

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. 1123/1123 R-D Of 2011 Order Sheet No. 20

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Hindusthan Petroleum Corporation Ltd.

19

27.10.2020

FINAL ORDER

The instant proceedings No. 1123, 1123/R, 1123/D of 2011 arises out of the application bearing No. Lnd.3296/12/II/06/6588 dated 23.08.2006 filed by Kolkata Port Trust (KoPT), Applicant herein, praying for order of eviction and recovery of arrear rent, taxes, compensation along with interest against M/s Hindusthan Petroleum Corporation Ltd, O.P. herein, under relevant provision of the Public Premises (Eviction of Unauthorised 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 523.23 sq.m, or thereabout situated at Hide Road Extn and Sonapur Road (under Plate No. D-280) Thana- South Port Police Station, District- 24 Parganas(S), as a Lessee on monthly term, morefully described in the Schedule 'A' of the KoPT's application dated 23.08.2006. The allegations leveled by KoPT against O.P is that while in possession of Port property as lessee, the O.P has defaulted in payment of monthly rent, taxes also accrued interest thereon the details of which has been given in 'Schedule-B of the KoPT's application dated 23.08.2006.

It is submitted by KoPT that O.P. has erected unauthorized construction on the demised land and committed parting with possession without taking any permission from KoPT in gross violation of the terms of tenancy which was originally granted to one Caltex (India) Ltd. by way of an offer letter dated 26.03.1976 which become subsequently merged with H.P.C.L.

In view of the aforesaid breaches committed by the O.P., KoPT had issued notice to quit being No. Lnd.3296/12/II/06/908 dated 16.03.2006 asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the

THE ESTATE OFFICER
OF THE KOLKATA PORT TRUST
CERTIFIED THAT THE ORDER
PASSES BY THE ESTATE OFFICER
STAMPED AND SIGNED AS PER
OFFICE OF THE ESTATE OFFICER
STATE OF WEST BENGAL

[Handwritten signature]



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. 1123, 1123/R-D Of 2011 Order Sheet No. 21

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Hindustan Petroleum Corporation Ltd. ^{VS}

19
27.10.2020

property to KoPT on 01.05.2006. But O.P has failed and neglected to vacate/ hand over the possession of such premises to KoPT after service of the said Notice to Quit.

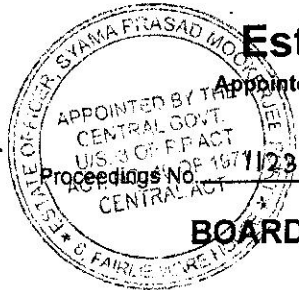
Considering the submission advanced by KoPT and the documents on record, Notice/s to Show Cause under section 4 and 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 all dated 02.07.2015 (vide Order No.06 dated 02.07.2015) were issued by this forum to O.P. The Notice/s were issued in terms of the said provisions of the Act calling upon the O.P. to appear before this forum in person or through authorized representative capable of answering all material questions in connection with the matter along with the evidence which the opposite party intends to produce in support of their case.

The said notice/s were served through Speed Post to the correct recorded addresses of O.P. at 8,Balard Road, Mumbai -400001, Industry House, 8th Floor, 10, Camac Street, Kolkata-700017 and also at HPCL, Retail Outlet at the junction of Hide Road & Sonapur Road, Kolkata-700040. It appears from records that the Notice/s sent to the last mentioned recorded address of O.P. on the above was returned back with an endorsement "addressee moved" however, notice/s sent to other two addresses were not returned back. The record depicts that the said Notice/s have also been received by one representative of O.P on 06.07.2015.

O.P contested the matter through its Ld' advocate and filed on 03.09.2015 it's reply to the Show Cause duly signed by S.N Ray, Chief Regional Manager & Constituted Attorney of O.P under cover of its letter dated 03.09.2015, followed by Letter/Petition dated 05.09.2018, 12.02.2019, 09.04.2019 and written notes of arguments filed

THE ESTATE OFFICER
KOLKATA PORT TRUST
OFFICE OF THE ESTATE OFFICER
KOLKATA PORT TRUST
KOLKATA

Handwritten signature/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. 123, 1123 R-D Of 2011 Order Sheet No. 22

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Hindusthan Petroleum Corporation Ltd.

19
27.10.2019

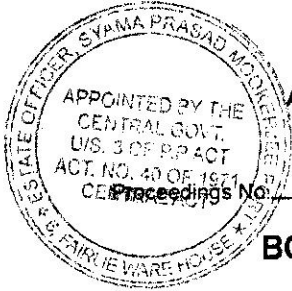
on 21.05.2019. Thereafter, KoPT also filed its arguments and counter-arguments through letters/applications on various dates. Both the parties were heard extensively.

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 three folds i.e non payment of rent and taxes, unauthorized construction on the public premises in question and unauthorized parting with possession to third party/s in violation of the lease condition and without prior approval of KoPT.

With regard to the issue of non payment of KoPT's rent and taxes, O.P has admitted the dues on its part vide reply and supplementary reply to the Show Cause notice/s as filed on 03.09.2015 and 12.02.2019. It is the categorical submission of O.P in terms of demand notice/s given by KoPT that it is regularly depositing against such monthly term lease since April, 2018 and the same have been accepted by KoPT. Moreover in the said reply to the Show cause and subsequently during the course of hearing dated 12.02.2019 O.P has prayed for reconciliation of such dues. Before this Forum, KoPT has also filed copies of several letters addressing the O.P (such as letter dated 15.01.2003, 26.05.2003, 24.09.2003, 03.09.2004, 18.11.2004 and 24.05.2005) etc. whereby KoPT repeatedly requested O.P for liquidation of their dues but inspite of receiving the copy of such letters, O.P apparently did not pay any heed to that matter. More so, KoPT has filed detailed Statement of Accounts, which clearly indicates the huge dues on the part of the O.P. The Statements have been handed over to O.P vide applications/ comments dated 29.01.2019, 12.02.2019 and 26.02.2019. There is no reason to disbelief such submission of the statutory authority. O.P in

By Order of:
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT TRUST
KOLKATA
PASSED BY THE ESTATE OFFICER
ON 27.10.2019
[Signature]
ESTATE OFFICER

19



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. 1123, 1123 R-D Of 2011 Order Sheet No. 23

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Hindusthan Petroleum Corporation Ltd.

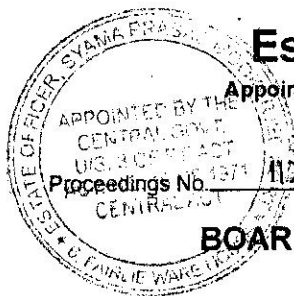
19
27-10-2020

para 6 of its reply has claimed that the ~~Shaw~~ ^{show} Cause notice is wholly without jurisdiction. My view is that in fact, once the dues and taxes are admitted substantially by the O.P., there is no reason not to uphold the validity of the notice to quit. Moreover, O.P's plea that he has started to make payment or agreed to make payment does not seem to have any justification in this juncture because such statement do not come to the protection of O.P. at all. Further, I may add that this Forum, in pursuance of Section 114 T.P Act has given opportunity to O.P to liquidate the dues of KoPT but O.P never succeeded in complete and full discharge of such dues taxes and interest. Thus this Forum holds that the charge of default in payment of rent and taxes is definitely established.

With regards to the allegation of KoPT regarding unauthorized construction and unauthorized parting with possession by O.P in violation of lease term, the content of KoPT's letter to O.P dated 24.05.2005(styled as Final Notice) is very much vital in deciding the issues. It reveals that KoPT has given one more opportunity to O.P to remove the breaches before issuing the Ejectment notice dated 16.03.2006, terminating the lease in question. No reply to KoPT's allegation regarding unauthorized construction and unauthorized parting with possession have been given from O.P's end in it's initial reply to the ~~Shaw~~ ^{show} Cause dated 03.09.2015. However, during the course of hearing O.P vide its letter dated 03.06.2003, admitted the allegation of unauthorized construction. KoPT has also come up with specific drawing/sketch Maps being No. 10192-D-II highlighting the unauthorized construction in red hatch but O.P is silent as to how this construction can be said to be authorized in nature. As per the P.P Act1971, 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 has

19
27-10-2020
ESTATE OFFICER
KOLKATA PORT TRUST
27/10/2020

19



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. 1123, 1123/R-D Of 2011 Order Sheet No. 24

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Hindusthan Petroleum Corporation Ltd.

19
27/10/2020

hopelessly failed to do so. 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 16.03.2006 came to be issued by the Port Authority.

