



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

ORDER

Whereas Authorized Officer, The South Indian Bank Limited, 20A, Mother Teresa Sarani, Park Street, Kolkata – 700 016 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 Director & Guarantor namely Sri Roop Chand Tosniwal S/o. Sri Mohan Lal Tosniwal and two Guarantors namely Sri Raunak Tosniwal S/o. Sri Roop Chand Tosniwal and Sri Suman Tosniwal W/o. Sri Roop Chand Tosniwal, all are residing at, PS Magnum, Block IV, Flat 8A and Flat 8B, Near Spice Garden Restaurant, Kolkata – 700 052 having two others Directors namely Sri Lokenath Mukherjee & Sri Shanti Lal Bhura of the Borrower namely M/s. View Finder Publicity Pvt. Ltd., situated at, 11, Clive Row, 2nd Floor, Kolkata – 700 001. (Case No – 133/22/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, The South Indian Bank Limited, 20A, Mother Teresa Sarani, Park Street, Kolkata – 700 016 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 secured creditor granted a loan Rs. 6,00,00,000.00 (Rupees Six Crore Only) on 03.07.2019 & Rs. 31,56,000.00 (Rupees Thirty One Lac Fifty Six Thousand Only) on 09.11.2020 to Borrower namely M/s. View Finder Publicity Pvt. Ltd., situated at, 11, Clive Row, 2nd Floor, Kolkata – 700 001, having Directors namely Sri Lokenath Mukherjee & Sri Shanti Lal Bhura, having Directors & Guarantors namely Sri Roop Chand Tosniwal S/o. Sri Mohan Lal Tosniwal and two Guarantors namely Sri Raunak Tosniwal S/o. Sri Roop Chand Tosniwal and Sri Suman Tosniwal W/o. Sri Roop Chand Tosniwal, all are residing at, PS Magnum, Block IV, Flat 8A and Flat 8B, Near Spice Garden Restaurant, Kolkata – 700 052, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1A) All that the Flat No. IV-8A on the Eight Floor of Building being block-IV forming part of the Residential Segment of PS – Magnum containing by admeasurement 1991 Sq Ft Super built up together with one servant quarter containing by admeasurement 101 sq ft super built up together with one covered car parking space in the ground floor together with the proportionate share or interest in all common parts portions areas and facilities forming part of the said common parts portions areas and facilities forming part of the said residential segment and together with the undivided proportionate share in the landed property measuring area more or less 229.40 decimal (equivalent to 138.79 cottahs) comprised in R.S./L.R. Dag Nos. 542,544,545,546,548,549 and 550 corresponding to L.R.Khatian No.s 1281 to 1309, 460/2,428/2,937,1119,1053 and 1054 lying and situated at Mouza – Kaikhali, J.L.No – 5, R.S.No – 115, Touzi No. – 172, within the territorial jurisdiction of Baguiati Police Station (Previously under Rajarhat Police Station) and within the Jurisdiction of Additional District Sub Registration Office, Newtown Rajarhat and in the District of North 24 Parganas Under Rajarhat Gopalpur Municipality Holding Nos. AS/09/Block-P, AS/08/Block-P, AS/373/BL-KB/10-11, AS/16/BL-M/11-12, AS/369/BL-KB/10-11, AS/368/BL-KB/10-11 and AS/18/BL-K/11-12, Kazi Nazrul Islam Avenue, in the Name of Smt. Suman Tosniwal, by virtue of a Indenture of Conveyance dated 19.09.2016 bearing No. 190408857 for the year 2016, regisrered in Book-I, Volume Number 1904-2016 of Additional Registrar of Assurance, Office of the A.R.A.-IV, Kolkata, West Bengal.

And the Entire Property admesuring 354.01 Decimals (124.61 Decimals and 229.40 Decimals) is butted and bounded as, On the north – Regent Enclave, East – 156/13, Maibagan (East) Sardarpara, on the South – 137 VIP Road, Poddar Bihar, On the West – VIP Road.

