



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 - 700 055 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 Adhikary Enterprise, Proprietor Mr. Ajit Adhikary of 205, N.S. Road, New Barrackpore, North 24 Parganas, PIN - 700 131 and Mrs. Seema Adhikary (Guarantor) Village - North Jojra, P.O. Rohanda, P.S. Madhyamgram, North 24 Parganas, PIN - 700 135 in the Case No.: 563 / 23 dated 30 / 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorized Officer, Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block - C, Ground Floor, Near Town Hall, Kolkata - 700 055 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 Authorized Officer, Karur Vysya Bank Limited, it transpires that secured creditor granted loan of Rs. 36,80,000.00 (Rupees Thirty Six Lakhs Eighty Thousand) only on 01.03.2017 to the Borrower viz. M/s Adhikary Enterprise, Prop. Mr. Ajit Adhikary and Mrs. Seema Adhikary (Guarantor) against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of residential Flat at First Floor, measuring (a) 197 Sq. Ft. and open space of 425 Sq. Ft. at Ground Floor of a two storied building lying & situated at Mouza - Masunda, J.L. No. 34, R.S. No. 96, Touzi No. 169, Dag Nos. 810, Khatian No. 317, at Holding No. 205 by virtue of Registered Deed No. I - 05272/2006, North 24 Parganas.
The Mortgaged Property stands in the name of Mr. Ajit Adhikary.
The property is butted & bounded by: North - Property of Mrs. Uma Rani Chatterjee, South - Property of Mrs. Haridasi Malo, Rajlaksmi Malo & others and common passage, staircase; East - Land of New Barrackpore Co-operative & West- common passage, staircase and land & building of plot A.
(b) 02 cottah along with pucca commercial structure measuring 534 Sq. Ft. lying & situated at Mouza - Jojra, J.L. No. 56, R.S. No. 172, R.S and L.R Dag Nos. 222, L.R Khatian No. 432, and own L.R Khatian No. 2058 within the area of Chandigarh Rohanda GP, P.S. Barasat, ADSRO - Barasat, North 24 Parganas by virtue of Registered Bengali Deed No. I - 04681/2016, North 24 Parganas.
The Mortgaged Property stands in the name of Mrs. Seema Adhikary.
The property is butted & bounded by: North - Dag No. 222, South - by 6' wide common passage, East - Plot No. C & West - Dag No. 222.
 - 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 05.06.2018 due to non-servicing of interest/ installment.
 - 3) Notice dated 18.08.2018 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. 43,38,442.92 (Rupees Forty Three Lakhs Thirty Eight Thousands & Four Hundred Forty Two and Ninety Two Paise) only. The demand notice was Delivered on 18.09.2018.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 18.08.2018.
 - 5) The Secured Creditor issued possession notice dated 18.12.2018 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 21.12.2018.
 - 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

(2)

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

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 28.06.2023 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, Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block - C, Ground Floor, Near Town Hall, Kolkata - 700 055 and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), 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, Karur Vysya Bank Limited, Bangur Avenue Branch, 80/2, Bangur Avenue, Block - C, Ground Floor, Near Town Hall, Kolkata - 700 055 shall intimate the date of possession of the Secured Asset to the Superintendent of Police, Barasat Police District, North 24 Parganas as well as to, Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974) 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 Superintendent of Police, Barasat Police District, 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: 01-05-2024

Memo No.: 1401(5)/JM

Copy forwarded for information and necessary action to:

- 1) The Superintendent of Police, Barasat Police District, 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, Executive Magistrate in the Office of the District Magistrate, 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 - 700 055.
- 5) M/s Adhikary Enterprise, Proprietor Mr. Ajit Adhikary of 205, N.S. Road, New Barrackpore, North 24 Parganas, PIN - 700 131 and Mrs. Seema Adhikary (Guarantor) Village - North Joira, P.O. Rohanda, P.S. Madhyamgram, North 24 Parganas, PIN - 700 135.


District Magistrate
North 24 Parganas