

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

Name of the Applicant: Merlin Ganges Projects

Name of Project: Elements Phase I

WBHIRA Registration No: HIRA/P/KOL/2019/000325

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Extension of Registration (1) ----- 30.04.2025	Whereas an Application has been received on 18.03.2025 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 Merlin Ganges Projects before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely 'Elements Phase I'. And Whereas the said project was registered under erstwhile West Bengal Housing Industry Regulatory Authority (WBHIRA) by WBHIRA Registration No. HIRA/P/KOL/2019/000325 dated 11.01.2019. The validity of the Registration of the said project expired on 30.06.2023. Thereafter an extension of 9 months was granted to the said project by the erstwhile WBHIRA Authority on the ground of the pandemic caused by the Covid-19 in the first phase. The said extension period of validity of registration expired on 30.03.2024. Thereafter, an extension was again granted on 05.03.2024 from 01.04.2024 to 30.03.2025 on the ground of second phase of covid pandemic and due to an injunction order for which construction was hampered. As per the Applicant inspite of his best effort, he could not able to complete the construction of the instant project in all respect within the validity period of the registration of the said project that is within 30.03.2025. Therefore, he is praying for an extension of 6 (six) months upto 30.09.2025. And Whereas a Meeting of the WBREERA Authority has been held today in the chamber of Chairperson WBREERA and detailed discussion has been held regarding this matter and the Notarized Affidavit and relevant documents submitted by the Applicant have been examined thoroughly. And Whereas Notarized Affidavit-cum-Declaration dated 13.03.2025 has been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. 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 to complete the said project and handover of the flats / units to the Allottees. As per the Applicant, inspite of their utmost effort, they were unable	

to complete the subject matter project within the validity period of the aforesaid project that is within 30.03.2025 due to various reasons including the following but not limited to:-

- a) **Injunction-related delays:** Significant delay occurred due to the time taken to resume construction following the lifting of an injunction order.
- b) **Contractor Delays:** Unexpected inefficiencies on the part of contractors slowed down the progress of construction.
- c) **Labour and Supply Chain Disruptions:** Persistent shortages of skilled labour and delays in procuring essential materials and equipment further hindered project completion.
- d) As per the Applicant the project is now **92% complete**, with only some finishing work in the common areas is pending.

The Applicant stated in its Affidavit that no party would be prejudiced, if the requested extension is granted under the RERA Act.

And Whereas, after careful examination of the Notarized Affidavit and supporting documents on Affidavit, submitted by the Applicant and placed on record, this Authority is of the considered view that there is a delay in the completion of the instant project and an extension is urgently required for completion of the said project, for obtaining the Completion Certificate from the Competent Authority and for handover process of the completed flats/units to the Allottees;

And Whereas, on perusal of the aims and objectives of the Real Estate (Regulation and Development) Act, 2016, it is clear that the whole aim of the said Act has been to promote the real estate sector in an efficient and transparent manner and to protect the interest of the consumers (including home buyers / Allottees). Thus, by not extending the registration of the said Project the same will come to a halt. The Promoter shall not be able to take actions for efficient completion as may be required in view of the lack of registration. Such an action will only be detrimental to the interest of the consumers (including home buyers / Allottees). Thus, the balance of convenience and inconvenience lies in allowing the extension with such condition so as to ensure completion. Further the Authority also notes that this extension can be granted under Section 7(3) read with section 6 of the said Act as the same needs to be granted so that the completion of the said Project is not interrupted.

ORDER

Now Therefore, in exercise of the power conferred under section 6 read with section 7(3) of the Real Estate (Regulation and Development) Act, 2016, this Authority is hereby pleased to grant the extension of the Registration of the instant project namely '**Elements Phase I**' for a period of **six (6) months** from **31.03.2025 to 30.09.2025**. The extension is hereby granted on the ground of reasonable circumstances to safeguard the interest of the allottees of the instant case, as per the provisions contained in and in exercise of the powers conferred under first paragraph and second paragraph of section 6 read with section 7(3) of the Real Estate (Regulation and Development) Act, 2016;

Secretary, WBRERA shall 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 from **31.03.2025 to 30.09.2025**;

The Applicant Promoter shall submit on Notarized Affidavit a **Work Milestone** for the completion of the entire project till the completion date **30.09.2025**, before the Authority, both in hard and scan copies, within **15 days** from the date of receipt of this order of the Authority through email.

The Applicant Promoter shall also upload the **Quarterly Update of Projects** in the WBRERA website positively within **7 days** from the end of each quarter, and he shall also submit **Work Milestone** on Notarized Affidavit to this Authority, both in hard and scan copies, **within 7 days after expiry of every 90 days** from the date of approval of this extension, stating in detail how much work has been done within the said 90 days and how much work is pending after the said 90 days.

Authority may conduct inspection at any time without notice to ascertain the real facts and if any discrepancy / misrepresentation come to the notice of this Authority, stringent action shall be taken which may include revocation of extension, as per the provisions contained in the RERA Act.

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



(JAYANTA KR. BASU)

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