


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



ORDER

Whereas Authorized Officer, BANK OF INDIA, College Street Branch, 8/9 Bankim Chatterjee Street, Kolkata -700073 has filled 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. Somnath Saha, S/O-Late Biswambhar Saha and Mrs. Rupali Saha, W/O-Mr. Somnath Saha At : - Kalitala, Nonachandan Pukur , Jaffarpur (Ct), North 24 Parganas, West Bengal – 700122.

(Case No-309/2023 dated 28/03/2023)

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, College Street Branch, 8/9 Bankim Chatterjee Street, Kolkata -700073, 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 Cash Credit (1) CC-Rs. 24,00,000/- (2) TL- Rs. 5,00,000/- (3) Housing Loan –Rs. 7,20,000/- on CC- 02.12.2015. & TL – 12.11.2021 , Housing Loan- 31.05.2017. to Borrower & Guarantor namely Mr. Somnath Saha, S/O-Late Biswambhar Saha and Mrs. Rupali Saha, W/O-Mr. Somnath Saha At : - Kalitala, Nonachandan Pukur , Jaffarpur (Ct), North 24 Parganas, West Bengal – 700122. Against the all the mortgaged piece and parcel of landed property as follows

SCHEDULE OF PROPERTY

- 1) All that Part and Parcel of The Property Consisting of residential building At Mouza -Jafarpur, J.L No.-09, R.S No.- 10, Touza No. -173 & 6, CS Khatian- 490, RS Khatian -797 & 798, CS & RS Dag No.- 424, LR Dag No.- 1243, PS- Titagarh, Kolkata- 700122 Within Mohanpur Gram Panchayet, North 24 Parganas. The Property butted and bounded by on the North: BY 1/A Plot , On The South: By House of Sahadeb Mondal , On The East : 6 Feet Common road, On The West: 12 Feet Road. The Mortgage property stands by Mr. Somnath Saha, S/O-Late Biswambhar Saha, being Deed no- I-2530 dated on 20/04/2017.
 - 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 12.07.2022 due to non servicing of interest/ installment
 - 3) Notice dated 08/08./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. 37,09,288.93/- (Rupees Thirty seven lakh nine thousand two hundred eighty eight and nine three paise) only. The Demand notice was received by the borrower on 25.08.2022
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), 08.08.2022.
 - 5) The Secured creditor issued possession notice dated on 16/11/2022 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 Business Standard and Sukhabar on 18/11/2022.
 - 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

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(2)

There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 in this regard filed by the borrower 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, College Street Branch, 8/9 Bankim Chatterjee Street, Kolkata -700073, the secured creditor and being satisfied, it is hereby ordered that, Smt. Tulika Dutta, 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, BANK OF INDIA, College Street Branch, 8/9 Bankim Chatterjee Street, Kolkata -700073, shall intimate the date of possession of the secured asset to The Commissioner of Police, Barrackpore Commissionerate, North 24 - Parganas, as well as to, Smt. Tulika Dutta 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. 2267/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. Smt. Tulika Dutta, 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, College Street Branch, 8/9 Bankim Chatterjee Street, Kolkata -700073.
5. Mr. Somnath Saha, S/O-Late Biswambhar Saha, At : - Kalitala, Nonachandan Pukur, Jaffarpur (Ct), North 24 Parganas, West Bengal - 700122.
6. Mrs. Rupali Saha, W/O-Mr. Somnath Saha At : - Kalitala, Nonachandan Pukur, Jaffarpur (Ct), North 24 Parganas, West Bengal - 700122.


District Magistrate
North 24-Parganas

