

By Registered Post/By Hand

**IN THE COURT OF ESTATE OFFICER/GENERAL MANAGER, THE BRITISH INDIA
CORPORATION LIMITED, KANPUR**

P.P.E. Case No. 5 of 2008

The British India Corporation Limited (A Government of India Company), Cawnpore
Woollen Mills Branch, 14/136, Civil Lines, Klanpur-208001

Petitioner

Versus

Sri Jai Narain Tewari, adult Son of Sri Manni Lal, Blok No. 6, Quarter No.21&22 Mac
Robertganj Settlement Colony, Kanpur

Opposite Party

JUDGEMENT

The Petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered Office at 11/6, The Elgin Mills No.1 Compound, Smt. Parbati Bagla Road, Kanpur. The opposite party Sri Jai Narain Tewari was an employee of the British India Corporation Limited, Cawnpore Woollen Mills Branch, Kanpur. Being employee of Petitioner, the company's Quarter No. 21 & 22 in Block No. 6, Mac Robertganj Settlement, Lalimli Colony, Chunniganj, Kanpur was allotted as per Occupancy Agreement dated 21.06.1980. It was the condition of the allotment that after retirement from the service of the company, the company's accommodation should be vacated by the opposite party and physical possessions of the same would be handed over to the Petitioner's company without any fail. The Opposite Party was issued Notice for retirement on superannuation dated 01.06.2000 by Sri A.K. Dixit, Dy. Manager (Pers. & Admn.) with effect from 14.07.2000 and also directed to vacate Company's accommodation within 30 days from the receipt of this Retirement Notice. Opposite Party has received this Retirement Notice on 22.06.2000 which is Paper No.1 of the list of papers dated 15th November 2008 filed by the Petitioner. But Opposite Party did not vacate the Company's accommodation and is continuing unauthorized occupation. Thus Opposite Party has made himself liable to pay damages at the rate of Rs. 60/- per day from the date of illegal and unauthorized occupation i.e. 2nd November 2000 to the actual date of eviction as Office Order No. 9/99 dated 19th May 1999, which is the paper No. 6 of the list of papers dated 15.11.2008 filed by the Petitioner.

The Estate Officer is of the opinion that Opposite Party was an unauthorized occupation of the Public Premises, in Notice as provided under Section 4 and Sub-Section (1) of the Act which was served upon to the Opposite Party in a prescribed

manner, along with Notice under Section 7 sub-section (2-A) of the P.P.E. Act 1971 claiming damages amounting to Rs. 1, 72,800/- (Rupees One Lac Seventy two thousand Eight hundred) only at the rate of Rs.60/- per day for the period from 02.11.2000 to 20.10.2008.

The Petitioner's evidence was recorded on 15.11.2008 in the continuous absence of the opposite party and his Counsel inspite of sufficient service of notices. There has been no cross examination, thus virtually the case has proceeded exparte. The Petitioner has proved his case by producing necessary documents and on oath statement of Sri Pramod Kumar Shukla, Asst. Manager (Law). He has not been cross examined. In these circumstances there is no reason to disbelieve the Petitioner's case. Notices issued under Section 4 and 7 are on record in which Quarter No. 21 & 22 in Block No. 6 has been specifically mentioned. The occupation of the Opposite Party in Quarter No. 21 & 22 in Block No. 6, Macrobertganj, Settlement, Lalimli Colony, Chunniganj, Kanpur has been stated on oath by Petitioner's witness Sri Promod Kumar Shukla. Thus it is established that opposite party and his family are residing in premises in question.

After retirement, the opposite party and his family are not entitled to continue in occupation of the accommodation provided by his employer. It has been specifically laid down in the case of Daya Shankar V/s. Vice Chancellor (1992(1) ARC 50) that non payment of Retiral dues and Benefits does not entitle an employee to retain possession. In these circumstances, the petition for eviction and recovery of damages deserves to be allowed.

From the perusal of the records/papers filed by the Petitioners, it is established that the opposite party has retired with effect from 01.07.2000 from the Petitioner's company and is no more in service. Opposite Party became unauthorized occupants of the Premises in Block No. 6 i.e. Quarter No. 21 & 22, Macrobertganj Settlement, Lalimli Colony, Chunniganj, Kanpur since 02.11.2000 on the expiry of grace period of four months. The Petitioner is entitled to evict the opposite party and also to recover damages from the opposite party as claimed by the petitioner.

ORDER

Therefore, exercise of powers conferred by sub-section (1) of the Section 4 of P.P.E. Act, 1971. Hence it is hereby directed to opposite party to vacate and hand over possession of the premises i.e. Quarter No. 21 & 22 in Block No. 6, Macrobertganj, Settlement, Lalimli Colony, Chunniganj, Kanpur within 15 days of this order to the Petitioner. Further it is also directed to Opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act, 1971 to pay sum of Rs. 1,76,400/- (Rupees One Lac Seventy six thousand four hundred) only as damages for unauthorized occupation of the premises in question to the petitioner. It is also hereby directed the opposite party to pay interest @ 12% per annum on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner by the opposite party within 15 days of this order.

In case, if the said amount is not paid within the period of fortnight i.e. 15 days, it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate Officer

(M.K. VERMA)
Estate Officer/General Manager
Cawnpore Woollen Mills Branch
The B.I.C. Limited

Dated: 20.12.2008

By Registered Post/By Hand

**IN THE COURT OF ESTATE OFFIER/GENERAL MANAGER, THE BRITISH INDIA
CORPORATIONLIMITED, KANPUR**

P.P.E. Case No. 4 of 2008

The British India Corporation Limited (A Government of India Company), Cawnpore
Woollen Mills Branch, 14/136, Civil Lines, Klanpur-208001

Petitioner

Versus

Mr. A.K. Tripathi, Ex-Civil Engineer, R/o.14/131 "Wisteria", Civil Lines, Kanpur.

