



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



ORDER

Whereas Authorized Officer, Indian Overseas Bank, Lake Town Branch, 850, Lake Town, Block-A, Kolkata-700089 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 namely Sri Dulal Chandra Dutta Ray and Sri Rinku Dutta Ray both are residing at BE,97, Rabindra Pally, Krishnapur, Prafulla Kanan, Baguihati, Kolkata- 700101 (Case No – 305/23 dated 28.03.2023)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer Indian Overseas Bank, Lake Town Branch, 850, Lake Town, Block-A, Kolkata-700089 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. 24,00,000.00 (Rupees Twenty Four Lac) Only on 09.02.2015 to Borrower & Guarantor namely Sri Dulal Chandra Dutta Ray and Sri Rinku Dutta Ray both are residing at BE,97, Rabindra Pally, Krishnapur, Prafulla Kanan, Baguihati, Kolkata-700101., against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that part and parcel of the property consisting of residential old Flat on 2nd Floor measuring super built up area of 1200 sqft more or less at premises no-99/77, J.L no—20, E.P No-74, C.S plot (Dag)no-1521(P), Jessore Road, Bapuji Colony, Ward no-23, Mouza-Satgachhi, Jessore Road, Holding no-91(new), South Dum Dum Municipality, P.S – Dum Dum , Kolkata-700028 within the Sub-Register office A.D.S.R- Cossipur, Dum Dum Dist- North24 Parganas, property standing in the name Dulal Chandra Ray and Rinku Ray. The Property is Butted and Bounded by North –by the property of K. Das, South – Property of N. Banjee, East – Colony Road, West – by the property of B.Das. The Mortgaged Property stands in the name Sri Dulal Chandra Dutta Ray and Sri Rinku Dutta Ray and being the registered Deed No.- I-1163/15 for the year 2015 at the Office of the A.D.S.R.O.- Cossipur,
 - 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 30.09.2016 due to non servicing of interest/ installment.
 - 3) Notice dated 08.12.2017 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.32,45,729.34 (Rupees Thirty Two Lakhs Forty Five Thousand Seven Hundred Twenty Nine and Three Four Paise) Only. The secured creditor published demand notice but the borrower was not received demand notice then The secured creditor published it on 24.12.2017 in the news paper of Business standard.
 - 4) The Authorised Officer of the secured creditor received representation from the borrowers in reply to demand notice u/s 13(2), dated 08.12.2017.but reason for non acceptance of such objection or representation had been communicated to the borrower.
 - 5) The Secured creditor issued possession notice dated 15.02.2018 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 20.02.2018.
 - 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

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

and

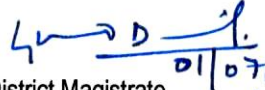

Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer Indian Overseas Bank, Lake Town Branch, 850, Lake Town, Block-A, Kolkata-700089 the secured creditor and being satisfied, it is hereby ordered that Smt Farhanaz Khamam, 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 Commissionerate, 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 Overseas Bank, Lake Town Branch, 850, Lake Town, Block-A, Kolkata-700089 shall intimate the date of possession of the secured asset to The Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt that Smt Farhanaz Khamam, 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, 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. 

Memo No. 1962/JM/BSF

Date 2/7/24.

Copy forwarded for information and taking necessary action to :-

1. The Commissioner of Police, Bidhannagar 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. Smt Farhanaz Khamam, Executive Magistrate, in the Office of the Sub Divisional Office, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
4. The Authorized Officer, Indian Overseas Bank, Lake Town Branch, 850, Lake Town, Block-A, Kolkata-700089.
5. Sri Dulal Chandra Dutta Ray, BE,97, Rabindra Pally, Krishnapur, Prafulla Kanan, Baguihati, Kolkata- 700101.
6. Sri Rinku Dutta Ray, BE,97, Rabindra Pally, Krishnapur, Prafulla Kanan, Baguihati, Kolkata- 700101.


District Magistrate
North 24-Parganas

