

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

Name of the Applicant: New Age Nirman LLP

Name of Project: Swayam City Phase IV

WBHIRA Registration No. HIRA/P/SOU/2018/000159

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
1 ----- 19.12.2023	<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 New Age Nirman LLP before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely 'Swayam City Phase IV', with payment of fees for extension of the said project amounting to Rs.3,50,400/-(Rupees Three Lakhs Fifty Thousand Four 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/SOU/2018/000159. The validity of the Registration of the said project expired on 30.06.2021. 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 is going to be expired on 30.03.2022. As per the Applicant the aforesaid project cannot be completed within 30.03.2022 as the project got delayed for some bonafide reasons and therefore he prayed for an extension of 33 months (Two Years and Nine Months) of the validation of registration of</p>	

the said project. As per him the grant of the extension of the project shall help the Applicant to complete the remaining works of the said project and interest of every stake holders including the flat-buyers shall be protected upon extension of the registration of the said project. Therefore, the Applicant herein applied for extension of the Validity of the Registration of the said project for a period of 33 (Thirty Three) months from 31.03.2022 to 31.12.2024;

And Whereas an offline hearing has been held today at 11:30 a.m. and Shri Amit Kedia, Chartered Accountant appeared before the Authority as Authorized Representative of the said Applicant Promoter Company 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 33 months to complete the said project and handover of the flats / units to the Allottees. He also explained with reasons that the delay was beyond the control of the Applicant Promoter Company and due to certain exceptional circumstances and legal constraints;

And Whereas a Notarized Affidavit-cum-Declaration dated 06.04.2023 has 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 30.03.2022 due to various reasons including the following :-

- a) As the effects of covid-19 pandemic were felt around the world, real estate companies were being impacted in different ways. Whereas, as part of its efforts to deal with this Corona Pandemic, the Govt. of India has ordered a shutdown / lockdown in the whole country from 25.03.2020, whereby many economic activities including the development of real estate projects, got disrupted or severely affected. This Corona pandemic and the all-out measures taken to control it had necessarily affected the

availability of human, physical and financial resources for real estate projects and given rise to uncertainties and practical difficulties that had cost a delay in the completion of real estate projects. Dampened consumer sentiments and capacities to buy real estate and their effect on the already precarious liquidity position of real estate projects has also contributed to such delays. For a labour-intensive industry such as real estate, the reverse migration of labours during and after the corona pandemic was really challenging. Due to the restrictions and impositions of lock down in various intervals in the year 2020 and 2021, the Applicant Promoter was severely affected by shortage of manpower due to migration of labourers, obstacles in supply chain due to many hurdles of restrictions timings in day-time / night curfews.

b) The construction activities pertaining to the said project was compelled to cease pursuant to the directives issued by the West Bengal Pollution Control Board, as delineated in Memo No. 61-2N-05/2020(E) dated 25-01-2021. Subsequently, an interim order of status quo was imposed by the National Green Tribunal (Eastern Zone) through its Original Application number 32/2021/EZ on 10-06-2021. The Hon'ble National Green Tribunal, in its wisdom, disposed of the aforementioned application on 23-02-2022, with explicit directives mandating the procurement of Environmental Clearance and Consent To Establish prior to the resumption of construction activities.

c) Thereafter, the Environment Clearance (EC) has been issued to the said project vide EC Identification No. EC23B039WB117249 dated 01.02.2023 by the Ministry of Environment, Govt. of India. The West Bengal Pollution Control Board has also issued the Certificate of Consent to Establish to the said project vide memo no.70-2N-05/2020 (E) dated 15.02.2023. The construction work in the said project ceased on 25.01.2021 by the order of the West Bengal Pollution Control Board and the construction work resumed around April, 2023. Therefore

the construction work of the said project was stopped for a period of 2 years 3 months due to the legal impediments as described above.

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 '**Swayam City Phase IV**', for a period of 33 months (2 Years and 9 Months) from **31.03.2022** to **31.12.2024**. The extension of 33 (Thirty Three) months is granted on the ground of force majeure condition created by Covid-19 Pandemic and due to the exceptional circumstances and legal constraints encountered by the Applicant Promoter due to the status quo order of the National Green Tribunal in original Application no. 32/2021/EZ, in exercise of the power conferred in section 6 of the RERA 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 '**Swayam City Phase IV**' 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 before the erstwhile WBHIRA;

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 33 months (2 Years and 9 Months) from **31.03.2022** to **31.12.2024**;

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