

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



Whereas Authorized Officer, HDFC (Housing Development Finance Corporation Ltd), "Brooke House", 2<sup>nd</sup> Floor, 9, Shakespeare Sarani, Kolkata – 700 0071, 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 Sanjay Kumar Paul S/o. Lakshman Chandra Paul & Co-Borrower namely Smt.-Swapna Paul W/o. Sri Lakshman Chandra Paul, both residing at, Shop No. 8, Ground Floor, Arihant Garden, Block – 2, Kalaberia, PS – Rajarhat, North 24 Parganas, PIN – 700 030, having another Co-Borrower namely Bharat Sweets, situated at, 241, Jessore Road, Dum Dum, Kolkata – 700 028. (Case No – 137/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, HDFC (Housing Development Finance Corporation Ltd), "Brooke House", 2<sup>nd</sup> Floor, 9, Shakespeare Sarani, Kolkata – 700 0071 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. 22,52,655.00 (Rupees Twenty Two Lac Fifty Two Thousand Six Hundred and Fifty Five Only) on 30.11.2017 & Rs. 69,631.00 (Rupees Sixty Nine Lac Six Hundred and Thirty One Only) on 13.12.2017 to Borrower namely Sri Sanjay Kumar Paul S/o. Lakshman Chandra Paul & Co-Borrower namely Smt. Swapna Paul W/o. Sri Lakshman Chandra Paul, both residing at, Shop No. 8, Ground Floor, Arihant Garden Block – 2, Kalaberia, PS – Rajarhat, North 24 Parganas, PIN – 700 030, having another Co-Borrower namely Bharat Sweets, situated at 241, Jessore Road, Dum Dum, Kolkata – 700 028, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

1) All that piece and parcel of a Unit/Shop No. 8 on the Ground Floor of the Building being Block No. 2 forming part of the commercial Area having an area more or less 542 Square Feet (built up) (equivalent to 678 Square Feet Super Built up) (more or less) of the said New Building situated on the landed property measuring an area more or less 74 Decimals, Mouza – Kalaberia, J.L.No.- 30, Khatian no.- 522 and 523, R.S.Dag No. – 253, Under the local jurisdiction of Rajarhat Bishnupur Gram Panchayat - 1, PS – Rajarhat, North 24 Parganas, PIN – 700 030. The building is butted and bounded by North – Road-Bus Route No. 211, South – Road Bus Route No. 91, East – Property of Mr Karmakar, West – Property of Mr. Karmakar. Mortgaged Property stands in the name of Sri Sanjay Kumar Paul S/o. Lakshman Chandra Paul & Smt. Swapna Paul W/o. Sri Lakshman Chandra Paul and being the registered Deed No – 1 – 190412930 for the year 2017 at the Office of the ARA-IV, Kolkata, 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 01.11.2020 due to non servicing of interest installment

3) Notice dated 13.08.2021 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. 23,13,749.00 (Rupees Twenty Three Lac Thirteen Thousand Seven Hundred and Forty Nine) Only. The Demand notice was received by the borrower on 18.08.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 13.08.2021

5) The Secured creditor issued possession notice dated 10.12.2021 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 16.12.2021

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

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 02.09.2023 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 HDFC (Housing Development Finance Corporation Ltd), "Brooke House", 2<sup>nd</sup> Floor, 9, Shakespeare Sarani, Kolkata – 700 0071, the secured creditor and being satisfied, it is hereby ordered that Sri Arnab Saha, 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, HDFC (Housing Development Finance Corporation Ltd), "Brooke House", 2<sup>nd</sup> Floor, 9, Shakespeare Sarani, Kolkata – 700 0071 shall intimate the date of possession of the secured asset to the Commissioner of Police, Bidhannagar, North 24 - Parganas, as well as to, Sri Arnab Saha, 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.

*[Handwritten Signature]*  
District Magistrate 03/10/23  
North 24-Parganas.

*[Handwritten Signature]*

Memo No. J -15013(11)/ 2731 11(5)/2023/JM

Date. - 04 / 10 / 2023

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 Arnab Saha, 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, HDFC (Housing Development Finance Corporation Ltd), "Brooke House", 2<sup>nd</sup> Floor, 9, Shakespeare Sarani, Kolkata – 700 0071.
5. Sri Sanjay Kumar Paul S/o. Lakshman Chandra Paul & Co-Borrower namely Smt. Swapna Paul W/o. Sri Lakshman Chandra Paul, both residing at, Shop No. 8, Ground Floor, Arihant Garden, Block – 2, Kalaberia, PS – Rajarhat, North 24 Parganas, PIN – 700 030, having another Co-Borrower namely Bharat Sweets, situated at, 241, Jessore Road, Dum Dum, Kolkata – 700 028.

*[Handwritten Signature]*  
District Magistrate  
North 24-Parganas

*[Handwritten Signature]*

