

## 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. 1479, 1479/R, 1479/D of 2015 Order Sheet No. 17

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sunita Industrial Corporation <sup>VS</sup>

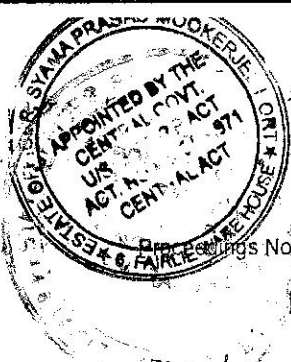
#### FINAL ORDER

14  
12.08.2020

The instant Proceeding No.1479, 1479/R, 1479/D of 2015 is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that M/s Sunita Industrial Corporation, O.P. herein, came into occupation of KoPT's land measuring about 366.50 sq.m situated at beside PTR Siding No.29 Shalimar, Howrah, Dist-Howrah, comprised under Plate No HL-408/45 and SF-147, being the Public Premises in question, as a monthly lessee on certain terms and conditions, and O.P. violated the fundamental condition of grant of tenancy by way of not making payment of rental dues, taxes and interest for a prolonged period, parted with possession, erected unauthorized construction and also changed the purpose of such lease. It is strongly argued on behalf of KoPT that the O.P. has no authority under law to occupy the public premises after expiry of the period as mentioned in the notice to quit dated 11.02.2014 and the O.P. is liable to pay damages for wrongful use and occupation of the Port property upto the date of handing over of vacant possession of the same.

This Forum issued Show Cause notice under Section 4 of the Act (for adjudication of the prayer for issuance of Order of Eviction etc.) and Show Cause Notice/s under 7 of the Act (for adjudication of the prayer for recovery of rental dues, damages, interest etc) all dated 27.02.2017. Thereafter, Forum discovered some error in the original application of KoPT. Subsequently, on the strength of KoPT's application dated 20.07.2017 such errors were rectified and on withdrawal of earlier Show Cause Notice, Forum issued further Notice U/S 4 and 7 of the P.P Act all dated 27.11.2017 (vide order No.10 dated 27.11.2017).

By Order of  
ESTATE OFFICER  
KOLKATA PORT TRUST  
12.08.2020  
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

Cases No. 1479, 1479/R, 1479/D of 2015 Order Sheet No. 18

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sunita Industrial Corporation <sup>VS</sup>

14  
12.08.2020

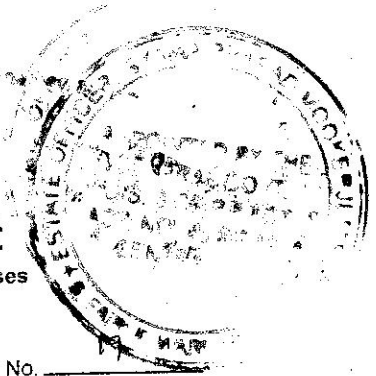
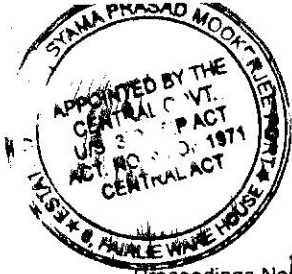
It is seen from record that the registered letter containing the Notice/s as aforesaid was returned by the Postal Department undelivered. It is further seen from the report of the Process Server that the Notice/s could not be served on the O.P as O.P was not found on the above said address; however, the Process Server has confirmed vide reports dated 08.12.2017, 10.01.2018 and 02.02.2018 that the Notice/s have been duly affixed on the property in question. In my view, sufficient opportunity has been given to the O.P. to represent its case, but O.P. never availed of the opportunity and none on behalf of O.P. ever appeared before this Forum. Be that as it may, upon satisfied with service on all concerned as per the mandate of the Act and the Rules framed thereunder, I proceeded to reserve the final order on 05.02.2018 after hearing the arguments of KoPT.

I have carefully gone through the contentions made by KoPT against the O.P. It is seen that KoPT in its communications dated 11.02.2011 and 21.02.2012 etc repeatedly requested the O.P. for immediate liquidation of the rental dues but apparently no heed was paid by the O.P. During the course of hearing, KoPT has placed before me computerized statement of accounts, maintained in official course of business, from where non-payment of rent by the O.P. is very much evident. I have nothing to disbelieve the said claim of KoPT, in the backdrop of the case.

