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**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

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

REASONED ORDER NO. 35 OF 03.09.2010

PROCEEDINGS NO. 843,843/R-D OF 2006

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

- Vs -

M/S. SHALIMAR TAR PRODUCTS (1935) LTD.

**FORM "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 Shri / Smt. / K. / M/s. M/s. Shalimar Tar Products (1935) Ltd.,  
6, Lyon Range, Kolkata-700 001 AND ALSO AT P-46, Hide Road  
Extension, Kolkata-700 027.

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

**REASONS**

THAT WEST BENGAL PREMISES TENANCY ACT 1956 HAS NO APPLICATION TO  
THE LANDED PROPERTY OWNED BY KOPT. THAT THE JUDGEMENT OF THE  
SUBORDINATE JUDGE AT ALIPUR IN T.S. NO.14 OF 1976 AND SUITS FOR MONEY  
CLAIM (M.S) ARE RELEVANT TO THE EXTENT FOR THE PURPOSE OF  
DETERMINING THE ISSUES FRAMED BY THE CIVIL COURT AND THIS FORUM OF  
LAW IS VERY MUCH COMPETENT IN DECIDING THE MATTER UNDER P.P.ACT  
INVIEW OF BAR IN COURT'S JURISDICTION U/S. 15 OF THE P.P.ACT. THAT YOUR  
CONTENTION AS "TENANT HOLDING OVER" IS VERY MUCH RELEVANT SUBJECT  
TO THE STATUTORY MANDATE FOR PAYMENT OF RENTAL DUES/CHARGES AS  
PER KOPT'S SCHEDULE OF RENT CHARGES AS NOTIFIED TIME TO TIME IN  
CALCUTTA GAZETTE IN ACCORDANCE WITH THE PROVISIONS OF MAJOR PORT  
TRUSTS ACT 1963 ( PRIOR TO AMENDMENT IN 1997). THAT YOU CANNOT  
REPUDIATE THE CLAIM OF PORT AUTHORITY ON ACCOUNT OF RENTAL DUES  
WHICH WAS CLAIMED BY KOPT ON THE STRENGTH OF NOTIFICATION  
PUBLISHED UNDER UAUTHORITY OF LAW ON THE PLEA OF "TENANT HOLDING  
OVER". THAT YOU ARE LIABLE TO PAY DAMAGES FOR UNAUTHORISED USE AND  
OCCUPATION OF THE PORT PROPERTY UPTO THE DATE OF HANDING OVER OF  
CLEAR, VACANT AND UNENCUMBERED POSSESSION TO PORT AUTHORITY. A  
CERTIFIED COPY OF THE ORDER DATED 03.09.2010 IS ATTACHED HERETO WHICH  
IS ALSO PART OF THE REASONS.

BY ORDER OF  
THE ESTATE OFFICER  
KOLAKTA PORT TRUST

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Kolkata Port Trust

Head Assistant  
Office of the Estate Officer  
KOLKATA PORT TRUST



PLEASE SEE ON REVERSE



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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. M/s. Shalimar Tar Products (1935) Ltd., 6, Lyen Range, Kolkata-700 001. AND ALSO AT P-46, Hide Road Extension, Kolkata-700 027.

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. M/s. Shalimar Tar Products (1935) Ltd., 6, Lyen Range, Kolkata-700 001. AND ALSO AT P-46, Hide Road, Extension, Kolkata-700 027.

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 said piece or parcel of land comprising Plot 'A' msg. 9100.78 sq.m. within 1<sup>st</sup> belt (land lying within 50 mtrs. from the Road) & Plot 'B' msg. 5294.54 sq.m. within 2<sup>nd</sup> belt (land lying beyond 50 mtrs. the Road) al together msg. 14,395.32 sq.m. or thereabouts is situated at Hide Road Extension, Thana-West Port Police Station, Kolkata, Dist. 24 Parganas, Registration District-Alipore. It is bounded on the North by the Commissioners land leased to William Jack & Co. Ltd. & on the East by the Commissioners low level road & on the South & West by the Commissioners land reserved for railway margin of safety alongwith a Port Trust Railway siding. Trustees' means the Board of Trustees' for the Port of Kolkata.

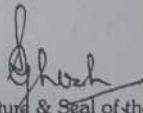
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KOLKATA



Dated: 08.09.10.

  
Signature & Seal of the  
Estate Officer.

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

843, 843/R, 848/D

of

2006

Order Sheet No.

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s Shalimar Tar Products (1935) Ltd. vs

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05.08.2010

Present: D. Das, Land Inspector  
for Kolkata Port Trust (KoPT)

A statement of KoPT's claim against O.P. is filed.  
Heard the submissions and considered the  
mater. Let the final order be reserved.

