



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

Order

Whereas Authorized Officer, Unity Small Finance Bank Limited, 40, Basant Lok, Vasant Vihar, New Delhi - 110057 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 S.S. Enterprise, Proprietor: Aptabuddin Molla, residing at: Mouza - Serpur, J. L. No. - 39, Touzi No. - 23, Khatian No. 463, L.R. Khatian No. - 633, R. S. & L. R. Dag No. - 248, P. S. - Haroa, District - North 24 Parganas, Under Sonakharpur Gram Panchayet, West Bengal - 743425; Business: Vill - Sansad, Part No. - 45, PO : & PS : Haroa, District - North 24 Parganas, Gorainagar More, West Bengal, India - 743425 having Co - Borrower / Guarantor Aptabuddin Molla & Kajal Bibi in the Case No.: 450/23 dated 26/05/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Unity Small Finance Bank Limited, 40, Basant Lok, Vasant Vihar, New Delhi - 110057 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. 15,00,000.00 (Rupees Fifteen Lakhs) only on 26.03.2022 to the Borrower viz. S.S. Enterprise, Proprietor: Aptabuddin Molla, having Co - Borrower / Guarantor Aptabuddin Molla & Kajal Bibi against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of land measuring about 5 decimals, together with structure be the same a little more or less comprised in Mouza- Serpur, J.L. No. 39, Touzi No. 23, Appertaining to L.R. Khatian No. 633, R.S & L.R Dag No. 248, P.S. Haroa in the District North 24 Parganas. The Mortgaged Property stands in the name of Aptabuddin Molla; S / o Matiar Molla. The property is butted & bounded by: North - 8 Ft wide road, South - By Other Land, East - 8 Ft wide road & West - By Rajak Molla.
 - 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 05.12.2022 due to non-servicing of interest/ installment.
 - 3) Notice dated 07.12.2022 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. 15,74,520.71 (Rupees Fifteen Lakh Seventy Four Thousand Five Hundred Twenty & Seventy One Paisa) only and the demand notice was published on 26.12.2022.
 - 4) The Authorised Officer of the Secured Creditor received representation from the borrower in reply to demand notice u/s 13(2) dated 07.12.2022.
 - 5) The Secured Creditor issued possession notice dated 14.03.2023 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 18.03.2023.
 - 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.

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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 20.05.2023 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 of Unity Small Finance Bank Limited, 40, Basant Lok, Vasant Vihar, New Delhi - 110057 and being satisfied, it is hereby ordered that Sri Chittajit Basu Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), under the Office of the Sub Divisional Officer, Basirhat Sub-division, 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.

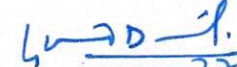
And

Whereas, Authorized Officer of Unity Small Finance Bank Limited, 40, Basant Lok, Vasant Vihar, New Delhi - 110057 shall intimate the date of possession of the Secured Asset to Superintendent of Police, Basirhat Police District, North 24 Parganas as well as to, Sri Chittajit Basu, 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, Basirhat Sub-division, 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, Basirhat 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 Property, on the date of taking over possession and soft copy of the videography should be kept

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. 11-04-2024

Memo No.: 1206 (5) /JM

Copy forwarded for information and necessary action to:

- 1) The Superintendent of Police, Basirhat Police District, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer, Basirhat Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Chittajit Basu, Executive Magistrate, in the Office of the Sub Divisional Officer, Basirhat Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Unity Small Finance Bank Limited, 40, Basant Lok, Vasant Vihar, New Delhi - 110057.
- 5) S.S. Enterprise (Borrower), Proprietor: Aptabuddin Molla, residing at Mouza - Serpur, J. L. No. - 39, Touzi No. - 23, Khatian No. 463, L.R. Khatian No. - 633, R .S. & L. R. Dag No. - 248, P. S. - Haroa, District - North 24 Parganas, Under Sonakharpur Gram Panchayet, West Bengal - 743425; Business: Vill - Sansad, Part No. - 45, PO - & PS - Haroa, District - North 24 Parganas, Gorainagar More, West Bengal, India - 743425.


District Magistrate
North 24 Parganas