

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

**ORDER**

Whereas Authorized Officer, Indiabulls Housing Finance Ltd, 3<sup>rd</sup> Floor, Bangur BFL Estate, 31, Chowringhee Road, Kolkata – 700 016 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 namely Sri Mona Roy (Proprietor of Shree Guru Traders) S/o. Lt. Bakul Roy, having a Co-Borrower namely Smt. Lipika Roy, both are residing at, House No.665, Village Sukanta Pally, Parbat Danga, PO – Rabindra Nagar, South Dum Dum (M), North 24 Parganas, PIN – 700 065. (Case No – 110/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Indiabulls Housing Finance Ltd, 3<sup>rd</sup> Floor, Bangur BFL Estate, 31, Chowringhee Road, Kolkata – 700 0164 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 secured creditor granted a loan Rs. 19,76,742.00 (Rupees Nineteen Lac Seventy Six Thousand Seven Hundred and Forty Two Only) on 31.01.2018 to Borrower namely Sri Mona Roy (Proprietor of Shree Guru Traders) S/o. Lt. Bakul Roy, having a Co-Borrower namely Smt. Lipika Roy, both are residing at, House No.665, Village Sukanta Pally, Parbat Danga, PO – Rabindra Nagar, South Dum Dum (M), North 24 Parganas, PIN – 700 065, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

1) All that piece and parcel of one self contained Flat being No. 302 on the Third Floor, South-East Side measuring a Super built up area more or less 900 Square Feet situated on the landed property measuring an area more or less 2 Cottah 14 Chittacks 15 Square Feet together with Super structure standing thereon lying and situated under Mouza – Sultanpur, J.L.No – 10, R.S.No – 148, Touzi No – 173, R.S.Khatian No – 1635, R.S.Dag No – 2003, Holding & Premises No – 70 A, Pulin Avenue, within the local jurisdiction of Dum Dum Municipality, PS – Dum Dum, Kolkata – 700 081. The Building is butted and bounded by North – Plot No. - 12, South – 12 feet wide Municipal Road and Plot No. 12, East – R.S.Dag No. 2013, West – Plot No. 15 & 15 A. The Mortgaged Property stands in the name of Sri Mona Roy S/o. Lt. Bakul Roy and being the registered Deed No. – I – 190401288 the year 2018 at the Office of the ARA – IV, Kolkata, WB.

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 27.09.2019 due to non servicing of interest/ installment

3) Notice dated 28.09.2019 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. 20,42,145.00 (Rupees Twenty Lac Forty Two Thousand One Hundred and Forty Five) only and the demand notice was received by the borrower on 03.10.2019 and the same was published in two daily news papers on 15.10.2019.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 28.09.2019

5) The Secured creditor issued possession notice dated 20.01.2020 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 25.01.2020

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

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

(2)

And

- 12) The property is not under lease/tenancy as per affidavit, deed(s), records or all other relevant documents and


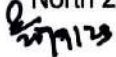
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Indiabulls Housing Finance Ltd, 3<sup>rd</sup> Floor, Bangur BFL Estate, 31, Chowringhee Road, Kolkata – 700 016, the secured creditor and being satisfied, it is hereby ordered that Sri Biswanath Chakraborty, 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, Indiabulls Housing Finance Ltd, 3<sup>rd</sup> Floor, Bangur BFL Estate, 31, Chowringhee Road, Kolkata – 700 016 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Biswanath Chakraborty, 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, 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. J -15013(11)/ 2814 /1(5)/2023/JM

Date. - 09 / 10 / 2023

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore, 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 Biswanath Chakraborty, 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, Indiabulls Housing Finance Ltd, 3<sup>rd</sup> Floor, Bangur BFL Estate, 31, Chowringhee Road, Kolkata – 700 016.
5. Sri Mona Roy (Proprietor of Shree Guru Traders) S/o. Lt. Bakul Roy, having a Co-Borrower namely Smt. Lipika Roy, both are residing at, House No.665, Village Sukanta Pally, Parbat Danga, PO – Rabindra Nagar, South Dum Dum (M), North 24 Parganas, PIN – 700 065.

  
District Magistrate  
North 24-Parganas.  
