



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

ORDER

Whereas Authorized Officer, Bank of Baroda, Salt Lake CF Block, Branch CF-364, Sector- 1, Salt Lake City, Kolkata-700064 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 M/S Lokenath Enterprise , Smt. Mina Chowdhury, W/o. Sri Mihir Kanti Chowdhury & Guarantor namely Shri Amrit Kumar Chowdhury S/O Mihir Kanti Chowdhury, Both are residing at 99(55/A), Sadhu Mukherjee Road, Nonachandanpukur Barrackpore, Kolkata- 700122. (Case No- 26/24, dated 17.02.24)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Bank of Baroda, Salt Lake CF Block, Branch CF-364, Sector- 1 Salt Lake City Kolkata-700064 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. 25, 00,000.00 (Rupees Twenty Five lakh) on 24.04.2018 to Borrower & Guarantor namely M/S Lokenath Enterprise & Smt. Mina Chowdhury & Guarantor namely Shri Amrit Kumar Chowdhury S/O Mihir Kanti Chowdhury residing at 99(55/A), Sadhu Mukherjee Road, Nonachandanpukur Barrackpore, Kolkata- 700122, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) EMDTD of all that piece & parcel of Land and Building measuring 1 Cottah 06 Chittacks 35 Sq.Ft. along with a Two Storied building on 1 Cottah 06 Chittacks 18 Sq. Ft. excluding road, ground floor measuring 678 Sq. Ft. and First Floor measuring 678 Sq . ft, in L.R Dag No.1451, R.S Dag No. 466, R.S Khatian No.409, L.R. Khatian No. 1760(P), J.L No. 3, Ra. Se No. 16, Touzi No. 107,108,1082,340,3083 in Mouza, Nonagram, Municipal Holding No. 99(55/A), Sadhu Mukherjee Road, ward No.5, Barrackpore Municipality, P.S Titagarh, Dist. North 24 Parganas The Property is Butted and Bounded by North – House of Meera Chakraborty, South – 12' Feet Common Passage, East – House of Shyamal Chakraborty, West –10' Feet Common Passage. **The Mortgaged Property stands in the name of Smt. Mina Chowdhury W/o. Sri Mihir Kanti Chowdhury and being the registered Deed No. – I- 03815 for the year 2009 at the Office of the A.D.S.R.O, Barrackpore.**

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 02.12.2022 due to non servicing of interest/ installment

3) Notice dated 21.12.2022 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.25,26, 056.54 (Rupees Twenty Five Lakh Twenty six Thousand fifty Six and five four Paise) Only. The Demand notice was received by the borrower on 22.12.2022. After notice of u/s13 (2) dated on 21.12.2022, The borrower paid amount of Rs- 1,00,000.00 (Rupees one lakh) only to the bank and outstanding on part of borrower as on date of submission of affidavit Rs- 25,13,868.87 (Rupees Twenty five lakh thirteen thousand eight hundred sixty eight and eight seven paise) only as per 30 clause affidavit of the secured creditor.

4) The Authorized Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2) on. 21.12.2022

5) The Secured creditor issued possession notice dated 24.02.2023 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 25.02.2023

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

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(2)

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 Bank of Baroda, Salt Lake CF Block, Branch CF-364, Sector- 1 Salt Lake City Kolkata-700064, 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, Bank of Baroda, Salt Lake CF Block, Branch CF-364, Sector- 1 Salt Lake City Kolkata-700064 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. 26-02-2024

Memo No. 603/1(6)/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. 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 Bank of Baroda, Salt Lake CF Block, Branch CF-364, Sector- 1 Salt Lake City Kolkata-700064.
5. M/S Lokenath Enterprise. the Borrower namely Smt. Mina Chowdhury, W/O. Sri Mihir Kanti Chowdhury, 99(55/A), Sadhu Mukherjee road, Nonachandanpukur, Barrackpore, Kolkata- 700122.
6. Guarantor namely Shri Amrit Kumar Chowdhury S/O Mihir Kanti Chowdhury, 99(55/A), Sadhu Mukherjee road, Nonachandanpukur Barrackpore, Kolkata- 700122.


District Magistrate
North 24-Parganas