



SCAR

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

**ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(erstwhile 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. 23 DT 18/01/2021
PROCEEDINGS NO. 1539 OF 2016

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA
-Vs-
M/S Arya Parishad Vidyalaya (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**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **M/S Arya Parishad Vidyalaya of 1, Nimak Mahal Road, South Eastern Railway, Kolkata-700043** is in unauthorized occupation of the Public Premises specified in the Schedule below :

R E A S O N S

1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear of dues/damages etc as prayed for on behalf of KoPT and the Notice/s issued by this Forum are in conformity with the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act 1971.
2. That the lease as granted to O.P. by KoPT had doubtlessly determined by efflux of time, in the facts and circumstances of the case.
3. That O.P. cannot claim any renewal of the expired lease even for the sake of natural justice, in view of the breaches committed by it, particularly the unauthorized construction carried out by it without having any authority under law.
4. That O.P. cannot claim fresh lease from the Port Authority as a matter of right and cannot dictate the terms and conditions of any lease that may be offered by the Port Authority in terms of their Estate Management Policy.
5. That KoPT's notice dated 12.08.2010 demanding possession of Port property from O.P. is very much valid, lawful and enforceable in the facts and circumstances of the case.

(Signature)

PLEASE SEE ON REVERSE

6. That no case has been made out on behalf of O.P. as to how its occupation in the Public Premises could be termed as "authorised occupation" after issuance of notice dated 12.08.2010, demanding possession by the Port Authority and O.P's occupation has become unauthorized in view of Sec.2(g) of the P.P. Act, 1971.
7. That right from the date of expiry of the lease, O.P. has lost its authority to occupy the Public Premises and O.P. is liable to pay dues/ compensation charges with interest for wrongful use and enjoyment of the Public Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

A copy of the reasoned order No. 23 dated 18/01/2021 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 Arya Parishad Vidyalaya of 1, Nimak Mahal Road, South Eastern Railway, Kolkata-700043** 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 Arya Parishad Vidyalaya of 1, Nimak Mahal Road, South Eastern Railway, Kolkata-700043** 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-637

The said piece or parcel of land msg.5088.11 sq.m or thereabouts is situated on the West side of Nimak Mahal Road, Thana-West Port Police Station, Kolkata, District-24 Parganas(South), Registration Dist: Alipore. It is bounded on the North by the Trustees' land and on the West by N.S Dock, on the East by Nimak Mahal Road & on the South by the Trustees' land and then land occupied by International Engineering & Construction Co.

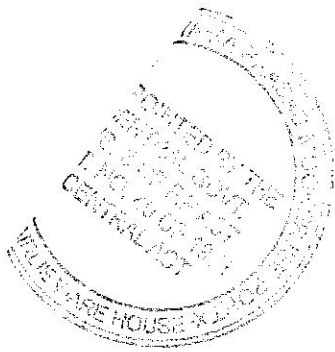
Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Date- 19/01/2021



Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA FOR INFORMATION.



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

**ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
(erstwhile 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. 1539/D OF 2016
ORDER NO.23 DATED: 18.01.2021

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 Arya Parishad Vidyalaya
1, Nimak Mahal Road,
South Eastern Railway
Kolkata-700043.

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 08.08.2017 you are called upon to show cause on or before 05.09.2017 why an order requiring you to pay damages of Rs. 2,31,87,174/- (Rupees Two Crore Thirty One Lakhs Eighty Seven Thousand One hundred Seventy Four 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. 2,31,87,174/- (Rupees Two Crore Thirty One Lakhs Eighty Seven Thousand One hundred Seventy Four only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 14.01.2001 to 02.12.2016 (both days inclusive) to SMP, Kolkata by 05.02.2021.

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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 on the above sum till its final payment being the current rate of interest as per the Interest Act, 1978.

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.

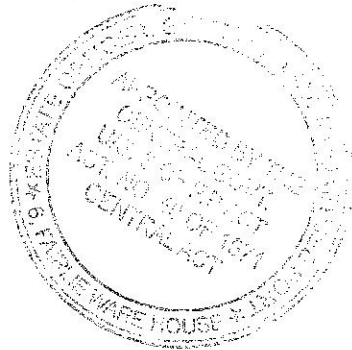
SCHEDULE

Plate No. D-637

The said piece or parcel of land msg.5088.11 sq.m or thereabouts is situated on the West side of Nimak Mahal Road, Thana-West Port Police Station, Kolkata, District-24 Parganas(South), Registration Dist: Alipore. It is bounded on the North by the Trustees' land and on the West by N.S Dock, on the East by Nimak Mahal Road & on the South by the Trustees' land and then land occupied by International Engineering & Construction Co.

