



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

Order

Whereas Authorized Officer, Bank Of India, Ballygunge Circular Road Branch Address 67/B Ballygunge Circular Road , Kolkata-700019 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 Asset / Property of the Borrower namely Mr. Munna Kumar Roy (Borrower), S/O- Pulin Roy, 85 S.K Deb Road, Patipukur, Dum Dum, Kolkata-700048 in the Case No.- 414 / 23 dated 12/ 05 / 2023 .

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Bank Of India, Ballygunge Circular Road Branch Address 67/B Ballygunge Circular Road , Kolkata-700019 has filed a petition to the District Magistrate, North 24-Parganas seeking administrative assistance in terms of Section 14 (1) of the SARFAESI Act of 2002 for taking over physical possession of the Secured Asset is seen and taken up for consideration.

And

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that secured creditor granted loan of Rs. 10,50,000.00 (Ten Lakh Fifty Thousand) only on 26.02.2016 to the Borrower viz. Mr. Munna Kumar Roy (Borrower), S/O- Pulin Roy, 85 S.K Deb Road, Patipukur, Dum Dum, Kolkata-700048 against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

1) Mortgaged of property by deposit of Title Deed of entire ground floor mosaic flooring measuring built up area of 631 Sq.ft. as per physical measurement and 602 Sq.ft.(As per Deed no. I-04829/2001) more or less consisting of two bed room one living/ dining room, one kitchen, one toilet and one store room as contained in the building, lying and situated at municipal holding no. 128, Natunpally Bastuhara Colony, P.S-Laketown, Kolkata-70048 in Municipal Ward no. 31, in Mouza- Dakshinadri, J.L no 25, Touzi no-1298/2833 in portion of R.S Dag no. 792/1312 under R.S Khatian no. 825 within the jurisdiction of the South DumDum Municipality A.D.S.R Bidhannagar, Salt Lake City, Dist North 24 Parganas, Having total area 1 Cottah 6 Chittack together with undivided proportionate share of the land and the building thereon with common right over the passage, stair case, main entrance, drain line, water line, pump and motor etc. Nature of Land- Property is a Flat. Boundary of property- North H/O Subrata Acharya, South Municipal Drain, East H/O Montu Dhara & West: 8ft. wide Natun Pally Road.

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 31.03.2021 due to non servicing of interest/ installment

3) Notice dated 01.04.2021 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. 11,34,012.99 (Eleven Lac Thirty Four Thousand Twelve and ninety nine paisa) only and delivered on 29.04.2021.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 01.04.2021.

5) The Secured creditor issued possession notice dated 29.05.2023 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 on 05.01.2023.

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

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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 affidavit dated 10.05.2023 submitted by the secured creditor there is no stay declared by any court of law.

And

12) The property is not under lease/tenancy as per affidavit, deed(s), records or all other relevant documents

And

Therefore, after careful consideration of the contents of the affidavit 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 Bank Of India, Ballygunge Circular Road Branch Address 67/B Ballygunge Circular Road , Kolkata-700019 has filed a petition to the District Magistrate, North 24-Parganas, the secured creditor and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam 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, Bidhannagar , 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.

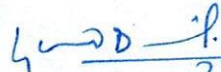
And

Whereas Authorized Officer, Bank Of India, Ballygunge Circular Road Branch Address 67/B Ballygunge Circular Road , Kolkata-700019 has filed a petition to the District Magistrate, North 24-Parganas shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar Commissionerate, North 24 - Parganas, as well as to, Smt. Farhanaz Khanam, 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, Bidhannagar , North 24-Parganas under The District Magistrate, 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, Bidhannagar 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
23/03/24
sv

Memo No. 1013/JM

Date. 25-03-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Bidhannagar Commissionerate , District, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub Divisional Officer, Bidhannagar , North 24 Parganas, with a request to comply with the said order.
- 3) Smt. Farhanaz Khanam , Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar , North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Bank Of India , Ballygunge Circular Road Branch Address: 67/B Ballygunge Circular Road , Kolkata-700019 .
- 5) Mr. Munna Kumar Roy (Borrower), S/O- Pulin Roy, 85 S.K Deb Road, Patipukur, Dum Dum, Kolkata-700048.


District Magistrate
North 24 Parganas
sv