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EXTRAORDINARY

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HOUSING & URBAN DEVELOPMENT DEPARTMENT

ODISHA REAL ESTATE REGULATORY AUTHORITY

Block-A1, 3rd Floor, Toshali Bhawan, Satyanagar, Bhubaneswar-751007

NOTIFICATION

The 26th August 2021

No. 2653/RERA—In exercise of the powers conferred by sub-Section (1) of Section 85 of the Real Estate (Regulation & Development) Act, 2016, the Odisha Real Estate Regulatory Authority does hereby bring the following amendments to Odisha Real Estate Regulatory Authority Regulations, 2017.

1. Short title and commencement:-

(1) It may be called the Odisha Real Estate Regulatory Authority(Amendment) Regulations, 2021.

(2) It shall come into force on the date of its publication in the Odisha Gazette.

2. The following be added after regulation 10:-

(11) Meeting of Authority for adjudication of complaints:-

(a) The Authority shall meet three days in a week i.e. Monday, Tuesday and Wednesday for hearing and disposal of complaints received under Section 31 and 35 of the Act.

(b) The Authority shall meet two days in a week i.e. Thursday and Friday for hearing and disposal of applications for registration.

(c) The Authority shall take up matters as per cause list from 11 A.M to 4 P.M with a lunch break from 1.30 P.M to 2 P.M.

(12) The Adjudicating Officer shall hold inquiry on all working days as per cause list from 11 A.M to 4 P.M with a lunch break from 1.30 P.M to 2 P.M.

(13) All promoters have to file online application within 45 days from the date of approval of building/Layout plan by the local authority. For late submission of application the applicant has to pay late fee along with the application at the following rate:-

- (a) If any Promoter files online applications after 45 days and before 75 days after approval of plan they have to pay the actual fee as per the Reg.4 + 25% extra of the registration fee as late fee.
- (b) If any promoter files online applications after 75 days and before 105 days after approval of the plan they have to pay the actual fee as per the Reg.4 + 50% extra of the registration fee as late fee.
- (c) If any promoter files online applications after 105 days and before 135 days they have to pay the actual fee as per the Reg.4 + 100% extra of the registration fee as late fee.
- (d) If any promoter files online application after 135 days and before 195 days they have to pay the actual fee as per the Reg.4 + 150% extra of the registration fee as late fee.
- (e) If any promoter files online application after 195 days and before 255 days they have to pay the actual fee as per the Reg.4 + 200% extra of the registration fee as late fee.
- (f) If any promoter files online application after 255 days they have to pay the actual fee as per the Reg.4 + 300% extra of the registration fee as late fee.

14. Every application filed under Section 39 of the Act shall be registered as a miscellaneous case and shall be accompanied by a fee of Rs. 500/- in the shape of a demand draft from a scheduled bank in favour of the Authority.

15. The annual report shall be prepared by the end of 1st quarter immediately following the close of the year for which it has been prepared and shall be put up before the Authority in the next meeting to be convened not later than 15 days for discussion.

16. A Penalty Register shall be maintained indicating the case number, amount of penalty, amount realised, amount to be realized and steps taken for realization of penalty. The register shall be put up before the Registrar of the Authority on the last working day of the month for verification.

17. Pending list of cases for the year shall be drawn in the first quarter immediately following the close of the year for which it has been prepared.

18. Statement relating to cases instituted and disposed of during the month shall be prepared and put up before the Authority in the first week of the next succeeding month for information of the Authority.

19. Vakalatnama and petitions for adjournment filed in the cases shall be affixed with requisite Court fee as per Court Fees Act and a register be maintained to show case wise payment of Court fee. The register shall be put up before Registrar of the Authority for verification on the last working day of every month.

20. Separate registers for fee realized under regulation 4,6 and 7 be maintained with detail information case wise and be put up before the Registrar/Joint Secretary (Finance) for verification on the last working day of each month.

21. Each execution petition shall be accompanied by a fee of Rs. 500/- in the shape of a demand draft from a scheduled bank in favour of the Authority.

22. There shall be a copying Section in charge of an authorized employee who will prepare copy, compare it with original with certificate endorsed and put up before Registrar of the Authority for approval as certified copy of the original. The applicant applying for certified copy shall pay Court fee of Rs.10/- for each page of the copy prepared besides paying Court fee of Rs. 50/- towards application fee. The employee in-charge of copying section shall maintain a Court Fee Register in this regard. A person who is not a party to the case is not entitled to certified copy of orders in pending matters.

23. Procedure to obtain certified copies and inspection of records:-

- (1) The complainant or the respondent who has appeared in the case is entitled at any stage before or after disposal of the appeal, to obtain copies of the record of the appeal including exhibits which have been put in and finally accepted by the Authority as evidence.
- (2) Any person, not being a complainant or respondent may, after disposal of the case, also obtain copies of any order passed, complaint petition, show-cause or reply, affidavit and petitions filed in such case, upon sufficient reason being shown to the satisfaction of the Registrar.

Provided that such person shall have no right to obtain copies of private documents except with the consent of the person by whom they are produced or his successor-in-interest.

- (3) No copy of an ex parte interim order shall be granted to any party, including a lawyer appearing in the case, until requisite for service of notice regarding such order are filed.
- (4) One application may be filed in respect of the number of documents applied for from the same record.
- (5) Every application for copies shall be filed in Form No. XI appended to the regulations.
- (6) The applicant shall make good the deficiencies pointed out in the office note and also deposit the estimated fees or costs of the copies applied for, within three days of the date of estimate notified in the notice board.

Provided that if the applicant fails to deposit the estimated cost or to make good the deficiencies within seven days of the date of estimate notified in the notice board, the application for copy shall be rejected.

- (7) A copy shall bear the common seal of the Authority and shall be certified to be a true copy and be signed by the officer-in-charge of the Copying Section or an officer duly authorized by the Registrar in that behalf and such officer-in-charge or the officer so authorized by the Registrar shall also initial every alteration in the copy.

27.(a) Where in the proceeding any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a company under liquidation winding-up, the proceeding shall

(8) Every copy shall bear the name and signature of the person who prepares the copy and the name and signature of the person who has compared the copy with the original and in every case the certifying officer shall append to his signature the words "Authorized under Section 76 of Indian Evidence Act, 1872".

(9) When a copy of a judgment or order is granted, the following particulars shall be recorded on the last sheet of the copy itself, and in the form given below for the information of the higher Court;

Name of the applicant :-

Date of application :-

Date of Notification :-

Date of furnishing of fees/stamps :-

Date of ready for Delivery :-

Date of Delivery :-

(10) On the back of the last sheet of the copy the details of cost/fees paid by the parties applying for copies shall be recorded in the following manner:-

Application Fee.....

Copying Fee

Other items, if any.....

Total

(11) A register of application for certified copies shall be maintained in the format in Form No. XII appended to these regulations.

(12) Every application for inspection of records shall be filed in Form No. XIII appended to these regulations along with application fees of rupees twenty.

Execution Petition Register

(13) The inspection of record shall be made in presence of the dealing assistant in-charge of the records or in presence of the Section Officer of the Judicial Section.

(14) Application fees and fees of inspection of records shall be paid by means of Court fees Stamps or through e-payment system.

(15) A register of application for inspection of record shall be maintained in the format in Form XIV appended to these regulations.

24. The Secretary being the Chief Executive of the Authority shall have power of supervision over all the branches and shall inspect the branches periodically at least once in a quarter and submit the note of inspection to the Authority for taking action in the matter.

- (a) He shall carry out such functions under the Act or the Rules, as may be delegated to him by the Chairperson, by general or special order.
- (b) He shall assist the Authority in the proceedings relating to the powers exercisable by the Authority, as directed by the Chairperson.
- (c) He shall provide notice for meetings; prepare the agenda for meetings and minute of the proceedings of the meetings of the Authority.
- (d) In the absence of the Secretary, the Officer of the Authority designated by the Chairperson in this behalf, shall discharge the functions of the Secretary.
- (e) The common seal of the Authority shall remain in custody of the Secretary and shall be used as and when necessary.

25. The Registrar of the Authority will remain responsible for all legal matters including issuing certified copies, verifying all registers maintained in connection with cases instituted U/s 31 and 35 of the Act, communicating with the Lawyers engaged in Hon'ble Court and Appellate Tribunal on behalf of the Authority and other matters specifically assigned to him by the Authority.

26. The payments/fees payable to the Lawyers engaged on behalf of the Authority shall be decided by the Authority from time to time.

27.(a) Where in a proceeding, any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a company under liquidation/winding-up, the proceeding shall continue with the successors-in- interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.

(b) The Authority may, for reasons to be recorded, treat the proceedings as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest on the record of the case.

(c) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within ninety (90) days from the event requiring the successors- in-interest to be brought on record. The Authority may condone the delay, if any, for sufficient reasons.

28. Failure to comply with any requirement of the Regulations shall not invalidate any proceeding merely by reason of such failure unless the Authority is of the view that such failure has resulted in miscarriage of justice.

29. Order and Judgment to be signed and dated:- (1). Every order and judgment of the Authority shall be in writing and shall be signed and dated by the Chairperson and Members of the Authority and shall bear the seal of the Authority.

30. Preservation of Records:-

(1) All records relating to cases disposed of by the Authority shall be classified as per Odisha Record Manual, 1964 and shall be preserved in the Record Room of the Authority.

(2) The Record Keeper shall be responsible for the records consigned to the Record Room and shall scrutinize the records received by him within three days and prepare an Index.

(3) If on scrutiny any deficiency is found in the record, the Record Keeper shall return the record back to the concerned Branch or Section for rectification and resubmission.

31. **List of Registers:-** Subject to any order of the Chairperson, the following Registers shall be maintained with necessary entries by the office of the Authority namely:-

In Form No. XII appended to these regulations

(i) Complaint Register,

(ii) Miscellaneous Case Register,

(iii) Execution Petition Register,

(iv) Certified copy Register,

(v) Library Register,

(vi) Stationary Register,

(vii) Postage Stamp Register,

(viii) Cash Book,

(ix) Cheque Register,

(x) Fixed Asset Register,

24. The Secretary shall maintain the following registers:

(xi) Contingent Expenditure Register,

(xii) Acquaintance Roll Register,

(xiii) Attendance Register,

(xiv) Issue and despatch Register,

(xv) Order Book,

(xvi) Notification Book,

(xvii) Peon Book,

(xviii) Court Fee Register,

(xix) Order copy issue Register

(xx) Penalty Register,

(xxi) Case Disposal Register,

(xxii) Consignment Register

25. The Secretary shall maintain the following registers:

(xxiii) Any other registers as required from time to timemay be c
31 and 32 of the Act maintained by the orders of the Chairperson.

26. The paymentstaxes payable to the Lawyers engaged on behalf of the Authority shall be decided by the Authority from time to time.

32. Interpretation:- All questions relating to the interpretation of these Regulations shall be referred to the Chairperson, whose decision thereon shall be final.

1965 EXP 566

FORM NO XI

Application for copies

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

Application for copy

No..... of 20.....

Here State the Class of the
Case of 20.....State the reason for which copy is
required

Petitioner

Versus

Respondent

| | | | |
|---|-----------------------------|--|--|
| Description of judgment /order/document of which copy is wanted with date where necessary | | Certified that the application is made by the undersigned being a party/stranger for copy of the marginally named documents in the above case which was disposed of on/is still pending. The following stamps and stamped sheets are filed :- Date Signature of Applicant | |
| OFFICE REPORT | ESTIMATED COST | Details of preparation and supply of copy Notified on..... Supplied on Signature of Applicant Record received on..... Copy will be ready on..... Copy actually ready on Copy delivered on Registrar/Officer-in-charge | |
| Dealing Assistant | Dealing Assistant | | |
| Registrar/Officer-in-charge | Registrar/Officer-in-charge | | |
| Note :- The application will not be considered as complete until stamps and costs have been supplied in full which must be done within three days od the date of the estimate. | | | |

Received an application for copy bearing number..... with stamps of Rs.....
and..... sheets of Folios.

Date.....

Receiving Officer

FORM NO XII

Register of application for Certified Copy

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

FORM NO XIII

Application for Inspection of Record

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

Date :-

Signature of the Pleader/Vakil/Advocate

FORM NO XIV

Register of application for inspection of record

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

| Sl. No | Name of the applicant/ pleader/ advocate | Date of application | Number and year of the case applied for inspection | Date of inspection of record | Duration of inspection | Charges of inspection | Signature of the officer in whose presence the inspection is made | Signature of the person inspected the record | Remarks |
|--------|--|---------------------|--|------------------------------|------------------------|-----------------------|---|--|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| | | | | | | | | | |

1965 ERG F-41

FORM NO XV

PENALTY REGISTER

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

| Case No | Amount of penalty with date | Amount realized with date | Amount to be realized | Steps taken for realization |
|---------|-----------------------------|---------------------------|-----------------------|-----------------------------|
| (1) | (2) | (3) | (4) | (5) |
| (01) | (a) | (b) | (c) | (d) |

FORM NO XVI

Court Fee Register

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

| Sl. No | No of Case | Nature of Documents | Amount of Court FeePaid | Remarks |
|--------|------------|---------------------|-------------------------|---------|
| | (1) | (2) | (3) | (4) |
| | | | | |

FORM NO XVII

Miscellaneous Case Register

ODISHA REAL ESTATE REGULATORY AUTHORITY, BHUBANESWAR

| Sl. No with date | Miscellaneous Case No. | Provision of law under which the petition is filed with reference of the case No. from which it arises | Name and address of the petitioner | Name and address of the Opposite party | Remarks |
|------------------------|---------------------------|---|--|--|---------|
| (1) | (2) | (3) | (4) | (5) | |
| | | | | | |