



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

Order

Whereas Authorized Officer, Axis Bank Limited, Structured Assets Group - East, Kolkata 1, Shakespeare Sarani, 4th Floor, Kolkata - 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 Asset / Property of the Borrower namely M/S Rochak Agro Food Products Private Limited, 36 Maharshi Debendra Road, 2nd Building, 2nd Floor, Kolkata - 700006, WB, having directors Mira Devi Choudhary & Suman Choudhary in the Case No.: 515/23 dated 16/06/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Axis Bank Limited, Structured Assets Group - East, Kolkata, 1, Shakespeare Sarani, 4th Floor, Kolkata - 700071 seeking administrative assistance in terms of Section 14 (1) of the SARFAESI Act of 2002 for taking over physical possession of the Secured Asset is 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 loan of Rs.100000000+3000000+7000000+21200000= Rs. 13,12,00,000.00 (Rupees Thirteen Crore Twelve Lakhs) only on 20.08.2016, 20.08.2016, 20.08.2016 & 18.07.2020 respectively to the Borrower viz. M/S Rochak Agro Food Products Private Limited, having directors Mira Devi Choudhary & Suman Choudhary against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) Equitable mortgage of factory land and building together with structures thereon, fixtures, fittings etc admeasuring total 39.93 cottah more or less vide deed details land measuring area of 32.50 decimals little more or less vide sale deed dated 01.01.1992 lying and situated at under Mouza Hansia , J.L. No. 24 , Touzi No. 655, North 24 Parganas Arsha , Khatian No. 19, L.R.Khatian 2350,767, Dag No. 74 under ADSR Naihati, P.S. Jagatdal, Dist- North 24 Parganas
The Mortgage Property Stands in the name of Meera Debi Choudhury
The property is butted & bounded by: North - "A" Plot of Owner Badri Prosad Choudhury, South - "C" Plot of Owner Bimal Kr. Modu, East - Phatick Hazra & West - Kalyani High Road.
Land measuring area of 32.50 decimals little more or less vide sale deed dated 01.01.1992 lying and situated at under Mouza Hansia , J.L. No. 24 , Touzi No. 655, North 24 Parganas Arsha , Khatian No. 19, L.R. Khatian 2350,767, Dag No. 74 under ADSR Naihati, P.S. Jagatdal, Dist- North 24 Parganas.
The Mortgage Property Stands in the name of Sri Badri Prosad Choudhury
The property is butted & bounded by: North - Haru Maity, South - "B" Plot of Meera Debi Choudhury, East - Phatick Hazra & West - Kalyani High Road.
Equitable mortgage of residential property admeasuring 4 cottahs & 10 chattaks more or less in the name of Sri Ghanshyam Chowdhury(HUF) represented by Sri Ghanshyam Chowdhury Karta vide deed of conveyance dated 22.09.1999 & situated at Dag No. 1188, Khatian No. 711, J.L.No. 04, R.S. No.39, Touzi No. 2998, Mouza Chanak, Holding No. 105 (56/D), 'A' Road, Anandapuri, Barrackpore, P.S. Titagarh, Dist. North 24 Parganas, West Bengal.
The Mortgage Property Stands in the name of Sri Ghanshyam Chowdhury.
The property is butted & bounded by: North - House of Panchanan Chatterjee, South -House of Manju Rani Roy, East - 12' wide road with drain & West - House of Jitendra Nath Dutta.
 - 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 29.07.2021 due to non-servicing of interest/ installment.
 - 3) Notice dated 12.09.2022 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. 12,11,63,499.50 (Rupees Twelve Crore Eleven Lakh Sixty Three Thousand Four Hundred Ninety Nine and Fifty Paise) only and the demand notice was booked on 12.09.2022.
 - 4) The Authorised Officer of the Secured Creditor received representation from the borrower in reply to demand notice u/s 13(2) dated 12.09.2022.
 - 5) The Secured Creditor issued possession notice dated 14.03.2023 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 newspapers on 16.03.2023.
 - 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 is within the jurisdiction of the District Magistrate, North 24 Parganas.
- And
- 8) Whereas, the amount dues is more than 20% of the Principal Advance and Security Interest is not created in any agricultural land.

And

(2)

- 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(s) 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, 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 16.06.2023 submitted by the Secured Creditor there is no stay declared by any court of law.
- And
- 12) The property is not under lessee / 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 Axis Bank Limited, Structured Asset Group - East, Kolkata 1, Shakespeare Sarani, 4th Floor, Kolkata - 700071 and being satisfied, it is hereby ordered that Sri Pinaki Sankar Biswas, 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 sub-division under the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

And


Whereas, Authorized Officer of Axis Bank Limited, Structured Asset Group - East, Kolkata 1, Shakespeare Sarani, 4th Floor, Kolkata - 700071 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas as well as to, Sri Pinaki Sankar Biswas, 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 sub-division under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Commissioner of Police, Barrackpore Police Commissionerate, 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 Asset(s) / Property, 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.

Memo No.: 1068/1(5)/JM/BST


District Magistrate
North 24 Parganas
Date: 28-03-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Pinaki Sankar Biswas, Executive Magistrate, in the Office of the Sub-Divisional Officer Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Axis Bank Limited, Structured Asset Group - East, Kolkata 1, Shakespeare Sarani, 4th Floor, Kolkata - 700071.
- 5) M/S Rochak Agro Food Products Private Limited (Borrower), 36 Maharshi Debendra Road, 2nd Building, 2nd Floor, Kolkata - 700006.


District Magistrate
North 24 Parganas