

**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.1389/D OF 2013
ORDER NO.18 DATED: 14.01.2020

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 Indian Export Enterprise,
138, Biplabi Rash Behari Basu Road,
Kolkata- 700001
AND ALSO OF
138, Canning Street, G.P.O Box No.540,
Calcutta-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 23.07.2019 you are called upon to show cause on/or before 20.08.2019 why an order requiring you to pay damages of Rs. 43,23,106/- (Rupees Forty three lakhs Twenty three thousand One hundred Six only) together with compound interest should not be made; for unauthorised use and occupation of the said premises.

AND WHEREAS you have not made any objections or produced any evidence before the said date and failed to represent the instant proceedings inspite of repeated chances being given to you.

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. 43,23,106/- (Rupees Forty three lakhs Twenty three thousand One hundred Six only) as damages on account of your unauthorised occupation of the premises for the period from 01.10.1990 to 31.08.2015 to Kolkata Port Trust by 28.01.2020.

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 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 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 by Collector.

SCHEDULE

(Under Plate No.JS-20/1)

Compartment No.1, Msg.173.264 Sq.mtrs. or thereabouts situated in the Trustee's Asbestos Shed godown known as Import Warehouse South which is situated on the West side of Strand Road under the jurisdiction of North Port Police Station within the Presidency Town of Kolkata. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date 15/1/2020

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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Indian ^{VS} Export Enterprises

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14.01.2020

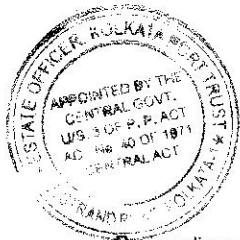
FINAL ORDER

The instant proceedings No. 1389/D of 2013 arises out of the application bearing No. Lnd.6/74/19/420 dated 15.05.2019 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of compensation/damages 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 Indian Export Enterprise, 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 being godown space measuring 173.264sq.m.or thereabout situated on the west side of Strand Road, (under Plate No.JS-20/1) as monthly 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 monthly 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 the KoPT's application dated 15.05.2019.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 31.08.2015 as because the subject premises was taken over by KoPT on 31.08.2015.

DECLARIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
KOLKATA PORT TRUST
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 Unauthorized Occupants) Act 1971

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

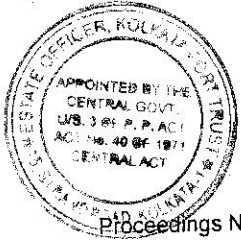
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14.01.2020

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 23.07.2019 (vide Order-12 dated 23.07.2019) 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 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 material questions connected with the matter along with the evidence which the Opposite Party intends to produce in support of this case.

The said notice was served through Speed Post as well as by hand delivery to the recorded addresses of O.P. at 138, Biplabi Rash Behari Basu Road, Kolkata-700001 and also to 138, Canning Street, G.P.O Box No.540, Calcutta-700001. It appears from record that said Notice sent to the recorded addresses of O.P. by Speed Post was returned back with a mark 'addressee moved'. The report of the Process Server dated 25.07.2019 also depicted that the said Notice could not be handed to O.P personally as because O.P was not found at the abovementioned addresses. Thereafter, due publication of the said Notice was made on the classified column of local daily newspaper 'The Times of India' (Kolkata) dated 06.09.2019 fixing 24.09.2019 as ultimate date of O.P's appearance and filing of reply to the Show Cause.

8.09.19
ESTATE OFFICER
KOLKATA PORT TRUST
15/1/2020



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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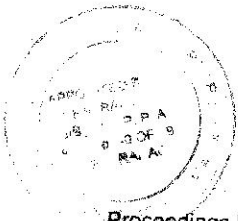
After getting sufficient chances, as none appeared on behalf of O.P or any other person interested in the property, the final Order was reserved in the matter on 05.11.2019. Now this Forum has decided to adjudicate the matter ex-parte.

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 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.43,23,106/- as claimed by the Port Authority in relation to the Plate in question, is payable by O.P. for the period 01.10.1990 to 31.08.2015 i.e upto the date of taking over possession (both days inclusive) and it is hereby ordered that O.P. shall make payment of the aforesaid sum to KoPT by 28.01.2020. O.P. shall be liable 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 the relevant notification/s published in Official Gazette. The formal order u/s 7 of the Act is signed accordingly.

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

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST
RECORDED COPY OF THE ORDER
PASSED BY THE BOARD OF TRUSTEES
KOLKATA PORT TRUST
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

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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

(Sayan Sinha)

ESTATE OFFICER.

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

Handwritten notes and signature:
15/1/2020