

[O/e]

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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 Unauthorised Occupants) Act 1971

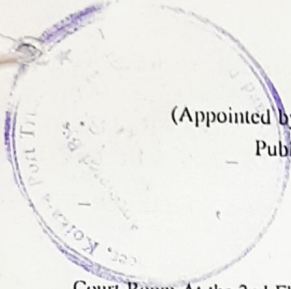
OFFICE OF THE ESTATE OFFICER

15, STRAND ROAD

(4th Floor)

KOLKATA - 700 001

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Court Room At the 2nd Floor  
of Kolkata Port Trust's  
Head Office, Old Buildings  
15, Strand Road, Kolkata - 700 001

REASONED ORDER NO. 6 OF 11.12.2006  
PROCEEDINGS NO. 808 OF 2006

BOARD OF TRUSTEES OF THE PORT OF KOLKATA  
- Vs -

M/S. CENTURY REFRIGERATION CO.



F O R M - "B"

45102 45101

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 Shri/Smt./Km/M/s. Century Refrigeration Co., Chowringhee Mansion,  
A/2, C.Kyd Street, Kolkata-700 016 AND ALSO AT Junction of...  
Taratala Road AND Budge Budge Road, Kolkata-700 088.

is/are in unauthorised occupation of the Public Premises specified in the Schedule below :

R E A S O N S

- i) That you have failed and neglected to file your reply to the Show Cause u/s.4 of the Act in spite of repeated chances.
- ii) That nobody on your behalf appeared before this Forum of Law to support any case in respect of your possession into the public premises after expiry of the period of lease in question that is to say on and from 27.10.1994
- iii) That you have failed to bear any witness and/or adduce any evidence in support of your possession into the public premises in spite of chances.
- iv) That you have failed and neglected to hand over possession of the public premises after expiry of the period of lease in question in dischargement of your responsibility as lessee to Kolkata Port Trust (KoPT) being the Lessor/Landlord of the same.
- v) That your act of occupying public premises after of the period of lease in respect of the land is totally wrongful and you are liable to pay damages for unauthorized use and occupation of the Port property in question upto the date of handing over of clear, vacant and peaceful possession to KoPT.
- vi) That the notice demanding possession from you as issued from KoPT's end dated 25.7.2005 has its full force of law and as such the notice is valid, lawful and binding upon the parties..

A copy of the reasoned order dated 11.12.2006 is enclosed which also forms a part of the reasons.

*Emmett...*

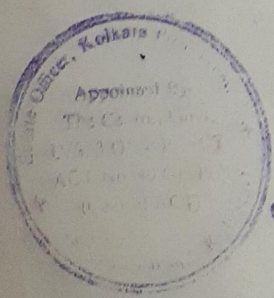
NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby order the said Shri / Smt./ Km / M/s. Century Refrigeration Co., Chowringhee Mansion, A/2, C. Kyd Street, Kolkata-700 016 AND ALSO AT Junction of Taratala Road AND Budge Budge Road, Kolkata-700 088.

and all person 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 Shri / Smt./ Km./ M/s. Century Refrigeration Co., Chowringhee Mansion, A/2, C. Kyd Street, Kolkata-700 016 AND ALSO AT Junction of Taratala Road AND Budge Budge Road, Kolkata-700 088.

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

The piece and parcel of the land altogether measuring about 4214.45 sq.m. or thereabouts is situate at the junction of Taratala Road and Budge Budge Road, Thana-Taratala Police Station, Kolkata, Dist.-24 Parganas (South), Registration Dist. Alipore. It is bounded on the north by Taratala Road on the east and south by the Budge Budge Road from the junction of Taratala Road and Budge Budge and on the west by the Trustees' land occupied by M/s. Diamond Beverages (P) Ltd., Trustees means the Board of Trustees' for the Port of Kolkata.



CONTENTS NOT VERIFIED  
Legal Department,  
Kolkata Port Trust.

CONTENTS NOT VERIFIED  
Kolkata Port Trust.  
Legal Department.  
Date 10/12/06.

*E. Manojan*  
Signature & Seal of the  
Estate Officer.

Dated: 13/12/2006

COPY FORWARDED TO THE LAND MANAGER, KOLKATA PORT TRUST / LABOUR ADVISER & INDUSTRIAL RELATIONS OFFICER, KOLKATA PORT TRUST FOR INFORMATION.

Copy to - Legal Adviser etc.