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03.09.2010

### FINAL ORDER

Factual matrix involved in this proceedings is required to be put forward in a nutshell in order to link up the chain of events leading to this proceedings. It is the case of Kolkata Port Trust (KoPT), Applicant herein that land measuring 14,395.32 sq.m. situated at Hide Road Extension, Kolkata, comprised under occupation No.D-291 was allotted to O.P. on monthly term lease basis on certain terms and conditions and M/s. Shalimar Tar Products (1935) Ltd., O.P. herein violated the condition of tenancy as granted under monthly term lease by way of default in making payment of rental dues. It is also the case of KoPT that O.P. has carried out unauthorized construction on the public premises and has parted with possession of the public premises without having any authority under law. This Forum of Law formed its opinion to proceed against O.P. to adjudicate the

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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

Proceedings No. 843,849/R-D of 2006 Order Sheet No. 34

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar VS Tax Products [1985] Ltd

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03.09.2010

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the prayer on behalf of Port Authority for order of eviction and realization of arrear rental dues and damages. As such, notice u/s.4 and u/s.7 of the Act all dated 3.1.2007 were issued to O.P. and O.P. entered into appearance before this Forum of Law through its Advocate by filing Vakalatnama. O.P. contested the matter by way of filing written objections dated 22.8.2007 and 27.9.2007. The matter was heard at a length and written notes on argument were filed on behalf of O.P. on 24.7.2008. In course of hearing, O.P. made substantial payments to KoPT against a claim of Rs.3 crores (approx) for continued use and enjoyment of the Port property in question. It is intimated by the Port Authority by letter dated 18.6.2010 bearing No.Lnd4178/IV/10/972 that O.P. has since forwarded 3 cheques amounting to Rs.27 lakhs favouring KoPT. In such a situation I was under impression that O.P. was willing to settle the disputes with KoPT amicably. But all my efforts to narrow down the disputes between the parties result nil. In the written objections on behalf of O.P., allegations regarding unauthorized parting with possession and carrying out of unauthorized construction were denied and it has been asserted that there cannot be any question of paying time barred

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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



Proceedings No. 843.843/R-D of 2006 Order Sheet No. 35

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS  
M/s. Shalimar Tax Products [1935] Ltd.

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03.09.2010



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time barred rent to KoPT and monthly rent @ Rs.8,082.82 per month is legally payable as per expired lease deed dated 30<sup>th</sup> March 1963. It is contended that notice to quit dated 2<sup>nd</sup> June 2006 clearly constitutes an admission on the part of the Port Authority that O.P. continued to be a tenant "Holding Over" in the premises in question at the last rate of rent payable and paid under terms of the original lease of 30<sup>th</sup> March 1963 that is Rs.8,082.82 and as such there cannot be any question of O.P. being liable to pay any damages for its continued occupation prior to 23<sup>rd</sup> June 2006. It is the case of O.P. that Title Suit No.14 of 1976 instituted by KoPT against O.P. for recovery of possession etc. was dismissed by the Ld. 6<sup>th</sup> Court of Subordinate Judge at Alipur by judgement dated 23<sup>rd</sup> day of September 1982 holding inter alia that O.P. was a tenant "Holding Over" the premises in question at a total rent of Rs.8,082.82 per month and as such KoPT's demand of Rs.2,75,58,239.82 for the period 1<sup>st</sup> January 1975 to 30<sup>th</sup> November 2005 is totally bad in law. In course of hearing, Mr. Jishnu Saha, Sr. Advocate on instruction from his client submits that his client is interested upon quantum of damages to be fixed for payment of damages but by written

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 36

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

M/s. Shalimar Tar Products (1935) Ltd  
**VS**

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by written statement/objection and by argument not only contradicted the claim of KoPT on account of damages but also the allegations of KoPT against O.P. for declaration of unauthorized occupants. The allegation of KoPT is contradicted by O.P. with the statement/declaration that they are holding the property as authorized occupant. Mr. Saha, Advocate strongly submits (relying upon Supreme Court's decision in Kaluram's case) that the claim of KoPT is hopelessly barred by limitation and KoPT cannot in any event claim charges for more than Rs.8,082.32 inclusive of municipal taxes per month as O.P's tenancy as "Holding Over" has been upheld by the judgement of the 6<sup>th</sup> Court of Sub-ordinate Judge at Alipur in T.S. No.14 of 1976 (Board of Trustees for the Port of Kolkata -vs- M/s. Shalimar Tar Products Ltd.). It is contended that in Money Suit No.13 of 1972 and M.S. 33 of 1975, KoPT by its own statement accepted the status of O.P's occupation as "Holding Over" and none of the statements with regard to rate of rent has been denied by KoPT as yet. It is argued that the judgement of the lower court has been accepted by the Port Authority as no appeal has been preferred against the said judgement.

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 37

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar Tax Products [1935] Ltd. <sup>VS</sup>

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03.09.2010



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Mr.Saha however submits that KoPT may claim Schedule of Rent Charges after termination of tenancy by service of ejectment notice dated 2.6.2006. In course of hearing, Mr. Saha, Advocate submits that his client has no intention to stand in the way of order of eviction as prayed for by the Port Authority and has only intention to challenge the notice u/s.7 of the P. P. Act regarding liability for payment of charges to KoPT. It is submitted with argument that Sec.111 and Sec.116 of the T. P. Act will certainly come into play for creation of monthly tenancy by way of "Holding over". It is argued that in case of Holding over the tenancy is continuing with the same terms and conditions as per the lease deed and O.P. is only liable to pay rate of rent as fixed up by the lease deed. KoPT on the other hand states and submits that creation of monthly tenancy with the condition to pay certain amount was duly intimated to O.P. and O.P. never raised any dispute on the claim of KoPT rather prefers to continue in occupation and enjoyment of the property. It is argued that tenancy was continuing on month to month basis as per conduct of the parties and occupants/users of the Port property are well aware of their liability towards payment of rental

