

WEST BENGAL REAL ESTATE REGULATORY AUTHORITY (WBRERA)

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Memo No. 921 –RERA

Dated: 19.08.2025

File No. – RERA-15/1/2025-SEC-WBRERA

Subject :- Extension of validity of the project registration under Section 7 (3) of the Real Estate (Regulation and Development) Act, 2016.

Whereas, The Government of India has enacted the Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016) and the Act have come into force with effect from 26.03.2016;

And whereas, under Section 34 of the Act, one of the functions of the Authority is to register and regulate real estate projects registered under the Act;

And whereas, the Authority has been empowered u/s 6 of the Act to grant extension under the Act;

And whereas, Section 7(3) of the Act, 2016 mandates that “the Authority may, instead of revoking the registration under sub section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter”;

And whereas, the Government of West Bengal has notified the West Bengal Real Estate (Regulation and Development) Rules, 2021 for carrying out the purpose and provisions of the Act of 2016;

And whereas, Rule 7 (1) of the Rules, 2021 states that “the registration granted under section 5, may be extended as per section 6, on an application made by the promoter in Form ‘E’ **which shall not be less than three months prior to the expiry of the registration granted;**”

And whereas, Rule 7 (2) of the Rules, 2021 prescribes the fees payable by promoter for extension of registration of the real estate project;

And whereas, Rule 7 (4) of the Rules, 2021 empowers the Authority to allow such modification, alteration, rectification or amendment of documents, related to registration, as may deem fit and proper;

And whereas, the Authority under Section 37 of the Act, is vested with the power to issue directions for the purpose of discharging its functions under the provisions of this Act or Rules or Regulations made thereunder to the promoters or allottees or real estate agents as the case may be;

And whereas, the Chairperson of WBRERA is vested with finally the power of general superintendence and directions in the conduct of the affairs of Authority under Section 25 of the Act.

And whereas, the Authority, in considering the necessity and/or in order to save guard the best interest of the allottees of a registered project and also for the purpose of regulating the relations of the promoter/developer and the allottees *per se*, has decided to consider ***those applications for extension made after the stipulated period as mentioned u/r 7(1) of the Rules and/or where such extension has been prayed for a period beyond 1 year from the date of completion of the project earlier declared by the promoter/developer of a registered and running project under certain circumstances which were beyond the control of the promoter/developer and on fulfillment of certain further criterions within the provisions of the Acts and the Rules enumerated above.***

The Authority has resolved as follows:

01. *That the promoter-developer has developed more than 80% to 90% of the construction of that project;*
02. *That the promoter-developer shall declare through an Affidavit stating the reason for such delay with cogent and sufficient proof in support of that declaration and shall also declare the date of further completion, if such extension is so granted/allowed by the Authority in respect of a particular project to the applicant.*
03. *The Authority may consider such prayer with reasons to be recorded in writing after hearing the promoter/developer and if required, such other stakeholders as may be deemed necessary, and upon further payment of the following fees, charges, penalty and compensation:*

A. For delay charges for submission of Extension applications-

1. If such delay is up to 3 months from the date of completion date, the Authority may impose upto 50% of Extension fees upon the promoter-Developer of the project;
2. If such delay is in between 3 to 6 months from the date of completion date, the Authority may impose upto 100% of Extension fees;
3. If such delay is in between in between 6 to 12 months from the date of completion date, the Authority may impose upto 150% of Extension fees;
4. If such delay is more than 1 year from the date of completion date, the Authority may impose such delay charges as may be fixed on Case to Case basis.

B. For Late charges for execution in Extension applications-

1. If such extension prayed by the promoter/developer for a period of 3 months from the date of completion of the project, the Authority may impose further charges upto 30% of Extension fees;

2. If such extension prayed by the promoter/developer for a period of 3 to 6 months from the date of completion of the project, the Authority may impose further charges 60% of Extension fees;

3. If such extension prayed by the promoter/developer for a period of 6 to 12 months from the date of completion of the project, the Authority may impose further charges 90% of Extension fees;

4. If such extension prayed by the promoter/developer for a period beyond 1 year from the date of completion of the project, **the Authority has the discretion to reject the extension prayed outright** or may impose such penalty as may be fixed on Case to Case basis upto 5% of the project estimated cost.

5. The Authority has furthermore resolved as follow :

- i. that an application for extension of validity of the project registration shall be made in **Form 'E'** as provided in the Rules;
- ii. That such extension **can only be considered to save the best interest of the allottees** of the project.
- iii. The promoter-developer **shall be bound to comply the order of the Authority** in every respect and shall be bound to submit such other and further document, as may be directed by the Authority.

The order is issued in the interest of public with the approval of the Government of West Bengal.



JAYANTA KUMAR BASU
Chairperson
West Bengal Real Estate Regulatory Authority