



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

ORDER

Whereas Authorized Officer, Edelweiss Asset Reconstruction Company Limited, Edelweiss House, 1st Floor, Off CST Road, Kalina, Mumbai – 400 098, 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 Borrower namely Smt. Dola Talukdar W/o. Biswajit Talukdar, residing at, 3/G, Hridaypur Station Road, Kolkata – 700 127, having a Guarantor namely Smt. Shukla Das, residing at, Hridaypur Station Road, Barasat, Near Hridaypur, Kailasnagar Math, PIN – 700 124. (Case No – 68/24/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Edelweiss Asset Reconstruction Company Limited, Edelweiss House, 1st Floor, Off CST Road, Kalina, Mumbai – 400 098, 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. 30,00,000.00 (Rupees Thirty Lac Only) on 29.09.2016 + Rs.56,441.00 (Rupees Fifty Six Thousand Four Hundred and Forty One) on 30.09.2016 to Borrower namely Smt. Dola Talukdar W/o. Biswajit Talukdar, residing at, 3/G, Hridaypur Station Road, Kolkata – 700 127, having a Guarantor namely Smt. Shukla Das, residing at, Hridaypur Station Road, Barasat, Near Hridaypur, Kailasnagar Math, PIN – 700 124, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of one self contained flat on the second floor measuring a Super Built Up area more or less 1400 Square Feet situated on the Bastu landed property measuring an area more or less 11 Decimals, together with G+3 Storied building standing thereon lying and situated under Mouza – Hariharpur, J.L.No – 40, Touzi No – 146, Khatian No – 435, R.S.Khatian No – 818, 818 and 820, Hal L.R.Khatian No – 895/1, R.S>Dag No – 1052, L.R.Dag No – 1400, Under the local jurisdiction of Barasat Municipality, Holding No – 3G/13, Hridaypur Station Road, Kolkata – 700 127. The property is butted and bounded by North – Own residential House, South – 12 feet wide common passage, East – Others' residential House, West – 10 feet wide road and land of Anukul Chandra Halder. The Mortgaged Property stands in the name of Smt. Dola Talukdar W/o. Biswajit Talukdar and being the registered Deed No. – 1 – 150308245 for the year 2016 and the deed is registered at the office of ADSR – Barasat, 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 06.04.2020 due to non servicing of interest/ installment
 - 3) Notice dated 24.11.2021 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 35,51,769.62 (Rupees Thirty Five Lac Fifty One Thousand Seven Hundred Sixty Nine and Sixty Two Paise) only and the demand notice was published in two daily news papers on 28.01.2022.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 24.11.2021.
 - 5) The Authorised Officer of the Secured creditor approaches to the District Magistrate, North 24-Parganas, WB, directly under section 14 of the SARFAESI Act of 2002 as per the Judgment of The Hon'ble Supreme Court, India in Standard Chartered Bank Vs. Noble Kumar [(2013) 9 SCC 620] and issued no possession notice u/s 13(4) of SARFAESI Act of 2002 for taking Possession on the secured assets
 - 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
- 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

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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

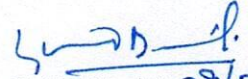
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Edelweiss Asset Reconstruction Company Limited, Edelweiss House, 1st Floor, Off CST Road, Kalina, Mumbai – 400 098, the secured creditor and being satisfied, it is hereby ordered that Sri Bibrata Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in 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, Edelweiss Asset Reconstruction Company Limited, Edelweiss House, 1st Floor, Off CST Road, Kalina, Mumbai – 400 098, will intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, as well as to, Sri Bibrata Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in 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 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.

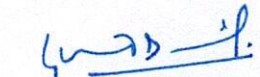
08/04/24
08/04/24

Memo No. J -15013(11)/ 1148 /11(5)/2024/JM

Date. - 08 104 /2024

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 Bibrata Biswas, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Edelweiss Asset Reconstruction Company Limited, Edelweiss House, 1st Floor, Off CST Road, Kalina, Mumbai – 400 098.
5. Smt. Dola Talukdar W/o. Biswajit Talukdar, residing at, 3/G, Hridaypur Station Road, Kolkata – 700 127, having a Guarantor namely Smt. Shukla Das, residing at, Hridaypur Station Road, Barasat, Near Hridaypur, Kailasnagar Math, PIN – 700 124.


District Magistrate
North 24-Parganas.
08/04/24