Now the question arises how far is KoPT justified in determining the monthly lease due to non-payment of rent by the O.P. As per law, a contract like a monthly lease is continued on the basis of the conduct of the parties. That is, such a lease is automatically renewed when the landlord raises a rent bill on the tenant and the tenant in turn

Order of:  
ESTATE OFFICER  
KOLKATA PORT TRUST  
SYAMA PRASAD MOOKERJEE PORT TRUST  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT TRUST

*Handwritten initials*



**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. 1479, 1479/R, 1479/D of 2015 Order Sheet No. \_\_\_\_\_

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

**VS**  
M/S Sunita Industrial Cooperation

14  
12-08-2020

satisfies the bill in the prescribed mode within the prescribed time. Even the slightest deviation, for instance default of even one rent bill, is sufficient to give rise to the cause of action for determination of the lease. As such, I find the action taken by the Port Authority is very much logical and within the four corners of the law. Moreover, I find that the allegation of port authority on unauthorized parting, erection of unauthorized structure and change of purpose of the lease are also acceptable to me as O.P. has failed to give any suitable explanation by filing reply to the Show Cause. I find that the action of the Port Authority is also in consonance with the following clause of its offer letter dated 12.04.1973 which was accepted by the O.P. vide its letter dated 13.04.1973:-

*"i) The tenancy will be on a month-to-month basis terminable by 15 days' notice on either side expiring with the end of an English Calendar month."*

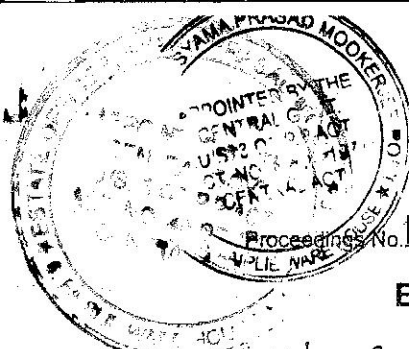
In view of the above, I am firm in holding that the Notice to Quit dated 11.02.2014 had been validly issued and served on the O.P. and the same is binding on the parties.

In view of the circumstances, and being satisfied as above, 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. has failed to liquidate the rental dues of the Port Authority, for a considerable period, despite being requested for its immediate liquidation.
- 2) That O.P. has failed to appear before this Forum and failed to show cause as to why order of eviction should not be passed on the O.P.

Q

BY ORDER OF:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
12-08-2020



# 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. 1479, 1479/R, 1479/D of 2015 Order Sheet No. 20

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sumita Industrial Corporation <sup>VS</sup>

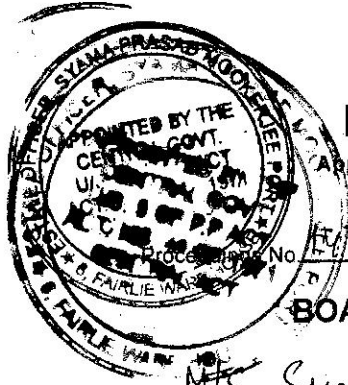
14  
12.08.2020

- 3) That O.P has parted with possession of the said premises to rank outsiders in violation of the condition of such lease
- 4) That O.P has erected unauthorised construction and changed the purpose of such lease in violation of the condition of such lease.
- 5) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 7) That the notice to quit dated 11.02.2014 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 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 canons of Law till the date of unencumbered 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

OFFICE OF THE ESTATE OFFICER  
SIAMA BRAGAN MOUNT LIFE

NOTED BY  
Syama Prasad Mukherjee  
10/07/2015



### Estate Officer, Kolkata Port Trust

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

Process No. 1479, 1479/R, 1479/D 2015 Order Sheet No. 21

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Sumita Industrial Corporation <sup>VS</sup>

14  
12.08.2020

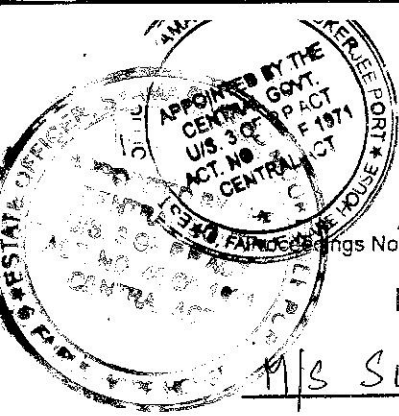
days as aforesaid, so that necessary action can be taken for execution of the order of eviction u/s 5 of the Act, as per Rule made under the Act.

It is my considered view that a sum of Rs.12,65,118/- for the period 01.10.1992 to 28.02.2014 (both days inclusive) is due and recoverable from O.P. by the Port authority on account of rental dues and O.P. must have to pay the rental dues to KoPT on or before 26.08.2020. 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 incurrance 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.

