



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

Order

Whereas Authorized Officer, Canara Bank, Manicktolla Branch, 171D and 173A Vivekananda Road, Kolkata-700006, Police Station- Burtolla 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. Orange Jeans, 15, Nilganj Road, Malina Apartments, Sodepur, P.S- Kharda, Kolkata-700110. Smt. Nilanjana Banerjee (Proprietor) and Sri Nayan Banerjee (Guarantor cum Mortgagor), Malina Apartments, Flat No. 7, 3rd Floor, Block A, 12 Nilganj Road, Kolkata-700110, P.S-Kharda. Sri Pinaki Chakraborty (Guarantor), B-4/236, P.O & P.S- Kalyani, Nadia, West Bengal- 741235. Sri Manas Bhowmic (Guarantor), C/O-Sri Mani Lal Bhowmic of NB 83, Uttarpara North, Arjunpur, P.O- Baguiati, Kolkata-700059. In the Case No.: 862 / 22 dated 14 / 10 / 2022.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Canara Bank, Manicktolla Branch, 171D and 173A Vivekananda Road, Kolkata-700006, Police Station- Burtolla. has filed a petition to the District Magistrate, North 24-Parganas 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. 40,00,000.00 (Rupees Forty Lakhs) only on 26.04.2014 to the Borrower viz. M/S. Orange Jeans, 15, Nilganj Road, Malina Apartments, Sodepur, P.S- Kharda, Kolkata-700110. Smt. Nilanjana Banerjee (Proprietor) and Sri Nayan Banerjee (Guarantor cum Mortgagor), Malina Apartments, Flat No. 7, 3rd Floor, Block A, 12 Nilganj Road, Kolkata-700110, P.S-Kharda. Sri Pinaki Chakraborty (Guarantor), B-4/236, P.O & P.S- Kalyani, Nadia, West Bengal- 741235. Sri Manas Bhowmic (Guarantor), C/O-Sri Mani Lal Bhowmic of NB 83, Uttarpara North, Arjunpur, P.O- Baguiati, Kolkata-700059 against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of: All that Flat being No. 7 measuring 598 Sq. ft. more or less and super built up area of 717 Sq. ft. on the third floor of the building Block A consisting of two bed rooms, 1 living cum Dining, 1 Kitchen, 1 Toilet and one Balcony together with undivided proportionate share in the common parts and proportionate impartible indivisible variable share in the land of the building known as Maline Apartments at Mouza Sodepur, JL No. 8, R.S. no. 11, Touzi no. 172 in RS Dag no. 302/494 under Khatian No. 341 and RS Dag no. 298 and 302/495 under Khatian No. 443 under Ward No. 13, Holding no. 15, Now Nilanjan Road, presently holding no. 11/AS/4C, Nilganj Road (12, Nilganj Road) under Panihati Municipality, Police Station-Kharda, District North 24 Parganas under ADSRO Barrackpore. Butted and bounded by: On the North : Flat no. 8. On the South : 8 Ft wide common passage. On the East: Flat no. 9. On the West : 15 Ft. Common Passage.
- 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 30.09.2014 due to non servicing of interest/ installment
- 3) Notice dated 27.12.2014 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.41,08,891.96 (Rupees Forty One Lac Eight Thousand Eight Hundred Ninety One and Ninety Six Paise) only and delivered on 03.05.2015 on News paper Publication.
- 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 27.12.2014.
- 5) The Secured creditor issued possession notice dated 12.02.2016 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 18.02.2016.
- 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 more than 20% of the Principal Advance and Security interest is not created in any agricultural land.

(2)

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

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 13.10.2022 submitted by the secured creditor there is no stay declared by any court of law.

And

12) The property is not under leese/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 Canara Bank, Manicktolla Branch, 171D and 173A Vivekananda Road, Kolkata-700006, Police Station-Burtolla has filed a petition to the District Magistrate, North 24-Parganas, 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 Sub-Division, North 24 Parganas under 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, Canara Bank, Manicktolla Branch, 171D and 173A Vivekananda Road, Kolkata-700006, Police Station- Burtolla has filed a petition to the District Magistrate, North 24-Parganas shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore Police Commissionerate, 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 Sub-Division, North 24 Parganas under District Magistrate 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 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 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. - 07.03.2024

Memo No.: - 737(5)/JM.

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, 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 Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Canara Bank, Manicktolla Branch, 171D and 173A Vivekananda Road, Kolkata-700006.
- 5) Smt. Nilanjana Banerjee (Proprietor) and Sri Nayan Banerjee (Guarantor cum Mortgagor), Malina Apartments, Flat No. 7, 3rd Floor, Block A, 12 Nilganj Road, Kolkata-700110, P.S-Kharda.


District Magistrate
North 24 Parganas