

MINUTES FOR 170th MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 28/08/2020 AT 3.30 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

The following attended the meeting:

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| 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 S.R. Prabhu,
SDFO, Forest Dept.,
Mapusa. | ... | Member |
| 6. Shri Nevil Alfonso,
Director of Agriculture | ... | Member |
| 7. Capt. V.P. Vinayabam,
S.S.O. (Works) (I&E) HQ GNA | ... | Member |
| 8. Shri Subhash Kavlekar,
Asttt. Director, Dept. of Tourism
(Representative) | ... | Member |
| 9. Smt. Megha S. Kerkar,
Supdt. of Fisheries | ... | Member |
| 10. Shri Tolentino Furtado,
Dy. Director, DPSE
Porvorim – Goa. | ... | Member |
| 11. Antonio A. Godinho (SW),
Office of SE-II, PWD, Altinho | ... | Member |
| 12. Shri. Antonio P. Diniz | ... | Member |
| 13. Arch. Rajeev M. Sukhthanker | ... | Member |
| 14. Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | ... | Member Secretary |

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

The Member Secretary informed that the minutes of 169th(Adj.) meeting of TCP Board held on 29/07/2020 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 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 Member Secretary informed that 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.

It was informed that the matter was earlier taken up for hearing by the Board in its 169th (Adj.) meeting held on 29/07/2020 and the same was deferred as no one appeared on behalf of Appellant.

For the present hearing, Ms. Vertika Dagur, Member Secretary, SGPDA and Adv. Menino Pereira appeared on behalf of the Respondent and whereas the Appellant was represented by Adv. J. Karan. It was informed by the Appellant that he is owner of the premises bearing flat No. 1(G-2 and G-3), admeasuring an area of 75.00 sq. mts. located at “Shanterivan Co-operative Housing Society Ltd.”, Varkhande, Ponda and the same was purchased by him and his daughter Dr. Leena Shirodkar from the vendors M/s Mangalkruti Realtors by an agreement dated 12/06/1998.

It was further informed by the Appellant that the Occupancy Certificate for flats was granted on 11/11/1999 by Ponda Municipal Council which shows as different flats G-2 and G-3. It was then informed that the “Shanterivan Co-operative Housing Society Ltd.” was registered on 06/09/2001 which however shows the said flats as one single flat and accordingly he was allotted 1 share certificate, corresponding to the said single flat. Subsequently, a registered conveyance deed dated 05/10/2007 was executed which again shows the said flats as one single flat.

The Appellant then informed the Board that in the year 2015, Society's Chairman informed him regarding issues of non payment of dues and illegal transfer of flat to daughter etc. and the issues were being complied by him, for which purpose on 09/07/2018, he made an application to the Respondent, which however was rejected on the ground that NOC from the Society is required.

It was the argument of the Appellant that he is ever willing to produce such an NOC from the Society, however for the reasons of some personal issues with Chairman of the Society, he is not in a position to get the same as the Chairman is unwilling to issue the same for having some personal grudge against him. It is for this reason, the Appellant said that he is neither in a position to get the NOC from the Society nor the PDA is giving him the permission and therefore requested the Board to intervene and direct the respondent to consider his application as he is in peaceful possession of the said flat for last about 20 years. Also the Appellant informed that he has not undertaken any physical changes in the flat and they are in the same state as was issued occupancy for.

While arguing on behalf of the respondent, Adv. Menino Pereira impressed the Board stating that by all means, the approval plans shows two different flats G-2 & G-3 and the occupancy certificate too stands issued for two different flats and as such while undertaking any revision/amalgamation of the same, the permission from the Authority is required, for which purpose the application to the Authority is required to be made by the owner of the flat and that the Society is the owner in the present case by virtue of sale deed executed with the Appellant. Alternatively, he said an appropriate NOC for undertaking the revision in approved plan, need to be issued by the Society, which too has happened in the present case. The respondent brought to the notice of the Board that although the agreement for purchase of the flat has been signed by the Appellant, the final sale deed has been executed by the Chairman of the Society, which makes his NOC mandatory for any subsequent revision of the plans.

