



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



**ORDER**

Whereas Authorized Officer, Indian Bank, Hridaypur Branch, Jessore Road, PO & PS – Barasat, Kolkata – 700 124 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 Sri Tapas Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221, having a Guarantor namely Sri Tarun Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Purbapara, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 700 125 of the borrower namely M/s. Durga Trading, situated at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221.  
(Case No – 147/23/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Indian Bank, Hridaypur Branch, Jessore Road, PO & PS – Barasat, Kolkata – 700 124, 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 17.12.2016 & Rs. 20,00,000.00 (Rupees Twenty Lac Only) on 31.05.2021 to Borrower namely M/s. Durga Trading, situated at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221, having a Proprietor namely Sri Tapas Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221, having a Guarantor namely Sri Tarun Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Purbapara, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 700 125 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 along with construction thereon measuring about more or less 05 Satak at Mouza – Mirhati, Touzi – 146, JL No. – 66, Re Sa – 81, R.S. Khatian No. – 283, R.S.Dag No. – 587, L.R.Khatian No. – 325, Corresponding to Hal L.R.Khatian No. 1072 & 912, L.R.Dag No. – 587, Under Bodai Gram Panchayet, PS – Amdanga, North 24 Parganas. The property is butted and bounded by North – Dag No. 586/771, South – Dag No. 587 area 05 Shatak, Jitendra Nath Sadhukhan, East – Other Dag, Dipak Sadhukhan, West – Krishnanagar Road. The Mortgaged Property stands in the name of Sri Tapas Sadhukhan S/o. Sri Gobinda Sadhukhan & Sri Tarun Sadhukhan S/o. Sri Gobinda Sadhukhan and being the registered Deed No. – I – 07222 for the year 2013 and the deed is registered at the office of DSR-I, 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 04.06.2022 due to non servicing of interest/ installment
  - 3) Notice dated 22.08.2022 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 1,16,82,578.00 (Rupees One Crore Sixteen Lac Eighty Two Thousand Five Hundred and Seventy Eight) only and the demand notice was received by the borrower on 31.08.2022.
  - 4) The Authorised Officer of the secured creditor received representation (vide dated 17.10.2022) on 18.10.2022 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 31.10.2022.
  - 5) The Secured creditor issued possession notice dated 10.11.2022 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 15.11.2022
  - 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) SA No – 911 of 2022 is pending before Ld. DRT – III Kolkata, regarding this case filed by the borrower, but there is no Stay Order/Status Quo maintain/interim order as per record given by the financial institution under Section 34 of SARFAESI Act, 2002 in this regard filed by the borrower as per affidavit dated 22.08.2023 submitted by the secured creditor there is no stay declared by any court of law



(2)

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

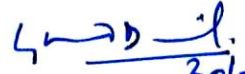
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Indian Bank, Hridaypur Branch, Jessore Road, PO & PS – Barasat, Kolkata – 700 124, the secured creditor and being satisfied, it is hereby ordered that Sri Pradipta Ghosh, 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, Indian Bank, Hridaypur Branch, Jessore Road, PO & PS – Barasat, Kolkata – 700 124, will intimate the date of possession of the secured asset to the The Superintendent of Police, Barasat Police District, as well as to, Sri Pradipta Ghosh, 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 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.  
27/9/23

Memo No. J -15013(11)/ 2735 11(5)/2023/JM

Date. - 04 / 10 / 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 Pradipta Ghosh, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Indian Bank, Hridaypur Branch, Jessore Road, PO & PS – Barasat, Kolkata – 700 124.
5. M/s. Durga Trading, situated at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221, having a Proprietor namely Sri Tapas Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 743 221, having a Guarantor namely Sri Tarun Sadhukhan S/o. Sri Gobinda Sadhukhan, residing at, Purbapara, Mirhati, PS – Amdanga, North 24 Parganas, PIN – 700 125.

  
District Magistrate  
North 24-Parganas.  
27/9/23

