
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), Dist- North 24 PGS, 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 Ashim Das S/O. Lt. Durgapada Das & Smt. Manju Das, W/O. Sri Ashim Das both are residing at Sainpala, Khanbahadur Road, Gheepukur, (Near Narendra Bhaban and Corporate Publicity book Shop), P.O. & P.S. Basirhat, District – North 24 Parganas, Pin. – 743411. Others Address: at Gouri Apartment, 2nd Floor, Flat No. C-2, 272/109/B, Itinda Road, P.O. & P.S. Basirhat, District – North 24 Parganas, Pin. - 743411.

(Case No –220/23 dated 17.03.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised , Punjab National Bank (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.19,70,890.00/- (Rupees Nineteen Lakh Seventy Thousand Eight Hundred Ninety) only On 24.03.2017 Guarantor namely Sri Ashim Das S/O. Lt. Durgapada Das & Smt. Manju Das, W/O. Sri Ashim Das both are residing at Sainpala, Khanbahadur Road, Gheepukur, (Near Narendra Bhaban and Corporate Publicity book Shop), P.O. & P.S. Basirhat, District – North 24 Parganas, Pin. – 743411. Others Address: at Gouri Apartment, 2nd Floor, Flat No. C-2, 272/109/B, Itinda Road, P.O. & P.S. Basirhat, District – North 24 Parganas, Pin. - 743411, the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of self-contained flat space marked as “C2” in 2nd floor of a G+4 storied building namely Gouri Apartment, measuring covered area 711 sq.ft. super built up area 854 sq.ft. lying and situated at Mouza - Basirhat, JL No. 43, Pargana – Balia, Sabek Khatian No. 2383, L.R. Khatian No. 6399 and 2847, New L.R Khatian No. 5367, R.S. & L.R. Dag No. 3552, under local jurisdiction of Ward No. 9, Holding No. 272/109/B of Basirhat Municipality, P.S. Basirhat, District – North 24 Parganas, Being Deed No. I- 4836 for the year 2017, recorded in Book No – I, volume No. 1511-2017, Page from 91596 to 91625, at A.D.S.R.O. – Basirhat. The Property in the name of Sri Ashim Das S/o. Lt. Durgapada Das. The Property is Butted and Bounded By By North: Itinda Road (Ganapatipur-Naihathi-Dholtitha), By South: Property of Gobinda Palit and 8 ft wide Common Road, By East: Kabi Bhujangar Dhar Road, By West: 3 ft wide common road, Sriniketan.
 - 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 31.03.2022 due to non- servicing of interest/ installment.
 - 3) Notice dated 14.12.2022 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.19,35,501.25/- (Rupees Nineteen Lakh Thirty Five Thousand Five Hundred One & Two Five Paise) Only. The Demand notice was received by the borrower on 22.12.2022.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 14.12.2022.
 - 5) The Secured creditor issued possession notice dated 06.03.2023 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 Aajkal(Bengali) on 11.03.2023
 - 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.

And

(Continued to page No. – 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 affidavits, deed(s), records or all other relevant documents.
and

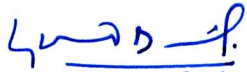
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed 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. Chittajit Basu, 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, Basirhat, 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 Superintendent of Police, Basirhat P.D, North 24 - Parganas, as well as to Sri. Chittajit Basu, 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, Basirhat, 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 Superintendent of Police, Basirhat 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.
Date - 8/7/24.

Memo No.

2054/JM/BST

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Basirhat PD, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Basirhat, North 24- Parganas, with a request to comply with the said order.
3. Sri. Chittajit Basu, Executive Magistrate, in the Office of the Sub Divisional Officer, Basirhat 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 Ashim Das S/O. Lt. Durgapada Das, Sainpala, Khanbahadur Road, Gheepukur, (Near Narendra Bhaban and Corporate Publicity book Shop), P.O. & P.S. Basirhat, District - North 24 Parganas, Pin. - 743411. Others Address: at Gouri Apartment, 2nd Floor, Flat No. C-2, 272/109/B, Itinda Road, P.O. & P.S. Basirhat, District - North 24 Parganas, Pin. - 743411.
6. Smt. Manju Das, W/O. Sri Ashim Das, Sainpala, Khanbahadur Road, Gheepukur, (Near Narendra Bhaban and Corporate Publicity book Shop), P.O. & P.S. Basirhat, District - North 24 Parganas, Pin. - 743411. Others Address: at Gouri Apartment, 2nd Floor, Flat No. C-2, 272/109/B, Itinda Road, P.O. & P.S. Basirhat, District - North 24 Parganas, Pin. - 743411.


District Magistrate
North 24-Parganas

