

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

Name of the Applicant: Baba Bhoothnath Constructions

Project Name: Kalamunj Sharda Towers

WBHIRA Registration No. HIRA/P/KOL/2018/000132

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Extension of Registration of project (01) ----- 21.06.2024	<p>Whereas an Application dated 30.04.2024 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 Baba Bhoothnath Constructions before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely 'Kalamunj Sharda Towers' with payment of fees for extension of the project amounting to Rs. 1,13,400/- (Rupees One Lakh Thirteen Thousand Four Hundred only), which is twice the registration fees of the said project, 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/2018/000132. The validity of the Registration of the said project expired on 31.01.2022. 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 31.10.2022.</p> <p>After that the Applicant prayed for extension of the validity of the registration of the project and the WBREERA Authority after hearing the Applicant and considering the circumstances of delay in the project, by an order dated 05.10.2023 has granted extension of registration for a period of 12 months from 01.11.2022 to 30.04.2024 as per the provisions contained in section 6 of the Real Estate (Regulation and Development) Act, 2016.</p> <p>As per the Applicant inspite of his best effort, he could not complete the construction of the instant project in all respect within the extended validity of the registration of the said project that is within 30.04.2024. Therefore, he is again praying for an extension of approximately 12 (twelve) months as the validity of registration of the said project expired on 30.04.2024. Therefore the Applicant herein applied for extension of the</p>	

validity of the registration of the said project for a period of approximately 12 (twelve) months from 01.05.2024 to 30.04.2025.

And Whereas a Meeting of the WBRERA Authority has been held today in the office of WBRERA 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 two Notarized Affidavits-cum-Declaration dated 26.04.2024 and 12.06.2024 have 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 of approximately 12 (twelve) months to complete the said project and handover of the flats / units to the Allottees.

As per the Applicant, in spite of their utmost effort, they could not complete the construction of the project in all respect within the extended validity period of the aforesaid project that is within 30.04.2024 due to various reasons including but not limited to the following:-

- a) The Applicant has received Green Building Pre-Certification Gold status for the instant project, which entitles them to 10% additional area in sanctioned FAR resulting into construction of two additional floors in the existing building; and
- b) They have also obtained the Fire Clearance Certificate from the Kolkata Municipal Corporation in this regard; and
- c) They have fully committed to complete the project within stipulated time frame. They have already completed 80% of the existing building having G+VII in the sanctioned plan and has obtained an extension of existing sanctioned plan upto 19.03.2027 and they are in the process of obtaining necessary approval from KMC for additional floor plans.

The Applicant has also stated in their Affidavit dated 12.06.2024 that the rights of the existing allottees in the project will not be compromised due to this extension.

After careful examination of the submissions of the said Applicant on Affidavit dated 12.06.2024 which is placed on record, this Authority is of the considered view that extension is required to be granted as two additional floor is going to be constructed in the said project and the delay in the construction of the project is due to revision of the sanctioned plan and the Applicant has duly taken written consent of at least two-thirds of the Allottees, other than the Promoter, for revision of the sanctioned plan, as per the statutory requirement of section 14(2)(ii) of the RERA Act, 2016.

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 to safeguard the interest of the Allottees/Home buyers and 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.

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 to take the decision unanimously to grant the extension of the Registration of the instant project namely '**Kalamunj Sharda Towers**' for a period of **12 months** from **01.05.2024** to **30.04.2025**. The extension of 12 months is hereby granted on the ground of special circumstances to safeguard the interest of the allottees of the instant case, and in exercise of the powers conferred under first paragraph and second paragraph of section 6 of the Real Estate (Regulation and Development) Act, 2016 respectively.

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.

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 from **01.05.2024** to **30.04.2025**.

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


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority