



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. 979 A 979/D Of 2008 Order Sheet No. -17-

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

VS
M/S. East India watch co. (SW-102)

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08.01.2021

Matter is taken up on requisition. Perused SMP's, Kolkata (erstwhile KoPT) application furnishing the address of the concerned Collectorate for the realisation of the adjudged dues against the M/S East India Watch & Co. (the Opposite Party herein)

I sign the Certificate u/s 14 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 today. Department is directed to serve certified copy of this Order as well as the Certificate (in FORM- I) issued under the provisions of Section 14 of the Act upon the Collector having Office at the **Office of the District Magistrate & Collector, Hooghly, P.O. + P.S. - Chinsurah, District- Hooghly, Pin - 712101** through 'Speed Post/Registered Post'. Department is also directed to serve certified copy of this Order and a copy of the Certificate (in FORM- I) upon the Estate Manager, KoPT, who is directed to pursue the matter with the **Office of the District Magistrate & Collector, Hooghly**, for realisation of the dues of SMP, Kolkata (erstwhile KoPT) as adjudicated upon by this Forum of Law vide Order no. 11 dated 17.09.2018 from M/S East India Watch & Co. of Niranjan Pan, Proprietor of "M/S. East India Watch & Co.", s/o Late Kshetra Mohan Pan, Of Janai, P.O.- Janai, Dist.- Hooghly, West Bengal, Pin- 712304 in accordance with law.

All concerned are directed to act accordingly.

(Sourav Mitra)
ESTATE OFFICER



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(Eviction of Unauthorised Occupants) Act 1971

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BOARD OF TRUSTEES OF THE PORT OF KOLKATA

M/s East India^{VS} Watch Co.

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17-09-2018

FINAL ORDER

The matter is taken up today for final disposal. It is the case of Kolkata Port Trust (KoPT), applicant herein, that M/s East India Watch Co., O.P. herein, came into occupation of the public premises in question being Pucca Room no. 1 measuring about 5.016 sq.mtr. or thereabout situated at West side of Strand Road, Thana-North Port Police Station, Calcutta, under Plate no. SW-102, on a monthly lease basis on certain terms and conditions and O.P. violated such conditions by way of default in making payment of the rent and taxes. O.P. was issued a quit notice on 19.05.2006 asking to hand over the vacant possession of land on 01.07.2006. It is the claim of KoPT that O.P. is liable to pay compensation/damages to KoPT for unauthorized use and occupation of the premises after 01.07.2006. During course of hearing, it was submitted by KoPT (vide application dated 16.03.2017) that the entire premises had been gutted in a fire on 14.02.2010 and as such, the possession of the premises was thereafter with KoPT. On 07.11.2017 this forum issued show cause notice u/s 7 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 for adjudication of the prayer of recovery of damages, interest etc.

It is seen from the record that no one appeared on behalf of O.P., during the course of hearing before this forum. It appears that the notice sent through registered post at the recorded address of O.P. was returned by postal department with the endorsement "insufficient address". As per order of this forum,

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notice of the Proceeding was published in an English daily namely "The Telegraph" dated 02.01.2018 for notice to all concerned, to appear before this forum either in person or through authorised representative capable of answering all material questions in respect of the property in dispute. But still no one appeared on behalf of O.P. in spite of paper publication. Thus being satisfied with the service of notice/s to all concerned as mandated under law, this forum, after hearing the argument of KoPT proceeded to reserve the final order on 23.03.2018.

I have carefully gone through the contention made by KoPT against the O.P. and the supporting documents submitted in this respect. On perusal of submissions and materials available on the record, I have nothing to disbelieve the claim of KoPT. KoPT has placed on record computerised statement of accounts, maintained in official course of business, and I find the same very much reliable, in the facts and circumstances of the case.

In view of the circumstances, as O.P. failed to appear before this forum and no reply to show cause notice u/s 7 of the Act is filed by O.P., I am left with no other alternative but to issue the order against O.P. to pay the damages and accrued interest thereupon as contended by KoPT before this Forum.

It is my considered view that a sum of Rs. 30,134.00/- for the period from 01.07.2006 up to 14.02.2010 (both day inclusive) is due and

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recoverable from O.P. by the Port authority on account of damages and O.P. must have to pay the said compensation/damages to KoPT on or before 15.10.2018. Such damages/compensation attracts interest @ 18% per annum 06.04.2011 and thereafter @14.25% per annum on the above sum from the date of incurrence of liability till its final payment in accordance with notifications published in Official Gazette.

ACCORDINGLY, I sign the formal order u/s 7 of the Act as per Rule made there under, giving time till 15.10.2018 to the O.P. to pay the damages and accrued interest thereupon.

