



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT MAGISTRATE  
NORTH 24 PARGANAS, BARASAT  
(JUDICIAL MUNSHIKHANA SECTION)



**ORDER**

Whereas Authorized Officer, Punjab National Bank ( Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA 48, Jessore Road, Barasat (Near Seth Pukur), Kolkata - 700124, has filed a petition to the District Magistrate, North 24-Parganas, u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Borrower & Guarantor namely Sri Amit Banerjee S/O. Late Ananda Mohan Banerjee, & Smt. Papiya Banerjee ,W/o Sri Amit Banerjee, both are residing at: 144/166/1, Regent Park, Near Wather Reservoir, Ward No. 5, of Khardaha Municipality, P.O. Rahara, P.S.- Khardaha, District – North 24 Parganas, Pin - 700131.

(Case No –395/2023 Dated 28.04.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised, Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA 48, Jessore Road, Barasat (Near Seth Pukur), Kolkata - 700124, seeking administrative assistance in terms of sec 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured asset is/are seen and taken up for consideration.

and

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that the secured creditor granted a loan Rs.9,84,501.00/- (Rupees Nine Lakh Eighty Four Thousand Five Hundred one Only) Only On 08.12.2017 Guarantor Sri Amit Banerjee S/O- Late Ananda Mohan Banerjee, & Smt. Papiya Banerjee ,W/O- Sri Amit Banerjee, both are residing at: 144/166/1, Regent Park, Near Wather Reservoir, Ward No. 5, of Khardaha Municipality, P.O. Rahara, P.S.- Khardaha, District – North 24 Parganas, Pin - 700131 the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All that piece and parcel of a self contained residential Flat No. A-2, on the ground floor, measuring more or less 870 sq. ft. along with easement rights and proportionate undivided share of land, lying and situated at Mouza – Kerulia, J.L. No. 5, Re. Sa. No. 11, Touzi No. 172, Old R.S. Khatian No. 131, L.R. Khatian No. 609, 319,115,703,752, C.S. Dag No. 243, R.s. Dag no. 243/386, L.R. Dag No. 233, Under Local Jurisdiction of Ward No. 5 of Khardaha Municipality Holding No. 144/166, Regent Park. P.S. Khardaha, District North 24 Parganas, vide gift Deed No. 07032 for the year 2013, registered in Book No. I, CD Volume No. 22, Pages from 4212 to 4236 at A.D.S.R.O.- Barrackpore. The Property is in the name of Amit Banerjee S/o. Late Ananda Mohan Banerjee. The Property is Butted and Bounded by, By North – Plot No. B of Bibrata Kumar Banerjee, By South - 12 ft wide road, By East – 16 ft wide Regent Park Road, By West - House of Swapan Banerjee.
- 2) The borrower has committed default in repayment of the financial assistance granted aggregating the specified amount and consequent to such default in repayment, the account of borrower was classified as NPA on 30.09.2019 due to non-servicing of interest/ installment.
- 3) Notice dated 29.12.2022 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The outstanding amount as mentioned in notice is Rs.11,64,882.49/- (Rupees Eleven Lakh Sixty Four Thousand Eight Hundred Eighty Two and Four Nine Paise) Only. The Demand notice was refused by the borrower on 04.01.2023
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 29.12.2022.and the borrower had not applied O.T.S proposal as per nine point submitted by the secured creditor.
- 5) The Secured creditor issued possession notice dated 15.03.2023 u/s 13(4) of SARFAESI Act of 2002 for taking Possession on the secured assets of the borrower and also published the same in the daily newspapers of Financial Express and Aijal on 18.03.2023.
- 6) Thus the Authorised Officer of the secured creditor observed all the formalities as laid down in the SARFAESI Act 2002 for realization of the said outstanding amount from the secured debtor.  
and
- 7) Whereas, the Secured Asset in within the jurisdiction of the District Magistrate, North 24- Parganas.  
and
- 8) Whereas, the amount dues more than 20% of the Principal Advance and Security interest is not created in any agricultural land.  
And
- 9) Whereas, the secured creditor wants to reconstruct their financial asset(s) after handing over and taking over physical possession of the secured asset / property as scheduled above, belonging to the Borrower(s) / Co-borrower(s) / Director(s) / Guarantor(s) / Partner(s) / Proprietor(s) / Corporate Guarantor(s) / Surety(ies) as per law in force.  
and
- 10) Whereas, for the purpose of taking possession of the secured asset(s) and documents, the secured creditor requested the District Magistrate. North 24 Parganas u/s 14 of SARFAESI Act of 2002.



1) There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 in this regard filed by the borrower as per '30 Clauses' declaration submitted by the secured creditor and as per affidavits submitted by the secured creditor there is no stay declared by any court of law.

and  
12) The property is not under lessee/tenancy as per affidavit, deed(s), records or all other relevant documents.  
and

Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA 48, Jessore Road, Barasat (Near Seth Pukur), Kolkata - 700124, the secured creditor and being satisfied, it is hereby ordered that Sri Dibyendu Goswami, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, under the District Magistrate North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditor u/s 14 (1A) of SARFAESI act. 2002.

and

Whereas Authorized Punjab National Bank ( Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA 48, Jessore Road, Barasat (Near Seth Pukur), Kolkata - 700124 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to Sri Dibyendu Goswami, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of District Magistrate, North 24- Parganas, The Commissioner of Police, Barrackpore Commissionerate, North 24 - Parganas, will provide police force for maintenance of law & order. The secured creditor will remain present at the time of taking over physical possession.

A spot videography should be made in connection with taking over physical possession of secured assets, on the date of taking over possession and soft copy of the videography should be kept under custody.  
Let copy of this order be served upon all concerned.

The order is to be enforced within 06 (Six) months from the date of receipt of this order.

  
District Magistrate  
North 24-Parganas

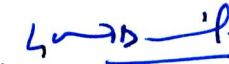
Date - 8/7/24

Memo No. 2051/JM/BST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore Commissionerate, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
3. Sri Dibyendu Goswami, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
4. Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA 48, Jessore Road, Barasat (Near Seth Pukur), Kolkata - 700124.
5. Sri Amit Banerjee S/O. Late Ananda Mohan Banerjee, 144/166/1, Regent Park, Near Wather Reservoir, Ward No. 5, of Khardaha Municipality, P.o. Rahara, P.S.- Khardaha, District - North 24 Parganas, Pin - 700131.
6. Smt. Papiya Banerjee, W/O Sri Amit Banerjee, 144/166/1, Regent Park, Near Wather Reservoir, Ward No. 5, of Khardaha Municipality, P.o. Rahara, P.S.- Khardaha, District - North 24 Parganas, Pin - 700131.



  
District Magistrate  
North 24-Parganas

