

**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 & Others*** .....

***Opposite Parties***

*Mr. D.K. Mohanty, AGA*

*Mr. Iswar Mohanty, ASC*

*Mr. B.P. Tripathy, Advocate (O.P. 4)*

*Mr. Gautam Misra, Senior Advocate (Intervener)*

**CORAM:**

**JUSTICE S. TALAPATRA**  
**JUSTICE SAVITRI RATHO**

**ORDER**  
**10.07.2023**

**Order No.**

17.

1. This matter is taken up through Hybrid Mode.
2. Mr. Mohit Agarwal, learned counsel appearing for the petitioner, Mr. D.K. Mohanty, learned Additional Government Advocate along with Mr. Iswar Mohanty, learned Additional Standing Counsel appearing for the opposite parties no.1, 2 & 3, Mr. B.P. Tripathy, learned counsel appearing for the opposite party no.4, Odisha Real Estate Regulatory Authority, Bhubaneswar and Mr. Gautam Mishra, learned Senior Counsel appearing for the added respondent no.5 have clearly stated that for promulgation of the Odisha Ordinance No.2 of 2023 namely the Odisha Apartment (Ownership and Management) Ordinance, 2023, this writ petition has become infructuous. By the said ordinance, the Orissa Apartment Ownership Act, 1982 has been repealed. In the Chapter V of the said Ordinance, the provisions for Association of Allottees have been incorporated. Section 16 of the said Act provides that the Association of Allottees shall administer the affairs of the apartments and the property appurtenant thereto including the common areas and facilities in

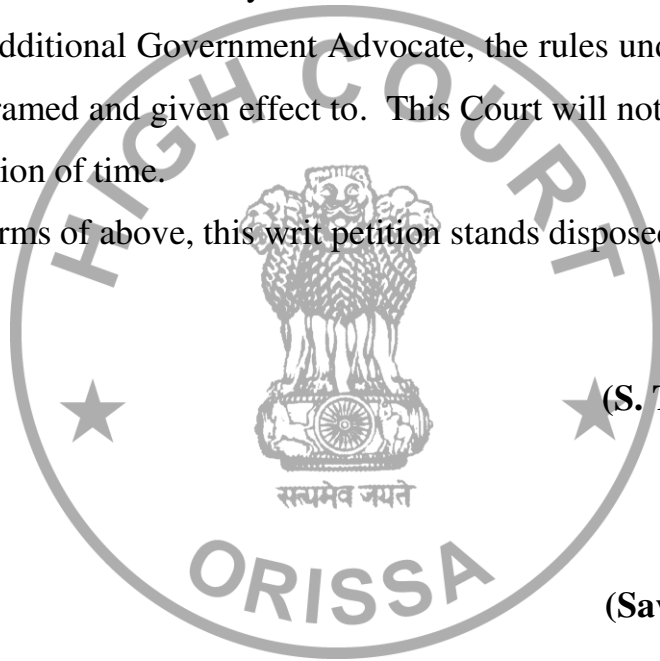
accordance with the provisions of this Ordinance and the by-laws of the association.

3. Mr. Agarwal, learned counsel has submitted that the rules under the said Act have not been framed as yet. Hence, the Ordinance is not operational.

4. At this juncture, Mr. D.K. Mohanty, learned Additional Government Advocate has stated that if the State Government is allowed three months time, the rules under the said Ordinance shall be framed.

5. We make it absolutely clear that within such time as suggested by learned Additional Government Advocate, the rules under the Ordinance shall be framed and given effect to. This Court will not allow any prayer for extension of time.

6. In terms of above, this writ petition stands disposed of.



(S. Talapatra)  
Judge

(Savitri Ratho)  
Judge

*puspa*