



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

Order

Whereas Authorized Officer, Cholamandalam Investment & Finance Company Ltd., Branch office at 5th Floor, 55 & 55, 1, Jawaharlal Nehru Road, Chowringhee Court, Kolkata, West Bengal - 700071 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 Mr. Subrata Ray, S/o - Late Hari Sadhan Ray; residing at Jugberia, North 24 Parganas Muragacha Sitala Mandir North 24 Parganas, West Bengal - 700110, also at - Jugberia, Ray Enterprise and Builders, North 24 Parganas, West Bengal - 700110, also at - 324/A West Agapur New Barrackpore, SBI ATM, North 24 Parganas, West Bengal - 700131 having Co - Borrower / Guarantor Bithika Ray , Dipali Das & New Nine Star Furniture in the Case No.: 499/23 dated 13/06/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Cholamandalam Investment & Finance Company Ltd., Branch office at 5th Floor, 55 & 55, 1, Jawaharlal Nehru Road, Chowringhee Court, Kolkata, West Bengal - 700071 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. (12,00,000.00+2,00,000.00+2,34,000.00) =16,34,000.00 (Rupees Sixteen Lakhs Thirty Four Thousand) only on 30/01/2020, 23/09/2020 & 30/10/2020 respectively to the Borrower viz. Mr. Subrata Ray, S/o - Late Hari Sadhan Ray, having Co - Borrower / Guarantor Bithika Ray, Dipali Das & New Nine Star Furniture against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of land admeasuring 2 cottahs 4 chittacks and 33 sq.ft together with a single storied building standing thereon having measuring an area of 696 sq.ft. be the same or little more or less lying & situated at Mouza- Muragachha comprised in J.L.No.30, R.S.No.78, Touzi No. 215, R.S. Khatian No. 483, HAL L.R .Khatian No. 408, Dag No. 273, P.S. Khardah now Ghola, Dist. North 24 Parganas, within the Ambit of Bilkanda 2 No. Gram Panchayet.
The Mortgaged Property stands in the name of Late Hari Sadhan Ray; S / o Late Lakshmi Narayan Ray. The property is butted & bounded by: North - Property of Tarani Pal, South - Property of Khitish Das, East - By 8 wide common passage & West - By land of Yusub Ali.
 - 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 03.03.2023 due to non-servicing of interest/ installment.
 - 3) Notice dated 06.03.2023 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. 21,19,521.00 (Rupees Twenty One Lakhs Nineteen Thousand Five Hundred & Twenty One) only and the demand notice was published on 15.03.2023.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 06.03.2023.
 - 5) The Secured Creditor issued possession notice dated 17.05.2023 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 19.05.2023.
 - 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.

(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 13.06.2023 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 of Cholamandalam Investment & Finance Company Ltd., Branch office at 5th Floor, 55 & 55, 1, Jawaharlal Nehru Road, Chowringhee Court, Kolkata, West Bengal - 700071 and being satisfied, it is hereby ordered that Sri Dibyendu Goswami, 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, Barrackpore 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.

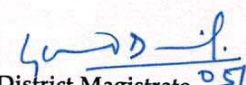
And

Whereas, Authorized Officer of Cholamandalam Investment & Finance Company Ltd., Branch office at 5th Floor, 55 & 55, 1, Jawaharlal Nehru Road, Chowringhee Court, Kolkata, West Bengal - 700071 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas as well as to, Sri Dibyendu Goswami, 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, Barrackpore 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 Commissioner of Police, Barrackpore Police Commissionerate, 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. 09-04-2024

Memo No.: 1172(5)/JM

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer, Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Dibyendu Goswami, Executive Magistrate, in the Office of the Sub-Divisional Officer, Barrackpore under the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Cholamandalam Investment & Finance Company Ltd., Branch office at 5th Floor, 55 & 55, 1, Jawaharlal Nehru Road, Chowringhee Court, Kolkata, West Bengal - 700071.
- 5) Mr. Subrata Ray (Borrower), S/o - Late Hari Sadhan Ray; residing at Jugberia, North 24 Parganas Muragacha Sitala Mandir North 24 Parganas, West Bengal - 700110, also at - Jugberia, Ray Enterprise and Builders, North 24 Parganas, West Bengal - 700110, also at - 324/A West Agapur New Barrackpore, SBI ATM, North 24 Parganas, West Bengal - 700131.


District Magistrate
North 24 Parganas