1B) All that the Flat No. IV-8B on the Eight Floor of Building being block – IV forming part of the residential segmemtn of PS Magnum containing by admeasurement 2164 sq ft super built up together with one servant quarter containing by admeasurement 114 sq. ft super built up together with two covered car parking space in thebasement together with the proportionate share or interest in all common parts portions areas and facilities forming part of the said Residential segment and together with the undivided proportionate share in the landed property measuring an area more or less 229.40 decimal equivalent to 138.79 cottahs comprised in R.S./L.R.Dag Nos542, 544, 545, 546, 548, 549 and 550 corresponding to L.R.Khatian Nos. 1281 to 1309, 460/2, 428/2, 937, 1119, 1053 and 1054 lying and situated at Mouza of Kaikhalli, J.L.No – 5, R.S.No – 115, Touzi No – 172, within the territorial jurisdiction of Baguiati Police Station previously under Rajarhat Police Station and within the Jurisdiction of Additional District Sub Registration Office, New Town Rajarhat and in the District of North 24 Parganas under Rajarhat Goplapur Municipality Holding Nos AS/09/Block-P, AS/08/Block-P, AS/373/BL-KB/10-11, AS/16/BL-M/11-12, AS/36/BL-KB/10-11, AS/368/BL-KB/10-11 and AS/18/BL-K/11-12, Kazi Nazrul Islam Avenue, In the name of Sri Roop Chand Tosniwal and Sri Raunak Tosniwal, by virtue of a Indenture of Conveyance dated 19.09.2016 bearing no. 190408858 for the year 2016 registered in Block-I, of Additional Registered of Assurance, Office of the ARA-IV, Kolkata, West Bengal.

And entire property admeasuring 354.01 Decimals (124.61 Decimals and 229.40 Decimals) is butted and bounded as- On the North – Regent Enclave, East – 156/13, Maibagan (East) Sardarpara, South – 137 VIP Road, Poddar Bihar, West – VIP Road.

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 24.03.2021 with effect from 28.02.2023 due to non servicing of interest/ installment

3) Notice dated 27.05.2021 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. 6,86,40,294.78 (Rupees Six Crore Eighty Six Lac Forty Thousand Two Hundred Ninety Four and Seventy Eight Paise) only and the demand notice was received by the borrowewr on 02.06.2021

4) The Authorised Officer of the secured creditor received representation (vide dated 09.07.2021) on 10.07.2021 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 23.07.2021

(Continued to page No. – 2)

5) The Secured creditor issued possession notice dated 10.11.2021 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 14.11.2021

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 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

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 11.08.2023 submitted by the secured creditor there is no stay declared by any court of law

and

12) The property is not under leese/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 The South Indian Bank Limited, 20A, Mother Teresa Sarani, Park Street, Kolkata – 700 016, 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, The South Indian Bank Limited, 20A, Mother Teresa Sarani, Park Street, Kolkata – 700 016 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.

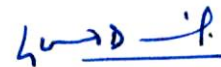

District Magistrate,
North 24 - Parganas.
30/11/23
9/11/23

Date. - 04/10/2023

Memo No. J -15013(11)/ 2730 11/(5)/2023/JM

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, The South Indian Bank Limited, 20A, Mother Teresa Sarani, Park Street, Kolkata – 700 016.
5. M/s. View Finder Publicity Pvt. Ltd., situated at, 11, Clive Row, 2nd Floor, Kolkata – 700 001, having Directors namely Sri Lokenath Mukherjee & Sri Shanti Lal Bhura, having Directors & Guarantors namely Sri Roop Chand Tosniwal S/o. Sri Mohan Lal Tosniwal and two Guarantors namely Sri Raunak Tosniwal S/o. Sri Roop Chand Tosniwal and Sri Suman Tosniwal W/o. Sri Roop Chand Tosniwal, all are residing at, PS Magnum, Block IV, Flat 8A and Flat 8B, Near Spice Garden Restaurant, Kolkata – 700 052.


District Magistrate
North 24 - Parganas.
04/10/23