



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

Order

Whereas Authorized Officer, Indian Bank, Zonal Office Barasat (Authorised Officer of Ashokenagar Branch); 54, K.N.C. Road, Barasat, North 24 Parganas, PIN - 700 124 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 Barnini Trading Co., Prop: Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272, Borrower-Mortgagor: Mr. Biswajit Bose, (Prop of M/S Barnini Trading Co.), S/O Sankar Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272 and Guarantor:- Mrs Shipra Bose (Malakar), W/O Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272; in the Case No.: 476 / 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 Authorized Officer, Indian Bank, Zonal Office Barasat (Authorised Officer of Ashokenagar Branch); 54, K.N.C. Road, Barasat, North 24 Parganas, PIN - 700 124 has filed a petition to the District Magistrate, North 24-Parganas 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. 36,00,000.00 (Rupees ThirtySix Lakhs) only on 08.11.2018 and Rs. 9,00,000.00 (Rupees Nine Lakhs) only on 08.11.2018 and Rs. 6,76,000.00 (Rupees Six Lakhs SeventySix Thousand) only on 29.12.2020 and Rs. 1,36,000.00 (Rupees One Lakhs ThirtySix Thousand) only on 29.12.2020 and Rs. 13,45,000.00 (Rupees Thirteen Lakhs FortyFive Thousand) only on 16.11.2021 to the Borrower viz. M/S Barnini Trading Co., Prop: Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272, Borrower-Mortgagor: Mr. Biswajit Bose, (Prop of M/S Barnini Trading Co.), S/O Sankar Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272 and Guarantor:- Mrs Shipra Bose (Malakar), W/O Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272, against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

1) All that piece and parcel of land measuring about 10 decimals along with any construction thereon situated at Mouza- Kayadanga, J L No 31, Re Sa 258, Touzi-2167, R.S Khatian No 118 Corresponding to L.R khatian No 48/1 Corresponding to L.R.Khatian No 1509, LR Dag No 460, under the jurisdiction of Ashoknagar Kalyangarh Municipality, P.S.- Ashoknagar, A.D.S.R Guma, District North 24 parganas recorded in Book No. I, Volume No. 11, Page from 973 to 985, Being No. 02602 for the year 2009 and registered before Additional District Sub Registrar of Guma, District North 24 Parganas.

Boundaries: North: By Property of Reba Biswas, South: By Property of Utpal Biswas, East: By 8 ft Wide Road, West: By Land of Another Dag. The property stands in the name of Mr. Biswajit Bose, S/O Sankar Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272

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 29.01.2023 due to non servicing of interest/ installment

3) Notice dated 07.02.2023 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. 64,85,838.00 (Rupees SixtyFour Lakhs Eightyfive Thousand Eight Hundred ThirtyEight) only and delivered on 10.02.2023.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 07.02.2023 .

5) The Secured creditor issued possession notice dated 20.04.2023 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 on 22.04.2023.

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

(2)

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

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 06/06/2023 submitted by the secured creditor there is no stay declared by any court of law.

And

12) The property is not under lease/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 Indian Bank, Zonal Office Barasat (Authorised Officer of Ashokenagar Branch); 54, K.N.C. Road, Barasat, North 24 Parganas, PIN - 700 124 has filed a petition to the District Magistrate, North 24 Parganas, the secured creditor and being satisfied, it is hereby ordered that Sri Bibrata Biswas, 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 assets/property and forward the same to the secured creditor u/s 14 (1A) of SARFAESI act. 2002.

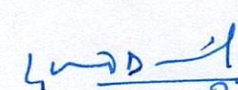
And

Whereas Authorized Officer, Indian Bank, Zonal Office Barasat (Authorised Officer of Ashokenagar Branch); 54, K.N.C. Road, Barasat, North 24 Parganas, PIN - 700 124 has filed a petition to the District Magistrate, North 24 Parganas 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 Bibrata Biswas, 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 assets/Property 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 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.

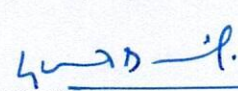

District Magistrate
North 24 Parganas

Date. 11-04-2024

Memo No. 1218(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 Bibrata Biswas, Executive Magistrate, in the Office of the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Indian Bank, Zonal Office Barasat (Authorised Officer of Ashokenagar Branch); 54, K.N.C. Road, Barasat, North 24 Parganas, PIN - 700 124.
- 5) M/S Barnini Trading Co., Prop: Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272, Borrower-Mortgagor: Mr. Biswajit Bose, (Prop of M/S Barnini Trading Co.), S/O Sankar Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272 and Guarantor:- Mrs Shipra Bose (Malakar), W/O Biswajit Bose, Kayadanga, Ashoknagar Kalyangarh, Dist. North 24 Parganas, WB 743272.


District Magistrate
North 24 Parganas