



**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, Naihati Branch, 5/1 & 5/2 R.B.C Road .P.O- Naihati, Dist -North 24 Parganas, Pin-743165 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 Netai Biswas, S/O- Lt. Upendra Nath Biswas and Purnima Biswas, W/O- Netai Biswas and Buddhadev Biswas , S/O- Lt Netai Biswas, Sukdev Biswas , S/O-Lt. Netai Biswas, C/O-Ma Kamakhya Furniture all are residing at 6, Bijoy Nagar Market, P.O- Naihati, Dist- North 24 Parganas, Pin-743165 and Sri Jagabandhu Howladar, residing at Bijoy Krishna Colony, Sripur Bazar, P .S-Balagarh, District-Nadia, Pin-712501. (Case No – 728/22 dt. 23.08.2022)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorized Officer, Bank of Baroda, Naihati Branch, 5/1 & 5/2 R.B.C Road .P.O- Naihati, Dist -North 24 Parganas, Pin-743165 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 Authorized Officer, it transpires that the secured creditor granted a loan Rs. 3,68,000.00 (Rupees Three Lakh Sixty Eight Thousand) on 28.06.2007 to Borrower & Guarantor namely Netai Biswas, S/O- Lt Upendra Nath Biswas and Purnima Biswas, W/O- Netai Biswas and Buddhadev Biswas , S/O- Lt. Netai Biswas, Sukdev Biswas , S/O-Lt Netai Biswas, C/O-Ma Kamakhya Furniture, at 6, Bijoy Nagar Market, P.O-Naihati, Dist- North 24 Parganas, Pin-743165 and Sri Jagabandhu Howladar, at Bijoy Krishna Colony, SripurBazar, P.S-Balagarh, District-Nadia, Pin-712501, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of Bastu landed property measuring about 1 cattah 8 chittaks along with structure standing thereon lying and situated at Mouza – Naihati, J.L.no. 3 ,Re. Sa. no. 21, Touzi no.630, comprising in R.S Dag no 4264, L.R Dag no 3681 appertaining to R.S Khatain no, 2137,L.R khatian no 491, Hal – 8931 under Holding No-803/1, commonly known as 6 Bijoy nagar within the local limits of Naihati Municipality, Ward No-23, PS – Naihati, North 24 Parganas, The Property is Butted and Bounded by North – Property of Santi Ranjan Roy, South – Adhata Road, East – 10' feet wide common passage, West – Property of Mrityunjoy Ghosh. The Mortgaged Property stands in the name of Sri Netai Biswas S/O- Late Upenda Nath Biswas and being the registered Deed No. – 4797 for the year 1998 at the Office of the A.D.S.R.O, Naihati, 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 31.03.2021 due to non servicing of interest/ installment
- 3) Notice dated 08.06.2021 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.1,16,548 (Rupees One Lakh Sixteen Thousand five Hundred Forty eight) Only.The Demand notice was received by the borrower on 09.06.2021.
- 4) The Authorized Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 08.06.2021.
- 5) The Secured creditor issued possession notice dated 01.07.2022 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 05.07.2022.
- 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.

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 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 Baroda, Naihati Branch, 5/1 & 5/2 R.B.C Road .P.O-Naihati, Dist -North 24 Parganas, Pin-743165 , the secured creditor and being satisfied, it is hereby ordered that Sri Dibyendu Goswami, 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, Naihati Branch, 5/1 & 5/2 R.B.C Road .P.O-Naihati, Dist -North 24 Parganas, Pin-743165, shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Dibyendu Goswami, 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. 29-02-2024

Memo No. 652/1(5)/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 Sub-division, North 24- Parganas, with a request to comply with the said order.
3. Sri Dibyendu Goswami, 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, Naihati Branch, 5/1 & 5/2 R.B.C Road .P.O-Naihati, Dist -North 24 Parganas, Pin-743165
5. Netai Biswas, S/O- Lt Upendra Nath Biswas and Purnima Biswas, W/O- Netai Biswas and Buddhadev Biswas , S/O- Lt Netai Biswas, Sukdev Biswas , S/O- L. t Netai Biswas, C/O-Ma Kamakhya Furniture, at 6, Bijoy Nagar Market ,P.O - Naihati, Dist- North 24 Parganas, Pin-743165,
6. Sri Jagannath Howladar, Bijoy Krishna Colony, Sripur Bazar, P.S - Balagarh, District - Nadia, Pin-712501.


District Magistrate
North 24-Parganas