

RAGHUNATHJEE CONSTRUCTION



For Happy Living

Office Address: 17/4 Lokepur, P.O – Kenduadihi

Dist. – Bankura, Pin – 722102

Email Id: raghunathjee@rchomes.in/ rchomes19@gmail.com

Contract no: 9002111777/ 9002111888

Dated 12th May, 2026

To

The Chairperson & Members

West Bengal Real Estate Regulatory Authority

Calcutta Greens Commercial Complex (1st Floor)

1050/2, Survey Park

Kolkata-700 075

**Re: Project - ABHINANDAN RAJGRAM
NPR-005114**

**Subject: Declaration & Representation against the Return of Application for
WBREERA Project Registration regarding Non-Encumbrance Certificate and
Fire NOC.**

Respected Sir / Madam,

This Declaration & Representation is being submitted in connection with the captioned project registration application, which has been returned citing the following deficiencies:

- (a) Non-Encumbrance Certificate is not in tune as per WBREERA Rules;
- (b) Fire NOC is required from the Fire Department as the height of the project exceeds 14.5 meters as per the sanction plan.

The Applicant respectfully submits that the said return is **not in accordance with** the provisions of the West Bengal Real Estate (Regulation and Development) Act, 2016 ("the Act") and the West Bengal Real Estate (Regulation and Development) Rules, 2021 ("the Rules"), for the following reasons:

1. Documents required for registration are exhaustively prescribed under Section 4 & Rule 3

Section -4 of The R.E(R &D) Act, 2016 read with Rule 4 of the WBREERA Rules, 2021 prescribes an exhaustive list of documents and information to be furnished at the time of making an application for project registration. The said Rules do not mandate the submission of a Non-Encumbrance Certificate in any specific form, nor do they require the production of a Fire NOC from the Fire Department as a pre-condition for registration of a project.

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Section -4 of the R.E(R &D) Act, 2016 read with Rule 4 of the WBRERA Rules, 2021 constitute the complete and exhaustive checklist of documents for the purpose of project registration. Any requirement imposed beyond this statutory list is without legal basis and contrary to the scheme of the Act and the Rules.

2. Non-Encumbrance Certificate and Fire NOC are post-registration compliance obligations

A careful reading of Section 11 of the R.E(R &D) Act, 2016 and Rule 16 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, makes it abundantly clear that the obligations pertaining to disclosure, updating of information, and submission of statutory clearances — including encumbrance particulars and fire safety compliances — are *continuing post-registration obligations* of the Promoter, required to be complied with on a quarterly basis and as part of ongoing disclosures.

Rule 16 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, mandates the Promoter to upload information on a quarterly basis, including updated approvals, clearances, and certificates obtained from relevant authorities from time to time during the course of the project. The submission of a Fire NOC and Encumbrance Certificate, if and when applicable, would form part of such quarterly compliance disclosures, not a pre-registration requirement.

Further With regard to the Fire NOC Requirement, we would like to state as below:

1. That the height of the building of our project “**ABHINANDAN - RAJGRAM**” situated at Mouza - Rajgram, J.L. No. 183, Plot No. 1453 (L.R.), Khatian No. - 3146 (L.R.), P.O. - Rajgram, under Bankura Municipality, P.S. & Dist. - Bankura, Pin - 722146, **is within 15.50 metres**.
2. That **the West Bengal Municipal (Building) Rules, 2007 was amended** with effect from 26th day of February 2016 vide Notification published in **The Kolkata Gazette (No. 105/MA/0/C-4/3R-14/2015)**.
3. That The amendment so brought in The **Kolkata Gazette** (No. 105/MA/0/C-4/3R-14/2015) amended Sub Rule (6) of Rule 12 which read as follows:
“In sub rule (6) of rule 12, for the number and sign “14.5”, wherever it occurs, substitute the number and sign “15.50”;
4. That due to such amendment in **The West Bengal Municipal (Building) Rules, 2007 by The Kolkata Gazette** (No. 105/MA/0/C-4/3R-14/2015), The Fire NOC is not applicable to the Said Project.

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3. The return is contrary to the intent and scheme of RERA act & Rules

The R.E(R &D) Act, 2016 read with The West Bengal Real Estate (Regulation and Development) Rules, 2021, was enacted with the express object of ensuring timely and transparent registration of projects for the protection of homebuyers. Insisting upon documents beyond those prescribed Section -4 of the R.E(R &D) Act, 2016 and Rule 4 of the WBRERA Rules, 2021 as a pre-condition for registration defeats this legislative intent and creates an additional unlawful burden on the Applicant. The Applicant is not in default of any statutory requirement under the Act or the Rules as they stand.

PRAYER:

1. The return of the application be recalled and treated as *not maintainable* in law;
2. The application for project registration be taken up for processing forthwith on the basis of the documents already submitted in compliance with the R.E(R &D) Act, 2016 read with The West Bengal Real Estate (Regulation and Development) Rules, 2021;
3. It be noted on record that the Non-Encumbrance Certificate and Fire NOC, as applicable, shall be submitted as part of post-registration quarterly compliance obligations under Rules 11 & 16 of the WBRERA Rules, 2021; and
4. Any such other relief be granted as deemed fit in the facts and circumstances of the case.

The Applicant reserves all rights under the Act and the Rules and submits this Declaration in good faith for the appropriate orders of the Authority.

Thanking you,

For M/s RAGHUNATHJEE CONSTRUCTION

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Proprietor

Saugat Kundu

Proprietor