



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

ORDER

Whereas Authorized Officer, State Bank of India, Stressed Assets Recovery Branch, South Bengal Jeevandeep Building, 2nd Floor, 1, Middleton Street, 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 Director & Personal Guarantor namely Sri Debabrata Arun Kumar Ghose S/o. Sri Arun Kumar Ghose, residing at, Utthan –II, Block- A, Flat No – 502, New Town, Behind NPG Hotel, Baguihati Hatiara, PIN – 700 157 having another Director & Personal Guarantor namely Sri Soumitra Samanta S/o. Sri Dilip Samanta, residing at, Deriapur, Raina – 1, Bardhaman, PIN – 713 124, having a Personal Guarantor namely Sri Anand Prakash Singh S/o. Sri Ganga Singh, residing at, Near RMCH, A-903, Vasundhara Gardens, Harihar Singh Road, Moradabadi, Bariatu, Jharkhand - 734009 of the Borrower namely Anwasha Infratech and Research Private Limited. (Case No – 31/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, State Bank of India, Stressed Assets Recovery Branch, South Bengal Jeevandeep Building, 2nd Floor, 1, Middleton Street, 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. 90,00,000.00 (Rupees Ninety Lac Only) on 14.12.2021 to Borrower namely Anwasha Infratech and Research Private Limited, having Director & Personal Guarantor namely Sri Debabrata Arun Kumar Ghose S/o. Sri Arun Kumar Ghose, residing at, Utthan –II, Block- A, Flat No – 502, New Town, Behind NPG Hotel, Baguihati Hatiara, PIN – 700 157 having another Director & Personal Guarantor namely Sri Soumitra Samanta S/o. Sri Dilip Samanta, residing at, Deriapur, Raina – 1, Bardhaman, PIN – 713 124, having a Personal Guarantor namely Sri Anand Prakash Singh S/o. Sri Ganga Singh, residing at, Near RMCH, A-903, Vasundhara Gardens, Harihar Singh Road, Moradabadi, Bariatu, Jharkhand - 734009, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) Flat No. 502, 5th Floor, in Block-A, measuring a super built up area more or less 1560 sq.ft. and consisting of 3 bedrooms 1 kitchen, 1 living cum dining space, 2 toilets, 2 balconies and one covered car parking space no. 11, on the ground floor in Block – A, measuring a super built up area more or less 120 Sq. Ft. with undivided proportionate share of land, lift and common areas and facilities at Holding No. AS/252/BL-KC/10-11, AS/251/BL-KC/10-11 and AS/253/BL-KC/10-11, Kaikhali, Chinar Park, PS – Rajarhat, Now Airport, within the limits of Rajarhat Gopalpur Municipality, J.L.No – 5, R.S.No – 115, Touzi No – 172, North 24 Parganas, Kolkata – 700 157 called and known as Utthan - II. The building is butted and bounded by North – R.S.Dag No - 620, South -- 20 ft wide road and R.S.Dag No. 637 (P), East – R.S. Dag No – 626 (P), 632 (P), 631 (P), West – R.S.Dag No- 633 (P). Mortgaged Property stands in the name of Sri Debabrata Arun Kumar Ghose S/o. Sri Arun Kumar Ghose and being the registered Deed No – I – 02998 for the year 2013 at the Office of the ADSR – Bidhannagar (Salt Lake), 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 29.01.2023 due to non servicing of interest/ installment
 - 3) Notice dated 31.01.2023 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. 93,82,357.00 (Rupees Ninety Three Lac Eighty Two Thousand Three Hundred Fifty Seven) Only. The notice was published in two daily news papers on 25.04.2023
 - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 31.01.2023
 - 5) The Secured creditor issued possession notice dated 25.08.2023 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 news papers on 30.08.2023
 - 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 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.

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(2)

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

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 State Bank of India, Stressed Assets Recovery Branch, South Bengal Jeevandeep Building, 2nd Floor, 1, Middleton Street, Kolkata – 700 071, the secured creditor and being satisfied, it is hereby ordered that Smt. Mouli Sanyal, 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, State Bank of India, Stressed Assets Recovery Branch, South Bengal Jeevandeep Building, 2nd Floor, 1, Middleton Street, Kolkata – 700 071 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt. Mouli Sanyal, 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)/ 351 /11(5)/2024/JM

Date. - 05/02/2024

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. Mouli Sanyal, 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, State Bank of India, Stressed Assets Recovery Branch, South Bengal Jeevandeep Building, 2nd Floor, 1, Middleton Street, Kolkata – 700 071.
5. Anwesa Infratech and Research Private Limited, having Director & Personal Guarantor namely Sri Debabrata Arun Kumar Ghose S/o. Sri Arun Kumar Ghose, residing at, Utthan -II, Block- A, Flat No – 502, New Town, Behind NPG Hotel, Baguihati Hatiara, PIN – 700 157 having another Director & Personal Guarantor namely Sri Soumitra Samanta S/o. Sri Dilip Samanta, residing at, Deriapur, Raina – 1, Bardhaman, PIN – 713 124, having a Personal Guarantor namely Sri Anand Prakash Singh S/o. Sri Ganga Singh, residing at, Near RMCH, A-903, Vasundhara Gardens, Harihar Singh Road, Moradabadi, Bariatu, Jharkhand - 734009.


District Magistrate
North 24-Parganas
