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



ORDER

Whereas Authorized Officer, IIFL Home Finance Limited, "The Air Conditioned Market", 8th Floor, 1, 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 Borrower namely Smt. Reshma Khatun W/o. Sri Anwar Ali C/o. Jan Mohammad of Afia Saree Centre, Newbasti, 32, Dhankheti Moholla Siddheswarbati, PS – Titagarh, North 24 Parganas, Kolkata – 700 119 & the Co-Borrower namely Sri Anwar Ali S/o. Sri Mohammed Allauddin, residing at, Flat No. 1/F, First Floor, Swami Vivekananda Apartment, Sundar Sha Path, Titagarh, North 24 Parganas, Kolkata – 700 119. (Case No – 170/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, IIFL Home Finance Limited, "The Air Conditioned Market", 8th Floor, 1, 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 secured creditor granted a loan Rs. 9,63,855.00 (Rupees Nine Lac Sixty Three Thousand Eight Hundred and Fifty Five Only) on 30.04.2019 to Borrower namely Smt. Reshma Khatun W/o. Sri Anwar Ali C/o. Jan Mohammad of Afia Saree Centre, Newbasti, 32, Dhankheti Moholla Siddheswarbati, PS – Titagarh, North 24 Parganas, Kolkata – 700 119 & the Co-Borrower namely Sri Anwar Ali S/o. Sri Mohammed Allauddin, residing at, Flat No. 1/F, First Floor, Swami Vivekananda Apartment, Sundar Sha Path, Titagarh, North 24 Parganas, Kolkata – 700 119, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of Flat No. 1/F, admeasuring 732 Square Feet First Floor, of the Building namely "Swami Vivekananda Apartment" situated on the landed property measuring an area more or less 8 Cottahs 14 Chittak, Mouza – Titagarh, J.L.No – 5, Re Su No – 26, Touzi No – 1091, L.R.Khatian No – 5171 & 5172, R.S.Dag No – 470, L.R.Dag No – 615, R.S.Dag No – 470/1523, L.R.Dag No – 616, Holding No. 20, Sundar Sha Path, Titagarh, North 24 Parganas, Kolkata – 700 119. The Property is Butted and Bounded by North – 12' ft. wide S.S. Path, South – Plot No. 'B', East – Land of Taslim Mia & Others, West – 7'-0" wide Municipal Road. The Mortgaged Property stands in the name of Smt. Reshma Khatun W/o. Sri Anwar Ali & Sri Anwar Ali S/o. Sri Mohammed Allauddin and being the registered Deed No. – I – 150502401 the year 2019 at the Office of ADSR – Barrackpore, 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 06.03.2021 due to non servicing of interest/ installment

3) Notice dated 19.03.2021 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. 8,21,550.00 (Rupees Eight Lac Twenty One Thousand Five Hundred and Fifty) only and the demand notice was received by the borrower on 24.03.2021 and the same was published in two daily news papers on 24.03.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 19.03.2021

5) The Secured creditor issued possession notice dated 08.12.2021 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 14.12.2021

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.

(Continued to page No. – 2)

(2)

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 09.06.2023 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

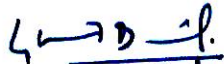
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of IIFL Home Finance Limited, "The Air Conditioned Market", 8th Floor, 1, Shakespeare Sarani, Kolkata 700 071, the secured creditor and being satisfied, it is hereby ordered that Sri Surajit Ghosh, 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, 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, IIFL Home Finance Limited, "The Air Conditioned Market", 8th Floor, 1, Shakespeare Sarani, Kolkata 700 071 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Surajit Ghosh, 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 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.

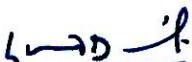
The order is to be enforced within 06 (Six) months from the date of receipt of this order.


District Magistrate
North 24 - Parganas.
21/9/23

Memo No. J -15013(11)/ 2732 11(5)/2023/JM
Copy forwarded for information and necessary action to :-

Date. - 04 / 10 / 2023

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 Surajit Ghosh, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, IIFL Home Finance Limited, "The Air Conditioned Market", 8th Floor, 1, Shakespeare Sarani, Kolkata 700 071.
5. Smt. Reshma Khatun W/o. Sri Anwar Ali C/o. Jan Mohammad of Afia Saree Centre, Newbasti, 32, Dhankheti Moholla Siddheswarbati, PS - Titagarh, North 24 Parganas, Kolkata - 700 119 & the Co-Borrower namely Sri Anwar Ali S/o. Sri Mohammed Allauddin, residing at, Flat No. 1/F, First Floor, Swami Vivekananda Apartment, Sundar Sha Path, Titagarh, North 24 Parganas, Kolkata - 700 119.


District Magistrate
North 24-Parganas.
21/9/23