... .. Opposite Party

JUDGEMENT

The Petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered Office at 11/6, The Elgin Mill No. 1 Compound, Smt. Parwati Bagla Road, Kanpur. The Opposite Party A. K. Tripathi was an employee of the British India Corporation Limited, Cawnpore Woollen Mills Branch, Kanpur. Being employee of the Petitioner's Company, the Company Bungalow No.14/131 "Westeria", Civil Lines, Kanpur and Quarter No. "A", Elgin Mill's Settlement, Kanpur were allotted to the opposite party. Registered A/D .Notice dated 10th June, 2008 was issued by General Manager, Cawnpore Woollen Mills Branch to the opposite party to vacate both the premises after retirement of opposite party with effect from 16.01.2008. Petitioner has filed this Registered A/D Notice in his list of papers dated 21.11.2008 as Paper No. 2. Retirement letter under Superannuation dated 17.12.2007 issued by Manager (Personal & Administration), Cawnpore Woolen Mills Branch and also received by the opposite party has been filed by the Petitioner in his list of papers dated 21.11.2008 as papers No.1. Petitioner has also filed in his list of papers dated 21.11.2008 as paper No.3 the original postal receipt No. 4574 dated 10.6.2008 of the Registered A/D Notice dated 10.6.2008 issued by the General Manager, Cawnpore Woollen Mills Branch to the opposite party . Petitioner is claiming damages amounting to Rs. 2,43,000/- (Rupees Two Lac Forty three thousand) only as damages already accrued at the rate of Rs. 500/- per day for each premises total amounting to Rs. 1,000/- per day from the date of petition i.e. 17.10.2008 to the date of actual eviction along with pendentelite and future damages. As per latter dated 17.12.2007 issued by Manager (P&A) C.W.M. Branch, Kanpur to the opposite party, which is paper No.1 of the list of papers dated 21.11.2008 filed by

the Petitioner, opposite party has been requested to vacate company's properties within 30 days from the date of retirement i.e. 16.01.2008.

Opposite party did not vacate Company's accommodation and is continuing in unauthorized occupation. Thus Opposite party has made himself liable to pay damages at the rate of Rs. 500/- per day for each accommodation total amounting to Rs. 1,000/- per day from the date of illegal and unauthorized occupation i.e. 16.12.2008 to the actual date of eviction. From the perusal of the petition, I am of the opinion that opposite party was an unauthorized occupation of the Public Premises. Notice as provided under Section 4 and Sub- Section (1) of the P.P.E. Act., 1971 was served upon the opposite party in a prescribed manner, alongwith Notice under Section 7 sub-Section (2-A) of the P.P.E. Act, 1971 claiming damages amounting to Rs. 2,43,000/- (Rupees Two Lac Forty three thousand) only at the rate of Rs.500/- per day for each premises total amounting to Rs. 1,000/- per day for period from 16.2.2008 to the date of petition i.e. 17.10.2008.

It is worth mentioning that the opposite party has attended this Court on 20.10.2008 and has remain absent afterwards on the date fixed in this case inspite of sufficient service of Notice/Summon which are in the record of the case file.

The Petitioner's evidence of Mr. Pramod Kumar Shukla, Asstt. Manager (Law) was recorded on 21.11.2008 in absence of the opposite party. There has been no cross examination, thus virtually the case has proceeded ex-party. The petitioner has proved his case by producing necessary documents and the statement on oath of Shri Pramod Kumar Shukla. Petitioner witness has not been cross examined. In these circumstances there is no reason to disbelieve the Petitioner's case. Notice issued under Section 4 and 7 are on record in which Security Guard Sri Heera Singh has given his report that on 18.10.2008 opposite party has read the Notice issued under section 4 sub-section (1) at premises No. 14/131,"Westeria" Civil Lines, Kanpur and refused to receive this Notice, therefore the Security staff has posted this Notice at the premises. Notice dated 17.10.2008 issued under section- 7 sub- section (3) of the P.P.E. Act, 1971 was issued to the opposite party. The Security Guard Mr. Heera Singh has given his report that opposite party has also refused to receive this notice which was also posted/affixed in the premises on 18.10.2008. Notice under section 4 sub section (1) of the P.P.E. Act, was also issued for the Quarter No. "A" , Elgin Mill's Settlement, Kanpur security staff/ Guard Mr. Heera Singh has reported that the premises is closed and locked, therefore security Guard has affixed this notice dated 17.10.2008 on 18.10.2008. Thus it is Established that the opposite

party and his family is residing in Bungalow No. 14/131, "Westeria", Civil Lines Kanpur and also occupying Quarter No. 'A' Elgin Mills Settlement, Kanpur.

After retirement, the opposite party and his family are not entitled to continue in occupation of the accommodations provided by his employer. It has been specifically laid down in the case of Daya Shankar V/s. Vice Chancellor (1992(1) A.R.C.450) that non payment of retire mental dues and benefits does not entitle an employee to retain possession. In these circumstances, the petition for eviction and recovery of damages deserves to be allowed.

From perusal of the records/papers filed by the petitioners, it is established that the opposite party has retired with effect from 16.01.2008 after close of the office hours from the Petitioner's company and is no more in service. Opposite party become unauthorized occupants of the premises No. 14/131 "Westeria" Civil Lines, Kanpur and Quarter No. "A" Elgin Mill's Settlement, Kanpur since 16.02.2008. The Petitioner is entitled to evict the opposite party and also to recover the damages from the Opposite party as claimed by the petitioner.

ORDER

Therefore, in exercise of powers conferred by sub-section (1) of the Section 4 of the P.P.E. Act, 1971 it is hereby directed to the opposite party to vacate and hand over possession of both the premises i.e. Bungalow No. 14/131 "Wisteria", Civil Lines Kanpur and Quarter No. "A", Elgin Mill's Settlement, Kanpur within 15 days of this Order to the Petitioner's Company. Further it is also directed the Opposite party in exercise of powers conferred by sub-section 2 of the Section 7 of P.P.E. Act, 1971 to pay sum of Rs. 3,07,000/- (Rupees Three Lacs Seven thousand) only as damages for unauthorized occupation of both the premises in question to the Petitioner's Company. As an Estate Officer it is also hereby directed to the opposite party to pay interest @ 12% per annum on the above sum after 15 days of this Order, in case the damages levied are not paid to the Petitioner's Company by the Opposite party within 15 days of this order then it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate Officer
(M.K. VERMA)
Estate Officer/General Manager
Cawnpore Woollen Mills Branch
The B.I.C. Limited

Date: 20.12.2008

By Registered Post/By Hand

**IN THE COURT OF ESTATE OFFIER/GENERAL MANAGER, THE BRITISH INDIA
CORPORATION LIMITED, KANPUR**

P.P.E. Case No. 3 of 2008

The British India Corporation Limited (A Government of India Company), Cawnpore
Woollen Mills Branch, 14/136, Civil Lines, Klanpur-208001

Petitioner

Versus

Smt. Munni Devi W/o Late Mathura Prasad, Sunil Kumar Awasthi adult son of Late
Mathura Prasad, Amit Kumar Awasthi son of Late Mathura Prasad, and Smt. Raman
Pandey D/o daughter of Late Mathura Prasad, R/o 1/10, Vishnupuri, Kanpur.

