



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

Order

Whereas Authorized Officer, The Karur Vysya Bank Limited, Ballygunge Branch, 13 Bondel Road, Ground Floor, P.S. Tower, Ballygunge, Kolkata-700019 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 M/S. Deepak Creation.A6,3rd Floor,50,Hari Ram Goenka Street, BurraBazar, Kolkata-700007.Dipak Sharma(Proprietor), No.3 Hanspukur,1st Lane, Kolkata-700007 and BC 1/9/A, Deshbandhu Nagar, BL-B 4th Floor, FL-A, North 24 Parganas, Kolkata-700059.In the Case No.: 529 / 23 dated 23/ 06/ 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, The Karur Vysya Bank Limited, Ballygunge Branch, 13 Bondel Road, Ground Floor, P.S. Tower, Ballygunge, Kolkata-700019 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 50,00,000.00 (Rupees Fifty Lakhs) only on 23.10.2018 to the Borrower viz M/S. Deepak Creation.A6,3rd Floor,50,Hari Ram Goenka Street, BurraBazar, Kolkata-700007.Dipak Sharma(Proprietor), No.3 Hanspukur,1st Lane, Kolkata-700007 and BC 1/9/A, Deshbandhu Nagar, BL-B 4th Floor, FL-A, North 24 Parganas, Kolkata-700059 against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

1) All that piece and parcel of residential Flat No. 'A', on the forth floor, in Block-B, admeasuring 1151 aquare feet be the same a little more or less of super built up area, situated at building namely "GANPATI APARTMENT", being premises No.BC-1/9A, Deshbandhu Nagar, Kolkata-700059, District North 24 Parganas, at J.L. No.08,Re Sa.No.134,Touzi No. 3027,Pargana-Kalikata,P.S. Rajarhat presently Baguiati,comprised in C.S. Dag No. 640, R.S/L.R. Dag No.679, under C.S. Khatian No. 221 corresponding to Khatian No. 222, R.S. Khatian No. 335, L.R. Khatian Nos. 1196,1175 and 1178 corresponding to L.R. Khatian Nos.1175,2489 and 2490 under Rajarhat Gopalpur Municipality, in ward No. 21 at present 25.

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 31.03.2019 due to non-servicing of interest/ installment

3) Notice dated 16.07.2019 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 52,97,996.07 (Rupees Fifty Two Lakh Ninety Seven Thousand Nine Hundred Ninety Six and Seven paises) only and delivered on 19.07.2019.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 16.07.2019.

5) The Secured creditor issued possession notice dated 03.01.2020 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 07.01.2020.

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

(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 21.06.2023 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 The Karur Vysya Bank Limited, Ballygunge Branch, 13 Bondel Road, Ground Floor, P.S. Tower, Ballygunge, Kolkata-700019 has filed a petition to the District Magistrate, North 24-Parganas, the secured creditor and being satisfied, it is hereby ordered that Sri Asish Mondal, 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 Sub-Division, North 24 Parganas under 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

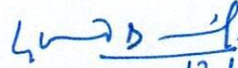

Whereas Authorized Officer The Karur Vysya Bank Limited, Ballygunge Branch, 13 Bondel Road, Ground Floor, P.S. Tower, Ballygunge, Kolkata-700019 has filed a petition to the District Magistrate, North 24-Parganas shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar Police Commissionerate, North 24 - Parganas, as well as to, Sri Asish Mondal, 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 Sub-Division, North 24 Parganas under 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 Commissioner of Police, Bidhannagar Police Commissionerate, 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.

Memo No.: 1268 (15)/JM


District Magistrate 13/04/24
North 24 Parganas

Date. 15-04-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Bidhannagar Police Commissionerate, 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) Sri Asish Mondal, Executive Magistrate, in the office of the Sub-Divisional Officer, Bidhannagar Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer The Karur Vysya Bank Limited, Ballygunge Branch, 13 Bondel Road, Ground Floor, P.S. Tower, Ballygunge, Kolkata-700019.
- 5) Dipak Sharma, BC 1/9/A, Deshbandhu Nagar, BL-B 4th Floor, FL-A, North 24 Parganas, Kolkata-700059 and No.3 Hanspukur, 1st Lane, Kolkata-700007 .


District Magistrate
North 24 Parganas
