



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



ORDER

Whereas Authorized Officer Tata Capital Housing Finance Limited at Park Plaza, 71, Flat No. 2C & 2D, South Block, Park Street, Kolkata-700016 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 Mrs Rikta Dutta, D/O- Bhakta Das Dutta residing at Nirtya Bhumi, 19/1/02 B.L Ghosh Road Kolkata, WB- 700057, and Mrs. Kalpana Dutta, residing at 19/1/2 Biharilal Ghosh Road, Kamarhati, Ariadaha, North 24 Parganas, WB-700057 also at Bhumi Apartment, Flat No-D1, 3rd floor, Holding no-84/2, S.K Chatterjee Road, PS-Ghola, North 24 Parganas, Kolkata-700111 .

(Case No -687/22 dated 02.08.2022)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Tata Capital Housing Finance Limited at Park Plaza, 71, Flat No. 2C & 2D, South Block, Park Street, Kolkata-700016 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 -18,36,496 (Eighteen Lakh Thirty Six Thousand Four Hundred Ninety Six) only on 18.12.2017 to Borrower & Guarantor namely Mrs Rikta Dutta, D/O- Bhakta Das Dutta also at Nirtya Bhumi, 19/1/02 B.L Ghosh Road Kolkata, WB- 700057, and Mrs. Kalpana Dutta, residing at 19/1/2 Biharilal Ghosh Road, Kamarhati, Ariadaha, North 24 Parganas, WB-700057 also at Bhumi Apartment, Flat No-D1, 3rd floor, Holding no-84/2, S.K Chatterjee Road, PS-Ghola, North 24 Parganas, Kolkata-700111 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that residential Flat/unit bearing no-D1 situated at 3rd floor at South West East side of the building known as Bhumi Apartment situated at Mouza- Ghola, J.L no-14. Re Su nu- 103, Touzi no-6, comprised and contained in R,S dag no-1009, under C.S Khatian no-112 bearing Municipal holding no-70/1, prasanna Chatterjee Road, PS- Khardaha under ward no-28 within the local limits of Panihati Municipality in the District North 24 Parganas, Kolkata, west Bengal 700111 area measuring super built up area 910 sq ft with amenities written the title Deed. The Property is Butted and Bounded by North – 20 ft wide Srikrishna Chatterjee Road, South – Scheme plot no 05, East – scheme plot no-02, West –14 ft wide Municipal Road. The Mortgaged Property stands in the name of namely Mrs Rikta Dutta, D/O- Bhakta Das Dutta and being the registered Deed No.I-190400169/2018 for the year 2018 at the Office of the A.D.S.R.- Sodepore, 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 07.01.2021 due to non servicing of interest/ installment

3) Notice dated 03.05.2021 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.19,12,986.00 (Rupees Nineteen Lakh Twelve Thousand Nine Hundred Eighty Six) only. The borrower did not received the demand notice which was published by the Secured creditor then the secured creditor further published demand notice in the newspaper of Business Standard and Ganasakti on 16.06.2021.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 03.05.2021.

5) The Secured creditor issued possession notice dated 17.08.2021 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 Ajkal and Business Standard on 23.08.2021.

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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There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 in this regard filed by 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 Tata Capital Housing Finance Limited Registered at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016 the secured creditor and being satisfied, it is hereby ordered that Smt. Anamika Bera (Saha) , 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, Tata Capital Housing Finance Limited Registered at 11th Floor, Tower A, Peninsula Business park, Ganpatrao Kadam Marg, Lower parcel, Mumbai - 700013, India, and Branch office at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016, shall intimate the date of possession of the secured asset to The Commissioner of Police, Barrackpore Commissionarate , North 24 - Parganas, as well as to, Smt Anamika Bera (Saha), 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 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 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.


08/07/24
District Magistrate
North 24-Parganas.

Memo No. 2087/JM/BST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore Commissionarate, 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 Anamika Bera (Saha). W.B.C.S, 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, Tata Capital Housing Finance Limited at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016.
- 5 Mrs Rikta Dutta, D/O- Bhakta Das Dutta, Nirtya Bhumi, 19/1/02 B.L Ghosh Road Kolkata, WB- 700057 also at Bhumi Apartment, Flat No-D1, 3rd floor, Holding no-84/2, S.K Chatterjee Road, PS-Ghola, North 24 Parganas, Kolkata-700111.
- 6.Mrs. Kalpana Dutta, 19/1/2 Biharilal Ghosh Road, Kamarhati, Ariadaha, North 24 Parganas, WB-700057 and Bhumi Apartment, Flat No-D1, 3rd floor, Holding no-84/2, S.K Chatterjee Road, PS-Ghola, North 24 Parganas, Kolkata-700111.

Date. 08-07-2024




District Magistrate
North 24-Parganas