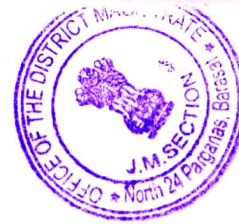

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(JUDICIAL MUNSHIKHANA SECTION)



ORDER

Whereas Authorized Officer, Bank of India, Naihati Branch, Mahadeb Super Market, Adhata Road, Deuapara, Naihati, Dist North 24 Parganas, West Bengal, Pin-743165, 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. Subhendu Chakraborty, S/O- Mr. Ushakar Chakraborty and Mr. Ushakar Chakraborty, S/O- Late Bhabesh Chakraborty both are residing at 87/1, Malancha Road, Hari Nagar, P.O- Garifa, Pin-743166.
(Case : 732/22 dated 23/08/2022)

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, Bank of India, Naihati Branch, Mahadeb Super Market, Adhata Road, Deuapara, Naihati, Dist North 24 Parganas, West Bengal, Pin-743165, 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.9,97,000 (Rupees Nine Lakh Ninety Seven Thousand) only on 26.04.2016 to Borrower & Guarantor Mr. Subhendu Chakraborty, S/O- Mr. Ushakar Chakraborty and Mr. Ushakar Chakraborty, S/O- Late Bhabesh Chakraborty both are residing at 87/1, Malancha Road, Hari Nagar, P.O- Garifa, Pin-743166. , against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) EQM of property situated at Holding No-87/1, under J.L No-02, Khatian No-9656, Dag No-10056, Mouza – Garifa, Measuring 0.0250 satak equivalent to 1068 sq. ft bearing holding No-87/1 at Malancha Road, ward No-1, P.O + P.S-Naihati, Pin- 743166, in the name of joint names of Mr, Subhendu Chakraborty and Mr. Ushakar Chakraborty. The Property is Butted and Bounded by On the North : H/O Mr Somendranath Bhattacharya, On the South: H/O Ms Chinu Rani Chakraborty, On the East: H/O Ms, Chinu Rani Chakraborty, on the West : 14 ft Wide Commom road. The property holds in the name of Mr, Subhendu Chakraborty and Mr. Ushakar Chakraborty being registered Deed no is 3166/85 dated 27/03/2014.
 - 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 30.04.2021 due to non servicing of interest/ installment .
 - 3) Notice dated 16.08.2021 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.10,00,696.28 (Rupees Ten lakh six hundred ninety Six & two eight paisa) Only. The Demand notice was received by the borrower on 26.08.2021.
 - 4) The Authorized Officer of the secured creditor received representation on 05.01.2022 from the borrowers in reply to demand notice u/s 13(2), 26.08.2021. But representation was not accepted by the secured creditor.
 - 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 newspaper of Duranta Barta and English Daily Morning India on 05.02.2022.
 - 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)

(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 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 Bank of India, Naihati Branch, Mahadeb Super Market, Adhata Road, Deuapara, Naihati, Dist North 24 Parganas, West Bengal, Pin-743165, 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, 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, Bank of India, Naihati Branch, Mahadeb Super Market, Adhata Road, Deuapara, Naihati, Dist North 24 Parganas, West Bengal, Pin-743165, 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
North 24-Parganas.

Date. : 22-07-2024

Memo No. 2266/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. Authorized Officer, Bank of India, Naihati Branch, Mahadeb Super Market, Adhata Road, Deuapara, Naihati, Dist North 24 Parganas, West Bengal, Pin-743165.
5. Mr. Subhendu Chakraborty, S/O- Mr. Ushakar Chakraborty, 87/1, Malancha Road, Hari Nagar, P.O- Garifa, Pin-743166.
6. Mr. Ushakar Chakraborty, S/O- Late Bhabesh Chakraborty, 87/1, Malancha Road, Hari Nagar, P.O- Garifa, Pin-743166.


District Magistrate
North 24-Parganas