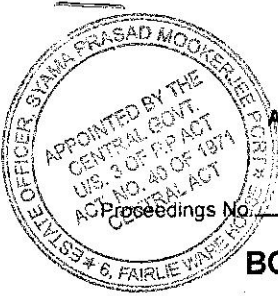
Trustee's means the Syama Prasad Mookerjee Port, Kolkata (erstwhile the Board of Trustees for the Port of Kolkata.)

Date 19/01/2021



Signature & Seal of the
Estate Officer.

COPY FORWARDED TO THE ESTATE MANAGER, SMP, KOLKATA 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. 1539, 1539/D Of 2016 Order Sheet No. 19

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Arya Parishad Vidyalaya.

23
18-07-2021

FINAL ORDER

The instant proceedings No. 1539, 1539/D of 2016 arises out of the application bearing No. Lnd.4656/II/16/1229 Dated 01.07.2016 filed by the Syama Prasad Mookerjee Port, Kolkata [erstwhile Kolkata Port Trust], hereinafter referred to as KoPT, the applicant herein, praying for an order of eviction and recovery of dues /damages and other charges etc. along with accrued interest in respect. of the public premises as defined in the 'Schedule A' of said application, against M/S Arya Parishad Vidyalaya, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The facts of the case is summarised here under. KoPT had granted a long term lease of Land measuring 5088.11 sqm under Plate No.D-637 situated at Nimak Mahal Road, Thana- West Port Police Station, District-24 Parganas(South) for a period of 10 years from 05.01.1991 by a deed of lease executed by and between the parties. The said lease expired due to efflux of time. KoPT submits that even after the expiry of the lease, O.P. continues to occupy the port premises unauthorisedly and is in default of making payment of compensation despite KoPT's demand. KoPT further submits that O.P. has made unauthorised construction in the port premises, also parted with possession of the said premises to rank outsiders and made encroachment of land msg about 2140.76 Sq.m in clear violation to the terms and conditions of lease in question.

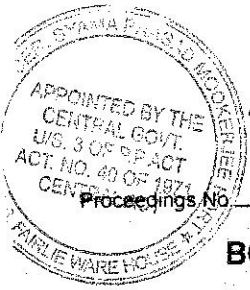
It is also the case of KoPT that notice to quit dated 12.08.2010 was issued to the O.P. asking the O.P. to hand over clear, vacant, peaceful and unencumbered possession of the property to KoPT on 15.09.2010. By the said notice dated 12.08.2010 KoPT also notified the O.P. that all its relationship with KoPT stood determined on the expiry of lease w.e.f. 14.01.2001. KoPT submits that O.P. has no authority under law to occupy the public premises after issuance of notice to quit dated 12.08.2010 and was required to hand over the possession of the property in question to KoPT on

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By Order of
THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT
23/07/2021
OFFICE OF THE ESTATE OFFICER
SYAMA PRASAD MOOKERJEE PORT

Estate Officer, Kolkata Port Trust

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



1539, 1539/D Of 2016 Order Sheet No. 20

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Arya Parishad Vidyalaya. ^{VS}

29
18-01-2021

15.09.2010 as required under the notice to quit. It is the case of KoPT that O.P. is in wrongful occupation in the public premises on and from 14.01.2001 and accordingly, KoPT is entitled to have the O.P. evicted from the port premises. Further, O.P. is liable to pay compensation charges/mesne profits for unauthorized use and occupation of the Port Property in question.

Notice/s u/s 4 and 7 of the Act, both dated 08.08.2017(vide Order No.5 dated 06.06.2017) were issued by this Forum to O.P. to show cause as to why an order of eviction and an order requiring O.P. to pay compensation dues together with interest should not be made against the O.P. on the various grounds mentioned in the said Notice/s. By the said notice/s, O.P. was also called upon to appear before this Forum in person or through the duly authorised representative capable to answer all material questions connected with the matter along with the evidence which the O.P. intends to produce in support of the cause for personal hearing.

