



By Speed Post / Email

Notice under proviso to Rule 9 (1) of Security Interest (Enforcement) Rules, 2002

Date: 23rd March, 2024

To,

1. SANTANU DEY (Borrower) & (Co-Borrower)
2. TIRUPATI ENTERPRISE, through its partners. (Borrower) & (Co-Borrower)
3. REBECCA DEY (Guarantor)

Available at:

1. 17, Lake Temple Road, 2nd Floor, Kolkata – 700029.
2. 17, Lake Temple Road, 1st and 2nd Floor, Sarat Bose Road, S.O Sarat Bose Road, Kolkata – 700029, P.S Tollygunge.
3. dey.santanu246@gmail.com

SUB: Notice of 15 Days For Sale Under Proviso to Rule 9(1) of SECURITY INTEREST (ENFORCEMENT) RULES, 2002 For Sale of Secured Asset.

REFERENCES:

1. Term Loan Account no. **XTERKO100001001101** for an amount of Rs.2,03,00,000/- (Rupees Two Crore Three Lakhs Only), Term Loan Account no. **XTERKO100001001106** for an amount of Rs.23,00,000/- (Rupees Twenty-Three Lakhs Only), Term Loan Account No. **XTERKO100001001107** for an amount of Rs.5,00,000/- (Rupees Five Lakhs Only), **GECL** Term Loan Account No. **80003877** for an amount of Rs.45,78,400/- (Rupees Forty-Five Lakhs Seventy-Eight Thousand Four Hundred Only), **GECL** Term Loan Account No. **XTERKO100001001217** for an amount of Rs.22,80,000/- (Rupees Twenty-Two Lakhs Eighty Thousand Only) as availed by 1. SANTANU DEY (as Borrower), 2. TIRUPATI ENTERPRISE, through its partners. (as Co-Borrower) 3. REBECCA DEY (as Guarantor) aggregating to an amount of Rs. 2,99,58,400/-.
2. ABFL's Term Loan Account no. **80000902** for an amount of Rs.40,00,000/- (Rupees Forty Lakhs Only), Loan Account no. **80002634** for an amount of Rs.3,47,661/- (Rupees Three Lakhs Forty-Seven Thousand Six Hundred Sixty-One Only), as availed by 1. TIRUPATI ENTERPRISE, through its partners (as Borrower), 2. SANTANU DEY (as Co-Borrower) 3. REBECCA DEY (as Guarantor) aggregating to an amount of Rs. 43,47,661/-.

Sir/ Madam,

1. A sale notice dated **23rd December, 2023** was issued under proviso to Rule 9(1) of Security Interest (Enforcement) Rules, 2002 for sale of the "Secured Immovable Asset", i.e. **ALL THAT**

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ADITYA BIRLA FINANCE LTD.

REGISTERED OFFICE

Indian Rayon Compound, Veraval,
Gujarat -362 266

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intertek



piece and parcel of entire first floor, measuring 2418 sq. ft. super built up area, be the same a little more or less with proportionate share and interest in the land and consisting of 3 rooms, one drawing cum dining room, one kitchen, two bath cum privy (toilet), one store and a puja room entirely mosaic together with undivided proportionate share or interest in the impartible land beneath the said building and land appurtenant thereto being all that three storied structure constructed in the year 1958 without any lift together with the piece and parcel of land whereon and on part whereof the same is erected and built containing an area of 5 Cottahs 7 Chittaks and 00 square feet be the same a little more or less situate and lying at and being premises No. 17, Lake Temple Road, P.S. Tollygunge, Kolkata- 700029, within Kolkata Municipal Corporation and under Ward No. 87 attributable pro-rata to the said entire first floor with all amenities and facilities attached thereto or to be provided therewith and also together with the right of egress and ingress to and from the said entire first floor and the building with a right of access to the top floor for approaching the overhead water tank and its connected pipe lines for maintenance of repair. The property is butted and bounded as follows: On the North: Lake Temple Road; On the East: 8, Sarat Chatterjee Avenue; On the South: 15, Lake Temple Road; On the West: 19, Lake Temple Road, though public auction to be conducted on 12 January 2024. The said sale through public auction as conducted for the fifth instance had failed due to non-receipt of bids.

2. That after availing the aforesaid loans under reference, you the above-named addressees committed defaults in repayments and in view of the continuous defaults of more than the time period stipulated under the relevant applicable guidelines/circulars for asset classification issued by Reserve Bank of India ("RBI"), your loan account(s) under reference were classified as Non-Performing Asset ("NPA") in accordance with the concerned guidelines issued by the RBI.
3. That thereafter, a demand notice dated 17.08.2022 U/S 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) in respect of the loan account nos. XTERKO100001001101, XTERKO100001001106, XTERKO100001001107, 80003877, XTERKO100001001217 was duly served on you the addressees but you failed to make the payment of demanded amount i.e. 3,06,56,016.30/- (Rupees- Three Crores Six Lakhs Fifty-Six Thousand and Sixteen and Thirty Paise Only) due as on 05.08.2022 within 60 days of the said notice. Other demand notice dated 17.08.2022 U/S 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) in respect of loan account nos. 80000902 & 80002634 was duly served on you, the addressees but you failed to make the payment of demanded amount i.e., Rs.34,00,310.52/- (Rupees Thirty-Four Lakhs Three Hundred Ten and Paise Fifty-Two Only) due as on 05.08.2022 within 60 days of the said notice. As such the secured creditor had taken physical possession of immovable property being "All that part and parcel of the "Secured



Asset" i.e. "ALL THAT piece and parcel of entire first floor, measuring 2418 sq. ft. super built up area, be the same a little more or less with proportionate share and interest in the land and consisting of 3 rooms, one drawing cum dining room, one kitchen, two bath cum privy (toilet), one store and a puja room entirely mosaic together with undivided proportionate share or interest in the impartible land beneath the said building and land appurtenant thereto being all that three storied structure constructed in the year 1958 without any lift together with the piece and parcel of land whereon and on part whereof the same is erected and built containing an area of 5 Cottahs 7 Chittaks and 00 square feet be the same a little more or less situate and lying at and being premises No. 17, Lake Temple Road, P.S. Tollygunge, Kolkata- 700029, within Kolkata Municipal Corporation and under Ward No. 87 attributable pro-rata to the said entire first floor with all amenities and facilities attached thereto or to be provided therewith and also together with the right of egress and ingress to and from the said entire first floor and the building with a right of access to the top floor for approaching the overhead water tank and its connected pipe lines for maintenance of repair. The property is butted and bounded as follow: On the North : Lake Temple Road; On the East : 8, Sarat Chatterjee Avenue; On the South : 15, Lake Temple Road; On the West : 19, Lake Temple Road" in compliance of the provisions of the SARFAESI Act, 2002 and Rules framed thereunder on 29.03.2023.

4. That thereafter, the Authorized Officer has obtained valuation of the secured asset from an approved valuer and in consultation with the secured creditor, had originally fixed the reserve price of the secured asset at **Rs.2,05,53,000/- (Rupees Two Crores Five Lakhs Fifty-Three Thousand Only)**. Thereafter, the Authorized Officer had conducted multiple auctions at different Reserve Prices, however, all those auctions failed owing to non-receipt of Bids.
5. That accordingly, based on the commercial understanding, the secured creditor has decided that the aforementioned secured assets will be sold through private treaty on **15th April 2024** at a reserve price of **Rs.1,49,83,137/- (Rupees One Crore Forty-Nine Lakhs Eighty-Three Thousand One Hundred Thirty-Seven Only)**.
6. The date for inspection of the secured asset is fixed on **12th April 2024** between **11:00 A.M. to 4:00 P.M.** The offers for the secured assets should reach the Office of the undersigned in a sealed envelope along with Demand Draft/ NEFT / RTGS for **Rs.14,98,313.70/- (Rupees Fourteen Lakhs Ninety-Eight Thousand Three Hundred Thirteen and Seventy Paise Only)** as Earnest Money Deposit on/before **13th April, 2024** at Room No. 401, Camac Square, 4th Floor, 24 Camac Street, Kolkata – 700 016. The Demand Draft/Pay Order/NEFT/ RTGS should be drawn in favour of Aditya Birla Finance Limited. On receipt of the application offer, ABFL will evaluate the same and complete other statutory procedures and communicate acceptance of offer through letter of sale of the secured asset to the prospective buyer with the highest offers in case of multiple offers.

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ADITYA BIRLA FINANCE LTD.

AUTHORISED OFFICER

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Registered Office:
Indian Rayon Compound, Veraval,
Gujarat -362 266
CIN: U65990GJ1991PLC064603





7. That this sale notice of 15 days, at pre-sale stage, is being given to you the addressees in compliance of proviso to Rule 9(1) of Security Interest (Enforcement) Rules, 2002 and you are hereby informed and notified that the aforesaid secured assets shall be put to sale by private treaty mode, on "As is where is", "As is what is", and "Whatever there is" after 15 clear days from this notice on **15th April 2024**. It is made clear that notice of redemption in terms of Section 13(8) of the SARFAESI Act, 2002 read with Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 had already been issued in favour of the borrower, Santanu Dey, co-borrower Tirupati Enterprise and guarantor Rebeca Dey with regard to Loan A/c Nos. XTERKO100001001101, XTERKO100001001106, XTERKO100001001107, XTERKO100001001217 and 80003877 and also in favour of the borrower Tirupati Enterprise, co-borrower Santanu Dey and guarantor Rebeca Dey with regard to Loan A/c Nos. 80002634 and 80000902, however the aforesaid borrowers, co-borrowers and guarantors had not exercised their right of redemption and had failed to tender the amount of dues of the secured creditor together with all costs, charges and expenses incurred by ABFL.
8. That although the sale of secured assets will be affected by private treaty mode still the secured creditor is also causing a public notice as given under Security Interest (Enforcement) Rules, 2002, which is also being published in two leading newspapers including one in vernacular language having wide circulation at Kolkata.
9. The detailed terms and conditions of private treaty has been uploaded on website <https://mortgagefinance.adityabirlacapital.com/Pages/Individual/Properties-for-Auction-under-SARFAESI-Act.aspx>.
10. The property is being sold with existing and future encumbrances whether known or unknown to ABFL. It is also brought to the notice of prospective buyers that SARAFESI proceedings being being S. A. No. 915 of 2022 under Section 17 of the SARFAESI Act, 2002 is pending before the Learned Debts Recovery Tribunal-III, Kolkata.

For Aditya Birla Finance Limited

ADITYA BIRLA FINANCE LTD.
(Authorized Officer)

AUTHORISED OFFICER