



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

ORDER

Whereas Authorized Officer, PNB Housing Finance Ltd, 7, Kyd Street, 5th Floor, Kankaria Mansion, 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 assets/Property of the Borrower namely Sri Debabrata Bhowal S/o. Sri Haripado Bhowal & Co-Borrower namely Smt. Rita Bhowal W/o. Sri Debabrata Bhowal, both are residing at, 14/5, Lakshmi Tower, S.L.Sarani, Baguiati, Rajarhat, Kolkata – 700 059. (Case No – 248/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer PNB Housing Finance Ltd, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016 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. 47,00,000.00 (Rupees Forty Seven Lac Only) on 29.09.2018 to Borrower namely Sri Debabrata Bhowal S/o. Sri Haripado Bhowal & Co-Borrower namely Smt. Rita Bhowal W/o. Sri Debabrata Bhowal, both are residing at, 14/5, Lakshmi Tower, S.L.Sarani, Baguiati, Rajarhat, Kolkata – 700 059, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that residential flats being No. G/2 measuring an area about 525 Sq. Ft. more or less G/3 Measuring an area about 1000 sq. ft. more or less alongwith one garage being no. G/1, measuring an area about 225 sq. ft. more or less on the ground floor also one flat being no. A/1 measuring an area about 1050 sq. ft. more or less on the first floor at the said building known as lasmi tower together with proportionate undivided impartible share of land measuring an area of 6 cottahs 4 chittacks 22 sq. ft. be the same a little more or less lying and situated at mouza – jyangra, j.l.no. – 16, re sa no. 114, comprised in r.s.khatian no. 1030 and 1033 corresponding to l.r.dag no. 3480 within local limits of rajarhat gopalpur municipality, in the district of north 24 parganas. The Property is Butted and Bounded by North – 12 wide road, South – mukherjee house, East – Dr. D.K.Mondal and Ors, West – Land of Dipa Rani Bagui. The Mortgaged Property stands in the name of Sri Debabrata Bhowal S/o. Sri Haripado Bhowal & Co-Borrower namely Smt. Rita Bhowal W/o. Sri Debabrata Bhowal and being the registered Deed No. – I – 05536 for the year 2009 at the Office of the ADSR – Bidhannagar & Deed No. –I- 05440 for the year 2009 at the Office of the ADSRO – Bidhannagar, North 24 Parganas & Deed No. –I- 5439 for the year 2009 at the office of the ADSR –Bidhannagar, North 24 Parganas & Deed No. –I- 5456 for the year 2009 at the office of the ADSR – Bidhannagar, North 24 Parganas., West Bengal.

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 31.03.2021 due to non servicing of interest/ installment

3) Notice dated 13.07.2021 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. 53,34,117.73 (Rupees Fifty Three Lac Thirty Four Thousand One Hundred Seventeen and Seventy Three Paise) Only. The Demand notice was published in two daily news papers on 17.08.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 13.07.2021

5) The Secured creditor issued possession notice dated 14.12.2021 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 18.12.2021

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 does 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

(Continued to page No. – 2)



(2)

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

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 PNB Housing Finance Ltd, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata - 700 016, the secured creditor and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam, 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, Bidhannagar, North 24- Parganas, under 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, PNB Housing Finance Ltd, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata - 700 016 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt. Farhanaz Khanam, 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, Bidhannagar, 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 Commissioner of Police, Bidhannagar, 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  
North 24-Parganas.

Memo No. J -15013(11)/ 237 11(5)/2024/JM

Date. - 24/01/2024

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
3. Smt. Farhanaz Khanam, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar North 24- Parganas, with a request to comply with the said order
4. Authorized Officer, PNB Housing Finance Ltd, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata - 700 016.
5. Sri Debabrata Bhowal S/o. Sri Haripada Bhowal & Co-Borrower namely Smt. Rita Bhowal W/o. Sri Debabrata Bhowal, both are residing at, 14/5, Lakshmi Tower, S.L.Sarani, Baguiati, Rajarhat, Kolkata - 700 059.

  
District Magistrate  
North 24-Parganas





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

ORDER

Whereas Authorized Officer, Canara Bank, Madehyamgram Branch, Barasat Road, Near Kalibari, PS – Barasat, PIN – 700 129 has filed a petition u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Proprietor & Guarantor namely Sri Bhibhuti Das S/o. Late Balaram Das, residing at, Digha Das Para, North Das Para, Duttapukur, PS – Duttapukur, PIN – 743 248 of the Borrower namely M/s. G.S.Marble, situated at, Muraghacha Dokantala Ghola, PS – Duttapukur, North 24 Parganas – 743 248. (Case No – 20/24/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Canara Bank, Madehyamgram Branch, Barasat Road, Near Kalibari, PS – Barasat, PIN – 700 129, 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. 9,99,000.00 (CC) (Rupees Nine Lac Ninety Nine Thousand Only) on 13.11.2022 + Rs. 30,00,000.00 (Rupees Thirty Lac Only) on 19.11.2020 to Borrower namely M/s. G.S.Marble, situated at, Muraghacha Dokantala Ghola, PS – Duttapukur, North 24 Parganas – 743 248, having a Proprietor & Guarantor namely Sri Bhibhuti Das S/o. Late Balaram Das, residing at, Digha Das Para, North Das Para, Duttapukur, PS – Duttapukur, PIN – 743 248, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of landed property measuring an area more or less 02 Cottah 06 Chittacks along with a super structure situated under Mouza – Digha, J.L.No – 94, Touzi No – 146, C.S.Khatian No – 133, R.S.Khatian No – 133, L.R.Khatian No – 434, Under the local jurisdiction of Kashimpur Gram Panchayet, PS – Barasat, North 24 Parganas. The Property is butted and bounded by north 4 Ft. common passage, South – Land of Dag No. 873, East – Khas Land of Sri Bhibhuti Das, West – Land of Scheme 8 No. Plot The Mortgaged Property stands in the name of Sri Bhibhuti Das S/o. Late Balaram Das and being the registered Deed No. – I – 04004 for the year 2008 and the deed is registered at the office of ADSR- Kadambagachi, North 24 Parganas, West Bengal.
  - 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 11.06.2022 due to non servicing of interest/ installment
  - 3) Notice dated 22.06.2022 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The total outstanding amount as mentioned in notice is Rs 50,05,386.86 (Rupees Fifty Lac Five Thousand Three Hundred Eighty Six and Eighty Six Paise) only and the demand notice was received by the borrower on 07.07.2022 & 13.07.2022 and the notice was published in two daily news papers on 29.07.2022.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 22.06.2022.
  - 5) The Secured creditor issued possession notice dated 15.10.2022 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 21.10.2022
  - 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 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



- 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 Canara Bank, Madehyamgram Branch, Barasat Road, Near Kalibari, PS – Barasat, PIN – 700 129, the secured creditor and being satisfied, it is hereby ordered that Sk. Md. Erfan Habib, 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, under the District Magistrate North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditors u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, Canara Bank, Madehyamgram Branch, Barasat Road, Near Kalibari, PS – Barasat, PIN – 700 129, will intimate the date of possession of the secured asset to the The Superintendent of Police, Barasat Police District, as well as to, Sk. Md. Erfan Habib, 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 The Superintendent of Police, Barasat Police District, 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  
North 24-Parganas.  
24/10/24

Memo No. J -15013(11)/ 231 /1/(5)/2024/JM

Date - 24 10 / 2024

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, 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. Sk. Md. Erfan Habib, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Canara Bank, Madehyamgram Branch, Barasat Road, Near Kalibari, PS – Barasat, PIN – 700 129.
5. M/s. G.S.Marble, situated at, Muraghacha Dokantala Gholo, PS – Duttapukur, North 24 Parganas – 743 248, having a Proprietor & Guarantor namely Sri Bhibhuti Das S/c. Late Balaram Das, residing at, Digha Das Para, North Das Para, Duttapukur, PS – Duttapukur, PIN – 743 248.

