

**MINUTES OF 169th(ADJ.)MEETING OF THE TOWN & COUNTRY
PLANNING BOARD HELD ON 29/07/2020 AT 3.30 P.M. IN
CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT,
PORVORIM - GOA.**

The following attended the meeting:

1. Shri. Chandrakant Kavlekar,
Hon. Minister for TCP ... Chairman
2. Shri Filipe Nery Rodrigues,
Hon'ble Minister for WRD & Fisheries ... Member
3. Shri Glenn Souza Ticlo
Chairman, GIDC ... Member
4. Shri Daulat Hawaldar,
Secretary, TCP ... Member
5. Shri Kishan Kumar,
Chief Conservator of Forest ... Member
6. Shri Chandrakant Velip,
Dy. Director Fisheries
(Representative) ... Member
7. Shri Nevil Alfonso,
Director of Agriculture ... Member
8. Shri Manoj Caculo,
President, GCCI ... Member
9. Shri Neumani Rodrigues,
S. O., DPSE
(Representative) ... Member
10. Dr. Surekha Parulekar,
CMO (NLEP)
(Representative) ... Member
11. Shri Subhash Kavlekar,
Asstt. Director, Dept. of Tourism
(Representative) ... Member
12. Antonio A. Godinho (SW),
Office of SE-II, PWD, Altinho
(Representative) ... Member
13. Shri. Antonio P. Diniz ... Member

14. Arch. Rajeev M. Sukhthanker ... Member
15. Shri. Rajesh J. Naik,
Chief Town Planner (Planning) ... Member Secretary

Item No. 1: Confirmation of the minutes of the 169th meeting of Town & Country Planning Board held on 08/06/2020.

Member Secretary informed that the minutes of 169th meeting of TCP Board held on 08/06/2020 were circulated to all the members and since no comments were received from any member, the same were confirmed.

Item No. 2: Appeal under Section 52(2) of the TCP Act, 1974 filed by Mumtaza Hassan Shaikh against South Goa Planning & Development Authority (File No. TP/B/APL/188/2020).

The Member Secretary informed that the matter is arising out of noticebearing No. SGPDA/P/Illegal/1375/19-20 issued by South Goa PDA under Section 52 of TCP Act in the matter of repairs of mundcarial dwelling house bearing No. 103, located at Chalta No. 180 of P.T. Sheet No. 237 at Pedda, Margao Goa.

It was informed that, the Appellant has submitted that this mundcarial dwelling house stands recorded in survey plan under Chalta No. 175 of 237 of City Survey Margao and late husband of the Appellant Shri Shaikh Hassan has also been declared as mundcar of the said dwelling house shown under Chalta No. 175 situated in the said property by virtue of the Judgment/order passed by the Court of the Mamlatdar of Salcete vide Judgment/Order passed in November 1992 in Mundcar Case No. Mund/Mar/12/1992. Appellant has further stated that upon the death of her husband, she has filed the purchase proceedings before the Mamlatdar of Salcete to the purchase of the mundcarial area along with the dwelling house which she is entitled under the Mundcar Act and the same is allowed by the Court of the Mamlatdar of Salcete vide order passed on 03/01/2020.

Appellant has further submitted that her mundcarial dwelling house is very old and the roof of the said house was very old and required immediate repairs as the rafters and wooden ribs were in a very bad condition as such she

has repaired the roof of house in order to protect the same and to avoid danger of the roof collapsing.

Pertaining to same development, the Respondent SGPDA has issued notice dated 18/12/2019 u/s 52 of TCP Act to the Respondent. Aggrieved by the said notice under ref. No. SGPDA/P/Illegal/1375/19-20, the Appellant has preferred the present Appeal before the TCP Board, praying that the appeal filed by the Appellant be kindly allowed and the notice dated 18/12/2019 issued by the Respondent (SGPDA) under Sec. 52 to the Appellant under No. SGPDA/P/Illegal/1375/19-50) be quashed and set aside and to stay the Execution of the said notice till the disposal of the Appeal on merits.

