



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

**ORDER**

Whereas Authorized Officer, Canara Bank (e-Syndicate), Chinar Park Branch, 217, Lokenath Park, Chinar Park, Sukanta Pally, Baguiati, New Town, Kolkata – 700 157, 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 Proprietor namely Sri Sadhan Chakraborty S/o. Sri Provat Chakraborty of the Borrower namely M/s. Chakraborty Enterprise, both are residing and situated at, P-16, Bangur Avenue, Block – A, Kolkata – 700 055. (Case No – 156/23/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 (e-Syndicate), Chinar Park Branch, 217, Lokenath Park, Chinar Park, Sukanta Pally, Baguiati, New Town, Kolkata – 700 157 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. 15,00,000.00 (Rupees Fifteen Lac Only) on 28.07.2014 to Borrower namely M/s. Chakraborty Enterprise, having a Proprietor namely Sri Sadhan Chakraborty S/o. Sri Provat Chakraborty, residing and situated at, P-16, Bangur Avenue, Block – A, Kolkata – 700 055, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

- 1) All that piece and parcel of the self contained Flat being Flat No. (A) on the Ground Floor (North Eastern side) measuring super built up area more or less 602 Square Feet consisting of one bed room, one dining cum drawing room, one toilet, one kitchen, one verandah together with undivided proportionate share in the landed property measuring an area more or less 4 Cottah 7 Chittack 3 Square Feet situated at Mouza – Shyamnagar Comprised in J.L.No. – 32/20, R.S.No. – 180, Touzi No – 228 and 229, C.S.Khatian No – 829, 823 and 187, C.S. Plot No – 1258, within the local limits of South Dum Dum Municipality, Holding No. – 28 (New 43) now known and numbered as 16, Bangur Avenue, Block – A, Kolkata – 700 055 PS – Lake Town. The building is butted and bounded by North – Land of Shri Anandamoy Mitra, South – Land of Shri Swapan Mitra, East – 14' wide Road, West – Railway Land. Mortgaged Property stands in the name of Sri Sadhan Chakraborty S/o. Sri Provat Chakraborty and being the registered Deed No – I – 01706 for the year 2014 at the Office of the ARA - II – Kolkata, 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 30.10.2017 due to non servicing of interest/ installment
  - 3) Notice dated 22.12.2017 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. 15,51,886.28 (Rupees Fifteen Lac Fifty One Thousand Eight Hundred Eighty Six and Twenty Eight Paise) Only. The Demand notice was received by the borrower on 03.01.2018.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 22.12.2017
  - 5) The Secured creditor issued possession notice dated 06.06.2018 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 09.06.2018
  - 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.



(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 affidavit dated 12.05.2023 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 (e-Syndicate), Chinar Park Branch, 217, Lokenath Park, Chinar Park, Sukanta Pally, Baguiati, New Town, Kolkata – 700 157, 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, Canara Bank (e-Syndicate), Chinar Park Branch, 217, Lokenath Park, Chinar Park, Sukanta Pally, Baguiati, New Town, Kolkata – 700 157 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.

  
30/05/23  
District Magistrate

North 24-Parganas.

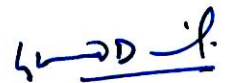


Date. - 11 / 10 / 2023

Memo No. J -15013(11)/ 2828 /1(5)/2023/JM

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, Canara Bank (e-Syndicate), Chinar Park Branch, 217, Lokenath Park, Chinar Park, Sukanta Pally, Baguiati, New Town, Kolkata – 700 157.
5. M/s. Chakraborty Enterprise, having a Proprietor namely Sri Sadhan Chakraborty S/o. Sri Provat Chakraborty, residing and situated at, P-16, Bangur Avenue, Block – A, Kolkata – 700 055.



District Magistrate  
North 24-Parganas

