



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

ORDER

Whereas Authorized Officer, Canara Bank, Canning Street Branch, Narayani Building-27 Brabourne Road, Hare street, Kolkata-700001, 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 namely Kalyan Bandhu Ghosh, S/O- Late- Sahadeb Ghosh ( *M/S Ghosh Construction* ), at Premises No-10/20, Atal Behari Sarkar Road, Ward No-18, P.O+ P.S - Naihati, North 24 PGS, Pin-743165 ) Guarantor namely Mrs. Kalpana Ghosh, W/O-Late Pran Bandhu Ghosh & Mrs Chameli Ghosh ,D/O-Late Pran Bandhu Ghosh & Mrs Sanjana Ghosh, D/O- Late Pran Bandhu Ghosh & Mrs Jharna Ghosh, W/O- Late Sahadeb Ghosh, All are residing at Premises No-10/20, Atal Behari Sarkar Road, Ward No-18,P.O+ P.S - Naihati, Pin-743165.(Case No - 29/24 dated 22.02.24).

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Canara Bank, Canning Street Branch, Narayani Building-27 Brabourne Road, Hare street, Kolkata-700001 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. 35,00,000.00 (Rupees Thirty Five Lac ) Only on 02.12.2021 to Borrower & Guarantor namely Kalayan Bandhu Ghosh,S/O- Late- Sahadeb Ghosh ( *M/S Ghosh Construction* ), at Premises No-10/20, Atal Behari Sarkar Road,ward No-18,P.O+ P.S- Naihati,North 24 PGS,Pin-743165 ) Guarantor namely Mrs. Kalpana Ghosh, W/O-Late Pran Bandhu Ghosh & Mrs Chameli Ghosh ,D/O-Late Pran Bandhu Ghosh & Mrs Sanjana Ghosh, D/O- Late Pran Bandhu Ghosh & Mrs Jharna Ghosh, W/O- Late Sahadeb Ghosh, All are residing at Premises No-10/20, Atal Behari Sarkar Road, Ward No-18, P.O+ P.S-Naihati, Pin-743165 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of land measuring 2 cottah 12 q.ft. Together with two storied building standing thereon measuring 3000<sup>sq</sup>ft. covered area lying and situated at Mouza - Naihati, J.L no 3, R.S no- 21, Touzi no-630, C.S Khatian no. 340 & 366, R.S-Khatian no. 2514-2519, 2526-2531, R.S, Dag no. 1496, LR Khatian no. 8404, 8403, 8406, L.R Dag no 2483, being holding no.10/20, Atal Behari Sarkar road, Ward no.18,of Naihati Municipality, P.S- Naihati, North 24 Parganas , Pin-743165. The Property is Butted and Bounded by North – Plot no.15 & house of Durgapada Bairagi ,South-12 ft. wide road, East – Own house, West – 12 ft. wide road. The Mortgaged Property stands in the name of Kalayan Bandhu Ghosh, S/O- Late- Sahadeb Ghosh, registered Deed No. 2596 in 1989, at the office of A.D.S.R.- Naihati, North 24 Parganas,
  - 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 31.08.22 due to non servicing of interest/ installment.
  - 3) Notice dated 01.09.22 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. 49,41,602.80.00 (Rupees Forty nine Lac Forty one Thousand six hundred two and eight zero paisa ) Only . Submitted by the secure creditor as per 30 clauses. The Demand notice was received by the borrower on 01.09.22. The secure creditor further published notice in the news paper of Business standard and Arthik lipi on 18.10.22.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 01.09.22
  - 5) The Secured creditor issued possession notice dated 20.12.22 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 23.12.22.
  - 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

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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 **Canara Bank**, Canning Street Branch, Narayani Building-27 Brabourne Road, Hare street, Kolkata-700001, the secured creditor 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, 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 creditor u/s 14 (1A) of SARFAESI act. 2002.

and

Whereas Authorized Officer, Canara Bank, Canning Street Branch, Narayani Building-27 Brabourne Road, Hare street, Kolkata-700001. shall intimate the date of possession of the secured asset to The Commissioner of Police, Barrackpore, 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, 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. 

Date. - 01. 03. 2024.

Memo No. - 681(S)/JM.

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. Sri Kuntal Bose Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order
4. Authorized Officer, Canara Bank, Canning Street Branch, Narayani Building-27 Brabourne Road, Hare street, Kolkata-700001.
5. Namely Kalyan Bandhu Ghosh, S/O- Late- Sahadeb Ghosh (*M/S Ghosh Construction*), at Premises No-10/20, Atal Behari Sarkar Road, Ward No-18, P.O+ P.S - Naihati, North 24 PGS, Pin-743165 ) Guarantor namely Mrs. Kalpana Ghosh, W/O-Late Pran Bandhu Ghosh & Mrs Chameli Ghosh ,D/O-Late Pran Bandhu Ghosh & Mrs Sanjana Ghosh, D/O- Late Pran Bandhu Ghosh & Mrs Jharna Ghosh, W/O- Late Sahadeb Ghosh, All are residing at Premises No-10/20, Atal Behari Sarkar Road, Ward No-18,P.O+ P.S - Naihati, Pin-743165.

  
District Magistrate  
North 24-Parganas 