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

ORDER

Whereas Authorized Officer, Indian Bank, Stressed Asset Management Large Branch Kolkata, 1<sup>st</sup> Floor, 14 India Exchange Place, 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 Proprietor, Guarantor & Mortgagor namely Sri Debasish Nandy S/o. Sri Kamal kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124, having another Guarantor namely Sri Subir Nandy S/o. Sri Kamal Kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124 of the Borrower namely M/s. Maa Tara Enterprise, situated at, 121/B/B, Badu, 1<sup>st</sup> Main Road, PO – Badu, PS – Barasat, North 24 Parganas, Kolkata – 700 128. (Case No – 70/24/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Indian Bank, Stressed Asset Management Large Branch Kolkata, 1<sup>st</sup> Floor, 14 India Exchange Place, 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. 1,00,00,000.00 (CC) (Rupees One Crore Only) on 03.02.2018 + Rs. 1,20,00,000.00 (Rupees One Crore Twenty Lac Only) on 03.02.2018 to Borrower namely M/s. Maa Tara Enterprise, situated at, 121/B/B, Badu, 1<sup>st</sup> Main Road, PO – Badu, PS – Barasat, North 24 Parganas, Kolkata – 700 128, having a Proprietor, Guarantor & Mortgagor namely Sri Debasish Nandy S/o. Sri Kamal kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124, having another Guarantor namely Sri Subir Nandy S/o. Sri Kamal Kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1A) Equitable mortgage of factory land and building on the land admeasuring 7 Cottah with building at Plot – A, Situated in R.S.Dag No – 339 under L.R.Khatian No – 201, J.L.No – 72, Mouza –Kathore, Holding No. – 121/B/2, Badu 1<sup>st</sup> Main Road, under the local jurisdiction of Barasat Municipality, PO – Badu, PS – Barasat, North 24 Parganas, PIN – 700 128. The property is butted and bounded by North – other land, South – land of Subodh Mitra & Others, East – Plot No. B & Seller's own land, West – Badu 1<sup>st</sup> Main Road. The Mortgaged Property stands in the name of Sri Debasish Nandy S/o. Sri Kamal kanta Nandy and being the registered Deed No. – I – 379 for the year 2004 and the deed is registered at the office of DSR – II, North 24 Parganas, WB.

1B) Equitable Mortgage of Vacant landed property measuring an area more or less 5 Cottah with building Plot B, situated under Mouza – Kathore, J.L.No – 72, L.R. Khatian No – 201, R.S.Dag No & L.R. – 339, Under the local Jurisdiction of Barasat Municipality, PO – PS – Barasat, North 24 Parganas. The property is butted and bounded by North – other land, South – Plot No. C, East – Plot No. C & Other Land, West – Owner own land. The Mortgaged Property stands in the name of Sri Debasish Nandy S/o. Sri Kamal kanta Nandy and being the registered Deed No. – I – 5057 for the year 2004 and the deed is registered at the office of DSR – II, North 24 Parganas, WB

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 25.07.2019 due to non servicing of interest/ installment

3) Notice dated 30.07.2019 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 2,32,10,165.00 (Rupees Two Crore Thirty Two Lac Ten Thousand One Hundred and Sixty Five) only and the demand notice was sent through speed post on 03.08.2019 and the same was received by the borrower on 06.08.2019 & 07.08.2019

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 30.07.2019.

5) The Secured creditor issued possession notice dated 24.10.2019 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 28.10.2019

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 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

(Continued to page No. – 2)

(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 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 affidavits 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

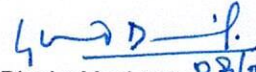
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Indian Bank, Stressed Asset Management Large Branch Kolkata, 1<sup>st</sup> Floor, 14 India Exchange Place, Kolkata – 700 001, the secured creditor and being satisfied, it is hereby ordered that Sri Bibrata Biswas, 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, Indian Bank, Stressed Asset Management Large Branch Kolkata, 1<sup>st</sup> Floor, 14 India Exchange Place, Kolkata – 700 001, will intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, as well as to, Sri Bibrata Biswas, 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.

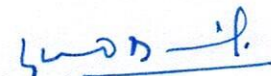
  
District Magistrate 08/04/24  
North 24-Parganas.  
24/24

Memo No. J -15013(11)/ 1149 11/(5)/2024/JM

Date. - 08 104 /2024

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. Sri Bibrata Biswas, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Indian Bank, Stressed Asset Management Large Branch Kolkata, 1<sup>st</sup> Floor, 14 India Exchange Place, Kolkata – 700 001.
5. M/s. Maa Tara Enterprise, situated at, 121/B/B, Badu, 1<sup>st</sup> Main Road, PO – Badu, PS – Barasat, North 24 Parganas, Kolkata – 700 128, having a Proprietor, Guarantor & Mortgagor namely Sri Debasish Nandy S/o. Sri Kamal kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124, having another Guarantor namely Sri Subir Nandy S/o. Sri Kamal Kanta Nandy, residing at, Nivedita Place, Block- C, Taki Road, PO – Barasat, Kolkata – 700 124.

  
District Magistrate  
North 24-Parganas.  
24/24