I made it clear that in the event of failure on the part of O.P. to pay the amounts to KoPT as aforesaid, Port Authority is entitled to proceed further for recovery of its claim in accordance with law. All concerned are directed to act accordingly.

GIVEN UNDER MY HAND AND SEAL



(G. MUKHOPADHYAY)

ESTATE OFFICER

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

FORM - I

SPEED POST WITH A/D

**THE ESTATE OFFICER, SYAMA PRASAD MOOKERJEE PORT
(Erstwhile Kolkata Port Trust/ KoPT)**

(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, Strand Warehouse

(1st Floor)

KOLKATA - 700 001

Court Room At the 1st Floor
6, Fairlie Place, Strand Warehouse,
Strand Road, Kolkata- 700 001.

ORDER NO. 20 DT 08.01.2021
PROCEEDINGS NO. 979/D OF 2008

BOARD OF TRUSTEES OF THE PORT OF KOLKATA

-Vs-

M/s East India Watch Co.

[Certificate u/s.14 of the Public Premises (Eviction of Unauthorized occupants) Act 1971, from the Estate Officer to the Collector].

**The District Magistrate & Collector, Hooghly
P.O.+ P.S.- Chinsurah
District- Hooghly,
Hooghly- 712 304**

This is to certify that an amount of Rs. 30,134.00 (Rupees Thrity Thousand Twenty One hundred thirty four and paisa Zero only) for the period from 01.07.2006 to 14.02.2010 (both day inclusive) as damages is due to Syama Prasad Mookerjee Port (erstwhile Kolkata Port Trust/ KoPT) having its Head Office at 15, Strand Road, Kolkata-700001, P.S. Hare Street (a Statutory Authority) from **M/s East India Watch Co.** of Niranjan Pan, Proprietor of "M/S. East India Watch & Co.", s/o Late Kshetra Mohan Pan, Of Janai, P.O.- Janai, Dist.- Hooghly, West Bengal, Pin- 712304 in respect of use and occupation of the SMP, Kolkata's property being Pucca Room No.1 measuring about 5.016 sqm (under occupation plate no SW- 102) or thereabouts at West side of Strand Road, Thana: North Port Police Station, in the presidency town of Kolkata on account of arrear damages, which sum shall carry simple interest @15% per annum upto 18.9.1996 and thereafter @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum from the date of incurrence of liability till its final payment in accordance with SMP Kolkata's Notification published in Calcutta Gazette.

In pursuance of Section 14 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I, Sri Sourav Mitra, Estate Officer, request you to proceed to recover the same as arrears of land revenue.

Date 18.01.2021

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

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etc



REGISTERED POST WITH A/D.
HAND DELIVERY/AFFIXATION ON PROPERTY
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-700001
COURT ROOM AT THE 2ND FLOOR (OLD BLDG.)
15, STRAND ROAD, KOLKATA-700 001

Form "G" PROCEEDINGS NO.979/D OF 2008
ORDER NO.11 DATED:17.09.2018

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. East India Watch Co., 23689
P-223, Strand Bank Road,
Kolkata-700001.

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 07.11.2017 you were called upon to show- cause on/ or before 27.11.2017 why an order requiring you to pay a sum of Rs.30,134.00/- (Rupees Thirty thousand One hundred Thirty Four only.) being damages payable 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.30,134.00/- (Rupees Thirty thousand One hundred Thirty Four only.) for the period 01.07.2006 to 14.02.2010 assessed by me as damages on account of your unauthorised occupation of the premises to Kolkata Port Trust by 15.10.2018.

In exercise of the powers conferred by Sub-section (2A) of Section 7 of the said Act, I also hereby require you to pay simple interest @ 18% per annum upto 06.04.2011 and thereafter @ 14.25% per annum on the above sum with effect from the date of incurrance of liability, till its final payment in accordance with Kolkata Port Trust's Notification Published in Official Gazette/s as per Rule.

PLEASE SEE ON REVERSE



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: 2 :

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.

SCHEDULE

Pucca Room No.1 msg. about 5.016 sq.m. or thereabouts adjoining the northern boundary of Kolkata Port Trust's Strand Warehouse situated on the west side of Strand Road under North Port Police Station in the presidency town of Kolkata.

Trustees' means the Board of Trustees for the Port of Kolkata.

Dated:17.09.2018

Signature and seal of the Estate Officer.

e.c. to e.L.O

सम्मान बिना जाँच
Contents not Verified
विधि विभाग
Legal Department
कोलकाता पोर्ट ट्रस्ट
Kolkata Port Trust
25/9/18