... **Opposite Party**

JUDGEMENT

The Petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered Office at 11/6, The Elgin Mill No. 1 Compound, Smt. Parbati Bagla Road, Kanpur. The Opposite Party Late Mathura Prasad husband of opposite party No.1 and Father of Opposite Party No. 2, 3 & 4 was granted License to run the Canteen in Office side of the Company to provide Tea and eatables to the employees of the Petitioner's company. Petitioner's Counsel Mrs. Shreelekha Vidyarthi Advocate issued Notice dated 2nd July 1982 to the Licensee late Mathura Prasad of this Canteen, Lalimli which is filed by the petitioner in list of papers dated 23.11.2008 as paper No.3. Petitioner's Counsel has also issued Notice dated 22.03.1982 to the Licensee Late Mathura Prasad which is also filed by the Petitioner as Paper No. 3 in list of papers dated 21.11.2008. These Notices were issued by the Petitioner's Counsel to serve the eatables on the rate fixed by the Management and not to sale eatable according to the prices fixed by the Licensee otherwise legal action be taken against the licensee. Petitioner has also filed Paper No.1 in his list of papers dated 21.11.2008 which is the photocopy of Order of the Learned VIIIth A.D.J., Kanpur Nagar in case No. 182 of 1993 The B.I.C. Limited Vs. Mathura Prasad. After going through the Order dated 01.04.1999 of the Learned VIIIth A.D.J., Kanpur Nagar it reveals that the Learned Court has admitted the appeal of the B.I.C. Limited with cost and plead to dismiss the Order dated 04.09.1993 passed in Case No. 422 of 1979 Sri Mathura Prasad and others Vs. The B.I.C. Limited. Thus issue No. 5 decided by the Lower Court in its order dated 4th

September 1993 is dismissed. Issue No.5 is regarding the Jurisdiction of the Civil Court to decide the dispute. Learned VIIIth A.D.J., Kanpur Nagar in its Order has upheld that the premises in question are covered under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Therefore Civil Court has no jurisdiction to decide the dispute because Cawnpore Woollen Mills is the Unit of The British India Corporation Limited which is a Government of India Company under the Administrative control of Ministry of Textiles, Udyog Bhawan, New Dehli. In the circumstances under the provision of Section 15 of the P.P.E. Act, 1971 Order dated 04.09.1993 of the Lower Court is illegal. Petitioner has also filed photocopy of Hon'ble High Court's Order dated 23.07.1999 of Hon'ble Justice passed in Writ Petition No. 30376 of 1999 Smt. Munni Devi (wife of late Mathura Prasad – Licensee) Vs. VIIIth A.D.J., Kanpur Nagar and others. In this order Hon'ble High Court has upheld that the Premises is covered under Section 15 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and proceeding under P.P.E. Act, 1971 be taken. This Hon'ble High Court Order is filed in list of Papers dated 21.11.2008 as Paper No.6.

Opposite party did not vacate the shop in question and is continuing therein as unauthorized occupation thus Opposite party has made himself liable to pay damages at the rate of Rs. 300/- per day due to unauthorised use of the Premises, thus Opposite parties are liable to pay Rs. 32, 46,600/- (Rupees Thirty Two Lac Forty Six thousand Six hundred) only as damage from 1979 till the filing of the Petition i.e. 30.09.2008. Notices as provide under Section 4 and sub-section (1) of the P.P.E. Act, 1971 which was served upon the Opposite Parties in its prescribed manner, alongwith Notice under Section 7 of sub-section (2-A) of the P.P.E. Act, 1971 claiming damages amounting to Rs. 32, 46,600/- (Rupees Thirty Two Lac Forty Six thousand Six hundred) only at the rate of Rs. 300/- per day for the period 1979 to the date of filing of petition i.e. 30.09.2008. Petitioners' evidence of Mr Pramod Kumar Shukla Asst. Manager (Law) was recorded in presence of his Counsel. In spite of sufficient service of notices to the opposite party, but they have not attended the Court on date fixed in any date. There has been no cross examination, thus virtually the case has proceeded as Ex-party. The Petitioner has proved his case by producing necessary documents and on oath statement of Petitioner's witness statement of Sri Pramod Kumar Shukla, Asstt. Manager (Law). He has not been cross examined. In these circumstances there is no reason to disbelieve the Petitioner's case. Notices dated 30th September 2008 issued under Section 4 & 7 are on record.

The opposite parties are not entitled to work as Licensee in office side Canteen of the Cawnpore Woollen Mills Branch, Kanpur. In these circumstances, the petition for eviction and recovery of damages reserves to be allowed.

From the perusal of the records/papers filed by the petitioner, it is established that the opposite parties are not entitled to run the office side Canteen of C.W.M. Branch, Kanpur. The Petitioner is entitled to evict the opposite parties and also to recover the damages from the opposite parties as claimed by the Petitioner.

ORDER

Therefore, in exercise of powers conferred by sub-section (1) of the Section 4 the P.P.E. Act. 1971 it is hereby directed to the opposite party to vacate the shop in question in the premises of the Cawnpore Woollen Mills Branch within 15 days of this Order to the Petitioner's Company. Further it is also directed to the Opposite party in exercise of powers conferred by sub-section 2 of the Section 7 of P.P.E. Act, 1971 to pay sum of Rs. 32,71,500/- (Rupees Thirty Two Lac Seventy one thousand Five hundred) only as damages for unauthorized occupation of the shop/premises in question to the Petitioner. It is also hereby directed to the opposite parties to pay interest @ 12% per annum on the above sum after 15 days of this Order. In case the damages levied are not paid to the Petitioner's Company by the Opposite party within 15 days of this order, then it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate Officer

(M.K. VERMA)
Estate Officer/General Manager
Cawnpore Woollen Mills Branch
The B.I.C. Limited

Dated: 20.12.2008

IN THE COURT OF ESTATE OFFICER/GENERAL MANAGER,

THE BRITISH INDIA CORPORATION LIMITED,

KANPUR

P.P.E. CASE NO. 20 OF 1983

The British India Corporation Limited (A Government of India Company),
Cawnpore woollen Mills Branch. 14/136, Civil Lines, Kanpur.

