



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

Order

Whereas Authorized Officer, Punjab National Bank (Erstwhile United Bank of India) 24 Parganas (North) Circle SASTRA, Address: 48 Jessore Road, Barasat (Near Seth Pukur) District- North 24 Parganas, Kolkata - 700124 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 Asset / Property of the Borrower namely M/S Tana Trading, Prop: Smt. Bina Sarkar, Address At: 220/181/88, Rani Rashmoni Ghat Road, P.O: Kanchrapara, P.S.: Bijpur, Dist.: North 24 Parganas, Pin: 743145, having Co - Borrower / Guarantor Sri Prabir Sarkar in the Case No.: 531/23 dated 23/06/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, Punjab National Bank (Erstwhile United Bank of India) 24 Parganas (North) Circle SASTRA, Address: 48 Jessore Road, Barasat (Near Seth Pukur) District- North 24 Parganas, Kolkata - 700124 seeking administrative assistance in terms of Section 14 (1) of the SARFAESI Act of 2002 for taking over physical possession of the Secured Asset is seen and taken up for consideration.

And

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that secured creditor granted loan of Rs. (20,00,000.00+2,00,000.00+4,00,000.00) = 26,00,000.00 (Rupees Twenty Six Lakhs) only on 20.07.2017, 11.05.2020 & 12.06.2020 respectively to the Borrower viz. M/S Tana Trading, Prop: Smt. Bina Sarkar, having Co - Borrower / Guarantor Sri Prabir Sarkar against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of bastu land measuring 0.0215 Satak or 1 Cottah 4 Chittaks 23 Sq. ft., lying & situated at Mouza- Malliker Bag, J.L. No. 1, Re.Sa.No.34, Touzi No.0 B1, C.S. Khatian No. 223, R.S. Khatian No. 235, Hal Khatian No. 331, Present L.R. Khatian No. 2275 (As per Mutation Certificate), Dag No. 18, Hal L.R. Dag No.184, as per 1" schedule of Partition Deed & under Mouza- Halisahar a piece of land measuring 0.0368 Satak or 2 Cottahs 4 Chittaks which comes under the Scheme Lay Out Plot No. 324 as per West Bengal Government Refugee Rehabilitation Department & now L.R. Dag No. 324, as per second schedule of Partition Deed therefore, Total area of Land with two adjacent schedule (Schedule 1 + Schedule 2) together, totalling to 3 Cottahs 8 Chittaks 23 Sq. ft. under local jurisdiction of Ward No. 2 of Halisahar Municipality, Old Holding No. 78/72, Mailick Bag Colony, Present Holding No. 220/181/88/C, Rani Rashmoni Ghat Road, P.S. Bijpur, A.D.S.R. Naihati, Dist.-North 24 Parganas. Being Deed No. 3247, for the year 1988, recorded in Book No. I, Volume No. 44, Pages from 399 to 410, registered before the A.D.S.R. Naihati.
The Mortgaged Property stands in the name of Prabir Chandra Sarkar; S / o Chinta Haran Sarkar. The property is butted & bounded by: North - Vacant Land of 2nd Schedule of said Partition Deed, South - Rashmoni Ghat Road, East - House of Balai Ghosh & West - 2Ft 6 Inch Common Passage.
 - 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 09.01.2023 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. 27,82,921.93 (Rupees Twenty Seven Lakh Eighty Two Thousand Nine Hundred Twenty One and Ninety Three Paisa) only and the demand notice was served on 19.01.2023.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 09.01.2023.
 - 5) The Secured Creditor issued possession notice dated 01.04.2023 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 newspapers on 03.04.2023.
 - 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 is 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(s) as per law in force.

(2)

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, 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 23.06.2023 submitted by the Secured Creditor there is no stay declared by any court of law.

And

- 12) The property is not under lessee / 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 (Erstwhile United Bank of India) 24 Parganas (North) Circle SASTRA, Address: 48 Jessore Road, Barasat (Near Seth Pukur) District- North 24 Parganas, Kolkata - 700124 and being satisfied, it is hereby ordered that Smt. Anamika Bera (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 Barrackpore Sub-Division under the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

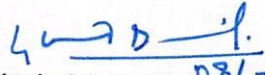
And

Whereas, Authorized Officer of Punjab National Bank (Erstwhile United Bank of India) 24 Parganas (North) Circle SASTRA, Address: 48 Jessore Road, Barasat (Near Seth Pukur) District- North 24 Parganas, Kolkata - 700124 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas as well as to, Smt. Anamika Bera (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 Barrackpore Sub-Division under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Commissioner of Police, Barrackpore Police Commissionerate, 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 Asset(s) / Property, 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.

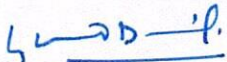

District Magistrate
North 24 Parganas

08/04/24
Date. 08-04-2024

Memo No.: 1140(5)/JM

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer, Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Smt. Anamika Bera (Saha), Executive Magistrate, in the Office of the Sub-Divisional Officer Barrackpore Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, Punjab National Bank (Erstwhile United Bank of India) 24 Parganas (North) Circle SASTRA, Address: 48 Jessore Road, Barasat (Near Seth Pukur) District- North 24 Parganas, Kolkata - 700124.
- 5) M/S Tana Trading (Borrower), Prop: Smt. Bina Sarkar, Address At: 220/181/88, Rani Rashmoni Ghat Road, P.O: Kanchrapara, P.S.: Bijpur, Dist.: North 24 Parganas, Pin: 743145.


District Magistrate
North 24 Parganas