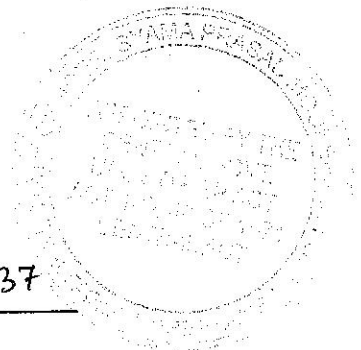


Estate Officer, Kolkata Port Trust

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



Proceedings No. 1278, 1278/R, 1278/D Of 2012 Order Sheet No. 37

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Sarjoo Ram Koiree

FINAL ORDER

The instant proceedings No. 1278, 1278/R, 1278/D of 2012 arises out of the application bearing No. Lnd.3611/08/4611 dated 18.03.2008 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for order of eviction and recovery of arrear rent, taxes, compensation along with interest. The Short Facts of case is summarised hereunder.

Land Msg. 116.593 Sq.m & 84.356 Sq.m both situated at Daighat, Thana - South Port Police Station, District-Kolkata, comprised under Plate nos. D-2 and D-3, was allotted to M/s. Sarjoo Ram Koiree, Prop: Shri Dilip Kumar Koiree and Shri Ashoke Kumar Koiree (O.P. herein), by the Port Authority on short term lease basis, vide a lease deed registered on 06.08.1956. It is the case of KoPT that O.P. has failed to pay monthly rental dues to KoPT and has erected unauthorised construction in the subject premises, in violation of the terms of tenancy. It is also the case of KoPT that 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 22.06.2007 as served upon O.P. by the Port Authority.

This Forum of Law formed its opinion to proceed against O.P. and issued Show Cause Notice/s u/s 4 of the Act (for adjudication for the prayer for issuance of order of eviction etc.) and u/s 7(1) of the Act (for adjudication for prayer for realisation of rent) and u/s 7(2) of the Act (for damages etc.) All dated 12.09.2017(vide order no.06 dated 12.09.2017).

It is seen from the record that said notices/Orders were sent through Speed Post to the correct recorded address of O.P at Plot.No.1 & 2, Daighat, Watgunge, Railway Siding, 1 No. Garden Reach Road, Kolkata-700023 and were not returned. However, the reports of the Process Server dated 04.10.2017 depicted that said notices/Orders were personally served on O.P and one Anita Verma, W/O Neeraj Verma has received the copy of the same on behalf of O.P. It also appears from the said reports of the Process Server that the Notices/Orders were duly affixed at the subject premises on the same day at about 11.15 A.M.

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12.10.2020

15.10.2020

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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. 1278, 1278/R & 1278/D Of 2012 Order Sheet No. 38

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VS
M/S. Sarjoo Ram Koiree

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Thereafter, on the scheduled date of appearance(i.e on 12.10.2017), one Shri Niraj Kr. Verma and Priyanka Verma entered into appearance. On production of original death Certificates of their fathers Shri Dilip Kumar Koiree and Shri Ashoke Kumar Koiree, both of them submits before the forum that Sarjoo Ram Koiree under whose name and banner the proprietorship business was running had died long back and their father Shri Dilip Kumar Koiree and Ashoke Kumar Koiree who were running the business in present time were also died. Therefore, they want to liquidate the dues of KoPT on behalf of O.P. Considering their submission after due verification of the Death Certificates of Late Dilip Kumar Koiree & Ashoke Kumar Koiree, forum allowed them to represent the instant matter.

O.P. contested the matter by filing their Reply to Show Cause dated 14.11.2017, followed by appearance of Advocate by filing affidavit sworn before the 1st class Magistrate, Alipore dated 21.12.2017 to establish the genuineness of legal heirship of O.P dated 11.01.2018, Letter/ Petition/ News paper publication dated 15.02.2018, 19.03.2018, effective reply/written objections against the Show Cause notice/s dated 26.04.2018, petition for recalling the order no.19 dated 26.04.2018 written objection dated 31.05.2018, application regarding fixation of interest dated 27.09.2018. KoPT also filed its arguments and counter-arguments through letters/applications on various dates. Both the parties were heard extensively. The matter was finally heard on 29.05.2019 when final order was reserved.

Now while passing the final order, upon considering the deliberations of the parties and after carefully going through all the documents placed on record, I find that the allegations of KoPT against the O.P are two folds i.e non payment of rent and taxes and unauthorized construction on the public premises in question in violation of the lease condition and without prior approval of KoPT.

With regard to the issue of non payment of KoPT's monthly rent and taxes, O.P has admitted the dues on

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. 1278, 1278/R/1278/D Of 2012 Order Sheet No. 39

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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its part vide reply/written objection and effective reply to the Show Cause notice/s as filed on 14.11.2017 and 26.04.2018. The categorical submission of O.P is that as they failed to trace out the original lease deed, they cannot throw any light over the said fact of violation of the terms of the lease. Thus they are unintentional defaulter. However they are using the land for occupation and they could not carry out the business in its full strength after the demise of original tenant. In the said reply to the Show Cause Notice and subsequently, during the course of hearing O.P has prayed for instalment for liquidation of dues of KoPT before this forum, KoPT has filed several communication address to O.P (such as Letters dated 18.12.1997, 09.08.2006, 12.09.2006 and on 22.06.2007 etc) whereby KoPT has repeatedly requested to clear the dues at the earliest but apparently no heed was paid by O.P. Although, KoPT has very recently filed a Statement of Accounts as generated on 17th April 2019, which clearly indicates that O.P has made some payment towards the outstanding dues but my view is that such payment cannot be adjusted as a rental due, because it is specifically mentioned in the Quit Notice dated 22.06.2007 that "**any payment tendered by you or received from your end in respect of the period subsequent to the expiry of the period as mentioned in this notice to quit will be deemed to have been tendered by you as compensation for wrongful use and occupation and acceptance of such payment will be without prejudice to this notice to quit and also to KoPT's right to take further action in the matter.**" Therefore, O.P cannot bypass its liability to pay the rental dues in this instant matter. O.P in para no. i) of their written objection/reply dated 26.04.2018 has also taken a plea of waiver of quit notice. O.P submitted that "notice to quit dated 22.06.2007 which form the very basis of this instant proceedings commenced on 18.03.2008 has been waived by the overt conduct by accepting the rent in Sec113 of T.P Act and the relation of lessor and Lessee still subsists." But my view is that **Mere acceptance of rent during pendency of the eviction**

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. 1278, 1278/R, 1278/D Of 2012 Order Sheet No. 40

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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proceedings does not amount to waiver of notice to quit. As per law, in order to constitute a waiver of notice to quit/s, O.P. must have to prove that KoPT by accepting rent had intended to treat the lease as subsisting. In absence of any such intention on the part of KoPT being proved, mere acceptance of an amount tendered by O.P. during pendency of the proceedings cannot be said to be a "waiver" on the part of KoPT. In the present case in hand KoPT actively prosecuted the proceedings for ejection against O.P. and as such it cannot be an accepted proposition that the notice to quit have been waived by any sense of law.

A detailed Statements of Accounts showing outstanding rental dues in question has already been handed over to O.P. vide applications/ comments dated 02.01.2018, 05.04.2018. There is no reason to disbelief such submission of the statutory authority. Moreover, O.P's plea that O.P undertakes to make payment of outstanding arrear rent subject to renewal of their tenancy on humanitarian ground does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all.

Now the plea taken by O.P. for determination of KoPT's claim on account of interest or fixation of rate of interest according to law etc, are required to be adjudicated seriously as the issue involves mixed question of fact and law as well. It is my considered view that payment of interest is a natural fall out and one must have to pay interest in case of default in making payment of the principal amount due to be payable. For occupation and enjoyment of Port property, the charges leviable upon the tenants/occupiers are based on the Schedule of Rent Charges as applicable for a tenant/occupier in respect of respective zone as indicated in such Schedule of Rent Charges. O.P cannot deny such liability of payment of interest as he has failed to pay the principal amount due to be payable by him. More so this forum has no power in the matter of determination of interest for which O.P has to pray

By Order of
THE ESTATE OFFICER
KOLKATA PORT TRUST

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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. 1278,1278/R,1278/D of 2012 Order Sheet No. 41

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before proper Authority of KoPT. As such, I have no hesitation to decide the issue in favour of KoPT.

With regards to the allegation of KoPT regarding unauthorized construction in violation of lease term, the content of KoPT's letter to O.P dated 12.09.2006(styled as Final Notice) is not much vital in deciding the issues. Because it is neither in the said final notice nor in the quit notice, the unauthorised construction has been mentioned as a ground of determination of such tenancy. However in their initial reply/written objection dated 14.11.2017 O.P has admitted that during the life time of both the present respondents some temporary structure were erected only for residential purpose for the staffs and labourers who were working in the Farm. Although on a subsequent occasion, by a letter addressed to the Estate Manager dated 13.09.2018, O.P submitted that temporary structure on his holding was shattered due to natural wear and tear and there was no structure whether permanent or temporary existing on such land. But KoPT has specifically come up with a specific drawing/sketch Maps being No. 9848-D-III dated 06.07.2017 highlighting the unauthorized construction in red hatch but O.P has failed to give any sufficient explanation as to how this construction can be said to be authorized in nature. As per the P.P Act 1971, once the Notice U/S-4 is issued, burden is on the O.P to Show Cause and/or produce evidence but in this case O.P's contention is not full proof. In my view, the O.P. has sufficiently admitted about the existence of unauthorized construction in the premises, and since it is a settled law that admitted facts need not be proved, I have no bar in accepting that the breach of unauthorized construction was existing when the notice to quit dated 22.06.2007 came to be issued by the Port Authority.

However, discussion against the forgoing non payment of rent and taxes is sufficient to reveal that notice to quit dated 22.06.2007 is validly issued and served on O.P and the same is binding and very much enforceable, in the facts and circumstances of the case. Thus being satisfied as above, I am left with no

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Estate Officer, Kolkata Port Trust

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 1278, 1278/R & 1278/D Of 2012 Order Sheet No. 42

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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other alternatives but to issue the order of eviction against O.P. as prayed for on behalf of KoPT, on following grounds/reasons.

1. That O.P. had failed and neglected to pay the rental dues/charges to KoPT for occupation in the Public Premises at the time of issuance of notice to quit dated 22.06.2007 by the Port Authority.
2. That O.P. has erected unauthorised construction, without having any authority under law.
3. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
4. That the notice to quit dated 22.06.2007 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties.
5. That O.P.'s occupation has become unauthorised in view of Sec. 2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and occupation of the Port Property 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 Law up to the date of 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 days as aforesaid so that necessary action could 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.1,89,463.52 for the period 01.07.1989 to 08.07.2007 (both days inclusive) & Rs.1,34,745.34 for the period 01.05.1990 to 08.07.2007(both days

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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. 1278, 1278/R/1278/D Of 2012 Order Sheet No. 43

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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inclusive) as regards the respective plates in question are 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 ~~30.10.2020~~ 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.

15-10-2020

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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 2,62,462.25 & 1,91,289.53 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 09.07.2007 to 01.09.2017 (both days inclusive) in respect of both the Plates in question and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by ~~30.10.2020~~. 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.

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 01.09.2017 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

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. 1278, 1278/R. N. 1278/D Of 2012 Order Sheet No. 44

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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M/S. Sojee Ram Kairee

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12.10.2020

01.09.2017, 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.

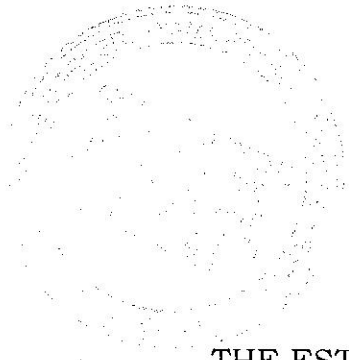
I make it clear that in the event of failure on the part of O.P. to comply with this Order, Port Authority is entitled to proceed further for execution of this order in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

Suman Mukhopadhyay
(S. Mukhopadhyay)
ESTATE OFFICER

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

15.10.2020
Kolkata Port Trust



Web-site

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

REASONED ORDER NO.40 DT 12.10.2020
PROCEEDINGS NO. 1278 OF 2012

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-

M/S Sarjoo Ram Koiree, (O.P.)
Prop: Sri Dilip Kumar Koiree & Sri Ashoke Kumar Koiree

F O R M - "B"

