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HOUSING & URBAN DEVELOPMENT DEPARTMENT

SPECIAL ORDER

The 12th June, 2026

No.1638—HUD-TP-POLICY/0005/2020/HUD.—Whereas, the Odisha Apartment (Ownership and Management) Act, 2023 (OAOM Act) came into force on dated 28th June, 2023 to regulate apartment ownership and management in the State;

And, whereas, the Act was brought in to simplify and strengthen laws relating to apartment ownership and its management. However, Government had observed that apartment owners who purchased apartment prior to Notification of RERA i.e. dated 5th October, 2016 were facing difficulties in registering the deeds of transfer of apartments due to various compliances and documentation.

Accordingly, Government in Housing & Urban Development Department, had issued the Special Order vide Gazette No.5679, dated the 3rd December, 2025 to remove the undue hardship faced by the allottees. Though this order has brought relief to the allottees, similar category of apartments completed before dated 5th October, 2016, which are owned by the landowners or promoters have still been facing difficulties in completing registration process in favour of home buyers.

Now, therefore, in exercise of the powers conferred under section 35 of the Odisha Apartment (Ownership and Management) Act, 2023 (Powers to exempt), Government hereby orders as follows:

1. This exemption shall be applicable only in respect of registration of sale deeds relating to apartments which were completed prior to the commencement of the Real Estate (Regulation and Development) Act, 2016, i.e., 5th October, 2016.

Notwithstanding anything contained in Section 8(4) read with Section 8(2) of the Odisha Apartment Ownership Act, the promoter/landowner shall be required to comply with the conditions stipulated in this Order.

2. The exemption shall be applicable only to projects in which at least 50% of the apartment units of the concerned project, have already been transferred to the allottees through sale deed on or before dated 5th October, 2016.
3. The apartment proposed to be registered should have been the part of the original building plan approved by the Competent Authority under the Odisha Development Authorities Act, 1982 or the Odisha Town Planning and Improvement Trust Act, 1956.
4. The promoter/landowner shall display the approved building plan at a conspicuous place within the project premises and obtain a No Objection Certificate (NOC) from the Association of Allottees of the referred project before registration of the first-sale deed of remaining unsold apartment(s). The NOC to be submitted by the promoter should have the No-Objection by the Association of Allottees with respect to the correctness of number of Apartments in the approved plan displayed by the promoter/landowner.
5. Compliance of the above points (from 1 to 4) in the form of an undertaking shall be submitted by the promoters/land owners as sellers before the Registering Authorities.
6. If any association of allottees or society was already formed under any other law before commencement of OAOM Act, it shall be deemed valid only upon adoption of bye-laws in accordance with Section 15 of the said Act.
7. The exemption granted by this notification shall not be construed as condoning any violation of building regulations. Any such violations shall remain subject to action under the applicable law.
8. Every sale deed registered under this Order must mention the following,

“(i) The proportionate undivided interest in the Common Areas and Facilities appurtenant to the apartment shall be deemed to have been conveyed along with the apartment in favour of the allottee.

(ii) The undivided proportionate title and interest in the Common Areas and Facilities appurtenant to the apartment shall be deemed to have been conveyed by the promoter to the Association of Allottees in accordance with the provisions of the Odisha Apartment (Ownership and Management) Act, 2023.”

This Order shall come into force with immediate effect.

By Order of the Governor

USHA PADHEE

Additional Chief Secretary to Government