



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



ORDER

Whereas Authorized Officer, Punjab National Bank (Erstwhile United Bank of India), Circle Office, Kolkata South , United Tower, 9th Floor, 11, Hemanta Basu Sarani, Kolkata - 700001, 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. M/S. Dutta's Variety Stores, 83, Mrs. Dipeeka Dutta, W/O. Monotosh Dutta residing at 333/A, Dum Dum Park, P.S. Lake Town, District – North 24 Parganas, Kolkata 700055: Other Address: 120 D, Sarat Ghosh Garden Road, Kolkata – 700031. Office address, 83, B.B Chatterjee Road, Kasba, Kolkata-700042

(Case No –196/2023 Dated 14.03.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer Punjab National Bank (Erstwhile United Bank of India), Circle Office, Kolkata South, United Tower, 9th Floor, 11, Hemanta Basu Sarani, Kolkata - 700001, 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 10,80,000.00 (TL) on 24.09.2012 & 18,00,000.00 (CC) on 07.08.2013 total Rs.28,80,000.00 (Rupees Twenty eight Lakh Eighty Thousand) only Guarantor namely M/S. Dutta's Variety Stores, 83, Mrs. Dipeeka Dutta, W/O. Monotosh Dutta residing at 333/A, Dum Dum Park, P.S. Lake Town, District – North 24 Parganas, Kolkata 700055: Other Address: 120 D, Sarat Ghosh Garden Road, Kolkata – 700031. Office address, 83, B.B Chatterjee Road, Kasba, Kolkata-700042 , the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) Equitable mortgage of a mosaic flat on the 4th floor, measuring an area 530 sq. ft. super built up area being the north eastern side of the fourth floor of the five storied brick building together with the proportionate share of land ie. 1/10th share of land, hereditaments, and premises being Municipal Holding No. 344/2 now 547/3, Dum Dum Park, Kolkata – 700055, P.S.- Dum Dum now Lake Town, District – 24 Parganas (North) under A.D.S.R. Bidhannagar, Salt lake City, Mouza – Shyamnagar, JL No. 17, part of C.S. Plot No. 2466 within the limit of south Dum Dum Municipality Sub-Registry office at A.D.S.R. Bidhannagar, Salt Lake City and which being the postal address 333A, Dum Dum Park of Krishnapore refugee Co-operative society Ltd., P.S. Lake Town, Kolkata- 700055. Property Stands in the name of Dipeeka Dutta, W/O. Monotosh Dutta. The Property Butted and Bounded By On the North – By Road, On the South – By Plot No. 294 Dum Dum Park, On the East – By Plot No. 332 Dum Dum Park, On the West – By Plot No. 333/B, Dum Dum Park. being Deed no I-14479 for the year 2012, A.D.S.R- Bidhannagar, Salt Lake City, Kolkata.

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 30.06.2017 due to non servicing of interest/ installment

3) Notice dated 16.11.2022 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.52,00,719.66 (Rupees Fifty Two Lakh Seven Hundred Nineteen and Six Six Paise) Only. The notice was issued by the secured creditor on 16.11.2022 but the borrower did not receive the said notice. The secured creditor further noticed in the newspaper of Morning India and Duranta Barta on 08.12.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 16.11.2022.

5) The Secured creditor issued possession notice dated 03.03.2023 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 of Business Standard and Dainik Statesman (Bengali) on 07.03.2023.

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 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

(2)

1) 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 affidavit, deed(s), records or all other relevant documents.

and

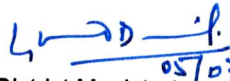
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Punjab National Bank (Erstwhile United Bank of India), Circle Office Kolkata South, United Tower, 9th Floor, 11, Hemanta Basu Sarani, Kolkata - 700001, 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 Punjab National Bank (Erstwhile United Bank of India), Circle Office Kolkata South, United Tower, 9th Floor, 11, Hemanta Basu Sarani, Kolkata - 700001 shall intimate the date of possession of the secured asset to The commissioner of Police, Bidhannagar Commissionarate, 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, 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 Commissionarate, 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.

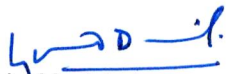
Date. - 08-07-2024

Memo No. 2073/JM/BST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Bidhannagar Commissionarate, 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. Punjab National Bank (Erstwhile United Bank of India), Circle Office Kolkata South, United Tower, 9th Floor, 11, Hemanta Basu Sarani, Kolkata - 700001.
5. M/S. Dutta's Variety Stores, 83, Mrs. Dipeeka Dutta, W/O. Monotosh Dutta residing at 333/A, Dum Dum Park, P.S. Lake Town, District - North 24 Parganas, Kolkata 700055: Other Address: 120 D, Sarat Ghosh Garden Road, Kolkata - 700031. Office address, 83, B.B Chatterjee Road, Kasba, Kolkata-700042 .




District Magistrate
North 24-Parganas