



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

Order

Whereas Authorized Officer, Cholamandalam Investment & Finance Company Limited, Kolkata Branch, 55 & 55, 1 Jawaharlal Nehru Road, Chowringhee Court, Kolkata, PIN - 700 071 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 Palash Kumar Biswas; Uttarpara, Chharuhahat, (Near Chharuhahat Siddheswari Primary School), Nilgunj Bazar, North 24 Parganas, PIN - 700 121, the Co - Borrower being M / S Biswas Enterprise & Rupali Biswas both belonging to the same address; in the Case No.: 498 / 23 dated 23 / 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Cholamandalam Investment & Finance Company Limited, Kolkata Branch, 55 & 55, 1 Jawaharlal Nehru Road, Chowringhee Court, Kolkata, PIN - 700 071 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. 14,00,000.00 (Rupees Fourteen Lakhs) only on 31.12.2019 to the Borrower viz. Palash Kumar Biswas having Co - Borrower M / S Biswas Enterprise & Rupali Biswas against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of land measuring 2 Cottahs 8 Chittaks & 6 Sq. Ft. lying & situated at Mouza - Charuhahat, J.L. No. 75, R.S. No. 284, Touzi No. 146 now 13 comprised in R.S. & L.R. Dag Nos. 169, L.R. Khatian No. 134, 334,, 210 present L.R. Khatian No. 1223 at Holding No. 5220 within the ambit of Beraberia GP, P.S. Amdanga, North 24 Parganas by virtue of Registered Bengali Deed No. I - 1501 - 06121 / 2017 registered at DSR, North 24 Parganas.
The Mortgaged Property stands in the name of Palash Kumar Biswas.
The property is butted & bounded by: North - Land of Pravat Mondal & Chinta Mondal, South - Land of Alim Mondal, East - 4' & 5' wide common passage & West - Land of Sukumar Mondal.
 - 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 03.03.2023 due to non-servicing of interest/ installment.
 - 3) Notice dated 06.03.2023 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. 21,43,948.00 (Rupees Twenty One Lakhs Forty Three Thousands & Nine Hundred Forty Eighty) only. The demand notice was returned on 11.03.2023 & was published in newspaper on 15.03.2023.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 06.03.2023.
 - 5) The Secured Creditor issued possession notice dated 17.05.2023 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 newspapers on 19.05.2023.
 - 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 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

And

(2)

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 09.09.2022 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 Cholamandalam Investment & Finance Company Limited, Kolkata Branch, 55 & 55, 1 Jawaharlal Nehru Road, Chowringhee Court, Kolkata, PIN - 700 071 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.

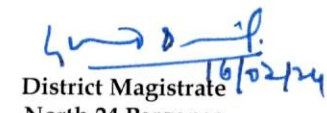
And

Whereas, Authorized Officer of Cholamandalam Investment & Finance Company Limited, Kolkata Branch, 55 & 55, 1 Jawaharlal Nehru Road, Chowringhee Court, Kolkata, PIN - 700 071 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 under 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.

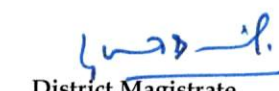

District Magistrate
North 24 Parganas

Memo No.: 516/115)/JM

Date: 20-02-2024

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) The Sub - Divisional Officer, Barasat, North 24 Parganas - with a request to comply with the said order.
- 3) Sri Lakshmi Kanta Roy, Executive Magistrate in the Office of the Sub Divisional Officer, Bongaon, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, Cholamandalam Investment & Finance Company Limited, Kolkata Branch, 55 & 55, 1 Jawaharlal Nehru Road, Chowringhee Court, Kolkata, PIN - 700 071.
- 5) Palash Kumar Biswas; Uttarpara, Chharuhath, (Near Chharuhath Siddheswari Primary School), Nilgunj Bazar, North 24 Parganas, PIN - 700 121.


District Magistrate
North 24 Parganas