



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 23748 of 2026

ODHC010564802026

**M/S Keshari Estates Pvt. Ltd. ...
and Anr.**

Petitioners

Mr. S.K. Sarangi, Sr. Advocate with
Mr. S. Sarangi, Advocate

-Versus -

**Odisha Real Estate Regulatory ...
Authority and Anr**

Opp.Parties

Mr. P.K. Nayak, Adv. for ORERA

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.09.2026.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. In view of the order proposed to be passed, no notice is issued to opposite party No.2 leaving it open to her to seek variance of this order, if so advised.
3. The petitioners have approached this Court with the following prayer;

“The petitioners, therefore, pray that this Hon’ble Court may graciously be pleased to direct Opp.Party No.1, the Authority to consider the maintainability of the complaint vide Annexure-9, as a preliminary issue before proceeding further in the matter, in the interest of justice.

And pass such other order or orders as this Hon’ble Court deem fit and proper in the facts and circumstances of the case;

And for this act of your Honour’s kindness, the petitioners as in duty bound, shall ever pray.”



4. It is borne out from the record that the private opposite party No.2 has filed a complaint, registered as Complaint Case No.107 of 2025 before the Real Estate Regulatory Authority, Odisha (ORERA). The petitioners being the opposite party therein has filed a petition challenging the maintainability of the complaint.

5. Mr. S.K. Sarangi, learned Senior Counsel appearing for the petitioners submits that the petition filed on 15.05.2026 challenging the maintainability of the complaint case has not yet been taken up for consideration.

6. Mr. P.S. Nayak, learned counsel for opposite party No.1-ORERA opposes the writ petition by submitting that the writ petition has been filed on apprehension as there is no reason why the authority shall not consider the application submitted by the present petitioners on the question of maintainability.

7. Having heard learned counsel for the parties and on going through the case record, this Court is of the view that once the question of maintainability of the complaint has been raised, the same needs to be addressed at the first instance as it goes to the root of the matter. The authority shall do well to consider the issue of maintainability at the first instance by granting opportunity of hearing to both the parties before proceeding further, if need be. The writ application is disposed of accordingly. The petitioners shall appear before the authority on 30.09.2026 with a copy of this order passed by

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the Court for fixing a further date of hearing after issuing notice to the

(Sashikanta Mishra)
Judge