



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

Order

Whereas Authorized Officer, Bank of Baroda, Colootola Branch, 39 Rabindra Sarani, Kolkata - 700073 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 Asset / Property of the Borrower namely Mr. Gopal Das, S/o Madhab Chandra Das, Residing at: Subhachha Abason, 3<sup>rd</sup> floor, Flat No. 3/A, Block B, 119/A/2, Neogi Para Road, P.S. Baranagar, Dist. North 24 Parganas, Kolkata - 700036 having no Co - Borrower / Guarantor in the Case No.: 532/23 dated 23/06/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Bank of Baroda, Colootola Branch, 39 Rabindra Sarani, Kolkata - 700073 seeking administrative assistance in terms of Section 14 (1) of the SARFAESI Act of 2002 for taking over physical possession of the Secured Asset is seen and taken up for consideration.

And

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that secured creditor granted loan of Rs. (11,66,000.00 + 6,00,000.00) = 17,66,000.00 (Rupees Seventeen Lakh Sixty Six Thousand) only on 11.02.2013 & 11.11.2015 respectively to the Borrower viz. Mr. Gopal Das, S/o Madhab Chandra Das, having no Co - Borrower / Guarantor against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of the flat on the North West Side in the Third Floor, Flat No. 3/A, Block B having super built up area of 776 sq. ft. a little more or less in Mouza- Baranagar, J.L.No.5, R.S. No. 6, Touzi No. 1068/2834, Khatian No. 11025, Dag No. 4190 situated at Premises No.119/A/2, Neogi Para Road, Ward No. Old (8), New(11), under Baranagar Municipality, P.S. Baranagar, Dist. North 24 Parganas Kolkata 700036, Being Deed No. 02603, Book No. I, CD Volume No. 6, Pages 5987 to 6010 for the year 2013, A.D.S.R.O. Cossipur Dumdum.  
The Mortgaged Property stands in the name of Mr. Gopal Das, S/o Madhab Chandra Das.  
The property is butted & bounded by: North - 25' Neogi Para Road, South - Land of Bani Chakraborty, East - Dag No. 4186 & West - Land of Dilip Ghosh & Others.
  - 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 30.11.2019 due to non-servicing of interest/ installment.
  - 3) Notice dated 28.12.2022 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. 15,78,493.00 (Rupees Fifteen Lakh Seventy Eight Thousand Four Hundred Ninety Three) only and the demand notice was published on 04.01.2023.
  - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 28.12.2022.
  - 5) The Secured Creditor issued possession notice dated 08.05.2023 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 newspapers on 10.05.2023.
  - 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.
- And
- 8) Whereas, the amount dues is 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(s) as per law in force.



(2)

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, 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 12.06.2023 submitted by the Secured Creditor there is no stay declared by any court of law.

And

12) The property is not under lessee / 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 Bank of Baroda, Colootola Branch, 39 Rabindra Sarani, Kolkata - 700073 and being satisfied, it is hereby ordered that Sri Kuntal Bose, 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 Sub-division under the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

And

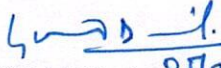
Whereas, Authorized Officer of Bank of Baroda, Colootola Branch, 39 Rabindra Sarani, Kolkata - 700073 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas as well as to, Sri Kuntal Bose, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office Of the Sub-Divisional Officer Barrackpore Sub-division under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Commissioner of Police, Barrackpore Police Commissionerate, 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 Asset(s) / Property, 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.

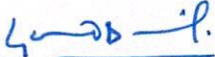
Memo No.: 1144(5)/JM

  
District Magistrate  
North 24 Parganas

Date: 08-04-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer, Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Kuntal Bose, Executive Magistrate, in the Office Of the Sub-Divisional Officer Barrackpore Sub-Division under the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Bank of Baroda, Colootola Branch, 39 Rabindra Sarani, Kolkata - 700073.
- 5) Mr. Gopal Das (Borrower), S/o Madhab Chandra Das, Residing at: Subhachha Abason, 3<sup>rd</sup> floor, Flat No. 3/A, Block B, 119/A/2, Neogi Para Road, P.S. Baranagar, Dist. North 24 Parganas, Kolkata - 700036.

  
District Magistrate  
North 24 Parganas