



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

ORDER

Whereas Authorized Officer Bangiya Gramin Vikash Bank , Barasat, North 24Parganas, 371/A/2, Shalbagan, Barrackpore Road, Barasat , Kolkata-700125 has filled 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 Mrs. Kabita Das, W/O- Goutam Das and Mr. Goutam Das, S/O- late Sukumar Das both are residing at ,Vill + P.O - Charghat, PS - Swarupnagar, Dist North 24 Pgs, Pin-743247 (Case No – 14/24 dated 12.02.24)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer Bangiya Gramin Vikash Bank, Barasat, North 24 Parganas, 371/A/2,Shalbagan, Barrackpore Road, Barasat , Kolkata-700125 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.10,00,000.00 (Rupees Ten Lakhs) only on 26.09.2013 & Rs.1,90,000.00(Rupees One Lakhs Ninety Thousands) only on 14.08.2020 to Borrower & Guarantor namely Mrs. Kabita Das, W/O- Goutam Das & Mr. Goutam Das , S/O- late Sukumar Das both are residing at Vill + P .O - Charghat, PS-Swarupnagar, Dist North 24 Pgs, Pin-743247, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of land and building situated at Charghat Bazar within the locals limits of Charghat Gram Panchayat, P.S-Swarupnagar, Dist-North 24 Parganas, Mouza – Charghat , J.L.No – 29, L.R Khatian-1987, R.S & L.R Dag No-331,area of land measuring about 2.684 decimal nature of land shop. Property owned by Mr. Goutam Das, S/O- Late Sukumar Das (Guarantor of Das Enterprise),The Property is Butted and Bounded by North –by the vacant land of Sri Aninda Sinha and others, South – by the shop of Sanjoy Mondal, East – by the saloon of Sri Paritosh Biswas , West –by the Panchayet road. The Mortgaged Property stands in the name of Mr. Goutam Das, S/O- late Sukumar Das and being the registered Deed No. I-17619 for the year 1212 at the Office of the .D.S.R- II, 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 23.08.2022 due to non servicing of interest/ installment
 - 3) Notice dated 05.11.2022 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.12,11,357.96 (Rupees Twelve Lakh Eleven Thousand Three Hundred Fifty Seven and Nine Six Paisa) Only. The Demand notice was received by the borrower on 07.11.2022.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 05.11.2022.
 - 5) The Secured creditor issued possession notice dated 17.01.2023 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 20.01.2023.
 - 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 Bangiya Gramin Vikash Bank, Barasat, North 24 Parganas, 371/A/2, Shalbagan, Barrackpore Road, Barasat, Kolkata-700125 the secured creditor and being satisfied, it is hereby ordered that Sri Prohlad Biswas, W.B.C.S, 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, Basirhat, 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, Bangiya Gramin Vikash Bank, Barasat, North 24 Parganas, 371/A/2, Shalbagan, Barrackpore Road, Barasat, Kolkata - 700125 shall intimate the date of possession of the secured asset to The Superintendent of Police, Basirhat P.D, North 24 - Parganas as well as to, Sri Prohlad Biswas, W.B.C.S, 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, Barasat, North 24- Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of the District Magistrate, North 24- Parganas, The Superintendent of Police, Basirhat P.D, 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. 29-02-2024

Memo No. 656/116/JM

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Basirhat P.D, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Basirhat, North 24- Parganas, with a request to comply with the said order.
3. Sri Prohlad Biswas, W.B.C.S, Executive Magistrate, in the Office of the Sub Divisional Officer, Basirhat, North 24- Parganas, with a request to comply with the said order.
4. The Authorized Officer, Bangiya Gramin Vikash Bank, Barasat, North 24 Parganas, 371/A/2, Shalbagan, Barrackpore Road, Barasat, Kolkata-700125.
- 5 Mrs. Kabita Das, W/O- Goutam Das, residing at, Vill + P.O - Chorghat, PS - Swarnupnagar, Dist North 24 Pgs, Pin-743247.
6. Mr. Goutam Das, S/O- late Sukumar Das, residing at, Vill + P.O - Chorghat, PS - Swarnupnagar, Dist North 24 Pgs, Pin-743247.


District Magistrate
North 24-Parganas