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**Estate Officer, Kolkata Port Trust**

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(Eviction of Unauthorised Occupants) Act 1971

Proceedings No. 843, 843/2-D or 2006 Order Sheet No. 38

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

M/s. Shelimar VS Tax Products (1935) Ltd

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rental dues as per Schedule of Rent Charges to discharge their liability as per statute. It is strongly submitted that occupants/users of the Port property cannot deny the liability of making payment of dues/charges as per notification published in Calcutta Gazette in terms of the provisions of Major Port Trust Act, 1963. It is further argued that O.P. was consented to occupy the Port property with the terms and conditions for enjoyment of the same on payment of requisite charges as per Gazette Notification published under authority under law and there is no entitlement on the part of O.P. for occupation and enjoyment of the Port property as per the old rate of rent (last paid lease rent). Heard the submissions/arguments made on behalf of the parties and considered the reply to the Show Cause/written objection on behalf of O.P. I have carefully considered the written notes on argument on behalf of O.P. with all its seriousness. After consideration of all relevant papers/documents as brought before me in course of hearing, I find that following issues have come up for adjudication.

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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

Proceedings No.

843, 843/R-D of 2006

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar Tax Products [1935] Ltd  
VS

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of the Estate Officer

1. Whether Rent Control Act has any application on the properties/public premises in question and whether monthly tenancy as advocated on behalf of O.P. will be governed by the Rent Control Act or not.
2. Whether O.P's tenancy could be considered as a monthly term tenancy to be governed by the West Bengal Premises Tenancy Act 1956.
3. Whether Money Suit for claim of rental dues and Title Suit filed by the Port Authority before the Civil Court against O.P. in respect of the Public Premises in question has any bearing in deciding any matter on merit in view of bar in Civil Court's jurisdiction u/s.15 of the P P. Act or not.
4. Whether O.P. is liable to pay rental dues to KoPT at the rate of last paid rent that is to say at the rate of Rs.8,082.82 per month only including municipal tax as per lease deed or not.

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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

M/s. Shalimar VS For Production (1935) Ltd

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5. Whether O.P. can take the shield of a tenant "Holding over" as per Sec.116 of the T. P. Act and claim continuance of its occupation of the public premises with the same terms and conditions as in the expired lease deed in question or not.
6. Whether O.P. can repudiate the claim of KoPT even at the old rate for the relevant period of KoPT's claim on the plea of Limitation Act or not.
7. Whether demand of Port Authority for rental dues of Rs.2,75,58,239.82 for the period 1<sup>st</sup> November 1970 to 22<sup>nd</sup> June 2006 is bad in law or not.
8. Whether Port Authority can claim an entitlement to get the rental dues/charges as per notification issued under Major Port Trusts Act 1963 or not.
9. Whether O.P. has carried out unauthorized construction on the public premises and has parted with possession of the public premises unauthorizedly.
10. Whether notice to quit dated 2.6.2006 as served upon O.P. by the Port Authority is legally enforceable or not.

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 41

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tea Products [1935] Ltd

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11. Whether O.P.'s occupation in the public premises could be considered as "unauthorized occupation" in view of Sec.2(g) of the P. P. Act and O.P. is liable to pay damages for unauthorized use and occupation of the Port property upto the date of delivering vacant and peaceful possession to KoPT or not.

With regard to issue No.1 & 2, I must say that West Bengal Premises Tenancy Act or the Rent Control Act has no application for the landed properties owned/held by Kolkata Port Trust. The KoPT's property is not only declared as "public premises" by the P. P. Act, the application of the W.B. Premises Tenancy Act expressly provides a bar to the application of the Act to the property of Port Authority. In fact Port properties are exempted from the operation of W.B. Premises Tenancy Act or Rent Control Act. In a situation where statute provides a complete bar for operation of an enactment, it is very difficult to subscribe to the contention of O.P. regarding applicability of the Rent Control Act in the instant case. Position/status of creation of monthly tenancy under monthly term lease in favour of O.P. is

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 42

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar Tax Products (1935) Ltd. VS

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O.P. is admitted by KoPT and such status cannot be doubted by any reason whatsoever. But the contention with regard to applicability of W.B. Premises Tenancy Act or Rent Control Act is not at all supported by law. Hence, the issues are decided accordingly.



Issues No.3,4&5 are taken up together for the sake of convenience as the issues are related with each other and each issue has direct impact over the other. A lease in respect of the land in question was granted to O.P. by the Port Authority on 30<sup>th</sup> March 1963 for a term of 10 years w.e.f. 1.8.1961 without any option for renewal and thereafter the tenancy was continuing on month to month basis which according to O.P. is a tenant "holding over" with the same terms and conditions as embodied in the expired lease deed in question. According to O.P. the status of "holding over tenant" is admitted by KoPT in suits before the Alipur Judges Court and O.P. is not at all liable to pay the rental demands which according to KoPT is in accordance with the KoPT's Schedule of Rent Charges for the relevant period in force. Now the question arises as to how far the admission