..

..

Petitioner

VERSUS

D.R. DOGRA R/O. 47 – B, MACROBERTGANJ SETTLEMENT, LALIMLI
COLONY, CHUNNIGANJ, KANPUR.

..

..

Opposite Party

JUDGEMENT

The petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered office at 11/6, The Elgin Mill no.1 Campus. Smt. Parwati Bagla Road, Kanpur. The opposite party D.R.Dogra was an employee of the British India Corporation Limited ,Cawnpore Woollen Mills Branch, Kanpur . Being an Employee of the petitioner, the Company Bungalow No.47-B, MacRobert Ganj Settlement, Lalimli Colony, Chunniganj, Kanpur was allotted to the Opposite party as a Licensee. It was condition of the allotment of the British India Corporation Limited, Employees Gratuity Rules 1973 issued by Sri P.C.Jain Secretary, The B.I.C.Limited as approved by the Board at the meeting held on 29th June,1973 and also accepted by the opposite party on 24.05.1974 that the Corporation shall be at liberty to withhold the payment of the amount of gratuity till such time any property of the Corporation is in possession of the employee at the time of his ceasing to be in employment including the possession of residential accommodation provided by the Corporation, is handed over to the person authorized to take possession thereof on behalf of the Corporation and to recover loss or damage incurred to any such property or to the Corporation on

account of such action. No interest shall be payable by the Corporation on such amount for the period the amount is so with held, apart from the right to take action for eviction and recovery of damages. Services of the opposite party Mr.Dogra Ex.Asstt. Electrical Engineer of the Engineering Department of The B.I.C. Limited, Cawnpore Woollen Mills Branch (A Government of India Company) had been terminated with effect from 20th August,1979 by Mrs. Nirmala Bajoria, Executive Director The British India Corporation Limited. As per registered A /D. Letter dated 13 April, 1979 issue the opposite party i.e. true copy paper no.1 of the list of the documents dated 3rd Nov. 2008 filed by the petitioner and also received by the opposite party on 3.11.2008. Opposite party has challenged his termination order before civil court, Kanpur Nagar and ultimately Honorable High Court, Allahabad by its order dated 22.11.2005. passed in writ petition/ IInd appeal no. 1523 of 1990 against the judgment and decree dated 31st August,1990 of 13th A.D.J Kanpur Nagar in civil appeal no. 154 of 1985 arising out of suit no.1381 of 1982 in the matter of opposite party Mr. D.R. Dogra R/o 47-B,MacRobertganj Settlement, Lalimli Colony, Chunniganj Kanpur. Hon'ble High Court, Allahabad has confirmed that the termination order issued by the petitioner company is legally correct. Petitioner has filed Hon'ble High Court Order dated 22.11.2005 as paper no. 3 in list of papers dt.3rd November, 2008 and also received by the Opposite party on 03.11.2008.Petitioner has also filed paper no.4 in list of papers dt.3.11.2008 which is the office order no.9/99 dated 19.5.1999 for the damages charges for unauthorized /illegal occupation of the Company's Accommodation which is also received by the opposite party on 03.11.2008. By this Office order opposite party is liable to pay Rs.250/- per day as damage for unauthorized/illegal occupation of the company's accommodation.

On 20th August, 1979 i.e. the date of termination of the service, opposite party become unauthorized occupants. But the opposite party did not vacate the company's bungalow in question; the petitioner has filed the present case under P.P.E. Act, 1971 for eviction of opposite party and recovery of damages. From the perusal of the papers filed by the petitioner the then Estate Officer formed the opinion that the opposite party was is unauthorized

occupation of the public premises, a notice as provided under section 4 of the Act was served upon the opposite party in prescribed manner. Petitioner has filed objection dated 05.10.2008 against the objection filed by the opposite party dt.26.09.2008 & prayed to issue order for eviction and also to pass an order for damages at the rate of Rs.250/- per day with effect from 20.12.1979 till the date of actual vacation of the accommodation, petitioner has also filed photocopy of the Notice dt. 30.05.2003 issued by the then Estate Officer fixing 04th June,2003 at 4.30 PM. For final arguments. It reveals that file of Estate case No. 20 of 1983 is untraceable and this case is pending since long. As per Gazette Notification filed by the petitioner dt. 7th May, 2008 issued by the Joint Secretary, Ministry of Textile, we have been appointed to act as an Estate Officer of the premises under the Administrative control of Cawnpore Woollen Mills Branch at Kanpur, by this Notification No. 644 (E) to the effect that the Estate Officer .The opposite party has filed objection dt.26.09.2008 challenged the ownership of the petitioner company. The petitioner left evidence on 6.11.2008 in support of the petition. Petitioner produced Sri P.K.Shukla Asstt.Manager (law) as his witness, who has supported the case of the petitioner. The opposite party cross examined the witness dated 06.11.2008 is fixed for the evidence of both the parties and argument of both the parties but on 6.11.2008 opposite party moved an adjournment application which is allowed in the interest of justice and the case is adjourned for 15.11.2008 for evidence of the opposite party and arguments of both the counsel with the direction that no further adjournment be allowed. On 15.11.2008 petitioner has attended the court along with his Counsel but opposite party remain absent. Then finally case was adjourned for 24.11.2008 at 4 P.M. for exparty arguments of petitioner's counsel. On 24.11.2008 petitioner is present along with his counsel and we heard the exparty argument of the petitioner's counsel and reserved for judgment.

Opposite party has failed to produce any witness. Sufficient opportunity was afforded to the opposite party but he did not lead any evidence .Form the perusal of the record/ papers filed by the petitioner, it is established that the

opposite party after termination of the service by the petitioner company is no more in service .He become unauthorized occupants of the Bungalow No .47-B, MacRobert Ganj Settlement, Lalimli Colony, Chunniganj, Kanpur Nagar. Since 20th August, 1979. The petitioner is entitled to evict the opposite party and also to recover damages from the opposite party as claimed by him.

