



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



ORDER

Whereas Authorized Officer Tata Capital Housing Finance Limited Registered at 11<sup>th</sup> Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower parel, Mumbai-400013, India, and Branch office at Park Plaza, 2<sup>nd</sup> 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 Indranath Bhattacharya and Moumita Bhattacharya both are residing at 23/1 Masjid Bari Lane, P.O + P.S-Baranagar, Entire 1<sup>st</sup> Floor, Mouza – Bonhooghly Under Baranagar Municipality, Kolkata-700036. (Case No –707/22 dated 12.08.2022)

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 11<sup>th</sup> Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower parel, Mumbai-400013, India, and Branch office at Park Plaza, 2<sup>nd</sup> 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.-25,00,000.00 (Rupees Twenty Five Lac) only on 24.12.2019 & Rs.3,53,000.00 (Rupees Three Lac Fifty Three Thousand ) only on 11.09.2020 to Borrower & Guarantor namely Indranath Bhattacharya and Moumita Bhattacharya both are residing at 23/1 Masjid Bari Lane, P.O + P.S - Baranagar, Entire 1<sup>st</sup> Floor, Mouza – Bonhooghly Under Baranagar Municipality, Kolkata-700036 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel immovable property being the entire first floor measuring in total an area of 768 Sq.ft of super built-up area out of which more and less 658 Sq.ft super built up area having pacca constructions consisting of two bed Rooms, one Kitchen, One Verandah and one toilet and the remaining more or less 110 Sq.Ft super built up area having pacca walls with tin shed consisting of one bedroom, in the three stored building without lift, situated at Mouza – Bonhooghly, J.L.No – 6, R.S No – 5, Touzi No – 3027, appertaining to R.S dag No-1893 under R.S Khatian No.-239 being premises No. 23/1 masjid Bari Lane, ( M.K.S Masjid bari Lane ) P.O- Baranagar, P.S - Baranagar within the area of ward No.12 of Baranagar Municipality within the Jurisdiction of Additional District Sub registrar at cossipur Dum Dum in the District Of North 24 Parganas, Kolkata-700036.. The Property is Butted and Bounded by North – premises no 24/1 Majidbari lane, South –8 fit wide common passes, East – Property of L.R Mukharjee, West –8 fits wide Majidbari lane . The Mortgaged Property stands in the name of Indranath Bhattacharya and being the registered Deed No. – I- 2923/2019 for the year 2019 at the Office of the A.D.S.R.- Cossipore, Dum Dum, North 24 Parganas.

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 03.11.2021 due to non servicing of interest/ installment

3) Notice dated 24.12.2021 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.32,57,531.00 (Rupees Thirty Two Lac Fifty Seven Thousand Five Hundred Thirty one ) only. The Demand notice was received by the borrower on 24.12.2021.

4) The Authorised Officer of the secured creditor received representation from the borrowers on 07.02.2022 in reply to demand notice u/s 13(2), dated 24.12.2021. Then the secured creditor duly replied on 15.02.2022.

5) The Secured creditor issued possession notice dated 25.04.2022 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 news papers of Ajkal on 29.04.2022.

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

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)



(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 leese/tenancy as per affidavit, deed(s), records or all other relevant documents and

Therefore, after careful consideration of the contents of the affidavits 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 11<sup>th</sup> Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower parel, Mumbai-400013, India, and Branch office at Park Plaza, 2<sup>nd</sup> Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016, the secured creditor and being satisfied, it is hereby ordered that Smt Anamika Bera ( Saha ), 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 11<sup>th</sup> Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower parel, Mumbai-400013, India, and Branch office at Park Plaza, 2<sup>nd</sup> 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 Commissionerate , North 24 - Parganas, as well as to, Smt Anamika Bera ( Saha ), 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 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. 2/7/24.

Memo No. 1961/JMFBST

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore 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. Smt. Anamika Bera ( Saha ), 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 Limited Registered at 11<sup>th</sup> Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower parel, Mumbai-400013, India, and Branch office at Park Plaza, 2<sup>nd</sup> Floor, Flat No.2C & 2D, South Block, 71 Park Street, Kolkata-700016
5. Indranath Bhattacharya, 23/1 Masjid Bari Lane, P.O + P.S - Baranagar, Entire 1<sup>st</sup> Floor, Mouza-Bonhooghly, Under Baranagar Municipality, Kolkata-700036.
6. Mounmita Bhattacharya 23/1 Masjid Bari Lane, P.O + P.S - Baranagar, Entire 1<sup>st</sup> Floor, Mouza-Bonhooghly, Under Baranagar Municipality, Kolkata-700036



  
District Magistrate  
North 24-Parganas