

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) Nos. 18799, 38186 and 38664 of 2021**

***Bimalendu Pradhan*** ..... ***Petitioner***  
***(In W.P.(C) No.18799 of 2021)***

***Sanghamitra Mishra and others***  
***(In W.P.(C) No.38186 of 2021)***

***Falcon Real Estate Private Limited***  
***Bhubaneswar***  
***(In W.P.(C) No.38664 of 2021)***

Mr. Mohit Agarwal, Advocate

*-versus-*

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

Mr. A.K. Parija, Advocate General

Mr. D.K. Mohanty, AGA

Mr. D. Mohapatra, Advocate for BDA

Mr. Goutam Misra, Sr. Advocate

Mr. B.P. Tripathy, Advocate for ORERA

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

**Order No.**

**ORDER**  
**24.08.2022**

**I.A. No.11525 of 2022**

08. 1. Issue notice.
2. Mr. Dayananda Mohapatra, learned counsel appearing for the Bhubaneswar Development Authority (BDA) accepts notice on behalf of BDA. Extra copy of the application be served on learned counsel for the parties.

3. Till the next date, the operation of the Registration Certificate issued on 22<sup>nd</sup> August, 2022 which is at Annexure-1 to the application, shall remain stayed.

4. Notice also issued to Z-1 Apartment Owners Association, Kalarahanga, Bhubaneswar, District Khurda, Odisha.

5. The 'competent authority' BDA, who the Court is informed is the Secretary, BDA will remain present on the next date of hearing to explain how the said Registration Certificate was issued despite the orders passed by this Court on 12<sup>th</sup> May, 2022 and 22<sup>nd</sup> June, 2022. Further, the BDA is specifically restrained from issuing any similar certificate hereafter till further orders of the Court.

**W.P.(C) No.38186 of 2022**

6. Learned Advocate General has handed over a copy of the written instructions dated 23<sup>rd</sup> August, 2022 received by him from the Housing & Urban Development Department ('H&UD Department'), Odisha Urban Housing Mission (OUHM) which, *inter alia*, states that the H&UD Department has prepared the draft Odisha Real Estate (Regulation & Development) Amendment Rules, 2022 for effecting necessary modifications in the agreement for sale and making it compliant with the RE (R&D) Act, 2016 with in-principle approval of the Government in the H&UD Department. It is stated that after vetting by the Law Department, steps would be taken to notify the amended rules in the official gazette of Odisha by observing necessary procedural formalities.

7. The learned Advocate General states that the above steps should be completed within four weeks from today. It is expected that the Government will adhere to the above time schedule.

8. A concern has been expressed on behalf of the Associations of Residents as well as Associations of Builders that the delay in finding a solution to the problem is causing serious difficulties as registrations have virtually come to stand still.

9. Without the legal issue being resolved to permit registrations to take place on an ad hoc basis would cause serious problems for the buyers for whose benefit the laws in question have been enacted. Consequently, it is not possible, without the law concerning registration of flat buyer associations being brought in sync with the RERA Act, for the Court to permit registration contrary to the RERA Act as that would only add to the problems rather than resolve them.

10. List on 27<sup>th</sup> September, 2022.

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

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