



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

ORDER

Whereas Authorized Officer, Indian Bank (Allahabad) (Tollygunge Branch), Asha Apartment, 93, Deshpran Shasmal Road, Kolkata – 700033, 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, Mrs, Prity Arora, 47, Moulana Abdul Kalam Road, Howrah – 711101, Sri Manish Mehrotra & Sri Prakash Mehrotra, Flat – “B” 2<sup>nd</sup> Floor, “Shantiniketan Apartment” Kaikhali Daspara, Kolkata- 700052.

(Case No –30/24 Dated 22.02.24)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, INDIAN BANK (Allahabad) (Tollygunge Branch), Asha Apartment, 93, Deshpran Shasmal Road, Kolkata – 700033, 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.5,00,000.00/- (Rupees Five Lac Twenty) Only On 05.11.2009 Guarantor namely Mrs Prity Arora ,47, Moulana Abdul Kalam Road, Howrah – 711101, Sri Manish Mehrotra & Sri Prakash Mehrotra, Flat – “B” 2<sup>nd</sup> Floor, “Shantiniketan Apartment” Kaikhali Daspara, Kolkata- 700052, the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) Equitable Mortgage of all part and parcel of the Flat No. B, on the 2<sup>nd</sup> Floor, West Side measuring 525 Sq.Ft. at G+3 storied Residential Bulding “Santiniketan Appartment”, Kaikhali Daspara being Municipal Holding No. RMG – 27/432/09-10, Kaikhali Daspara, Kolkata 700052, within jurisdiction of Airport Police Station, within the local limits of Rajarhat-Gopalpur Municipality, Ward No. 27, ADSRO at Bidhannagar (Salt Lake) together with undivided share in the land measuring more or less 4 cottahas, 15 chittacks, situated at Mouza – Kaikhali, J.L. no. 4, R.S no. 115, Touzi no. 172, C.S. Dag no. 135, R.S. Dag no. 155, C.S. Khatian no. 409, R.S. Khatian No. 510, L.R. Khatian No.292 & 599, District- North 24 Parganas. The Property is Butted and Bounded By On the North R.S. Dag No. 151, On The South : R.S. Dag No. 156,151, On The East: R.S. Dag No. 151,154, On the West: R.S. Dag No. 155 & Common Passage, Deed no I-12994 at the office of ADSR, Bidhannagarin 2021,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 30.04.2018 due to non servicing of interest/ installment
  - 3) Notice dated 05.02.2019 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.5,97,291.00/- (Rupees Five Lac Ninety Seven Thousand Two Hundred Ninety One) Only. The Demand notice was received by the borrower on 05.02.2019.
  - 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 05.02.2019.
  - 5) The Secured creditor issued possession notice dated 22.05.20219 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 24.05.2019.
  - 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 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 Indian Bank (Allahabad) (Tollygunge Branch), Asha Apartment, 93, Deshpran Shasmal Road, Kolkata – 700033, the secured creditor and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam, 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 INDIAN BANK (Allahabad) (Tollygunge Branch), Asha Apartment, 93, Deshpran Shasmal Road, Kolkata – 700033 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt. Farhanaz Khanam, 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.

  
District Magistrate  
North 24-Parganas. 

Date. - 04-03-2024

Memo No. 695/1(5)/JM

Copy forwarded for information and necessary action :-

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. Farhanaz Khanam, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
4. Indian Bank (Allahabad) (Tollygunge Branch), Asha Apartment, 93, Deshpran Shasmal Road, Kolkata – 700033.
5. Mrs. Mrs. Prity Arora,, 47, Moulana Abdul Kalam Road, Howrah – 711101, Sri Manish Mehrotra & Sri Prakash Mehrotra, Flat – "B" 2<sup>nd</sup> Floor, "Shantiniketan Apartment" Kaikhali Daspara, Kolkata- 700052.

  
District Magistrate  
North 24-Parganas 