



**Government of West Bengal**  
**Office of the District Magistrate, North 24-Parganas, Barasat**  
(Judicial Munshikhana Department)  
Phone : +91 33 2584 6249, e-mail :- jmccllbarasat@gmail.com

**ORDER**

Whereas authorized Officer, Tata Capital Housing Finance Ltd., Park Plaza, 71, Park street, Flat No.-2C & 2D, 2<sup>nd</sup> Floor, South Block, 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 Mr. Sanjoy Banik, S./O – Radheshyam Banik of 34, Subhas Nagar Bye Lane, Rabindra Nagar, Dum Dum, Kolkata – 700 065 having Co-borrower namely Mrs. Anima Banik, Daughter of Santiranjan Banik of 34, Subhas Nagar Bye Lane, Rabindra Nagar, Dum Dum, Kolkata – 700 065

and

Whereas in the light of the above petition alongwith affidavits and other relevant documents submitted by the Authorized Officer, Tata Capital Housing Finance Ltd., Park Plaza, 71, Park street, Flat No.-2C & 2D, 2<sup>nd</sup> Floor, South Block, Kolkata – 700 016 seeking administrative assistance in terms of section 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured assets is / are seen and not taken up for consideration

and

Under Section 26D of SARFAESI Act provides as follows – “Notwithstanding anything contained in any other law for the time being in force, from the date of commencement of the provisions of this Chapter, no secured creditor shall be entitled to exercise the rights of enforcement of securities under Chapter III unless the security interest created in its favour by the borrower has been registered with the Central Registry.” Notably, section 26D was inserted vide The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Act, 2016[6]. Hence, prior to section 26D coming into force, there was no motivation for the secured creditors to file security interest with CERSAI. Now, a secured creditor intending to enforce security interest under SARFAESI Act needs to register the same with CERSAI.

Hence, the above mentioned petition stands rejected and disposed.

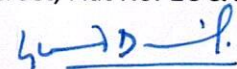
  
District Magistrate 03/04/24  
North 24 Parganas  
21/11/24

Memo No. - 1116 /JM

Date: 03.04.2024.

Copy forwarded for information and necessary action to :

1. Authorized Officer, Tata Capital Housing Finance Ltd., Park Plaza, 71, Park street, Flat No.-2C & 2D, 2<sup>nd</sup> Floor, South Block, Kolkata – 700 016.

  
District Magistrate  
North 24 Parganas  
21/11/24