

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

Name of the Applicant: Himanga Mercantiles Private Limited

Name of the Project (Existing): Gems Bougainvillas Phase - VII

Name of the Project (Modified): Bhawani Gems Bougainvillas Phase - VII

WBREERA Registration No: WBREERA/P/SOU/2024/001414

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Change of name of the Project and Extension of the Project (1) ----- 17.03.2025	Whereas an Application has been made by the Applicant Himanga Mercantiles Private Limited on 12.02.2025 before the West Bengal Real Estate Regulatory Authority (WBREERA), as per the provision of sub-rule (5) of rule 16 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 (hereinafter referred to as the WBREERA Rules) for approval of change of name of the project from 'Gems Bougainvillas Phase - VII' to 'Bhawani Gems Bougainvillas Phase - VII', on the ground of transfer of ownership and management of the project from the previous Promoter 'Bhutoria Construction Private Limited' to Himanga Mercantiles Private Limited (a group company of Bhawani Group), this change of name shall help in marketing of the project under the group name - 'Bhawani' and as per the provisions contained in section 6 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'said Act') read with Rule 7 of the WBREERA Rules, by the Applicant Promoter Himanga Mercantiles Private Limited before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of Registration of the instant project. And Whereas the abovementioned Project is registered with West Bengal Real Estate Regulatory Authority (WBREERA) vide Registration No:- WBREERA/P/SOU/2024/001414 dated 06.05.2024. The validity of the Registration of the said project will expire on 31.12.2026. As per the Applicant, inspite of their utmost effort the said project will not be completed within 31.12.2026 as there is a change of Promoter as prayed by the Applicant and approved by this Authority by an order dated 12.11.2024. And due to this change of Promoter, there is restructuring of the project for quality completion of the project and therefore the Applicant prayed for extension of the registration of project upto 31.12.2027. And Whereas a Meeting of the WBREERA Authority has been held today in the chamber of Chairperson WBREERA 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 the Applicant Promoter has submitted a Notarized Affidavit dated 10.02.2025 stating that the change of name of the project is due to the transfer of ownership and management of the project from the previous Promoter '**Bhutoria Construction Private Limited**' to **Himanga Mercantiles Private Limited** (a group company of Bhawani Group), as per the Applicant, this change of name shall help in marketing of the project under the group name - '**Bhawani**'.

And Whereas in the said Affidavit the Applicant stated in detail explaining the reasons for seeking extension of the registration of the instant project. The extension is required due to necessary re-structuring under the new Promoter, ensuring the timely and quality completion 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 to complete the said project and handover of the flats / units to the Allottees.

And whereas the Applicant promoter undertakes in its Affidavit dated 10.02.2025 that the right and interest of the existing Allottees shall not be affected by the change of name of the project and the extension of the project, if granted.

Now Therefore, after careful examination of the submissions of the the Applicant on Notarized Affidavits which are placed on record before the Authority, this Authority is of the considered view that the change of the name of the project is due to the transfer of ownership and management of the project from the previous Promoter '**Bhutoria Construction Private Limited**' to **Himanga Mercantiles Private Limited** (a group company of Bhawani Group) and as per the Applicant, this change of name shall help in marketing of the project under the group name - '**Bhawani**' and shall help the Promoter to being in transparency in dealing with the customers. The Applicant has decided to change the name of the project on the ground as mentioned above and requested for necessary approval in this regard as per the provision contained in sub-rule (5) of rule 16 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

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 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;

Hence, in exercise of the power conferred under sub-rule (5) of rule 16 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, this Authority is pleased hereby to allow the change in the name of the

project from '**Gems Bougainvillas Phase - VII**' to '**Bhawani Gems Bougainvillas Phase - VII**'.

And Whereas, on perusal of the aims and objectives of the Real Estate (Regulation and Development) Act, 2016, it is clear that the whole aim of the said Act has been to promote the real estate sector in an efficient and transparent manner and to protect the interest of the consumers (including home buyers / Allottees). Thus, by not extending the registration of the said Project the same will come to a halt. The Promoter shall not be able to take actions for efficient completion as may be required in view of the lack of registration. Such an action will only be detrimental to the interest of the consumers (including home buyers / Allottees). Thus, the balance of convenience lies in allowing the extension with such condition so as to ensure completion. Further the Authority also notes that this extension can be granted under Section 7(3) read with section 6 of the said Act as the same needs to be granted so that the completion of the said Project is not interrupted.

ORDER

Now Therefore, in exercise of the power conferred under section 6 read with section 7(3) of the Real Estate (Regulation and Development) Act, 2016, this Authority is hereby pleased to grant the extension of the Registration of the instant project namely '**Bhawani Gems Bougainvillas Phase - VII**' for a period from **01.01.2027** to **31.12.2027**. The extension is hereby granted on the ground of special circumstances to safeguard the interest of the allottees of the instant case, as per the provisions contained in and in exercise of the powers conferred under first paragraph and second paragraph of section 6 read with section 7(3) 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 due to the presence of reasonable circumstances and this order should not be treated as a precedent in any other case of extension of project;

Secretary, WBRERA shall 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 from **01.01.2027** to **31.12.2027**;

The Applicant Promoter shall submit on Notarized Affidavit a **Work Milestone** for the completion of the entire project till the completion date **31.12.2027**, before the Authority, both in hard and scan copies, within **15 days** from the date of receipt of this order of the Authority through email.

The Applicant Promoter shall also upload the **Quarterly Update of Projects** in the WBRERA website positively within **7 days** from the end of each quarter, and he shall also submit **Work Milestone** on Notarized Affidavit to this Authority, both in hard and scan copies, **within 7 days after expiry of every 90 days** from the date of approval of this extension, stating in detail how much work has been done within the said 90 days and how much work is pending after the said 90 days.

Authority may conduct inspection at any time without notice to ascertain the real facts and if any discrepancy / misrepresentation come to the notice of this Authority, stringent action shall be taken which may include revocation of extension, as per the provisions contained in the RERA Act.

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



(JAYANTA KR. BASU)

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