
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, 1st 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 M/S Arhav Ride Surreal at 10/CS/2, Sahid Colony, Panihat, PS-Khardah, North 24 PGS, WB-700114 & Mrs Anima Roy W/O- Late Baidyanath Roy (Partner of M/S Arhav Ride Surreal) & Mrs Lavanya Rawal Roy, W/O-Anirban Roy (Partner of M/S Arhav Ride Surreal) and Mr Anirban Roy, S/O- Late Baidyanath Roy, all are residing at Krishna Place, 4th Floor, Flat-4B, 8 Sahid Colony, Opp-Axis Bank, Panihati, PS-Khardah, North 24 Parganas, WB-700114.

(Case No –390 /23 dt. 28.04.2023)

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, 1st 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.7,50,000.00 (Rupees Seven Lakhs Fifty Thousand) Only on 15.01.2020 & 1,26,000.00 (Rupees One Lakh Twenty Six Thousand) only on 06.06.2020 to Borrower & Guarantor namely M/S Arhav Ride Surreal at 10/CS/2, Sahid Colony, Panihat, PS-Khardah, North 24 PGS, WB-700114 & Mrs Anima Roy W/O- Late Baidyanath Roy (Partner of M/S Arhav Ride Surreal) & Mrs Lavanya Rawal Roy, W/O-Anirban Roy (Partner of M/S Arhav Ride Surreal) and Mr Anirban Roy, S/O- Late Baidyanath Roy, all are residing at Krishna Place, 4th Floor, Flat-4B, 8 Sahid Colony, Opp-Axis Bank, Panihati, PS-Khardah, North 24 Parganas, WB-700114, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of self-contained independent South – East side Flat being Flat No-4B on the Fourth Floor of the Five Storied building known as “KRISHNA PALACE” measuring 1192 sq. ft more or less including super built up area together with undivided proportionate importable share and interest in the land measuring 4 Kattahs 4-1/2 Chittaks more or less lying Mouza - Panihati, C.S Plot Nos-1516(P) & 1517 (P), R.S Dag nos.- 1516/1857 & 1517/1858, R.S Khatian Nos-1695 & 2773, J.L No-10, E.P No.-86, S.P No-11 holding No-8, Sahid Colony, Krishna Place, Police Station Khardah, Kolkata-700114, District North 24 Parganas, in Ward no-13 within the local limits of Panihati Municipality, registered in the name of Mrs. Anima Roy and Mr. Anirban Roy more and fully describe in Deed of Conveyance no- I -14429 of 2011 on 24.11.2011 with the Additional registered of Assurance II, Kolkata, WB, .The Property is Butted and Bounded by North –Colony boundary, Municipal Road and Panihati ply Ground, South – Colony /Municipal Road, East –E.P No131, West –E.P No-85.The Mortgaged Property stands in the name of Mrs Anima Roy and Mr Anirban Roy and being the registered Deed No.-I-14429/201 for the year 2011 at the Office of the ARA-II, Kolkata, WB.
 - 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 30.09.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 09.02.2022 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.9,62,908.93 (Rupees Nine lac sixty two thousand nine hundred eight and nine three paise) Only. The Demand notice was received by the borrower on 16.02.2022.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 09.02.2022.
 - 5) The Secured creditor issued possession notice dated 24.05.2022 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 Aajkaal and Financial Express on 27.05.2022 .
 - 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.

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

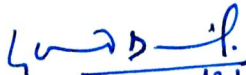
Therefore, after careful consideration of the contents of the affidavits including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Federal Bank Limited, LCRD/Kolkata Division, 1st Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016, the secured creditor and being satisfied, it is hereby ordered that Sri Pinaki Sankar Biswas, 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, 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 Officer, Federal Bank Limited, LCRD/Kolkata Division, 1st 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 Commissionerate, North 24 - Parganas, as well as to Sri Pinaki Sankar Biswas, 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, Barrackpore, North 24- Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of the 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
North 24 Parganas.

Date 15-07-2024

Memo No. 2216/JM/BS T

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 Pinaki Sankar Biswas, W.B.C.S, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
4. The Authorized Officer, the Federal Bank Limited, LCRD/Kolkata Division, 1st Floor, Avani Signature, 91A/1 Park Street, Kolkata- 700016.
5. M/S Arhav Ride Surreal, 10/CS/2, Sahid Colony, Panihat, PS-Khardah, North 24 PGS, WB-700114.
6. Mrs. Anima Roy, W/O- Late Baidyanath Roy (Partner of M/S Arhav Ride Surreal), Krishna Place, 4th Floor, Flat-4B, 8 Sahid Colony, Opp-Axis Bank, Panihati, PS-Khardah, North 24 Parganas, WB-700114.
7. Mrs. Lavanya Rawal, W/O-Anirban Roy (Partner of M/S Arav Ride Surreal), Krishna Place, 4th Floor, Flat-4B, 8 Sahid Colony, Opp-Axis Bank, Panihati, PS-Khardah, North 24 Parganas, WB-700114.
8. Mr Anirban Roy, S/O - Late Baidyanath Roy, Krishna Place, 4th Floor, Flat-4B, 8 Sahid Colony, Opp-Axis Bank, Panihati, PS- Khardah, North 24 Parganas, WB-700114.




District Magistrate
North 24-Parganas