

BY SPEED POST

**IN THE COURT OF SMT. USHA PADHEE, PRINCIPAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA,
BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No. 69 of 2024

Under Section 18(1) of the O.D.A. Act., 1982

M/s Lords Real estate & Builders Pvt. Ltd.....Appellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 18.01.2025.

The case record is put up today.

This proceeding taken up in person mode.

The Learned Advocate for the appellant is present, the OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 23.12.2024 has been filed by Sri Dewa Sankar Tripathy (aged about 53 years), S/o S.R. Tiwary, resident of 301- Gagan Commercial Complex, Gajapati Nagar near Sainik School, Bhubaneswar, Dist- Khordha, Odisha under sub-section (1) of Section- 18 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.69/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 20.05.2022 passed by Authorized Officer, Bhubaneswar Development Authority in PBRUC Case No. 5580 of 2020 and communicated to the appellant vide letter No. 18039/BDA, Dt. 20.05.2022 on refusal of permission under provisions of the Schemes for Regularization of Unauthorized Constructions [here in after referred to as "SRUC"]- 2019.

The allegation against the appellant is that, the applicant has submitted the application dated 20.02.2020 for regularization of one G+4 storied residential apartment building (having 05 numbers of Dwelling Units) over plot No. 12(P) and 13 (P) in Mouza- Samantapuri under SRUC-2019. BDA scrutinized and found that the application was in

incomplete shape and the building parameters as shown in the building plan and the site inspection report duly signed by both architect and applicant were not conforming to the norms prescribed for regularization under the aforementioned scheme.

Perused the prayer of the appellant wherein it has been contended that, he has applied under SRUC-2019 for regularization of the said property. The BDA arbitrarily rejected his application without adhering due process of law and without providing him fair opportunity for the compliance of the show-cause notice. On refusal of the application the appellant was not intimated the same by BDA. The appellant obtained information through RTI application and got to know that his application has already been rejected/ refused and the amount deposited by him has been refunded.

During the course of hearing the Learned Advocate for the appellant prayed before this Court to grant opportunity to resubmit his application before BDA for consideration of the same as per norms enshrined under the SRUC-2019. The appellant was allowed to submit the requisite documents before this Court and BDA was directed to examine the aforementioned documents and inform this Court if the unauthorized construction can be regularized. BDA visited the suit building and reported that the applicant has submitted the incomplete plan in the application and parking norms are being violated in the submitted plan. The front portion of the building has been erected without obtaining approval. Further, BDA reported that the deviation made by the appellant could not be regularized as per the norms enshrined under SRUC-2019.

After careful consideration of the submissions made by both parties this Court found that deviation made by the appellant could not be regularized as per the norms enshrined under SRUC-2019.

Accordingly, the appeal petition is disallowed.

The BDA is directed to take needful action in collaboration with BMC accordingly.

Urgent copy of this order be supplied as per Rules and be also uploaded in the Department website.

Sd/-

(Smt. Usha Padhee)



GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 2378 /HUD.,

Date. 04.02.2025

Copy forwarded to the Vice-Chairman, Bhubaneswar Development Authority (BDA), Bhubaneswar /OSD (ODA Act), Bhubaneswar Development Authority (BDA), Bhubaneswar/ Planning Member, Bhubaneswar Development Authority (BDA)/ Commissioner, BMC, Bhubaneswar for information and necessary action.


Section Officer

Memo No. 2379 /HUD.,

Date 04.02.2025

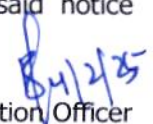
Copy forwarded to Sri Dewa Sankar Tripathy, aged about 53 years, MD, M/s Lords Real Estate & Builders Private Limited, Gagan Commercial Complex, Gajapati Nagar, near sainik School, Bhubaneswar, 751005 for information and necessary action.


Section Officer

Memo No. 2380 /HUD.,

Date. 04.02.2025

Copy forwarded to the Team Lead, TASU, Housing & Urban Development Department with a request to take necessary steps in order to make the said notice available in the official website of this Department.


Section Officer