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 43

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Producing [1935] 42

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admission before the Alipur Judges Court by KoPT in Title Suit No.14 of 1976 regarding status of 'holding over' and the judgement of the 6th Court of Subordinate Judge at Alipur is binding upon the parties in dispute. It is also to be taken care of in determining the extent of liability of O.P. towards payment of rent charges for occupation of the Port property in question. It is true that sec.15 of the P.P. Act puts a complete bar to the civil court's jurisdiction in adjudicating the matters coming under the purview of the P.P. Act such as eviction of unauthorized occupants from the public premises and realization of arrear rental dues and damages etc. It is also true that there cannot be any scope for denial on the part of Port Authority to treat the tenancy of O.P. as "holding over" not only on admission as per judgement of the civil court but also due to the subsequent action of KoPT by way of raising rental demands for the period 1.11.1970 to 22.6.2006. The question left for determination whether such treating of the occupation as "holding over" by KoPT means relinquishment of KoPT's authority for realization of rent charges as per KoPT's Schedule of Rent Charges or not in such scenario. The expired lease deed in

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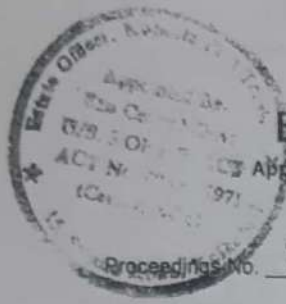
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# Estate Officer, Kolkata Port Trust

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

Proceeding No. 843,843/R-D or 2006 Order Sheet No. 44

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/S. Shalimar VS Tax Products (1935) Ltd

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in question, executed by and between the parties provides a clause under lessees covenant which reads as follows:

"Any statutory powers hereafter conferred upon the commissioners (read Trustees for the Port of Kolkata) shall automatically apply to the demised land and provisions in that respect shall be deemed to be incorporated in these presents and the lessees shall be deemed to have constructive notice thereof"

Now the notification of the Port Authority published under Calcutta Gazette regarding Schedule of Rent Charges to be applicable for the Port users/occupiers in respect of the properties owned by KoPT has a statutory force of law. The notification with regard to Schedule of Rent Charges to be payable by the Port users/occupiers has been published in the Official Gazette in terms of the provisions of the Major Port Trusts Act 1963 consequent upon approval from the Central Govt. as per the said Act. There is no material to show that the notifications regarding KoPT's Schedule of Rent Charges effective from 7.2.1976, 25.6.1981, 20.1.1983, 31.3.1988 and 19.9.1996 are either struck down or declared non-enforceable by

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(Eviction of Unauthorised Occupants) Act 1971

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar VS Tax Products [1935 (22)]

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03.09.2010



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by competent court of law. Moreover, the notifications for 1988 and 1996 Schedule of Rent Charges have been upheld by the competent court of law on challenge. In my view, when statute (A central Act like Major port Trusts Act 1963) prescribes a mode for realization of rental dues/charges, fixing liability towards payment of such rental dues/charges by the occupier/user of the Port property right from the date of publication of the Schedule of Rent Charges in Official Gazette as per the said Central Act, it is very difficult to accept that such charges as applicable to the Port users/occupiers of the Port property shall not be applicable to O.P. for continued use and occupation of the Port property in question for the relevant period. KoPT's demand for rent charges on the strength of such notifications cannot be contradicted by occupier like O.P. taking a shield of "holding over" tenant. In my view, O.P. was well aware or I should rather say O.P. had a constructive notice regarding application of statutory power of the Port Authority in terms of the lease deed and O.P. cannot deny the legality of exercising such power by the Port Authority by way of publication of Schedule of Rent Charges for the relevant period

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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

Proceedings No. 843.843/R-D of 2008 Order Sheet No. 46

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar VS Tax Products (1935) Ltd

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03.09.2010



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period as per procedure laid down in the Major Port Trusts Act 1963. It is my firm and considered view that no occupier of the Port property like O.P. can repudiate the claim of KoPT on the basis of Schedule of Rent Charges as such Schedule of Rent Charges has been notified, undergoing due process of law and have statutory force of law. Such schedule of rent charges is effective right from the date of publication in the Official Gazette as per provision of the Major Port Trusts Act. When a statute provides for imposition of rent charges and prescribes certain procedure, the entitlement of the Port Authority for realization of rental dues/charges on the basis of the prescribed procedure as laid down in the statute itself cannot be questioned and the plea taken by O.P. with regard to liability for payment of rent charges as per last paid monthly rent appears to me is very much illogical on evaluation of factual matrix and circumstances of the case. As the provision of the lease deed in question specifically provides for applicability of the statutory power vested with the Port Authority and constructive notice to O.P. for applicability of such power, I am inclined to accept that KoPT is well within its legal

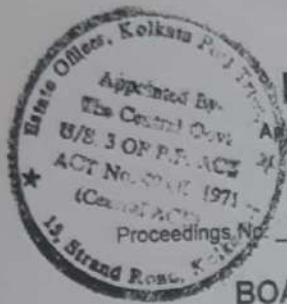
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**Estate Officer, Kolkata Port Trust**  
Appointed by the Central Govt. Under Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971

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**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

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of such notification. The plea of "Holding over" tenant as advocated on behalf of O.P. though substantiated through the judgement of the civil court and subsequent act of KoPT by way of restoring rent charges for the relevant period, it cannot be said with sufficient rigidity/legality that O.P. can deny the entitlement of the Port Authority for realization of its rental dues on the basis of the statutory power vested under the Major Port Trusts Act 1963. To uphold the entitlement of KoPT with regard to dues/charges on the strength of notification published under authority of law, I am fortified by observations by Hon'ble Supreme Court of India with regard to enforceability of a notification reported in (2003)1SCC Page-522, Para-20 which reads as under.

