

फर्द अहकाम

(नियम 15)

अज अदालत जिला कलक्टर मुकाम धौलपुर
कैनरा बैंक बनाम मैसर्स गर्ग ऑयल मिल व अन्य
शाखा बेलनगंज, आगरा

किस्म मुकदमा:-अन्तर्गत धारा 14 सराफेशी एक्ट 2002

मु0 नम्बर सन् 2018

RCMS No. 2018/00

तारीख हुकम	हुकम या कार्यवाही इनिशियल जज	नम्बर व तारीख अहकाम जो इस हुकम की तारीख में जारी हुय																				
09.04.18	<p>यह प्रार्थना पत्र अन्तर्गत धारा 14 सिक्योरिटाईजेशन एण्ड रीकनस्ट्रक्शन ऑफ फाइनेन्सियल एसेट्स एण्ड एनफोर्समेंट ऑफ सिक्योरिटी इन्टरस्ट एक्ट, 2002 के तहत प्रार्थी प्राधिकृत अधिकारी, कैनरा बैंक शाखा बेलनगंज आगरा की ओर से श्री शिवेन्द्र कुमार सिंह अभिभाषक ने अप्रार्थीगण/ऋणी के विरुद्ध इस आशय का प्रस्तुत किया कि:- "the applicant, Canara Bank, is a Government of India undertaking having its Circle office at 71, M.G. Road, Nehru Nagar, Agra and carries its banking business including providing loan facilities to its customer through its various branches in India, including the one situated at Belanganj, Agra. At present Mr. Nandraj kumar is the Authorized officer of the bank and is authorized to exercise the rights of a secured creditor under the provision of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "said Act.") including filing of the present application before this Hon'ble Court. Respondents M/s. Garg Oil Mill through its Partners, Mr. Preet Kaushal S/o. Mr. Sheo Raj Singh & Mr. Bhanu Kandil S/o. Mr. Vijay Singh & Guarantor Mrs. Prabha Singh Alias Bhoori W/o. Mr. Vijay Singh availed Loan from the bank and all the respondents are jointly & severally responsible to repay the bank following credit facilities availed by the borrower firm.</p> <table border="1"> <thead> <tr> <th>Name of borrower</th> <th>Facility</th> <th>Limit</th> <th>Balance out standing as on 29.05.2017</th> </tr> </thead> <tbody> <tr> <td>1. M/s. Garg Oil Mill. through its Partners,</td> <td>TL</td> <td>65.00 Lac</td> <td>Rs.51,54,623.00</td> </tr> <tr> <td>2. Mr. Preet Kaushal.</td> <td>TL</td> <td>30.00 Lac</td> <td>Rs.23,45,737.00</td> </tr> <tr> <td>3. Mr. Bhanu Kandil. & Guarantor</td> <td>Working Capital</td> <td>100.00 Lac</td> <td>Rs.1,14,64,401.00</td> </tr> <tr> <td>4. Mrs. Prabha Singh Alias Bhoori</td> <td></td> <td></td> <td>+Interest & expenses thereon from 01.05.2017</td> </tr> </tbody> </table>	Name of borrower	Facility	Limit	Balance out standing as on 29.05.2017	1. M/s. Garg Oil Mill. through its Partners,	TL	65.00 Lac	Rs.51,54,623.00	2. Mr. Preet Kaushal.	TL	30.00 Lac	Rs.23,45,737.00	3. Mr. Bhanu Kandil. & Guarantor	Working Capital	100.00 Lac	Rs.1,14,64,401.00	4. Mrs. Prabha Singh Alias Bhoori			+Interest & expenses thereon from 01.05.2017	
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शुचि त्यागी
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	Total	195.00 Lac	Rs.1,89,64,761.00 +Interest & expenses thereon from 01.05.2017
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In spite of various demand notices from the bank aforesaid borrower have failed to repay the secured debt due and borrower's account in respect of such debt was classified by the bank as non performing assets on, in accordance with the directions/guidelines issued by the Reserve Bank of India and the bank recalled the entire outstanding dues together with interest and other charges due to the bank under the above mentioned facilities. The amount due to the bank as on **29.05.2017** was is **Rs.1,89,64,761.00** with further interest until payment is full (hereinafter referred to as "secured debit"). To secure the outstandings under the aforesaid facilities on behalf of borrower/s, respondent/s, interlia, created security interest in respect of following properties/assets:

- 1. Hypothecation of all types of Stock Raw material, semi finished goods & finished Goods.**
- 2. Hypothecation of all Plant and Machineries.**
- 3. Equitable Mortgage of Properties.**

(a). EMT of property in the name of Smt. Prabha Singh Alias Bhoori W/o. Mr. Vijay Singh constructed house khasra no. 148, revenue village Jiroli Tehsil & Distt. Dholpur. Area 440.56 sq. yards.

