



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

Order

Whereas Authorized Officer, Shriram Housing Finance Ltd.; Branch Office: 10 Wood Street, 2nd floor, Kolkata - 700016 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 Mr. Manoj Agarwal S/o Sattya Narayan Agarwal, Flat-2A, FF/2, 2nd Floor Block - IV, Hatiara Road, Jordabagan, Akshara Lotus Garden, Near L.G. Service Centre Agtwhoseventyfive, West Bengal Kolkata - 700059; the Co - Borrower being Mrs Deepa Agarwal w/o Manoj Agarwal , Ms Payal Agarwal D/o Manoj Agarwal & Mr Suraj Agarwal S/O Manoj Agarwal all residing at the same address in the Case No.: 828 / 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, Shriram Housing Finance Ltd.; Branch Office: 10 Wood Street, 2nd floor, Kolkata - 700016 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. 16,36,246.00 (Rupees Sixteen Lakhs Thirty Six Thousand Two Hundred & Forty Six) only on 28.04.2019 to the Borrower viz. Mr. Manoj Agarwal S/o Sattya Narayan Agarwal, the Co - Borrower being Mrs Deepa Agarwal w/o Manoj Agarwal , Ms Payal Agarwal D/o Manoj Agarwal & Mr Suraj Agarwal S/O Manoj Agarwal against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) Property at Flat No A 201, measuring about 1026 sq. ft. (super built up area) on the 1st Floor (Northern Portion) of the building built and constructed at or upon the plot of land measuring about 3 cottah 5 chittaks and 22 square ft. forming part of Dag No 1666 under RS Khatian No 871 JL No. 16 in Mouza Jyangra under PS Rajarhat North 24 Parganas presently known and numbered as Municipal holding number 98/1 (previously holding no. 98/37) and premises no 28 Block A, 98 Jyangra Krishnapur under Municipal Ward No 28 within the limits of Bidhannagar Municipal Corporation (Previously known as Rajarhat Gopalpur Municipality)
The Mortgaged Property stands in the name of Mr. Manoj Agarwal S/o Sattya Narayan Agarwal.
The property is butted & bounded by: North - Land of Debasis Roy, South - Land of Sanatan Bagui, East 12 meter wide road & West - Land of AK Bose.
 - 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 16.12.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 30.04.2022 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. 20,50,781.00 (Rupees Twenty Lakhs Fifty Thousand Seven Hundred & Eighty One) only and the demand notice was served on 09.05.2022.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 30.04.2022.
 - 5) The Secured Creditor issued possession notice dated 02.09.2022 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 05.09.2022.
 - 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 Shriram Housing Finance Ltd.; Branch Office: 10 Wood Street, 2nd floor, Kolkata -700016 and being satisfied, it is hereby ordered that Smt. Mouli Sanyal, 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, Bidhannagar Sub-Division 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 Shriram Housing Finance Ltd.; Branch Office: 10 Wood Street, 2nd floor, Kolkata -700016 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Bidhannagar Police Commissionerate, North 24 Parganas as well as to, Smt. Mouli Sanyal, 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, Bidhannagar Sub-Division under 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 Commissioner of Police, Bidhannagar Police Commissionerate, 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.

Memo No.: 699/1(5)/JM


District Magistrate
North 24 Parganas
Date. 04-03-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Bidhannagar Police Commissionerate, North 24 Parganas - with a request to comply with the said order.
- 2) The Sub-Divisional Officer, Bidhannagar Sub-Division, North 24 Parganas - with a request to comply with the said order.
- 3) Smt. Mouli Sanyal, Executive Magistrate, in the Office of the Sub-Divisional Officer, Bidhannagar Sub-Division, North 24 Parganas under District Magistrate, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, Shriram Housing Finance Ltd.; Branch Office: 10 Wood Street, 2nd floor, Kolkata - 700016.
- 5) Mr. Manoj Agarwal S/o Sattya Narayan Agarwal, Flat-2A, FF/2, 2nd Floor Block - IV, Hatiara Road, Jordabagan, Akshara Lotus Garden, Near L.G. Service Centre Agtwoseventyfive, West Bengal Kolkata - 700059; the Co - Borrower being Mrs Deepa Agarwal w/o Manoj Agarwal , Ms Payal Agarwal D/o Manoj Agarwal & Mr Suraj Agarwal S/O Manoj Agarwal all residing at the same address.


District Magistrate
North 24 Parganas