



GOVERNMENT OF WEST BENGAL
Office of the District Magistrate
North 24 Parganas, Barasat
(District MGNREGA Cell)

ORDER

Whereas Authorized Officer, Punjab National Bank (erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), District- North 24 Parganas, Kolkata – 700 124 has filed a petition u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Proprietor Smt. Sagarika Sarkar W/o. Sri. Rupesh Sarkar having Guarantor Sri. Rupesh Sarkar of the Borrower namely M/s. Sagarika Garments, All are residing and situated at Plot no. 1820/A/15, Haripur, near Nalanda Shanti Rakshi Bahini, Holding No.-3/190/127 Kalyangarh, Ward No. 3, Ashoknagar Kalyangarh Municipality, P.O. Kalyangarh Haripur, P.S. Ashokenagar, District- North 24 Parganas, Pin-743223. (Memo. No.– 896/22 dated 01/11/2022)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorized Officer, Punjab National Bank (erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), District- North 24 Parganas, Kolkata – 700 124 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 the secured creditor Granted a loan of Rs. 6,80,000.00 (Rupees Six Lakh Eighty Thousand only) on 02.11.2019 to Borrowers namely M/s. Sagarika Garments, having Proprietor namely Smt. Sagarika Sarkar W/o. Sri. Rupesh Sarkar, residing and situated at, Plot no. 1820/A/15, Haripur, near Nalanda Shanti Rakshi Bahini, Holding No.-3/190/127 Kalyangarh, Ward No. 3, Ashoknagar Kalyangarh Municipality, P.O. Kalyangarh Haripur, P.S. Ashokenagar, District- North 24 Parganas, Pin-743223, having a Guarantor namely Sri. Rupesh Sarkar, residing and situated at, Plot no. 1820/A/15, Haripur, near Nalanda Shanti Rakshi Bahini, Holding No.-3/190/127 Kalyangarh, Ward No. 3, Ashoknagar Kalyangarh Municipality, P.O. Kalyangarh Haripur, P.S. Ashokenagar, District- North 24 Parganas, Pin-743223, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of BASTU land with building thereon, measuring about 3.30 Satak or more or less 2 Katha, lying and situated at Mouza- Banshpul, J.L. No. 32, Old L.R. Khatian No. 3744, New own L.R. Khatian No. 4202, R.S. & L.R. Dag No. 1981, sub Plot No. 1820/A/15 under the local jurisdiction of Holding No. 3/165/80 of ward No.3, Ashoknagar Kalyangarh Municipality, P.S. Ashoknagar, Dist.- North 24 Parganas. Being Deed No. 00553 for the year 2009, registered in Book No.-I, CD Volume No. 2, Page from 3477 to 3488, at A.D.S.R.O. Guma, North 24 Parganas, West Bengal. The property is in the name of Smt. Sagarika Sarkar W/o. Sri Rupesh Sarkar. The property is butted and bounded by North – Drain, vacant land, Road, South – Plot of Habra Mouja, East- Property of Land Donor, West – Property of Krishna Dasi Das.
 - 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 31.03.2021 due to non servicing of interest/installment
 - 3) Notice dated 12.07.2022 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.7,27,147.00 (Rupees Seven Lakh Twenty Seven Thousand One Hundred Forty Seven only) and the demand notice was received by the borrower on 19.07.2022
 - 4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 12.07.2022
 - 5) The Secured creditor issued possession notice dated 19.10.2022 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 22.10.2022
 - 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

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(2)

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 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) 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, Punjab National Bank (erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), District- North 24 Parganas, Kolkata – 700 124, the secured creditor and being satisfied, it is hereby ordered that Sri. Saikat Maji, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), 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, Punjab National Bank (erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), District- North 24 Parganas, Kolkata – 700 124 shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, North 24 - Parganas, as well as to, Sri. Saikat Maji, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, 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 Superintendent of Police, Barasat Police District, 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 6 (six) months from the date of receipt of this letter.


District Magistrate,
North 24 Parganas, Barasat

Memo. No. 479/JM/BST

Date: - 16 /02/2024

Copy forwarded for information and necessary action to:-

1. The Superintendent of Police, Barasat Police District, North 24 Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat (Sadar), North 24 Parganas.
3. Sri. Saikat Maji, WBCS (Exe.), Executive Magistrate, in the Office of the District Magistrate, North 24 Parganas, with a request to comply with the said order.
4. The Authorized Officer, Punjab National Bank (erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), District- North 24 Parganas, Kolkata – 700 124.
5. M/s. Sagarika Garments, Proprietor Smt. Sagarika Sarkar W/o. Sri. Rupesh Sarkar having Guarantor Sri. Rupesh Sarkar, all are residing and situated at Plot no. 1820/A/15, Haripur, near Nalanda Shanti Rakshi Bahini, Holding No.- 3/190/127 Kalyangarh, Ward No. 3, Ashoknagar Kalyangarh Municipality, P.O. Kalyangarh Haripur, P.S. Ashokenagar, District- North 24 Parganas, Pin-743223.


District Magistrate,
North 24 Parganas, Barasat