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

ORDER

Whereas Authorized Officer, Indian Bank, Zonal Office Barasat, 54, K.N.C. Road, Barasat, Kolkata – 700 124 has filed a petition u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Co-Borrower & Guarantor namely Smt. Dipali Paul W/o. Sri Tapan Paul, having a Proprietor & Co-Borrower namely Sri Tapan Papaul S/o. Sri Kalipada Paul, of the Borrower namely M/s. Priyanka Chari Centre, all are residing and situated at, Vill – Tunighata, PO – Kumra, PS – Habra, North 24 Parganas, PIN – 743 271. (Case No – 35/24/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Indian Bank, Zonal Office Barasat, 54, K.N.C. Road, Barasat, Kolkata – 700 124, 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. 17,00,000.00 (Rupees Seventeen Lac Only) on 01.03.2016 + Rs. 13,30,000.00 (IBHL) (Rupees Thirteen Lac Thirty Thousand Only) on 07.04.2017 + Rs. 2,20,000.00 (MSME FITL) (Rupees Two Lac Twenty Thousand Only) on 26.03.2021 + Rs. 5,26,000.00 (GECLS) (Rupees Five Lac Twenty Six Thousand Only) on 29.11.2021 to Borrower namely M/s. Priyanka Chari Centre, having a Proprietor & Co-Borrower namely Sri Tapan Papaul S/o. Sri Kalipada Paul, having a Co-Borrower & Guarantor namely Smt. Dipali Paul W/o. Sri Tapan Paul, all are residing and situated at, Vill – Tunighata, PO – Kumra, PS – Habra, North 24 Parganas, PIN – 743 271, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that a piece and parcel of Land and building and any construction thereon measuring an area more or less 3.3 Shatak under Mouza – Tunighata, J.L.No – 148, Dag No. (Sabek) – 90, (LR)- 90/333, Khatian No – (RS)- 88, (Present LR)- 70, (New)- 438, R.S>No – 229, Touzi No – 14, PS – Habra, Kumra Gram panchayet, North 24 Parganas. The property is Butted and bounded by North – Property of Dilip Mallick, South – Property of Ashish Biswas, East – Property of Anutosh Biswas, West – 12 ft. Pucca Road. The Mortgaged Property stands in the name of Smt. Dipali Paul W/o. Sri Tapan Paul and being the registered Deed No. – I – 03552 for the year 2014 and the deed is registered at the office of ADSR –Habra, North 24 Parganas, WB.

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 01.05.2022 due to non servicing of interest/ installment

3) Notice dated 05.01.2023 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The total outstanding amount as mentioned in notice is Rs 41,34,316.00 (Rupees Forty One Lac Thirty Four Thousand Three Hundred and Sixteen) only and the demand notice was received by the borrower on 12.01.2023.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 05.01.2023.

5) The Secured creditor issued possession notice dated 11.04.2023 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 14.04.2023

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

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

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(2)

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 Indian Bank, Zonal Office Barasat, 54, K.N.C. Road, Barasat, Kolkata – 700 124, the secured creditor 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), in the Office of the District Magistrate, 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 creditors u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, Indian Bank, Zonal Office Barasat, 54, K.N.C. Road, Barasat, Kolkata – 700 124, will intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, 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), in the Office of the 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 The Superintendent of Police, Barasat Police District, 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.

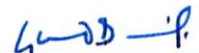


Date. - 05 10 2024

Memo No. J -15013(11)/ 352 11/5/2024/JM

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, 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 District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Indian Bank, Zonal Office Barasat, 54, K.N.C. Road, Barasat, Kolkata – 700 124.
5. M/s. Priyanka Chari Centre, having a Proprietor & Co-Borrower namely Sri Tapan Papaul S/o. Sri Kalipada Paul, having a Co-Borrower & Guarantor namely Smt. Dipali Paul W/o. Sri Tapan Paul, all are residing and situated at, Vill – Tunighata, PO – Kumra, PS – Habra, North 24 Parganas, PIN – 743 271.


District Magistrate
North 24-Parganas.
