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



ORDER

Whereas Authorized Officer, State Bank of India, RACPC Bidhannagar Branch, Zonal Office Building (4th Floor) 1/16, VIP Road, Kolkata – 700 054 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 Sri Amiya Dey S/o. Late Ranjit Dey, residing at, Jasada Bhavan, Flat No – 5, BD- 15, Samarpally, Krishnapur, North 24 Parganas, Kolkata – 700 102. (Case No – 195/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, State Bank of India, RACPC Bidhannagar Branch, Zonal Office Building (4th Floor) 1/16, VIP Road, Kolkata – 700 054 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. 17,93,205.00 (Rupees Seventeen Lac Ninety Three Thousand Two Hundred and Five Only) on 13.12.2017 to Borrower namely Sri Amiya Dey S/o. Late Ranjit Dey, residing at, Jasada Bhavan, Flat No – 5, BD- 15, Samarpally, Krishnapur, North 24 Parganas, Kolkata – 700 102, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All the piece and parcel of a Flat No. 2A on 2nd Floor (North West Corner) in building completed in the year 2015, named Bimal Apartment under Municipal Holding No. 302/11, Bankim Chatterjee Road, Kolkata – 700 131, comprising a flooring marble super build up area more or less of 804 Square Feet with all doors, windows, dining cum, drawing, 2 bathrooms, one kitchen, one balcony along with right, tile and interest and interest in all common parts and services, located in all that piece and parcel of Bastu landed property measuring an area more or less 5 Cottahs 4 Chittacks more or less lying and situated at being Municipal Holding No. – 302/11, Bankim Chatterjee Road, Kolkata – 700 131, appertaining to C.S.Dag No – 968, R.S.Dag No – 2979, 2980, 3281,3282, 3283, L.R.Dag No – 2909, Mouza – Masunda, J.L.No – 34, Khatian No – 1468, Scheme No. – I, within the jurisdiction of New Barrackpore Municipality, Ward No – 12, PO & PS – New Barrackpore, North 24 Parganas. The Mortgaged Property stands in the name of Sri Sri Amiya Dey S/o. Late Ranjit Dey and being the registered Deed No. – I – 152400264 the year 2018 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 11.01.2023 due to non servicing of interest/ installment

3) Notice dated 13.01.2023 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. 21,26,361.00 (Rupees Twenty One Lac Twenty Six Thousand Three Hundred and Sixty One) only and the demand notice was published in two daily news papers on 30.01.2023

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 13.01.2023

5) The Secured creditor issued possession notice dated 18.03.2023 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 news papers on 20.03.2023

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 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 25.09.2023 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 State Bank of India, RACPC Bidhannagar Branch, Zonal Office Building (4th Floor) 1/16, VIP Road, Kolkata – 700 054, the secured creditor and being satisfied, it is hereby ordered that Sri Sri Kuntal Bose, 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, State Bank of India, RACPC Bidhannagar Branch, Zonal Office Building (4th Floor) 1/16, VIP Road, Kolkata – 700 054 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Sri Kuntal Bose, 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.
17/11/2023

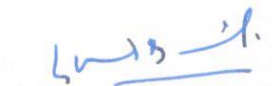
Memo No. J -15013(11)/ 3002 11/(5)/2023/JM

Date. - 21 / 11 / 2023

Copy forwarded for information and necessary action to :-

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 Sri Kuntal Bose, W.B.C.S. (Exe.), 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, State Bank of India, RACPC Bidhannagar Branch, Zonal Office Building (4th Floor) 1/16, VIP Road, Kolkata – 700 054.
5. Sri Amiya Dey S/o. Late Ranjit Dey, residing at, Jasada Bhavan, Flat No – 5, BD- 15, Samarpally, Krishnapur, North 24 Parganas, Kolkata – 700 102.




District Magistrate
North 24-Parganas.
17/11/2023