# Estate Officer, Kolkata Port Trust

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

10  
B

Proceedings No. 808 Of 2006 Order Sheet No. 5

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS

THIS CENTURY REFRIGERATION CO

5  
21.11.2006

Present: S. Mitra, Executive Engineer,  
M. Dutta, Land Inspector  
&  
S. De, Asst. Land Manager (Legal) for KoPT

No one appears on behalf of O.P. on 3<sup>rd</sup> call. Perused the papers on record and considered the matter on the basis of materials brought before me in course of hearing. Hearing is concluded. Final order is reserved.

*Emmanuel*  
Estate Officer.

6  
11/12/2006

## FINAL ORDER

No one appears on behalf of O.P. on 3<sup>rd</sup> call on 21.11.2006. It reveals from record that on earlier two occasions that is on 1.8.2006 and 25.9.2006, the O.P. failed to appear before me. No reply to the Show Cause has been filed by O.P. as yet. Perused the papers on record. It is seen that the postal service to O.P. returned with the remarks of the Postal Department as "Left". Perused the report of the Process Servers. Shri Chandra Sekhar Lala on examination states that the notice u/s.4 of the Act was affixed on the property under Schedule at Taratala Road and nobody at the recorded address of O.P. at A/2C, Kyd Street, Kolkata-700016 was agreed to accept the notice. Shri Bankim Nandy on examination states that the order dated 25.9.2006 was affixed on the property in question as there was nobody to accept the notice/order at the premises at Kolkata-700088 (Junction of Taratala Road and Budge Budge Road). I

*Emmanuel*

Contd..

# 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. 808 Of 2006 Order Sheet No. 6

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S CENTURY VS REFRIGERATION CO

6  
11/12/2006

Contd..from pre-page..

I am satisfied with the service of notice to all concerned after affixation of the notice/order on the property in question as per provision of the Public Premises Act as contained in Section-4 of the Act. In course of hearing KoPT's representative strongly argued that O.P. had lost its authority to occupy the public premises after expiry of the period of lease in question, which expired long back on and from 27.10.1994. It would not be out of scope to mention that it is the specific case of KoPT that a lease for 30 years without any option for renewal with effect from 27.10.1964 was granted to O.P. with certain terms and conditions as embodied in the said lease. It is argued with great emphasis that O.P.'s authority to occupy the public premises has already been ceased and O.P. is no longer an authorized occupier as per definition of "unauthorized occupation" under the P.P. Act. As there is no reply to the Show Cause u/s.4 of the Act in spite of repeated chances to O.P. and the O.P. has failed to appear before me in spite of sufficient service of notice/order through affixation on property, I have no other alternative but to allow the prayer of Kolkata Port Trust (KoPT) as contained in its petition as filed on 14.6.2006. In fact I have no other alternative but to issue order of eviction against O.P. under the following grounds/reasons.

- A. That the O.P. has failed and neglected to file its reply to Show Cause u/s.4 of the Act in spite of repeated chances.

*Om Prakash*

Contd..

# 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. 808 of 200 Order Sheet No. 7

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA VS

21st CENTURY REFRIGERATION CO.

6  
16.12.2006

*Annulu*

Contd..from pre-page..

- B. That nobody on behalf of O.P. appeared before this Forum of Law to support any case in respect of O.P.'s possession into the public premises after expiry of the period of lease in respect of the public premises that is to say on and from 27.10.1994.
- C. That O.P. has failed to bear any witness and/or adduce any evidence in support of its possession into the public premises in spite of chances.
- D. That O.P. has failed and neglected to hand over possession of the public premises after expiry of the period of lease in discharge of its responsibility as lessee to KoPT (Lessor/Landlord).
- E. That O.P.'s act of occupying the public premises after expiry of the period of lease in respect of the land is totally wrongful and the O.P. is liable to pay damages for unauthorized use and occupation of the Port property in question upto the date of handing over of clear, vacant and peaceful possession to KoPT.
- F. That the notice, demanding possession from O.P. as issued from KoPT's end dated 25.7.2005 has its all force of law. This notice is valid, lawful and binding upon the parties.

*Annulu*

Contd..

# 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. 808 Of 2006 Order Sheet No. 8

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

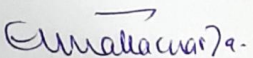
VS

M/S CENTURY REFRIGERATION CO

Contd. from pre-page...

ACCORDINGLY, Department is directed to draw up 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 Port property in question. It is made clear that anybody whoever may be in occupation is liable to be evicted as unauthorized occupants by this order. I make it clear that the Port Authority is entitled to claim damages for unauthorized use and occupation 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 report regarding its claim on account of damages against O.P., indicating therein the details of the computation of such damages with the rate of charges so claimed for the respective period for my consideration in order to assess the damages as per the Act and the Rules made thereunder. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL

  
(P.BHATTACHARYA)  
ESTATE OFFICER.

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

6  
11.12.2006