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

Whereas Authorized Officer, Indian Bank, Burrabazar Branch, 140, Cotton Street, Kolkata – 700 007 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 Ratnadeep Mallick S/o. Sri Ramendra Narayan Mallick, having another Director & Guarantor namely Smt. Mita Mallick, both are residing at, 1, B.T.Road, Atithi Abasan, Mamarhati, Kolkata – 700 058 of the Borrower namely M/s. Advent Interior Pvt. Ltd. Situated at, 130/1/K, B.T.Road, Opposite Khalsa Model School, Dunlop, Kolkata – 700 108. (Case No – 18/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Indian Bank, Burrabazar Branch, 140, Cotton Street, Kolkata – 700 007 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. 34,00,000.00 (CC) (Rupees Thirty Four Lac Only) on 03.03.2018 + Rs. 6,80,000.00 (TL) (Rupees Six Lac Eighty Thousand Only) on 22.06.2020 + Rs. 88,000 (TL) (Rupees Eighty Eight Thousand Only) on 30.09.2021 + Rs. 3,50,000.00 (TL) (Rupees Three Lac Fifty Thousand Only) on 14.03.2022 to Borrower namely M/s. Advent Interior Pvt. Ltd. Situated at, 130/1/K, B.T.Road, Opposite Khalsa Model School, Dunlop, Kolkata -- 700 108, having Directors & Guarantors namely Sri Ratnadeep Mallick S/o. Sri Ramendra Narayan Mallick, & Smt. Mita Mallick, both are residing at, 1, B.T.Road, Atithi Abasan, Mamarhati, Kolkata – 700 058, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) A Flat measuring an area about 1200 Sq. Ft. being on the 3rd Floor of Atithi Abasan Under Mouza – Ariadaha, Kamarhati, 1/B, B.T.Road, Vill – Kamarhati, PS – Belghoria, J.L.No – 01, R.S.No – 12, Touzi No – 173, Dag No – 3711, Khatian No – 2059, R.S.Khatian No – 03, Kolkata – 700 058. The property is Butted and Bounded by North – Land & Building of SBI, South – 9 Feet wide Common Passage, East – 12 Feet wide common passage, West – Common portion of Land. The Mortgaged Property stands in the name of Sri Ratnadeep Mallick S/o. Sri Ramendra Narayan Mallick and being the registered Deed No. – I – 13300 for the year 2013 at the Office of ARA-II, Kolkata, W.B.
- 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 22.06.2022 due to non servicing of interest/ installment
- 3) Notice dated 29.07.2022 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.46,78,485.00 (Rupees Forty Six Lac Seventy Eight Thousand Four Hundred and Eighty Five) only and the demand notice was received by the borrower on 23.08.2022
- 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 29.07.2022
- 5) The Secured creditor issued possession notice dated 28.10.2022 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 01.11.2022
- 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 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
- 11) There is case SA No 899 of 2022 pending before at – DRT-III 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

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- 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 Indian Bank, Burrabazar Branch, 140, Cotton Street, Kolkata – 700 007, 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, Indian Bank, Burrabazar Branch, 140, Cotton Street, Kolkata – 700 007 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.

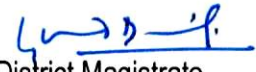

 District Magistrate,
 North 24 - Parganas.
 21/1/24

Memo No. J -15013(11)/ 358 /11(5)/2024/JM

Date. - 05/02/2024

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, Indian Bank, Burrabazar Branch, 140, Cotton Street, Kolkata – 700 007.
5. M/s. Advent Interior Pvt. Ltd. Situated at, 130/1/K, B.T.Road, Opposite Khalsa Model School, Dunlop, Kolkata – 700 108, having Directors & Guarantors namely Sri Ratnadeep Mallick S/o. Sri Ramendra Narayan Mallick, & Smt. Mita Mallick, both are residing at, 1, B.T.Road, Atithi Abasan, Mamarhati, Kolkata – 700 058.


 District Magistrate
 North 24-Parganas.
 21/1/24