



**IN THE ODISHA REAL ESTATE APPELLATE TRIBUNAL
AT BHUBANESWAR**

OREAT Appeal No.22/2026

Bhawani Construction Pvt. Ltd. ... Appellant

-Versus-

ORERA ... Respondent

For the appellant
For respondent

Mr.M.Agarwal, Advocate
Mr.B.Nayak, Advocate

CORAM :

**Hon'ble Shri Justice P.Patnaik, Chairperson
Shri S.K.Rajguru, Judicial Member
Dr.B.K.Das, Tech./Admn. Member**

**ORDER
12.06.2026**

The appeal is taken up for final order.

2) The captioned appeal has been preferred by the appellant challenging the impugned order dt.14.7.2023, passed by the Odisha Real Estate Regulatory Authority, Bhubaneswar (in short the "Authority") in Complaint Case No.105 of 2022, wherein the learned Authority, on the basis of the complaint filed by the respondents, has been pleased to pass the following orders:-

"The case is allowed exparte against the Respondent without cost. The Respondent is directed to pay penalty of Rs.7,00,000/- (Rupees seven lakhs) only within a period of two months failing which the order shall be enforced and the penalty shall be realized as per law."

3) Heard Mr.M.Agarwal, learned counsel appearing for the appellant and Mr.B.Nayak, learned counsel appearing for the respondent.



4) In the instant appeal the appellant has inter-alia prayed for setting aside the order dt.14.7.2023, passed by the learned Authority in Suo Motu Complaint Case No.105/2022.

5) During course of hearing the main thrust of the submissions of the learned counsel for the appellant is that after receipt of summons in Execution Case, the appellant came to know about the passing of the impugned order dt.14.7.2023. Since in the Suo Motu Case No.105/2022, notice was given in a wrong address, the appellant could not know the pendency of the said complaint case. In the execution case notice in the correct address has been given and the appellant became aware of disposal of the said Suo Motu Complaint Case only after receipt of notice in the Execution Case No.258/2025 dt.5.2.2026. After coming to know about the complaint case the appellant has preferred the instant appeal.

6) Learned counsel for the appellant submitted with vehemence that the impugned order has been passed in gross violation principle of natural justice without issuing any proper notice to the appellant. According to the learned counsel for the appellant, the address of the appellant as mentioned in the impugned order i.e. **‘At Plot No.59/C, Jayadurga Nagar, Bhubaneswar, Khurda’** was never the address of the appellant and the respondent is put the strict proof thereof. Learned counsel for the appellant further submitted that the appellant is a Pvt. Ltd. company and the respondent-Authority ought to have sent the notice of the suo motu case to the registered address of the company and not in any other address. The registered office of the appellant is in West Bengal as is apparent from the ROC website (Annexure-3) with a working office at BMC Bhawani Commercial Enclave, Saheed Nagar, Bhubaneswar. Learned counsel for the appellant further submitted that in view of submissions the impugned order is assailable and liable to be quashed. Learned counsel for the appellant further submits that by



setting aside the impugned order if the matter is remitted to the learned Authority by giving opportunity of hearing to the appellant, then the grievance of the appellant shall be redressed.

7) Learned counsel for the respondent-Authority fairly submits that it is apparent from the record that the notice has been given in a wrong address. Therefore, there was no occasion on the part of the appellant to appear and defend in the aforesaid suo motu complaint case.

8) Before delving into the submissions of the learned counsel for the respective parties, it would be apposite to refer Section-53 of the Act :

Section 53(1) of the Real Estate (Regulation & Development) Act, 2016 envisages that :

- (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.

From the reading of the aforesaid provisions of the Act, this Tribunal is to follow the principles of natural justice while dispensing justice.

9) **‘Audi alterem partem’** is the sinequanon of observance of principle of natural justice. Right of being heard is an essential condition precedent for effective adjudication of the lis. Therefore, breach of principle of natural justice has caused prejudice to the affected party. Therefore, as a necessary corollary the affected party i.e. the appellant is legally entitled to be afforded reasonable opportunity of hearing by the learned ORERA.

10) Considering the submissions of the learned counsel for the respective parties and looking to the grounds urged in the appeal, indisputably the appellant has been noticed in the wrong address. So, it is but natural on the part of the appellant not to appear in the said Suo Motu proceeding. Therefore, we deem it proper to quash the impugned



order dt.14.7.2023, passed by the learned Authority in Suo Motu Complaint Case No.105/2022. Accordingly, we quash the said order and remit the matter to the learned Authority for fresh adjudication of the matter by giving an opportunity of hearing to the appellant as well as opportunity to the appellant for production of any other documents in support of its contentions.

11) For the convenience of the parties, we direct the appellant to appear before the Authority on 22.6.2026 for further consideration of the matter and on the appearance of the appellant, the learned Authority shall do well to afford opportunity to the appellant and dispose of the matter as expeditiously as possible, preferably within a period of two months from the date of appearance of the appellant.

It is made clear that we have not delved into the merits of the case. The learned Authority shall be at liberty to pass appropriate orders as deemed fit and proper in accordance with law.

12) Accordingly, the appeal is allowed.

13) The office is directed to take appropriate action for refund of the statutory amount to the appellant with accrued interest on proper identification.

Send a copy of this order each to the appellant and the Odisha Real Estate Regulatory Authority.

Justice P.Patnaik
Chairperson

Shri S.K.Rajguru
(Judicial Member)

MP

Dr.B.K.Das
(Tech./Admn. Member)