

**AGENDA FOR 170<sup>th</sup> MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 28/08/2020 AT 3.30 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.**

**Item No. 1: Confirmation of the minutes of the 169<sup>th</sup>(Adj.) meeting of Town & Country Planning Board held on 29/07/2020.**

The minutes of 169<sup>th</sup>(Adj.) meeting of TCP Board held on 29/07/2020 were circulated to all the members. Since no comments have been received, the Committee may confirm the same.

**Item No. 2: 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 is regarding refusal by the Respondent South Goa Planning & Development Authority to grant NOC for amalgamation of Flat No. G-2 and G-3 in building "Shanterivan", vide reference No. SGPDA/P/1672/08/19-20 dated 10/04/2019, on the ground that requisite NOC from society is not obtained.

The Appellant is owner of the premises bearing flat No. 1(G-2 and G-3), "Shanterivan Co-operative Housing Society Ltd.", VarkhandPonda Goa admeasuring total 75.00 sq. mts., purchased by him and his daughter Dr. Leena Shirodkar from the vendors M/s Mangalkruti Realtors by an agreement dated 12/06/1998.

The Occupancy Certificate in respect of the flats was granted on 11/11/1999 by Ponda Municipal Council which shows the flats separately as G-2 and G-3. The "Shanterivan Co-operative Housing Society Ltd." was registered on 06/09/2001 which shows the said flat as Single flat and the appellant was allotted 1 share certificate, corresponding to the said single flat.

Subsequently, a registered conveyance deed dated 05/10/2007 was executed which shows the said flat as single flat.

In the year 2015, the society Chairman wrote to appellant regarding non payment of dues, illegal transfer of flat to daughter etc. The matter was being complied. For that purpose on 09/07/2018, the appellant made an application to the Respondent. The said application has been rejected by the Respondent on the ground that NOC from the society is required.

The matter was placed before the 168<sup>th</sup> meeting of the TCP Board held on 27/01/2020. During the hearing respondent PDA informed that they have not received any copy of appeal memo and hence are not aware as to what are the grounds for appeal.

The Appellant then served a copy of appeal memo to the Respondent PDA, who sought the time to study the same and submit their reply and the same was considered by the Board. The appeal was accordingly deferred for further hearing in the next meeting of the Board.

The matter was accordingly taken up for hearing by the Board. Member Secretary, VertikaDagur and Ld. Advocate Menino Pereira appeared on behalf of Respondent South Goa Planning and Development Authority. However no one appeared on behalf of Appellant. The matter was therefore once again deferred for hearing in the next meeting of the Board.

Notices are accordingly issued to both the parties to remain present for the meeting.

Board may deliberate.

**Item No. 3: Appeal under section 52(2)(B) of the TCP Act, 1974 filed by Shri Lyndon D'Silva and Maria ColacoD'Silva against South Goa Planning & Development Authority (File No. TP/B/APL/187/19).**

The matter is against final notice dated 06/12/2019 bearing No. SGPDA/P/Illegal/1289/19-20 directed the appellant to demolish toilet in open terrace and zinc sheets consuming additional FAR.

The appellant number to Smt. Maria ColacoD'Silva owns the duplex flat on 4th floor bearing H.No. FF9 purchased about 5 years back. There was need to make the entire flat in a livable condition as it was closed for 20 years. The appellant sought permission from Respondent and Margao Municipal Council. The said duplex flat had a covered terrace which had broken finolex sheets, hence it was replaced by new sheets and the RCC stair case for access to upper floor was replaced by fabricated stair case. Upon complaint dated 09/03/2019, the Margao Municipal Council issued stop work order on 02/04/2019, which was revoked on 06/05/2019 and as per the directives of Margao Municipal Council, the exposed roof that was removed earlier was put again and other minor works were done.

The Margao Municipal Council directed to take permission from Respondent. On 01/08/2019 Respondent issued show cause notice. It was replied by the Appellant on 12/11/2019, followed by second show cause notice on 22/11/2019. It was replied on 02/12/2019. Now the respondent has issued final demolition order.

The matter was placed before the 168<sup>th</sup> meeting of the TCP Board held on 27/01/2020.

During the hearing, respondent PDA informed that they have not received any copy of appeal memo and hence are not aware as to what are the grounds for appeal. The appellant was then served a copy of appeal memo to the respondent PDA, who sought the time to study the same and then to reply. The request was considered by the Board and accordingly deferred the matter.

Notices are accordingly issued to both the parties to remain present for the meeting.

The Board may deliberate.

**Item No. 4: Regarding request from Dattaran T. Nayak to review decision regarding earlier representation dated 31/12/2018 of RamnathDevasthan, Ponda Taluka.**

The matter was discussed in the 165<sup>th</sup> meeting of TCP Board held on 01/03/2019 and heard Shri DattaramNayak in the matter of grant of Technical Clearance Order to RamnathDevasthan at Bandora to construct PurushSankul and ArchakSankool and the same was discussed in the earlier meeting of the Board to hear the parties. Accordingly, notice were issued for both the parties to remain present for the hearing.