"....."

Notification in common English acceptance means an implies a formal announcement of a legally relevant fact and in the event of a statute speaking of a notification being published in the Official Gazette, the same cannot but mean a notification published by the Authority of law in the Official Gazette. It is on formal declaration

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## Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises  
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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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declaration and publication of an order and shall have to be in accordance with the declared policies or in the event of the requirement of the statute then in that event in accordance therewith."

In view of the discussion above, the issues are decided against O.P.

Issues No.6,7&8 are substantially related with the issues No.3,4&5 and discussions against the foregoing paragraphs are bound to dominate the issues under 6,7&8. In fact, there is little scope for discussion against these issues, excepting the point of limitation as taken/pleaded on behalf of O.P. I must mention that legal position is clear on the question of "entitlement" for rental dues and "time barred" claim for operation of Limitation Act. It is also a settled proposition that Limitation Act bars the remedy not the entitlement. Now, all the issues will be decided, once the applicability of the Limitation Act to the proceedings before the Estate Officer, the Quasi-judicial Authority under the P. P. Act is decided.

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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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For occupation and enjoyment of the public premises one must have to pay the requisite charges for such occupation. As I held earlier, O.P. must have to pay the charges/rent in terms of the KoPT's Schedule of Rent Charges as notified time to time in accordance with the Major Port Trusts Act 1963 for such occupation and enjoyment of the Port property. On the question of time barred claim of KoPT on "limitation", conflicting submissions/arguments made on behalf of the parties have received my due attention. It is the case of O.P. that KoPT's claim against O.P. is time barred and strong reliance has been placed upon New Delhi Municipal Corporation case wherein it was decided by the Hon'ble Apex Court of India that claim beyond 3 years is time barred and time barred claim cannot be recovered.

In support of KoPT's contention regarding non-applicability of Limitation Act, decision of Madhya Pradesh High Court in AIR 1980 MP 196(DB) is relied upon, wherein it was decided that Limitation Act has no application to the proceedings before the Estate Officer as it is not a Court to be governed by the Civil Procedure

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## Estate Officer, Kolkata Port Trust

Appointed by the Central Govt. Under Section 3 of the Public Premises  
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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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Procedure Code, keeping in view the bar under  
Sec.15 of the P.P. Act.

Admittedly, O.P. has accepted the Jural relationship between KoPT and itself that is to say as debtor. In my view a combined reading of the relevant provisions of the Limitation Act read with the provision of the Indian Contract Act leaves no room for doubt that O.P. has specifically acknowledged its dues/charges for occupation into the Port property while acknowledging the jural relationship between the parties as debtor (O.P. is still in occupation and enjoyment of the public premises) and as such cannot take the plea of time barred claim. It would not be out of scope to mention that the argument on the basis of the Apex Court Judgement in New Delhi Municipal Corporation case (Kaluram's case reported in AIR 1976 SC 1637) regarding "time barred claim" should not be applicable in the instant case as the situation in which the Hon'ble Apex Court delivered its judgement has drastically changed upon amendment of the Public Premises Act, 1971 with the introduction of Sec.15 of the Act. The Apex Court delivered its judgement in New Delhi Municipal Corporation case on Public Premises

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 52

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products (1935) Ltd.

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Public Premises Act 1958 wherein Sec.15 regarding taking away of jurisdiction of all Courts into the matters concerning the public premises was not there. The Public Premises Act 1971 has come into force after eliminating all constitutional infirmities. At the time of the Apex Court judgement the 1958 Act was in force being the Public Premises (Eviction of Unauthorized Occupants) Act, 1958. This Act gave a choice of procedure to the Government. The fact is that a contradictory process could be followed led to repeal of the 1958 Act and enactment of the Public Premises (Eviction of Unauthorized Occupants) Act 1971 which introduced Sec. 15 with the object of making the Act constitutionally valid and not violative of Article 14 of the Constitution of India.

In order to appreciate the stands taken on behalf of the parties in dispute, it would be expedient to go into the statutory provisions of the Civil Procedure Code, Limitation Act and P.P. Act. It has been argued on behalf of KoPT that the Articles under Limitation Act are applicable to Suit only. To my understanding Civil Suits are tried by the Courts as per the Civil Procedure

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 53

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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Procedure Code and proceedings before this Forum of Law are guided by the P.P. Act which provides a code for adjudication of matters relating to public premises. However, Civil Procedure Code has only a limited application to the proceedings before the Estate Officer in-as-much-as that an Estate Officer shall for the purpose of holding an enquiry under the P.P. Act, have the powers as are vested in a Civil Court under the Code of Civil Procedure while trying a suit in respect of summoning and enforcing attendance of any person and examining him on oath which requires the discovery and production of documents. Section 8 of P.P. Act makes it abundantly clear that an Estate Office under P.P. Act enjoys a very restricted power of CPC in terms of the Order-XVI, Rules 1 to 21 of the Civil Procedure Code (CPC) and Order- XI, Rule 12 to 21. No doubt the Estate Officer has been given power as vested in a Civil Court under CPC for the limited purpose of holding enquiry under the P.P. Act. Yet it is not a court to be governed by the Civil Procedure Code. As per CPC, the courts shall have jurisdiction to try all suits of a civil nature, excepting suits for which their cognizance is either expressly or impliedly barred.

