

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: Bagaria Realty LLP

Name of Project: Bagaria Pravesh

WBHIRA Registration No.: HIRA/P/NOR/2018/000233

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
<p>1 ----- 28.12.2023</p>	<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 <b>Bagaria Realty LLP</b> before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely '<b>Bagaria Pravesh</b>', with payment of fees for extension of the project amounting to Rs.4,58,100/-(Rupees Four Lakhs Fifty Eight Thousand One Hundred 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/NOR/2018/000233. The validity of the Registration of the said project expired on 30.09.2022. An extension of 9 (nine) months was granted by the erstwhile WBHIRA on account of the first wave of Covid-19 pandemic and the said extension of 9 months has expired on 30.06.2023. As per the Applicant the project is till now not completed and the Applicant-Promoter has not received the Completion Certificate. He is praying</p>	

for an extension of 18 (eighteen) months as the validity of registration of the said project expired on 30.06.2023. Therefore, the Applicant herein applied for extension of the Validity of the Registration of the said project for a period of 18 (eighteen) months from 01.07.2023 to 31.12.2024;

And Whereas an offline hearing has been held today at 1:45 p.m. and Advocate Rohit Mukherji, Advocate Amlan Mandal, Mr. Gautam Kumar Gupta, Project Coordinator and Smt. Mithu Ghosh, Manager Technical of the Applicant Promoter Company, being Authorized Representatives of the Applicant, appeared before the Authority and signed the Attendance Sheet. At the time of hearing, 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 of 18 months to complete the said project and handover of the flats / units to the Allottees. They also explained with reasons that the delay was beyond the control of the Applicant Promoter Company;

And Whereas Notarized Affidavit-cum-Declarations have also been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. As per the Applicant, in spite of his utmost effort, he could not complete the construction of the project in all respect within the validity period of the aforesaid project that is within 30.06.2023 due to various reasons including the following :-

- a) The sudden out-break of Covid-19 pandemic jeopardized the normal activities of all sector of the world including our country.
- b) As a result of such pandemic, the said project got substantially delayed due to imposition of country-wide lockdown which resulted in a standstill position of the project under construction for several months.

- c) Apart from the said direct impact, the said pandemic followed by non-availability of construction labour force, non-availability/ disruption of supply chain of construction materials, accessories and equipments.
- d) During the entire season of Covid-19 pandemic, the financial health of everyone was directly hampered and / or earnings of individuals was badly affected which directly contributed to inordinate delay in making payments of due installments by the Allottees. As a cascading effect, the Applicant promoter was also affected by the said financial crisis and could not fulfill their commitments towards their vendors, suppliers and contractors and hence the progression on ground could not be made as per their earlier plan.
- e) The lapse of validity of registration will badly affect the liquidation of their unsold stock as the purchaser of the same will not get home loan either from bank / financial institutions for purchase of the said flats.
- f) As per the Promoter, from June 2021 he had faced several problems with their main civil contractor M/s. Surajit Infrastructure. The project was delayed by more than two and half years because of M/s. Surajit Infrastructure. M/s. Surajit Infrastructure had submitted 3-4 work schedules and failed in all of them. So the promoter had to give the remaining building works to another contractor. For this reason, the Surajit Infrastructure had lodged Complaints against the Promoter at Belghoria P.S. (case no. 215/22 dated 09.04.2022 u/s 188 / 420 / 491 / 506 / 120B IPC). Due to the said cases and site nuisance, all civil and other contractors ran away as they were scared to work. It was difficult for the promoter to arrange for other contractors to finish the work in stipulated time.

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 the delay in completion of the instant project is not due to any default or negligence on the part of the Applicant and the extension prayed by the Applicant is urgently required for completion of the said project, for obtaining the Completion Certificate from the Competent Authority and 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 '**Bagaria Pravesh**' for a period of **14 months** from **01.07.2023** to **31.08.2024**. The extension of 14 (fourteen) months is granted on the ground of force majeure condition created by Covid-19 Pandemic and for existence of reasonable circumstances which were beyond the control of the promoter, in exercise of the power conferred in section 6 of the Real Estate (Regulation and Development) Act, 2016.

This extension shall not affect the rights and interests of the allottees of the said project. 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;

Applicant is hereby directed to submit immediately an online application for Extension of Registration of the Project named '**Bagaria Pravesh**' as per **Form E** of the West Bengal Real Estate (Regulation and Development) Rules, 2021, in the WBRERA website by using their login id and password by which he had applied for

Application for Registration of the said 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 **01.07.2023** to **31.08.2024**;

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