IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.18799 of 2021

Bimalendu Pradhan   ....   *Petitioner*

Mr. Mohit Agarwal, Advocate

-versus-

State of Odisha and others   ....   *Opposite Parties*

Mr. S. N. Das, Additional Standing Counsel for the State

Mr. S. S. Mohanty, Advocate for the Intervener

Dr. N. Swain, Advocate with

Mr. A. Mahanta, Advocate for ORERA

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIK

ORDER
05.04.2022

Order No.

02.

1.The Odisha Real Estate Regulatory Authority (ORERA) has filed an affidavit which has been handed over in Court today by Dr. Niranja Swain, learned counsel appearing for the ORERA.

2. However, the Court finds that ORERA has not given a reply to paragraph 4.29 of the writ petition which specifically makes a reference to a letter written by ORERA to the Inspector General of Registration (IGR) on 14th May 2019 drawing attention to Section 17 (1) of the Real Estate (Regulation & Development) Act, 2016 (RERA Act) and specifically stating that request for registration of conveyance deeds in respect of real estate projects should be rejected if ownership of the common areas is not conveyed to the association of allottees as is required under the said provision.

3. In fact ORERA should make clear its stand on the main prayer in the present petition which is for declaring the Odisha Apartment Ownership (Amendment) Rules 2021 which mandates that an association of apartment owners will be formed only after execution of eight conveyance deeds in an apartment on the ground that it is repugnant to Section 11 (4) (e), Section 11 (4) (f) and Section 17 of the RERA Act.

4. The additional affidavit of ORERA making explicit its stand on the above issue will be filed positively before 25th April, 2022. Mr. S.N. Das, learned Additional Standing Counsel for the State states that the IGR's affidavit will also be filed by the same date.

5. List on 12th May, 2022. The interim order passed earlier shall continue till then.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S.K. Guin