ORDER

Therefore, in exercise of powers conferred by sub-section (1) of the section 4 of P.P.E Act. 1971. I hereby direct the opposite party to vacate the premises that is Bungalow No. 47-B, Mac Robert Ganj, Lal Imli Colony, Chunniganj, Kanpur with in 15 days of this order.

Further I also direct the opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act 1971 to pay the petitioner sum of Rupees 2671750.00 (Rupees Twenty Six Lacs Seventy One Thousand Seven Hundred and Fifty Only) as damages for unauthorized occupation of the premises in question. I also hearby direct the opposite party to pay Interest @ Rs. 12% Per Annum on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner with in 15 days of this order.

In case, if the said amount is not paid with in the period of fortnight i.e. 15 days, it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate officer

(M.K. VERMA)
Estate Officer / General Manager
Cawnpore Woollen Mills Branch,
BIC Ltd.

Dated: 5th December 2008

IN THE COURT OF ESTATE OFFICER/GENERAL MANAGER,
THE BRITISH INDIA CORPORATION LIMITED,

KANPUR

P.P.E. CASE NO. 7 OF 2003

The British India Corporation Limited (A Government of India Company),
Cawnpore Woollen Mills Branch. 14/136, Civil Lines, Kanpur -208001 .

.. .. Petitioner

VERSUS

Shri M.L. Dheer Son of Shri R.K. Dheer , Bungalow No. 44-B, Mac Robert Ganj
Settlement, Lalimli Colony, Chunniganj, KANPUR.

.. .. Opposite Party

JUDGEMENT

The petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered office at 11/6, The Elgin Mill no.1 Campus. Smt. Parwati Bagla Road, Kanpur. The opposite party Murari Lal Dheer was an employee of the British India Corporation Limited ,Cawnpore Woollen Mills Branch, Kanpur . Being Employee of the petitioner, the Company a Bungalow No.44-B, MacRobertganj Settlement, Lalimli Colony, Chunniganj, Kanpur was allotted to the Opposite party as a Licensee. It was condition of the allotment that after retirement from the services of the Company, the Bungalow would be vacated by the opposite party and physical possession of the same would be hand over to the company without any fail. The opposite party retired from the services of the company on 03.02.2000 and the license to occupy the said Bungalow No. 44-B , MacRobertganj Settlement automatically came to an end.

On the date of retirement and the opposite party became unauthorised occupant. Notice was sent to the opposite party on 12th January , 2000 to vacate the Bungalow which was allotted to the opposite party. But the opposite party did not vacate the Bungalow . The petitioner again sent a Notice on 27th September, 2002 but the opposite party even then did not vacate the Bungalow. When the opposite party has failed to vacate the Bungalow in question the

petitioner has filed the present case under P.P.E. Act, 1971 for eviction of opposite party and for recovery of damages. From the perusal of the petition the then Estate Officer formed the opinion that the opposite party was in unauthorised occupation of public premises, a notice as provided under section 4 of the Act, was served upon the opposite party in prescribed manner .

The opposite party filed objections. The opposite party challenged the ownership of the petitioner's Company. The petitioner led evidence support of the petition. Petitioner produced Shri P.K. Shukla – Asstt. Manager (Law) as his witness, who has supported the case of the petitioner. The opposite party cross examined the witness. Date was fixed for defence evidence. But the opposite party failed to produce any witness . Sufficient opportunity was afforded to the opposite party but he did not lead any evidence.

Having no alternative left. The arguments of the petitioner were heard . From the perusal of the record / papers filed by the petitioner it is established that the opposite party had retired from the services of the petitioner having attained the age of superannuation and is no more in service . He became unauthorised occupant of the Bungalow No. 44-B , MacRobertganj , Settlement , Lalimli Colony, Chunniganj, Kanpur since 02.03.2000. The petitioner is entitled to evict the opposite party and also to recover damages at the rate of Rupees 250/- per day from the date of unauthorised occupation i.e. 03.05.2000 till the date of handing over the vacant possession to the petitioner , from the opposite party as claimed by him.

ORDER

Therefore in exercise of powers conferred by sub-section (1) of the section 4 of P.P.E Act. 1971. I hereby direct the opposite party to vacate the premises that is Bungalow No. 44-B, Mac Robert Ganj, Lal Imli Colony, Chunniganj, Kanpur with in 15 days of this order.

Further I also direct the opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act 1971 to pay the petitioner sum of

Rupees 784250/- (Rupees Seven Lacs Eighty Four Thousand Two Hundred Fifty Only) as damages for unauthorized occupation of the premises in question. I also hereby direct the opposite party to pay Interest @ Rs. 12% Per Annum on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner with in 15 days of this order.

In case, if the said amount is not paid with in the period of fortnight i.e. 15 days, it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate officer

**(M.K. Verma)
Estate Officer / General Manager
Cawnpore Woollen Mills Branch,
BIC Ltd.**

Dated: 05th December 2008

IN THE COURT OF ESTATE OFFICER/GENERAL MANAGER,
THE BRITISH INDIA CORPORATION LIMITED,

KANPUR

P.P.E. CASE NO. 1 OF 2008

The British India Corporation Limited (A Government of India Company),
Cawnpore Woollen Mills Branch. 14/136, Civil Lines, Kanpur-1.

