



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

Order

Whereas Authorized Officer, ECL Finance Limited, Tower 3, Wing 'B', Kohinoor City Mall, Kohinoor City, Kiro Road, Kurla (West), Mumbai - 400 070 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 M / s Repon Enterprise, Fujlul Mudi and Serina Bibi (Borrower) of Rohila Bhawan Shop No 2, P.S. Barasat, North 24 Parganas, PIN - 700 124 also at Atrahila Bhawan and Rahila Bhawan, Bijoy Nagar, Barasat, Jessore Road, Banamalipur Rani Builders F9984, PIN - 700 124; in the Case No.: 521 / 23 dated 16 / 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorized Officer, ECL Finance Limited, Tower 3, Wing 'B', Kohinoor City Mall, Kohinoor City, Kiro Road, Kurla (West), Mumbai - 400 070 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 Authorized Officer, ECL Finance Limited, it transpires that secured creditor granted loan of Rs. 30,04,530.00 (Rupees Thirty Lakhs Four Thousand & Five Hundred Thirty) only on 30.01.2019 to the Borrower viz. M / s Repon Enterprise, Fujlul Mudi and Serina Bibi (Borrower) against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of land measuring about 840 Sq. Ft. covered area 1008 Sq. Ft. (Super Buildup area) on the 1st Floor (South East front side) of the building named and known as 'Rohila Bhawan' build and constructed at or upon the plot of land measuring about 06 Cottahs, 14 Chittacks and 09 Sq. Ft. lying & situated at Mouza - Banamalipur, J.L. No. 80, R.S. Dag No. 299 and 295/1178, Touzi No. 146, R.S Khatian No. 76, at Holding No. 2/5, 2/10 and 2/11, Jessore Road (East) under Barasat Municipality Ward No- 14 (New), 1 (Old), P.S. Barasat, North 24 Parganas by virtue of Registered Bengali Deed No. 12672 of 2011 North 24 Parganas.
The Mortgaged Property stands in the name of Serina Bibi (Borrower),
The property is butted & bounded by: North - Chalar Ali Digar, South - 12 Sq. Ft. wide road, East - House of Parimal Babu & West - Golam Mirja.
 - 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 31.10.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 22.04.2022 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. 23,03,197.10 (Rupees Twenty Three Lakhs Three Thousands One Hundred Ninety Seven and Ten Paise) only. The demand notice was delivered on 05.05.2022.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 22.04.2022.
 - 5) The Secured Creditor issued possession notice dated 08.12.2022 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 newspapers on 14.12.2022.
 - 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 is 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(s) 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, 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 16.06.2023 submitted by the Secured Creditor there is no stay declared by any court of law.

And

- 12) The property is not under lessee / 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, ECL Finance Limited, Tower 3, Wing 'B', Kohinoor City Mall, Kohinoor City, Kirol Road, Kurla (West), Mumbai - 400 070 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 the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

And

Whereas, Authorized Officer, ECL Finance Limited, Tower 3, Wing 'B', Kohinoor City Mall, Kohinoor City, Kirol Road, Kurla (West), Mumbai - 400 070 shall intimate the date of possession of the Secured Asset to the Superintendent of Police, Barasat Police 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), under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Superintendent of Police, Barasat Police District, 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 Asset(s) / Property, 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: 01-05-2024

Memo No.: 1408 (5)/JM

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 District Magistrate, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, ECL Finance Limited, Tower 3, Wing 'B', Kohinoor City Mall, Kohinoor City, Kirol Road, Kurla (West), Mumbai - 400 070.
- 5) M / s Repon Enterprise, Fujlul Mudi and Serina Bibi (Borrower) of Rohila Bhawan Shop No 2, P.S. Barasat, North 24 Parganas, PIN - 700 124 also at Atrahila Bhawan and Rahila Bhawan, Bijoy Nagar, Barasat, Jessore Road, Banamalipun Rani Builders F9984, PIN - 700 124.


District Magistrate
North 24 Parganas