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**HOUSING & URBAN DEVELOPMENT DEPARTMENT.**  
**ODISHA REAL ESTATE APPELLATE TRIBUNAL, BHUBANESWAR**  
NOTIFICATION

The 13th March, 2020

No. 126/OREAT.— In exercise of the powers conferred by sub-section (2) of section 53 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) read with sub-rule (7) of rule 27 of the Odisha Real Estate (Regulation and Development) Rules, 2017, the Odisha Real Estate Appellate Tribunal, do hereby make the following regulations to regulate its own procedures, namely;—

**1. Short title and commencement;**- (1) These Regulations may be called the Odisha Real Estate Appellate Tribunal (Procedure) Regulations, 2020.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2. Definitions;**-(1) In these regulations, unless the context otherwise requires, —

(a) "Act" means the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(b) "Appeal" means an appeal made to the Appellate Tribunal under section 44 of the Act;

(c) "Appellant" means any person making an appeal to the Appellate Tribunal under section 44 of the Act and includes an association of allottees or any registered Voluntary consumer association;

(d) "Chairperson" means the Chairperson of the Appellate Tribunal;

(e) "Member" means Member of the Appellate Tribunal;

(f) "Registrar" means the Registrar of the Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorized by the Chairperson to function as Registrar;

(g) "Registry" means the Registry of the Appellate Tribunal;

(h) "Rules" means the Odisha Real Estate (Regulation and Development) Rules, 2017 as amended from time to time.

(2) Words or expressions used in these Regulations and not defined in these Regulations shall have the same meaning as assigned to them in the Act and the Rules made thereunder.

**3. Sittings of Appellate Tribunal, and Calendar;**-(1) The Appellate Tribunal shall hold its sittings at the Headquarters in Bhubaneswar and at such other place as the Chairperson may, by general order or special order, specify.

(2) Subject to any order made by the Chairperson, the sitting of the Appellate Tribunal shall be as per Calendar of the Orissa High Court.

(3) The Benches for sitting of the tribunal shall be constituted by the orders of the Chairperson.

(4) When the Tribunal is closed for vacation, the Vacation Bench, if constituted, consisting of members as per section 43(3) of the Act, shall sit on such days as may be specified by the Chairperson.

(5) During the vacation, only the matters which are required to be immediately or urgently dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency, shall order for registration and posting of such cases.

(6) The sittings of the Tribunal shall ordinarily be from 10.30AM to 1.00PM and 2.00PM to 4.00PM on Monday to Friday, subject to any orders made by the Chairperson.

(7) The Filing Counter of the Registry shall be open on all working days from 10.00 AM to 4.00 PM or beyond the time as may be notified by the orders of the Chairperson, from time to time.

**4. Language of Appellate Tribunal;**-(1) The proceedings of the Appellate Tribunal shall be conducted in English.

(2) No appeal, application, document or other papers contained in any language other than English shall be accepted by the Appellate Tribunal, unless the same is accompanied by a true copy of translation thereof in English.

**5. Presentation and scrutiny of memorandum of appeal;**- (1) The Registrar or the officer authorized by the Registrar shall endorse on every appeal the date on which it is presented under rule 27 or deemed to have been presented under that rule and shall make necessary endorsement to that effect.

(2) If, on scrutiny, the appeal is found to be in order in terms of rule 27, it shall be duly registered and given a serial number.

(3) If an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence and if the said defect is not formal in nature, the Registrar, may allow the appellant such time to rectify the defect as he may deem fit not exceeding seven days.

(4) If the concerned appellant fails to rectify the defect within the time allowed in sub-regulation (3), the Registrar shall place the matter before the Chairperson for orders, who may pass such order as it may deem fit.

**6. Application for review;**-(1) If any party aggrieved by an order passed by the Appellate Tribunal, on account of some mistake or error apparent on the face of the record, desires to obtain a review of such order, it may apply for a review to the Appellate Tribunal which passed the order.