Now as regards unauthorized parting with possession, mere claim on behalf of O.P that it has never parted with possession of the premises to any third party or is itself in use and occupation of the premises etc. are, in my view not sufficient to defend this type of serious allegation such as unauthorized parting with possession. The O.P could have very well produced documents related to their trade or business from that premises but O.P chose to produce nothing. Even O.P did not produce any single photographic evidence to counter the allegation of KoPT. As such it is very difficult to accept the mere claim of the O.P which is bereft of any cogent reason. More over induction of a third party without the approval of KoPT is also against spirit of tenancy.

Further O.P raised a plea that being a Govt of India Enterprise under the Ministry of Petroleum & Natural Gas, it comes under the purview of Article 12 of the Constitution therefore, the Public Premises (Eviction of Unauthorized Occupants) Act,1971 cannot be enforced arbitrarily by one govt company against another but my view is that as no special status was claimed by O.P at the time of creation of tenancy and as O.P was treated just like other tenants, it cannot take such plea. There this issue is also decided in favour of KoPT.

Discussion against the forgoing reveal that notice to quit dated 26.03.2006 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

BY ORDER OF THE ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT TRUST
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT TRUST
[Signature]
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MUKHERJEE PORT TRUST

[Handwritten mark]



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. 1123, 1123/R-D Of 2011 Order Sheet No. 25

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

M/s. Hindusthan Petroleum Corporation Ltd.

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27.10.2020

with no 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. has violated the condition of monthly lease as granted by the Port Authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
3. That O.P has parted with possession of the public premises without any authority of law, in facts and circumstances of the case.
4. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
5. That the notice to quit dated 16.03.2006 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 Sec.2 (g) of the P.P. Act.
6. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

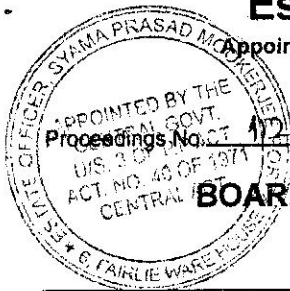
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ACCORDINGLY, I sign the formal order of eviction u/s 5 of the Act as per Rule made there under, giving 15 days time to O.P. and any person/s whoever may be in occupation to vacate the premises. I make it clear that all person/s whoever may be in occupation 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

[Handwritten notes and signatures at the bottom left corner, including 'ESTATE OFFICER', 'KOLKATA PORT TRUST', and dates like '27/10/2020']

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. 1123, 1123 R-D of 2011 Order Sheet No. 26

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Hindustan Petroleum Corporation Ltd.

19
27.10.2020

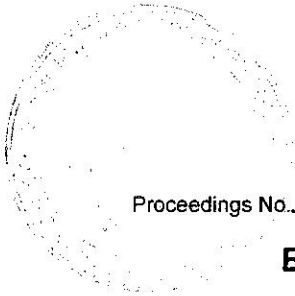
possession of the same. KoPT is directed to submit a comprehensive status report of the Public Premises in question on inspection of the property after expiry of the 15 days as aforesaid so that necessary action could be taken for execution of the order of eviction u/s. 5 of the Act as per Rule made under the Act.

It is my considered view that a sum of Rs.31,33,235.00 for the period 01.03.1975 to 30.04.2006 (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 15.11.2020. 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.

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 01,18,812.00 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 01.05.2006 to 31.08.2006 (both days inclusive) and it is hereby ordered that O.P. shall also make payment of the aforesaid sum to KoPT by 15.11.2020. 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 same, as per the adjustment of payments, if any

THE ESTATE OFFICER
SIAMA PRASAD MOUKHERJEE
CERTIFICATE OF THE OWNER
POSSESSOR OF THE ESTATE OFFICER
SIAMA PRASAD MOUKHERJEE
27/10/2020
OFFICE OF THE ESTATE OFFICER
STATE PORT TRUST

NA



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. 1123, 1123/R-D Of 2011 Order Sheet No. 27

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Hindusthan Petroleum Corporation Ltd.

