

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. Debakanta Mohanty, Addl. Govt. Advocate

Mr. R. Acharya, Advocate (ORERA)

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE CHITTARANJAN DASH**

**Order No.**

**I.A. No.13705 of 2022**

10. 1. On being mentioned, the matter is taken up today.
2. Notice. Mr. Debakanta Mohanty, learned Additional Government Advocate accepts notice on behalf of the State-Opposite Parties and Mr. R. Acharya, learned counsel accepts notice on behalf of the Odisha Real Estate Regulatory Authority (ORERA).
3. It is brought to the notice of the Court that after the previous hearing on 27<sup>th</sup> September, 2022, the ORERA in the night of 28<sup>th</sup> September, 2022 brought out a notification issuing a 'direction' under Section 27 of the Real Estate (Regulation and Development) Act, 2016 ('Act'). It *inter alia* states that the promoters and allottees "shall form an association as 'Associations of Allottees' as required

under Section 11(4) (e) of the Act, which may be registered under the Societies Registration Act (SR Act).

4. Mr. Mohit Agarwal, learned counsel for the Petitioners submits that this creates further confusion particularly since the Inspector General of Registration (IGR) by letter dated 12<sup>th</sup> January, 2021 restricted the formation of such association under the SR Act since it does not fall under the definition of Section 2 (o) of the SR Act.

5. It will be noticed here that although learned counsel appeared for ORERA in this Court on 27<sup>th</sup> September, 2022 there was no indication from him that such an instruction was contemplated to be issued even when this Court is seized of the matter.

6. In view of the concerns expressed and considering that the Puja vacation begins tomorrow, it is directed that till the next date, the said direction dated 28<sup>th</sup> September, 2022 issued by ORERA shall be kept in abeyance.

7. List on 12<sup>th</sup> October, 2022 along with the connected matters. An urgent certified copy of this order be issued as per rules.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(Chittaranjan Dash)**  
**Judge**