



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



ORDER

Whereas Authorized Officer, State Bank of India, SAMB-I, Nagaland House, 8th Floor, 11 & 13, Shakespeare Sarani, Kolkata – 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 assets/Property of the Guarantor namely Smt. Sona Devi Damani W/o. Sri Gopi Kishan Damani, Director & Guarantor namely Sri Rajesh Kumar Damani S/o. Sri Gopi Kishan Damani and Lt. Smt. Rekha Damani W/o. Sri Rajesh Kumar Damani (Sri Rajesh Kumar Damani - Probate Holder / Administer of Deceased Rekha Damani), having other Director and Guarantor namely Sri Gopi Kishan Damani, having another Guarantor namely Sri Mohit Damani, all are residing at, 246-247, Lake Town, Block-A, South Dum Dum (M), North 24 Parganas, Kolkata – 700 089 of the Borrower namely M/s. Pami Metals Pvt. Ltd., situated at, 22, Biplabi Trailakya Maharaj Sarani, 3rd Floor, Brabourne Road, Kolkata – 700 001 . (Case No – 87/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, State Bank of India, SAMB-I, Nagaland House, 8th Floor, 11 & 13, Shakespeare Sarani, Kolkata – 700 071 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 Authorised Officer, it transpires that the secured creditor granted a loan Rs. 37,30,00,000.00 (Rupees Thirty Seven Crore Thirty Lac Only) on 06.04.2019 to Borrower namely M/s. Pami Metals Pvt. Ltd., situated at, 22, Biplabi Trailakya Maharaj Sarani, 3rd Floor, Brabourne Road, Kolkata – 700 001, having Director & Guarantors namely Sri Rajesh Kumar Damani S/o. Sri Gopi Kishan Damani, Lt. Smt. Rekha Damani W/o. Sri Rajesh Kumar Damani (Sri Rajesh Kumar Damani - Probate Holder / Administer of Deceased Rekha Damani), & Sri Gopi Kishan Damani, having Guarantors namely Smt. Sona Devi Damani W/o. Sri Gopi Kishan Damani & Sri Mohit Damani, all are residing at, 246-247, Lake Town, Block-A, South Dum Dum (M), North 24 Parganas, Kolkata – 700 089 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1A) All that undivided share of super built-up area admeasuring 500 Square Feet more or less out of total super built up area admeasuring 1625 Square Feet be the same a little more or less in the South-facing flat no. 303 on the third floor of premises no. 246 & 247, 'Block-A' Lake Town, in the name of Rajesh Kumar Damani, Together with undivided 2 % share or interest in land whereon or part whereof the said building has been constructed together further with all common facilities and amenities as referred to in these present by the Deed of Conveyance Book No- I, Volume No. – 104, pages – 21 to 40 being no. 01959 for the year 2001, Addl. Dist. Sub-Register, Bidhannagar (Salt Lake City) dated 23.02.2001 and butted and bounded as follows :

On the North : Plot Nos. 211, 210 and 209 (Part), On the South – 60' feet wide public Road, East – Plot No. 245 and West – Plot No. 248.

1B) All that undivided share of super built-up area admeasuring 500 Square Feet more or less out of total super built up area admeasuring 1625 square Feet be the same a little more or less in the South-facing flat no. 303 on the third floor of premises no. 246 & 247, 'Block-A' Lake Town in the name of Rekha Damani (deceased), Probate Holder / Administrator Sri Rajesh Kumar Damani, Together with undivided 2 % share or interest in land whereon or part whereof the said building has been constructed together further with all common facilities and amenities as referred to in these present by the Deed of conveyance Book No. I, Volume No.- 104, being No.01958 for the year 2001, Addl. Dist. Sub-Register Bidhannagar (Salt Lake City) dated 23.02.2001 and butted and bounded as follows : -

On the North : Plot Nos. 211, 210 and 209 (Part), On the South – 60' feet wide public road, East – Plot No. 245 and On the West – Plot No. 248.