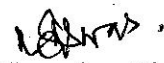
19
27.10.2020

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 31.08.2006 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 31.08.2006, 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


(Nirmalya Biswas)
ESTATE OFFICER

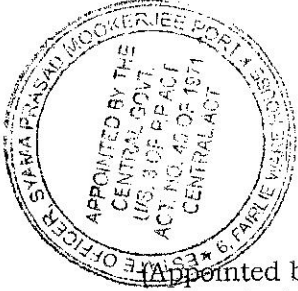
*** ALL EXHIBITS AND DOCUMENTS ARE REQUIRED TO BE TAKEN BACK WITHIN ONE MONTH FROM THE DATE OF PASSING OF THIS ORDER ***

Handwritten notes and stamps:
THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA
ESTATE OFFICER
27/10/2020
Stamp: STATE SERVICES

19

SCAN

G



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

REASONED ORDER NO. 19 DT 27.10.2020
PROCEEDINGS NO. 1123 OF 2011

BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Hindusthan Petroleum Corporation Ltd (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**

* Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
TRUST
27/10/2020

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Hindusthan Petroleum Corporation Ltd, Vikash Market Unit, 8 Balard Road, Mumbai-400001 AND ALSO AT Industry House, 8th Floor, 10, Camac Street, Kolkata-700017 AND ALSO AT Hindusthan Petroleum Corporation Ltd, Retailed outlet at the Junction of Hide Road & Sonapur Road, Kol-700040** is in unauthorized occupation of the Public Premises specified in the Schedule below :

REASONS

1. That O.P. has violated the condition of monthly lease as granted by the Port Authority by way of not making payment of rental dues and taxes to KoPT, for a prolonged period of time.
2. That O.P has carried out unauthorized construction in the public premises without any lawful authority.
3. That O.P has parted with possession of the public premises without any authority of law, in facts and circumstances of the case.
4. The O.P or any other person/occupant have failed to bear any witness or adduce any evidence in support of its occupation as "authorised occupation"
5. That the notice to quit dated 16.03.2006 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 Sec.2 (g) of the P.P. Act.
6. That O.P. is liable to pay damages for wrongful use and occupation of the public premises up to the date of handing over the clear, vacant and unencumbered possession to the port authority.

PLEASE SEE ON REVERSE

✓

(2)

A copy of the reasoned order No. 19 dated 27/10/2020 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 Hindusthan Petroleum Corporation Ltd, Vikash Market Unit, 8 Balard Road, Mumbai-400001 AND ALSO AT Industry House, 8th Floor, 10, Camac Street, Kolkata-700017 AND ALSO AT Hindusthan Petroleum Corporation Ltd, Retailed outlet at the Junction of Hide Road & Sonapur Road, Kol-700040**, 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 Hindusthan Petroleum Corporation Ltd, Vikash Market Unit, 8 Balard Road, Mumbai-400001 AND ALSO AT Industry House, 8th Floor, 10, Camac Street, Kolkata-700017 AND ALSO AT Hindusthan Petroleum Corporation Ltd, Retailed outlet at the Junction of Hide Road & Sonapur Road, Kol-700040** 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

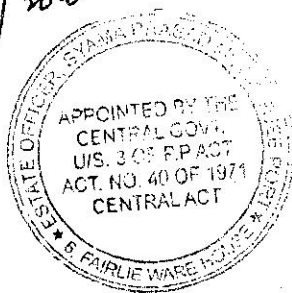
Plate No.D-280

The said piece and parcel of the land measuring about 523.23 Sq.m or thereabouts is situated at the junction of Hide Road Extn and Sonapur Road, Thana- South Port Police Station, Kolkata, Dist 24 Parganas(South), Registration District Alipore. It is bounded on North by Trustee's strip of open land and railway track, on the East by the Trustee's Land occupied by Shakaldeo Singh, on the South by the Trustee's Sonapur Road and on the West by Trustee's Hide Road and Hide Road Extension.

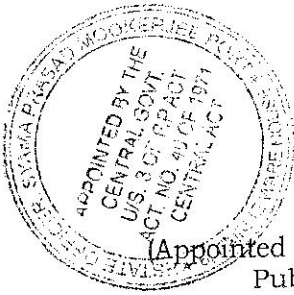
Trustees' means the Board of Trustees' for the Port of Kolkata.

Date- 27/10/2020


Signature & Seal of the Estate Officer.



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



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

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

Form "E"

PROCEEDINGS NO.1123/R OF 2011
ORDER NO. 19 DATED: 27.10.2020

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 Hindusthan Petroleum Corporation Ltd,
Vikash Market Unit,
8 Balard Road, Mumbai-400001
AND ALSO AT
Industry House, 8th Floor,
10, Camac Street, Kolkata-700017
AND ALSO AT
Hindusthan Petroleum Corporation Ltd,
Retailed outlet at the Junction of Hide Road & Sonapur Road, Kol-700040.

