

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



**ORDER**

Whereas Authorized Officer, Federal Bank Limited, LCRD/Kolkata Division, 1<sup>st</sup> Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016 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 Mr. Raj Kumar Agarwal S/O Nandlal Agarwal (M/s. Elgin Printograph Pvt. Ltd.) & Mrs Rani Agarwal W/O- Mr. Raj Kumar Agarwal both residing at 3 C, Block-A, 1021, Sukh Sagar Complex, Dakshin dari, South Dum Dum Municipality, P.S - Lake Town, North 24 Parganas, Kolkata-700048. (Case No. 313 /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, Federal Bank Limited, LCRD/Kolkata Division, 1<sup>st</sup> Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016 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.50,00,000.00 (Rupees Fifty Lakhs) Only on 29.09.2020 to Borrower & Guarantor namely Mr. Raj Kumar Agarwal S/O Nandlal Agarwal (M/s. Elgin Printograph Pvt Ltd.) & Mrs Rani Agarwal W/O- Mr. Raj Kumar Agarwal both residing at 3 C, Block-A, 1021, Sukh Sagar Complex, Dakshin Dari, South Dum Dum Municipality, P.S-Lake Town, North 24 Parganas, Kolkata-700048., against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

1) Equitable Mortgage of Flat No.3C Admeasuring 1286 sq.ft on 3<sup>rd</sup> Floor, in the name of Mr. Raj Kumar Agarwal and Mrs Rani Agarwal in the multistoried building known as "Sukh Sagar Complex" alongwith undivided proportionate share of land constructed on piece and parcel of Land admeasuring 11 Cottah 9 Chittacks and 35 sq.ft at 1021, Dakshindari Road, being Dag Nos- 1098, 1096, 1095, 1097, and 1003 at Khaitan No-412, 248, 249, 369 appearing to Mouza-Dakshindari, J.L No-25, R.S No-6, GD No-1, Division II, Subdivision-6, Touzi Nos-429, 1298/2833 in Holding No-1021 lying within South Dum Dum Municipality, P.S-Lake Town, Dist-North 24 Parganas, West Bengal-700048. The Mortgaged Property stands in the name of Mr. Raj Kumar Agarwal S/O Nandlal Agarwal (M/s. Elgin Printograph Pvt. Ltd.) & Mrs Rani Agarwal and being the registered Deed No. I- 11112 for the year 2009 at the Office of the A.D.S.R.O.ARA-II, Kolkata.

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 29.11.2020 due to non servicing of interest/ installment

3) Notice dated 07.10.2021 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 -.57,07,012.59 (Rupees Fifty Seven Lakhs Seven Thousand Twelve and Five Nine Paisa) Only. The Demand notice was received by the borrower on 23.11.2021

4) The Authorised Officer of the secured creditor received representation (vide letter dated 01.12.2021) on 03.12.2021 from the borrowers in reply to demand notice u/s 13(2), Which was duly rejected by secured creditor vide letter dated on 04.02.2021.

5) The Secured creditor issued possession notice dated 03.02.2022 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 on 04.02.2022.

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 is within the jurisdiction of the District Magistrate, North 24- Parganas

and

8) whereas, the amount does 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



(2)

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 lease /tenancy as per affidavit, deed(s), records or all other relevant documents

and

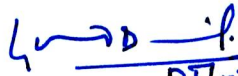
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Federal Bank Limited, LCRD/Kolkata Division, 1<sup>st</sup> Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016, the secured creditor and being satisfied, it is hereby ordered that Smt Farhanaz Khanam, W.B.C.S., 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, Bidhannagar, 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, Federal Bank Limited, LCRD/Kolkata Division, 1<sup>st</sup> Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt. Smt Farhanaz Khanam 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, Bidhannagar, 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, Bidhannagar, 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. 08/07/2024

Memo No 2058/JM/BS T

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Bidhannagar Commissionerate, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
3. Smt. Smt Farhanaz Khanam, W.B.C.S, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer the Federal Bank Limited, LCRD/Kolkata Division, 1<sup>st</sup> Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016
5. Mr. Raj Kumar Agarwal ( M/s. Elgin Printograph Pvt Ltd.), S/O Nandlal Agarwal residing at 3 C,Block-A,1021,Sukh Sagar Complex, Dakshin dari, South Dum Dum Municipality, .S-Lake Town, North 24 Parganas, Kolkata-700048.
6. Mrs. Rani Agarwal W/O- Mr. Raj Kumar Agarwal residing at 3 C,Block-A,1021,Sukh Sagar Complex, Dakshin dari, South Dum Dum Municipality, P.S-Lake Town, North 24 Parganas, Kolkata-700048



  
District Magistrate  
North 24-Parganas

