IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11122 of 2023

CNR No. ODHC010267442023

Sushil Kumar Agarwal …. ***Petitioner***

Mr. Sidheswar Mallik, Advocate

-Versus-

Sai Apartment Welfare Association, Cuttack and others …. ***Opposite Parties***

Ms. Adisha Mohanty, Advocate for O.P. No.1

Mr. Partha Sarathi Nayak, Advocate for O.P. No.2

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

AND

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

Order No. **09.11.2026**

05.

1. This matter is taken up through hybrid arrangement.

2. This writ petition is directed against the order dated 9th November, 2022 passed by the Adjudicating Officer, Odisha Real Estate Regulatory Authority, Bhubaneswar in AO CC No.18 of 2022.

3. During course of hearing, it is pointed out by the learned counsel appearing for the opposite parties that against the aforesaid order dated 9th November, 2022 passed by the Adjudicating Officer, Odisha Real Estate Regulatory Authority, Bhubaneswar, the petitioner has already

preferred an appeal, registered as OREAT Appeal No.122 of 2022 before the Odisha Real Estate Regulatory Appellate Tribunal, Bhubaneswar, wherein the following order was passed on 3rd March, 2023:-

> *"Due to Covid-19 pandemic, the matter is taken up through video conferencing.*
>
> *Heard Mr. S. Mallik, learned counsel appearing for the appellant.*
>
> *It appears from the impugned order that compensation of Rs.20,00,000/- was awarded against the promoter-appellant vide order dt. 9.11.2022 by the Adjudicating Officer. The Appellant has already deposited Rs.6,00,000/- towards part statutory deposit. The appellant is directed to deposit the balance statutory deposit within four weeks.*
>
> *Put up this matter four weeks after."*

4. It is further submitted by the learned counsel appearing for the opposite parties that without complying with the aforesaid order of the appellate tribunal, the petitioner has approached this Court by way of filing the present writ petition challenging the order dated 9th November, 2022 passed by the Adjudicating Officer, Odisha Real Estate Regulatory Authority, Bhubaneswar in AO CC No.18 of 2022. Perusal of prayer(s) made in the writ petition does not show that the order of the appellate authority has been questioned. It is stated at the Bar that the appeal is still pending.

5. Heard learned counsel for the parties.

6. Considering the submissions made by the learned counsel appearing for the opposite parties and after going through the records, it appears that the order passed by the Adjudicating Officer is assailed in the appeal and on 03.03.2023 an order is passed in the said appeal by the appellate authority, which the petitioner has not yet complied with. Therefore, this Court is not inclined to entertain this writ petition, which is, accordingly, dismissed. As a result of disposal of the writ petition, all pending Interlocutory Application (s) shall stand disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

MRS/Laxmikant

Signature Not Verified
Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Nov-2026 18:15:20