



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(DISASTER MANAGEMENT & CIVIL DEFENCE SECTION)

ORDER

Whereas Authorized Officer, Ujjivan Small Finance Bank Ltd. Eastern Regional Office, Rishi Tech Park, 4th Floor, Premises No.02-0360, Plot No. DH-6/2, Action area ID, New Town, Post- Rajarhat P.S. New Town (Old Rajarhat), Kolkata-700160, 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 PHINIX C/O, Proprietor Surjya Roy S/O Panchanan Roy, Co-borrower/Guarantor namely Paritosh Roy S/O, Panchanan Roy at Malipota, Nataberia,, Sindrani Bagdah, District – North 24 Parganas, Pin – 743297,
(Case no. 27/24 dated. 19.02.24)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160, 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. 15,20,000/- (Rupees Fifteen Lac Twenty Thousand only) on 24.05.2019 to Borrower & Guarantor PHINIX C/o Proprietor Surjya Roy S/o Panchanan Roy & Paritosh Roy S/o Panchanan Roy, Malipota, Nataberia, Sindrani Bagdah, District – North 24 Parganas, Pin – 743297, West Bengal. the all the mortgaged piece and parcel of landed property as follows.

SCHEDULE OF PROPERTY

1) All that piece and parcel of a landed property measuring an area about 3.03 Cottakhs on 05 Decimals situated at Mouza – Paschim Malipota, P.S.- Bagdah, J.L. No. 77 (Previously 122), Touzi No. 15, comprised in R.S. & L.R. Dag No.- 677 appertaining to R.S. Khatian No. 82, L.R. Khatian No. 1210, Within the ambit of Malipota Gram Panchayet. Holding No. 6235, District north 24 parganas. The property is butted and -bounded, North –by concrete road of panchayet. On the South – By doner's own land, On the East – By land of Bimal Bhattacharya, On the West – By common passage, The property stands in the name of Paritosh Roy, S/O- Panchanan Roy by virtue of registered Daed of Gift at A.D.S.R. Helencha, North 24 parganas being Deed No. I-151802360 for the year of 2018.

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 30.01.2021 due to non servicing of interest/ installment

3) Notice dated 08.09.2022 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. 23,72,060.23/-(Rupees Twenty Three Lac Seventy Two Thousand Sixty and Two Three Paise) Only. The Demand notice was received by the borrower on 16.09.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 08.09.2022.

5) The Secured creditor issued possession notice dated 07.12.2022 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 11.12.2022.

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

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(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

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 Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post- Rajarhat, P.S. New Town (Old Rajarhat) Kolkata-700160, the secured creditor and being satisfied, it is hereby ordered that Sri. Asish Kumar Roy, 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, Bongaon, 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, Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160 the date of possession of the secured asset to the Sub-Divisional Officer, Bongaon, North 24 Parganas as to Sri. Asish Kumar Roy, 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, Bongaon, 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, Bongaon P.D, 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.

Date. - 26.02.2024

Memo No. 586(6)/JM.

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Bongaon P.D, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bongaon, North 24- Parganas, with a request to comply with the said order.
3. Sri. Asish Kumar Roy, Executive Magistrate, in the Office of the Sub Divisional Officer, Bongaon, North 24- Parganas, with a request to comply with the said order.
4. Ujjivan Small Finance Bank Ltd. Eastern Regional Office Rishi tech Park, 4th Floor, Premises No.02-0360, plot No. DH-6/2, Action area ID, New Town, Post: Rajarhat P.S. New Town (Old Rajarhat) Kolkata-700160.
5. PHINIX C/O, Proprietor Surjya Roy S/O- Panchanan Roy, Malipota, Nataberia, Badgdah, Sindrani, District – North 24 Parganas, Pin – 743297,
6. Paritosh Roy S/o Panchanan Roy Malipota, Nataberia, Badgdah, Sindrani, District – North 24 Parganas, Pin – 743297.


District Magistrate
North 24-Parganas