

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. B.P. Tripathy, Advocate (OP 4)
Mr. Pitambar Acharya, Senior Advocate (Intervener)
Mr. Gautam Misra, Senior Advocate (Intervener)

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
06.03.2023**

Order No.

15. 1. Mr. Ishwar Mohanty, learned Addl. Standing Counsel has placed on record a letter dated 3rd March, 2023 of the Additional Secretary to Govt. in the Housing and Urban Development Department instructing the Advocate General, Odisha that the Odisha Apartment (Ownership & Management) Bill, 2023 has been sent to the Parliamentary Affairs Department for being placed in the next Cabinet Meeting. After approval of the Cabinet, the Bill is to be laid on the floor of the Assembly.
2. Mr. Mohanty informs the Court that the current Assembly Session ends on 6th April, 2023. It is expected that the above bill will be placed before the Cabinet and then be laid on the floor of the Assembly well before the above date.

I.A. No. 2276 of 2023

3. Although it has been argued by the learned Advocate General on the strength of the judgment of the Supreme Court of India in *Newtech Promoters and Developers Pvt. Ltd. v. State of UP 2021 SCC OnLine SC 1044* that under Section 3(2)(b) of the Real Estate (Regulation and Development) Act, 2016 (RERA Act), no registration of a project in respect of which a completion certificate was issued prior to coming into force of the RERA Act on 1st May, 2017 is necessary, the Court finds that in respect of the projects ‘Vipul Gardens’ such a registration certificate has in fact been issued in Form-B by the Odisha Real Estate Regulatory Authority (ORERA) on 3rd February, 2018.

4. Faced with such an anomaly, Mr. Bibhu Prasad Tripathy, learned counsel appearing for the ORERA states that he will file an affidavit explaining how such a certificate was in fact issued.

5. The affidavit be filed within two weeks with advance copies to learned counsel for other parties.

6. List on 22nd March, 2023.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge