

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: Tapajyoti Construction Pvt. Ltd.

Name of Project: Lux Insignia

WBHIRA Registration No: HIRA/P/KOL/2019/000577

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Extension of Registration (2) ----- 26.04.2024	<p>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 Tapajyoti Construction Pvt. Ltd. before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Lux Insignia</b>', with payment of fees for extension of the project amounting to Rs.1,92,360/- (One Lakh Ninety Two Thousand Three Hundred Sixty only), which is twice the registration fees of the said project, by electronic transfer made to the Account of the WBREERA Authority;</p> <p>And Whereas the said project was registered under erstwhile West Bengal Housing Industry Regulatory Authority (WBHIRA) by WBHIRA Registration No. HIRA/P/KOL/2019/000577. The validity of the Registration of the said project expired on 31.03.2024. Thereafter an extension of 9 months was granted to the said project by the erstwhile WBHIRA Authority on the ground of the pandemic caused by the Covid-19 in the first phase. The said extension period of validity of registration will expire on 31.12.2024. as the Applicant the project is till now not completed and the Applicant-Promoter has not received the Completion Certificate. He is praying for an extension of 21 (twenty-one) months as the validity of registration of the said project will expire on 31.12.2024. Therefore the Applicant herein applied for extension of the validity of the registration of the said project for a period of 21 (twenty-one) months from 01.01.2025 to 30.09.2026;</p>	

And Whereas an offline hearing was held in this regard on 05.10.2023 and the Applicant was directed to submit the following:-

- a) Sanctioned plan of both the blocks of the subject matter project; and
- b) Written consent letter / no objection from the existing allottees; and
- c) Work-milestone on a Notarized Affidavit stating the details of the remaining works to be completed within time period to be specified.

And Whereas the Applicant submitted the required documents, as mentioned above, on 28.02.2024. The Applicant submitted an Affidavit dated 28.02.2024 containing the reasons for delay, another Affidavit dated 28.02.2024 stating that he has received written consent from two-third of the existing allottees as per section 14 of the Real Estate (Regulation and Development) Act, 2016 for revision of plan. He has submitted work-milestone for the remaining works for the front block and for the rear block of the said project in two Notarized Affidavits dated 28.02.2024.

And Whereas a Meeting of the WBRERA Authority has been held on 26.04.2024 in chamber of the Chairperson WBRERA and detailed discussion has been held regarding this matter and the Affidavit and relevant documents submitted by the Applicant have been examined thoroughly.

And Whereas a Notarized Affidavit-cum-Declaration dated 28.02.2024 has been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. 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 21 months to complete the said project and handover of the flats / units to the Allottees.

As per the Applicant, in spite of their utmost effort, they will not be able to complete the construction of the project in all respect within the validity period of the aforesaid project that is within 31.12.2024 due to various reasons including the following but not limited to:-

- a) The Applicant had been compelled to suspend all the construction work on and from 31.03.2020 to 31.03.2021, due to Covid-19 pandemic situation and thereafter the speed of project construction

was slow for a significant period, as because of tremendous shortage of manpower; and

- b) At the time of application for registration before the erstwhile WBHIRA dated 05.09.2019, both the towers within the said project had been sanctioned for construction of B+G+7. That during intermittent lock down period due to Covid-19 situation, got the height clearance from microwave on 01.02.2021 and thus applied for B2+G+18 for the front block and the rear block was just the same as it was before; and
- c) The sanction for the construction of the front block, as mentioned above, was approved on 15.12.2022 by the KMC Authority. At that time WBRERA Authority has not become operational. Accordingly on 01.02.2023, the Applicant visited the WBRERA office for getting clarifications on submission procedure of revised building plan duly sanctioned; and
- d) That due construction work pressure and busy working schedule the Applicant was unable to submit the sanctioned building plan to the WBRERA office and accordingly in the month of August 2023 again visited the said office and ultimately submitted an application on 09.10.2023 for submission of revised sanctioned building and for its extension of time for completion of the said project; and
- e) At the initial time the front block of the said project was B+G+7 and at that relevant time there were 8 allottees. All the 8 allottees have given no objection in regard to the revision of the plan.

The Applicant also stated in the said Affidavit that all the rights, facilities and amenities within the said project shall be provided to all the allottees and shall not be affected in any manner whatsoever.

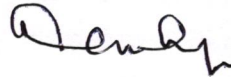
And Whereas, after careful examination of the Notarized Affidavit and supporting documents on Affidavit, submitted by the Applicant and placed on record, this Authority is of the considered view that there is a delay in the completion of the instant project and an extension is urgently required to safeguard 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 to take the decision unanimously to grant the extension of the Registration of the instant project namely '**Lux Insignia**' for a period of **21 months** from **01.01.2025** to **30.09.2026**. The extension of 21 (Twenty One) months is hereby granted on the ground of special circumstances for safeguard the interest of the allottees of the instant case, and 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.

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 21 (Twenty One) months from **01.01.2025** to **30.09.2026**;

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