(2) No application for review shall be made after the expiry of a period of thirty days from the date of the order and no such application shall be entertained unless it is accompanied by an affidavit verifying the application.

(3) Where it appears to the Appellate Tribunal that sufficient ground for a review does not exist, it shall reject the application, and if it is satisfied with the grounds raised in the application for such review, it shall allow the application for review of the order:

Provided that no such application for review shall be allowed without giving previous notice and an opportunity of being heard to the opposite party.

**7. Filing of reply to the appeal and other documents by the respondent;**- (1) The respondent may file three complete sets containing the reply to the appeal along with documents in paper book form with the registry within fifteen days of the service of the notice on him of the filing of the memorandum of the appeal.

(2) Nothing in these regulations shall prevent the respondent from filing objection or cross objection, if any, on his first appearance.

(3) The respondent shall also submit one copy of the reply to the appeal along with document as mentioned in sub-regulation (1) to the appellant.

(4) The Appellate Tribunal may, in its discretion on application by the respondent, allow the filing of reply referred to in sub-regulation (1), after the expiry of the period referred to therein.

**8. Order and Judgment to be signed and dated;**- (1) Every order and judgment of the Appellate Tribunal shall be in writing and shall be signed and dated by the

Chairperson and Member or Presiding Judicial Member and other Member of a Bench, as the case may be, of the Appellate Tribunal and shall bear the seal of the Tribunal.

(2) The order shall be pronounced in open Court.

**9. Publication of orders;**- The orders of the Appellate Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Appellate Tribunal may lay down.

**10. Communication of orders;**- Every final order passed on an appeal shall be communicated to the Authority or the adjudicating officer, as the case may be, and to the parties concerned in person or by registered post free of cost.

**11. Fee for inspection of records and obtaining copies thereof;**- (1) A fee of rupees twenty for every hour or part thereof of inspection subject to a minimum of rupees one hundred shall be charged for inspecting the records of a pending appeal by a party thereto.

(2) A fee of rupees twenty for a folio or part thereof not involving typing and a fee of rupees fifty for a folio or part thereof involving typing of statement and figures shall be charged.

**12. Orders and directions in certain cases;**- The Appellate Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

**13. Powers and functions of the Registrar;**- (1) The Registrar shall have the custody of the records of the Appellate Tribunal and shall exercise such other functions as are assigned to him under the rules or these regulation or by the Chairperson by a separate order in writing.

(2) The Registrar may, with the approval of the Chairperson delegate to other officer of the Tribunal, any functions required by these Regulations to be exercised by the Registrar.

(3) In absence of the Registrar, any other officer of the Tribunal authorized in writing by the Chairperson in this behalf may perform or exercise all or any of the functions and powers of the Registrar.

(4) The official seal shall be kept in the custody of the Registrar.

(5) Subject to any general or special direction of the Chairperson, the seal of the Appellate Tribunal shall not be affixed to any order, summons or other process, save under the authority in writing from the Registrar.

(6) The seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

**14. Additional powers and duties of Registrar;**-In addition to the powers conferred elsewhere in these regulations, the Registrar shall have the following powers and duties subject to any general or special orders of the Chairperson, namely: —

- (a) to receive all appeals, applications and other documents relating to the proceeding presented to the Tribunal;
- (b) to decide all questions arising out of the scrutiny of the appeals before they are registered;
- (c) issue of certified copies of the order and Judgment of the Appellate Tribunal.
- (d) to order grant of copies of documents to parties to proceedings;
- (e) to grant leave to inspect the record of Appellate Tribunal;
- (f) dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisements in the newspapers;
- (g) to requisition records from the custody of any Court or other authority;
- (h) subject to the directions of the Chairperson to fix date of hearing of the appeals or other proceedings and issue notices thereof.

