

**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.1644/D OF 2018
ORDER NO.16 DATED : 06.03.2020

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
Estate Bhim Chandra Khan,
64/1, Netaji Subhash Road,
Khurut, Howrah-1
AND ALSO OF
Village: Boinche,
P.O: Boinche.
District : Hooghly

f sde
11.03.2020

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

And whereas by written notice dated 23.10.2019 you are called upon to show cause on/or before 31.10.2019 why an order requiring you to pay damages of Rs. 2,90,399.73 (Rupees Two Lakhs Ninety thousand Three hundred Ninety nine and paise Seventy three only) together with [compound interest] for unauthorised use and occupation of the said premises, should not be made.

And whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by Sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, I hereby order you to pay the sum of Rs. 2,90,399.73 (Rupees Two Lakhs Ninety thousand Three hundred Ninety nine and paise Seventy three only) assessed by me as damages on account of your unauthorised occupation of the premises for the period from 01.09.1985 to 22.12.2011(both days inclusive) to Kolkata Port Trust by 17.03.2020.

[Signature]

PLEASE SEE ON REVERSE

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. 1644/D Of 2018 Order Sheet No. 11

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

Estate Bhim Chandra Khan
VS

FINAL ORDER

16

06.03.2020

The instant proceedings No. 1644/D of 2018 arises out of the application bearing No. Lnd. 2943/2/17/3485 dated 27.01.2017 filed by the Kolkata Port Trust (KoPT), the applicant herein, praying for an order of realisation of dues/damages and other charges etc. along with accrued interest in respect of the public premises as defined in the Schedule of said application, against Estate Bhim Chandra Khan, the O.P herein, under relevant provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

The fact of the case in a nutshell is that the O.P. came into occupation of the port property measuring 190.172sq.mts. or thereabout at Ramkristopur, Howrah (under Plate No.HL-79) as short term Lessee, more fully described in the 'Schedule of Property' of the KoPT's application. The allegations levelled by KoPT against the O.P is that while in possession of Port property as short term Lessee, the O.P has defaulted in making payment of damages/compensation and taxes and also accrued interest thereon the details of which has given in 'Schedule-B' of the KoPT's application.

It is the case of KoPT that the O.P. was asked to pay damages/compensation upto 22.12.2011 as because the subject premises was taken over by KoPT on that day in terms of Final order dated 26.10.2009.

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11.03.2020

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. 1644/D Of 2018 Order Sheet No. 12

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

Estate Bhim Chandra Khan

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36.03.2020

Considering the submission and documents as submitted by KoPT, Notice to Show Cause dated 23.10.2019 (vide Order-12 dated 22.10.2019) was issued by this forum to the O.P. U/s 7 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 to show cause as to why an order requiring to pay arrear damages/compensation together with interest should not be made against the O.P. The O.P. was also called upon to appear before this forum in person or through authorized representative capable of answering all material questions connected with the matter along with the evidence which the opposite party intends to produce in support of this case.

The said notice was served through Speed Post as well as by hand delivery to the correct recorded addresses of O.P. at 64/1, Netaji Subhash Road, Khurut, Howrah-1 and also at Village- Boinche, P.O-Boinche, Dist-Hooghly. It appears from record that said Notice sent to the recorded addresses of O.P. by Speed Post was returned back due to possible insufficiency of addresses. However, the report of the Process Server dated 28.10.2019 depicts that O.P refused to take service of the notice personally but, due affixation was made on the same day at about 2P.M. in compliance of the provisions of the Act. On the day fixed for appearance and filing of reply to the Show Cause by the O.P., one Sri Dipankar Kundu, claiming himself to be the maternal grandson of O.P.

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11-03-2020

SW

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. 1644/D Of 2018 Order Sheet No. 13

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Estate Bhim Chandra Khan

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06.03.2020

appeared but he did not file any letter of authority and proof of identity to represent O.P. before the Forum. Thereafter, following the principles of natural justice the attempts have been made by this Forum to provide chances to Sri Dipankar Kundu but except 31.10.2019, he neither appeared nor shown any interest to contest the matter with KoPT by filing his reply before this Forum. As none appeared on behalf of O.P or any other person interested in the property except 31.10.2019, a publication was made in the classified column of Times of India (Kolkata) on 08.02.2020 fixing the ultimate date of O.P's appearance on 20.02.2020. Finally as the O.P failed to appear on 20.02.2020 the final Order was reserved in the matter. Now this forum has decided to adjudicate the matter ex-parte.

As no one from O.P's side appears except 31.10.2019 and no reply to the Show Cause Notice u/s 7 of the Act has been filed as yet, I have no bar to accept the claim of KoPT on account of damages/compensation etc. In fact, I have nothing to disbelief in respect of KoPT's claim against O.P. as per statement of accounts maintained regularly in KoPT's office in regular course of business.

It is my considered view that a sum of Rs.2,90,399.73 for the period 01.09.1985 to 22.12.2011 (both days inclusive) are due and recoverable from O.P. by the Port authority on account of damages/compensation and O.P. must

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11.03.2020

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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

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
Estate Bhim chandra Khan

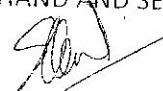
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26-03-2020

have to pay such dues to KoPT on or before 17.03.2020 Such dues attract compound interest @ 6.50 % per annum, which is the current rate of interest as per the Interest Act, 1978 (as gathered by me from the official website of the State Bank of India) from the date of incurrence of liability, till the liquidation of the same, as per the adjustment of payments, if any made so far by O.P., in terms of KoPT's books of accounts. I sign the formal order u/s 7 (2) & (2-A) of the Act. I make it clear that in the event of failure on the part of O.P. to pay the amount to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law.

Department is directed to draw up formal order as per Rule u/s 7 of the Act. I make it clear that in the event of failure on the part of O.P. to pay the dues/charges as aforesaid, KoPT is at liberty to recover the dues etc. in accordance with law.

All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL


(Satyabrata Sinha)

ESTATE OFFICER

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

F.S.De
11.03.2020
SEAL OF THE BOARD OF TRUSTEES
KOLKATA PORT TRUST