

**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.30 of 2024

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

RIDA INFRA PVT LTD .....Appellant

-vrs-

BMC, Bhubaneswar ..... Respondent.

**Order**

Date 21.06. 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 Municipal Corporation (BMC), the representative of Bhubaneswar Development Authority (BDA), Bhubaneswar is present.

This Memorandum of Appeal dated 14.05.2024 has been filed by RIDA Infra Pvt. Ltd. Represented by its Managing Director, Mr. Azit Kumar Mishra, having its registered office at Plot No. 799/2997, Ruidrayan Apartment, Sampur, Sum Hospital Road, Bhubaneswar-751003, Dist-Khurdha 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.30/2024.

Heard the Parties.

The appellant filed this instant to set aside the impugned order dated 04.04.2024 passed by the City Planner, BMC and communicated to the appellant vide letter No.162366/BMC, Dt. 04.04.2024 on removal of unauthorized construction erected by the appellant without an approved plan.

The allegation against the appellant is that he constructed a stilt floor and a fifth floor of the building without any approved building plan and converted the ground floor, which was originally approved as parking space, into a commercial shop. The appellant had initially

obtained approval in 2010 for a B+4 storied building but subsequently constructed a B+5 storied RCC structure, utilizing a portion of the fifth floor for a registered office situated at Plot No. 799/2997 of Khata No. 224/879 in Mouza-Sampur, Bhubaneswar.

The Learned Advocate for the appellant submitted that, in disposing of WP(C) No. 2729 of 2022, the Hon'ble High Court directed Opposite Party No. 2 (i.e., BMC) to consider and examine the appellant's case and pass appropriate orders. In compliance with the High Court's order dated 19.05.2023, the appellant submitted a revised plan to the BMC for reconsideration and regularization. But, the authority once again rejected the plan and ordered for the sealing/removal of the ground floor and the fifth-floor registered office.

The appellant further contends that previous measurements showed the building height was below 15 meters and thus compoundable. He also alleges that during the measurement conducted on 16.02.2024, the respondent did not allow the participation of his private Amin and relied on a fabricated report. Later, the appellant submitted an independent report from his private Amin, confirming the building height is below 15 meters and compoundable under applicable norms.

During the course of hearing, the representative of the UC Court, BMC submitted that, the said construction is not compoundable as it does not conform to regulatory norms.

After careful consideration of the submissions made by both the parties, this Court is of view that, the said construction erected by the appellant lacks an approved building plan and Since the construction is not compoundable under the norms of Odisha Development Authorities (Planning & Building Standards) Regulations, the unauthorized structure is, therefore, liable for demolition.

Hence, this Court, upholds the order of the lower Court and BDA/ BMC are directed to act upon this order immediately.

Accordingly, the appeal is disallowed.

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**  
**3<sup>RD</sup> FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001**

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Memo No. 20098 /HUD.,

Date. 26.08.2025

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

  
Desk Officer

Memo No. 20099 /HUD.,

Date 26.08.2025

Copy forwarded to RIDA infra Pvt. Ltd. Company represented through Its Managing Director Ajit Kumar Mishra, Plot No. 227-228, Gajapatinagar, Near Sainik School square, Bhubaneswar, Dist- Khurda, 751005 for information and necessary action.

  
Desk Officer

Memo No. 20100 /HUD.,

Date. 26.08.2025

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