  
District Magistrate  
North 24-Parganas.  
24/10/24





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

Whereas Authorized Officer, Punjab National Bank, Circle Sastra, Kolkata North Circle, DD-11, Slat Lake City, Sector - 1, Kolkata - 700 064 has filed a petition u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Guarantor namely Sri Ratan Ghosh S/o. Sri Panchu Gopal Ghosh of the Borrower namely M/s. Ghosh Enterprise, having a Proprietor namely Smt. Mita Ghosh W/o. Sri Ratan Ghosh, all are residing and situated at, Vill & PO - Chhoto Jagulia, PS - Duttapukur, North 24 Parganas, PIN - 743 294. (Case No - 219/23/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Punjab National Bank, Circle Sastra, Kolkata North Circle, DD-11, Slat Lake City, Sector - 1, Kolkata - 700 064, 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. 25,00,000.00 (Rupees Twenty Five Lac Only) on 03.03.2017 to Borrower namely M/s. Ghosh Enterprise, having a Proprietor namely Smt. Mita Ghosh W/o. Sri Ratan Ghosh, Guarantor namely Sri Ratan Ghosh S/o. Sri Panchu Gopal Ghosh, all are residing and situated at, Vill & PO - Chhoto Jagulia, PS - Duttapukur, North 24 Parganas, PIN - 743 294, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All that piece and parcel of Landed property measuring an area more or less 5.8 Chittacks together with super structure standing thereon lying and situated at Mouza - Choto Jagulia, J.L.No - 115, S Touzi No - 146, Hal Touzi No - 12, R.S.L.R. Khatian No - 2169, 2170, 2171, RS/LR Dag No - 1896, 1886/2296, 1886/2297, Mouza - Choto Jagulia, PO - Choto Jagulia, PS - Duttapukur, North 24 Parganas, PIN - 743 294. The property is butted and bounded by north - Sanjoy Ghosh, South - Rakesh Ghosh, East - Other Land, West - Samir Ghosh. The Mortgaged Property stands in the name of Sri Ratan Ghosh S/o. Sri Panchu Gopal Ghosh and being the registered Deed No. - I - 11874 for the year 2010 and the deed is registered at the office of DSR-II, North 24 Parganas, West Bengal.
  - 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 31.01.2019 due to non servicing of interest/ installment
  - 3) Notice dated 25.10.2019 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The total outstanding amount as mentioned in notice is Rs 29,26,346.30 (Rupees Twenty Nine Lac Twenty Six Thousand Three Hundred Forty Six and Thirty Paise) only and the demand notice was received by the borrower on 29.10.2019.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 25.10.2019.
  - 5) The Secured creditor issued possession notice dated 03.01.2020 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 08.01.2020
  - 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 affidavit dated 02.01.2024 submitted by the secured creditor there is no stay declared by any court of law
- 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 Punjab National Bank, Circle Sastra, Kolkata North Circle, DD-11, Slat Lake City, Sector - 1, Kolkata - 700 064, the secured creditor and being satisfied, it is hereby ordered that Sri Prasun Kumar Pramanik, 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, under the District Magistrate North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditors u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, Punjab National Bank, Circle Sastra, Kolkata North Circle, DD-11, Slat Lake City, Sector - 1, Kolkata - 700 064, will intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, as well as to, Sri Prasun Kumar Pramanik, 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, 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  
North 24-Parganas.  
17/1/24

Memo No. J -15013(11)/ 186 /1(5)/2023/JM


Date. - 18 / 01 / 2024

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, 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 Prasun Kumar Pramanik, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Punjab National Bank, Circle Sastra, Kolkata North Circle, DD-11, Slat Lake City, Sector - 1, Kolkata - 700 064.
5. M/s. Ghosh Enterprise, having a Proprietor namely Smt. Mita Ghosh W/o. Sri Ratan Ghosh, Guarantor namely Sri Ratan Ghosh S/o. Sri Panchu Gopal Ghosh, all are residing and situated at, Vill & PO - Chhoto Jagulia, PS - Duttapukur, North 24 Parganas, PIN - 743 294.

  
District Magistrate  
North 24-Parganas.  
17/1/24



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

ORDER

Whereas Authorized Officer, Canara Bank, Manicktolla Branch, 171 D and 173 A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 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 Guarantor namely Smt. Sudha Chatterjee W/o. Sri Subrata Chatterjee, residing at, Balaram Roy Chowdhury Lane, PO- Panihati, Khardah, PS – Khardah, Kolkata – 700 111, having a Proprietor namely Sri Sumit Mitra, residing at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051 of the Borrower namely M/s. Mitra Enterprises, situated at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051. (Case No – 19/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Canara Bank, Manicktolla Branch, 171 D and 173 A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 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 secured creditor granted a loan Rs. 25,00,000.00 (Rupees Twenty Five Lac Only) on 17.08.2013 to Borrower namely M/s. Mitra Enterprises, situated at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051, having a Proprietor namely Sri Sumit Mitra, residing at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051, having a Guarantor namely Smt. Sudha Chatterjee W/o. Sri Subrata Chatterjee, residing at, Balaram Roy Chowdhury Lane, PO- Panihati, Khardah, PS – Khardah, Kolkata – 700 111, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of undivided  $\frac{1}{2}$  share of landed property measuring an area more or less 01 Cottah 05 Chittacks 43 Sq. Ft. out of 02 Cottahs 11 Chittacks 41 Sq. Ft. on the Ground Floor and 451 Sq. Ft. On the first floor out of covered area of 960 Sq. Ft. On the ground Floor and 902 Sq. Ft. on the first floor of the said two storied building standing thereon of R.S.Dag No – 1257 under R.S.Khatian No – 1127, Situated at Mouza – Panihati, J.L.No – 10, Re Su No – 32, Touzi No – 179, 194 under PS – Khardah, Balaram Roy Chowdhury Road, North 24 Parganas. The property is butted and bounded by North – Land and House of Ratan Roy Chowdhury, South – Balaram Roy Chowdhury Road, East – Land & House of Dwijendra Roy Chowdhury, West – Land and House of Munnu Pashowan. Mortgaged Property stands in the name of Smt. Sudha Chatterjee W/o. Sri Subrata Chatterjee and being the registered Deed No – 1 – 2755 for the year 2009 at the Office of the ADSR - Barrackpore, 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 08.09.2015 due to non servicing of interest/ installment
  - 3) Notice dated 10.09.2015 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. 25,71,896.41.00 (Rupees Twenty Five Lac Seventy One Thousand Eight Hundred Ninety Six and Forty One Paise) only and the demand notice was published in two daily news papers on 06.01.2016
  - 4) The Authorised Officer of the secured creditor received representation on 03.03.2016 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 03.03.2016
  - 5) The Secured creditor issued possession notice dated 07.11.2022 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 08.11.2022
  - 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

(Continued to page No. – 2)



(2)

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.

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 Canara Bank, Manicktolla Branch, 171 D and 173 A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006, the secured creditor and being satisfied, it is hereby ordered that Sri Kuntal Bose, 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, North 24- Parganas, under 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, Canara Bank, Manicktolla Branch, 171 D and 173 A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Kuntal Bose, 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, 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 Commissioner of Police, Barrackpore, 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,  
North 24 - Parganas.  
24/1/24

Date - 24 / 01 / 2024

Memo No. J-15013(11)/ 232 11(5)/2024/JM

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Barrackpore, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
3. Sri Kuntal Bose, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Canara Bank, Manicktolla Branch, 171 D and 173 A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006.
5. M/s. Mitra Enterprises, situated at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051, having a Proprietor namely Sri Sumit Mitra, residing at, 4, Maharaj Nanda Kumar Road, Birati, PS – Nimta, Kolkata – 700 051, having a Guarantor namely Smt. Sudha Chatterjee W/o. Sri Subrata Chatterjee, residing at, Balaram Roy Chowdhury Lane, PO- Panihati, Khardah, PS – Khardah, Kolkata – 700 111, .

  
District Magistrate  
North 24-Parganas.  
24/1/24.