

# 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. 1718 Of 2019 Order Sheet No. 6

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Natabar <sup>VS</sup> Paul & Bros Pvt. Ltd.

### ORDER

9  
05.08.19

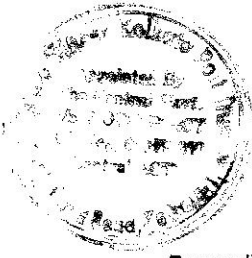
Today representative of KoPT files an application bearing no. Lnd.5/52/19/1457 dated 05.08.2019. Let such application be kept on record.

On perusal of such application and the entire case record, it appears to me that the present proceeding is not at all effective and quite fruitless. First and foremost, KoPT has been unable to produce the contractual relationship with the O.P. KoPT could neither submit any copy of Lease deed nor any other set of documents forming the contract between the parties. KoPT has only filed an offer letter and a notice to quit dated 18.01.1990. To adjudge the validity of the said notice to quit or ejection notice, it is imperative to read the same vis-à-vis the terms and conditions agreed to between the parties, in the form of a legally binding instrument, which have not been produced before me.

Even if I am to ignore the abovementioned infirmity, it is seen from the KoPT's original application dated 25.04.2014 that KoPT has mentioned non-payment of rent and taxes as the sole ground for determination of relationship with the O.P. However, the same application fails to mention the amount/s due from the O.P. as rent and taxes. On specific query of this Forum, it is the submission of KoPT that there is no rental dues at present and what is payable by O.P is only in the nature of damages/compensation. This has been submitted by KoPT not once but repeatedly. The said applications of KoPT filed in seriatim clearly indicates that nothing is due from the O.P. as rent and taxes but only as compensation/damages. In other words, the sole ground of prayer for eviction of the O.P. does not exist, as on date.

By Order of:  
THE ESTATE OFFICER  
KOLKATA PORT TRUST  
ORDERED BY THE ESTATE OFFICER  
KOLKATA PORT TRUST  
05/08/19

*Muz*



## Estate Officer, Kolkata Port Trust

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Proceedings No. 1718 Of 2019 Order Sheet No. 7

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Natabar VS Paul & Bros. Pvt Ltd.

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05.08.2019.

In my considered view, the conduct of the KoPT indicates that it has given a go-by to the notice to quit dated 18.01.1990. I have gone through KoPT's communication dated 01.11.1989 addressed to the O.P. whereby KoPT had claimed certain amount from the O.P. as arrears of rent and taxes. Now, when KoPT submits about no such dues on account of rent and taxes, it definitely implies that the notice to quit dated 18.01.1990 has been waived and thus, the initiation of the instant proceedings against the O.P. carries no sense at all.

Under such circumstances, the instant proceedings against O.P. is dismissed, being devoid of any cause of action, on date. KoPT shall however have the liberty to institute fresh proceedings against O.P. on fresh cause of action, if deemed fit.

All concerned are directed to act accordingly.

  
(M.K Das)

ESTATE OFFICER