

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park ,Kolkata-700075

e-mail id : rera.wb@gmail.com, Phone : 033-24160606

No : 1187- RERA/2M-08/2023

Date: 18.08.2023

From: Secretary,
West Bengal Real Estate Regulatory Authority

To: Authorised Signatory,
Kappa Builders
Newtown, Plot-180,
Block-DD, Street No-295,
Kolkata-700156

Subject: Show-cause Notice

Whereas section 3 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred as the said Act) provides that no promoter shall advertise, market, book, sell or offer for sell or invite person to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the Real Estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act;

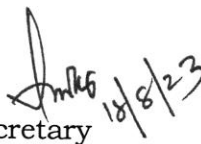
And Whereas the West Bengal Real Estate Regulatory Authority has, vide its notification No. 135-RERA/L-01/2023, dated 03.02.2023, made it mandatory for the Promoters/Developers to get their projects, that are ongoing on the date of commencement of WBREERA website, i.e, 31.01.2023, registered on or before 30.04.2023.

And Whereas section 59 (1) of the said Act provides that,- if any promoter contravenes the provision of section 3, he shall be liable to a penalty which may extent up to 10%, of the estimated cost of the Real Estate Project as determined by the Authority;

And Whereas section 59 (2) of the said Act provides that,- if any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provision of section 3, he shall be punishable with imprisonment for a term which may extend up to 3 years or with fine which may extend up to a further 10%, of the estimated cost of the Real Estate Project, or with both;

It has come to the knowledge of this Authority that the projects named '**Kappa Shine**', '**Kappa Enclave**', '**Kappa White House**' and '**Kappa Homes**' neither got registration from WBRERA nor form erstwhile WBHIRA, also not applied for registration, whereas Registration under WBRERA is mandatory for the said Projects as per section 3 of the said Act read with Notification No. 135-RERA/L-01/2023, dated 03.02.2023 of this Authority. The promoter of these projects have also advertised, marketed and/or sold the flats of this project to the allottees without taking prior registration. The said projects are not registered under WBRERA Authority or under the erstwhile WBHIRA Authority till date and application for registration were not submitted within 30.04.2023 before this Authority. Therefore it transpires to the Authority that the said promoter have violated the provisions of section 3 of the said Act.

As such, Kappa Builders, is hereby directed to Show-cause in writing why action should not be taken against them as per law for the above mentioned violation of section 3 of the said Act and penalty should not be imposed upon them as per Section 59 of the said Act. The reply of this Show-cause notice shall be sent to the office of this Authority within a period of **10 (Ten) days from the date of issuance of this Show-cause notice**, failing which, appropriate penal action shall be taken against the said promoter company.


Secretary

West Bengal Real Estate Regulatory Authority