Bounded as:

North: Road 14.9 ft. wide. **South:** Property of Mahendra Yadav.
East: Rajendra Ram Ramprasad Niranjan. **West:** Other plot.

(b). EMT of property- Land & Building Property No. H 406, RIICO Industrial Area, Growth Centre Extension, Dholpur Rajasthan in the name of M/s. Garg Oil Mill. Area 700.00 sq. Mtr.

Bounded as:

North: H 407, **South:** H 405, **East:** Road 18 ft. wide., **West:** H 415

(c). EMT of property in the name of Mrs. Prabha Singh Alias Bhoori situated at Khasra No. 146, Jirauli Village, Area 57.33 sq. yards, Ground Floor on Eastern side, and Khasra No. 146 Jirauli Village, Area 97.19 Sq. Yards. Ground Floor on Western side.

Bounded as Eastern side:

North: Property of Peetam. **South:** Property of Damodar,
East: Foot Path there after G T Road. **West:** Property of Damodar.

Bounded as Western side:

North: Property of Peetam. **South:** Rasta 14 ft. wide.
East: Property of Damodar. **West:** Property of Mauza Ram.

Area on FF – 333.32 sq. yards.

Area on SF – 167.65 yards.

In spite of recall notices given respondent/s fail to repay the loan amount as per the agreed terms and conditions of loan agreement and the applicant bank was compelled to initiate proceedings under the provisions of the said Act, for recovery of secured debt. The applicant in order to enforce the said security interest created in its favour by respondent/s, in accordance with the provisions of the said Act had issued notice dated **30.05.2017** under Section- 13 (2) of the said Act, in writing to discharge in full their liabilities giving details of the amount payable by the respondent/s within 60 days from the date of said notice. In addition to the aforesaid, the said notice also gives details of the secured asset intended to be enforced by the secured creditor in the event of non payment of secured debts, as stated in the said notice. The 60 days period given in the aforesaid notice expired on **30.07.2017**, but the respondents did not come forward to repay the secured debt, hence applicant in exercise of power conferred upon him under Section-13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 issued possession notice on **14.08.2017** in terms of Rule-8 (1) of Security Interest (Enforcement) rules, 2002 to take constructive possession of the secured asset, which was also served on respondents by affixing on the outer door or at such conspicuous place of the property and was also published in daily news papers **Amar Ujala and Financial Express** on **20.08.2017**. The physical possession of the secured asset referred to in the said notice has not yet been handed over by the respondents/mortgagor so far. The physical possession of the said property is required to be taken by the secured creditor / applicant as the same is required to be sold or transferred by the secured creditor under the provision of said Act. In the facts and circumstances stated here in above and for the purpose of securing compliance of the provision of section- 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 the applicant request this Hon'ble Court to take possession of secured asset, (the details of which are given above), with documents relating there to and forward the same to the secured creditor / applicant or to take or cause to be taken such steps and issue any appropriate directions, order etc. to any authority or official to take such steps and use, or cause to be use, such forces as, may be necessary in order to take and provide physical possession of the secured assets/properties.

Applicant most respectfully prays this court To take possession of the aforesaid secured asset with document relating thereto and forward the same to the secured creditor/applicant. To take or cause to be taken such steps and issue any appropriate directions, orders, etc. to any authority or official to be use or caused to be used such force as may be necessary in order to take physical possession of the secured assets."

हमने प्रार्थी बैंक द्वारा प्रस्तुत प्रार्थना पत्र का अवलोकन किया। पत्रावली दर्ज रजिस्टर हो। अप्रार्थी/ऋणी द्वारा प्रार्थी बैंक को ऋण का भुगतान करने में असफल रहने व समय पर ऋण राशि मय ब्याज अदा नहीं करने पर उक्त अधिनियम की धारा 13(2) के अन्तर्गत अप्रार्थी ऋणी को नोटिस जारी किये जाने के उपरांत भी ऋण राशि का शर्तों के मुताबिक भुगतान नहीं करने पर The securitization and reconstruction of financial assets and enforcement of the security interest act. 2002 की धारा 14 में प्रदत्त शक्तियों के तहत प्रार्थना पत्र स्वीकार किया जाकर प्रार्थी बैंक के प्रार्थना पत्र अनुसार उपरोक्त वर्णित बंधक रखी सम्पत्ति को जरिये पुलिस से प्राप्त किये जाने के आदेश दिये जाते हैं। पुलिस अधीक्षक धौलपुर को परवाना जारी किया जावे। पत्रावली फ़ैसल शुमार हो, बाद तकमिल दाखिल दफ्तर हो। प्रकरण नम्बर से कम किया जावे।

आदेश आज दिनांक 09.04.2018 को खुले न्यायालय में सुनाया गया।

(शुशुचिखामी)
जिला मजिस्ट्रेट धौलपुर

कार्यालय जिला कलक्टर एवं जिला मजिस्ट्रेट धौलपुर (राज0)

