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



**ORDER**

Whereas Authorized Officer, Punjab National Bank (Erstwhile United Bank of India), Koley Market Brance 130B, B.B. Gunguli Street, Kolkata - 700012, 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 namely M/s. 4 Star Securities, 1. Sri Parimal Chandra Dhar, S/O- Paresh Chandra Dhar, residing at Rabindrapally, P.O- Nona Chandan Pukur, Pin-700122, 2. Sri Dipak Malakar, S/O- Dayamay Malakar, residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona Chandanpukur pin- 700122, 3. Sri Gurupada Roy, S/O- Sri Subodh Roy residing at Panchanantala road, P.O- Nona Chandan pukur, Pin-700122., Guarantor namely Sri Dayamoy Malakar, S/O- Yagesh Chandra Malakar and Smt. Chinu Malakar, W/O- Sri Dayamoy Malakar both are residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona Chandanpukur pin- 700122.

(Case No -303/2023 Dated 28.03.2023)

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), Koley Market Brance 130B, B.B. Gunguli Street, Kolkata - 700012, 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.22,00,000.00/- (Rupees Twenty Two Lakh) Only On 12.02.2015 Guarantor M/s. 4 Star Securities, 1. Sri Parimal Chandra Dhar, S/O- Paresh Chandra Dhar, residing at Rabindrapally, P.O- Nona Chandan Pukur, Pin-700122, 2. Sri Dipak Malakar, S/O- Dayamay Malakar, residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona Chandanpukur pin- 700122, 3. Sri Gurupada Roy, S/O- Sri Subodh Roy residing at Panchanantala road, P.O- Nona Chandan pukur, Pin-700122., Guarantor namely Sri Dayamoy Malakar, S/O- Yagesh Chandra Malakar and Smt. Chinu Malakar, W/O- Sri Dayamoy Malakar both are residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona Chandanpukur pin- 700122, the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All that piece and parcel of one two storied brick built building measuring each floor is 800 sq.ft. be the same more or less in the premises being holding no. 32(15/A/1), Panchanantala Road, Ward No. 04, Mouza - Nona, Dag No. 80, Khatian No. 625, JL No. 03, R.S. No. 16, Barrackpore, P.O. Nona Chandanpukur, P.S. Titagarh, District. North 24 Parganas, Kolkata - 700122 (Vide Deed No. 18109/09) Property Stand in the name of Sri Dayamay Malakar & Smt. Chinu Malakar. The Property is Butted and Bounded By On The North - by 6" - 0" broad Passage, On the South - 4" - 6" broad Passage, On the East - by House Krishna Chandra Kasyapi, On the West - by Land Of Jatindra Mohan Sengupta.
  - 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 19.05.2016 due to non servicing of interest/ installment.
  - 3) Notice dated 01.11.2021 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.40,77,542.83/- (Rupees Forty Lakh Seventy Seven Thousand Five Hundred Forty Two and Eight Three Paise) Only on 31.10.2021. The Demand notice was received by the borrower on 20.11.2021.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 01.11.2021.
  - 5) The Secured creditor issued possession notice dated 04.02.2022 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 of Financial Express and Bengalilipi on 08.02.2022.
  - 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 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 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 (Erstwhile United Bank of India), Koley Market Brance 130B, B.B. Gunguli Street, Kolkata - 700012, the secured creditor and being satisfied, it is hereby ordered that Sri Kuntal 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, Barrackpore, 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.

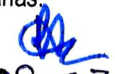
and

Whereas Authorized Punjab National Bank (Erstwhile United Bank of India), Koley Market Brance 130B, B.B. Gunguli Street, Kolkata - 700012, shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore Commissionerate, North 24 - Parganas, as well as to, Sri Kuntal Bosu, 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, Barrackpore, 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, Barrackpore Commissionerate , 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 05/07/24  
North 24-Parganas

Date. -   
08-07-2024

Memo No. 2075/JM/BST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore Commissionerate, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
3. Sri Kuntal Bose, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore North 24- Parganas, with a request to comply with the said order.
4. Punjab National Bank (Erstwhile United Bank of India), Koley Market Brance 130B, B.B. Gunguli Street, Kolkata - 700012.
5. M/s. 4 Star Securities, Sri Parimal Chandra Dhar, S/O- Paresh Chandra Dhar, residing at Rabindrapally, P.O- Nona Chandan Pukur, Pin-700122,
6. Sri Dipak Malakar, S/O- Dayamay Malakar, residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O-Nona Chandanpukur pin- 700122.
7. Sri Gurupada Roy, S/O- Sri Subodh Roy residing at Panchanantala road, P.O- Nona Chandan pukur, Pin-700122.
8. Sri Dayamoy Malakar, S/O- Yogesh Chandra Malakar, at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona, Chandanpukur pin- 700122.
9. Smt. Chinu Malakar, W/O- Sri Dayamoy Malakar both are residing at House no-32(15)/A/I, Barrackpur Municipality, near Shibtala, Panchanantala road, P.O- Nona Chandanpukur pin- 700122.



  
District Magistrate  
North 24-Parganas

