

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

Name of the Applicant: Martin Burn Construction Limited

Name of Project: Martin Burn “Rupsha”

WBHIRA Registration No: HIRA/P/KOL/2020/000901

| Sl. Number and date of order | Order and signature of Authority | Note of action taken on order |
|--|---|-------------------------------|
| Extension of Registration (1) ----- 17.03.2025 | <p>Whereas an Application has been received 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 Martin Burn Construction Limited before the West Bengal Real Estate Regulatory Authority (WBREERA), for extension of the Real Estate Project namely Martin Burn “Rupsha”.</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/2020/000901 dated 20.03.2020. The validity of the Registration of the said project expired on 31.12.2023. 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 expired on 30.09.2024. As per the Applicant inspite of his best effort, he could not able to complete the construction of the instant project in all respect within the validity period of the registration of the said project that is within 30.09.2024. Therefore, he is praying for an extension upto 31.12.2027.</p> <p>And Whereas a Meeting of the WBREERA Authority has been held on 07.03.2025 in the chamber of Chairperson 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 Notarized Affidavits-cum-Declaration dated 29.07.2024, 20.12.2024 and 18.01.2025 have been submitted by the Applicant herein, explaining the reasons for seeking extension of the instant project. 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 to complete the said project and handover of the</p> | |

flats / units to the Allottees.

As per the Applicant, inspite of their utmost effort, they were unable to complete the subject matter project within the validity period of the aforesaid project that is within 30.09.2024 due to various reasons including the following but not limited to:-

- a) The prolonged impact of the pandemic significantly impacted and hindered normal construction activities, resulting in substantial delays in their project timeline; and
- b) The scarcity of labour and disruptions in the supply chain for construction accessories and equipment, compounded the impediments to progress; and
- c) The financial strains exacerbated the project delays, making adhering to the initially projected completion period challenging; and
- d) If the revalidation of the completion period is not obtained it would lead the following difficulties faced by the Promoter including the potential allottees who have agreed to purchase the Apartments in their said project:-

- (i) That lapse of validity of registration will badly affect to liquidation of their unsold stock as the purchasers of the same will not be getting home loans either from a bank / financial institution for the purchase of said flat, also they won't be able to execute the sale Agreement, as the completion period is not yet extended and the validity of the project is over as per WBRERA.
- (ii) If they are unable to liquidate the stock it would lead to the aforesaid circumstances of non-payment to their vendors and contractors who are engaged in the said project, the same lead to further delay, and ultimately the customers of the project will suffer a lot.

The Applicant also stated in their said Affidavit that they haven't yet give booking of any units of the project and therefore they want to revalidate the project and then start with the booking of the project to give the exact time frame to the potential allottees.

The Applicant also stated in their said Affidavit that rights and interest of the Allottees will not be affected by this extension.

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;

And Whereas, on perusal of the aims and objectives of the Real Estate (Regulation and Development) Act, 2016, it is clear that the whole aim of the said Act has been to promote the real estate sector in an efficient and transparent manner and to protect the interest of the consumers (including home buyers / Allottees). Thus, by not extending the registration of the said Project the same will come to a halt. The Promoter shall not be able to take actions for efficient completion as may be required in view of the lack of registration. Such an action will only be detrimental to the interest of the consumers (including home buyers / Allottees). Thus, the balance of convenience lies in allowing the extension with such condition so as to ensure completion. Further the Authority also notes that this extension can be granted under Section 7(3) read with section 6 of the said Act as the same needs to be granted so that the completion of the said Project is not interrupted.

ORDER

Now Therefore, in exercise of the power conferred under section 6 read with section 7(3) of the Real Estate (Regulation and Development) Act, 2016, this Authority is hereby pleased to grant the extension of the Registration of the instant project namely '**Martin Burn "Rupsha"**' for a period from **01.10.2024** to **31.12.2027**. The extension is hereby granted on the ground of special circumstances to safeguard the interest of the allottees of the instant case, as per the provisions contained in and in exercise of the powers conferred under first paragraph and second paragraph of section 6 read with section 7(3) of the Real Estate (Regulation and Development) Act, 2016;

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 due to the presence of reasonable circumstances and this order should not be treated as a precedent in any other case of extension of project;

Secretary, WBRERA shall 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 from **01.10.2024** to **31.12.2027**;

The Applicant Promoter shall submit on Notarized Affidavit a **Work Milestone** for the completion of the entire project till the completion date **31.12.2027**, before the Authority, both in hard and scan copies, within **15 days** from the date of receipt of this order of the Authority through email.

The Applicant Promoter shall also upload the **Quarterly Update of Projects** in the WBRERA website positively within **7 days** from the end of each quarter, and he shall also submit **Work Milestone** on Notarized Affidavit to this Authority, both in hard and scan copies, **within 7 days after expiry of every 90 days** from the date of approval of this extension, stating in detail how much work has been done within the said 90 days and how much work is pending after the said 90 days.

Authority may conduct inspection at any time without notice to ascertain the real facts and if any discrepancy / misrepresentation come to the notice of this Authority, stringent action shall be taken which may include revocation of extension, as per the provisions contained in the RERA Act.

Let copy of this order be sent to the Applicant by speed post and also by email immediately.



(JAYANTA KR. BASU)

Chairperson

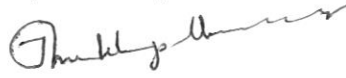
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority