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

**ORDER**

Whereas Authorized Officer, Bank of Baroda, ROSARB, Greater Kolkata, Vishnu Tower, 1<sup>st</sup> Floor, DN-14, Sector- V, Salt Lake City, Kolkata 700 001 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 Director & Guarantor namely Sri Sudipto Biswas S/o. Sri Upen Biswas having to other Directors & Guarantors namely Smt. Kanan Biswas & Smt. Sharmistha Biswas, of the Borrower namely M/s. AKS Traders Pvt. Ltd, all are residing and situated at, 26, Prafulla Nagar Colony, G-1, Lokenath Apartment, PS – Dum Dum, North 24 Parganas, Kolkata – 700 074. (Case No – 97/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Bank of Baroda, ROSARB, Greater Kolkata, Vishnu Tower, 1<sup>st</sup> Floor, DN-14, Sector- V, Salt Lake City, Kolkata 700 001 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. 65,00,000.00 (Rupees Sixty Five Lac Only) on 08.01.2019 to Borrower namely M/s. AKS Traders Pvt. Ltd, having Directors and Guarantors namely Sri Sudipto Biswas S/o. Sri Upen Biswas, Smt. Kanan Biswas & Smt. Sharmistha Biswas, all are residing and situated at, 26, Prafulla Nagar Colony, G-1, Lokenath Apartment, PS – Dum Dum, North 24 Parganas, Kolkata – 700 074, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All the piece and parcel of a Flat being no. 4NE measuring an area more or less 644 Square Feet of the Building namely "UDICHI" situated on the landed property measuring an area more or less 3 Cottah 4 Chittacks and 36 Square Feet with super structure under Mouza – Bagjola, J.L.No – 21, R.S.No – 68, Touzi No – 182, C.S.Khatian No – 452 (Previous No. 168) Part of Dag No. – 1879 and 1879/1908 (Previous Dag No - 476), Premises No – 101, Motijhil Avenue, Under South Dum Dum Municipality, PS- Dum Dum, North 24 Parganas, Kolkata – 700 074. The Building is butted and bounded by North – The Bank of Jheel, South – 16' wide Road, East – Bank of Jheel, West – Plot No. 12A, Municipal Holding No. 332 (also known as 100). The Mortgaged Property stands in the name of Sri Sudipto Biswas S/o. Sri Upen Biswas and being the registered Deed No. – 1 – 10249 for the year 2007 at the Office of the A.D.S.R.O- Cossipore Dum Dum, North 24 Parganas.
  - 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 29.01.2021 due to non servicing of interest/ installment
  - 3) Notice dated 20.05.2021 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.71,53,090.74 (Rupees Seventy One Lac Fifty Three Thousand Ninety and Seventy Four Paise) only and the demand notice was received by the borrower on 19.11.2018
  - 4) The Authorised Officer of the secured creditor received representation (vide dated 31.05.2021) on 04.06.2021 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 10.06.2021
  - 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 15.12.2021
  - 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 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 28.11.2023 submitted by the secured creditor there is no stay declared by any court of law

(Continued to page No. – 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 Bank of Baroda, ROSARB, Greater Kolkata, Vishnu Tower, 1<sup>st</sup> Floor, DN-14, Sector- V, Salt Lake City, Kolkata 700 001, the secured creditor and being satisfied, it is hereby ordered that Smt. Anamika Bera (Saha), 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, Bank of Baroda, ROSARB, Greater Kolkata, Vishnu Tower, 1<sup>st</sup> Floor, DN-14, Sector- V, Salt Lake City, Kolkata 700 001 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Smt. Anamika Bera (Saha), 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.

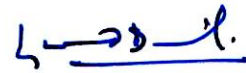
  
District Magistrate,  
North 24 - Parganas.  
15/11/2023

Memo No. J-15013(11)/ 3132 /1/(5)/2023/JM

Date. - 5 / 12 / 2023

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. Smt. Anamika Bera (Saha), 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, Bank of Baroda, ROSARB, Greater Kolkata, Vishnu Tower, 1<sup>st</sup> Floor, DN-14, Sector- V, Salt Lake City, Kolkata 700 001.
5. M/s. AKS Traders Pvt. Ltd, having Directors and Guarantors namely Sri Sudipto Biswas S/o. Sri Upen Biswas, Smt. Kanan Biswas & Smt. Sharmistha Biswas, all are residing and situated at, 26, Prafulla Nagar Colony, G-1, Lokenath Apartment, PS – Dum Dum, North 24 Parganas, Kolkata – 700 074.

  
District Magistrate  
North 24-Parganas.  
15/11/2023