

**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: Realtech Nirman Pvt. Ltd.

Name of Project: Hijibiji

WBHIRA Registration No: HIRA/P/NOR/2019/000404

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 <b>Realtech Nirman Pvt. Ltd.</b> before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Hijibiji</b>', with payment of fees for extension of the project amounting to Rs.7,23,360/- (Rupees Seven Lakhs Twenty Three Thousand Three Hundred Sixty only), which is twice the registration fees of the said project, on 02.09.2023 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/NOR/2019/000404. 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 the aforesaid project cannot be completed within 30.09.2023 as the project got delayed for some bonafide reasons and therefore he prayed for an extension of 18 months (one and half year) of the validation of registration of the said</p>	

project. As per him 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 18 (Eighteen) months from 01.10.2023 to 31.03.2025;

And Whereas an offline hearing has been held today at 3:30 p.m. and Shri Shishir Gupta , Managing Director alongwith Advocate Neha Kumari Gupta and Advocate Mintu Paul 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 18 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 26.09.2023 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 said project could not be completed within the scheduled timeline for the slowdown in the construction process with the active interference of the virus namely Covid-19 followed by the first and second wave. The nationwide lock down and subsequent restrictions resulted in many of the workers returning to their hometowns and facing difficulties in returning promptly to the construction site, as a result there was a

considerable delay in labour availability, which directly affected the construction activities and the latches for the delay was unintentional delay as per the Applicant.

- b) The Applicant Promoter also encountered another obstacle during the construction process. There was a 12 to 14 ft. long road leading to the project, where the construction of a drainage facility was ongoing. Unfortunately, this construction work took approximately 6 to 7 months to complete, obstructing the passage of vehicle carrying raw materials to the construction site. Consequently there was a significant delay in the transportation of essential materials, further impeding the progress of the project.
- c) In addition to that, the Applicant Promoter faced a legal dispute relate to a specific piece of land where the project is situated. Although the Applicant was initially aware that the land was undisputedly owned by the landlord, a third party claimed ownership and filed a civil suit against the landlord which was pending before the learned 1st Civil Judge (Jr. Div.) at Barasat for a considerable time. The said court subsequently issued a stay order effectively halting the construction activates of the project. The stay order subsequently got vacated. The legal complication caused a major setback and further delayed the completion of the project.
- d) The Applicant Promoter also encountered a shortage of materials, which had a substantial impact on the construction timeline. There were 32 to 35 syndicates responsible for supplying stone chips, bricks and sand for the project. However, these suppliers charged unreasonably high rates compared to the market price and engaged in negotiations to withhold the supply of raw materials. This scarcity of essential materials has caused significant delays in the procurement process, hindering the progress of the construction activities.

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 'Hijibiji' er, 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 'Hijibiji' 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