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

ORDER

Whereas Authorized Officer, Karnataka Bank Ltd, Asset Recovery Management Branch, Kolkata, Premises No. 07/1-0333, Plot No. – CBD 100/3 New Town, Kolkata – 700 156, Diamond Prestige, 41 A, AJC Bose Road, Kolkata – 700 017 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 Proprietor namely Sri Sanjeev Gupta S/o. Sri Ram Sewak Gupta, having another Guarantor namely Smt. Nishi Gupta W/o. Sri Sanjeev Gupta, Both are residing at, 102/3, Baguihati 2nd Lane, Dum Dum, Kolkata – 700 002 of the Borrower namely M/s. S D & Company, situated at, 37, Nalini Seth Road, 2nd Floor, Kolkata – 700 007. (Case No – 43/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Karnataka Bank Ltd, Asset Recovery Management Branch, Kolkata, Premises No. 07/1-0333, Plot No. – CBD 100/3 New Town, Kolkata – 700 156 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. 4,00,00,000.00 (Rupees Four Crore Only) on 27.01.2021 + Rs. 82,00,000.00 (Rupees Eighty Two Lac Only) on 31.12.2020 to Borrower namely M/s. S D & Company, situated at, 37, Nalini Seth Road, 2nd Floor, Kolkata – 700 007, having Proprietor namely Sri Sanjeev Gupta S/o. Sri Ram Sewak Gupta, having another Guarantor namely Smt. Nishi Gupta W/o. Sri Sanjeev Gupta, Both are residing at, 102/3, Baguihati 2nd Lane, Dum Dum, Kolkata – 700 002, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that part and parcel of a residential flat bearing no. E-3, North Eastern side of the building on ground floor, measuring super built up area more or less 450 Square Feet of a building namely "Anandam" situated at premises no. 149, Bangur Avenue, Block –A, Mouza – Shyamnagar, Under the local jurisdiction of South Dum Dum Municipality, PS – Lake Town, North 24 Parganas. The property is butted and bounded by North – Plot No. 150, South – 40' feet wide road, East – Plot no. 148, West – 20' feet wide road. The Mortgaged Property stands in the name of Sri Sanjeev Gupta S/o. Sri Ram Sewak Gupta and being the registered Deed No. – I – 02066 for the year 2011 at the Office of the ADSR – Bidhannagar, 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 30.11.2021 due to non servicing of interest/ installment
 - 3) Notice dated 07.01.2022 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. 4,91,53,358.55 (Rupees Four Crore Ninety One Lac Fifty Three Thousand Three Hundred Fifty Eight and Fifty Five Paise) only and the demand notice was published in two daily news papers on 09.02.2022.
 - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 07.01.2022
 - 5) The Secured creditor issued possession notice dated 04.05.2022 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 07.05.2022
 - 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.
- and
- 12) The property is not under leesees/tenancy as per affidavit. deed(s), records or all other relevant documents.

(Continued to page No. – 2)

(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 Karnataka Bank Ltd, Asset Recovery Management Branch, Kolkata, Premises No. 07/1-0333, Plot No. – CBD 100/3 New Town, Kolkata – 700 156, the secured creditor and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam, 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, Bidhannagar, 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, Karnataka Bank Ltd, Asset Recovery Management Branch, Kolkata, Premises No. 07/1-0333, Plot No. – CBD 100/3 New Town, Kolkata – 700 156 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Smt. Farhanaz Khanam, 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, Bidhannagar, 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, Bidhannagar, 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.
31/1/24

Memo No. J -15013(11)/ 353 /1/(5)/2024/JM

Date. - 05 / 02 / 2024

Copy forwarded for information and necessary action to :-

1. The Commissioner of Police, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bidhannagar, North 24- Parganas, with a request to comply with the said order.
3. Smt. Farhanaz Khanam, Executive Magistrate, in the Office of the Sub Divisional Officer, Bidhannagar North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Karnataka Bank Ltd, Asset Recovery Management Branch, Kolkata, Premises No. 07/1-0333, Plot No. – CBD 100/3 New Town, Kolkata – 700 156.
5. M/s. S D & Company, situated at, 37, Nalini Seth Road, 2nd Floor, Kolkata – 700 007, having Proprietor namely Sri Sanjeev Gupta S/o. Sri Ram Sewak Gupta, having another Guarantor namely Smt. Nishi Gupta W/o. Sri Sanjeev Gupta, Both are residing at, 102/3, Baguihati 2nd Lane, Dum Dum, Kolkata – 700 002.


District Magistrate
North 24-Parganas.
31/1/24