
GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(DISASTER MANAGEMENT AND CIVIL DEFENCE SECTION)

ORDER

Whereas Authorized Officer, UCO Bank, Dakshineswar Branch, at 16/1 Bachaspati para road, Dakshineswar, Kolkata-700076. E-mail dakssl@ucobank.co.in, 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 Borrower & Guarantor namely Dipanjali Roy Chowdhury (Now Deceased), W/o- Subhash Roy Chowdhury, A/C-33440610000960 (Term Loan), at Flat No.F-1,Kalpana Apartment, Premises No-113/1, M. M. Feeder Road, Holding No 394/14 Ward No 10, P.O- Ariadaha, P.S- Dakshineswar, Dist-North 24 Pgs, Kolkata-700057.

(Case No 24/24, Date-17.02.2024)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Office UCO Bank, Dakshineswar Branch, at 16/1 Bachaspati para Rd, Dakshineswar, Kolkata-700076. E-mail dakssl@ucobank.co.in, 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. 8,64,000.00 (Rupees Eight Lack Sixty Four Thousand only) on 29.01.2019 To Borrower & Guarantor name Dipanjali Roy Chowdhury (Now Deceased),W/O- Subhash Roy Chowdhury A/C-33440610000960 (Term Loan,at Flat No.F-1,Kalpana Apartment, Premises No-113 1, M. M. Feeder Road, Holding No 394/14 Ward No 10, P.O- Ariadaha, P.S- Dakshineswar, Dist-North 24 Pgs, Kolkata-700057, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of self –contained Flat, being No.F-1,Ground Floor in G+3 storied residential building of Kalpana Apartment, measuring super built-up area 567.50 sq. ft in Mouza Ariadaha Kamarhati, J.L.No.01,R.S no. 12, Touzi No.173,R.S.Dag No.5383 & 5384, R.S. Khaitan No.783 situated at 113/1, M.M.Feeder Road, Ward No.10 under Kamarhati Municipality, P.S - Dakshineswar, Distict-North 24 pargana, Kolkata 700057.Being Deed No.152600676, Book No.1,Volume No.1526-2019 pages from 20978 to 21005 for the year 2019 , A.D.S.R.O .Belgharia, property Stand in the name of Dipanjai Roy chowdury (Now Deceased), Now property owners are all legal heirs of late Dipanjali Roy chowdhury. Building butted and bounded by On the North; M.M. Fedder Road, On the south; Land of Shambhu Nath Banerjee ,On the East; Land & House of Krishna Dhan Das ,On the West - Common passage .
 - 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 23.08.2022 due to non servicing of interest/ installment.
 - 3) Notice dated 19.10.2022 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. 8,16,353.12 (Rupees Eight Lakh Sixteen Thousand Three Hundred Fifty Three and one two Paisa) Only. The Demand notice was received by the borrower on 26.10.2022.
 - 4) The Authorised Officer of the secured creditor received No representation from the borrowers in reply to demand notice u/s 13(2), on 19.10.2022.
 - 5) The Secured creditor issued possession notice dated 17.02.2023 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 18.02.23.
 - 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

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(2)

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 office of, UCO Bank, Dakshineswar Branch, at 16/1 Bachaspati para Rd, Dakshineswar, Kolkata - 700076 .E-mail dakssl@ucobank.co.in, 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, UCO Bank, Dakshineswar Branch, at 16/1 Bachaspati para Rd, Dakshineswar, Kolkata - 700076. E-mail dakssl@ucobank.co.in, 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.
Date. - 29-02-2024

Memo No. 651/1(5)/JM

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. UCO Bank, Dakshineswar Branch, at 16/1 Bachaspati para Rd, Dakshineswar, Kolkata-700076. E-mail dakssl@ucobank.co.in,
5. Dipanjali Roy Chowdhury (Now Deceased) A/C-33440610000960(Term Loan), W/o- Subhash Roy Chowdhury, at Flat No.F-1, Kalpana Apartment, Premises No-113/1, M. M. Feeder Road, Holding No 394/14 , Ward No 10, P.O- Ariadaha, P.S- Dakshineswar, Dist-North 24 Pgs, Kolkata-700057.


District Magistrate
North 24-Parganas.