



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



Whereas Authorized Officer, Cholamandalam Investment and Finance Company Ltd., 55 & 55/1, Chowringhee Road, 5th Floor, Chowringhee Court, Opp. Neheru Children's Museum in Rabindra Sadan, Kolkata – 700 071, 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 Co-Borrower namely Smt Nihar Bala Ghosh W/o. Sri Dilip Kumar Ghosh, having other Co-Borrowers namely Sri Loknath Builders, Smt. Dulali Halder, all are residing at, Ghosh Para Rautara, PO – Rautara Habra, Barasat, PIN – 743 234 of the Borrower namely Sri Tarun Kumar Ghosh, residing at, Ghosh Para Rautara, PO – Rautara, Barasat, PIN – 743 234. (Case No – 8324/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Cholamandalam Investment and Finance Company Ltd., 55 & 55/1, Chowringhee Road, 5th Floor, Chowringhee Court, Opp. Neheru Children's Museum in Rabindra Sadan, Kolkata – 700 071 seeking administrative assistance in terms of sec 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured asset is/are seen and taken up for consideration

and

whereas from the documents and status report submitted by the Authorised Officer, it transpires that the secured creditor granted a loan Rs. 37,30,000.00 (Rupees Thirty Seven Lac Thirty Thousand Only) on 17.06.2019 & Rs. 2,00,000, (Rupees Two Lac Two Lac Only) only 06.08.2019 to Borrower Sri Tarun Kumar Ghosh, having Co-Borrowers namely Smt Nihar Bala Ghosh W/o. Sri Dilip Kumar Ghosh, Sri Loknath Builders, Smt. Dulali Halder, all are residing at, Ghosh Para Rautara, PO – Rautara Habra, Barasat, PIN – 743 234, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of a landed property admeasuring an area more or less 5 Cottah together with a single storied building standing thereon having 1042 Sq. Ft. area more or less lying and situated at Mouza – Rautara, J.L.No – 110, R.S. No – 188, Touzi No – 2162, comprised in R.S.Khatian No – 300, L.R. Kri Khatian No – 502, R.S. & L.R Dag No – 102, Present L.R.Khatian No – 1192, PS – Habra, North 24 Parganas, PIN – 743 234. Mortgaged Property stands in the name of Smt Nihar Bala Ghosh W/o. Sri Dilip Kumar Ghosh and being the registered Deed No – I – 3719 for the year 2000 at the Office of the DSR – I, North 24 Parganas, WB.
- 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 12.07.2021 due to non servicing of interest/ installment
- 3) Notice dated 21.08.2021 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. 39,05,638.49 (Rupees Thirty Nine Lac Five Thousand Six Hundred Thirty Eight and Forty Nine Paise) Only & Rs. 2,13,799.82 (Rupees Two Lac Thirteen Thousand Seven Hundred Ninety Nine and Eighty Two Paise). The Demand notice was published in two daily news papers on 20.09.2021
- 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 21.08.2021
- 5) The Secured creditor issued possession notice dated 05.03.2022 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 news papers on 08.03.2022
- 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 in within the jurisdiction of the District Magistrate, North 24- Parganas
- and
- 8) whereas, the amount dues 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(ies) 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 of 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 affidavits submitted by the secured creditor there is no stay declared by any court of law

(Continued to page No. – 2)

(2)

and

- 12) The property is not under lease/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 and Finance Company Ltd., 55 & 55/1, Chowringhee Road, 5th Floor, Chowringhee Court, Opp. Neheru Children's Museum in Rabindra Sadan, Kolkata – 700 071, the secured creditor and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas will take physical possession of the secured assets/property and forward the same to the secured creditor u/s 14 (1A) of SARFAESI act. 2002


and

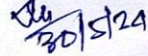
Whereas Authorized Officer, Cholamandalam Investment and Finance Company Ltd., 55 & 55/1, Chowringhee Road, 5th Floor, Chowringhee Court, Opp. Neheru Children's Museum in Rabindra Sadan, Kolkata – 700 071 shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, North 24 - Parganas, as well as to, Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, well in advance to take physical possession of the secured assets/Property 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 assets, 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 30/05/24
North 24-Parganas.


30/5/24

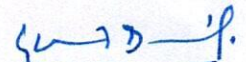
Date. - 30 / 05 / 2024

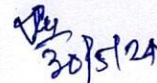
Memo No. J -15013(11)/ 1724 /1/(5)/2024/JM

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 Sub-Division, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Cholamandalam Investment and Finance Company Ltd., 55 & 55/1, Chowringhee Road, 5th Floor, Chowringhee Court, Opp. Neheru Children's Museum in Rabindra Sadan, Kolkata – 700 071.
5. Sri Tarun Kumar Ghosh, having Co-Borrowers namely Smt Nihar Bala Ghosh W/o. Sri Dilip Kumar Ghosh, Sri Loknath Builders, Smt. Dulali Halder, all are residing at, Ghosh Para Rautara, PO – Rautara Habra, Barasat, PIN – 743 234,.




District Magistrate
North 24-Parganas


30/5/24