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



Whereas Authorized Officer, Tata Capital Housing Finance Ltd, Park Plaza, 71, Park Street, Flat No. 2 C and 2 D, South Block, Kolkata – 700 016, 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 Sri Kritibash Adhikary S/o. Sri Kiran Chandra Adhikary, residing at, Shimulpur Thakurnagar, North 24 Parganas, PIN – 743 287, having a Co-Borrower namely Sri Kinkar Adhikary, residing at, Shimulpur, Thakurnagar, North 24 Parganas, PIN – 743 287. (Case No – 197/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Tata Capital Housing Finance Ltd, Park Plaza, 71, Park Street, Flat No. 2 C and 2 D, South Block, Kolkata – 700 016 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. 17,73,625.00 (Home Loan) (Rupees Seventeen Lac Seventy Three Thousand Six Hundred and Twenty Five Only) on 30.06.2017. The loan account was restructured and sanctioned the restructured loan amount Rs. 18,40,627.00 (Rupees Eighteen Lac Forty Thousand Six Hundred and Twenty Seven Only) to Borrower Sri Kritibash Adhikary S/o. Sri Kiran Chandra Adhikary, residing at, Shimulpur Thakurnagar, North 24 Parganas, PIN – 743 287, having a Co-Borrower namely Sri Kinkar Adhikary, residing at, Shimulpur, Thakurnagar, North 24 Parganas, PIN – 743 287, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of landed property measuring an area more or less 2 Kathas 5 Chittacks and 15 Square Feet along with one storied building measuring an area more or less 650 Square Feet, situated under Mouza – Ardebak, Khatian No – 175, Dag Nos. – 289 and 292, Under the local limits of Barasat Municipality, Holding No – 1626, Subodh Pally Road, PS – Barasat, North 24 Parganas. The property is butted and bounded by North – 6' wide Road, South – Property of Nimai Roy, East – Property of Jaydev Biswas, West – Property of Swapan Das. Mortgaged Property stands in the name of Sri Kritibash Adhikary S/o. Sri Kiran Chandra Adhikary and being the registered Deed No – I – 152507050 for the year 2017 at the Office of the DSR – III, North 24 Parganas, WB.

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 07.10.2022 due to non servicing of interest/ installment

3) Notice dated 09.11.2022 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. 21,35,341.20 (Rupees Twenty One Lac Thirty Five Thousand Three Hundred Forty One and Twenty Paise) Only. The Demand notice was published in two daily news papers on 16.11.2022

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 09.11.2022

5) The Secured creditor issued possession notice dated 17.02.2023 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 news papers on 21.02.2023

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 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

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

(2)

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 Tata Capital Housing Finance Ltd, Park Plaza, 71, Park Street, Flat No. 2 C and 2 D, South Block, Kolkata – 700 016, the secured creditor and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of 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

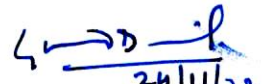
and

Whereas Authorized Officer, Tata Capital Housing Finance Ltd, Park Plaza, 71, Park Street, Flat No. 2 C and 2 D, South Block, Kolkata – 700 016 shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, North 24 - Parganas, as well as to, Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, 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 Superintendent of Police, Barasat Police District, 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

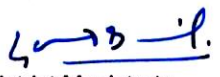

24/11/23
District Magistrate
North 24-Parganas.
24/11/23

Memo No. J -15013(11)/ 3073 /1/(5)/2023/JM

Date. - 24 / 11 / 2023

Copy forwarded for information and necessary action :-

1. The Superintendent of Police, Barasat Police District, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat Sub-Division, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate North 24- Parganas, with a request to comply with the said order
4. Authorized Officer, Tata Capital Housing Finance Ltd, Park Plaza, 71, Park Street, Flat No. 2 C and 2 D, South Block, Kolkata – 700 016.
5. Sri Kritibash Adhikary S/o. Sri Kiran Chandra Adhikary, residing at, Shimulpur Thakurnagar, North 24 Parganas, PIN – 743 287, having a Co-Borrower namely Sri Kinkar Adhikary, residing at, Shimulpur, Thakurnagar, North 24 Parganas, PIN – 743 287.


District Magistrate
North 24-Parganas
24/11/23

