

Misc CrI. 109 of 2025

Order dated 31/12/2025

JO Code WB 01270

Today is fixed for hearing and Order.

Authorized officer of Applicant Uργο Capital Limited is present.

Ld. Advocate of the applicant is present.

One Affidavit with declaration regarding no stay or or any proceeding in any other court of law or tribunal is filed. The same is kept with the record.

Ld. Advocate for the applicant prays for hearing and passing of necessary order.

Considering all, prayer is allowed.

Record is taken up for hearing. Original document is placed for perusal by of this court.

Heard is full.

Record is taken up for passing order.

Applicant through his Authorized officer has filed an application u/s 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (In short SARFAESI Act) against the respondents namely:-

1. M/S Bengal Pharmacy through its proprietor,
2. Gouranga Halder,
3. Dipanwita Sahoo,
4. Diganta Sahoo,
5. Bhramari Sahoo,
6. Bengal Health Point Polyclinic through its proprietor,

A brief fact of the case is that the applicant being a company/banking company regulated by Reserve Bank of India. Borrowers took a loan of Rs. 37,50,000/- (Rupees Thirty Seven Lakh fifty thousand only) from the applicant. They created security interest in their immovable property more fully described in the Schedule of the application.

The Scheduled property is a secured asset within the meaning of section 2 (zc) of the SARFAESI Act. Borrower defaulted in making the payment of principal and interest towards the loan amount. The loan became due and unpaid. It was classified as Non-Performing Asset (In short NPA) on 01/06/2025,

Applicant issued a demand notice on 06/06/2025 to the respondents u/s 13(2) of SARFAESI Act requesting them to discharge their full liability within 60 days of the receipt of the same. The notice sent through speed post was duly served upon the respondent and the same was delivered but failed to make the payment. It was also published in two newspapers. Applicant also took recourse to section 13(4) of SARFAESI Act but to no avail.

Respondents are required to pay Rs. 39,01,217/- (Thirty Nine Lakh one thousand two hundred and seventeen rupees only)

Respondents submitted original title deeds at the time of taking loan in terms of the loan agreement. Applicant submitted original documents at the time of hearing. The documents were duly verified and returned. A sworn an affidavit stating that there was no stay order from any forum in respect of the Scheduled property and that it was not in possession of any lessee/sub-lessee/tenant is already filed on the date of filing of this case.

It is abundantly clear from the documents submitted by the applicant that respondents/borrowers submitted original title deeds in respect of Scheduled property at the time of taking loan and that they defaulted in making payment of the loan amount. The process u/s 13(4) of SARFAESI Act yielded no result. The secured asset i.e the Schedule property is within the jurisdiction of this Court.

Considering the materials on record, this Court finds it necessary to pass an order as prayed for, in favor of the applicant, for taking physical possession of the secured assets u/s 14 of SARFAESI Act as described in the Schedule of the application.

Hence, it is,

ORDERED

1. That the applicant through its Authorized officer is permitted to take physical possession of the Schedule property described in the application.
2. I/C Dholahat PS within whose jurisdiction the property lies is directed to provide proper and adequate police assistance to the authorized officer of the secured creditor as mentioned above to take physical possession of the mortgaged property as described in the schedule of the application u/s. 14 (1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Society Interest Act, 2022.
3. If the Schedule property is under lock and key or if any structures have come up, the Authorized officer of applicant shall break open the lock or demolish the structures if necessary at the expense of the applicant but on the following terms :
 - i. The lock shall be broken or the structures shall be removed by Authorized officer of the applicant in presence of officer deputed by I/C Dholahat PS,
 - ii. A person of the locality shall be present during such act.
 - iii. The Authorized officer of applicant shall prepare an inventory in respect of the articles lying or found inside the Schedule property.
 - iv. After the completion of such inventory, a list shall be handed over to the officer deputed by I/C Dholahat PS and also the Respondents.
 - v. I/C Dholahat PS shall submit report along with inventory if any by next date fixed.

Let copy of this order along with copy of the application u/s. 14 (1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Society Interest Act, 2022 be sent to I/C Dholahat PS for information and compliance.

The applicant is to provide copies of the application.

To 11/03/2026

for report

D/C by me

SD/-

ACJM, KAKDWIP

SD/-

ACJM, KAKDWIP