



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



ORDER

Whereas Authorized Officer, Ujjivan Small Finance Bank Ltd. Eastern Regional Office, Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160, has filed a petition to the District Magistrate, North 2-4Parganas, 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 Baidyanath Das, S/O- Manik Chandra Das and Jhuma Das, W/O- Baidyanath Das both are residing at Daspara, Nagarhuba, Habra, Dist North 24 Parganas, Pin-743271, WB.
(Case no. 724/22 dated. 16.08.2022)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Ujjivan Small Finance Bank Ltd. Eastern Regional Office, Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160, 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. 6,00,000/- (Ruppees Six lac) only on 24.02.2018 to Borrower & Guarantor Baidyanath Das, S/O- Manik Chandra Das and Jhuma Das W/O- Baidyanath Das both are residing at Daspara, Nagarhuba, Habra, Dist North 24 Parganas, Pin-743271, WB West Bengal. the all the mortgaged piece and parcel of landed property as follows :

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of a land measuring 2 Cottahs, along with two storied residential cum commercial building standing thereon at present and all structure, construction and improvements thereon to be made in future, situated Mouza- Nagarhuba, R.S and L.R Dag no-458, R.S Khatian no-949 corresponding to L.R Khatian no- 853 J.L no-81, R.S no-321, Touzi no-14(old) Holding no 18/2022, Baralia road, under Ward no-17 of the Habra Municipality within the PS- Habra, Dist North 24 Parganas, incorporated in book ni-1, Volume no-09, pages 169 to 174 being no. 563 of the year 1999 dated, 15/02/1999. The Property is Butted and Bounded by On the North : 6ft wide common passage, On the South: Property of Sri Champak Roy., On the East: Property of Sri Champak Roy, on the West : 6 ft Wide Common Passage. The property stands in the name of Baidyanath Das, S/O- Manik Chandra Das.
 - 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 03.02.2021 due to non servicing of interest/ installment.
 - 3) Notice dated 14.07.2021 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 6,83,186.00 (Rupees Six lac eighty three thousand one hundred eighty six) only. The Demand notice was received by the borrower on 26.07.2021.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 14.07.2021.
 - 5) The Secured creditor issued possession notice dated 18.02.2022 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 Aajkal and the Morning India on 22.02.2022.
 - 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 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

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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 affidavits, 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 Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160, 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 District Magistrate, North 24- Parganas, Barasat, 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, Ujjivan Small Finance Bank Ltd. Eastern Regional Office, Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160, 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 District Magistrate, North 24- Parganas, Barasat, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf the office of District Magistrate, North 24- Parganas, The Superintendent of Police, Barasat PD, 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.


19/07/2021
District Magistrate
North 24-Parganas.

Memo No. 2265/JM/BST

Date: 
22-07-2021

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat PD, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate, North 24 Parganas, with a request to comply with the said order
4. Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160.
5. Baidyanath Das, S/O- Manik Chandra Das, Daspara, Nagarthuba, Habra, Dist North 24 Parganas, Pin-743271,WB.
6. Jhuma Das, W/O- Baidyanath Das, Daspara, Nagarthuba, Habra, Dist North 24 Parganas, Pin-743271,WB.


District Magistrate
North 24-Parganas