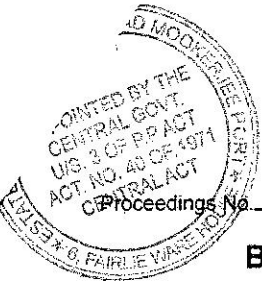
It is placed on record that the said Notices were sent to the recorded address of O.P. vide Speed Post, hand delivery as well by affixing the same in the Public Premises in question as per mandate of the Act. The Notice/s sent by Speed Post were not returned back to this Forum. However, it appears from the record that the said Notice/s had been served upon O.P personally on 18.08.2017 and affixation was made on the same day at about 11.55 A.M.

O.P. contested the matter by filing its reply to show cause notice on 30.01.2018, duly signed by Sri P. Dutta, Advocate of O.P. On the very same day another Advocate Sri Biplab Das on behalf of Modern Arya Parishad Vidyalaya(added as party) appeared and filed his Vakalatnama with a prayer of adding him as a party in the same proceeding. In the mean time Forum directed that Modern Arya Parishad Vidyalaya be treated as added party(A.P) and on a subsequent occasion on 26.04.2018 accepted their reply. Finally, written notes of arguments was filed by the Authorized Signatory of O.P. and Added Party respectively on 07.02.2019 and 28.02.2019. Both the

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THE ESTATE OFFICER
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SYAMA PRASAD MOOKERJEE PORT
18/01/2021

Estate Officer, Kolkata Port Trust

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



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VS
M/s. Arya Parishad Vidyalaya.

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parties were heard extensively on several occasions. Upon considering the deliberations of the parties and carefully going through the documents placed on record, I find that the following issues have come up for my adjudication.

- (I) Whether the instant proceedings against the O.P./Added Party is maintainable or not,
- (II) Whether the O.P/A.P can take the shield of principles of estoppels, waiver and acquiescence to contradict the eviction proceedings against O.P. and claim of KoPT on account of dues while in possession and enjoyment of the Port Property in question or not,
- (III) Whether O.P.'s claim for renewal of the expired lease has got any justification in the eye of law.
- (IV) Whether the O.P. had committed the breaches as alleged by KoPT, or not,
- (V) Whether KoPT's notice dated 12.08.2010 as issued to O.P., demanding possession from O.P. is valid and lawful or not;
- (VI) Whether O.P. is in unauthorised occupation of port property in terms of Sec 2 (g) of the PP Act, and whether O.P. is liable to pay compensation along with interest to the Port Authority for unauthorised occupation of the public premises, or not.

As regards Issue No. (I), I must say that the properties owned and controlled by the Port Authority has been declared as "public premises" by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and Section 15 of the Act puts a bar on Court's jurisdiction to entertain any matter relating to eviction of unauthorized

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[Handwritten signature and date]
18/01/2021

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. 1539, 1539/D

Of

2016

Order Sheet No.

22

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

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18.01.2021

occupants from the public premises and recovery of rental dues and/or damages, etc. KoPT has come up with an application for declaration of O.P.'s status as unauthorized occupant in to the public premises with the prayer for order of eviction, recovery of rental dues and damages etc against O.P. on the ground of service of ejectment notice or termination of authority to occupy the premises as earlier granted to O.P. in respect of the premises in question. So long the property of the Port Authority is coming under the purview of "public premises" as defined under the Act, adjudication process by serving Show Cause Notice/s u/s 4 & 7 of the Act is very much maintainable and there cannot be any question about the maintainability of proceedings before this Forum of Law. In fact, proceedings before this Forum of Law is not statutorily barred unless there is any specific order of stay of such proceedings by any competent court of law. Therefore, this Issue is thus decided in favour of KoPT.

As regards the issue no (II), I must say that the principles of estoppels, acquiescence, etc are equitable principles thus procedural in nature and thus the same will have no application in a case where issues involved are only pure question of law. according to law the question estoppel arise when one person has, by his declaration, act or omission, **intentionally** caused or **permitted** another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceedings between himself and such person or his representative, to deny the truth of that thing. In other words to constitute an estoppels there must be an intention or permission to believe certain thing. There is no material in O.P/A.P's objection by which it can be proved that there was any intention or permission on the part of KoPT regarding such status of O.P in that public premises in question.

As regards the issue No (III), I must say that the deed of lease entered into between the parties clearly mention that the lease was for a period of 10 years, with effect from 05.01.1991. The said contractual period expired on 14.01.2001. As per the "option clause" of said deed, it was the responsibility of the O.P. to approach the Port

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18/01/2021

Estate Officer, Kolkata Port Trust

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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Arya Parishad Vidyalyaya.

