

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

Name of the Applicant: BENCHMARK DEVELOPERS

Name of Project: BENCHMARK ASPIRE

WBHIRA Registration No: HIRA/P/NOR/2021/001261

Sl. Number and date of order	Order and Signatures of Authority	Note of action taken on order
<p>1 ----- 21.08.2023</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 BENCHMARK DEVELOPERS., before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely 'BENCHMARK ASPIRE', with payment of fees for extension of project amounting to Rs.1,18,120/-(Rupees one lakh eighteen thousand one hundred twenty only) on 25.08.2023 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. HIRA/P/NOR/2021/001261. The validity of the Registration of the said project going to be expired on 27.02.2026. The project has been launched on 26.02.2023 and cannot be completed within 27.02.2026, hence the Applicant Promoter herein applied for extension of the Validity of the Registration of</p>	

the said project for a period of 24 months;

And Whereas a physical hearing has been held today in the WBRERA Office at 4:10 p.m. and Authorized Signatory / Partner of the said Applicant Company / Partnership Mr. Santosh Kumar Jaiswal, was present and signed the Attendance Sheet. At the time of hearing, he has explained the reasons for delay in launching of the said project and prayed for an extension of 24 months time 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 a Notarized Affidavit-cum-Declaration dated 03.08.2023 has also been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. As per the Applicant, in the year 2020-21, a lock down was clamped due to Covid-19 Pandemic from 24.02.2020 to 14.04.2020 and thereafter from 16.05.2021 to 15.08.2021. During this period construction work were completely stopped circumstantially due to the Pandemic related to Covid. Hence they could not undertake any construction work and the project was delayed. After Covid he took up site development work and started working at the site. In the meantime, it surfaced that WBHIDCO has knowingly allotted land for an access road with pre existing title dispute / unacquired land and that an injunction order was in force related to the Access Road Land allotted to the Applicant by WBHIDCO. To safeguard the interest of the future allottees, the Applicant filed Writ Petition no. 5907 of 2022 before the Hon'ble High Court at Calcutta, requesting the Court to instruct the

WBHIDCO to allot alternate access land for the access road to the said project. The case was started on 01.04.2022 and was decided in the favour of the Applicant and decree was passed by the Hon'ble High Court on 11.08.2022 directing the WBHIDCO to allot an alternate land for developing access road to the project and WBHIDCO after a long persuasion finally allotted alternate access land on 05.01.2023 and the Applicant was able to launch his project on 26.02.2023. Since the delay was due to the Covid lock down and delay in allotment of access land free from any encumbrances by WBHIDCO, both the reasons were beyond the control of the Applicant Promoter, therefore as per the Applicant this prayer for extension of time for a period of 24 months is justified and reasonable. Hence, the Applicant requested for extension of time up to 24 months and prayed for consideration of his project starting from 26.02.2023 and Project Completion/delivery date as 28.02.2028 instead of 28.02.2026. The Applicant also submitted that till date he has not allotted/booked/sold any flat/space in the project and he shall proceed in this matter only after receiving extension of time as requested by him from the Authority. He also confirmed that he has applied for extension of project plan to the Competent Authority (BMC) and expects to receive it very soon;

And Whereas, after careful examination of the submissions of the Authorized Signatory/Partner of the Applicant Promoter in the physical hearing today (and submission of notarized Affidavit and supporting documents submitted on affidavit and placed on record, this Authority is of the considered view that the delay in launching/commencement of the instant project is not due to any default or negligence of the part of the Applicant 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 & Development) Act, 2016 read with Rule 7 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, this Authority is pleased hereby to allow extension of the Registration of the instant project namely 'Benchmark Aspire' from 28.02.2026 to 28.02.2028 for a period of 24 (Twenty Four) months. The extension of 12 (Twelve) months is hereby granted on the ground of force majeure condition created by Covid-19 Pandemic as per the provision contained in first paragraph of section 6 of the RERA Act and another extension of 12 (Twelve) months is hereby granted for delay due to reasons beyond the control of the Promoter Company as per first proviso of section 6 of the RERA Act as delay was caused by delivery of disputed access land by the WBHIDCO and for the institution of Writ Petition no. 5907 of 2022 in the Calcutta High Court on 01.04.2022 and delivery of alternate access land by the WBHIDCO to the Applicant on 05.01.2023, in compliance with the Order of the Hon'ble High Court dated 11.08.2022 in W.P. no. 5907 of 2022. As there is no allottee till date in the said project therefore this extension will not infringe the right/interest of any allottee. The case of the Applicant is a peculiar case altogether and 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 '**Benchmark Aspire**' as per **Form E** in the WBRERA website by using their login id and password by which he has 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 24 (Twenty Four) months from **28.02.2026** to **28.02.2028**;

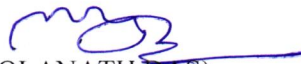
Let copy of this order be sent to the Applicant by speed post and also by email immediately.



(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