

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 2020 (E) dated 24.6.2020)

Scanned Copy

REGISTERED POST WITH A/D.
HAND DELIVERY/
AFFIXATION ON PROPERTY

ESTATE OFFICER, KOLKATA PORT TRUST
(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)
Public Premises (Eviction of Unauthorised Occupants) Act 1971
OFFICE OF THE ESTATE OFFICER
6 FAIRLIE PLACE (1ST Floor)
KOLKATA-700001

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

PROCEEDINGS NO.1654/D OF 2018
ORDER NO. 06 DATED: 26-08-2020

Form "G"

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

To
M/s. Liberty export & Import Corporation,
Dealers in General Merchandise,
22, Strand Road,
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 13.08.2018 you were called upon
to show cause on/or before 05.09.2018 why an order requiring you to pay
damages of Rs. 11,28,530.96/- (Rupees Eleven Lakhs Twenty-Eight Thousand
Five hundred and Thirty and Ninety-six paisa 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, nor appeared nor
produced any evidence before this Forum on 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. 11,28,530.96/- (Rupees
Eleven Lakhs Twenty-Eight Thousand Five hundred and Thirty and Ninety-six
paisa only) for the period 01.07.1976 to 01.03.2011 (both days inclusive)
assessed by me as damages on account of your unauthorised occupation of the
premises to Kolkata Port Trust.



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 @ 6.50% per annum as per the Interest Act, 1978 (as gathered 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 Calcutta Gazette/s as per Kolkata Port Trust's Rule.

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.

SCHEDULE

The said piece and parcel of land msg. about 286.05 Sq.mts. or thereabouts is situated at Shibpur, Police Station-Shibpur, District and Registration District-Howrah. The said land is bounded on the **North** by M/s. Bharat refineries Ltd.'s wall, on the **East** by the Trustees' land leased to M/s. Indo-Commercial Co., on the **South** by the Trustees' land used as road and on the **West** by the Trustees' land leased to M/s. Brijlall Sivnath.

Dated: 26.08.2020



Signature and seal of
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. 1654/D of 2018 Order Sheet No. 06

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s Liberty Export & Import Corporation

06
26.08.2020

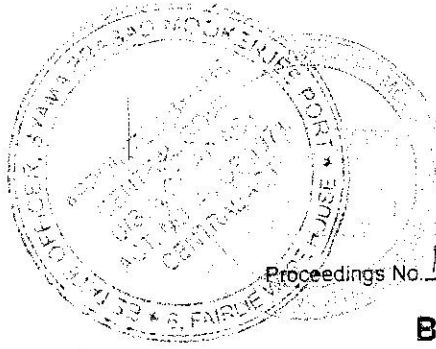
FINAL ORDER

The instant proceedings number 1654/D of 2018 arises out of the application bearing no. Lnd. 367/1/20/II/17/3298 dated 09.01.2017 filed by Kolkata Port Trust (KoPT), the applicant herein, praying for an order of recovery and realisation of all dues and damages from M/s. Liberty Export & Import Corporation, the O.P. herein, under relevant provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The factual matrix of the case is required to be put forward in a nutshell to link up the chain of events leading to this proceeding no. 1654/D of 2018. It is submitted by KoPT vide its application being no. Lnd. 367/1/20/II/17/3298 dated 09.01.2017 that the O.P. was enjoying occupation of the port property in question as a short term lessee, more fully described in the 'Schedule of Property' of the KoPT's application in respect of the Trustee's property of land measuring 286.05 sq.mt. or thereabouts against Plate No. HL.408/25/B situated at Shibpur, Howrah under P.S. Shibpur and District-Howrah more fully described in 'Schedule-A' of the said KoPT's application.

