



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

Order

Whereas Authorized Officer, Punjab National Bank, North 24 Pgs. Circle Sastra, at 48, Jessore Road, Barasat (Near Seth Pukur), 24 Parganas(N), 700124(WB) 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 Debasish Sarkar, S/O-Late Motilal Sarkar, 289, Post Office Road, Ward No. 8, Habra Municipality, P.O Habra, Dist. 24 Pgs.(North), Pin 743263 and Tumpa Halder (Sarkar) (Guarantor), W/O- Dipjoy Halder, 1/31/B, Prafulla Nagar, P.O-Prafulla Nagar, P.S-Ashoknagar, Dist. North 24 Parganas, Pin-743268 in the Case No.: 430 / 23 dated 19 / 05 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Punjab National Bank, North 24 Pgs. Circle Sastra, at 48, Jessore Road, Barasat (Near Seth Pukur), 24 Parganas(N), 700124(WB) 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. 25,00,000.00 (Rupees Twenty Five Lakhs) only on 30.01.2017, Rs. 5,00,000.00 (Rupees Five Lakhs) only on 24.06.2020, Rs.1,76,200.00 (Rupees One Lakh Seventy Six Thousand Two Hundred) only on 29.06.2021 and Rs. 2,50,000.00 (Rupees Two Lakh Fifty Thousand) only on 24.04.2020 to the Borrower viz. Debasish Sarkar (Borrower), S/O-Late Motilal Sarkar, 289, Post Office Road, Ward No. 8, Habra Municipality, P.O Habra, Dist. 24 Pgs.(North), Pin 743263 and Tumpa Halder (Sarkar) (Guarantor), W/O- Dipjoy Halder, 1/31/B, Prafulla Nagar, P.O-Prafulla Nagar, P.S-Ashoknagar, Dist. North 24 Parganas, Pin-743268 against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

1) All that piece and parcel of mortgaged residential flat measuring 739 sq.ft. super built up area, covered area 615.84 sq. ft. together with all common easements right, roof right, stair and staircase, common septic tank, common water line, water reservoir and all common expenses, along with proportionate undivided and impartible share in the BASTU land measuring an area 03 decimals lying and situated at Mouza-Hijalpurkuria, JL no.-80, RE SU No. -312, Touzi No.-2167, Parganas-Ukhra, comprised in RS Khatian No.-1713, LR Khatian No.-1507, appertaining to Rs & LR Dag no.-76, within the local limits of ward no.-5, holding no.-289 of post office road of Habra Municipality, P.S +ADSRO-Habra, Dist. North 24 Parganas, vide gift deed no.-5320 for the year 2013 recorded in Book No.-I, CD Volume No.-27, pages from 1003 to 1019 at DSR-I, North 24 Parganas. The property is in the name of Tumpa Halder (Sarkar).

Boundaries (Actual): North: Pond, South: 8ft. Wide Road, East: Pond, West: Property of Sadhana Majumder.

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 02.05.2022 due to non servicing of interest/ installment

3) Notice dated 27.06.2022 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.34,75,888.00 (Rupees Thirty Four Lac Seventy Five Thousand Eight Hundred Eighty Eight) only and delivered on 04.07.2022

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 27.06.2022.

5) The Secured creditor issued possession notice dated 19.10.2022 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 daily news papers on 22.10.2022.

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 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 19.05.2022 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 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 Punjab National Bank, North 24 Pgs. Circle Sastra, at 48, Jessore Road, Barasat (Near Seth Pukur), 24 Parganas(N), 700124(WB) has filed a petition to the District Magistrate, North 24-Parganas, the secured creditor and being satisfied, it is hereby ordered that Sri Bibrata Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), under in the office of 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.

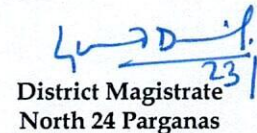
And

Whereas Authorized Officer, Punjab National Bank, North 24 Pgs. Circle Sastra, at 48, Jessore Road, Barasat (Near Seth Pukur), 24 Parganas(N), 700124(WB) has filed a petition to the District Magistrate, North 24-Parganas shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Polish District, North 24 - Parganas, as well as to, Sri Bibrata Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the 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 Superintendent of Police, Barasat Police District, Barasat, 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.

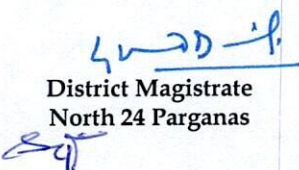

23/03/24
District Magistrate
North 24 Parganas

Memo No.: 1004/JM

Date. 24-03-2024

Copy forwarded for information and necessary action to:

- 1) The Superintendent of Police, Barasat Police District, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub Divisional Officer, Barasat, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Bibrata Biswas, Executive Magistrate, under the office of the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Punjab National Bank, North 24 Pgs. Circle Sastra, at 48, Jessore Road, Barasat (Near Seth Pukur), 24 Parganas(N), 700124(WB).
- 5) Debasish Sarkar, S/O-Late Motilal Sarkar, 289, Post Office Road, Ward No. 8, Habra Municipality, P.O Habra, Dist. 24 Pgs.(North), Pin 743263.


District Magistrate
North 24 Parganas