RECORDED BY
THE ESTATE OFFICER
STATE OF WEST BENGAL
CERTIFIED COPY OF THE ORDER
ISSUED BY THE ESTATE OFFICER
STATE OF WEST BENGAL
27/10/2020
OFFICE OF THE ESTATE OFFICER
STATE OF WEST BENGAL

WHEREAS you are in occupation of the public premises described in the
Schedule below.

AND WHEREAS, by written notice dated 02.07.2015 you are called upon to
show cause on/or before 21.07.2015 why an order requiring you to pay a sum
of **Rs 31,33,235/-** (Rupees Thirty One Lakhs Thirty Three Thousand Two
hundred thirty five only) 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 31,33,235/-** (Rupees Thirty
One Lakhs Thirty Three Thousand Two hundred thirty five only) for the period
01.03.1975 to 30.04.2006 (both days inclusive) to Kolkata Port Trust by
15.11.2020

PLEASE SEE ON REVERSE

WS

: 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

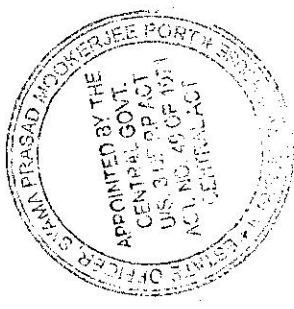
Plate No.D-280

The said piece and parcel of the land measuring about 523.23 Sq.m or thereabouts is situated at the junction of Hide Road Extn and Sonapur Road, Thana- South Port Police Station, Kolkata, Dist 24 Parganas(South), Registration District Alipore. It is bounded on North by Trustee's strip of open land and railway track, on the East by the Trustee's Land occupied by Shakaldeo Singh, on the South by the Trustee's Sonapur Road and on the West by Trustee's Hide Road and Hide Road Extension.

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

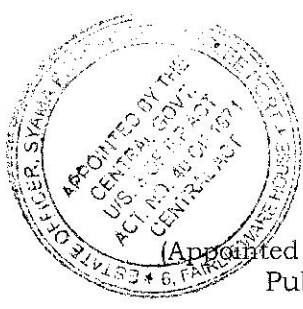
Dated: 27.10.2020

[Signature]
Signature and seal of the Estate Officer



*7/10/2020
THE ESTATE OFFICER
STATE OF WEST BENGAL
OFFICE OF THE ESTATE OFFICER
STATE OF WEST BENGAL
27/10/2020

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



**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. 1123/D OF 2011
ORDER NO.19 DATED: 27.10.2020

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 Hindusthan Petroleum Corporation Ltd,
Vikash Market Unit,
8 Balard Road, Mumbai-400001
AND ALSO AT
Industry House, 8th Floor,
10, Camac Street, Kolkata-700017
AND ALSO AT
Hindusthan Petroleum Corporation Ltd,
Retailed outlet at the Junction of Hide Road & Sonapur Road, Kolkata-700040.

APPOINTED BY THE
CENTRAL GOVT.
ACT NO. 40 OF 1971
CENTRAL ACT
ESTATE OFFICER, SYAMBAI
KOLKATA PORT TRUST
OFFICE OF THE ESTATE OFFICER
6, FAIRLIE PLACE (1ST FLOOR)
KOLKATA - 700 001
27/10/2020

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 02.07.2015 you are called upon to show cause on/or before 21.07.2015 why an order requiring you to pay damages of Rs. 1,18,812/- (Rupees One Lakhs Eighteen thousand Eight hundred Twelve only) 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 of Rs. 1,18,812/- (Rupees One Lakhs Eighteen thousand Eight hundred Twelve only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.05.2006 to 31.08.2006 (both days inclusive) to Kolkata Port Trust by

15.11.2020

MA

: 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.D-280

The said piece and parcel of the land measuring about 523.23 Sq.m or thereabouts is situated at the junction of Hide Road Extn and Sonapur Road, Thana- South Port Police Station, Kolkata, Dist 24 Parganas(South), Registration District Alipore. It is bounded on North by Trustee's strip of open land and railway track, on the East by the Trustee's Land occupied by Shakaldeo Singh, on the South by the Trustee's Sonapur Road and on the West by Trustee's Hide Road and Hide Road Extension.

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

Date 27.10.2020

[Signature]
Signature & Seal of the
Estate Officer.



* ORIGINAL
THE ESTATE OFFICER
STATE OF WEST BENGAL
CHIEF MANAGER/CHIEF LAW OFFICER
KOLKATA PORT TRUST
OFFICE OF THE ESTATE OFFICER
STATE OF WEST BENGAL
27/10/2020

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