



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(JUDICIAL MUNSHIKHANA SECTION)



ORDER

Whereas Authorized Officer, Tata Capital Housing Finance Limited Registered at 11th Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai-400013, India, and Branch office at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016 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 assets/Property of the Borrower & Guarantor Mr Lorane Joardar (Since Deceased) her legal heir is Mr Apu Joadar ,W/O- Lorane Joadar residing at Flat No-1, 1st Floor, Swapnoneer Apartment, Holding No-63, Barasat Road, PS-Kharda, Kolkata-700118 . and at also Maya Apartment, Anandlok road No-2, Sodepur, Kolkata , Pin-700118 .

(Case No –330/23 dated. 04.04.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Tata Capital Housing Finance Limited Registered at 11th Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai-400013, India, and Branch office at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016 seeking administrative assistance in terms of sec 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured asset is/are seen and taken up for consideration.

and

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that the secured creditor granted a loan Rs.29,79,245.00 (Rupees Twenty Nine Lakh Seventy Nine Thousand Two Hundred Forty Five) only on 29.05.2014 & Rs.3,00,000.00 (Rupees Three Lakhs) only on 21.03.2015 and Rs- 29,89,744.32 (Twenty Nine Lakh Eighty Nine Thousand Seven Hundred Forty four And Three Two Paise) and Rs-3,16,033.49 (Three lakh Sixteen Thousand Thirty Three and Four Nine Paise) Only as on 22.03.2023 along with interest till date of filing the application to Borrower & Guarantor namely Mr Lorane Joardar (Since Deceased) her legal heir is Mr Apu Joadar ,W/O- Lorane Joadar residing at Flat No-1, 1st Floor, Swapnoneer Apartment, Holding No-63, Barasat Road, PS-Kharda, Kolkata-700118 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that residential property bearing Flat No 1 located at North East Western side of the First Floor of the premises / building known as Swapnoneer apartment together with undivided portion of the land situated at Mouza- natagarh, J.J-15, R.S no-101, Touzi no-155, comprised in RS dag no-2051,2053 and 2047 under Khatian Nos-160,506 and 115 being Amalgamated Municipal Holding no-63 Barasat Road under Ward no-31 within the Jurisdiction of Panihati Municipality under Police Station Khardah, District North 24 Parganas, Kolkata-700110 , super built up area ad measuring 1450 sq. ft with common amenities written in the title Deed . The Mortgaged Property stands in the name Lorane Joardar (Since Deceased) her legal heir is Mr Apu Joadar ,W/O- Lorane Joadar (Maa and being the registered Deed No.- 09480 for the year 2014 at the Office of the A.D.S.R.- Assurance II, Kolkata..
- 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 08.12.2020 due to non servicing of interest/ installment
- 3) Notice dated 07.11.2022 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower.
- 4) The outstanding amount as mentioned in notice is Rs.- 29,89,744.32 + Rs-3,16,033.49 = Rs-33,05,777.81 (Rupees Thirty Three Lakh Five Thousand Seven Hundred Seventy Seven and Eight One Paise) only. The Demand notice was received by the borrower on 26.11.2022.
- 5) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 07.11.2022.

5) The Secured creditor issued possession notice dated 15.02.2023 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 newspapers of Ajkal and Business Standard on 17.02.2023.

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.

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

(Continued to page No. - 2)

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 affidavits 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 of Tata Capital Housing Finance Limited Registered at 11th Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parcel, Mumbai-400013, India, and Branch office at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016, the secured creditor and being satisfied, it is hereby ordered that Sri Dibyendu Goswami, W.B.C.S 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, 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, Tata Capital Housing Finance Limited Registered at 11th Floor, Tower A, Peninsula Business park, Ganpatrao Kadam Marg, Lower parcel, Mumbai-400013, India, and Branch office at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore Commissionarate , North 24 - Parganas, as well as to, Sri Dibyendu Goswami, W.B.C.S, 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, 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 Commissionarate, 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.

[Signature]

Date. 01-07-2024

Memo No. 1954(5)/JM/BST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore Commissionarate, 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, W.B.C.S, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Tata Capital Housing Finance at Park Plaza, 2nd Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016.
5. Mr Lorane Joardar (Since Deceased) her legal heir is Mr Apu Joadar , W/O- Lorane Joadar , Flat No-1, 1st Floor, Swapnoneer Apartment, Holding No-63, Barasat Road, PS-Kharda, Kolkata-700118.

[Signature]
District Magistrate
North 24-Parganas

[Signature]