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Sarjoo Ram Koiree**, Prop: Shri Dilip Kumar Koiree & Shri Ashoke Kumar Koiree, **Plot No.1 & 2 Daighat, Watgunge, Railway Siding, 1 No. Garden Reach Road, Kolkata-700023** is in unauthorized occupation of the Public Premises specified in the Schedule below:

R E A S O N S

1. That O.P. had failed and neglected to pay the rental dues/charges to KoPT for occupation in the Public Premises at the time of issuance of notice to quit dated 22.06.2007 by the Port Authority.
2. That O.P. has erected unauthorised construction, without having any authority under law.
3. That O.P. has failed to bear any witness or adduce any evidence in support of their occupation as "authorised occupation".
4. That the notice to quit dated 22.06.2007 as served upon O.P. by the Port Authority is valid, lawful and binding upon the parties.
5. That O.P's occupation has become unauthorised in view of Sec. 2(g) of the P.P. Act and O.P. is liable to pay damages for wrongful use and occupation of the Port Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

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PLEASE SEE ON REVERSE

(2)

A copy of the reasoned order No. 40 dated 12.10.2020 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 Sarjoo Ram Koiree**, Prop: Shri Dilip Kumar Koiree & Shri Ashoke Kumar Koiree, **Plot No.1 & 2 Daighat, Watgunge, Railway Siding, 1 No. Garden Reach Road, Kolkata-700023**, 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 Sarjoo Ram Koiree**, Prop: Shri Dilip Kumar Koiree & Shri Ashoke Kumar Koiree, **Plot No.1 & 2 Daighat, Watgunge, Railway Siding, 1No.Garden Reach Road, Kolkata-700023** 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.

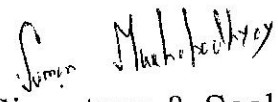
SCHEDULE

Plate No.D-2 & D-3

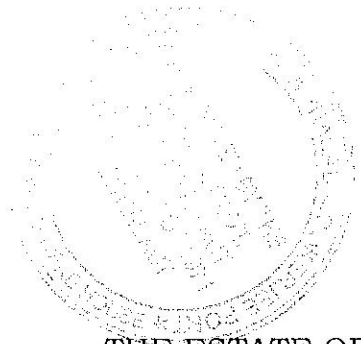
The said piece or parcel of land msg.116.593 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist. 24Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt Ltd., On the East by the Trustees' land occupied by you, on the South by the Trustees' Roadway and on the West partly by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. Partly by the Trustees' vacant land and partly by the Trustees' land leased to Binoy Kumar Gupta.

The said piece or parcel of land msg. about 84.356 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist.24 Parganas, Reg Dist. Alipore. It is bounded on the North and East by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. On the South by the Trustees' Roadway and on the West by the Trustees' land occupied by you.Trustees' means the Board of Trustees' for the Port of Kolkata.

Date- 15-10-2020.


Signature & Seal of the
Estate Officer.

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



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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
1st Floor, 6, Fairlie Place Warehouse,
Kolkata-700001

Court Room At the 1st Floor
6, Fairlie Place Warehouse

Form "E"

PROCEEDINGS NO.1278/R OF 2012
ORDER NO. 40 DATED: 12.10.2012

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 Sarjoo Ram Koiree,

Prop: Shri Dilip Kumar Koiree & Shri Ashoke Kumar Koiree,
**Plot No.1 & 2 Daighat, Watgunge, Railway Siding,
1 No. Garden Reach Road,
Kolkata-700023.**

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

AND WHEREAS, by written notice dated 12.09.2017 you are called
upon to show cause on/or before 12.10.2017 why an order requiring you
to pay a sum of **Rs 1,89,463.52**(Rupees One Lakhs Eighty Nine
Thousand Four hundred Sixty Three and paisa Fifty two only) for the
Plate No.D-2 & **Rs.1,34,745.34**(Rupees One Lakhs Thirty Four
Thousand Seven hundred Forty Five and paisa Thirty Four only) for the
Plate No.D-3 being the rents payable together with compound interest in
respect of the said premises should not be made;

AND WHEREAS I have considered your objections and/or evidence
produced before this Forum.

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.
1,89,463.52(Rupees One Lakhs Eighty Nine Thousand Four hundred
Sixty Three and paisa Fifty two only) for the period **01.07.1989 to
8.07.2007**(both days inclusive) & **Rs.1,34,745.34**(Rupees One Lakhs
Thirty Four Thousand Seven hundred Forty Five and paisa Thirty Four
only) for the period **01.05.1990 to 08.07.2007** (both days inclusive) to
Kolkata Port Trust by 30.10.2012.

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 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.

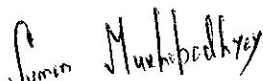
SCHEDULE

Plate No.D-2 & D-3

The said piece or parcel of land msg. 116.593 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist. 24Parganas, Registration District-Alipore. It is bounded on the North by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt Ltd., On the East by the Trustees' land occupied by you, on the South by the Trustees' Roadway and on the West partly by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. Partly by the Trustees' vacant land and partly by the Trustees' land leased to Binoy Kumar Gupta.

The said piece or parcel of land msg. about 84.356 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist.24 Parganas, Reg Dist. Alipore. It is bounded on the North and East by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. On the South by the Trustees' Roadway and on the West by the Trustees' land occupied by you. Trustees' means the Board of Trustees' for the Port of Kolkata.

Dated: 15.10.2020.


Signature and seal of the
Estate Officer

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



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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. 1278/D OF 2012
ORDER NO.40 DATED : 12.10.2020

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 Sarjoo Ram Koiree,
Prop: Shri Dilip Kumar Koiree & Shri Ashoke Kumar Koiree,
Plot No.1 & 2 Daighat, Watgunge, Railway Siding,
1 No. Garden Reach Road,
Kolkata-700023.

Whereas I, the undersigned, am satisfied that you are in unauthorised occupation of the public premises mentioned in the Schedule below:

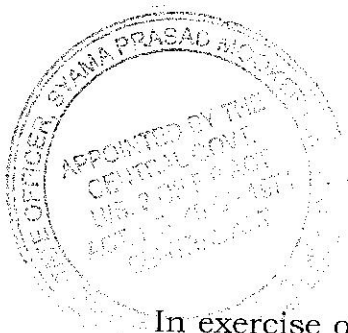
And whereas by written notice dated 12.09.2017 you are called upon to show cause on/or before 12.10.2017 why an order requiring you to pay damages of **Rs. 2,62,462.25** (Rupees Two Lakhs Sixty Two Thousand Four hundred Sixty Two and paisa Twenty Five only) for the Plate No.D-2 & **Rs.1,91,289.53**(Rupees One Lakh Ninety One Thousand Two hundred Eighty Nine and paisa Fifty Three only) for the Plate No.D-3 together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

And whereas I have considered your objections and/or evidence produced before this Forum.

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 **Rs. 2,62,462.25** (Rupees Two Lakhs Sixty Two Thousand Four hundred Sixty Two and paisa Twenty Five only) & **Rs.1,91,289.53**(Rupees One Lakh Ninety One Thousand Two hundred Eighty Nine and paisa Fifty Three only) assessed by me as damages on account of your unauthorised occupation of the premises both for the period from 09.07.2007 to 01.09.2017 (both days inclusive) to Kolkata Port Trust by

30.10.2020

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-2 & D-3

The said piece or parcel of land msg.116.593 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist. 24Parganas, Registration District- Alipore. It is bounded on the North by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt Ltd., On the East by the Trustees' land occupied by you, on the South by the Trustees' Roadway and on the West partly by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. Partly by the Trustees' vacant land and partly by the Trustees' land leased to Binoy Kumar Gupta.

The said piece or parcel of land msg. about 84.356 Sq.m or thereabouts is situate at Daighat, Mouza- Watgunge, Thana-S.P.P.S, Dist.24 Parganas, Reg Dist. Alipore. It is bounded on the North and East by the Trustees' land leased to Hind Galvanising and Engineering Co. Pvt. Ltd. On the South by the Trustees' Roadway and on the West by the Trustees' land occupied by you. 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>
09.07.2007 to 01.09.2017 (D-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. 2,62,462.25	Nil	Rs. 2,62,462.25
09.07.2007 to 01.09.2017 (D-3)	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. 1,91,289.53-	Nil	Rs. 1,91,289.53

Date 15-10-2020.


Signature & Seal of the
Estate Officer.

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