

**West Bengal Real Estate Regulatory Authority**  
**Calcutta Greens Commercial Complex (1<sup>st</sup> Floor)**  
**1050/2, Survey Park, Kolkata – 700 075.**

Name of the Applicant: Baba Bhoothnath Constructions

Name of Project: Kalamunj Sharda Towers

WBHIRA Registration No. HIRA/P/KOL/2018/000132

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
<p style="text-align: center;">2</p> <p>----- 05.10.2023</p>	<p>Whereas an Application has been submitted as per the provisions contained in section 6 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 7 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, by the Applicant Promoter, the <b>Baba Bhoothnath Constructions</b> before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Kalamunj Sharda Towers</b>', with payment of fees for extension of the project amounting to Rs.1,13,400/- (Rupees One Lakh Thirteen Thousand Four Hundred Only), which is twice the registration fees of the said project, on 28.08.2023 by electronic transfer made to the Account of the WBREERA Authority;</p> <p>And Whereas the said project was registered under erstwhile West Bengal Housing Industry Regulatory Authority (WBHIRA) by WBHIRA Registration No. HIRA/P/KOL/2018/000132. The validity of the Registration of the said project expired on 31.01.2022. An extension of 9 (nine) months was granted by the erstwhile WBHIRA on account of the first wave of Covid-19 pandemic and the said extension of 9 months is going to be expired on 31.10.2022. As per the</p>	

Applicant the project has been commenced on 03.11.2018 but the project could not be completed within the time as provided by the WBRERA (earlier WBHIRA) as the entire Real Estate sector was disrupted due to the first wave and second wave of Covid-19 pandemic. However, in the last quarter of 2022, the things have moved in a positive direction and the work has again commenced at the site by infusing fresh funds and negotiating with the vendors and suppliers. Now the project is running in its full force and the Applicant is hopeful to complete the construction and handover the peaceful possession to the flat buyers by the end of 2024. As per the Applicant, the grant of the extension of the project shall help the Applicant to complete the remaining works of the said project and interest of every stake holders including the flat-buyers shall be protected upon extension of the registration of the said project. Therefore, the Applicant herein applied for extension of the Validity of the Registration of the said project for a period of 26 (Twenty Six) months from 01.11.2022 to 31.12.2024;

And Whereas an offline hearing has been held today at 4:15 p.m. and Shri Abhishek Chokhani, Partner of the Applicant Promoter Firm, Shri Shyam Sundar Patodia, Land Lord of the said project land and Shri Sandip Chatterjee, office supervisor of the Applicant Promoter Company appeared before the Authority as Authorized Representatives of the said Applicant Promoter Company and signed the Attendance Sheet. At the time of hearing, they have explained the reasons for non-completion of the said project within the validity period of the Registration of the said project and prayed for an extension of 26 months to complete the said project and handover of the flats / units to the Allottees. He also explained with reasons

that the delay was beyond the control of the Applicant Promoter Company;

And Whereas two Notarized Affidavit-cum-Declarations dated 21.08.2023 and 19.09.2023 have also been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. As per the Applicant, in spite of his utmost effort, he could not complete the construction of the project in all respect within the validity period of the aforesaid project that is within 31.10.2022 due to various reasons including the following :-

- a) That sudden outbreak of Covid-19 pandemic jeopardized the normal activities of all sectors of the world including our country. As a result of such pandemic the project got substantially delayed due to the imposition of country-wide lock down which resulted in a standstill position of the project under construction for several months.
- b) That apart from the above said direct impact the said pandemic, the said project got delayed by non-availability of construction labour force, non-availability/disruption of supply chain of construction material accessories and equipments which were after effect of the said pandemic.
- c) Furthermore during the said period the prices of raw materials and labour rose exuberantly post Covid-19 pandemic. Therefore, the project got delayed as the work at site was stopped due to steep rise in the cost of labour force, construction material accessories and equipments.
- d) During the entire session of first wave and second wave of Covid-19 pandemic the financial health of everyone was directly hampered and / or earnings of individuals badly

affected which directly contributed to inordinate delay in making payments of due installments in the said period and the Applicant also being the victim of the said financial crisis, failed to fulfill their commitments towards their vender, contractors which cost delay in procuring construction material on time.

- e) That the Landlord of the said project land has mortgaged the project land to Bank of Baroda as a collateral security for other businesses carried on by him, but due to sudden outbreak of Covid-19 pandemic, the Landlord business went down drastically making him failed to repay the debt and make the land mortgage free, leading to unexpected problems with the lending Bank. However, in the last few months, the business of the Landlord has taken an up rise making him able to repay his dues with the bank and giving assurance to complete the remaining payment as decided by both the parties in concerned.

And Whereas, after careful examination of the submissions of the Authorized Representatives of the Applicant on Notarized Affidavits and supporting documents on Affidavit, submitted by the Applicant and placed on record, this Authority is of the considered view that the delay in completion of the instant project is not due to any default or negligence on the part of the Applicant and the extension prayed by the Applicant is urgently required for completion of the said project, for obtaining the Completion Certificate from the Competent Authority and handover process of the completed flats / units to the Allottees;

Now Therefore, in exercise of the power conferred

under section 6 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 7 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, this Authority is pleased hereby to allow extension of the Registration of the instant project namely '**Kalamunj Sharda Towers**' for a period of **18 months (1 Year and 6 months)** from **01.11.2022** to **30.04.2024**. The extension of 12 (Twelve) months is hereby granted on the ground of force majeure condition created by Covid-19 Pandemic as per the provision contained in first paragraph of section 6 of the RERA Act and extension of 6 (Six) months is hereby granted as per first proviso of section 6 of the RERA Act as delay was caused for reasons beyond the control of the Applicant Promoter Company and without any default on the part of the Applicant Promoter Company. The case of the Applicant is a peculiar case altogether and therefore this extension is hereby granted as a Special Case and this order should not be treated as a precedent in any other case of extension of project

This extension shall not affect the rights and interests of the allottees of the said project. If this extension is not granted then interest of the allottees will be seriously affected and the extension is also required for obtaining Completion Certificate from the Competent Authority. Therefore, this extension is hereby granted as a **Special Case** and this order should not be treated as a precedent in any other case of extension of project;

Applicant is hereby directed to submit immediately an online application for Extension of Registration of the Project named '**Kalamunj Sharda Towers**' as per **Form E** of the West

Bengal Real Estate (Regulation and Development) Rules, 2021, in the WBRERA website by using their login id and password by which he had applied for Application for Registration of the said Project;

Secretary, WBRERA is hereby directed to issue a System Generated Certificate for Extension of Registration of the said Project as per **Form F** of the West Bengal Real Estate (Regulation and Development) Rules, 2021, for a period of 12 months (1 Year) from **01.11.2022** to **30.04.2024**;

Let copy of this order be sent to the Applicant by speed post and also by email immediately.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

*date*

5.10.2023

*Special Law Officer*

West Bengal Real Estate Regulatory Authority