

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

Name of the Applicant: Concast Infrastructure Pvt Ltd

Name of Project: Trump Tower, Kolkata

WBHIRA Registration No: HIRA/P/KOL/2019/000341

Sl. Number and date of order	Order and Signatures of Authority	Note of action taken on order
1 ----- 27.09.2023	<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 Concast Infrastructure Pvt Ltd before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely 'Trump Tower, Kolkata', with payment of fees for extension of the project amounting to Rs.2,43,180/- (Rupees Two Lakhs Forty Three Thousand One Hundred Eighty only), which is twice the registration fees of the said project, on 08.09.2023 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/2019/000341. The validity of the Registration of the said project expired on 31.12.2022. 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 30.09.2023. As per the Applicant more than 80% of the development work of the project is complete, structure of the building is fully complete and only sum finishing work, final electrical installations and infrastructure work are to be completed. 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</p>	

Applicant herein applied for extension of the Validity of the Registration of the said project for a period of 15 (Fifteen) months from 01.10.2023 to 31.12.2024;

And Whereas an offline hearing has been held today at 4:00 p.m. and Shri Gopal Jhunjhunwala , senior GM (Legal) and Shri Swapan Manna, Legal Assistant of the Promoter Applicant Company appeared before the Authority as Authorized Representatives of the said Applicant Promoter Company and signed the Attendance Sheet. At the time of hearing, he has 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 15 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 a Notarized Affidavit-cum-Declaration dated 08.09.2023 has 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 30.09.2023 due to various reasons including the following :-

- a) The Covid 19 pandemic has proved to be a major disaster for the entire Real Estate sector. The pandemic started from March 2020 which proved to be a measure hassle for completion of the Real Estate Projects. The labourers across all sectors including construction sites, started to migrate to their native places, from the second week of March 2020 onwards. Country wide lockdown was declared with effect from 25.03.2020.
- b) The Applicant promoter was compelled to suspend the construction work due to the ongoing lock down as the construction site fall under '**Red Zone**' as per the categorization made by the Govt. In terms of the order under memo no. 103-CS/2020 dated 04.05.2020, issued by the Govt. of West Bengal, in-situ construction activities where the workers are available at sites in urban areas, have been allowed to be restarted with prior permission of District Magistrate / Commissioner of KMC.
- c) Accordingly, the Applicant Promoter applied vide email dated 07.05.2020 to the office of the Municipal Commissioner, KMC seeking permission to restart their construction site which was accorded with certain strict

guidelines. They were only able to restart the construction site with minimum labourers as mobilization of work force from outside was not permitted. The logistics of goods and materials to the site was also very difficult under the then prevailing circumstances.

- d) The second wave of Covid 19 pandemic proved to be more disastrous and life threatening. For these reasons, the construction work was also affected for several months. The import of certain items, like elevator from China was considerably delayed because of cargo movement issues for pandemic reasons.
- e) The after effect of the pandemic was ruinous for the entire Real Estate sector. The Cash Flow of the project became adversely affected because of poor sales as well as collection challenges in the market. The cases for cancellation of booking increased and there has been an overall delay in payment of installment by the flat buyers.

And Whereas, after careful examination of the submissions of the Authorized Representatives of the Applicant on Notarized Affidavit 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 'Trump Tower, Kolkata' for a period of 12 months (1 Year) from **01.10.2023** to **30.09.2024**. The extension of 12 (Twelve) months is granted on the ground of force majeure condition created by Covid-19 Pandemic in exercise of the power conferred in first paragraph of section 6 of the RERA Act, 2016.


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 '**Trump Tower, Kolkata**' 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 **01.10.2023** to **30.09.2024**;

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



(SANDIPAN MUKHERJEE)

Chairperson


West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority