



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

Order

Whereas Authorized Officer, Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block-C, Ground Floor, Near Town Hall, Kolkata- 700055 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 M/s R. K. Enterprise the Proprietor being Mrs. Rekha Karmakar residing at Sahapur, Bilkanda - I Gram Panchayet under P.S. New Barrackpore (Formerly Ghola), P.O Jugberia, North 24 Parganas, PIN - 700 110, having guarantors Bishnu Karmakar and Sambhu Karmakar, both residing at the same address; in the Case No.: 474/ 23 dated 06 / 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block- C, Ground Floor, Near Town Hall, Kolkata- 700055 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. 55,00,000.00 + 6,00,000.00 = 61,00,000.00 (Rupees Sixty-One Lakhs) only on 09.12.2015 to the Borrower viz. M/s. R.K Enterprise Prop. Mrs. Rekha Karmakar residing at Sahapur, Bilkanda 1 No. Gram Panchayet under P.S- New Barrackpore (Formerly Ghola), P.O Jugberia, Kolkata-700110, North 24 Parganas, having guarantors Bishnu Karmakar and Sambhu Karmakar, both belonging to the same address against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of residential land and building G+2 measuring 2 Cottahs lying & situated at Mouza - Talbanda, J.L. No. 28, R.S. No. 104, Touzi No. 193, Khatian No. 268 at Holding No. 5220 within the area of Bilkanda I G.P, P.S. Ghola, North 24 Parganas by virtue of Registered Bengali Deed No. 03836 / 2009 North 24 Parganas.  
The Mortgaged Property stands in the name of Bishnu Karmakar and Sambhu Karmakar.  
The property is butted & bounded by: North - Santosh Das, South - 3 Ft. Road, East - Swapan Das & West - Own Property.
- 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 12.06.2018 due to non-servicing of interest/ installment.
- 3) Notice dated 07.08.2018 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. 64,46,820.89 (Rupees Sixty Four Lakhs Forty Six Thousands Eight Hundred Twenty and Eighty Nine Paise) only. The demand notice was delivered on 20.08.2018 by Hand and 21.08.2018 by post.
- 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 07.08.2018.
- 5) The Secured Creditor issued possession notice dated 30.11.2018 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 on 05.12.2018.
- 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 is 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(s) as per law in force

And



(2)

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, 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 01.06.2023 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 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 Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block- C, Ground Floor, Near Town Hall, Kolkata- 700055 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 under the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

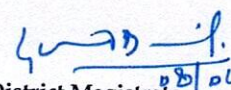
And

Whereas, Authorized Officer of Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block- C, Ground Floor, Near Town Hall, Kolkata- 700055 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police 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 under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Commissioner of Police, Barrackpore Police 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 Asset(s) / Property, 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.

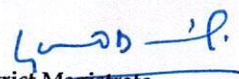
  
District Magistrate  
North 24 Parganas

Date: 09-04-2024

Memo No.: 1170(5)/JM

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police 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, Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block- C, Ground Floor, Near Town Hall, Kolkata- 700055.
- 5) Mrs. Rekha Karmakar; Sahapur, Bilkanda - I Gram Panchayet under P.S. New Barrackpore (Formerly Ghola), P.O Jugberia, North 24 Parganas, PIN - 700 110, having guarantors Bishnu Karmakar and Sambhu Karmakar, both residing at the same address

  
District Magistrate  
North 24 Parganas