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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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There are provisions for filing of suit in Civil Court with regard to territorial jurisdiction, pecuniary jurisdiction and jurisdiction with regard to subject matter of dispute. But in case of recovery of possession of public premises and recovery of arrear rental dues and damages etc. in respect of public premises, this Forum of Law is the only competent adjudicating authority and civil court has no jurisdiction to entertain any matter in respect of the public premises as defined under the P.P. Act.

The Limitation Act has no application in the proceedings before the Estate Officer which is not a Civil Court to be governed by the Civil Procedure Code. Sec. 15 of the Act puts a complete bar on entertaining any matter before the Civil Court in respect of Public Premises. There is no scope for interpretation with regard to jurisdiction of the Civil Court in respect of the matters specified under P.P. Act against the legislative mandate u/s.15 of the P.P. Act read with Sec.9 of CPC. As it is abundantly clear that Estate Officer, the Adjudicating Authority under the P.P. Act is not a Civil Court to be governed by the Civil Procedure Code, the proceedings before the Estate Officer cannot be considered under

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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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under law to be a suit or proceedings under the CPC. As such, I am firm in holding that Limitation Act has no application in the instant case. The Division Bench judgement of Madhya Pradesh High Court reported in AIR 1980 MP 196 (D.B) (L.S. Nair -VS- Hindusthan Steel Ltd. & Ors.) has its applicability in all sense of law. In this connection I am fortified by a judgement of the Hon'ble High Court, Calcutta in S.N. BHALOTIS -VS- L.I.C.I. & Ors. reported in 2000(1) CHN 880 with reference to the most celebrated judgement reported in AIR 1972 Tripura 1 (Hemchandra Charkraborty -Vs- Union of India) wherein it was clearly held that proceedings initiated by an Estate Officer are not in the nature of suit nor the Estate Officer acts as a Court while deciding proceedings before him.

It is my considered view that the contention with regard to time barred claim upon limitation on behalf of O.P. is applicable in case of Civil suit before the Civil Court to be governed by CPC not before this Forum of Law, which is a quasi-judicial authority under P.P. Act which provides a complete code. More specifically, Limitation Act has its application for suits to be governed under

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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

Proceedings No. 843, 843/R-D or 2006 Order Sheet No. 56

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

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under CPC. Hence, enforceability of KoPT's demand for rental dues for period beyond the period of limitation as prescribed under the Limitation Act cannot be challenged before this Forum of Law as it is not a civil court. As such, I am firm in holding that Limitation Act has its no application in the instant case and the Division Bench judgement of Madhya Pradesh High Court has its applicability in all sense of law. In such a situation even at the cost of reiteration, I must say that KoPT's demand for rental dues was very much supported by law and O.P. cannot deny its responsibility of making such payment while continuous enjoyment of the property, acknowledging the Port Authority as landlord of the same. Hence the issues are decided in favour of KoPT.

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On Issue No.9, I must say that KoPT's notice of ejectment bearing No.4178/IV/06/1928/A dated 2.6.2006 was duly accepted on behalf of O.P. and such notice, demanding possession from O.P's end was founded with reasons like non-payment of rental dues and interest as also carrying out of unauthorized construction and

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 57

## BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] Ltd

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and unauthorized parting with possession being breach for condition of tenancy as granted to O.P. In course of hearing, I do not find any seriousness on the part of O.P. to contradict the allegation of KoPT with regard to unauthorized possession and unauthorized construction. The entire pleadings on behalf of O.P. was mainly centered round the question of the quantum of rental dues/charges to be payable to KoPT. In fact, there was no effective reply to the letter from M/s. Ara Enterprises Pvt. Ltd. dated 24.2.2007 addressed to the Land Manager, KoPT, claiming to be the actual occupier of the premises No.P-46, Hide Road, Kolkata-88 (Public premises in question) from O.P's end. Mere denial of a specific allegation of KoPT founded with supporting papers to support the matter of unauthorized creation of sub-tenancy or unauthorized parting with possession by O.P. will certainly lead to the conclusion that O.P. has nothing to say on the issue. The papers to be relied upon by KoPT were provided to O.P. but there is no factual dealing on the issue of unauthorized parting with possession as alleged on behalf of KoPT. In such a situation, I have to conclude unhesitatingly that O.P. has parted

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## Estate Officer, Kolkata Port Trust

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

Proceedings No. 843, 843/R-D or 2066 Order Sheet No. 58

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] L-2

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parted with possession of the public premises by way of creating unauthorized sub-tenancy in favour of M/s. Ara Enterprises Pvt. Ltd. of P-95, Lake View Road, Kolkata-29 in gross violation of the condition of tenancy. In written reply to the Show Cause O.P. has denied the allegation of unauthorized construction and a case has been made out that KoPT has failed to establish any matter with regard to unauthorized construction. I have gone through the papers/documents as brought before me in course of hearing and duly considered the submissions made on behalf of the parties. In my view, O.P's submission with regard to carrying out of "unauthorized construction" has certain element of truth. In course of hearing, no plan, marking the unauthorized portion of the construction as alleged by KoPT was produced. No attempt has been made to produce any document/paper to support the contention of "unauthorized construction". In such a position the case of KoPT against O.P. regarding carrying out of unauthorized construction is not proved beyond doubt. In coming to the conclusion, I must say that KoPT's case against O.P. with regard to unauthorized parting with possession is very much well founded with reasons. The issues are as such, decided accordingly.

