



Harshpriya Constructions Pvt Ltd

542, Mahadev Tower, Saheed Nagar, Bhubaneswar-751007,

Ph No. : (0674) 2545617 / 2540319

E-mail : harshpriyaconstructions@gmail.com

TO,

Dt: 02.05.2022

The Chairperson
Odisha Real Estate Regulatory Authority,
Bhubaneswar.

Sub: Project- HP Square, Baramunda Mouza, Bhubaneswar.
Promoter- M/s. Harshpriya Constructions (P) Ltd.

Ref: **Application No-ORERA 0422527342 & compliance dated 29.04.2022.**

Sir,

In connection with the above, we submit hereunder additional information as desired by your esteemed office as per your compliance dated 29.04.2022.

As per Misc. Case No.8/2022, the authority has given conditional permission for registration of the project.

For which, we undertake that on receipt of road clearance/permission from GA department, we will execute the conveyance deed in favour of the allottee.

Thanking you.

Yours faithfully,

For Harshpriya Constructions (P) Ltd.

Director

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY,
BHUBANESWAR.**

Misc. Case No.08 of 2022

✓ M/s. Harsapriya Construction Pvt. Ltd.,
Office at 542, Mahadev Tower,
Sahid Nagar, Bhubaneswar-751007,
Represented through its Director,
Chetan Kumar Tekriwal,
Aged about 65 years,
Son of late Mannalal Tekriwal

... **Petitioner-Applicant**

-Versus-

None

... **Opposite Party**

ten- 05.04.2022.

The grievance of the petitioner is that he has not been given opportunity of hearing before rejection of his application for registration under Section-3 of the Act. There is an intervening Government land in between public road and the project site on which the applicant intends to develop the apartment. The Counsel for the respondent submitted that the Authority took the view earlier that the prescriptive right under the Easement Act available to the land owner to approach the public road through the Government land being not declared by the competent Civil Court, the promoter-applicant could not be granted registration of his project. He drew our attention to Article-300(A) of the Constitution of India stating that the provision gives the right to a common man to use the



Government land if it situates in between his land and the public road. Further, the prescriptive right available to the land owner being an existing right cannot be denied even though there is no declaration of such right by a competent Civil Court. He further argued that declaration of a right is necessary when such right is disputed by the true owner. In the instant case, there is absolutely no dispute relating to availability of such right by the true owner. Rather the true owner has been approached for endorsing its permission to use the land to approach the public road.

2. In the earlier order we observed that the B.M.C. and B.D.A. made a joint resolution recommending the G.A. Department who is the owner of the land to permit the promoter to use the said land to approach the public road. The B.D.A. has sanctioned the plan and made such recommendation to the State Government. Further, the applicant has submitted an application to the G.A. Department for according permission to use the said Government land to approach the public road from the project site. It is also submitted that the State is likely to provide such permission. There is no scope to hear the true owner of the land because he is not a party before us. The Authority is supposed to dispose of the application made under Section-3 of the Act within a period of one month. The Authority is empowered to make scrutiny of certain documents for the benefit of both the promoter and the home buyers. In order to protect the interest of the home buyers, permission to the promoter for developing the land by issuing a registration certificate can be given subject to certain conditions. Since we are not in a position to know the intention of true owner, we may consider to issue conditional registration to the applicant in respect of the project. So, there is no reason to discuss further about the

prescriptive right or existing right of the applicant when he has made an application to the State Government for according permission to use the land to approach the public road from his project site.

3. In the circumstances, we allow the application and permit the respondent to make a fresh application for registration before this Authority for consideration keeping in view the observations made in this order.

The Misc. Case is accordingly disposed of.

sd/-
5.4.2022
Member-(Judl.) *sd/-*
Member-(Admn.) *sd/-*
Chairperson



no 1550 dt - 08/04/2022

Copy of order forwarded to the
persons for information

TRUE COPY
[Signature]
Registrar

Odisha Real Estate Regulatory Authority

[Signature]

Registrar
Odisha Real Estate Regulatory Authority



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542 Mahadev Tower, Sahasra Nagar, Bhubaneswar - 751001
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To
The Director,
General Administrative Department,
Government of Odisha
Bhubaneswar.

Date: 05.04.2022

Sub: Allotment of Government Land and permission for depositing the consideration amount towards the Plot No. 1233, Ac 0.069 Dec as recommendation of Bhubaneswar Municipal Corporation & Bhubaneswar Development Authority.

Ref: BMC Letter No. 31797 dated 06.08.2020.
BDA Letter No. 27906 dated 23.08.2021.

Respected Sir,

With reference to the above stated letter i.e BMC Letter No. 31797 dated 06.08.2020, BMC held a joint meeting wherein BMC had allowed a 12 mtr approach road to our plot through Government Plot No. 1233 which is in between our plot and 100 ft wide road. Post this recommendation of BMC the Bhubaneswar Development Authority (BDA) has approved our building plan by providing Letter No. 27906 dated 23.08.2021. BDA also agreed on allowing a 12 mtr approach road from the above mentioned plot.

We request you to allot this land in the favour of Harshpriya constructions Pvt Ltd. and we agree and are ready to deposit the cost against this land as decided by your office

Please find the enclosed documents for your reference

1. BMC Letter No. 31797 dated 06.08.2020.
2. BDA Letter No. 27906 dated 23.08.2021

FOR HARSHPRIYA CONSTRUCTIONS PVT. LTD.

With Regards, *Chetan Kumar Tekariwal*

DIRECTOR

Chetan Kumar Tekariwal
Director
Harshpriya constructions Pvt Ltd.