**15. Service of Summons or Notice for appearance and objections;**- (1) All summons or notice in Form No-I are to be served on other side, by registered post or by such Courier Service as may be approved by the Chairperson or by FAX message or by electronic mail service or by any other means as may be decided by the Chairperson.

(2) In the event, any application is presented by appellant or respondent during the pendency of any proceeding, notice of the same should be served in advance to the other side or to their legal representative, as the case may be.

(3) If any summons or notice is returned unserved, registry shall notify the same immediately on the notice board and the Appellant or Applicant or his authorized representative shall, within three days from the date of return of summons or notice take steps to serve the summons or notice afresh and on failure to take steps within the stipulated time the appeal or application shall stand dismissed on such score.

**16. Preservation of Records;**- (1) All records relating to appeal filed before the Appellate Tribunal and after its final disposal shall be classified as Class- I (A) as per Odisha Record Manual, 1964 and shall be preserved in the record room of the Appellate Tribunal permanently.

(2) All records other than the records referred in sub-regulation (1) shall be classified as Class – I (B) and shall be preserved, unless otherwise directed by the Chairperson, for a period of five years in the record room of the Appellate Tribunal.

(3) 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.

(4) If on scrutiny any deficiency is found in the record, the Record Keeper shall return the record back to the concerned Branch or Section of the Appellate Tribunal.

**17. Nomenclature of Cases/Proceedings;**-Subject to the orders of the Chairperson, the nomenclature of cases and miscellaneous petitions shall be as follows;

(a) Every appeal preferred under section 44 of the Act read with rule 27 of the Rules shall be registered as OREAT APPEAL.

(b) Miscellaneous or Interlocutory Applications filed in the appeal shall be registered as I.A.

(c) Execution Petitions shall be registered as E.P.

(d) Review Petition shall be registered as R.P.

**18. List of Registers;**- Subject to any order of the Chairperson, the following Registers shall be maintained with necessary entries by the office of the Appellate Tribunal, namelt:-

- (i) Appeal Register,
- (ii) Miscellaneous Application / I.A Register,
- (iii) Execution Petition Register,
- (iv) Review Petition Register,
- (v) Certified Copy Register,
- (vi) Library Register,
- (vii) Stationary Register,
- (viii) Postage Stamp Register,
- (ix) Pass Book,
- (x) Cash Book,
- (xi) Cheque Register,
- (xii) Fixed Asset Register,
- (xiii) Contingent Expenditure Register,
- (xiv) Acquaintance Roll Register,
- (xv) Attendance Register,
- (xvi) Issue and dispatch Register,

(xvii) Order Book,

(xviii) Court Diary,

(xix) Notification Book,

(xx) Peon Book,

(xxi) Court Fee Register,

(xxii) Order copy issue Register, and

(xxiii) any other registers as required from time to time may be maintained by the orders of the Chairperson.

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

**20. Procedure to be specified by order;**- The procedure for day-to-day functioning of the Appellate Tribunal, which have not been provided in the Act, rules or in these regulations, may, by order, be specified by the Chairperson in such matter as is deemed fit from time to time.

By Order of the Appellate Tribunal,

A. K. PASCHIMAKABAT

Registrar,

Odisha Real Estate Appellate Tribunal,  
Bhubaneswar.

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**FORM NO-I**  
**IN THE ODISHA REAL ESTATE APPELATE TRIBUNAL, BHUBANESWAR.**  
**(Appellate Jurisdiction)**

**OREAT                      No                      of**

.....**Appellant**

***Versus***

.....**Respondent**

**NOTICE TO SHOW CAUSE**

To

Take notice that an appeal/application, a copy whereof is annexed herewith, has been made to this Tribunal by the above named Appellant/ Petitioner and you are hereby directed to show cause on

why the application should not be granted or such other order be passed as this Hon'ble Tribunal may deem fit.

By order of the Tribunal

Seal of the Tribunal

The .....20.....

Registrar/ Superintendent