



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

Order

Whereas Authorized Officer, State Bank of India, SARB; 2/1, Russell Street, 3rd Floor, Kankaria Centre, Kolkata, PIN - 700 001 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 M / S Karunamoyee Construction Private Limited; 29/3 B. T. Road, P.O. & P.S. Belgharia, North 24 Parganas, PIN - 700 056, the Directors being Sri Subir Dutta, S/o Late Sushil Kumar Dutta residing at 128 / 1 B. L. Ghosh Road, Belghoria, North 24 Parganas, PIN - 700 056 and Sri Kalyan Kumar Ghosh residing at 29/3 B. T. Road, P.O. & P.S. Belgharia, North 24 Parganas, PIN - 700 056 having no Co - Borrower; in the Case No.: 772/ 22 dated 02 / 09 / 2022.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, State Bank of India, SARB; 2/1, Russell Street, 3rd Floor, Kankaria Centre, Kolkata, PIN - 700 001 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. 7,00,00,000.00 (Rupees Seven Crores) only on 23.09.2011 to the Borrower viz. M / S Karunamoyee Construction Private Limited, the Directors being Sri Subir Dutta, S/o Late Sushil Kumar Dutta & Sri Kalyan Kumar Ghosh having no Co - Borrower against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of Bastu land measuring 4 Cottahs 34 Chittak & 34 sq. ft. (be little more or less) & building thereon lying & situated at Mouza - Ariadaha - Kamarhati, J.L. No. 1, R.S. No. 12, Touzi No. 173, C.S. Dag No. 3492 (p, LOP No. 5) under the local limits of Kamarhati Municipality, Ward No. 7, Holding No. 472 / 1, Premises No. 33, P.S. Belghoria, North 24 Parganas; being Deed No. 7079 of 1991. The Mortgaged Property stands in the name of Late Sushil Kumar Dutta. The property is butted & bounded by: North - Existing Municipal Road - Length - 48 foot 11 inches, South - 49 foot 5 inches (excluded land), East - LOP No. 77 & LOP No. 78 (Tank) & West - LOP No. 56 & 57 - Length 71 foot 7 inches.
 - 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 28.06.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 14.02.2022 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. 2,52,11,356.00 (Rupees Two Crores Fifty Two Lakhs Eleven Thousand Three Hundred & Fifty Six) only and the demand notice was served on 25.02.2022.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 14.02.2022.
 - 5) The Secured Creditor issued possession notice dated 08.07.2022 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 newspapers on 11.07.2022.
 - 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 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 01.09.2022 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 State Bank of India, SARB; 2/1, Russell Street, 3rd Floor, Kankaria Centre, Kolkata, PIN - 700 001 and being satisfied, it is hereby ordered that Sri Pinaki Sankar Biswas, 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 Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

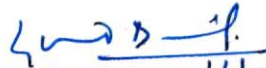
And

Whereas, Authorized Officer of State Bank of India, SARB; 2/1, Russell Street, 3rd Floor, Kankaria Centre, Kolkata, PIN - 700 001 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 Pinaki Sankar Biswas, 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 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.


District Magistrate
North 24 Parganas

Date: - 20-02-2024

Memo No. 521/1(CB)/JM

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, North 24 Parganas - with a request to comply with the said order.
- 3) Sri Pinaki Sankar Biswas, Executive Magistrate in the Office of the Sub Divisional Officer, Barrackpore under the District Magistrate, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, State Bank of India, SARB; 2/1, Russell Street, 3rd Floor, Kankaria Centre, Kolkata, PIN - 700 001.
- 5) Sri Subir Dutta, S/o Late Sushil Kumar Dutta residing at 128 / 1 B. L. Ghosh Road, Belghoria, North 24 Parganas, PIN - 700 056.
- 6) Sri Kalyan Kumar Ghosh residing at 29/3 B. T. Road, P.O. & P.S. Belgharia, North 24 Parganas, PIN - 700 056


District Magistrate
North 24 Parganas