

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. A.K. Parija, Advocate General
along with Mr. Debakanta Mohanty, Addl. Govt. Advocate and
Mr. Ishwar Mohanty, Addl. Standing Counsel

Mr. Pitambar Acharya, Senior Advocate (Intervener)
Mr. Durga Prasad Nanda, Senior Advocate (Intervener)
Mr. Gautam Misra, Senior Advocate (Intervener)

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

Order No.

ORDER
07.12.2022

I.A. No. 8021 of 2022 and I.A. No.11422 of 2022

13. 1. The first application by an association of promoters and the second application by certain other applicants, have been filed seeking intervention in the present writ petition.
2. For the reasons stated therein, the applications are allowed. The Applicants are permitted to address arguments and file affidavit/documents, if any.

I.A. No. 11469 of 2022

3. In view of the order passed by the Supreme Court on 4th November, 2022 in SLP (Civil) Diary No.28288 of 2022, this application is dismissed.

I.A. Nos.11471, 11478 and 13705 of 2022

4. None appears for the Applicants in the above applications. The applications are dismissed for non-prosecution.

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

5. The affidavit filed by the Inspector General of Registration (IGR) on 3rd December, 2022 clarifies what was meant by the expression 'completed' in the public notice dated 14th July, 2022 issued by the IGR. It is stated in para 4 of the said affidavit as under:

“4. That it is clarified that the word ‘completed’ in the public notice issued by the answering deponent dated 14.07.2022 refers to the project which has received the completion certificate as defined under Section 2-q of the RERA Act, 2016 before 01.05.2017 the date of implementation of the RERA Act, 2016 in the State of Odisha in such form and such terms and conditions as may be prescribed by the competent authority. Thus the restrictions imposed on registration of apartments mentioned in the said public notice would not be applicable to apartments in such project which has received completion certificate before the commencement of Real Estate Regulation Act, 2016 as per Section 3(2)(b) of the RERA Act, 2016. A copy of the public notice No.2628 dated 14.07.2022 is annexed hereto and marked as *Annexure A/3*”.

6. It is directed that the above clarification now issued by the IGR should be prominently notified by a corrigendum and given wide publicity, so that the ambiguity attaching to the above word 'completed' in the public notice dated 14th July, 2022 is dispelled.

7. Since Section 2(q) of the RERA Act, 2016 implicitly requires reference to Section 2(p) thereof, both the provisions have to be read together while interpreting the above word.

8. The learned Advocate General states that the process of getting the amended law passed in the State Assembly is in progress and the file is with the Law Department at present.

9. List on 3rd January, 2023.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.

