



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



ORDER

Whereas Authorized Officer, UCO Bank, Beliaghata Bridge Branch, Address-At Beliaghata Bridge, P.O-Beliaghata Bridge, District-North 24 Parganas, Pin-743423. 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 Shuktara Enterprise, Prop-Mr.Rakesh Roshan, S/O-Md.Yeanabi, Vill+P.O-Mojlishpur, P.S-Shasan, Dist-North 24 Parganas, Pin-743423 (W.B)

(Case No – 341/2023, dated 11.04.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, UCO Bank, Beliaghata Bridge Branch, Add-At Beliaghata Bridge, P.O-Beliaghata Bridge, District-North 24 Parganas, Pin-743423 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. 14,00,000 (Rupees Forteen Lac) only on 17.11.2017 to Borrower & Guarantor namely Shuktara Enterprise, Prop-Mr.Rakesh Roshan, S/O-Md.Yeanabi, Vill+P.O-Mojlishpur, P.S-Shasan, Dist-North 24 Parganas, Pin-743423(W.B), all against the the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that EMT of Equitable Mortgage of Property Comprising (I-6398 And I-5793): a piece and parcel of land Dec land along with 100 Sq.ft kacha construction, situated at Mouza-Majalispur, J.L No.204, Touzi No.146, Khation No.142, L.R Khation No.905,63 & 1081, R.S & L.R Dag No.440,444,543 & 575, District North 24 Parganas under Sashan Gram Panchayat, vide Deed No. 6398 of 2008, in Book No.I, Volume No.5, Pages 1111 to 1120 and Deed No.5793 of 2011, in Book No.I, Volume No.20 Pages from 3971 to 3980 Property in the name of Rakesh Roshan, S/o-Md.Yeanabi, A.D.S.R.O-Barasat, Dist-North 24 Parganas. Butted and Bounded By:-On the North: Owner's Land. On the South: 8 ft. wide Panchayet Passage. On the East: Owner's Land. On the West :Panchayet Passage. Butted and Bounded By:-On the North: RS Dag No.444, On the South :8 ft. wide Panchayet Passage. On the East: RS Dag No.444. On the West :RS Dag. 444
 - 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 N.P.A on 31.03.2021 due to non servicing of interest/ installment
 - 3) Notice dated 30.04.2021 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. 17,92,667.95 (Rupees Seventeen Lac Ninety Two Thousand Six Hundred Sixty Seven And Nine Five Paise) only. The Demand notice was received by the borrower on 04.06.2021.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), on 30.04.2021.
 - 5) The Secured creditor issued possession notice dated 27.03.2023 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 news papers of Arthik Lipi and Echo of India on 30.03.2023.
 - 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 is 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)

(2)

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.

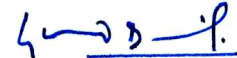
- and
12) The property is not under lease/tenancy as per affidavit, deed(s), records or all other relevant documents.
and

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 UCO Bank, Beliaghata Bridge Branch, Add-At Beliaghata Bridge, P.O-Beliaghata Bridge, District-North 24 Parganas, Pin-743423, 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 Sub Divisional Officer, Barasat(Sadar) 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 UCO Bank, Beliaghata Bridge Branch, Add-At Beliaghata Bridge, P.O-Beliaghata Bridge, District-North 24 Parganas, Pin-743423 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 Sub Divisional Officer, Barasat(Sadar) 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
North 24-Parganas.

Date. 08-07-2024

Memo No. 2059/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 Sub Divisional Officer, Barasat(Sadar), North 24- Parganas, with a request to comply with the said order.
4. UCO Bank, Beliaghata Bridge Branch, Add-At Beliaghata Bridge, P.O-Beliaghata Bridge, District-North 24 Parganas, Pin-743423,
- 5) Shuktara Enterprise, Prop-Mr.Rakesh Roshan, S/O-Md.Yeanabi, Vill+P.O-Mojlilshpur, P.S-Shasan, Dist-North 24 Parganas, Pin-743423 (W.B).




District Magistrate
North 24-Parganas