



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

Order

Whereas Authorized Officer Bank of India Mission Row Branch , At-15, Ganesh Chandra Avenue, Kolkata 700013 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 Maa Jewellery (borrower) & Mr Anik Karmakar (Proprietor & Mortgagor) , S/O- Late Ganesh Chandra Karmakar , Shop Address RGM Krishnapur, 7 No. Udyanpally , CD-44, PO- Ashwinagar, PS Baguihati Kolkata 700059 & Residence At- N/122 Shastriji Road (opposite Parimal Brick Field) , Nabapally, PO Nabapally Barasat 700126 having Guarantor Mrs Bristi Karmakar, W/o- Mr. Anik Karmakar in the Case No.: 825/ 22 dated 20 / 09 / 2022.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Bank of India Mission Row Branch , At-15, Ganesh Chandra Avenue, Kolkata 700013 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. (8,00,000.00 + 1,60,000.00) = 9,60,000.00 (Rupees Nine Lakhs Sixty Thousand) only on 26.09.2017, & 18.07.2020 respectively to the Borrower viz. M/S Maa Jewellery, having Co - Borrower / Guarantor against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) Equitable Mortgage of Residential House/Landed property , vide Deed No. 1-24 of 2006 bearing Holding no.4211 ,Mouza - Paschim Ichapore, J.L. No. 29, Khatian No. 443, Dag No. 264, Total Land is measuring more or less 1 Cottahs 01 Chittak 04 Sq.ft. (900 sq.ft.), Shastriji Road Nabapalli, under the local jurisdiction of P.S - Barasat 700126, North 24 Parganas in the name of Mr. Anik Karmakar vide Sale Deed No.1847 of the year 2006  
The Mortgaged Property stands in the name of Mr Anik Karmakar; S / o Late Ganesh Chandra Karmakar.  
The property is butted & bounded by: North - By Sahastriji Road, South - Property of Biswaranjan Basu, East - Property of Biswaranjan Basu & West - House of Parbati Halder.
  - 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 26.12.2021 due to non-servicing of interest/ installment.
  - 3) Notice dated 04.06.2022 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. 10,61,275.54 (Rupees Ten Lakhs Sixty One Thousand Two Hundred Seventy Five & Fifty Four Paise) only and the demand notice was served on 08.06.2022.
  - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 04.06.2022.
  - 5) The Secured Creditor issued possession notice dated 18.08.2022 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 22.08.2022.
  - 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 20.09.2022 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 Bank of India Mission Row Branch , At-15, Ganesh Chandra Avenue, Kolkata 700013 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), 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 Bank of India Mission Row Branch , At-15, Ganesh Chandra Avenue, Kolkata 700013 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 Asset(s) / Property(s) 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 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. 04-03-2024

Memo No.: 697/1(4)/JM

Copy forwarded for information and necessary action to:

- 1) The Superintendent of Police, Barasat Police District, North 24 Parganas, with a request to comply with the said order.
- 2) 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.
- 3) Authorized Officer, Bank of India Mission Row Branch , At-15, Ganesh Chandra Avenue, Kolkata 700013.
- 4) Mr Anik Karmakar (Proprietor & Mortgagor) , S/O- Late Ganesh Chandra Karmakar , Shop Address RGM Krishnapur, 7 No. Udyanpally , CD-44, PO-Ashwinagar, PS Baguihati Kolkata 700059 & Residence At- N/122 Shastriji Road (opposite Parimal Brick Field) , Nabapally, PO Nabapally Barasat 700126.

  
District Magistrate  
North 24 Parganas