*Shri. DattaramNayak and members of the Devasthan Committee Architect Shri AjitHegde, Shri PravasNaik, President of the Devasthan and Shri RajendraKosambe, Attorney of theDevasthan remained present for the hearing.*

*Shri. DattaramNayak stated that he had made several representations to Ponda Taluka Office citing irregularities carried out by RamnathDevasthan. The main contention of Shri DattaramNayak was as regards to encroachment over the traditional drain by means of construction of approach steps, which he*

*claimed was belonging to Water Resource Department. He stated that although the approved plans showed only about 5 steps, the Devasthan has constructed about 32 steps. He further informed the Board that a notice dtd. 8/3/2017 was issued to RamnathDevasthan by Water Resource Department regarding covering of the drain and construction of steps over it and another notice dtd. 30/1/2018 was issued to RamnathDevasthan seeking explanation regarding the same issues.*

*The representative of the Devasthan submitted that the nallah as claimed by Shri. DattaramNayak is not a Government nallah and whereas it is just a small drain constructed by Devasthan itself within its property to facilitate draining of rainwater. They also placed before the Board the copy of survey plan of the property under Sy.No. 42 which did not reflect any such public drain.*

*A letter dtd. 9/2/2018 of PWD was also placed before the Board by the representative of the Devasthan, pertaining to reconstruction of RCC culvert which they had received from office of the Executive Engineer, Div. XVIII (Roads), PWD, which stated that on inspection carried out by the Department, it was observed that the reconstruction of culvert is falling within the campus of Shri RamnathDevasthan and as such sanction from their Department was not necessary. The letter also allowed the Devasthan to get the same designed and executed under supervision of any Structural Engineer.*

*The representatives also brought to the notice of the members that the Appellant has also filed a suit against Devasthan citing several other issues and by making several allegations against the Devasthan and the Hon'ble High Court in Writ Petition No. 212 of 2019 had dismissed the petition filed by Appellant for being devoid of merits. The representative also informed the Board that the petitioner is in the habit of making false allegations against the Devasthan and its members and the complaints filed by him are frivolous and baseless.*

*After going through all records placed before it and arguments advanced by both the parties, the Board concluded that there is no merit in the representation dtd. 31/12/2018 made before it by Shri. DattaramNayak and hence deserves no further action, as requested therein against the Devasthan or against the TCP officials.*

*The Board accordingly discharged the representation as made by Shri DattaramNayak.”*

Shri DattaramNayak has now again made a representation dtd. 28/11/2019 stating that he would like to add few more documents in his new representation and has thus requested for review of the decision earlier taken regarding his earlier representation dtd. 31/12/2018.

The matter was placed before the 168<sup>th</sup> meeting of the TCP Board held on 27/01/2020.

Shri Dattaram T. Nayak was present for the hearing, however the Board decided it proper to hear the other party too i.e. Shree RamnathiDevasthan, as the earlier order was issued by the Board after hearing both the parties. Member Secretary was accordingly directed to issue the notices to both the parties to remain present for the next meeting of the Board to give their say in the matter. Notices are issued accordingly.

It was then informed that a letter dtd. 18/2/2020 is received from RamnathDevasthan informing that it will not be possible for them to attend the meeting in view of major MahashivratriUtsav from 19/2/2020 till 25/2/2020.

The request as made by Shri RamnathDevasthan vide their letter dtd. 18/2/2020 was considered by the Board and accordingly the matter was deferred for hearing in the next meeting.

The Board may deliberate.

**Item No. 5: Sub-Committee report in the matter of Appeal/representation of;**

- (i) Shri Suresh Shetye against Goa University.**
- (ii) Shri FaridFatehali Habib Veljee.**

In the matter of representation made by Dr. Suresh Shetye against Greater Panaji Planning and Development Authority and with regard to appeal under Section 52(2)(b) of TCP Act 1974 filed by Shri FaridFatehali Habib Veljee against Greater Panaji Planning and Development Authority, the TCP Board in its 168<sup>th</sup> meeting held on 27/01/2020 decided to refer the matter to the Sub-Committee comprising of members. 1) Shri Glenn Souza Ticlo, Hon'ble MLA 2) Shri Antonio Diniz and 3) Shri Rajiv Sunctankar, to study the issues

and submit its report before the TCP Board for further deciding on the representations and appeals respectively.

The report accordingly is prepared by the Sub-Committee and is placed before the Board to consider.

Board may decide.

**Item No. 6:- Proposals received under Section 16B for the provisions of Section 12 of the TCP Act.**

With notification of Section 16B of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16B. The proposals as received under Section 16B are placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act. Refer Annexure 'A'.

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