

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 1212, CUTTACK, WEDNESDAY, AUGUST 19, 2015/ SRAVAN 28, 1937

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## HOUSING & URBAN DEVELOPMENT DEPARTMENT

### NOTIFICATION

The 18th August, 2015

### ODISHA DEVELOPMENT AUTHORITIES (AMENDMENT) RULES, 2015

**S.R.O. No.362/15**—Whereas, the draft of certain rules further to amend the Odisha Development Authorities Rules, 1983, was published as required by Section 125 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982), in the Extraordinary issue of the *Odisha Gazette* No. 933, dated the 18th June, 2015 under the notification of the Government of Odisha in the Housing & Urban Development Department No.15419-T.P. Dev.-06/2015/HUD., dated the 16th June, 2015 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of the period 30 days from the date of publication of the same in the *Odisha Gazette*;

And whereas, objections and suggestions received in respect of the said draft during the period specified above have been duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by Section 123 of the said Act, the State Government do hereby make the following rules:

1. (1) Short title and commencement :— These Rules may be called the Odisha Development Authorities (Amendment) Rules, 2015.

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

2. In the Odisha Development Authorities Rules, 1983 (here-in-after referred to as the said Rules), in rule 5,—

(a) after proviso to sub-rule(4), the following proviso shall be added namely:—

“Provided further that the Authority may against the sanctioned posts, by recording reasons therefor, engage a retired Government Servant or retired Officer or employee of the Authority on such terms and condition as may be decided by the Authority in consonance with the resolution or circular whatever namely called, issued by the State Government in this regard, from time to time;”

(b) for sub-rule (5), the following sub-rule shall be substituted, namely:—

“Notwithstanding anything contained in these rules, reservation, relaxation of age limit and other concession as provided for the Scheduled Castes and Scheduled Tribes, SEBC, Women, Sports person, Ex-servicemen and person with disabilities shall apply in accordance with the provisions, made under such Act and rules made thereunder, and under Order, Rules, Instructions or Resolutions issued in this behalf by the State Government from time to time;” and

(c) for sub-rule (6), the following sub-rule shall be substituted namely:—

“(6) No person who has been dismissed, compulsorily retired, convicted in a criminal offence shall be appointed as an officer or employee of the Authority.”

3. In the said Rules in rule 19, in sub-rule (2), for the words “an applicant shall be entitled to a refund of fifty per cent of the fees paid by him” the words “he shall not be entitled to refund of any fee deposited by him” shall be substituted.

4. In the said Rules, in rule 60, for sub-rule (2), the following sub-rule shall be substituted namely:—

“(2) Every contract shall be made on behalf of the Authority by the Vice-Chairman or any member or officer of the Authority authorised by the Vice-Chairman in this behalf in consultation with Member (Finance) subject to such financial limits and terms and conditions as the State Government may, by notification, specify, from time to time.”

5. In the said Rules, in rule 62, for sub-rule (5), the following sub-rule shall be substituted namely:—

“(5) Notwithstanding anything contained in this rule in the case of a contract for work or for supply of materials, the value of which is less than two lakh rupees, the condition of deposit of earnest money and initial security may be dispensed with by the Vice-Chairman or by the member or officer of the Authority authorised by him”.

6. In the said Rules, in rule 66, in proviso to sub-rule (1), for the words “does not exceed twenty thousand rupees”. The words “does not exceed two lakh rupees” shall be substituted.

7. In the said Rules, in rule 70 -

(a) for sub-rule(5), the following sub-rules shall be substituted, namely:—

“(5) On receipt of tenders, a comparative statement thereof shall be prepared and be placed along with the tenders so received before—

(i) The Executive Engineer working in the establishment of the Authority in case the estimate cost of work does not exceed fifty lakh rupees;

- (ii) The Engineer Member in case where the estimate cost of work exceeds fifty lakh rupees but does not exceed three crore rupees;
- (iii) Vice-Chairman in case where estimated cost of the work exceeds three crore rupees but does not exceed ten crore rupees;
- (iv) The Authority in case where estimated cost exceeds ten crores; provided the State Government may modify the amount specified in clauses (i), (ii) and (iii), from time to time.”

(b) for sub-rule (6), the following sub-rules shall be substituted, namely:—

“(6) The Executive Engineer working in the establishment of the Authority or Engineer-Member or Vice-Chairman or the Authority, as the case may be, shall consider the tenders and may accept or reject any of the tenders on recommendations of tender committees constituted under section 6 of the Act for this purpose:

Provided further that if tendered amount exceeds the estimated cost of the work by ten per cent, then approval of next higher authority should be taken.”; and

(c) The sub-rule(7) shall be omitted.

**8.** In the said Rules, for rule 81 the following rules including with the shoulder heading shall be substituted, namely:—

“81- Mode of payment—(1) All payments should ordinarily be made out of the funds of the Authority referred to rule 79 through electronic remittance to the payee’s account but in case where electronic payment cannot be made directly to the payee’s accounts, payment through crossed cheque / bank draft / pay order may be made.

*Explanation.*—For the purpose of these rule, the expression ‘Payee’s Account’ means employee, supplier, contractor or any person who is entitled to receive money from the Authority.

(2) Payment of any sum due to Authority exceeding five hundred rupees in amount shall be made by means of a crossed cheque or bank draft or pay order or other electronic mode of remittances as would be made available, from time to time.”

**9.** In the said Rules, for rule 82, the following rules including with shoulder heading shall be substituted, namely:—

“(82) Signature on Modes of Payment:- (1) All cheques or any other modes of Payment as specified under sub-rule (1) of rule 81 in respect of money payable by the Authority shall be signed manually or digitally approved or signed, as the case may be, by the Finance Member or such officer of the Authority as the Authority may authorise in this behalf.

- (2) Before the Finance Member or the officer authorised for the purpose sign a cheque or authorises payment through any other mode of payment as specified in sub-rule (1) of rule 81, on behalf of the Authority, he shall satisfy himself that the sums for which such payment is to be made, is either required for the purpose of work specifically sanctioned by the Authority or is an item of payment specified in sub-rule (3) of rule 79.”

[No. 20969-T.P.Dev.-06/2015/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Commissioner-*cum*-Secretary to Government