



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

Order

Whereas Authorized Officer, INDIAN BANK (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C Road, Barasat, Kolkata-700124, North 24 Parganas 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. Green Wheels and M/S Ganapati Mobile Store, Bora Talikhola, P.O- Mamudpur, Naihati, North 24 Parganas, Pin-743126 and other address : 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465. Sri Tapan Kumar Maity (Proprietor cum Borrower cum Mortgagor), 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465. Smt. Sandhya Maity (Guarantor cum Mortgagor), 5, George Road, Po & PS- Naihati, Dist-24 Parganas, Pin-713465 and other address : 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, INDIAN BANK (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C Road, Barasat, Kolkata-700124, North 24 Parganas. 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. 13,00,000.00 (Rupees Thirteen Lakhs) only on 17.09.2015 and Rs. 25,00,000.00 (Rupees Twenty Five Lakhs) only on 10.07.2017 total amount Rs. 38,00,000.00 (Rupees Thirty Eight Lakhs) only to the Borrower viz. M/S. Green Wheels and M/S Ganapati Mobile Store, Bora Talikhola, P.O- Mamudpur, Naihati, North 24 Parganas, Pin-743126 and other address : 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465. Sri Tapan Kumar Maity (Proprietor cum Borrower cum Mortgagor), 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465. Smt. Sandhya Maity (Guarantor cum Mortgagor), 5, George Road, Po & PS- Naihati, Dist-24 Parganas, Pin-713465 and other address : 27/2, Canninghum Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465 against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of: Property 1: Bastu land measuring about 1 satak of land including three storied building out of which 125 Sq. ft., of land (on which a shoproom measuring about 125 Sq. ft. on the ground floor and 125 Sq ft room on the first floor) under Mouza- Kanrhalpara, J.L No. 4, Re Su. No-19, Touzi No-1193, R.S Khatian No 1170, Hal 2772, Pargana: Haveli Sahar, P.s-Naihati, under the local limit of Naihati municipality 4 Hal 28-No word, Holding No 5 George Road, A.D.S.R Naihati, District-North 24 Parganas recorded in Book-I, CD volume No 8, Pages 4716 to 4734, being sale Deed No 03168 for the year 2011. Boundaries: North By:- 4" Wide common passage. South By:- Biswajit Maity. East By:- Swapan Maity. West By:- 9" Wide Road. Property 2: land measuring more or less 259 sq ft and any construction thereon lying and situated at Pargana-Haveli Sahar, Mouza- Kanrhalpara, J.L No. 4, Re Su. No-19, Touzi No-1193, Khatian No. 431, Hal Khatian No. 680, R.S. Dag No. 284, L.R. Dag No. 674, PS. Naihati, under Naihati Municipality, Holding No. 27, Canninghum Road, Dist. 24 Parganas North comprised in Deed No. I-05771 for the year 2013 volume No. 16 page No. 1255 to 1272, registered at A.D.S.R Naihati, West Bengal. Boundaries: North By: Shibani Sadhukhan and others, South By:- 12ft Wide Road, East By: Shambhunath Sadhukhan and others, West By: Baidhyanath Sadhukhan.
- 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 28.01.2019 and 28.09.2020 due to non servicing of interest/ installment
- 3) Notice dated 12.07.2022 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 54,65,063.00 (Rupees Fifty Four Lac Sixty Five Thousand Sixty Three) only and delivered on 15.07.2022 and 20.07.2022.
- 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 12.07.2022.
- 5) The Secured creditor issued possession notice dated 19.01.2023 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 21.01.2023 and 22.01.2023.
- 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.

(2)

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

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 13.10.2022 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 (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C Road, Barasat, Kolkata-700124, North 24 Parganas has filed a petition to the District Magistrate, North 24-Parganas, the secured creditor and being satisfied, it is hereby ordered that Sri Dibyendu Goswami, 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 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, , INDIAN BANK (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C Road, Barasat, Kolkata-700124, North 24 Parganas 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, Barrackpore Police Commissionerate, North 24 - Parganas, as well as to, Sri Dibyendu Goswami, 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 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, Barrackpore 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.


District Magistrate
North 24 Parganas


Date. - 07.03.2024

Memo No.: - 736(5)/JH.

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, 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) Sri Dibyendu Goswami, Executive Magistrate, in the office of the Sub-Divisional Officer, Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, INDIAN BANK (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C Road, Barasat, Kolkata-700124, North 24 Parganas.
- 5) Sri Tapan Kumar Maity (Proprietor cum Borrower cum Mortgagor) and Smt. Sandhya Maity (Guarantor cum Mortgagor), 27/2, Canningham Road, PO & PS Naihati, Dist. North 24 Parganas, Pin-713465.


District Magistrate
North 24 Parganas