



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

ORDER

Whereas Authorized Officer Punjab National Bank, SASTRA Department, Circle Office, Kolkata North, Salt Lake, Sec-I, Block-DD-11, Kolkata- 700 064 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 Smt Kalpana Roy, W/O- Rangalal Roy, 14/1 Sarat Chatterjee Road Kolkata-700131 (Business) & 17, Jagadish Basu Road, New Barrackpore, Kolkata- 700131 (Residence). (Case No – 766/22, dated 30.08.2022)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer Punjab National Bank, SASTRA Department, Circle Office, Kolkata North, Salt Lake, Sec-I, Block-DD-11, Kolkata- 700 064 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.9,98,000.00 (Rupees Nine Lakh Ninety Eight Thousand) only on 23.08.2016 to Borrower & Guarantor namely Smt. Kalpana Roy, W/O- Rangalal Roy residing at 17, Jagadish Basu Road, New Barrackpore, Kolkata- 700131, 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 measuring 200 Square Feet having corresponding local measuring 4 Chhitak 20 Sq.ft. together with structure standing thereon situated at Mouza – Ahampur, L.R Dag No – 546, R.S Khatian No – 1657, within L.R Khatian No-870 , comprising R.S Dag No- 254/1176, J.L No-35, Touzi No.-169, Re Sa No- 97, being Municipal holding No-14/1, Sarat Chatterjee Road, New Barrackpore, Kol-700131 under New Barrackpore Municipality , Ward No- 12 , P.S –Kardah, after that Ghola Presently New Barrackpore, North 24 pargana. The Property is Butted and Bounded by North –by Sri Ranjit Mitra, South – by Sarat Chatterjee Road, East – by plot B, West – by Sri Ranjit Mitra. The Mortgaged Property stands in the name of Smt. Kalpana Roy, W/O- Rangalal Roy and being the registered Deed No. – I –3943 for the year 2001.

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 24.02.2022 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.11,52,678.92 (Rupees Eleven Lakh Fifty Two Thousand Six Hundred Seventy Two and Nine two Paise) Only. The Demand notice was received by the borrower on 03.03.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 24.02.2022.

5) The Secured creditor issued possession notice dated 02.06.2022 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 04.06.2022.

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

and

8) whereas, the amount does 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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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 officer of Punjab National Bank, SASTRA Department, Circle Office, Kolkata North, Salt Lake, Sec-I, Block-DD-11, Kolkata- 700 064, the secured creditor and being satisfied, it is hereby ordered that Smt. Tulika Dutta (Banerjee), 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, 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, Punjab National Bank, SASTRA Department, Circle Office, Kolkata North, Salt Lake, Sec-I, Block-DD-11, Kolkata- 700 064, shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Smt. Tulika Dutta (Banerjee), 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.
20/2/24

Memo No. 649/1(5)/JM

Date. 29-02-2024

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. Tulika Dutta (Banerjee), Executive Magistrate in the Office of the Barrackpore Sub-Division, Barrackpore, North 24- Parganas, with a request to comply with the said order
4. Authorized Officer Punjab National Bank, SASTRA Department, Circle Office, Kolkata North, Salt Lake, Sec-I, Block-DD-11, Kolkata- 700 064
5. Smt. Kalpana Roy, W/O- Rangalal Roy, 17, Jagadish Basu Road, New Barrackpore, Kolkata- 700131.


District Magistrate
North 24-Parganas
20/2/24