



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



ORDER

Whereas Authorized Officer, Ujjivan Small Finance Bank Ltd, Eastern Regional Office ,4th Floor Rishi Tech Park, Premises No-02-0360,Plot No-DH-6/2,Action Area-ID, New Town,Kolkata-700160, 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 Sri Ujjal Dutta Banik ,S/o-Kamal Dutta Banik & Basana Dutta Banik ,D/O-Raicharan Dutta Banik both are residing at, Near Nihar Kona Sishu Uddan,Habra,North 24 Parganas,WB,Pin-743263.

(Case No – 194/23 dt 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, Ujjivan Small Finance Bank Ltd, Eastern Regional Office ,4th Floor Rishi Tech Park, Premises No-02-0360,Plot No-DH-6/2,Action Area-ID,New Town,Kolkata-700160, 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. 18,30,000.00 (Rupees Eighteen Lac Thirty Thousand) only on 25.10.2018 & Rs. 3,40,000.00 (Rupees Three Lakh Forty Thousand) only on 27.10.2020 to Borrower & Guarantor namely Sri Ujjal Dutta Banik ,S/o-Kamal Dutta Banik & Basana Dutta Banik ,D/O-Raicharan Dutta Banik both are residing at , Near Nihar Kona Sishu Uddan,Habra,North 24 Parganas,WB,Pin-743263., against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece parcel of Land measuring 2 Cottahs be the same a title more or less lying and situated at Mouza – Habra and comprised in R.S dag No-1683 under R.S Khatian No-386 corresponding to L.R dag No-3846 under L.R Khatian No-3258 & 3259, J.L No-72 and bearing Municipal Holding No-46/1,Gour Banga road , under Ward No-14 of the Habra Municipality within P.S-Habra, dist-North 24 Pgs owned by Ujjal Dutta Banik(No-1among you).vide register Bengali deed volum no 1508-2017, book no 01,pages no 40805 to 40822.The Property is Butted and Bounded by North –by Land of others, South – Gour Banga Road 25ft, East – Land of others, West – Land of others. The Mortgaged Property stands in the name of Sri Ujjal Dutta Banik ,S/O-Kamal Dutta Banik and being the registered Deed No. – I –150801880 for the year 2017 at the Office of the A.D.S.R.-Habra, North 24 Parganas.
- 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 03.01.2022 due to non servicing of interest/ installment
- 3) Notice dated 23.09.2022 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. 23,32,144.21 (Rupees Twenty Three Lakh Thirty Two Thousand One Hundred Forty Four and two One Paisa) Only. The Demand notice was received by the borrower on 08.10.2022.
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 23.09.2022.
- 5) The Secured creditor issued possession notice dated 20.12.2022 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 Eco of India and Lipi on 22.12.2022.
- 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 q
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)

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 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 Ujjivan Small Finance Bank Ltd, 4th Floor Rishi Tech Park, Premises No-02-0360, Plot No DH-6/2, Action Area, New Town, Kolkata-700160 the secured creditor and being satisfied, it is hereby ordered that, Sri Lakshmi Kanta Roy, W.B.C.S. Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24 Parganas, Barasat 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, Ujjivan Small Finance Bank Ltd, 4th Floor Rishi Tech Park, Premises No-02-0360, Plot No-DH6/2, Action Area, New Town, Kolkata-700160 shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat PD, North 24 - Parganas, as well as to Sri Lakshmi Kanta Roy, W.B.C.S, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, Barasat, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of the District Magistrate, North 24- Parganas, The Superintendent of Police, Barasat P.D, 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 07.07/24
North 24 Parganas. 

Date. 08-07-2024

Memo No 2074/JM/BST

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat PD, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, W.B.C.S, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, Barasat with a request to comply with the said order
4. The Authorized Officer, Ujjivan Small Finance Bank Ltd, 4th Floor Rishi Tech Park, Premises No-02-0360, Plot No-DH 6/2, Action Area, New Town, Kolkata-700160.
5. Sri Ujjal Dutta Banik, S/o-Kamal Dutta Banik, near Nihar Kona Sishu Uddan, Habra, North 24 Parganas, WB, Pin-743263..
6. Basana Dutta Banik, D/O-Raicharan Dutta Banik, Near Nihar Kona Sishu Uddan, Habra, North 24 Parganas, WB, Pin-743263.




District Magistrate
North 24-Parganas
