



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

ORDER

Whereas Authorized Officer, Punjab National Bank, Sastra Division, Kolkata North, Oriental bank House, DD-11, Sector- 1, 4th Floor, Salt Lake, Kolkata – 700 064, 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 Sailendra Nath Ghosh S/o. Sri Shantiram Ghosh (Since Deceased) (Legal Heirs are Smt. Kakali Ghosh, Sri Arghya Ghosh), having Co-Borrowers namely Smt. Kakali Ghosh C/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co operative Housing Society, Kolkata – 700 105, & Sri Arghya Ghosh S/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co-operative Housing Society, Kolkata – 700 105. (Case No – 242/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Punjab National Bank, Sastra Division, Kolkata North, Oriental bank House, DD-11, Sector- 1, 4th Floor, Salt Lake, Kolkata – 700 064 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 Rs. 1,05,00,000.00 (Rupees One Crore Five Lac Only) on 29.08.2014 + Rs. 18,40,000.00 (Rupees Eighteen Lac Forty Thousand Only) on 10.09.2014 to Borrower namely Sri Sailendra Nath Ghosh S/o. Sri Shantiram Ghosh (Since Deceased) (Legal Heirs are Smt. Kakali Ghosh, Sri Arghya Ghosh), having Co-Borrowers namely Smt. Kakali Ghosh C/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co operative Housing Society, Kolkata – 700 105, & Sri Arghya Ghosh S/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co-operative Housing Society, Kolkata – 700 105, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that Flat No. 2402 on the 23rd Floor at Tower No. 07 of Uniworld City Heights containing by ad- measurement a super built up area more or less 3673 Sq. Ft be the same a little more or less (hereinafter referred to as the said Flat) along with open terrace adjoining to the said flat measuring an area more or less 1105 Sq. Ft more or less together with 2 covered parking space no. 71 & 72 in the basement of the said Tower situated at Plot No. AA III/BLK-2/2 & AA III-2/1 Action Area III, New Town, PS – New Town (erstwhile Rajarhat), North 24 Parganas. Mortgaged Property stands in the name of Late Sailendra Nath Ghosh S/o. Sri Shantiram Ghosh and being the registered Deed No – I – 09719 for the year 2014 at the Office of the ADSR – Rajarhat, 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 02.05.2021 due to non servicing of interest/ installment

3) Notice dated 18.04.2023 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. 1,31,73,758.71 (Rupees One Crore Thirty One Lac Seventy Three Thousand Seven Hundred Fifty Eight and Seventy One Paise) Only. The Demand notice was received by the borrower on 20.04.2023

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 18.04.2023

5) The Secured creditor issued possession notice dated 13.07.2023 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 16.07.2022

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 is 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

(Continued to page No. – 2)

(2)

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)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 Punjab National Bank, Sastra Division, Kolkata North, Oriental bank House, DD-11, Sector- 1, 4th Floor, Salt Lake, Kolkata – 700 064, the secured creditor and being satisfied, it is hereby ordered that Sri Asish Mondal, 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, Punjab National Bank, Sastra Division, Kolkata North, Oriental bank House, DD-11, Sector- 1, 4th Floor, Salt Lake, Kolkata – 700 064 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Sri Asish Mondal, 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.
15/03/24
9/3/24

Memo No. J -15013(11)/ 678. 11(5)/2024/JM

Date. - 16 / 03 / 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. Sri Asish Mondal, 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, Punjab National Bank, Sastra Division, Kolkata North, Oriental bank House, DD-11, Sector- 1, 4th Floor, Salt Lake, Kolkata – 700 064.
5. Sri Sailendra Nath Ghosh S/o. Sri Shantiram Ghosh (Since Deceased) (Legal Heirs are Smt. Kakali Ghosh, Sri Arghya Ghosh), having Co-Borrowers namely Smt. Kakali Ghosh C/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co operative Housing Society, Kolkata – 700 105, & Sri Arghya Ghosh S/o. Late Sailendra Nath Ghosh, residing at, A-6, Metropolitan Co-operative Housing Society, Kolkata – 700 105.


District Magistrate
North 24-Parganas
9/3/24