the purpose of assessment of such damages as per Rule made under the Act.

I make it clear that in the event of failure on the part of O.P. to comply with this Order, the Port Authority is entitled to proceed further for execution of this Order in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(K. Chatterjee)
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
12-12-19.

