



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

ORDER

Whereas Authorized Officer, Canara Bank, Manicktolla Branch, 171D and 173A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 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 Proprietor & Guarantor namely Sri Ashit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, & Guarantor namely Sri Amit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, having Smt. Smt. Daliya Haldar (Proprietress of M/s. Sreema Enterprise) W/o. Sri Ashit Ranjan Kumar, having other Guarantors namely Smt. Mira Kumar, having another Co-Borrower namely M/s. Sreema Enterprise, all are residing and situated at, 1A, Girish Chandra Ghosh, Street, PS – Baranagar, Kolkata – 700 035, having another Guarantor namely Sri Suresh Kumar Halder, residing at, 1/7, Tara Prasad Moitra Lane, PS – Baranagar, Kolkata – 700 035 of the Borrower namely M/s. Kumar Enterprise, situated at, C/12, Lake View Park, PS – Baranagar, Kolkata – 700 108. (Case No – 249/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Canara Bank, Manicktolla Branch, 171D and 173A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 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 secured creditor granted a loan Rs. 40,00,000.00 (Rupees Forty Lac Only) on 07.09.2013 + Rs. 30,00,000.00 (Rupees Thirty Lac Only) on 13.03.2015 to Borrower namely M/s. Kumar Enterprise, situated at, C/12, Lake View Park, PS – Baranagar, Kolkata – 700 108. Having Proprietor & Guarantor namely Sri Ashit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, & Guarantor namely Sri Amit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, having Smt. Daliya Haldar (Proprietress of M/s. Sreema Enterprise) W/o. Sri Ashit Ranjan Kumar, having other Guarantors namely Smt. Mira Kumar, having another Co-Borrower namely M/s. Sreema Enterprise, all are residing and situated at, 1A, Girish Chandra Ghosh, Street, PS – Baranagar, Kolkata – 700 035, having another Guarantor namely Sri Suresh Kumar Halder, residing at, 1/7, Tara Prasad Moitra Lane, PS – Baranagar, Kolkata – 700 035, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of land with structure measuring about 6 cottah 13 chittacks 8 sq.ft. lying at Mouza – Bonhooghly, comprising In J.L.No – 6, Dag No – 1767, 1768, 1767/1800, Khatian No – 1328, 1327, 1329, 1/A, Girish Ghosh Street, Under the local jurisdiction of Baranagar Municipality, Premises No – 1/A, Girish Ghosh Street, PS – Baranagar, Kolkata – 700 035. The Building is butted and bounded by North – Girish Chandra Ghosh Street, South – Land of Lot "A", East – Path of Lot "A", West – Gopal Lal Thakur Road. The Mortgaged Property stands in the name of Sri Ashit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, & Sri Amit Ranjan Kumar S/o. Late Chandra Sekhar Kumar and being the registered Deed No. – 1 – 5796 for the year 1982 at the Office of the RA – Alipore, , 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 31.03.2016 & 28.09.2016 due to non servicing of interest/ installment
- 3) Notice dated 09.09.2019 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. 1,20,82,863.14 (Rupees One Crore Twenty Lac Eighty Two Thousand Eight Hundred Sixty Three and Fourteen Paise) only and the demand notice was received by hand on 15.09.2019
- 4) The Authorised Officer of the secured creditor received representation vide dated 07.11.2019 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 15.11.2019
- 5) The Secured creditor issued possession notice dated 07.11.2022 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 08.11.2022
- 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 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.

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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 10.01.2024 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, Manicktolla Branch, 171D and 173A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006, 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, Manicktolla Branch, 171D and 173A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006 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.  


Memo No. J -15013(11)/ 378 /11(5)/2024/JM  
Copy forwarded for information and necessary action to :-

Date. - 06 / 02 / 2024

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. 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, Manicktolla Branch, 171D and 173A, Vivekananda Road, PS – Burtolla, Kolkata – 700 006.
5. M/s. Kumar Enterprise, situated at, C/12, Lake View Park, PS – Baranagar, Kolkata – 700 108. Having Proprietor & Guarantor namely Sri Ashit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, & Guarantor namely Sri Amit Ranjan Kumar S/o. Late Chandra Sekhar Kumar, having Smt. Daliya Halder (Proprietress of M/s. Sreema Enterprise) W/o. Sri Ashit Ranjan Kumar, having other Guarantors namely Smt. Mira Kumar, having another Co-Borrower namely M/s. Sreema Enterprise, all are residing and situated at, 1A, Girish Chandra Ghosh, Street, PS – Baranagar, Kolkata – 700 035, having another Guarantor namely Sri Suresh Kumar Halder, residing at, 1/7, Tara Prasad Moitra Lane, PS – Baranagar, Kolkata – 700 035.

  
District Magistrate  
North 24-Parganas.  