23

18.01.2022

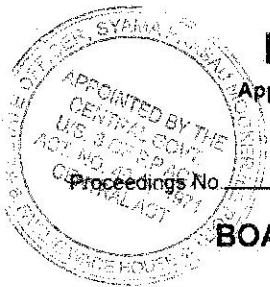
Authority for such renewal if they so desired, in the manner agreed upon by the parties. From the records placed before me, it appears that O.P. made several communication dated 09.03.2002, 16.08.2002, 16.01.2003 respectively exercising the option for renewal of the lease in terms of the said "option clause" Although the O.P. has claimed in the reply to the show cause notice filed on 30.01.2018 that it had made due request to the KoPT for renewal of the lease but neither of the communications were made before the expiry of such lease. Therefore, in my view O.P.'s claim for renewal of the expired lease has got no justification in the eye of law.

As regards the issue no (IV), I must say that Letter dated 19.12.2002 and Notice to Quit being No.Lnd.4656/II/10/1631 dated 12.08.2010 filed by KoPT clearly revealed that unauthorized construction of about 4871.655 sq.m is still existing. It deserve mention here that although the O.P. has claimed in its reply to the show cause filed on 30.01.2018 that it had made constructions with the permission of the KoPT, the O.P. failed to produce any such permission from the Port Authority during the course of hearing,

As regards the issue no (V), I must say that KoPT's notice dated 12.08.2010 as issued to O.P., demanding possession from O.P. is valid and lawful. It is a settled question of law that Notice to quit is not mandatory in case of a lease determined by way of efflux of time limited thereby. The Transfer of Property Act 1882 is very much clear about its intent and object when it is the duty/liability of the lessee to hand over possession of the property, after expiry of the contractual period of lease in its original condition. It is also provided in Sec. 2 (g) of the PP Act, 1971, that "unauthorized occupation" in relation to public premises means the occupation by any person of the public premises without authority for such occupation and **includes the continuance in occupation by any person of the public premises after the authority under which he was allowed to occupy the premises has expired** or has been determined for any reason whatsoever. The second limb of the definition of "unauthorized occupation" makes it abundantly clear that after expiry of the period of lease, the occupation of

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8/18/01/2022



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. 1539, 1539/D of 2016 Order Sheet No. 24

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Arya Parishad Vidyalaya ^{VS}

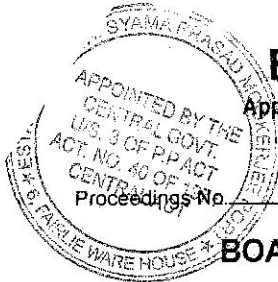
23
18.01.2021

the former lessee would become unauthorized for any reason whatsoever. In the case in hand, the period of lease expired long back in the year 2001 and there is no scope for considering the matter otherwise. Therefore, KoPT's notice dated 12.08.2010 as issued to O.P., demanding possession from O.P. is valid and lawful. Now a question arises as to whether the O.P. can claim renewal of the lease even for the sake of natural justice. I am firm in holding that to claim natural justice one has to come with clean hands. In the instant case, the O.P. is found to have carried out one breach after another, as elaborately discussed above, in reckless disregard to all principles of law. The established position being so, I think there is no scope for the Port Authority to consider renewal of the lease even for the sake of natural justice.

As regards the issue no (VI), I must say that As per Section 2 (g) of the Act the "unauthorized occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has **expired** or has been determined for any reason whatsoever. The lease granted to O.P. was determined by efflux of time limited thereby and the Port Authority by due service of notice demanded possession from O.P. KoPT's application for order of eviction is a clear manifestation of Port Authority's intention to get back possession of the premises. In course of hearing, the representative of KoPT submits that O.P. cannot claim its occupation as "authorized" without receiving any rent demand note. The lease was doubtlessly determined by efflux of time and by KoPT's notice demanding possession, whose validity for the purpose of deciding the question of law cannot be questioned by O.P. Therefore, there cannot be any doubt that the O.P. was in unauthorized occupation of the premises, once the lease was expired "Damages" are like "mesne profit" that is to say the profit arising out of wrongful use and occupation of the property in question. I have no hesitation in mind to say that after expiry of the contractual period of lease, O.P. has lost its authority to occupy the public premises and O.P. is liable to pay

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By Order of
THE ESTATE OFFICER
STATE PRASAD MUDRANEE PORT
CERTIFIED COPY OF THE ORDER
PASSED BY THE ESTATE OFFICER
STATE PRASAD MUDRANEE PORT
[Signature]
OFFICE OF THE ESTATE OFFICER
STATE PRASAD MUDRANEE PORT



Estate Officer, Kolkata Port Trust

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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Mrs. Arya Parishad Vidyalaya.

23
18.01.2021

damages for such unauthorized use and occupation., In my view, such claim of charges for damages by KoPT is based on sound reasoning and should be acceptable by this Forum of Law. O.P. failed to substantiate as to how its occupation could be termed as "authorised" in view of Sec. 2(g) of the P.P Act, after expiry of the period as mentioned in the KoPT's notice dated 12.08.2010, demanding possession from O.P. I have no hesitation to observe that O.P's act in continuing occupation after expiry and determination of the lease is unauthorized and O.P. is liable to pay damages for unauthorized use and occupation of the Port property in question upto the date of delivering vacant, unencumbered and peaceful possession to KoPT. The Issues VI is thus decided in favour of KoPT.

NOW THEREFORE, I consider it is a fit case for allowing KoPT's prayer for eviction against O.P. u/s 5 of the Act for the following grounds/reasons:

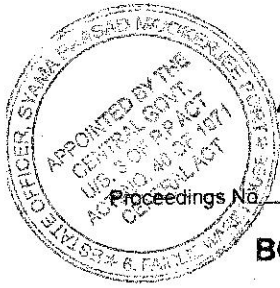
1. That this Forum of Law is well within its jurisdiction to adjudicate upon the matters relating to eviction and recovery of arrear of dues/damages etc as prayed for on behalf of KoPT and the Notice/s issued by this Forum are in conformity with the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act 1971.
2. That the lease as granted to O.P. by KoPT had doubtlessly determined by efflux of time, in the facts and circumstances of the case.
3. That O.P. cannot claim any renewal of the expired lease even for the sake of natural justice, in view of the breaches committed by it, particularly the unauthorized construction carried out by it without having any authority under law.
4. That O.P. cannot claim fresh lease from the Port Authority as a matter of right and cannot dictate the terms and conditions of any lease that may be offered by the Port Authority in terms of their Estate Management Policy.
5. That KoPT's notice dated 12.08.2010 demanding possession of Port property from O.P. is very much

(Signature)

(Handwritten notes and signature)
18/01/2021

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.

1539, 1539/D

Of

2016

Order Sheet No.

26

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Arnya ^{VS} Parished Vidyalaya.

23
18.01.2021

valid, lawful and enforceable in the facts and circumstances of the case

That no case has been made out on behalf of O.P. as to how its occupation in the Public Premises could be termed as "authorised occupation" after issuance of notice dated 12.08.2010, demanding possession by the Port Authority and O.P's occupation has become unauthorized in view of Sec.2(g) of the P.P. Act, 1971.

That right from the date of expiry of the lease, O.P. has lost its authority to occupy the Public Premises and O.P. is liable to pay dues/ compensation charges with interest for wrongful use and enjoyment of the Public Property upto the date of handing over of clear, vacant and unencumbered possession to the Port Authority.

ACCORDINGLY, I sign 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.

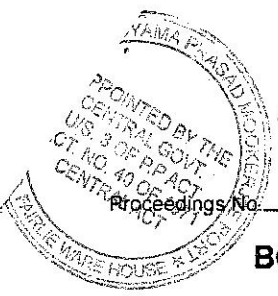
During the course of hearing, I find that KoPT has made out an arguable claim against O.P., founded with sound reasoning, regarding the damage/ compensation to be paid for unauthorised occupation and in this regard a sum of Rs. 2,31,87,174.00/- for the period 14.01.2001 to 02.12.2016 (both days inclusive) is due and recoverable from O.P. by the Port authority and O.P. must have to pay such dues to KoPT on or before 05.01.2021. 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

By Order of
THE ESTATE OFFICER
STATE BANK OF INDIA PORT
CERTIFIED COPY OF THE ORDER
MADE BY THE ESTATE OFFICER
STATE BANK OF INDIA PORT
OFFICE OF THE ESTATE OFFICER
STATE BANK OF INDIA PORT

R

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. 1539, 1539/D

Of 2016

Order Sheet No. 2F

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/s. Arya Panshal Vidyalaya.

23
18.01.2021

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 orders u/s 7 of the Act.

I make it clear that KoPT is entitled to claim further 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 02.12.2016 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 02.12.2016, 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 recovery of possession in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

(A.K Sarkar)
ESTATE OFFICER

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

Order of
The Board of Trustees of
the Port of Kolkata
Kolkata
18/01/2021