

Kolkata Port Trust has been approved as
State and National Port, Kolkata
(OS) No. 20/2019, dated 24.8.2020

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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
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.378/D OF 2008
ORDER NO.47 DATED : 14.08.2020

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 R.Sen & Co,
2, Church Lane,
Kolkata-700001

AND

10-1, Elgin Road,
Kolkata-700020

AND

23/C, Ahiripukur 1st Lane,
Kolkata-700019

AND ALSO AT

3, Camac Street,
Kolkata-700017.

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 30.10.2019 you are called upon to show cause on/or before 08.11.2019 why an order requiring you to pay damages of Rs. 54,48,626/- (Rupees Fifty Four Lakhs Forty Eight thousand Six hundred Twenty Six only) for Plate No.D-290, Rs.168/- (Rupees One Sixty Eight Only) for Plate No.D-290/1, Rs.1253/- (Rupees One Thousand Two hundred Fifty Three only) for Plate No.290/2, and Rs.32,80,413/- (Rupees Thirty Two Lakhs Eighty Thousand Four hundred Thirteen only) for Plate No.SF-100/24 together with [compound interest] 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. 54,48,626/- (Rupees Fifty Four Lakhs Forty Eight thousand Six hundred Twenty Six only) for Plate No.D-290, Rs.168/- (Rupees One Sixty Eight Only) for Plate No.D-290/1, Rs.1253/- (Rupees One Thousand Two hundred Fifty Three only) for Plate No.290/2, and Rs.32,80,413/- (Rupees Thirty Two Lakhs Eighty Thousand Four hundred Thirteen only) for Plate No.SF-100/24 assessed by me as damages on account

PLEASE SEE ON REVERSE



(2)

your unauthorised occupation of the premises for the period from 01.05.1998 to 10.06.2010 (both days inclusive) to Kolkata Port Trust by 28.08.2020

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay compound interest @ 6.20 % 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 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 through the Collector.

SCHEDULE-I

All that piece or parcel of land msg. 2856.674 Sq.m, or thereabouts situate at Transport Depot Road, Thana-Taratata, District-24 Parganas(S), Registration District-Alipore. It is bounded on the North by Transport Depot Road, On the East by the Trustees strip of open land reserved as Rly. Margin of Safety alongside their Rly siding and on the South and West by the Trustees' land occupied by M/S Allied Resins and Chemicals Ltd. Trustees' means the Board of Trustees' for the Port of Kolkata.

SCHEDULE-II

Period	Rate at which assessed	Amount assessed	Amount paid	Balance in arrears
01.05.1998 to 10.06.2010 (D-290)	As per the rate of Port Trust's Rent Schedule/s as time to time Notified in Official Gazette/s for the relevant period.	Rs. 54,48,626/-	Nil	Rs. 54,48,626/-
01.05.1998 to 10.06.2010 (D-290/1)	As per the rate of Port Trust's Rent Schedule/s as time to time Notified in Official Gazette/s for the relevant period.	Rs. 168/-	Nil	Rs. 168/-
01.05.1998 to 10.06.2010 (D-290/2)	As per the rate of Port Trust's Rent Schedule/s as time to time Notified in Official Gazette/s for the relevant period.	Rs. 1253/-	Nil	Rs. 1253/-
01.05.1998 to 10.06.2010 (SF-100/24)	As per the rate of Port Trust's Rent Schedule/s as time to time Notified in Official Gazette/s for the relevant period.	Rs. 32,80,413/-	Nil	Rs.32,80,413/-

Date 14.08.2020

Signature & 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. 378/D Of 2008 Order Sheet No. 50

