



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

Order

Whereas Authorized Officer, UCO Bank, Salt Lake Zonal Office, 3 & 4 DD Block, Salt Lake, Sector - I, 1st Floor, Kolkata - 700064 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. R. N. Enterprise, Prop: Mrs. Saraswati Shah, Address At: 58 Sadhana Aushdhalaya, South Dum Dum Municipality, 24 Parganas (N), P.O Shreebhumi, P.S. Laketown, Kolkata - 700048, having no Co - Borrower / Guarantor in the Case No.: 545/23 dated 27/06/2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, UCO Bank, Salt Lake Zonal Office, 3 & 4 DD Block, Salt Lake, Sector - I, 1st Floor, Kolkata - 700064 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. (15,00,000.00 + 12,00,000.00) = 27,00,000.00 (Rupees Twenty-Seven Lakhs) only on 18.11.2020 to the Borrower viz. M/S. R. N. Enterprise, Prop: Mrs. Saraswati Shah, having no Co - Borrower / Guarantor against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel & undivided share of complete one shop room no.5 , a super built up area of shop 190 sq.ft. (One Ninety) at commercial shop room no. 5 on the ground floor, together with undivided proportionate share of land measuring 7 cottahs 6 chittaks 21 sq.ft. be the same a little more or less with multi storied building thereon being old premises no. 14, Old Fielth Road and 12 Old Fielth Road, New holding no. 37 , R.B.C. Road Extension in the P.S. Dumdum , under Mouza- Digla, J.L. No. 18, Touzi No. 172/173, under A.D.S.R Cossipore Dumdum, Khatian no. 199, Dag No. 1219, 1220 & subsequently Bata Dag no. 1219/1363, 1219/1429 , Kolkata 700028, Ward no. 7 of South Dumdum(M) in the Dist.- North 24 Parganas
The Mortgaged Property stands in the name of Shri Jay Ram Shah ; S / o Gulab Chandra Shah & Smt. Saraswati Devi W/o Shri Jay Ram Shah.
Registered at A.D.S.R Cossipore ; Sale Deed Recorded in Book No. 1, Volume No. 85, Page No.357 to 366, Being No. 3433 for the year 2010, dated 16.04.2010 & Gift Deed recorded in Book No. 1, Volume No. 1904, Page No. 282234 to 282258, Being No. 190404856 for the year 2020.
The property is butted & bounded by: North - By Shop No. 6, South - By Stairs, East - By Vacant 37, R.B.C. Road (Extension) & West - R.B.C. Road (Extension).
 - 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 29.11.2022 due to non-servicing of interest/ installment.
 - 3) Notice dated 15.12.2022 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. 25,39,008.56 (Rupees Twenty Five Lakh Thirty Nine Thousand Eight and Fifty Six Paisa) only and the demand notice was served on 16.12.2022.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 15.12.2022.
 - 5) The Secured Creditor issued possession notice dated 01.03.2023 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 03.03.2023.
 - 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 20.06.2023 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 UCO Bank, Salt Lake Zonal Office, 3 & 4 DD Block, Salt Lake, Sector - I, 1st Floor, Kolkata - 700064 and being satisfied, it is hereby ordered that Smt. Farhanaz Khanam, 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 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 UCO Bank, Salt Lake Zonal Office, 3 & 4 DD Block, Salt Lake, Sector - I, 1st Floor, Kolkata - 700064 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Bidhannagar Police Commissionerate, North 24 Parganas as well as to, Smt. Farhanaz Khanam, 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 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, Bidhannagar 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.

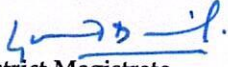
Memo No.: 1167(5)/JM


District Magistrate
North 24 Parganas

Date. 09-04-2024

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Bidhannagar Police Commissionerate, North 24 Parganas, with a request to comply with the said order.
- 2) The Sub-Divisional Officer Bidhannagar Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Smt. Farhanaz Khanam, Executive Magistrate, in the Office Of the Sub-Divisional Officer Bidhannagar Sub-Division under the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, UCO Bank, Salt Lake Zonal Office, 3 & 4 DD Block, Salt Lake, Sector - I, 1st Floor, Kolkata - 700064.
- 5) M/S. R. N. Enterprise (Borrower), Prop: Mrs. Saraswati Shah, Address At; 58 Sadhana Aushdhalaya, South Dum Dum Municipality, 24 Parganas (N), P.O Shree Bhumi, P.S. Lake Town, Kolkata - 700048.


District Magistrate
North 24 Parganas