

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

Name of the Applicant: Merlin Ganges Projects

Name of Project: Elements Phase 1

WBHIRA Registration No.: HIRA/P/KOL/2019/000325

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
(Extension for registration of project) 1 ----- 05.03.2024	<p style="text-align: justify;">Whereas an Application 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, the <b>Merlin Ganges Projects</b> before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Elements Phase 1</b>', with payment of fees for extension of the project amounting to Rs.5,43,720/-(Rupees Five Lakhs Forty Three Thousand Seven Hundred Twenty Only), which is twice the registration fees of the said project, by electronic transfer made to the Account of the WBREERA Authority;</p> <p style="text-align: justify;">And Whereas the said project was registered under erstwhile West Bengal Housing Industry Regulatory Authority (WBHIRA) by WBHIRA Registration No. HIRA/P/KOL/2019/000325. The validity of the Registration of the said project expired on <b>30.06.2023</b> and after that an extension of 9 (nine) months was granted by the erstwhile WBHIRA Authority at the time of 1<sup>st</sup> Phase of the Covid-19 Pandemic. The said period of extension was expired on 30.03.2024 but the project is not yet completed and therefore the Applicant herein applied for extension of the Validity of the Registration of the said project;</p> <p style="text-align: justify;">And Whereas an offline hearing has been held today at 4:45 p.m. an Authorized Representative of the Applicant Promoter Company Mr. Amit</p>	

Kumar Kedia (Mobile no. – 9414046121, email – amit@kcapl.com), Chartered Accountant, appeared before the Authority and signed the Attendance Sheet. At the time of hearing, he has 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 12 months to complete the said project and handover of the flats / units to the Allottees.

And Whereas Notarized Affidavit-cum-Declaration dated 04.03.2024 has been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. As per the Applicant, in spite of their utmost effort, they could not complete the construction of the project in all respect within the validity period of the aforesaid project that is within 31.03.2024 due to various reasons including the following :-

- a) Prolonged impact of Covid-19 pandemic Waves and Lockdowns, the second and third waves of the Covid-19 pandemic significantly impacted and hindered normal construction activities, resulting in substantial delays in the project timeline; and
- b) Indirect impacts of the pandemic on resources, - the pandemic-induced challenges extended to the scarcity of labour and disruptions in the supply chain for construction accessories and equipment, compounding the impediments to progress; and
- c) Financial constrains,- the financial strains imposed by the pandemic further exacerbated the project delays, making it challenging to adhere to the initially projected completion period; and
- d) Injunction order, - on 09.03.2021, an injunction order was passed against the Applicant-Promoter, which was in force until 05.05.2022. This 423-days injunction significantly delayed the construction process, causing both financial and mental strain; and
- e) The project is half way to the completion stage with an overall 83.08% of work being completed despite the injunction and other factors and the Applicant is anticipating to receive the completion certificate by 30.03.2025 and in consideration of the assumed completion date, he sought an extension of 12 months from the laps of the registration date, which is less than the injunction period of 423 days.

The Applicant also stated in the said Affidavit that if such an

extension is not granted it would cause severe loss, injury, and prejudice not only to the Promoter but all those associated with it even the Allottees.

And Whereas, after careful examination of the submissions of the Authorized Representatives of the Applicant on 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 hereby to allow extension of the Registration of the instant project namely '**Elements Phase 1**' for a period of **12 months** from **01.04.2024** to **30.03.2025**. The extension of 12 (twelve) months is hereby granted on the ground of special circumstances as there was an injunction order in force for a period of 423 days from 09.03.2021 to 05.05.2022. The injunction order was issued by Hon'ble High Court at Calcutta by an order dated 09.03.2021 in the matter of C.O. No. 139 of 2021 (Rayees Alam vs. M/s Ganges Garden Realtors Pvt. Ltd. & Ors.). The said injunction order was vacated on 05.05.2022. Therefore, to safeguard the interest of the allottees of the instant project, 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, this extension is required to be granted.

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 (twelve) months from **01.04.2024** to **30.03.2025**;

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