


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

ORDER

Whereas Authorized Officer, Union Bank of India (Erstwhile Andhra Bank), Asset Recovery Branch, 14/1B, Ezra Street, Kolkata – 700 001, 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 Late Sudeb Kumar Ghosh (Inherited by 1. Sri Sukalyan Ghosh, 2. Sri Prosenjit Ghosh, 3. Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh), of the Borrower namely M/s. Falguni Tea House, having Partners-cum-Guarantors namely Sri Sukalyan Ghosh S/o. Late Sudeb Kumar Ghosh, Sri Prosenjit Ghosh S/o. Late Sudeb Kumar Ghosh, having a Guarantor namely Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh, legal heir of property offered as collateral late Nilima Ghosh W/o. Lt. Sudip Kumar Ghosh all are residing at, all are residing at, Vill & PO – Chandpara, Chandpara Bazar, PS – Gaighata, North 24 Parganas, PIN – 743 245. (Case No – 207/23/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Union Bank of India (Erstwhile Andhra Bank), Asset Recovery Branch, 14/1B, Ezra Street, Kolkata – 700 001, 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. 45,00,000.00 (Cash Credit) (Rupees Forty Five Lac Only) on 01.11.2013 to Borrower namely M/s. Falguni Tea House, Late Sudeb Kumar Ghosh (Inherited by 1. Sri Sukalyan Ghosh, 2. Sri Prosenjit Ghosh, 3. Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh), having Partners-cum-Guarantors namely Sri Sukalyan Ghosh S/o. Late Sudeb Kumar Ghosh, Sri Prosenjit Ghosh S/o. Late Sudeb Kumar Ghosh, having a Guarantor namely Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh, legal heir of property offered as collateral late Nilima Ghosh W/o. Lt. Sudip Kumar Ghosh all are residing at, all are residing at, Vill & PO – Chandpara, Chandpara Bazar, PS – Gaighata, North 24 Parganas, PIN – 743 245, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece & parcel of land & Building measuring an area 1.3 Satak, Situated at Mouza – Purba Sonatkari, J.L.No – 56, Touzi No – 3526, R.S.Dag No – 432, L.R.Dag No – 589, Khatian No. – 363, L.R.Khatian No – 1512, 1511, 1510 & 259/6, Situated at Jhawdanga Road Sabji Patty, Chandpara GP, Under P.S.Gaighata, North 24 Parganas, PIN – 743 245.

Being Deed No. 4450 & 4453 for the year 1985, ADSRO – Chandpara, in the name of Lt. Sudip Kumar Ghosh (Since deceased) inherited by 1. Sri Sukalyan Ghosh, 2. Prosenjit Ghosh & 3. Sudipta Ghosh W/o. Lt. Shyamal Ghosh.

Being Deed No. 4452, Book No. I, Volume No. 55, Pages from 323 to 330 for the year 1985, ADSRO – Chandpara, in the name of Smt. Nilima Rani Ghosh (Since Deceased) inherited by 1. Sukalyan Ghosh, 2. Prosenjit Ghosh, 3. Sudipta Ghosh W/o. Lt. Shyamal Ghosh.

Being Deed No. 4451, Book No. I, Volume No. 55, Pages From 315 to 322 for the year 1985, ADSRO- Chandpara, in the name of Lt. Sukumari Ghosh (Since Deceased) inherited by 1. Sri Sukalyan Ghosh, 2. Prosenjit Ghosh, 3. Sudipta Ghosh, W/o. Lt. Shyamal Ghosh

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 31.01.2018 due to non servicing of interest/ installment

3) Notice dated 08.02.2018 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 46,50,151.07 (Rupees Forty Six Lac Fifty Thousand One Hundred Fifty One and Seven Paise) only and the demand notice was received by the borrower on 23.02.2018.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 08.02.2018.

5) The Secured creditor issued possession notice dated 04.01.2019 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 06.01.2019

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 is within the jurisdiction of the District Magistrate, North 24- Parganas

(Continued to page No. – 2)

(2)
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 affidavit dated 24.11.2023 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 Union Bank of India (erstwhile Andhra Bank), Asset Recovery Branch, 14/1B, Ezra Street, Kolkata – 700 001, the secured creditor and being satisfied, it is hereby ordered that Sri Asish Kumar Roy, 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, Bongaon, 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, Union Bank of India (erstwhile Andhra Bank), Asset Recovery Branch, 14/1B, Ezra Street, Kolkata – 700 001, will intimate the date of possession of the secured asset to the The Superintendent of Police, Bongaon Police District, as well as to, Sri Asish Kumar Roy, 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, Bongaon, 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, Bongaon 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.

Memo No. J -15013(11)/ 3174 /1/(5)/2023/JM
Copy forwarded for information and necessary action to :-

Date. - 13 / 11 / 2023

1. The Superintendent of Police, Bongaon Police District, with a request to comply with the said order.
2. The Sub Divisional Officer, Bongaon, North 24- Parganas, with a request to comply with the said order.
3. Sri Asish Kumar Roy, Executive Magistrate, in the Office of the Sub Divisional Officer, Bongaon, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Union Bank of India (erstwhile Andhra Bank), Asset Recovery Branch, 14/1B, Ezra Street, Kolkata – 01.
5. M/s. Falguni Tea House, Late Sudeb Kumar Ghosh (Inherited by 1. Sri Sukalyan Ghosh, 2. Sri Prosenjit Ghosh, 3. Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh), having Partners-cum-Guarantors namely Sri Sukalyan Ghosh S/o. Late Sudeb Kumar Ghosh, Sri Prosenjit Ghosh S/o. Late Sudeb Kumar Ghosh, having a Guarantor namely Smt. Sudipta Ghosh W/o. Lt. Shyamal Ghosh, legal heir of property offered as collateral late Nilima Ghosh W/o. Lt. Sudip Kumar Ghosh, all are residing at, all are residing at, Vill & PO – Chandpara, Chandpara Bazar, PS – Gaighata, North 24 Parganas, PIN – 743 245.


District Magistrate
North 24-Parganas.