

Kolkata Port Trust has been renamed as  
Syama Prasad Mookerjee Port, Kolkata  
(GSR No. 33, 2007 (E) dated 24.8.2007)

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

PROCEEDINGS NO. 808/D OF 2006  
ORDER NO.20 DATED : 19.08.2020

**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 Century Refrigeration Co,  
Chowringhee Mansion,  
A/2, C, Kyd Street,  
Kolkata-700016.  
AND ALSO AT  
Junction of Taratala Road and Budge Budge Road,  
Kolkata-700088.

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 31.03.2010 you are called upon  
to show cause on/or before 27.04.2010 why an order requiring you to  
pay damages of Rs. 83,21,616.36 (Rupees Eighty Three Lakhs Twenty  
One thousand Six hundred Sixteen and paisa Thirty six 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 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.  
83,21,616.36 (Rupees Eighty Three Lakhs Twenty One thousand Six  
hundred Sixteen and paisa Thirty six only) assessed by me as damages  
on account of your unauthorised occupation of the premises for the  
period from 27.10.1994 to 24.04.2007 (both days inclusive) to Kolkata  
Port Trust by 02.09.2020.



PLEASE SEE ON REVERS

: 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-I

#### **Plate No. D-376/1 & SF-100/44**

The said piece and parcel of the land altogether measuring about 4214.45 sq.m or thereabouts is situated at the junction of Taratala Road and Budge Budge Road, Thana-Taratala Police Station, Kolkata, Dist.24 Parganas(S), Registration Dist. Alipore. It is bounded on the north by Taratala Road on the east and south by the Budge Budge Road from the junction of Taratala Road and Budge Budge and on the west by the Trustees' land occupied by M/S Diamond Beverages (P) Ltd.

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

### SCHEDULE-II

| <u>Period</u>                                 | <u>Rate at which assessed</u>   | <u>Amount assessed</u> | <u>Amount paid</u> | <u>Balance in arrears</u> |
|---|---|------------------------|--------------------|---------------------------|
| 27.10.1994<br>to<br>24.04.2007<br>(D-376/1)   | 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. 79,11, 976.30      | Nil                | Rs. 79,11, 976.30         |
| 27.10.1994<br>to<br>24.04.2007<br>(SF-100/44) | 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. 4,09,640.06        | Nil                | Rs.4,09,640.06            |

Date 26.08.2020

  
Signature & Seal of the  
Estate Officer.

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



Kolkata Port Trust has been renamed as  
Syama Prasad Mookerjee Port, Kolkata  
(GSR No. S.O. 2070 (E) 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. 808/D Of 2006 Order Sheet No. 19

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Century Refrigeration <sup>VS</sup>

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#### FINAL ORDER

The instant proceedings No. 808/D of 2006 arises out of the application bearing No. Lnd. 4463/D/09/10/7015 dated 29.03.2010 read with an application dated 22.06.2007 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery of dues 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 Century Refrigeration 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 measuring 4214.45 sq.mtrs. or thereabout at Taratala, Thana-Taratala Police Station (under Plate Nos.D-376/1 and SF-100/44) as long term Lessee for 30 years which is more fully described in the 'Schedule-'A' of the KoPT's application dated 30.05.2006 as received by this forum on 14.06.2006. The allegations levelled by KoPT against the O.P is that while in possession of Port property as long term Lessee, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon the details of which has been given with the KoPT's application dated 22.06.2007.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 24.04.2007 as

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### Estate Officer, Kolkata Port Trust

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S Century Refrigeration  
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because the subject premises was taken over by KoPT on 24.04.2007 in terms of eviction order dated 11.12.2006.

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 31.03.2010 (vide Order-7 dated 30.03.2010) 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 of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

S.D.C.  
26-08-2020

After issuance of the aforesaid notice, on 31.03.2010 O.P. was not appeared before the Forum for giving reply to the Shaw Cause. However, the record depicts that such Notice had been sent to O.P both by hand and Registered Post as per addresses available on record and both the communications have been returned back to the Forum with a report "insufficient addresses/addressee left". Subsequently efforts were made by the Process Server for personal service of the



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## 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

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Notices on the O.P. but O.P was not found in such addresses.

As none appeared on behalf of O.P or any other person interested in the property, a publication was made in the classified column of Times of India(Kolkata) on 22.10.2019 fixing the ultimate date of O.P's appearance on 01.11.2019. Finally as the O.P failed to appear on 01.11.2019 the final Order was reserved in the matter. 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.83,21,616.36 for the period 27.10.1994 to 24.04.2007(both days inclusive) for the respective plates in question is due and recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay such dues to KoPT on or before 02.09.2020. 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 incurrence of liability, till the liquidation of the

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## 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

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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.

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

(Kausik 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\*\*\*

SAC  
26-08-2020