

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



**ORDER**

Whereas Authorized Officer, Bank of India, Shibpur Branch, 188, G T Road, P.O+P.S- Shibpur, Howrah, West Bengal- 711102, 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 (M/S C.D Distributors) Mr. Tapas Kumar Chandra, S/O- Gobindalal Chandra. & Mrs. Subhra Chandra, W/O- Mr Tapas Kumar Chandra both are residing at 23/1/1, Loknath Chatterjee Lane, Howrah-711102 and Mrs Supriya Dutta, W/O- Sri Somnath Dutta, residing at Flat no-08, on 3<sup>rd</sup> floor, Block-A, Premises no-259, Bangur Avenue, Block- APO, Laketown, Kolkata-700055 and Mr. Rajiv Mukhopadhyay , S/O- Late Sambhunath Mukhopadhyay, residing at 2, Ananda Kumar Roy Chowdhury Lane, Shibpur, Howrah- 711102. (Case No – 231/23 dated 21.03.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Bank of India, Shibpur Branch, 188, G T Road, P.O+ P.S- Shibpur, Howrah, West Bengal-711102, 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.1,70,00,000.00/- (Rupees One core Seventy lac) only on 18.01.2019 and Rs. 33,60,000.00 ( Rupees Thirty three lac sixty thousand) only on 25/06/2020 in total Rs-2,03,60,000.00 (Rupees two core three lac sixty thousand) only as per nine clause submitted by the secured creditor, Guarantor namely ( M/S C.D Distributors) Mr. Tapas Kumar Chandra, S/O- Gobindalal Chandra. & Mrs Subhra Chandra, W/O- Mr Tapas Kumar Chandra both are residing at 23/1/1, Loknath Chatterjee Lane, Howrah-711102 and Mrs Supriya Dutta, W/O- Sri Somnath Dutta, residing at Flat no-08, on 3<sup>rd</sup> floor, Block-A, Premises no-259, Bangur Avenue, Block- APO, Laketown, Kolkata-700055 and Mr. Rajiv Mukhopadhyay , S/O- Late Sambhunath Mukhopadhyay, residing at 2, Ananda Kumar Roy Chowdhury Lane, Shibpur, Howrah-711102, the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) Equitable mortgage of flat in the name of and Mrs. Supriya Dutta, W/O- Sri Somnath Dutta situated at Flat no-08, on 3<sup>rd</sup> floor, Block-A, Premises no-259, Bangur Avenue, Block- APO, Laketown, Kolkata-700055, measuring super built-up area 350 sq. ft more or less of Holding no-234, Bangur Abvenue under P.S – Lake Town, A.D.S.R- Bidhannagar, North 24 Parganas, being Deed no- I – 3312 dated 06/10/2010. The nature of land of property is flat. The Property is Butted and Bounded By On the North – 20 ft wide road, On the South- Plot no 250, On the East-Plot no 258, On the West- Plot no 260.
  - 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 30.09.2021 due to non-servicing of interest/ installment
  - 3) Notice dated 04.10.2021 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.1,47, 07,348.20 ( Rupees One crore forty seven lac seven thousand three hundred forty eight and two zero paise) only as per 30 clauses submitted by the secured creditor .The Demand notice was not received by the borrower. Then the secured creditor further published demand notice in the newspaper of Eco India and Sukhabor on 09.11.2021.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 04.10.2021.
  - 5) The Secured creditor issued possession notice dated 02.02.2022 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 newspapers of Financial Express and Ei Samay on 08.02.2022. One case filed U/s 17(1) in the Debt Recovery Tribunal Kolkata- I, (Diary no- 224 of 2022) by the borrower against measures taken/to be taken by the secured creditor U/S 13(4) of Sarfaesi Act 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.

(2)

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

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 affidavits 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 Bank of India, Shibpur Branch, 188, G T Road, P.O + P.S- Shibpur, Howrah, West Bengal-711102, the secured creditor and being satisfied, it is hereby ordered that 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, 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.

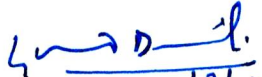
and

Whereas Authorized , Bank of India, Shibpur Branch, 188, G T Road, P.O+P.S- Shibpur, Howrah, West Bengal-711102, shall intimate the date of possession of the secured asset to The Commissioner of Police, Bidhannagar Commissionerate, North 24 - Parganas, as well as to, 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 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 13/07/24  
North 24 Parganas.

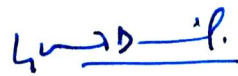
Memo No. 2197/JM/BST

Date. - 15-07-2024

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. Farhanaz Khanam, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
4. Bank of India, Shibpur Branch, 188, G T Road, P.O+P.S- Shibpur, Howrah, West Bengal-711102.
5. (M/S C.D Distributors) Mr Tapas Kumar Chandra, S/O- Gobindalal Chandra, 23/1/1, Loknath Chatterjee Lane, Howrah-711102.
6. Mrs Subhra Chandra, W/O- Mr Tapas Kumar Chandra, 23/1/1, Loknath Chatterjee Lane, Howrah-711102.
7. Mrs Supriya Dutta, W/O- Sri Somnath Dutta, Flat no-08, on 3<sup>rd</sup> floor, Block-A, Premises no-259, Bangur Avenue, Block- APO, Laketown, Kolkata-700055.
8. Mr. Rajiv Mukhopadhyay , S/O- Late Sambhunath Mukhopadhyay, 2, Ananda Kumar Roy Chowdhury Lane, Shibpur, Howrah- 711102.



  
District Magistrate  
North 24-Parganas

