



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, Dist-24 PGS (N), Kolkata-700124 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. Acco Construction, Prop. Mr. Achyut Chaudhury (Borrower), S/o Mr. Mihir Chaudhury , Flat no 2B, HE-19/8, Mayer Achal, Sachindralal, Rajarhat Gopalpur , Aswini Nagar, Kolkata-700159 and Smt Sujata Chaudhury (Guarantor) W/o Mr. Achyut Chaudhury , Flat no 2B, HE-19/8, Mayer Achal, Sachindralal, Rajarhat Gopalpur, Aswini Nagar, Kolkata-700159 in the Case No.:- 511 / 23 dated 13/ 06 / 2023.

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, Dist-24 PGS (N), Kolkata-700124 , 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. 20,00,000.00 (Twenty Lakh) only on 06.12.2019 and Rs. 4,00,000.00 (Four Lakh) only on 04.06.2020 and Rs. 2,00,000.00 (Two Lakh) only on 16.10.2021 and Rs. 3,78,000.00 (Three Lakh SeventyEight Thousand) only on 27.09.2021 to the Borrower viz. M/S. Acco Construction, Prop. Mr. Achyut Chaudhury (Borrower), S/o Mr. Mihir Chaudhury , Flat no 2B, HE-19/8, Mayer Achal, Sachindralal , Rajarhat Gopalpur , Aswini Nagar, Kolkata-700159 and Smt Sujata Chaudhury (Guarantor) W/o Mr. Achyut Chaudhury , Flat no 2B, HE-19/8, Mayer Achal, Sachindralal, Rajarhat Gopalpur, Aswini Nagar, Kolkata-700159, against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

1) Mortgaged Assets (with boundaries), all that the Flat No 2B measuring 405 Sq.Ft (S.B.A), on the 2nd Floor , block-D of complex named " MAYER ACHAI" situated at holdind No R.G.M 8/2582 at H/E-19/8, Sachindra Lal Sarani, P.S-Baguiati, Mouza Jyangra, Dist-North 24 Parganas, West Bengal-700059 vide Deed No 06305 for the year 2006.

Boundary - North by :- By Stair and other Flat, South by:- By open to sky, East by:- By other Flat , West by:-By open to Sky, The property stands in the name of Mr. Achyut Choudhury & Mrs. Sujata Chaudhury.

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 27.12.2022 due to non servicing of interest/ installment

3) Notice dated 21.01.2023 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. 28,13,372.83 (TwentyEight Lac Thirteen Thousand Three hundred Seventytwo and eightythree paisa) only and delivered on 31.01.2023.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 21.01.2023.

5) The Secured creditor issued possession notice dated 04.05.2023 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 07.05.2023.

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 13.06.2023 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 (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C. Road, Barasat, Dist-24 PGS (N), Kolkata-700124, has filed a petition to the District Magistrate, North 24-Parganas, the secured creditor and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam 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, 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.

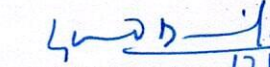

And

Whereas Authorized Officer, Indian Bank (erstwhile Allahabad Bank), Zonal Office Barasat, 54, K.N.C. Road, Barasat, Dist-24 PGS (N), Kolkata-700124, 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 Commissionerate, North 24 - Parganas, as well as to, Smt. Farhanaz Khanam, 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, North 24- Parganas 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 Commissioner of Police, Bidhannagar 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.

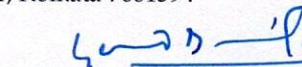

District Magistrate
North 24 Parganas
13/04/24


Memo No. 1281(5)/JM

Date. 16-04-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Bidhannagar Commissionerate, District, 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) Smt. Farhanaz Khanam, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar, 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, Dist-24 PGS (N), Kolkata-700124.
- 5) M/S. Acco Construction, Prop. Mr. Achyut Chaudhury (Borrower), S/o Mr. Mihir Chaudhury, Flat no 2B, HE-19/8, Mayer Achal, Sachindralal, Rajarhat Gopalpur, Aswini Nagar, Kolkata-700159.


District Magistrate
North 24 Parganas