क्रमांक/कोर्ट/सराफेशी/2018/186

दिनांक :- 12/4/2018

जिला पुलिस अधीक्षक
धौलपुर

विषय:-The securitization and reconstruction of financial assets and enforcement of the security interest act. 2002 के तहत कार्यवाही बाबत।

महोदय,

उपरोक्त विषयान्तर्गत लेख है कि प्रार्थी प्राधिकृत अधिकारी, कैनरा बैंक, शाखा बेलनगंज, आगरा ने The securitization and reconstruction of financial assets and enforcement of the security interest act. 2002 की धारा 14 के तहत प्रार्थना पत्र प्रस्तुत कर बैंक में रहन निम्नानुसार सम्पत्ति का भौतिक कब्जा दिलाने हेतु निवेदन किया है।

नाम व पता बांकीदार व जमानती	सिक्यूरिटी की अवस्थिति का विवरण (बैंक द्वारा प्रस्तुत प्रार्थना पत्र अनुसार)
<p>1. M/s. Garg Oil Mill. H-406, RIICO Industrial Area, Growth Centre, Dholpur, Raj.</p> <p>2. Mr. Preet Kaushal S/o. Mr. Sheo Raj Singh (Partner) R/o. H No. 38, Vill. & Panch.- Inayatpur, Thana- Kashana, Distt. Gautam Budh Nagar.</p> <p>3. Mr. Bhanu Kandil S/o. Mr. Vijya Singh (Partner) R/o. Chironji Bhawan, G T Road, Raja Khara By pass Jirouli, Rajasthan.</p> <p>4. Mrs. Prabha Singh alias Bhoori W/o. Mr. Vijay Singh (Guarantor) R/o. Chironji Bhawan, Raja Khara By pass Jirouli, Rajasthan.</p>	<p>All types of Stock Raw material, semi finished goods & finished Goods. All Plant and Machineries (a). Property in the name of Smt. Prabha Singh Alias Bhoori W/o. Mr. Vijay Singh constructed house khasra no. 148, revenue village Jiroli Tehsil & Distt. Dholpur. Area 440.56 sq. yards. Bounded as, North: Road 14.9 ft. wide. South: Property of Mahendra Yadav. East: Rajendra Ram Ramprasad Niranjan. West: Other plot.</p> <p>(b). Property- Land & Building Property No. H 406, RIICO Industrial Area, Growth Centre Extension, Dholpur Rajasthan in the name of M/s. Garg Oil Mill. Area 700.00 sq. Mtr. Bounded as, North: H 407, South: H 405, East: Road 18 ft. wide., West: H 415</p> <p>(c). Property in the name of Mrs. Prabha Singh Alias Bhoori situated at Khasra No. 146, Jirauli Village, Area 57.33 sq. yards, Ground Floor on Eastern side, and Khasra No. 146 Jirauli Village, Area 97.19 Sq. Yards. Ground Floor on Western side. Bounded as Eastern side, North: Property of Peetam. South: Property of Damodar, East: Foot Path there after G T Road. West: Property of Damodar. Bounded as Western side, North: Property of Peetam. South: Rasta 14 ft. wide. East: Property of Damodar. West: Property of Mauza Ram. Area on FF - 333.32 sq. yards. Area on SF - 167.65 yards.</p>

अतः प्रार्थी बैंक के प्रार्थना पत्र पर The securitization and reconstruction of financial assets and enforcement of the security interest act. 2002 की धारा 14 में दिये गये प्रावधानों के अनुरूप कैनरा बैंक, शाखा बेलनगंज, आगरा में उपरोक्तानुसार बांकीदार की रहन रखी सम्पत्ति पर बैंक का भौतिक कब्जा दिलाये जाने के आदेश दिये गये हैं।

अतः कैनरा बैंक, शाखा बेलनगंज, आगरा को कब्जा सुपुर्द कराने के सम्बन्ध में नियमानुसार आवश्यक कार्यवाही सुनिश्चित करावें।

जिला कलक्टर एवं जिला मजिस्ट्रेट

धौलपुर

क्रमांक/कोर्ट/2018/187-90
प्रतिलिपि निम्न को आवश्यक कार्यवाही हेतु प्रेषित है।

दिनांक :-

12/4/2018

1. उपखण्डाधिकारी धौलपुर
2. तहसीलदार धौलपुर
3. प्राधिकृत अधिकारी, कैनरा बैंक, शाखा बेलनगंज, आगरा को भेजकर लेख है कि जिला पुलिस अधीक्षक धौलपुर से सम्पर्क कर नियमानुसार अग्रिम कार्यवाही करावे।



Settled
by
Chandran Parmar
13/04/18

जिला कलक्टर एवं जिला मजिस्ट्रेट

धौलपुर