



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



ORDER

Whereas Authorized Officer, Bank of India, Birati Branch, 344, M.B Road, Pathanpur More, Kolkata-700051, 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. Rana Bhadra, S/O- Shri Samir Bhadra, is residing at Pioneer Enclave, Flat no-3A, 3rd Floor, 207/3, Kazi Nazrul Islam Sarani, P.O+P.S- Nimta, Kolkata-700049.

(Case No – 681/22 dated 02.08.2022)

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, Birati Branch, 344, M.B Road, Pathanpur More, Kolkata-700051, 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.14,31,000.00 (Rupees Fourteen lac thirty one thousand) only on 16.02.2012 Guarantor namely Mr. Rana Bhadra, S/O- Shri Samir Bhadra, Pioneer Enclave, Flat no-3A, 3rd Floor, 207/3, Kazi Nazrul Islam Sarani, P.O+P.S- Nimta, Kolkata-700049, the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) Equitable mortgage of flat situated at Pioneer Enclave flat no 3A, 3rd floor, area measuring super built up area 1033 sq. ft, holding no-207/3, Mouza- Dakshin Nimta, J.L no-8, R.S no-102, Touzi no- 172, R.S dag no-9046, Kazi Nazrul Islam Sarani, P.O+P.S-Nimta under North Dum Dum Municipality, Kolkata-700049, A.D.S.R- Cossipore Dum Dum, North 24 Parganas, vide title of Deed no- I-02048/12, The property stands in the name of Mr. Rana Bhadra, nature of land is Bastu. The Property is butted and bounded By On the North – 18 ft. K.N.I Sarani, On the South- Scheme Plot no A, On the East-Other Land, On the West- Scheme Plot no A.
 - 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 30.09.2018 due to non-servicing of interest/ installment.
 - 3) Notice dated 30.10.2018 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.12,14,139 (Rupees Twelve lac fourteen thousand one hundred thirty nine) only. As AD card not returned, then the secured creditor further published the demand notice in the newspaper of Times Nation and Bartaman on 11.12.18.
 - 4) The Authorised Officer of the secured creditor received representation from the borrowers in reply to demand notice u/s 13(2), dated 30.10.2018.vide letter dated on 05.11.2019.and reasons for non-acceptance of such objection/ representation had been communicated to the borrower, but the secured creditor duly replied of the same vide letter dated 28.11.2019
 - 5) The Secured creditor issued possession notice dated 13.12.2019 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 Business Standard and Ekdin on 14.12.2019.
 - 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

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.

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, Birati Branch, 344, M.B Road, Pathanpur More, Kolkata-700051, the secured creditor and being satisfied, it is hereby ordered that Sri Kuntal Bose, 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, Bank of India; Birati Branch, 344, M.B Road, Pathanpur More, Kolkata-700051, 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 Bose, 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 13/07/24
North 24 Parganas

Date. - 15-07-2024

Memo No. 2199/JM/BS7

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. Bank of India, Birati Branch, 344, M.B Road, Pathanpur More, Kolkata-700051.
5. Mr. Rana Bhadra, S/O- Shri Samir Bhadra, Pioneer Enclave, Flat no-3A, 3rd Floor, 207/3, Kazi Nazrul Islam Sarani, P.O+P.S- Nimta, Kolkata-700049.




District Magistrate
North 24 Parganas