Likewise, 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 21,02,602/- as claimed by the Port Authority as damages in relation to the subject premises in question, is correctly payable by O.P. for the period 01.03.2014 to 21.02.2017 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 26.08.2020. The said damages shall 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 incurrance 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. I sign the formal orders u/s 7 of the Act.

*(Handwritten mark)*

Office of the  
Estate Officer  
Kolkata Port Trust  
Syama Prasad Mukherjee Port  
14.08.2020  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MUKHERJEE PORT



# Estate Officer, Kolkata Port Trust

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

Order No. 1479, 1479/R, 1479/D of 2015 Order Sheet No. 22

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Sunita Industrial <sup>VS</sup> Corporation

14  
12-08-2020

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 the liability of O.P. to pay damages extends beyond 21.02.2017 as well, till such time the possession of the premises continues to be under the unauthorised occupation with the O.P. KoPT is directed to submit a statement comprising details of its calculation of damages after 21.02.2017, 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 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, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

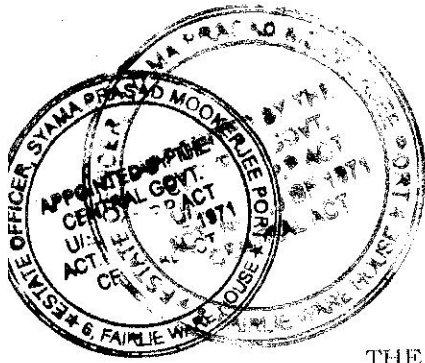
GIVEN UNDER MY HAND AND SEAL

(Satyabrata Sinha)  
ESTATE OFFICER

By Order of:  
ESTATE OFFICER  
KOLKATA PORT TRUST  
14  
12-08-2020  
OFFICE OF THE ESTATE OFFICER  
SYAM PRASAD MOHAPATRA

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





Kolkata Port Trust No. 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Scanned Copy

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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO.14 DT 12.08.2020  
PROCEEDINGS NO. 1479 OF 2015

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
-Vs-  
M/S Sunita Industrial Corporation, (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

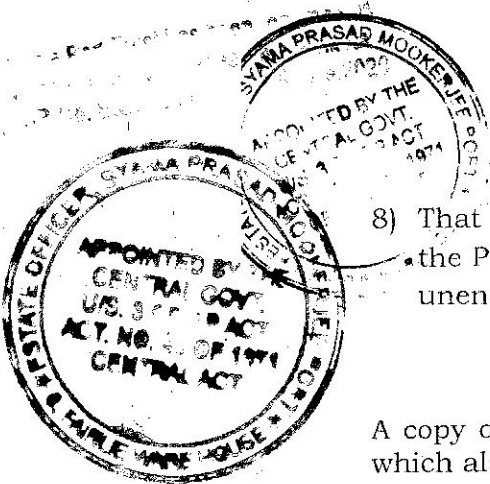
BY ORDER OF  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
12.08.2020  
OFFICE OF THE ESTATE OFFICER  
KOLKATA PORT TRUST

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Sunita Industrial Corporation, 23A, Netaji Subhas Road, 7<sup>th</sup> Floor, Kolkata-700001** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

- 1) That O.P. has failed to liquidate the rental dues of the Port Authority, for a considerable period, despite being requested for its immediate liquidation.
- 2) That O.P. has failed to appear before this Forum and failed to show cause as to why order of eviction should not be passed on the O.P.
- 3) That O.P. has parted with possession of the said premises to rank outsiders in violation of the condition of such lease
- 4) That O.P. has erected unauthorised construction and changed the purpose of such lease in violation of the condition of such lease.
- 5) That O.P./any other person on behalf of O.P. have failed to make out any case in support of its occupation as "authorised occupation", inspite of sufficient chances being given.
- 6) That O.P. or any other person/s asserting any right through O.P. has failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation", inspite of sufficient chances being provided.
- 7) That the notice to quit dated 11.02.2014 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.

PLEASE SEE ON REVERSE



(2)

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 to the Port Authority.

A copy of the reasoned order No. 14 dated 12.08.2020 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 **M/S Sunita Industrial Corporation, 23A, Netaji Subhas Road, 7<sup>th</sup> Floor, Kolkata-700001**, 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 **M/S Sunita Industrial Corporation, 23A, Netaji Subhas Road, 7<sup>th</sup> Floor, Kolkata-700001** 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

Plate No. L-408/45 & SF-147

The said piece or parcel of land msg. 366.50 sq.m or thereabouts situate at Shalim beside siding No.29 Howrah, P.S. Howrah District and Registrati District-Howrah. It is bounded on the North partly by the burning C, on the East by the Trustees land occupied by M/S S.N Dey & Co. at the South Trustees' open land used as railway margin of safety along the Railway Tracks and on the West by the Trustees' land occupied by M/S P.N Sirkar & S.K Das & Co. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date-12.08.2020

  
Signature & Seal of the Estate Officer.