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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

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Estate Officer

With regard to Issue No.10, I do not find any scope to discuss the issue elaborately as the issue must logically go in favour of KoPT, in view of the discussion against foregoing paragraphs under issues above. When act of claiming rental dues by the Port Authority for the relevant period upto the date of serving of ejectment notice dated 2.6.2006 has been declared legally valid and O.P.'s contentions for repudiation of such claim by the Port Authority has been rejected, it would be quite logical to come into conclusion that O.P. is in default in making payment of rental dues to the Port Authority in gross violation of the conditions of tenancy as granted to O.P. by KoPT. Further the act of unauthorized <sup>Parting</sup> ~~paring~~ with possession of the public premises by O.P. in favour of M/s. Ara Enterprises Pvt. Ltd. has been proved. Therefore, I must hold that Port Authority is well within its jurisdiction to serve ejectment notice, demanding possession from O.P. as landlord of the premises and such ejectment notice as served upon O.P. is valid, lawful and binding upon the parties.

On Issue No.11, regarding liability towards payment of damages etc., discussion with few lines is necessary. The properties of the Port

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# Estate Officer, Kolkata Port Trust

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Port Trust are coming under the purview of "public premises" as defined under the Act. Now the question arises how a person become unauthorized occupant into such public premises. 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. As per Transfer of Property Act, a lease of immoveable property determines either by efflux of time limited thereby or by implied surrender or on expiration of notice to determine the lease or to quit or of intention to quit, the property leased, duly given by one party to another. The Port Authority by service of notice dated 2.6.2006 has intended to determine the tenancy of O.P. and did not recognize O.P. as tenant by way of not issuing rent demand for the period subsequent to the period of such service of ejectment notice.

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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

M/s. Shalimar Tax Products [1935] Ltd

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"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 to say that after expiry of the period as mentioned in the said notice of ejectment, O.P. has lost its authority to occupy the public premises, on the evaluation of factual aspect involved into this matter and O.P. is liable to pay damages for such unauthorized use and occupation. To come into such conclusion, I am fortified by the decision/observation of the Hon'ble Supreme Court in Civil Appeal No.7988 of 2004, decided on 10<sup>th</sup> December 2004, reported (2005)1 SCC 705, para-11 of the said judgement reads as follows.

Para:11-" under the general law, and in cases where the tenancy is governed only by the provisions of the Transfer of Property Act 1882, once the tenancy comes to an end by determination of lease u/s.111 of the Transfer of Property Act, the right of the tenant to continue in possession of the premises comes to an end and for any period thereafter, for which he continues to occupy the premises, he becomes liable to pay damages for use and occupation at the rate at which the landlord would have let out

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Kolkata Port Trust



## Estate Officer, Kolkata Port Trust

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

Case No. 843, 843 / R-D of 2006 Order Sheet No. 62

### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] Ltd.

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out the premises on being vacated by the tenant.

Undoubtedly, the tenancy under lease is governed by the provisions of the Transfer of Property Act 1882 and there is no scope for denial of the same.

In course of hearing, the representatives of KoPT states and submits that Port Authority never consented in continuing O.P's occupation into the public premises and never expressed any intention to accept O.P as tenant. It is contended that KoPT's intention to get back possession is evident from the conduct of the Port Authority and O.P. cannot claim its occupation as "authorized" without receiving any rent demand note. The question of "Holding Over" (subsequent to the period of serving ejectment notice dated 2.6.2006) cannot arise in the instant case as the Port Authority never consented to the occupation of O.P.

In the instant case there was no consent on the part of the Port Authority either by way of accepting rent from O.P. or by any other mode,

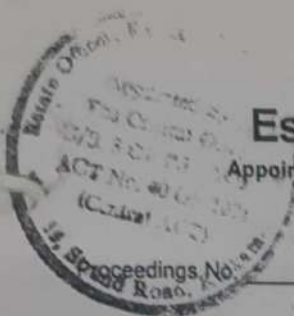
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## Estate Officer, Kolkata Port Trust

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

M/s. Shalimar <sup>VS</sup> Tax Products [1935] W2.

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other mode, expressing the assent for continuance in such occupation after expiry of the period as mentioned in the notice to vacate the premises. The Port Authority has a definite legitimate claim to get its revenue involved into this matter as per the KoPT's Schedule of Rent Charges for the relevant period and O.P. cannot claim continuance of its occupation without making payment of requisite charges as mentioned in the Schedule of Rent Charges. To take this view, I am fortified by the Apex Court judgement report in JT 2006 (4) Sc 277 (Sarup Singh Gupta -vs- Jagdish Singh & Ors.) wherein it has been clearly observed that in the event of termination of lease, the practice followed by Courts is to permit landlord to receive each month by way of compensation for use and occupation of the premises, an amount equal to the monthly rent payable by the tenant. As per law, when a contract has been broken, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him thereby, which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract to be

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KOLKATA PORT TRUST

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**Estate Officer, Kolkata Port Trust**

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to be likely to result from the breach of it. Moreover, as per law O.P. is bound to deliver up vacant and peaceful possession of the public premises to KoPT after expiry of the period as mentioned in the notice to Quit in its original condition. I have no hesitation to observe that O.P's act in continuing occupation 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. With this observation, I must reiterate that the ejectment notices, demanding possession from O.P. as stated above have been validly served upon O.P. in the facts and circumstances of the case and such notices are valid, lawful and binding upon the parties. In view of the discussions above, the issue is decided in favour of KoPT.