1C) All that undivided share of Super built-up area admeasuring 625 square feet more or less out of total super built up area admeasuring 1625 sq.ft. be the same a little more or less in the south-facing flat no. 303 on the third floor of Premises no. 246 & 247 'Block-A' Lake Town in the name of Sona Devi Damani, together with undivided 2.5% share or interest in land whereon or part whereof the said building has been constructed together further with all common facilities and amenities as referred to in these premises by the Deed of Conveyance Book No. – I, Volume No. 101, Being No. 01903 for the year 2001 Addl. Dist. Sub-Register, Bidhannagar (Salt Lake City) dated 23.02.2001 and Butted and Bounded as follows.

On the North – Plot Nos. 211, 210 and 209 (Part), South – 60' feet wide Public Road, East – Plot No. 245 and West – Plot No. 248.

1D) All that a covered garage having super built up area admeasuring 447 sq. ft. more or less at the ground floor of Premises no. 246 & 247, 'Block-A', Lake Town in the name of Rajesh Kumar Damani, the whole garage together with undivided 1.78% share or interest in land whereon or part whereof the said building has been constructed together further with all common facilities and amenities as referred to in these presents by the Deed of conveyance, Book No. I, Volume No. 103, Being No. 01954, for the year 2001, Addl. Dist Sub-Register, Bidhannagar (Salt Lake City) dated 23.02.2001 and butted and bounded as follows :-

On the North – Plot No. 211, 210 and 209 (Part), South – 60' feet wide public road, East – Plot No. 245 and West – Plot No. 248.

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 29.03.2020 due to non servicing of interest/ installment

3) Notice dated 30.06.2021 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. 44,43,14,838.03 (Rupees Forty Four Crore Forty Three Lac Fourteen Thousand Eight Hundred Thirty Eight and Three Paise) Only. The Demand notice was received by the borrower on 01.07.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 30.06.2021

5) The Secured creditor issued possession notice dated 16.09.2021 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 22.09.2021

(Continued to page No. – 2)

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 due 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

11) There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 regarding this case filed by the borrower as per affidavit

and

12) The property is not under lease/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 State Bank of India, SAMP-I, Nagaland House, 8th Floor, 11 & 13, Shakespeare Sarani, Kolkata – 700 071, the secured creditor 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, 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, State Bank of India, SAMP-I, Nagaland House, 8th Floor, 11 & 13, Shakespeare Sarani, Kolkata – 700 071 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, 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, 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, Bidhannagar, 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.

[Signature]
28/08/23
District Magistrate
North 24-Parganas.

[Signature]
24/8/23

Date. - 29 / 08 / 2023

Memo No. J -15013(11)/ 2477 11(5)/2023/JM

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bidhannagar, 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 North 24- Parganas, with a request to comply with the said order
4. Authorized Officer, State Bank of India, SAMP-I, Nagaland House, 8th Floor, 11 & 13, Shakespeare Sarani, Kolkata – 700 071.
5. M/s. Pami Metals Pvt. Ltd., situated at, 22, Biplabi Trailakya Maharaj Sarani, 3rd Floor, Brabourne Road, Kolkata – 700 001, having Director & Guarantors namely Sri Rajesh Kumar Damani S/o. Sri Gopi Kishan Damani, Lt. Smt. Rekha Damani W/o. Sri Rajesh Kumar Damani (Sri Rajesh Kumar Damani - Probate Holder / Administer of Deceased Rekha Damani), & Sri Gopi Kishan Damani, having Guarantors namely Smt. Sona Devi Damani W/o. Sri Gopi Kishan Damani & Sri Mohit Damani, all are residing at, 246-247, Lake Town, Block-A, South Dum Dum (M), North 24 Parganas, Kolkata – 700 089.



[Signature]
District Magistrate
North 24-Parganas

[Signature]
24/8/23