By Order:  
THE ESTATE OFFICER  
KOLKATA PORT AUTHORITY  
14/08/2020

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



Kolkata Port Trust, Kolkata-700001  
Central Govt. Under Section 3 of Act 40 of 1971-Central Act  
Public Premises (Eviction of Unauthorized Occupant) Act 1971  
13.08.2020



**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  
1<sup>st</sup> Floor, 6, Fairlie Place Warehouse,  
Kolkata-700001  
\*\*\*\*\*

Court Room At the 1<sup>st</sup> Floor  
6, Fairlie Place Warehouse

**Form " E "**

PROCEEDINGS NO.1479/R OF 2015  
ORDER NO. 14 DATED: 12.08.2020

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 Sunita Industrial Corporation,  
23A, Netaji Subhas Road,7<sup>th</sup> Floor,  
Kolkata-700001**

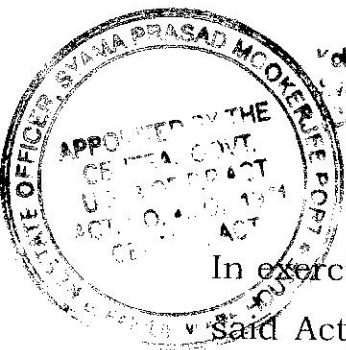
WHEREAS you are in occupation of the public premises described in  
the Schedule below. (Please see on reverse).

AND WHEREAS, by written notice dated 27.11.2017 you are called  
upon to show cause on/or before 18.12.2017 why an order requiring you  
to pay a sum of Rs 12,65,118/- (Rupees Twelve Lakhs Sixty Five  
Thousand One hundred Eighteen only) being the rent payable together  
with compound interest in respect 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 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  
12,65,118/- (Rupees Twelve Lakhs Sixty Five Thousand One hundred  
Eighteen only) for the period 01.10.1992 to 28.02.2014(both days  
inclusive) to Kolkata Port Trust by 26.08.2020

PLEASE SEE ON REVERSE



: 2 :

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 rent within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue through the Collector.

### SCHEDULE

#### **Plate No. HL-408/45 & SF-147**

The said piece or parcel of land msg.366.50 sq.m or thereabouts situate at Shalimar beside siding No.29 Howrah, P.S. Howrah District and Registration District-Howrah. It is bounded on the North partly by the burning Ghat, on the East by the Trustees land occupied by M/S S.N Dey & Co, on the South Trustees' open land used as railway margin of safety alongside Railway Tracks and on the West by the Trustees' land occupied by M/S P.N Sirkar & S.K Das & Co. Trustees' means the Board of Trustees' for the Port of Kolkata.

Dated: 12.08.2020

  
Signature and seal of the  
Estate Officer

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



Kolkata Port Trust  
Public Premises (Eviction of Unauthorized Occupant) Act 1971  
GSR No. 12011/2020 dated 26.08.2020

**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 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairlie Place, Kolkata- 700 001.

PROCEEDINGS NO.1479/D OF 2015  
ORDER NO.14 DATED: 12.08.2020

**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 Sunita Industrial Corporation,  
23A, Netaji Subhas Road,7<sup>th</sup> Floor,  
Kolkata-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 27.11.2017 you are called upon to show cause on/or before 18.12.2017 why an order requiring you to pay damages of Rs 21,02,602/- (Rupees Twenty One Lakhs Two Thousand Six hundred Two only) 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 21,02,602/- (Rupees Twenty One Lakhs Two Thousand Six hundred Two only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.03.2014 to 21.02.2017 (both days inclusive) to Kolkata Port Trust by 26.08.2020

PLEASE SEE ON REVERSE



Kolkata Port Trust, Kolkata  
System No. 100/2020  
(GSP No. 100/2020)

: 2 :

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

#### Plate No. HL-408/45 & SF-147

The said piece or parcel of land msg.366.50 sq.m or thereabouts situate at Shalimar beside siding No.29 Howrah, P.S. Howrah District and Registration District-Howrah. It is bounded on the North partly by the burning Ghat, on the East by the Trustees land occupied by M/S S.N Dey & Co, on the South Trustees' open land used as railway margin of safety alongside Railway Tracks and on the West by the Trustees' land occupied by M/S P.N Sirkar & S.K Das & Co. Trustees' means the Board of Trustees' for the Port of Kolkata.

Date 12.08.2020

Signature & Seal of the  
Estate Officer.

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