



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(DISASTER MANAGEMENT AND CIVIL DEFENCE SECTION)

ORDER

Whereas Authorized Officer, Cholamandalam Investment and Finance Company limited at 5th floor ,55 & 55,1, Jawaharlal Nehru Rd, Chowringhee Court, Kolkata, West Bengal,700071, 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 Prabir Kumar Saha & Aparna Saha both are residing at 2/3B,Gopal Chandra Chatterjee Road Cossipore, Kolkata , West Bengal-700002, M/S Fancy Prints ,Kadi Hati , Bishnupur Road, Narayanpur, Kolkata West Bengal-700132. (Case no 11/24, dated 09.02.2024).

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer Cholamandalam Investment and Finance Company Limited, Branch Office at 5th Floor,55&55,1, Jawaharlal Nehru Rd, Chowringhee Court, Kolkata, West Bengal-700071 has filed a petition to the District Magistrate, North 24-Parganas 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. 27,50,000.00 (Rupees Twenty Seven Lakhs Fifty Thousand) only on 20.09.2017 to Borrower & Guarantor namely Prabir Kumar Saha, Aparna Saha both are residing at 2/3B, Gopal Chandra Chatterjee Road Cossipore, Kolkata , West Bengal-700002, M/S Fancy Prints ,Kadi Hati ,Bishnupur Road, Narayanpur, Kolkata West Bengal-700132 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All That The residential Flat No 12 On The Fourth Floor South West Side Containing By Measurement, Super Built Up Area 870 Square Feet, Be The Same a Little More Or Less, Consisting Of Two Bed Rooms, One Dining Room, One Kitchen, Two Toilet ,And One Balcony Situated And Lying at The Land In The Premises No 2/38, Gopal Chandra Chatterjee Road, Kolkata-700002, P.S- Cossipore Situated Within Ward No. 1 Of The Kolkata Municipal Corporation, Sub Registratin Office Cossipore Dum Dum In The District Of North 24 Parganas. The Said Land Is Butted And Bounded As Follows: On The North- Vacant land, On The South-2\3A, Gopal Chandra Chatterjee Road, On The East Common Passage & On The West- 1\1d, Gopal Chandra Chatterjee Road.
 - 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 05.11.2022 due to non servicing of interest/ instalment.
 - 3) Notice dated 11.11.2022 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. 26.49.185 (Rupees Twenty Six lakh Forty Nine thousand One Hundred Eighty Five) Only. The Demand notice was not received by the borrower which was posted on.16/11/2022. The secured creditor further published notice on 24/11/2022 in the news paper of Ei Samay and The Indian Express.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 11.11.2022.
 - 5) The Secured creditor issued possession notice dated 10.04.2023 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 news papers on 13.04.2023.
 - 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 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

(Continued to page No. – 2)

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

and

12) The property is not under lease / tenancy as per affidavit, deed(s), records or all other relevant documents and

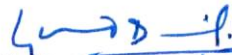
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Cholamandalam Investment and Finance Company limited at 5th floor, 55 & 55, 1, Jawaharlal Nehru Rd, Chowringhee Court, Kolkata, West Bengal, 700071, the secured creditor and being satisfied, it is hereby ordered that, Sri Kuntal Bose, W.B.C.S. Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the Commissioner of Police, 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, Cholamandalam Investment and Finance Company limited at 5th floor, 55 & 55, 1, Jawaharlal Nehru Rd, Chowringhee Court, Kolkata, West Bengal, 700071, shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to Sri Kuntal Bose, W.B.C.S, 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 the 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 10/02/24
North 24-Parganas.
Date. 26/02/24

Memo No /Dist/(D.M) / Sarfaesi - 585 (6) / 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, North 24- Parganas, with a request to comply with the said order.
3. Sri Kuntal Bose, W.B.C.S, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore, North 24- Parganas with a request to comply with the said order.
- 4 The Authorized Officer Cholamandalam Investment and Finance Company limited at 5th floor, 55 & 55, 1, Jawaharlal Nehru Rd, Chowringhee Court, Kolkata, West Bengal, 700071.
5. Prabir Kumar Saha, Aparna Saha, M/S Fancy Prints, Residing at 2/3B, Gopal Chandra Chatterjee Road Cossipore, Kolkata, West Bengal-700002, M/S Fancy Prints, Kadi Hati, Bishnupur Road, Narayanpur, Kolkata West Bengal-700132
6. Smt. , Aparna Saha, M/S Fancy Prints, Residing at 2/3B, Gopal Chandra Chatterjee Road Cossipore, Kolkata, West Bengal-700002, M/S Fancy Prints, Kadi Hati, Bishnupur Road, Narayanpur, Kolkata West Bengal-700132


District Magistrate
North 24-Parganas

