



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



ORDER

Whereas Authorized Officer, West Bengal Punjab National Bank, Sastra Department, Circle Office, Kolkata North, Block-DD 11, Salt Lake, Sector 1, Kolkata – 700064, 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 M/S : Krishna Dey and Co., Pro : Mrs. Krishna Dey, W/O : Mr. Sumit Kumar Dey, residing at 51/83 Hara Kali Colony, P.O.- Motijheel, Kolkata – 700074 & (M/S : Krishna Dey and Co), Mrs. Krishna Dey, W/O, Mr. Sumit Kumar Dey, 4, Sahid Hemanta Kumar Sarani (Formerly known as 4, Jawpur road), Kolkata – 700074.

(Case No – 364/23 dated at: - 14.04.2023).

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, PUNJAB NATIONAL BANK Branch Circle Sastra, Kolkata North Circle, DD 11, SaltLake, City, Sector 1, Kolkata – 700064, 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 13,00,000.00 (Rupees Thirteen Lac) only On 24.10.2016 to Borrower & Guarantor namely M/S : Krishna Dey and Co., Pro : Mrs. Krishna Dey, W/O : Mr. Sumit Kumar Dey, 51/83 Hara Kali Colony, P.O. : Motijheel, Kolkata – 700074 & (M/S : Krishna Dey and Co), Mrs. Krishna Dey, W/O, Mr. Sumit Kumar Dey, 4, Sahid Hemanta Kumar Sarani (Formerly known as 4, Jawpur road), Kolkata – 700074 against the all the mortgaged piece and parcel of landed property as follows :

SCHEDULED OF PROPERTY

1 ALL THAT one self contained flat being No. G -1 on the Ground Floor, South- West side measuring a super built up area of 550 Five Hundred Fifty) sq. ft. more or less consisting of One Bed room, One living cum dining space, one kitchen and One toilet of the said building with Marble Flooring and Lift facilities together with undivided impartible proportionate share of land on which the said building is constructed together with all common rights, and facilities of the Multi- Stored Building. On a plot of land measuring an area of 10 (Ten) Cottahs 15 (Fifteen) Chittacks, 21 (Twenty One) sq. ft. more or less together with multi- storied – building standing there on, lying and situated in Mouza – Kalidaha, J.L. No. 23, R.S. No. 16, Touzi No. 1298/2833, comprised in C.S. Dag Nos. 109, 108 & 104, R.S. Dag No. 834,835,836, R.S. Khatian No. 2171,2170,2154,2155, under A.D.S.R. Cossipore Dum Dum, being premises No. 4, Sahid Hemanta Kumar Bose Sarani (formerly Known as 4, Jawpur Road), Being Holding No. 744 (Old), 1122 (New) Ward No. 15, P.S. Dum Dum, District North 24 Parganas, under Dum Dum Municipality. The Property is Butted and Bounded by :- ON THE NORTH BY – By, Sahid Hemanta Kumar Bose Sarani (Tanwar Colony), ON THE SOUTH – By, Passage/ Bahiraghata Colony, ON THE EAST BY – By Common Passage and house of Sri. Nanda Paul and others, ON THE WEST BY – By, House of Sri. Santosh Basu and Sri. Chirobrata Basu and others. being Deed No. I – 7305 dated 16th day of September 2016, Property owned by Smt. Krishna Dey, wife of Sri. Sumit Kumar Dey, residing at 51/83 Dum Dum Road, P.O ; Motijheel, P.S. Dum Dum, Kolkata – 700074, District- North 24 Parganas.

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 28.06.2021 due to non servicing of interest/ installment

3) Notice dated 08.08.2022 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. 15,95,531.00 (Rupees Fifteen Lakh Ninety Five Thousand Five Hundred Thirty One only) Only. The Demand notice was received by the borrower on 13.08.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 08.08.2022.

5) The Secured creditor issued possession notice dated 17.02.2023. 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 news papers of Financial Express and Sukhabhar (Bengali) on 21.02.2023.

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.

And

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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 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, Sastra Department, Circle Office, Kolkata North, Block-DD 11, Salt Lake, Sector 1, Kolkata - 700064, 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 Officer, Punjab National Bank, Sastra Department, Circle Office, Kolkata North, Block-DD 11, Salt Lake, Sector 1, Kolkata - 700064 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. 2052/JM/BSJ
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. Authorized Officer, Punjab National Bank, Sastra Department, Circle Office, Kolkata, North, Block-DD 11, Salt Lake, Sector 1, Kolkata - 700064.
5. M/S : Krishna Dey and Co., Pro : Mrs. Krishna Dey, W/O : Mr. Sumit Kumar Dey, residing at 51/83 Hara Kali Colony, P.O.- Motijheel, Kolkata - 700074 & (M/S : Krishna Dey and Co), Mrs. Krishna Dey, W/O, Mr. Sumit Kumar Dey, 4, Sahid Hemanta Kumar Sarani (Formerly known as 4, Jawpur road), Kolkata - 700074.


District Magistrate
North 24-Parganas

