



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



**ORDER**

Whereas Authorized Officer Hinduja Leyland Finance Ltd. Branch office at Hinduja Leyland Finance Ltd, 7/1 lord Sinha road, Ground Floor, Kolkata- 700071, has filed a petition to the District Magistrate, North 2-4Parganas, 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 Garments, A Proprietorship Firm Through its Sole proprietor Mrs. Manjura Bibi, W/O Md. Salim Ahmed, P 274, Basunagar, Madhyamgram, North 24 PGS, Kolkata 700129, ( Case no. 323/23 dated. 31.03.2023 )

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Hinduja Leyland Finance Ltd, 7/1 Lord Sinha Road, ground floor, kolkata- 700071, 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. 30,00,000.00 ( Ruppees thirty Lacs ) only and Rs 5,84,843/- (Rupees Five lakhs eighty Four Thousand Eight Hundred and forty Three) on 15.07.2019 and 31.10.2020 to Borrower & Guarantor Mrs. Manjura Bibi, W/O Md. Salim Ahmed, P 274, Basunagar, Madhyamgram, North 24 PGS, Kolkata -700129, West Bengal. the all the mortgaged piece and parcel of landed property as follows :

**SCHEDULE OF PROPERTY**

1) All that land measuring 1 cottah 12 Chitaks 20 Sq together with structure measuring about 832 Sq Ft comprised in Mouza – Uayrajpur, P.S.- Barasat, J.L. No. 43 , R.S no.6, Touzi No. 146, Appertaining to R.S Dag no. 485/1902 and 486/1647, & L.R. Dag No.- 1433 under R.S.khatian No. 1162 and 1513, L.R. Khatian No. 5036, Being Holding No. 145, Basunagar Gate No. 3 Under P.S- Barasat (Now Madhyamgram) Ward No. 11, Within the Limits of Madhyamgram Municipality in Dist Noth 24 PGS Which is butted and Bounded. On the North - 12 Feet wide road, on the South -Property of Arsbinda Das, East Property of Pramita Das, On the West 16 feet Municipality Road.

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 30.09.2021 due to non servicing of interest/ installment.

3) Notice dated 08.09.2022 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. 37,30,099/- (Rupees Thirty seven Lac thirty Thousand and Ninety nine Only). The Demand notice was received by the borrower on 16.09.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 08.09.2022

5) The Secured creditor issued possession notice dated 12.12.2022 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 Business Standard and Dainik statesman on 14.12.2022.

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 by the secured creditor there is no stay declared by any court of law.

and

12) The property is not under lease/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 Hinduja leyland Finance Ltd, 7/1 Lord Sinha road, Ground Floor Kolkata 700071, 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 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, Hinduja leyland Finance Ltd, 7/1 Lord Sinha road, Ground Floor Kolkata 700071, the date of possession of the secured asset to the the Office 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, 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 <sup>05703124</sup>  
North 24-Parganas.




Date. - 8/7/24.

Memo No.

2056/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, (Sadar) 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, with a request to comply with the said order.
4. Hinduja leyland Finance Ltd, 7/1 Lord Sinha road, Ground Floor Kolkata 700071.
5. Mrs. Manjura Bibi , W/O Md. Salim Ahmed P274,Basunagar, Madhyamgram, North 24 PGS, West Bengal, Kolkata 700129,

  
District Magistrate  
North 24-Parganas