The Appellant Ld. Advocate Prakash M. Caeiro appearing on behalf of Appellant informed that the structure under reference is an old structure which is renovated and the same has been purchased as per mundcarial procedure having 200.00 sq. mts. area around the dwelling house. He further stated that, the house has been occupied by him for more than 20 years.

Appellant further submitted that he has not received any notice from the respondent SGPDA regarding fixing of any site inspection nor the has he received any show cause notice dated 16/05/2019 from the Respondent SGPDA as stated in the notice issued to him.

Appellant further argued that he therefore is not aware of any such site inspection carried out by the Official of the SGPDA.

He however admitted that, he received the notice from the Respondent under Section 52 of the TCP Act requiring him to demolish the required illegal development within a period of 31 days from the receipt of the notice.

Appellant further informed that his mundcarial house bearing house No. 103 is existing in the property for more than 50 years and is occupied by his family members and there is no encroachment of house done by him in the property as alleged in the notice and is also depicted/shown on the survey plan of the said property.

Member Secretary, Vertika Dagur and Ld. Advocate Menino Pereira appeared on behalf of Respondent South Goa Planning and Development Authority. Adv. Menino Pereira informed the Board that the Appellant has

undertaken additional construction within the plot which exceeds additional 60.00 sq. mts. as mentioned in the mundcarial order and the same is unauthorized as no permission for the same have been obtained by the Appellant.

The Board deliberated and decided that Appellant shall submit necessary document to substantiate his claim that the area of house as existing on site is as per survey records/mundcarial order. The matter was therefore deferred.

Item No. 3:- Proposals received under Section 16B of Section 12 of the TCP Act.

Member Secretary informed that, with notification of Section 16B of TCP Act, the Town & Country Planning Dept. has started receiving applications u/s 16B. New proposals as received under Section 16B were then placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act and the decision taken on the same is as recorded in Annexure 'A', which forms the part of these minutes.

Item No. 4: Proposals received under Section 16B for the provisions of Section 13(2) of the TCP Act.

The proposals as received under Section 16B and which were earlier considered by the Board u/s 12 of TCP Act, were placed before the Board for consideration under the provisions of Section 13(2) of the TCP Act as Annexure 'B'.

The Board deliberated the proposals placed before it under Section 13 (2) of the Act, and decision taken are as recorded in Annexure 'B', which forms these part of this minutes.

ADDITIONAL AGENDA

Item No. 1: Appeal under Section 45 of the TCP Act, 1974 filed by Shri Pramod Shirodkar against South Goa Planning & Development Authority (File No. TP/B/APL/186/19).

The matter was taken up for hearing by the Board, Member Secretary, Vertika Dagur and Ld. Advocate Menino Pereira appeared on behalf of Respondent South Goa Planning and Development Authority. Adv. Menino Pereira informed the Board, however no one appeared on behalf of Appellant. The matter was therefore deferred for hearing in the next meeting of the Board.

Item No. 2: Proposal regarding re-development of existing building in the property bearing survey number 71/6 of Village Taleigao (relaxation of front setback).

Member Secretary informed that the same proposal has been forwarded by Greater Panaji Planning and Development Authority pertaining to relaxation of front setback in the matter of redevelopment of existing building in the property bearing survey number 71/6 of Village Taleigao.

The Member Secretary of Greater Panaji Planning and Development Authority informed that a proposal was submitted by Shri Peter Vaz for construction of Hotel Building in property bearing Sy. No. 71/1/6 of Village Taleigao, showing front set back of 5.00 mts. which was not permissible under the prevailing regulations as notified under Government Gazette, Series I No. 26 dated 27/09/2018 and further informed that the setback actually required was 10.00 mts. from the effective plot boundary to the proposed construction.