Consequently the O.P. was asked to vacate the premises on 01.07.1976 in terms of the quit notice dated 15.05.1976, served as per statutes and the lease was determined. But the O.P. failed and neglected to quit, vacate and deliver up vacant and peaceful possession of the said premises on 01.07.1976 as per the notice. Subsequently, P.P Act petition was filed before this forum on 30.12.2008 for eviction and realisation of all dues from the O.P. M/s. Liberty Export & Import Corporation. Upon hearing both the parties, this forum was pleased to deliver the final order of eviction vide Order No. 8 dated 26.03.2010 in respect of P.P. Act proceedings No. 1010 of 2009. In terms of the said Final Order, possession of the said premises was taken over by the authorised officer on 01.03.2011 and the same was handed over to Kolkata Port Trust. However, huge sum of dues on account of arrear rent/ compensation/ damages were still outstanding from the period 01.07.1976 to 01.03.2011. The details have been appended under 'Schedule-B' of KoPT's application.

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Head Assistant
OFFICE OF THE LD. ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT



Kolkata Port Trust has been renamed as-
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 2020 (E) dated 24.6.2020)

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. 1654/D of 2018 Order Sheet No. 07-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Liberty Export & Import Cooperation ^{VS}

06
26.08.2020

JP

The matter came up for hearing before this Forum on 13.08.2018. Authorised representative of KoPT appeared and made submission that the O.P. was in unauthorised possession of the premises during the period from 01.07.1976 to 01.03.2011 for which appropriate rent/compensation/ damages were payable. That the O.P. evaded such payment till date.

Considering the submission and documents as submitted by KoPT, a Notice to Show Cause dated 13.08.2018 (vide Order- 01 dated 13.08.2018) was issued by this Forum to O.P. u/s-7 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 to show cause as to why an order requiring to pay the outstanding rental dues and damages, together with accrued interest should not be made against the O.P. The O.P. was also called upon to appear before the 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. The said notice was served through Speed Post to the correct recorded addresses of O.P at 22, Strand Road, Kolkata - 700001. It appears from the record that the said notice sent to the recorded address of O.P by speed post was returned on account of "no such company in this address and hence returned" dated 18/08/2018. As the notice could not be served at the known address of the O.P., an order for paper publication of the Notice u/s - 7 was made in a local English daily newspaper as per Order No. 4 dated 13.05.2019. In spite of such paper publication in Times of India dated 18.05.2019 and also publication in the website of Kolkata Port Trust, the O.P. failed to appear or represent in the instant proceedings.

As no one ever appeared on behalf of the O.P. and no response has been filed refuting the allegations made by KoPT under their application dated 09.01.2017, I have no bar to accept the claim of KoPT on account of rental dues and damages etc. I find no reason to disbelieve in respect of KoPT's claim against the 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 rupees 3,24,197.72/-(Rupees Three Lakhs Twenty-Four

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
Assistant
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Kolkata Port Trust has been renamed as
Syama Prasad Mookerjee Port, Kolkata
(GSR No. S.O. 2020 (E) dated 24.6.2020)

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. 1654/D Of 2018 Order Sheet No. 88

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Liberty Export & Import Corporation
VS

06
26.08.2020

Thousand One-Hundred Ninety Seven and Seventy-Two paisa) on account of principal rent and an interest of Rs. 8,04,333.24/- (Rupees Eight Lakhs Four Thousand Three Hundred and Thirty-Three and Twenty-Four paisa) for the Plate No. HL.408/25/B totalling to Rs. 11,28,530.96/- (Rupees Eleven Lakhs Twenty-Eight Thousand Five Hundred and Thirty and Ninety-Six paisa) being arrears of rent for the period of 01.07.1976 to 01.03.2011 (both days inclusive) is due and recoverable from O.P by the Port Authority on account of rental dues and damages and the O.P. have to pay such dues to KoPT forthwith. Considering the ongoing lockdown due to Corona virus spread I find it prudent to allow time till 30th September for such payment. Such dues would also attract compound interest @ of 6.50% 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.

I sign the formal order u/s-7(2) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P to pay the amount to KoPT as aforesaid; Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up final 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

(R. Mukherjee)
ESTATE OFFICER

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

By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
KOLKATA
CERTIFIED COPY
DATED 26.08.2020
ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT