

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.74 of 2024

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

Sri Surendra Kumar Tiberwal.....Appellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 25.05.2025

The case record is put up today.

This proceeding taken up in person mode.

The Learned Advocate for the appellant is present, the representative of Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present. Director of Town Planning is present.

This Memorandum of Appeal dated 24.04.2024 has been filed by Sri Surendra Kumar Tibarewal (aged about 71 years), S/o Late Shri Ghanashyam Das Tibarewal , resident of Plot no. 173/2848(P), Bhimpur, Bhubaneswar, 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. 74/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 17.05.2022 passed by Bhubaneswar Development Authority and communicated to the appellant vide

letter No. 17361/BDA, Dt. 17.05.2022 on refusal of permission as per the provisions enshrined under Scheme for Regularisation of Unauthorised Construction, 2018/2019.

The BDA submits that, the appellant has submitted incomplete application for regularisation of a G+3 storey commercial building over Plot No. 173/2848 under Khata No. 707/455 in Mouza –Bhimpur, Bhubaneswar under the Scheme for Regularisation of Unauthorised Construction, 2018/2019. In this connection, the applicant was intimated to comply with the queries raised by BDA vide No. 14274, dated 22.04.2022, which have not been complied yet. Hence the aforesaid application is been rejected for being incomplete.

The Learned Advocate for the appellant submits that, the appellant has submitted all relevant documents as per SRUC-2019 and the application was duly registered and processed by the BDA in File No. BPRUC- 3156/2020 and as per the calculations the appellant has deposited the prescribed scrutiny fees amounting to Rs.13,920/- and compounding fees amounting to Rs.20,07,460/- in BDA on 18.02.2020. The Learned Advocate for the appellant further asserts that, the scheduled property neither encroaches the Government land nor any private property, nor does it harms public interest and it also conforms to SRUC-2019 norms. The appellant wants to comply with the queries made by BDA.

During the course of hearing, the Learned Advocate for the appellant prayed to grant reasonable opportunity to hear his submission and to consider his case as per the provision enshrined under the aforesaid Scheme.

After careful consideration of the submissions made by both parties, this Court observes that BDA shall provide reasonable opportunity to the petitioner to comply the show-cause. In view of the above the case is remitted back to BDA for disposal as per law, taking into consideration the provisions enshrined under SRUC and submit the compliance report within three weeks before this Court.

Accordingly, the appeal petition is disposed of.

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. 13883 /HUD.,

Date. 17/06/2025

Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 13884 /HUD.,

Date 17/06/2025

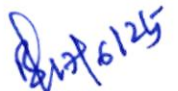
Copy forwarded to Surendra Kumar Tiwerwal, aged about 71 years, S/o- Shri late Ghanashyam Das Tiwerwal resident of Plot no. 173/2848 (p), Bhimpur, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 13885 /HUD.,

Date. 17/06/2025

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.


Desk Officer