

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

Name of the Applicant: Bhutoria Construction Private Limited

Name of Project: Gems Bougainvillas Phase -VII

WBREERA Registration No: WBREERA/P/SOU/2024/001414

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Change of Promoter (1) ----- 12.11.2024	<p>Whereas an Application submitted by the Applicant named M/s Bhutoria Construction Private Limited has been received by the West Bengal Real Estate Regulatory Authority (WBREERA), on 25.10.2024, as per the provision of section 15 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the RERA Act, 2016') for obtaining prior written approval of this Authority regarding transfer or assignment of majority rights and liabilities of the Promoter named 'M/s Bhutoria Construction Private Limited' in respect of the project named 'Gems Bougainvillas Phase -VII' to the Promoter named 'M/s Himanga Mercantiles Pvt. Ltd', registered with the WBREERA vide registration No:- WBREERA/P/SOU/2024/001414 dated 06.05.2024;</p> <p>And Whereas a Meeting of the WBREERA Authority has been held today in the office of WBREERA and detailed discussion has been held regarding this matter and the Notarized Affidavit and relevant documents submitted by the Applicant have been examined thoroughly.</p> <p>And Whereas Authorized Signatory cum Director of the Applicant Erstwhile Promoter Company M/s Bhutoria Construction Private Limited has submitted Notarized Affidavit dated 23.10.2024 stating the reasons for such change of Promoter of the said project;</p> <p>And Whereas, Authorized Signatory cum Director of the Intending Promoter Company M/s Himanga Mercantiles Pvt. Ltd has also submitted Notarized Affidavit dated 21.10.2024 stating that he is intending to take the</p>	

majority rights and liabilities of the Real Estate Project named '**Gems Bougainvillas Phase -VII**' from the erstwhile Promoter Company that is from M/s Bhutoria Construction Private Limited.;

And Whereas the Applicant, Erstwhile Promoter Company, has stated in his Affidavit that the consent of two-third existing Allottees, regarding prior approval to transfer the majority rights and liabilities of the erstwhile Promoter to the Intending Promoter, is not required in this case as they have not sold or allotted any unit, as on the date of cancellation of the Development Agreement with the Erstwhile Promoter and execution of New Development Agreement with the Intending Promoter, of the project named '**Gems Bougainvillas Phase -VII**' situated at Bankarahat Road, Thakurpukur, Bishnupur - II, District - South 24 Parganas, PIN - 700104, as per the provisions of section 15(1) of the RERA Act, 2016;

And Whereas the Intending Promoter has also undertaken in his Affidavit that he shall independently comply with all the pending obligations under the provisions of the RERA Act, 2016 and the Rules and Regulations made under the said Act;

And Whereas both the Erstwhile and the Intending Promoters in their respective Affidavit(s) stated that there is no Allottee in the said project till date and therefore there is no question of violation of the rights and interests of the existing Allottees;

And Whereas the Intending Promoter has undertaken in his Affidavit that he will submit Form - 'B' Affidavit and additional statements / documents as may be called for by this Authority which are required to be uploaded in the WBRERA website;

And Whereas after careful examination of the submissions of the Authorized Representatives of both the Erstwhile Promoter and the Intending Promoter, which are placed on record, this Authority is of the considered view that the change in the developer / promoter is necessitated for proper construction and development of the instant project and the right and interest of the Allottees will not be affected as there is no allottee till date in the said project, as per the submission(s) of both the erstwhile and intending promoter(s) in their respective Affidavit(s) and necessary documentation and

registration of documents shall be done by the concerned parties as per law for the smooth transfer of the rights and liabilities of the Erstwhile Developer to the Intending Developer;

Now therefore, in exercise of the power conferred under section 15(1) of the Real Estate (Regulation & Development) Act, 2016, this Authority is pleased hereby to grant the **necessary prior approval** for the change in the Developer of the project named '**Gems Bougainvillas Phase - VII**' from the Erstwhile Developer '**M/s Bhutoria Construction Private Limited**' to the Intending Developer '**M/s Himanga Mercantiles Pvt. Ltd**' as prayed by the Applicant Promoter(s).

Secretary, WBRERA shall issue the modified certificate of the instant project and update the necessary changes in the WBRERA Website immediately;

Let copy of this order be sent to both the Transferor and Transferee Promoter by speed post and also by email immediately.



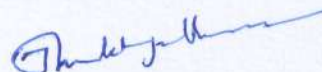
(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority