

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

Name of the Applicant: Dhoot Realtors Private Limited

Name of Project: Nucleus

WBREERA Registration No.: WBREERA/P/NOR/2023/000531

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
<p>2 ----- 28.12.2023</p>	<p>Whereas an Application has been made as per the provisions contained in sub-rule (5) of Rule 16 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, by the Applicant Promoter-Company, the Dhoot Realtors Private Limited, before the West Bengal Real Estate Regulatory Authority (WBREERA), for Modification of the Agreement for Sale, which is already published in the website of this Authority, relating to their Real Estate Project namely 'NUCLEUS' and the project Nucleus is already registered with WBREERA vide Registration No. WBREERA/P/NOR/2023/000531;</p> <p>And Whereas a Summary Sheet containing the differences between Proforma Agreement uploaded in WBREERA website and Required Modification on Agreement for Sale alongwith Reasons for Modification have been submitted by the Applicant on 14.12.2023. The Applicant has also submitted a copy of Proforma Agreement for Sale, already uploaded, and a copy of Modified Agreement for Sale to the Authority;</p> <p>As per the last order of the Authority dated 12.12.2023, the Applicant has submitted a Notarized Affidavit explaining the need for Modification of the Agreement for Sale elaborately, giving reasons for</p>	

the change.

And Whereas a physical hearing has been held today at 3:00 p.m. at the office of the WBRERA and Authorized Representative of the Applicant Company Mr. Sanjay Dhoot, G.M. Construction & Project Head and Mr. Debasish Mallik, Manager Sales & Marketing are present and signed the Attendance Sheet. At the time of hearing, they have explained the reasons for modification of the Agreement for Sale of the said project;

After hearing the Applicant Promoter and after examination of the Notarized Affidavit submitted by him and the documents placed before the Authority alongwith the said Affidavit, the Authority is of the considered view that all the proposals for modification of the Agreement For Sale cannot be approved as some of the proposals are contradictory with the Act and Rules made thereunder. Some of the proposals can be approved as there is no legal impediment in such modification.

Hence, the Authority hereby approved the following proposals for modification of the Agreement For Sale, as sought by the Applicant-Promoter, as per the provision contained in Rule 16 (5) of the West Bengal Real Estate (Regulation and Development) Rules, 2021 :-

Sl No.	Clause No.	Modifications approved
1.	Under Whereas, Clause E of Modified Agreement	The New Town Kolkata Development Authority has issued the No Objection Certificate for sanction of building plan for construction purpose vide Memo 9096/NKDA/BPS-04(36)/2014 dated 7th September, 2021 and thereafter the Rajarhat Panchayat Samity, Rajarhat, North 24 Parganas has sanctioned and

		approved the Plans to develop and construct the project vide Approval No. 911/RPS dated 30th November, 2021.
2.	Under Whereas, Clause F of Modified Agreement	The Promoter has obtained the N.O.C. for the Project from the New Town Kolkata Development Authority, which has been duly approved by Rajarhat Panchayat Samity. The Promoter agrees and undertakes that it shall not make any changes to these approved plans except in strict compliance with section 14 of the Act and other laws as applicable.
3.	Under Whereas, Clause H of Modified Agreement	The Allottee had applied for an apartment in the Project and has been provisionally allotted on the terms and conditions contained in the Application Form, the provisional allotment letter and the General Terms and Conditions agreed between the Parties All That the said Apartment Unit described in Schedule A and the floor plan of the said Apartment is annexed hereto and marked as Schedule B.
4.	Under Whereas, Clause J (ii) of Modified Agreement	The Plans sanctioned and approved by the Rajarhat Panchayat Samity as also the No Objection Certificate issued by the New Town Kolkata Development Authority and the necessary approvals and permissions.
5.	Under Terms 1, Explanation (i) of the Modified Agreement	The Total Price above includes the application money/provisional allotment amount ____ paid by the Allottee to the Promoter towards the said Apartment Unit.
6.	Under Terms 1.4 of the Approved Agreement	The Allottee(s) shall make the payment of the Total Price as per the payment plan set out in Schedule 'C' ("Payment Plan"). The Allottee agrees to deduct (if Applicable) and deposit Tax Deducted at Source ("TDS") in such names and in

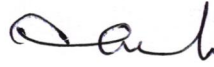
		such manner as may be directed by Promoter.
7.	Under Clause 7.5 of Existing Agreement	The term "Expression of Interest Amount" shall be substituted by "Application Money".
8.	Under Clause 10 of the Existing Agreement	CONVEYANCE OF THE SAID APARTMENT UNIT: Clause 10.2, Clause 10.3, Clause 10.4, Clause 10.5, Clause 10.6 shall be deleted, as these are already mentioned under Additional Terms 34 (xi), (xii), (xiii), (xiii) and (xvi) respectively.
9.	Under Clause 11 of the Existing Agreement	MAINTENANCE OF THE BUILDING/ APARTMENT/ PROJECT Clauses 11.2 to 11.9 shall be deleted as these are already mentioned in Schedule L
10.	Under Clause 15 of the Modified Agreement	The Common Areas mentioned in Schedule E and as located within the Project, shall be ear-marked for purposes such as facilities and services including but not limited to electric sub-station, transformer, DG set rooms, underground water tanks, Pump rooms, maintenance and service rooms, fire-fighting pumps and equipments etc. and other permitted uses as per sanctioned plans if mentioned therein. The Allottee shall not be permitted to use the services areas in any manner whatsoever, and the same shall be reserved for use by the Association of Unit Owners formed for rendering maintenance services.
11.	Under clause 24.2 of the Existing Agreement	Clause 24.2 shall be deleted as it is shifted to Clause 34 (xxx) under Additional terms of the Modified Agreement.
	Clause 24.3 (a) , (b), (c) of the Existing Agreement	Clause 24.3 (a), (b), (c) shall be deleted as it is shifted to Clause 34 (xxxi) under Additional terms of the Modified

		Agreement.	
	Clause 35-(xiii) Under Additional terms of Existing Agreement	Clause 35-(xiii) Under Additional terms of Agreement for Sale shifted to Additional Terms Clause 34 (xv) of Modified Agreement.	
12.	Clause 18.3 of the Existing Agreement	Clause 18.3 of Existing Agreement shall be shifted to Additional Terms Clause 34 (xxix) of Modified Agreement.	
13.	Under Schedule J , Clause 2 in the Modified Agreement	<p>“Not to store any heavy article inside the said Apartment Unit that may cause damage to the flooring in any manner;” - This shall be mentioned under Schedule J Clause 2 (b).</p> <p>“Not to do anything that may affect the structural strength of the beams, columns, partition walls or any portion of the Buildings and not to make changes of a permanent nature except with the prior approval in writing of the Maintenance Agency and with the sanction of the authorities concerned;” - This can be added in the Modified Agreement under Schedule J Clause 2(d).</p>	
		<p>“Not to do any addition, alteration, structural changes, construction or demolition in the said Apartment Unit without prior written permission/sanction from concerned authorities subject to the condition that the same is not restricted under any other provision of this Agreement;” - This can be added in the Modified Agreement under Schedule J Clause 2 (e).</p>	

The Applicant-Promoter shall be provided an option / link from the office of WBRERA to upload the Modified Agreement For Sale in the place of the Existing Agreement For Sale in the Website of WBRERA.

With above directions the matter is hereby disposed of.

Let copy of this order be served to the Applicant-Promoter 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