He further stated that the proposal was placed before 10th meeting of the Authority held on 25/02/2019 and it was decided to refer the case to the Town and Country Planning Board and the Government to obtain necessary relaxation of front setback from 10.00 mts. to 5.00 mts. due to practical difficulties in redevelopment of the existing building.

Elaborating further on the matter, Member Secretary Shri R. K. Pandita informed that the required front set back of 10.00 mts. cannot be provided by the applicant due to practical difficulties in re-development of existing building as the plot was having irregular shape having average depth of 26.56 mts. and

accessible by 25.00 mts. wide existing road as per ODP-2028 of Taleigao Planning Area and stated that the regulation published for SPC in the Government Official Gazette Series No. 26 dated 27/09/2018 provides relaxation of front set back of 5.00 mts. in special circumstances due to practical difficulties in redevelopment of existing building in plots having depth of less than 30 mts.

Extract of amendment to regulation 6A.4 was then placed before the Board which provided for following:

“(25) In SPR and SPC two stilts for parking shall be allowed free of FAR and also free from calculated of building height. The provision of access of 10.00 mts. right of way be relaxed for proposal of redevelopment, where there is no scope of expansion of existing road, provided that minimum 8.00 mts. access is available. The front setback may be relaxed subject to maintaining a minimum of 7.00 mts. in SPC on special circumstances due to practical difficulties in redevelopment of existing building in plots having a depth upto 50 mts. The front setback may be relaxed subject to maintaining a minimum of 5.00 in SPC on special circumstances due to practical difficulties in redevelopment of existing building in plots having depth less than 30 mts. with the approval of the Town & Country Planning Board and Government, provided they satisfy the requirement of fire safety for which prior clearance of Directorate of Fire and Emergency Service shall be mandatory before issuing development permission. In case of varying depths (side perpendicular to the road), the average depth shall be taken into consideration.

The Board deliberated on the proposal, the nature of construction and the constraints faced by the applicant in view of irregular shape of plot. Considering all these aspects and the merit of the case, the Board recommended for the relaxation of setback.

Member Secretary was accordingly directed to process the representation further as required under the amended regulation.

Item No. 3: Correction in the draft Outline Development Plan of Calangute-Candolim Planning area.

The Member Secretary informed that the proposal has been submitted by the North Goa Planning and Development Authority regarding grant of

approval for correction of cartographical error to the zone of the properties bearing Sy. No. 199/9-D and 199-9-D-1 of Village Candolim from Settlement S-2 to Commercial C-3 in the finally notified ODP 2025 of Calangute-Candolim Planning Area.

Member Secretary informed that the note submitted by Member Secretary, North Goa Planning and Development Authority in this regards states that the North Goa Planning and Development Authority had prepared draft Outline Development Plan of 2025 of Calangute-Candolim Planning area & had submitted it to the Town & Country Planning Board on 04/11/2016 for approval. Thereafter, the Authority adopted the same draft ODP-2025 of Calangute-Candolim Planning Area as per direction of Government from 16/12/2016. The approval of said draft Outline Development Plan by Town & Country Planning Board and Government was conveyed vide Order dated 21/11/2016. Thereafter notice of the preparation of Outline Development Plan 2025 for Calangute-Candolim Planning Area was published by PDA under section 35(1) of Town Planning Act, 1974 inviting objections from general public on said draft Outline Development Plan, within 60 days from publication of said notification, in the local newspapers and Government Gazette. The Authority was then of the opinion that due to declaration of Election of Goa Legislative Assembly on 04/01/2017, the public lost attention towards filing objections on draft Outline Development Plan and therefore requested Government to grant approval to re-notify the Outline Development Plan u/s 35 of Town & Country Planning Act, 1974 and as receipt of such directions, Authority re-notified the Outline Development Plan under section 35 of Town & Country Planning Act again informing public to give their objections if any to the draft Outline Development Plan within 60 days.

The Note of NGPDA further states that the Authority received 884 nos. of objections from Calangute-Candolim Planning area towards draft Outline Development Plan. The Authority appointed Sub-committee for inspection & hearing of objections received, as per Section 35/3 of Town & Country Planning Act and heard the stake holders under section 35(5) of Town & Country Planning Act who had objected to the draft Outline Development Plan & submitted the report to the Authority under section 35(6) of Town & Country Planning Act & Authority in its 71st Authority meeting held on 07/08/2018 considered the report & unanimously approved the Outline

Development Plan of Calangute-Candolim 2025 & submitted it to the Town & Country Planning Board for its approval on 13/08/2018. Thereafter the approval of Town & Country Planning Board & Government to the Outline Development Plan was conveyed to PDA vide order No. 36/1/TCP/315/2018/2439 dated 28/11/2018.

Member Secretary of North Goa PDA then informed the Board that the Authority was in receipt of a letter under inward No. 1063 dated 20/01/2020 from Shri Agnelo N. Fernandes of Silver Sand Serenity informing that zone of his property bearing survey No. 199/9-D & 199/9-D-1 of Candolim village was shown as C-3 in the draft ODP 2025 and coloured accordingly and whereas in the final ODP 2025, his property is reverted back to the original S2 zone and therefore it could be a cartographical error and requested NGPDA to do necessary corrections and enclosed zoning certificate of said property issued based on draft ODP 2025 of Calangute-Candolim Planning Area which showed the zone of the property as Commercial C-3.

He further submitted that the said property bearing Survey No. 199/9-D and 199/9-D-1 of Candolim was zoned as Commercial C-3 in the draft ODP 2025 of Calangute – Candolim Planning Area and zoning certificate was issued to Shri Agnelo N. Fernandes based on the same draft ODP which had validity of six months from date of issue of certificate or change in ODP in force whichever was earlier. He mentioned that Shri Agenlo N. Fernandes has not filed any appeal in the Hon'ble District Court against the changes done in Calangute-Candolim ODP – 2025 regarding survey No. 199/9-D & 199/9-D-1 of Candolim village as provided under as section 38 of the Town & Country Planning Act, 1974, however, he has brought to the notice of the Authority that in the final ODP of Calangute-Candolim Planning Area, zone of said survey No. is shown as Settlement S-2 and not Commercial C-3 as was shown in draft ODP and has therefore requested for necessary corrections.

Member Secretary, North Goa PDA further informed, that on verifying the records available, it is noticed that their Authority had not taken any decision of changing the zone of said properties from Commercial C-3 to Settlement S-2 zone and neither were there any objections for showing the said property as Commercial C-3 in the draft ODP, when said draft ODP was kept open for inviting objection from general public before finalization of final

ODP. Member Secretary, North Goa PDA therefore stated that the error pointed out by Shri Agnelo N. Fernandes is a cartographical error and accordingly the matter was placed before the 75th meeting of the Authority held on 21/01/2020 and it was decided to send the proposal to Town & Country Planning Department to give approval to correct the cartographical error to the zones of the property bearing Survey No. 199/9-D and 199-9-D-1 of Village Candolim from Settlement S-2 zone to Commercial C-3 zone in the final ODP 2025 of Calangute-Candolim Planning Area.

The matter was deliberated by the Board at length by considering various provisions of the Act during the preparation of ODP and subsequent provisions as applicable post final notification of ODP and it was decided to consider the request of NGPDA. Member Secretary was accordingly directed to undertake the final process.

Item No. 4: Proposal of Greater Panaji Planning and Development Authority regarding submission of draft ODP of Bambolim Planning Area 2030 u/s 34 of Town & Country Planning Act, 1974.

The Member Secretary informed that the Greater Panaji Planning and Development Authority has submitted draft ODP of Bambolim Planning Area 2030 u/s 34 of Town & Country Planning Act, 1974.