NOW THEREFORE, I have no other alternative but to allow the prayer of KoPT for order of eviction of O.P. on the following grounds/reasons.

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## Estate Officer, Kolkata Port Trust

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843.843/R-D or 2006

Order Sheet No.

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] L42

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03.09.2010



BY ORDER OF  
THE ESTATE OFFICER  
KOLAKTA PORT TRUST

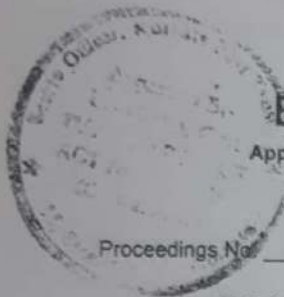
Certified copy of the Order/s  
Passed by the Estate Officer  
Kolkata Port Trust

Head Assistant

Office of the Ld. Estate Officer  
KOLAKTA PORT TRUST

1. That West Bengal Premises Tenancy Act 1956 has no application to the landed property owned by KoPT.
2. That the judgement of the Subordinate Judge at Alipur in T.S. No.14 of 1976 and suits for Money Claim (M.S.) are relevant to the extent for the purpose of determining the issues framed by the Civil Court and this Forum of Law is very much competent in deciding the matter under P.P. Act in view of bar in Court's jurisdiction u/s.15 of the P. P. Act.
3. That the contention of O.P. as "tenant holding over" is very much relevant subject to the statutory mandate for payment of rental dues/charges as per KoPT's Schedule of Rent Charges as notified time to time in Calcutta Gazette in accordance with the provisions of Major Port Trusts Act 1963 (prior to amendment in 1997).
4. That O.P. cannot repudiate the claim of Port Authority on account of rental dues which was claimed by KoPT on the strength of notification published under authority of law on the plea of "tenant holding over".





## 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.

843.843/R-D of 2006

Order Sheet No.

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### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] LAA

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5. That the contention of O.P. regarding time barred claim as per Limitation Act is not sustainable as Limitation Act has its no application to the proceedings before the Estate Officer, the Adjudicating Authority under P. P. Act (which is not a civil court).
6. That O.P. has defaulted in making payment of rental dues as per KoPT's demand on the strength of KoPT's Schedule of Rent Charges at the time of issuance of notice of ejectment dated 2.6.2006.
7. That O.P. has violated the condition of tenancy as granted to O.P. by the Port Authority by way of unauthorizedly parting with possession of the premises in favour of M/s. Ara Enterprises Pvt. Ltd.
8. That notice of ejectment dated 2.6.2006 has been served validly upon O.P. and such notice is valid, lawful and binding upon the parties.

BY ORDER OF  
THE ESTATE OFFICER  
KOLAKTA PORT TRUST  
Certified copy of the Order/s  
Passed by the Estate Officer  
Kolkata Port Trust  
Head Assistant  
Office of the Estate Officer  
KOLAKTA PORT TRUST

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 67

**BOARD OF TRUSTEES OF THE PORT OF KOLKATA**

M/s. Shalimar VS Tar Products Ltd.  
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9. That O.P. is liable to pay damages for unauthorized use and occupation of the Port property upto the date of handing over of clear, vacant and unencumbered possession to Port Authority.

ACCORDINGLY, Department is directed to draw up formal order of eviction u/s.5 of the Act as per Rule made thereunder, 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 occupation of the property against O.P. in accordance with Law up to the date of recovery of possession of the same.

On 5.8.2010, KoPT files a statement claiming Rs.2,85,12,787.57 as due and recoverable from O.P. on account of damages which includes Rs.1,71,92,534.04 as interest accrued for delayed payment. According to KoPT such charges are correctly payable by O.P. and O.P.is under legal obligation to compensate the Port

**BY ORDER OF  
THE ESTATE OFFICER  
KOLAKTA PORT TRUST**

Certified copy of the Order/s  
Passed by the Estate Officer  
Kolkata Port Trust

Head Assistant

of the Ld. Estate Officer  
KOLAKTA PORT TRUST

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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

Proceedings No. 843, 843/R-D of 2006 Order Sheet No. 68

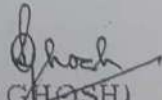
### BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s. Shalimar <sup>VS</sup> Tax Products [1935] L-42

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Port Authority for wrongful use and occupation of the public premises in question. Heard the submissions of KoPT. I think KoPT has made out an arguable case for realization of its legitimate revenue on account of damages for wrongful use and occupation of the Port property by O.P. I am of the view that while adjudicating the rights and liabilities of the parties in respect of the premises in question, one should not be unmindful to the KoPT's claim on account of damages against O.P. However, KoPT is directed to submit a comprehensive 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 (details of computation with rates applicable for the relevant 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

  
(S. CHOSH)  
ESTATE OFFICER.

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

BY ORDER OF  
THE ESTATE OFFICER  
KOLAKTA PORT TRUST  
Certified copy of the Order/s  
Passed by the Estate Officer  
Kolkata Port Trust  
Head Assistant  
Office of the E.O. Estate Officer  
KOLAKTA PORT TRUST

