



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

ORDER

Whereas Authorized Officer Punjab National Bank, North 24 Parganas, Circle Sastra, 48A Jessore Road, Barasat, (Near Seth Pukur), Dist- North 24-Parganashas, 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 assets/Property of the Borrower namely (Taraknath Variaty Stores), Samir Kumar Mondal, S/O-Jitendra Nath Mondal residing at Mirhati Purbapara, P.O-Mirhati, P.S-Amdanga, Dist - North 24 Pgs, Kolkata-700125, (business address at Mirhati, Santoshpur More, P.O-Mirhati, P.S - Amdanga, Dist-North 24 Pgs, Kolkata-700125), Guarantor Namely Sima Mondal, W/O- Samir Kumar Mondal & Sudhir Kumar Mondal, S/O- Samir Nath Mondal both are residing at Mirhati Purbapara, P.O-Mirhati, P.S-Amdanga, Dist-North 24 Pgs, Kolkata-700125, (Case No. - 22/24 dt. 12.02.24)
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, North 24 Parganas, Circle Sastra, 48A Jessore Road, Barasat, (Near Seth Pukur), Dist- North 24-Parganashas, Kolkata-700124 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.20,00,000.00 (Rupees Twenty Lakhs) only on 14.06.2018 & Rs 2,65,100.00 (Rupees Two Lakhs Sixty Five Thousand one hundred) only on 29.06.2021 to Borrower & Guarantor namely Samir Kumar Mondal S/O-Jitendra Nath Mondal, (Taraknath Variaty Stores) residing at Mirhati Purbapara, P.O - Mirhati, P.S - Amdanga, Dist - North 24 Pgs, Kolkata-700125, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) All that piece and parcel of Dokan land with building thereon measuring about 405 Sq.ft or 9 Chittak Land along with a shop structure (measuring 18'-0 ft x 15'-0"ft) lying and situated at Mouza - Mirhati, JL No-66, Re Sa No-81, Touzi No-146, R.S Khatian No-386, L.R Khatian No-692 (as per Mutation certificate and Land Conversion certificate vide case No-CN/2017/1501/71, dated 28.03.2018), R.S & L.R Dag Nos-496, 497. The Property is Butted and Bounded by North -Shop of Gobinda Das, South -Shop of Ashu Parta, East - Property of Seller, West - Krishnanagar Road. The Mortgaged Property stands in the name of Sri Samir Kumar Mondal S/O-Jitendra Nath Mondal and being the registered Deed No. - 3864 on 5th June, 1998 at the Office of the A.D.S.R.- Barasat, North 24 Parganas.
- 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 30.03.2022 due to non servicing of interest/ installment
- 3) Notice dated 25.04.2022 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.23,15,294.50 (Rupees Twenty Three Lakhs Fifteen Thousand Two Hundred Ninety Four and Five Zero Paise) Only. The Demand notice was received by the borrower on 05.05.2022
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated 25.04.2022.
- 5) The Secured creditor issued possession notice dated 28.07.2022 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 31.07.2022.
- 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

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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, North 24 Parganas, Circle Sastra, 48 A, Jessore Road, Barasat, Near Seth Pukur, Dist-24 Pgs North, Kolkata-700124, the secured creditor and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy W.B.C.S, 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, Barasat 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, North 24 Parganas, Circle Sastra, 48 A, Jessore Road, Barasat, Near Seth Pukur, Dist-24 Pgs North, Kolkata-700124, shall intimate the date of possession of the secured asset to The Superintendent of Police, Barasat P.D, North 24 - Parganas, as well as to, Sri Lakshmi Kanta Roy W.B.C.S, 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, Barasat, 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, Barasat 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.


Memo No. Dist/(D.M)/Sarfaesi 607/1(7)/JM

Date. 26-02-2024

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat P.D, North 24- Parganas, 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. Sri Lakshmi Kanta Roy, W.B.C.S Executive Magistrate, in the Office of the District Magistrate, Barasat, North 24- Parganas, with a request to comply with the said order.
4. The Authorized Officer, Punjab National Bank, Circle Sastra, 48 A, Jessore Road, Barasat, (Near Seth Pukur), Dist-24 Pgs North, Kolkata-700124.
5. (Taraknath Variaty Stores) Samir Kumar Mondal, S/O-Jitendra Nath Mondal, with(**business address at Mirhati, Santoshpur More, P.O-Mirhati, P.S-Amdanga, Dist-North 24 Pgs, Kolkata-700125**), Mirhati Purbapara, P.O-Mirhati, P.S-Amdanga, Dist-North 24 Pgs, Kolkata-700125
6. Sima Mondal W/O- Samir Kumar Mondal, Mirhati Purbapara, P.O-Mirhati, P.S-Amdanga, Dist-North 24 Pgs, Kolkata-700125.
7. Sudhir Kumar Mondal S/O-- Samir Kumar Mondal, Mirhati Purbapara, P.O-Mirhati, P.S-Amdanga, Dist-North 24 Pgs, Kolkata-700125


District Magistrate
North 24-Parganas
