

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: Devaloke Developers Limited

Name of Project: Devaloke Sonarcity Phase-II

WBHIRA Registration No.: HIRA/P/SOU/2019/000521

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
<p>1 ----- 19.01.2024</p>	<p>Whereas an Application has been received 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>Devaloke Developers Limited.</b>, before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Devaloke Sonarcity Phase-II</b>', with payment of fees for extension of project amounting to Rs. 4,76,880/- (Rupees Four Lakhs Seventy-Six Thousand Eight Hundred Eighty Only) which is twice the Registration Fee of the said project.</p> <p>And Whereas the said project was registered under erstwhile West Bengal Housing Industry Regulatory Authority (WBHIRA) by WBHIRA Registration No. <b>HIRA/P/SOU/2019/000521</b>. The validity of the Registration of the said project going to be expired on <b>28.02.2023</b>. 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</p>	

**28.11.2023.** The project cannot be completed by the Promoter for various reasons within 28.11.2023, hence the Applicant Promoter herein applied for extension of the Validity of the Registration of the said project for a period of 13 months 2 days;

And Whereas a physical hearing has been held today in the WBRERA Office at 4:00 p.m. and Authorized Representative of the said Applicant Promoter Mr. Nisheet Agarwal, was present and signed the Attendance Sheet. At the time of hearing, he has explained the reasons for delay in completion of the said project and prayed for an extension of 13 months 2 days to complete the said project and handover of the same to the Allottees. He also explained with reasons that the delay was caused on the grounds which were beyond the control of the Promoter;

And Whereas Notarized Affidavit-cum-Declarations dated 19.01.2024 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 28.11.2023 due to various reasons including the following :-

- a) **Prolonged impact of Covid-19 waves:** The second and third waves of the Covid-19 Pandemic significantly impacted and hindered normal construction activities, resulting in substantial delays in the project timeline.
- b) **Indirect Impacts on Resources:** The Pandemic – Induced challenges extended the scarcity of labour and disruptions in the supply chain for construction accessories and equipment,

compounding the impediments to progress of the project.

- c) **Financial Constraints:** The Financial strains imposed by the Pandemic further exacerbated the project delays, making it challenging to adhere to the initially projected completion period.
- d) **Infrastructure Development Delays:** In their communication dated 08.09.2020, they apprised this Authority of the project delay caused by the extensive repair and makeover of the road from Kamalgazi to Sonarpur Railway Station. This included laying concealed pipelines for drainage, drinking water system etc., adversely affecting the work pace of the project situated at Sonarpur Main Road.
- e) **Legal Injunction Order:** In Title Suit- TS 48/2021 dated 27<sup>th</sup> January 2021, an injunction order (Ex-parte) was passed against the Applicant-Promoter, lasting until 28<sup>th</sup> November 2022, with the case subsequently dismissed on 30<sup>th</sup> August 2023. This **22 month injunction** significantly delayed the construction process, causing both financial and mental strain.
- f) **Additional Legal Challenges:** In title suit -TS 112/2022 dated 8<sup>th</sup> March 2022, another injunction order (Ex-parte) was passed against the said promoter, which was lifted on 10<sup>th</sup> May 2023. This **14 month injunction** further impeded the completion of the work.

And Whereas, after careful examination of the submissions of the Authorized Representative of the Applicant Promoter in the physical hearing today and submission on Notarized Affidavit of the Director of the Applicant Promoter and supporting documents submitted on affidavit 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 as injunction was imposed on the said project for a total period of 27 months 14 days and the extension prayed by the

Applicant is urgently required for completion of the said project and handover of the same 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 '**Devaloke Sonarcity Phase-II**' for a period of **13 months 2 days** from **29.11.2023** to **31.12.2024**. The extension of **13 months 2 days** months is granted on the ground of force majeure conditions created by Covid-19 Pandemic, for injunctions granted by Court of Competent Jurisdiction and for existence of reasonable circumstances which were beyond the control of the promoter, in exercise of the power conferred in section 6 of the Real Estate (Regulation and Development) Act, 2016.

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 '**Devaloke Sonarcity Phase-II**' 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 13 months 2 days from **29.11.2023** to **31.12.2024**;

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