



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



ORDER

Whereas Authorized Officer, Punjab National Bank, Barasat Circle Office, at 48, Jessore Road, Barasat (Near Seth Pukur), Dist. – 24 Parganas – (N), Kolkata – 700124 (WB), 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. Lokenath Shoe House, Sri. Tarak Chakraborty, S/O. – Pran Kumar Chakraborty, residing at Gangapur, P.O + P.S – Dattapukur, Dist. – North 24 Parganas, Pin – 743248 (WB).
(Case No –299/2023 Dated 24.03.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Punjab National Bank, Barasat Circle Office, at 48, Jessore Road, Barasat (Near Seth Pukur), Dist. – 24 Parganas – (N), Kolkata – 700124 (WB), 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.25,00,000.00 (Rupees Twenty five Lakh) Only On 04.11.2013 and a loan of Rs-3,00,000.00 (Rupees Three Lakh) only on 04.11.2013 to Guarantor namely Lokenath Shoe House, Sri. Tarak Chakraborty, S/O. – Pran Kumar Chakraborty, Vill. – Gangapur, P.O + P.S – Dattapukur, Dist. – North 24 Parganas, Pin – 743248 (Wb), the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERT

- 1) The land and single storied building of Sri. Tarak Chakraborty at Vill – Gangapur, P.O & P.S – Duttapukur, Dist. – North 24 Pgs, Mouza – Gangapur, J.L. No.- 91, R.S. No. – 166, Touzi No.- 146, C.S Khatian No. – 100, 110,112, R.S Khatian No.- 942, L.R. Khatian No. – 720, Dag No. – 1628,1630,1631,1632. Land and Measuring Area is 26.50 Satak, Property owned by Sri Tarak Chakraborty, S/o. Sri. Pran Krishna Chakraborty. Being deed no I-652 in the year of 1999. Which is Butted and Bounded by. On the North – Single Storied building of Jadav Tarafdar H.S. School, On the South - Single Storied building of Mr. Asim Roy, On the East – 20 ft. Wide Metal Road named as Rajivpur Road, On the West - Single Storied building of Mr. Kajol Bhowmik.
- 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 30.06.2017 due to non servicing of interest/ installment .
- 3) Notice dated 01.07.2017 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. 30,08,789.00 (Rupees Thirty Lakh Eight Thousand Seven Hundred Eighty Nine) Only. The Demand notice was received by the borrower on 30.06.2017.
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 01.07.2017
- 5) The Secured creditor issued possession notice dated 18.09.2017 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 Aajkal on 23.09.2017
- 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

(2)

11) 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, Barasat Circle Office, at 48, Jessore Road, Barasat (Near Seth Pukur), Dist. – 24 Parganas – (N), Kolkata – 700124 (WB), the secured creditor and being satisfied, it is hereby ordered that Sri. Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, Barasat 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, Barasat Circle Office, at 48, Jessore Road, Barasat (Near Seth Pukur), Dist. – 24 Parganas – (N), Kolkata – 700124 (WB) shall intimate the date of possession of the secured asset to The Superintendent of Police, Barasat P.D, North 24 - Parganas, as well as to, Sri. Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, Barasat, 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 Superintendent of Police, Barasat P.D, 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.

Memo No.

2053/JM/BST

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat P.D, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sri. Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, Barasat, with a request to comply with the said order.
4. Punjab National Bank, Barasat Circle Office, at 48, Jessore Road, Barasat (Near Seth Pukur), Dist. – 24 Parganas – (N), Kolkata – 700124 (WB).
5. M/s. Lokenath Shoe House, Sri. Tarak Chakraborty, S/O. – Pran Kumar Chakraborty, Vill. – Gangapur, P.O + P.S – Dattapur, Dist. – North 24 Parganas, Pin – 743248 (WB)

Date. - 8/7/24.




District Magistrate
North 24-Parganas

