



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

**ORDER**

Whereas Authorized Officer, Canara Bank, 21, Camac Street, (4<sup>th</sup> Floor), Kolkata – 700 016 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 namely Smt. Ila Biswas W/o. Sri Ratan Kanti Biswas having a Guarantor namely Sri Tuhin Biswas S/o. Sri Ratan Kanti Biswas of the Borrower namely M/s. Biswas Enterprise, all are residing and situated at Madhabaluria, Bhangapanchil, Nabapally, Barasat, PS – Barasat, North 24 Parganas, Kolkata – 700 0126. (Case No – 115/23/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, 21, Camac Street, (4<sup>th</sup> Floor), 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. 5,00,000.00 (Term Loan) (Rupees Five Lac Only) on 28.03.2014 & Rs. 5,00,000.00 (Working Capital) (Rupees Five Lac Only) on 28.03.2014 to Borrower namely M/s. Biswas Enterprise having a Proprietor namely Smt. Ila Biswas W/o. Sri Ratan Kanti Biswas having a Guarantor namely Sri Tuhin Biswas S/o. Sri Ratan Kanti Biswas, all are residing and situated at Madhabaluria, Bhangapanchil, Nabapally, Barasat, PS – Barasat, North 24 Parganas, Kolkata – 700 0126, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All that piece and parcel of Bastu Landed property measuring an area more or less 02 Cottah 10 Chittacks 23 Square Feet along with a building thereon situated under Mouza – Baluria, J.L.No – 37, Touzi No. – 146, R.S.Khatian No – 7 & 1133, L.R.Khatian No – 1547/2, R.S.Dag No – 842 & 843, under the local jurisdiction of Barasat Municipality, Pargana Anwarpur, PS – Barasat, Kolkata – 700 126. The building is Butted and bounded by North – Property of Shanti Raha & Rabindranath Dutta, South – Property of Rani Prova Biswas, East – 14 ft. wide Nabapally Madhya Baluria Road, West – Property of Nirmal Sarkar. The Mortgaged Property stands in the name of Smt. Ila Biswas W/o. Sri Ratan Kanti Biswas & Sri Tuhin Biswas S/o. Sri Ratan Kanti Biswas and being the registered Deed No. – I – 00689 for the year 2002 and the deed is registered at the office of A.D.S.R- 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 28.02.2017 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 7,98,046.00 (Rupees Seven Lac Ninety Eight Thousand and Forty Six) Only & Rs. 7,43,848.00 (Rupees Seven Lac Forty Three Thousand Eight Hundred and Forty Eight Only) only and the demand notice was received by the borrower on 02.11.2019.
- 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 04.11.2020 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 08.11.2020
- 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

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(2)

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

12) The property is not under lease/tenancy as per affidavit, deed(s), records or all other relevant documents

and

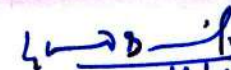
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Canara Bank, 21, Camac Street, (4<sup>th</sup> Floor), Kolkata – 700 016, 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), attached with 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, 21, Camac Street, (4<sup>th</sup> Floor), Kolkata – 700 016, will intimate the date of possession of the secured asset to the 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), attached with 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.  
14/09/23  
15/09/23

Memo No. J -15013(11)/ 2568 11/(5)/2023/JM

Date. - 15 / 09, / 2023

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, attached with the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Canara Bank, 21, Camac Street, (4<sup>th</sup> Floor), Kolkata – 700 016.
5. M/s. Biswas Enterprise having a Proprietor namely Smt. Ila Biswas W/o. Sri Ratan Kanti Biswas having a Guarantor namely Sri Tuhin Biswas S/o. Sri Ratan Kanti Biswas, all are residing and situated at Madhabaluria, Bhangapanchil, Nabapally, Barasat, PS – Barasat, North 24 Parganas, Kolkata – 700 0126.

  
District Magistrate  
North 24-Parganas.  
15/09/23