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



ORDER

Whereas Authorized Officer, PNB Housing Finance Limited, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016 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. Rina Rani Mondal W/o. Sri Tridip Mondal, having a Co-Borrower namely Sri Dwaipayan Mondal S/o. Sri Tridip Mondal, both are residing at, 74, Patna Road, Uttar Patna, Bidhanpally, Nimta, Kolkata – 700 049. (Case No – 133/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, PNB Housing Finance Limited, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016 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. 8,40,000.00 (Rupees Eight Lac Forty Thousand Only) on 16.09.2016 to Borrower namely Smt. Rina Rani Mondal W/o. Sri Tridip Mondal, having a Co-Borrower namely Sri Dwaipayan Mondal S/o. Sri Tridip Mondal, both are residing at, 74, Patna Road, Uttar Patna, Bidhanpally, Nimta, Kolkata – 700 049, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that one self-contained residential Flat being Flat no. C3 on South – West – side of Third Floor, having Super Built Up area of 670 Square Feet consisting of Two Bed Room one Dining with kitchen, one toilet/s and one Balconi in the said G 3 storied building known as "Sindhuja Abasan" in the said G + 3 storied building lying and situated landed property measuring an area more or less 6.6 Decimal Equivalent to 4 Cottahs be the same a little more or less lying and situated at Mouza – Tarapurkuria, JL No. – 12, Re Sa No. – 27, Touzi No – 178, R.S.Dag No. – 330, R.S.Khatian No – 21, Modified Khatian No. 10, New Modified Khatian No. – 2259, Holding No. 34, B.C.Sen Road (D.S.Sarani), PS – Khardah, within the local jurisdiction of Panihati Municipality, North 24 Parganas, Kolkata – 700 119. The property is butted and bounded by North – Property of Judhistir Das, South – 10 Feet wide Pucca Road, East – B.C.Sen Road, West – Property of B.M.Ghosh. The Mortgaged Property stands in the name of Smt. Rina Rani Mondal W/o. Sri Tridip Mondal and being the registered Deed No. – I – 152405288 the year 2016 at the Office of the ADSR – Sodepur, 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 31.08.2021 due to non servicing of interest/ installment
 - 3) Notice dated 16.09.2021 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. 8,40,874.93 (Rupees Eight Lac Forty Thousand Eight Hundred Seventy Four and Ninety Three Paise) only and the demand notice was published in two daily news papers on 24.09.2021
 - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 16.09.2021
 - 5) The Secured creditor issued possession notice dated 16.12.2021 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 21.12.2021
 - 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.
- 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 leese/tenancy as per affidavit, deed(s), records or all other relevant documents

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(2)

and

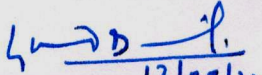
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of PNB Housing Finance Limited, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016, 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, PNB Housing Finance Limited, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016 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.

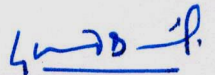
The order is to be enforced within 06 (Six) months from the date of receipt of this order.


District Magistrate,
North 24 - Parganas.
13/09/23
S. Surajit

Memo No. J -15013(11)/ 2563 /11(5)/2023/JM
Copy forwarded for information and necessary action to :-

Date. - 14 109 /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, PNB Housing Finance Limited, 7, Kyd Street, 5th Floor, Kankaria Mansion, Kolkata – 700 016.
5. Smt. Rina Rani Mondal W/o. Sri Tridip Mondal, having a Co-Borrower namely Sri Dwaipayana Mondal S/o. Sri Tridip Mondal, both are residing at, 74, Patna Road, Uttar Patna, Bidhanpally, Nimta, Kolkata – 700 049.


District Magistrate
North 24-Parganas.
S. Surajit