It is informed by Greater Panaji PDA that the Authority has prepared Draft ODP-2030 of Bambolim Planning Area, after the adoption of Present Land Use Map & Register of Bambolim Planning Area under section 26 to 27 of Town & Country Planning Act, 1974. This adoption of Present Land Use Map & Register of Bambolim Planning Area was published in the two local news dailies and also notified in the Official Gazette vide Series III No. 7 dated 14/05/2020 and the addendum to the public notice was also published in the two local news dailies on 18/05/2020 and notified in the Official Gazette vide Series III No.8 dated 21/02/2020.

Shri R. K. Pandita, Member Secretary, Greater Panaji Planning and Development Authority then gave a PowerPoint presentation on the preparation of draft ODP-2030 of Bambolim Planning Area.

He informed that the Greater Panaji PDA has prepared the Draft ODP-2030 of Bambolim Planning Area under section 29 of Town & Country Planning Act, 1974 by undertaking due process of consultation with local Authorities i.e. Village Panchayat of Curca-Bambolim-Talaulim and Village Panchayat of St. Cruz.

It was further informed that draft ODP-2030 of Bambolim Planning Area was placed before the 12th (Adj.) meeting of the Authority held on 15/05/2020 and it was approved and the same is now submitted to Town & Country Planning Board and then for Government approval under the provisions of section 34 of Town & Country Planning Act, 1974.

After going through the contents of ODP of Bambolim Planning Area and the procedure followed in preparing the same, the Board decided to approve the draft ODP of Bambolim Planning Area and the procedure followed in preparing the same.

Item No. 5: Proposal of North Goa Planning and Development Authority regarding submission of draft ODP of Arpora-Parra-Nagoa Planning Area 2030 u/s 29 of Town & Country Planning Act, 1974.

The Member Secretary informed that the North Goa Planning and Development Authority has submitted draft ODP of Arpora-Parra-Nagoa Planning Area 2030, to grant approval u/s 29 of Town & Country Planning Act, 1974.

Member Secretary informed that, the draft ODP 2028 of Arpora-Nagoa-Parra Planning Area was earlier submitted to the Town & Country Department vide letter dated 26-02-2019 for according Town & Country Board and Government approval.

The Member Secretary, North Goa Planning and Development Authority Shri R. K. Pandita, presented the draft ODP-2030 of Arpora-Parra-Nagoa Planning Area before the Board for discussion.

He informed that after constitution of new committee on 17-09-2019 under the Chairmanship of Mr. Francisco Silveira, it was requested by his Authority vide Note dated 16-06-2020 to send back the draft ODP to place the same before the new Authority as new members were not aware of the contents of the draft ODP and accordingly the same was sent back to the North Goa

Planning and Development Authority vide Note of Chief Town Planner dated 19-06-2020.

It is informed by the Member Secretary, NGPDA that the same draft ODP was placed before the 76th Adjourned meeting of the Authority held on 22-06-2020 and after going through the contents of the draft ODP 2028, Authority members decided to review the ODP 2028 and to make certain changes regarding change of zone and various right of ways etc. based on Regional Plan 2021 and affected the said changes in the draft ODP 2030 of Arpora-Nagao-Parra planning area and is now placed before the Board for necessary approval under section 29 of Town & Country Planning Act, 1974 to the Town & Country Planning Board.

After going through the contents of ODP of Arpora-Parra-Nagoa Planning Area and the procedure followed in preparing the same, the Board decided to approve the draft ODP of Arpora-Parra-Nagoa Planning Area and the procedure followed in preparing the same.

Item No. 6 Decision on proposal considered by 30th meeting of the 16-A Committee, constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/ Schemes/ Development work by the Government) Rules -2008.

The Member Secretary submitted that proposals as given in Table placed at Annexure 'C' have been considered by the Committee constituted under sub rule 4 of Rule 3 of The Goa Town & Country Planning (Public Projects/ Schemes/ Development work by the Government) Rules -2008 in its 30th meeting held on 07/07/2020.

Item No. 7: Any other item with permission of the Chair.

No other issues were discussed under this item.

Meeting ended with thanks to the chair.