.. .. Petitioner

VERSUS

Shri Om Dutt Bajpai son of Shri Laxmi Narain Ex-Junior Staff Officer of
Weaving Department, Cawnpore Woollen Mills Branch Resident of Block No. 17
Quarter No. 17 & 18 and Bungalow No. 47-A, Mac Robert Ganj Settlement,
Lalimli Colony, Chunniganj, Kanpur

.. .. Opposite Party

JUDGEMENT

The Petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered office at 11/6, The Elgin Mill No. 1 campus, Smt. Parwati Bagla Road, Kanpur. The Opposite party Om Dutt Bajpai was as employee of the British India Corporation Limited, Cawnpore Woollen Mills Branch, Kanpur. being employee of petitioner. The company quarter No. 17 & 18 in Block No. 17, Mac Robert Ganj settlement, Lal Imli Colony, Chunniganj, Kanpur were allotted as per Occupancy Agreement dated 20/06/1981 and Opposite Party also occupied Bungalow No. 47-A without any allotment or permission as per Report dated 04/04/2003 of Mr. R.K. Pandey Incharge, MacRobert Ganj, Settlement/Senior Welfare Officer and Report dated 04/04/2003 of Mr. Shiv Dutt Shukla and others Security naik. It was the condition of the allotment that after retirement from the Service of the Company, the Double Room Quarter and the Bungalow would be vacated by the opposite party and physical possessions of the same would be handed over to the company without any fail. Opposite party was issued Notice for retirement on superannuation dated 09th June, 2001 by Mr. S.C. Jha Asstt. Manager (Pers. & Adm.) with effect from 9th July, 2001 (afternoon) and also directed to vacate Company's accommodation within 30 days from the receipt of this Retirement Notice.

Opposite party did not vacate the Company's accommodations and is continuing unauthorized occupation. Thus Opposite Party has made himself liable to pay damages at the rate of Rs. 200/- per day for each accommodation, total amounting to Rs. 400/- per day from the date of illegal and unauthorized occupation i.e. 10th November, 2001 to the actual date of eviction. From the perusal of the Petition. I am of the Opinion that opposite party was an

unauthorized occupation of the Public premises, in Notice as provided under Section 4 and Sub-Section (1) of the Act was served upon the opposite party in a prescribed manner, alongwith Notice under Section 7 Sub-Section (2-A) of the P.P.E. Act, 1971 claiming damages amounting to Rs. 678400/- (Rupees Six Lacs Seventy Eight thousand four Hundred only). At the rate of Rs. 200/- Per Day for One Premises total Rs. 400/- per day for the period from 10/11/2001 to 10/09/2008.

Opposite party has filed his objection/ written statement dated 10th October, 2008.

The opposite party in his objections has submitted following facts :-

- A.. Petitioner is a Govt. of India Company.
- B. The opposite party was an employee of the petitioner but according to him he is still in employment .
- C. Notice dated 23.06.2004 was served and prior to it a notice dated 10.10.2001 was also served . These notices were in respect of quarter No. 17/17-18, No. notice for bungalow No. 47-A was served
- D. The opposite party is neither the occupant and nor in occupation of premises No. 47-A.
- E. No notice under Section 4 and 5 of the P.P. Act, was served regarding premises No. 47-A.
- F. Claim of damages @ Rs. 200/- per day for each premises is arbitrary and exorbitant.
- G. Petitioner is not the owner of the premises. Matter is sub Judge before the Hon'ble High Court regarding title .
- H. After retirement of the opposite party gratuity, arrears of leave, Provident Fund and earned leave payments were not paid.

From the above it is very much clear that the opposite party admits that he is no more an employee of the petitioner and has retired.

It is worth mentioning that the opposite party has abstained himself from participating in the proceedings from 31.10.2008. The petitioner's evidence was recorded in the absence of the opposite party. There has been no cross examination, thus virtually the case has proceeded exparty. The petitioner has

proved his case by producing necessary documents and the on oath statement of Shri Promod Kumar Shukla. He has not been cross examined. In these circumstances there is no reason to disbelieve the petitioner's case. Notices issued under section 4 and 7 are on record in which bungalow No. 47-A has been specifically mentioned. The Security Staff serving the notice dated 10-09-2008 has reported that the daughter in-law of the opposite party was present in bungalow No. 47-A and refused to accept the notice. The registered notice issued by the petitioner in May 2008 was also sent on the address of bungalow No. 47-A. The occupation of the opposite party in bungalow No. 47-A has been stated on oath by petitioners witness Shri Promod Kumar Shukla . Thus it is Established that opposite party and his Family are residing in both the premises in Question.

After retirement the Opposite party and his family are not entitled to continue in occupation of the accommodation provided by his employer. It has been specifically laid down in the case of Daya Shankar V/S Vice Chancellor (1992 (1) ARC 450) that non payment of retirement Dues and Benefits does not entitle an employee to retain possession. In these circumstances, the petition for eviction and recovery of damages deserves to be allowed.

From perusal of the records/ Papers filed by the petitioners, it is established that the Opposite Party has retired with effect from 09th July, 2001 from the petitioner company and is no more in service. Opposite party became unauthorized Occupants of the Premises No. Block no. 17, Quarter No. 17 and 18 and Bungalow No. 47-A, Macrobert Ganj settlement, Lal Imli colony, Chunniganj, Kanpur since 10.11.2001 on the expiry of grace period of three Months. The Petitioner is entitled to evict the Opposite party and also to recover damages from the Opposite party as claimed by petitioner.

ORDER

Therefore in exercise of powers conferred by sub-section (1) of the section 4 of P.P.E Act. 1971. I hereby direct the opposite party to vacate and handover possession of both the premises that is, Bungalow No. 47-A & Quarter No 17 and 18 in Block No. 17. Mac Robert Ganj settlement, Lal Imli Colony, Chunniganj, Kanpur with in 15 days of this order to the Petitioner. Further I also direct the opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act 1971 to pay sum of Rupees 1032822.00 (Rupees Ten Lacs Thirty Two Thousand Eight Hundred and Twenty Two Only) as damages for unauthorized occupation of both the premises in question to the petitioner. I also hearby direct the opposite party to pay Interest @ Rs. 12% Per Annum

on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner by the opposite party with in 15 days of this order.

In case, if the said amount is not paid with in the period of fortnight i.e. 15 days, it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate officer

Dated : 05th December 2008

(M.K. Verma)

Estate Officer / General Manager

Cawnpore Woollen Mills Branch,

BIC Ltd.

In view of the discussions above I am satisfied that Public Premises mentioned and detailed in notice under section 4 are in unauthorised occupation of the opposite party and he is hereby directed to vacate the premises mentioned and more particularly detailed in the notice under section 4 by .

Let a copy of this order by published in accordance with section 5 requiring all the persons in occupation of the premises mentioned to vacate .

It is further ordered that the opposite who has been in unauthorised occupation of the public premises Qr. No. 17/17-18, and Bungalow No. 47-A Lal Imli Colony , Kanpur to pay Rs. as damages and further to pay damages @ Rs. 250/- per day form the date of the retirement petition till the delivery of the possession to the petitioner within a period of 15 days and he is further directed to pay interest @ % per annum on the amount of damages from the expiry of the period mentioned in this order.

**IN THE COURT OF ESTATE OFFICER/GENERAL MANAGER
THE BRITISH INDIA CORPORATION LIMITED
KANPUR**

P.P.E. CASE NO.5 OF 2003

**The British India Corporation Limited (A Government of India Company),
Cawnpore Woollen Mills Branch, 14/136,Civil lines, Kanpur-1**

.. .. Petitioner

Versus

**Shri Ramendra Nath Trivedi S/o Shri Shiv Shanker Trivedi Ex-Civil Engineer,
C.W.M. Branch R/O.46-B,Macrobertganj Settlement, Lalimli Colony,
Chunniganj, Kanpur.**

.. .. Opposite Party

JUDGEMENT

The Petitioner is a Government of India company as defined in Section 617 of the Companies Act,1956 having its Registered office at 11/6,The Elgin Mill No.1 Campus, Smt, Parwati Bagla Road, Kanpur. The opposite party Ramendra Nath Trivedi was an Employee of the British India Corporation Limited, Cawnpore Woollen Mills Branch, Kanpur .Being employee of petitioner, the Company, a Bungalow no.46-B, MacRobertganj Settlement, Lalimli colony, Chunniganj, Kanpur was allotted to the Opposite party as a License. It was condition of the allotment that after retirement from the services of the Company, The Bungalow would be vacated by the Opposite party and physical possession of the same would be handed over to the Company without any fail. The Opposite Party has neither reported on work nor sent any application for leave after sanctioned leave from 16th August,1977 for 43 day which expired on 03rd October,1977 because Opposite party has accepted the job with M/S. Engineers projects of India Limited, Ardiya Housing project , Kuwait. Opposite party has abandoned the job with the petitioner with effect from 4 October,1977 as per paper no.3 of the list of paper dated 6th June,2008 filed by the petitioner, and the License to occupy the said Bungalow, Bungalow no.46-B,MacRobertganj settlement, Lalimli Colony, Chunniganj Kanpur automatically came to an end.

On the date of abandonment of the job i.e. 4th October,1977 the Opposite party become unauthorized occupant. Petitioner Company sent a Notice dated 28th June,2003 to the Opposite party to vacate the Bungalow which was allotted to the Opposite party. The Opposite party did not vacate the Bungalow and is continuing in unauthorized occupation. Thus Opposite party has made himself liable to pay @ Rs.250/- per day from date of abandonment of job i.e. 04-10-1977 to the actual date of eviction. From the perusal of the petition the them Estate Officer from the opinion that the Opposite party was in unauthorized occupation of the public premises, a Notice as provided under Section 4 and sub-Section (1) of the Act was served upon the opposite party in a prescribed manner, along with Notice under Section 7 Sub-Section (2-A) of the P.P.E. act.1971 claiming damages amounting to Rs.23,26,250/- (Rupees Twenty-three lacs Twenty-six thousands Two Hundred Fifty) only at the rate of Rs.250/- per day for the period from 05.02.1978 to 28.07.2003.

The Opposite party has filed his written statement dated 2nd September,2003. Opposite party has admitted that he is residing at Bungalow no.46-B,MacRobertganj settlement, Lalimli Colony, Chunniganj, Kanpur. Petitioner has filed his replication dated 26 November, 2003 and contended that the petition under section 5 and 7 of the P.P.E.Act.1971 is liable to be allowed and decreed with cost. The Opposite party has challenged the ownership of the petitioner company. The petitioner led evidence in support of the petition. Petitioner produced Sri Vimal Kumar Mishra Officer of Law Department, who has supported the case of the petitioner. Opposite party has cross examined the witness but with no fruitful result.

Opposite party has led his evidence and petitioner counsel has cross examined the Opposite party. The argument of the both the counsels were heard. From the perusal of the record/papers filed by the petitioner it is established that the Opposite party has abandoned the job i.e. on 4th October,1977 of the petitioner company and is no more in service. He become

unauthorized occupant of the Bungalow No. 46-B, MacRobert Ganj Settlement, Lalimli Colony, Chunniganj, Kanpur since 04th October 1977. The Opposite party has admitted in his W.S.(Para 4) that accommodation was allotted to him and he has asserted that the license granted to him still hold good. In Para 7 it has been said that the Opposite party still continues to be in service as such question of termination of license does not arise. From reading of W.S. following facts are undisputed:-

A:-the opposite party was allowed to occupy the accommodation as licenses during employment.

B:-BIC Ltd. owns the accommodation.

C:- Opposite party occupied it as an employee. The only disputed point is:-

Whether the opposite party is still an employee. The burden to prove the authority to occupy is upon the occupant. In this Opposite party has miserably failed to prove it. As against it the petitioner has proved that the opposite party has abandoned the service and was removed from the service. The opposite party has not challenged the question of his continuation in services before any competent court or Tribunal. He has not filed any such document which might have supported his version. It is unbelievable that a person in service will not claim salary since 1978. He has stated on oath that he is working without pay. His statement is that if company pays me gratuity, bonus and other dues, I will go. He admits that age of superannuation is 58 year. He has given his age to be 74 years. This makes it clear that he must have attained the age of superannuation in the year 1992. The present proceedings were initiated in the year 2003. Thus the question of continuance in service loses its importance. The question regarding illegality of termination of services is not to be decided in these proceedings. Similarly question of non payment of any dues does not entitle the opposite party to retain possession. The law in this regard is very clear as reported in 1992(1) ARC 450. The learned counsel for opposite party has also raised the question of limitation regarding claim of damages. This question has got no force. The proceeding under P.P. Act does not start with filing of suit. The Limitation act provides for Limitation for suit,

appeal or application. The P.P. Act does not require any application. The law is very well settled in this regard.

Some factual points have also been raised during arguments. These were not raised in the written statement. Any question or fact not pleaded in W.S. need not to be considered. In any case as the Opposite party has admitted that he is ready to leave subject to the payment of his dues, there remains no need to consider any other points except payment of alleged dues. The opposite party is in unauthorized occupation and liable to pay damages.