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S R. Sen & Co. VS

FINAL ORDER

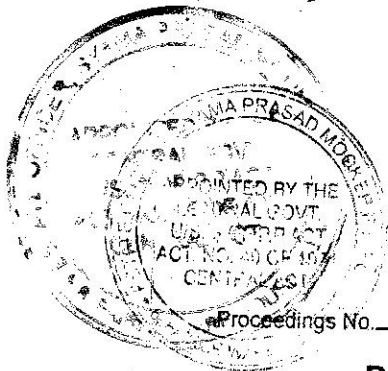
47
14.08.2020

The instant proceedings No. 378/D of 2008 arises out of the application bearing No. Lnd. 4144/V/19/951 dated 26.06.2019 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 R. Sen & Co, 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 land measuring 2856.674 sq.m. or thereabout situated at Transport Depot Road, Thana – Taratala, District #24 Parganas(S) under (Plate Nos.D-290, D-290/1, D-290/2 and SF-100/24) on long term lease for a period of 10 years with an option of renewal. Thereafter, on expiry of such long term lease it was continued as month to month basis at the prevailing schedule rent w.e.f 01.01.1990 i.e after the expiry of such long term lease, more fully described in the 'Schedule of Property' of the KoPT's original 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 09.09.2019.

THE ESTATE OFFICER
KOLKATA PORT TRUST
14.08.2020
S.D.

[Signature]



Notice of Board of Trustees of the Port of Kolkata
G.O. No. 3233/2020 (C) dated 24.8.2020

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. 328/D Of 2008 Order Sheet No. 51

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s R. Serr & Co. VS

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14.08.2020

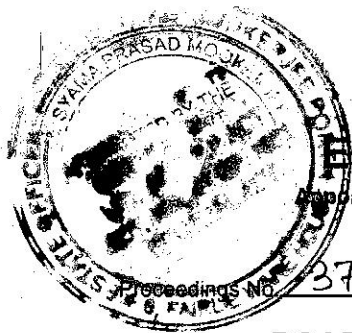
It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 10.06.2010 as because the subject premises was already taken over by KoPT on 10.06.2010 vide order No.29 dated 14.09.2009.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 30.10.2019 (vide Order No.43 dated 30.10.2019) 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 2, Church Lane, Kolkata-700001, 10-1, Elgin Road, Kolkata-700020, 23/C, Ahiripukur 1st Lane, Kolkata-700019 and also to 3, Camac Street, Kolkata -700017. It appears from record that said Notice sent to 2, Church Lane, Kolkata-700001 and 3, Camac Street, Kolkata -700017 were returned back due to possible insufficient addresses of O.P, however, the notice sent to 10-1, Elgin Road, Kolkata-700020 and 23/C, Ahiripukur 1st Lane, Kolkata-700019 were not returned back. The report

[Handwritten signature]

By Order of:
THE ESTATE OFFICER
KOLKATA PORT TRUST
14.08.2020



Kolkata Port Trust, Kolkata
Sunderbans, Kolkata
225001

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. 378/D Of 2008 Order Sheet No. 52

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

U/s R. serv & Co, VS

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14.08.2020

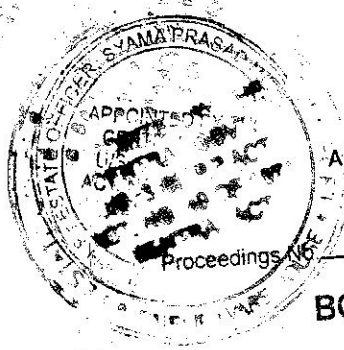
of the Process Server dated 04.11.2019 also depicted that the copy of the said Notice was served upon O.P's address at Ahiripukur 1st Lane, Kolkata-19 and the same was received by one Sri Anup Bhowmik. But on the schedule date of O.P's appearance and filing of reply to the Show Cause, no one appeared on behalf of O.P or any other person interested in the property. Thereafter, following the principles of natural justice, forum made another attempt to serve the order dated 08.11.2019 and 22.11.2019 upon O.P. The Report of the Process Server dated 25.11.2019 has further depicted that service has been refused by O.P.

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 06.12.2019. 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.54,48,626/-, Rs.168/-, Rs.1253/- and Rs.32,80,413/- as claimed by the Port Authority in relation to the respective Plates in question, are payable by O.P. for the period 01.05.1998 to

By Order of:
ESTATE OFFICER
KOLKATA PORT TRUST
KOLKATA



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 R. Sen & Co. VS

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14.08.2020

10.06.2010 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 sums to KoPT by 28.08.2020 Such dues attract compound interest @ 6.20 % 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, if any made so far by O.P., in terms of KoPT's books of accounts. 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 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

(Kaushik Kumar Manna)
ESTATE OFFICER.

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

RECEIVED
ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT TRUST
KOLKATA
14.08.2020
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT TRUST