



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

Order

Whereas Authorized Officer, Kotak Mahindra Bank Limited, 22, Camac Street, Block - B & C, 5th floor, 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 Asset / Property of the Borrower namely M/S Sardar Enterprise, Proprietor Mr. Mir Ali Sardar (Borrower) S/o Mr. Mangal Jan Sardar, Village & P.O. Atpukur, P.S. Haroa, District - North 24 Parganas, PIN - 743 425; Mrs. Nargis Parvin (Co - Borrower) residing at same address as borrower and Mr. Alamgir Sardar (Co-Borrower) S/o Mir Ali Sardar, Village & P.O. Atpukur, Gazipara, Dakshin Atpukur, North 24 Parganas, PIN - 743 425 in the Case No.: 561 / 23 dated 30 / 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorized Officer, Kotak Mahindra Bank Limited, 22, Camac Street, Block - B & C, 5th floor, 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 Asset is seen and taken up for consideration.

And

Whereas from the documents and status report submitted by the Authorized Officer, Kotak Mahindra Bank Limited, it transpires that secured creditor granted loan of Rs. 6,25,000.00 (Rupees Six Lakhs Twenty Five Thousand) only on 28.12.2019 to the Borrower viz. Mr. Mir Ali Sardar (Borrower) Mrs. Nargis Parvin (Co-Borrower) and Mr. Alamgir Sardar (Co-Borrower) against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of land measuring (a) 6 decimal lying & situated at Mouza - Atpukur, J.L. No. 53, R.S. & L.R. Nos. 4140 & 1451, Khatian No. 3948 & 4311.
The Mortgaged Property stands in the name of Mr. Alamgir Sardar.
The property is butted & bounded by: North - Land of Chabhat Gaji, South - 8 Ft. Wide road, East - Iman Ali & West- Nur Ali Sardar and Road.
 - 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 31.08.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 02.09.2022 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. 7,54,687.00 (Rupees Seven Fifty Four Thousands & Six Hundred Eighty Seven) only. The demand notice was delivered by post on 24.09.2022 & was published in newspaper on 24.12.2022.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 02.09.2022.
 - 5) The Secured Creditor issued possession notice dated 11.04.2023 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 14.04.2023.
 - 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
- 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.

Continued to Page No. 2

(2)

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 27.06.2023 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, Kotak Mahindra Bank Limited, 22, Camac Street, Block - B & C, 5th floor, Kolkata - 700 016 and being satisfied, it is hereby ordered that Md. Abu Tayeb, 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, North 24 Parganas 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.

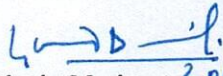
And

Whereas, Authorized Officer, Kotak Mahindra Bank Limited, 22, Camac Street, Block - B & C, 5th floor, Kolkata - 700 016 shall intimate the date of possession of the Secured Asset to the Superintendent of Police, Basirhat Police District, North 24 Parganas as well as to, Md. Abu Tayeb 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, North 24 Parganas 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, 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 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.

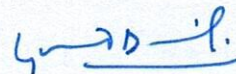
The order is to be enforced within 06 (Six) months from the date of receipt of this order.


District Magistrate 30/04/24
North 24 Parganas
Date: 01-05-2024

Memo No.: 1403(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, North 24 Parganas - with a request to comply with the said order.
- 3) Md. Abu Tayeb, Executive Magistrate in the Office of the Sub Divisional Officer, Basirhat, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, Kotak Mahindra Bank Limited, 22, Camac Street, Block - B & C, 5th floor, Kolkata - 700 016.
- 5) M/S Sardar Enterprise, Proprietor Mr. Mir Ali Sardar (Borrower) S/o Mr. Mangal Jan Sardar, Village & P.O. Atpukur, P.S. Haroa, District - North 24 Parganas, PIN - 743 425; Mrs. Nargis Parvin (Co - Borrower) residing at same address as borrower and Mr. Alamgir Sardar (Co-Borrower) S/o Mir Ali Sardar, Village & P.O. Atpukur, Gazipara, Dakshin Atpukur, North 24 Parganas, PIN - 743 425.


District Magistrate
North 24 Parganas
