



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

**ORDER**

Whereas Authorized Officer, HDFC Bank Ltd, 5<sup>th</sup> Floor, 4, Mangoe Lane, Kolkata – 700 001 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 Co-Borrower namely Sri Amal Kumar Dey S/o. Atul Krishna Dey of the Borrower namely Smt. Sarbani Dey D/o. Sri Anil Krishna Dey, both are residing at, East Udayrajpur, Madhyamgram (Landmark: Near TVS Motor Showroom), PO & PS – Madhyamgram, Kolkata – 700 129. (Case No – 203/23/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, HDFC Bank Ltd, 5<sup>th</sup> Floor, 4, Mangoe Lane, Kolkata – 700 001, 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. 23,34,000.00 (Rupees Twenty Three Lac Thirty Four Thousand Only) on 30.10.2014 to Borrower namely Smt. Sarbani Dey D/o. Sri Anil Krishna Dey, having a Co-Borrower namely Sri Amal Dey (Alias Amal Kumar Dey) S/o. Atul Krishna Dey, both are residing at, East Udayrajpur, Madhyamgram (Landmark: Near TVS Motor Showroom), PO & PS – Madhyamgram, Kolkata – 700 129, against the all the mortgaged piece and parcel of landed property as follows:

**SCHEDULE OF PROPERTY**

1) All that piece and parcel of landed property on land on plot no. 3A measuring about 2 Cottah 1 Chittack 9 Sq. Ft. along with a super structure situated at Mouza – Udayrajpur, J.L.No – 43, R.S. No – 6, Touzi No – 146, Khatian No – 441, Dag No – 953, Garden Land out of Area 35 Decimals, under the local jurisdiction of Madhyamgram Municipality, PS – Madhyamgram, North 24 Parganas. The Property is butted and bounded by North – Land of Basudeb Chakraborty, Length 47 Feet 5 Inch, South – Land of Malati Saha, Length 46 Feet, East – 10 feet wide road, length 31 feet, West – Land of Malati Saha Length 33 feet. The Mortgaged Property stands in the name of Sri Amal Kumar Dey S/o. Atul Krishna Dey and being the registered Deed No. – I – 08259 for the year 1992 and the deed is registered at the office of ADSR- Barasat, North 24 Parganas, West Bengal.

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 07.07.2019 due to non servicing of interest/ installment

3) Notice dated 02.09.2019 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The total outstanding amount as mentioned in notice is Rs 17,20,925.76 (Rupees Seventeen Lac Twenty Thousand Nine Hundred Twenty Five and Seventy Six Paise) only and the demand notice was published in two daily news papers on 18.09.2019.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 02.09.2019.

5) The Secured creditor issued possession notice dated 11.12.2019 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 14.12.2019

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 17.11.2023 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

(2)

and

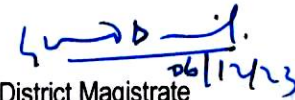
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of HDFC Bank Ltd, 5<sup>th</sup> Floor, 4, Mangoe Lane, Kolkata – 700 001, the secured creditor and being satisfied, it is hereby ordered that Sk. Md. Erfan Habib, 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, under the District Magistrate North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditors u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, HDFC Bank Ltd, 5<sup>th</sup> Floor, 4, Mangoe Lane, Kolkata – 700 001, will intimate the date of possession of the secured asset to the The Superintendent of Police, Barasat Police District, as well as to, Sk. Md. Erfan Habib, 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 The Superintendent of Police, Barasat Police District, 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.

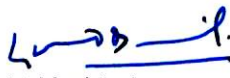
  
District Magistrate  
North 24-Parganas.  
11/12/23

Memo No. J -15013(11)/ 3178 11(5)/2023/JM

Date. - 13 11/2/2023

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sk. Md. Erfan Habib, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, HDFC Bank Ltd, 5<sup>th</sup> Floor, 4, Mangoe Lane, Kolkata – 700 001.
5. Smt. Sarbani Dey D/o. Sri Anil Krishna Dey, having a Co-Borrower namely Sri Amal Dey (Alias Amal Kumar Dey) S/o. Atul Krishna Dey, both are residing at, East Udayrajpur, Madhyamgram (Landmark: Near TVS Motor Showroom), PO & PS – Madhyamgram, Kolkata – 700 129.

  
District Magistrate  
North 24-Parganas.  
11/12/23