The petitioner is entitled to evict the opposite party and also to recover damages from the opposite party as claimed by him. The amount claim as damages in just considering the location, nature and importance of accommodation in occupation of opposite party

ORDER

Therefore in exercise of powers conferred by sub-section (1) of the section 4 of P.P.E Act. 1971. I hereby direct the opposite party to vacate the premises that is Bungalow No. 46-B, Mac Robert Ganj, Lal Imli Colony, Chunniganj, Kanpur with in 15 days of this order. Further I also direct the opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act 1971 to pay sum of Rupees 2815500.00 (Rupees Twenty Eight Lacs Fifteen Thousand and Five Hundred Only) as damages for unauthorized occupation of the premises in question. I also hearby direct the opposite party to pay Interest @ Rs. 12% Per Annum on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner by the opposite party with in 15 days of this order.

In case, if the said amount is not paid with in the period of fortnight i.e. 15 days, it will be recovered as arrears of land revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate officer

Dated : 05th December 2008

**(M.K. Verma)
Estate Officer / General Manager
Cawnpore Woollen Mills Branch,
BIC Ltd.**

By Registered Post/By Hand

IN THE COURT OF ESTATE OFFIER/GENERAL MANAGER, THE BRITISH INDIA CORPORATIONLIMITED, CAWNPORE WOOLLEN MILLS BRANCH, KANPUR

P.P.E. Case No. 02 of 2008

The British India Corporation Limited (A Government of India Company), Cawnpore
Woollen Mills Branch, 14/136, Civil Lines, Klanpur-208001

Petitioner

Versus

Sri Ashok Kumar Chaturvedi, adult Son of Late Sri Hari Narain Chaturvedi, Resident
of Premises/Bungalow No. 14/53-A, Civil Lines, Kanpur ("JUNGLE ANNEXE")
Kanpur

Opposite Party

JUDGEMENT

The Petitioner is a Government of India Company as defined in Section 617 of the Companies Act, 1956 having its Registered Office at 11/6, The Elgin Mills No.1 Compound, Smt. Parbati Bagla Road, Kanpur. The opposite party Sri Ashok Kumar Chaturvedi was an employee of the British India Corporation Limited, Cawnpore Woollen Mills Branch, Kanpur. Being employee of Petitioner, the company's Bungalow No. 14/53-A, ("Jungle Annexe"), Civil Lines, Kanpur was allotted to the opposite party. It was the condition of the allotment that after retirement from the service of the company, the company's accommodation should be vacated by the opposite party and physical possessions of the same would be handed over to the Petitioner's company without any fail. The Opposite Party was issued Notice for retirement on superannuation dated 28.11.2001 (28th November 2001) by Sri S.C. Mahajan, General Manager with effect from 28th February 2002 and also directed to vacate Company's accommodation within 30 days from the receipt of this Notice.. Opposite Party has received this Retirement Notice on 28.11.2001 which is Paper No.1 of the list of papers dated 15 12. 2008 filed by the Petitioner. But Opposite Party did not vacate the Company's accommodation and is continuing unauthorized occupation. Thus Opposite Party has made himself liable to pay damages at the rate of Rs. 300/- per day from the date of illegal and unauthorized occupation i.e. 1st July 2002 to the actual date of eviction as Office Order No. 9/99 dated 19th May 1999, which is the paper No. 4 of the list of papers dated 15.12.2008 filed by the Petitioner.

The Estate Officer is of the opinion that Opposite Party was an unauthorized occupation of the Public Premises, in Notice as provided under Section 4 and Sub-Section (1) of the Act which was served upon to the Opposite Party in a prescribed manner, along with Notice under Section 7 Sub-section (2-A) of the P.P.E. Act, 1971 claiming damages amount to Rs. 6,82,200/- (Rupees Six Lacs Eighty two thousand two hundred) only at the rate of Rs. 300/- per day for the period from 1st July 2002 to 22nd September 2008.

The Opposite Party has filed his Written statement dated 28.11.2008, Opposite Party has admitted that he is residing at Bungalow No. 14/53, "Jungle Annexe", Civil Lines, Kanpur. Petitioner has filed his replication dated 5th December 2008 and contended that the petition under Section 5 and 7 of the P.P.E. Act, 1971 is liable to be allowed and decreed with cost. Opposite party has failed to produce any witness. Sufficient opportunity was afforded to the opposite party but he did not lead any evidence. From the perusal of the record/papers filed by the Petitioner, it is established that the opposite party after retirement of the services by the Petitioner Company is no more in service. He becomes unauthorized occupants of the Bungalow No. 14/53-A "Jungle Annexe", Civil Lines, Kanpur since 28th February 2002. The petitioner is entitled to evict the Opposite Party and also to recover damages from the Opposite Party as claimed by him.

After retirement, the opposite party and his family are not entitled to continue in occupation of the accommodation provided by his employer. It has been specifically laid down in the case of Daya Shankar V/s. Vice Chancellor (1992(1) ARC 450) that non payment of Retirement dues and Benefits does not entitle an employee to retain possession. In these circumstances, the petition for eviction and recovery of damages deserves to be allowed.

ORDER

Therefore, in exercise of powers conferred by sub-section (1) of the Section 4 of P.P.E. Act, 1971, I hereby direct the opposite party to vacate and the premises i.e. Bungalow No. 14/53A, "Jungle Annexe", Civil Lines, Kanpur within 15 days of this order. Further it is also directed to Opposite party in exercise of powers conferred by Sub Sec. 2 of the Sec. 7 of P.P.E. Act, 1971 to pay sum of Rs. 7,17,000/- (Rupees Seven Lac Seventeen thousand) only as damages for unauthorized occupation of the premises in question. It is also hereby directed the opposite party to pay interest @ 12% per annum on the above sum after 15 days of this order, in case the damages levied are not paid to the petitioner by the opposite party within 15 days of this order.

In case, if the said amount is not paid within the period of fortnight i.e. 15 days, it will be recovered as arrears of Land Revenue through Collector, Kanpur Nagar.

Signature & Seal of Estate Officer

(M.K. VERMA)
Estate Officer/General Manager
Cawnpore Woollen Mills Branch
The B.I.C. Limited

Dated: 22.01.2009

