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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 22nd September, 2020

No.1376-HUD-HU-HR-0005/2018/HUD.— In exercise of the powers conferred under 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 has made the following regulations further to amend the Odisha Real Estate Appellate Tribunal (Procedure) Regulations, 2020, namely:—

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

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

2. In the Odisha Real Estate Appellate Tribunal (Procedure) Regulations, 2020, for regulation 11, the following regulation shall be substituted namely: -

11. Procedure to obtain certified copies and inspection of records:-

(1) An appellant or a respondent who has appeared in the Appeal is entitled at any stage before or after disposal of the appeal, to obtain copies of the record of the appeal including exhibits which have been put in and finally accepted by the Tribunal as evidence.

(2) Any person, not being an appellant or respondent may, after disposal of the case, also obtain copies of any order passed, memorandum of appeal, counter or reply, affidavit and petitions filed in such appeal, upon sufficient reason being shown to the satisfaction of the Registrar:

Provided that such person shall have no right to obtain copies of private documents except with the consent of the person by whom they are produced or his successor-in-interest.

(3) No copy of an *ex parte* interim order shall be granted to any party, including a lawyer appearing in the case, until requisite for service of notice regarding such order are filed.

(4) One application may be filed in respect of the number of documents applied for from the same record.

(5) Every application for copies shall be filed in Form No-II appended to these regulations along with application fees of rupees twenty for ordinary copy and rupees fifty for urgent copy.

(6) Applicant shall pay fee of rupees twenty for every page of copy to be prepared through photocopy process and rupees fifty for every page of copy to be prepared through typing process in computer.

(7) Application fees and certified copy fees shall be paid by means of Court fee Stamps or through e-payment system.

(8) The applicant shall make good the deficiencies pointed out in the office note and also deposit the estimated fees or costs of the copies applied for, within three days of the date of estimate notified in the notice board:

Provided that if the applicant fails to deposit the estimated cost or to make good the deficiencies within seven days of the date of estimate notified in the notice board, the application for copy shall be rejected.

(9) The ordinary copy shall be furnished within 7 days of the date when the application is considered as complete and urgent copies shall be furnished within 48 hours from the time the application is found to be complete, excluding the holidays.

(10) A copy shall bear the common seal of the Tribunal and shall be certified to be a true copy and be signed by the officer-in-charge of the Copying Section or an officer duly authorized by the Registrar in that behalf and such officer-in-charge or the officer so authorized by the Registrar shall also initial every alteration in the copy.

(11) Every copy shall bear the name and signature of the person who prepared the copy and the name and signature of the person who has compared the copy with the original and in every case the certifying officer shall append to his signature the words "Authorised under section 76 of Indian Evidence Act, 1872".

(12) When a copy of a judgment or order is granted, the following particulars shall be recorded on the last sheet of the copy itself, and in the form given below for the information of the higher court;

Name of the applicant:-
 Date of application:-
 Date of Notification:-
 Date of furnishing of fees/stamps:-
 Date of ready for Delivery:-
 Date of Delivery:-

(13) On the back of the last sheet of the copy the details of cost/fees paid by the parties applying for copies shall be recorded in the following manner;

Application Fee.....
 Searching Fee.....
 Copying Fee.....
 Urgent Fee.....
 Other items, if any.....
 Total

(14) In addition to these regulations, the remaining rules of [Part III, Chapter-I] of the General Rules and Circular Orders, Civil, Volume-I shall apply, as far as may be, to applications for copies in the Tribunal.

(15) A register of application for certified copies shall be maintained in the format in Form No-IV appended to these regulations.

(16) Every application for inspection of records shall be filed in Form No-III appended to these regulations along with application fees of rupees twenty.

(17) The inspection of record shall be made in presence of the dealing assistant in-charge of the records or in presence of the section officer of the Judicial Section.

(18) For inspection of record minimum fee of rupees one hundred for the 1st one hour or part thereof and rupees twenty for every additional hour or part thereof shall be charged for inspecting the records of a pending or disposed of appeal by a party thereto.

(19) Application fees and fees of inspection of records shall be paid by means of Court fee Stamps or through e-payment system.

(20) A register of application for inspection of record shall be maintained in the format in Form No-V appended to these regulations.

This has been concurred in by Government in OSWAS file no. HUD-HU-HR-0005-2018.

By Order of the Governor
 DR. SURESH CHANDRA DALAI
 Additional Secretary to Government

FORM NO-II
Application for Copies
ODISHA REAL ESTATE APPELLATE TRIBUNAL, BHUBANESWAR
Application for Urgent/ Ordinary Copy
No.....of 20.....

Here State the Class of the Case i.e OREAT Appeal/I.A/E.P/R.P No.....of 20.....

State the reason for which copy is required.....

..... Appellant
 Petitioner

Versus

..... Respondent
 Opp. Party

Description of judgment/order/document of which copy is wanted with date where necessary.	Certified that the application is made bythe undersigned being a party/stranger for copy of the marginally named documents in the above case which was disposed of on/is still pending. The following stamps and stamped sheets are filed:- Date..... Signature of Applicant
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OFFICE REPORT	ESTIMATE COST	Details of preparation and supply of copy
Dealing Assistant	Dealing Assistant	Notified on..... Supplied on..... Signature of Applicant Record received on..... Copy will be ready on..... Copy actually ready on..... Copy delivered on
Asst. Registrar/Officer- in-charge	Asst. Registrar/Officer- in-charge	Asst. Registrar/Officer- in-charge

Note:- The application will not be considered as complete until stamps and costs have been supplied in full which must be done within three days of the date of the estimate.

.....
 Received an application for urgent/ordinary copy bearing number..... with stamps of Rs.....andsheets of Folios.

Date.....

Receiving Officer

FORM NO-III
Application for Inspection of Record
ODISHA REAL ESTATE APPELLATE TRIBUNAL, BHUBANESWAR
Application for inspection of record
No.....of 20.....

Description of Case	Number	Year	Name of the Pleader who will inspect the record.

Date:-

Signature of the Pleader/Vakil/Advocate

FORM NO-V
Register of application for Inspection of Record

ODISHA REAL ESTATE APPELLATE TRIBUNAL, BHUBANESWAR

Sl. No.	Name of the applicant pleader/ advocate	Date of application	Number and year of the case applied for inspection	Date of inspection of record	Duration of inspection	Charges for inspection	Signature of the officer in whose presence the inspection is made.	Signature of the person inspected the record	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)