Board heard both the parties and deferred the matter for Orders.

The matter shall therefore again be taken up in the next Board meeting for decision.

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 Member Secretary informed that the matter is against final notice dated 06/12/2019 bearing No. SGPDA/P/Illegal/1289/19-20 directing the Appellant to demolish a toilet constructed on open terrace and for covering of terraces with zinc sheets thereby consuming additional FAR.

It was informed that the matter was earlier placed before 168th meeting of the TCP Board held on 27/01/2020, during which, the Respondent PDA was served a copy of a appeal memo by the Appellant, as Respondent had stated that they had not received any such appeal memo. The matter was therefore deferred to give time to Respondent to reply.

The notices were accordingly served to both the parties to remain present for the current hearing. Member Secretary however informed that Appellant vide his letter dtd. 24/8/2020, which is received by the Department on 28/8/2020, has informed that he shall not be able to attend the hearing on scheduled date for having been discharged from Healthway Hospital, Old Goa and for having been advised bed rest at home and hence was the request of Appellant not to take up the matter.

The Board considered the request being the genuine reason and therefore deferred the matter.

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

It was informed that the issue pertaining to a representation made by Shri Dattaram Nayak was earlier discussed in 165th meeting of TCP Board held on 01/03/2019, during which Shri DattaramNayak was heard in the matter of grant of Technical Clearance Order to Shree RamnathDevasthan at Bandora for construction of PurushSankul and ArchakSankool.

Further, in subsequent hearing in the meeting of the Board, Shri DattaramNayak and members of the Devasthan Committee, Architect Shri AjitHegde, Shri PravasNaik, President of the Devasthan and Shri RajendraKosambe, Attorney of theDevasthan were heard in detail and after considering the argument placed before it by both the parties, the representation of Shri Dattaram Nayak was dischargedaccordingly.

Member Secretary further informed the Board that Shri DattaramNayak has again made a representationdtd. 28/11/2019 stating that he would like to add few more documents in his new representation andhas thus requested for review of the decision taken by the Board against in his earlier representation dtd. 31/12/2018 and the matter was therefore again placedbefore 168th meeting of the TCP Board held on 27/01/2020, during which it was decided to hear both the parties and accordingly notices were sent to remain present before the next meeting of the Board.

The Board was then briefed that vide letter dtd. 18/2/2020,Shree RamnathDevasthan had expressed their difficulty in attending the meeting and the matter was therefore deferred for hearing in the next meeting.

The matter was taken up for hearing in the current meeting, which was attended by Adv. Sagar Sarmalkaron behalf of Shree Ramnath Devasthan, who placed before the Board a letter dtd. 28/8/2020 issued by Shree Ramnath Devasthan expressing that there is no scope for the same Board to review its earlier decision. Advocate Shri Sagar Sarmalkar further requested that in case Board desires to proceed further in the matter of representation made by Shri DattaramNayak vide his letter dtd. 24/8/2020, then the copy of the said letter be supplied to Devasthan to enable them to submit their written statement.

Matter was however not taken up for further argument as the Member Secretary informed that Shri Dattaram Nayak has informed about his unavailability to attend the present meeting in view of COVID-19 pandemic and has therefore requested to postponed the hearing.

Considering the reason cited by Shri Dattaram Nayak, the Board agreed with the request made and accordingly deferred the matter with directions to the Member Secretary to issue a copy of the representation of Shri Dattaram Nayak to Shree Ramnath Devasthan as requested by them and also to issue a

copy of the present letter dtd. 28/8/2020 of Devasthan to Shri Dattaram Nayak for his information.

The Board also directed the Member Secretary to inform both the parties that the matter shall finally be decided in the next meeting of the Board.

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 168th 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 representation and appeal respectively.

It was informed that the Sub-Committee held its meeting in the Office of Chief Town Planner (Planning) and after perusing all records placed before it and conducting site inspection wherever required, has prepared its report. The same was placed before the Board by the Member Secretary, who explained the contents and findings as mentioned in the said report.

On having deliberations on the same, Board decided to accept findings and decision of the Sub-Committee and accordingly decided as under:

1. In the matter of 'Representation by Dr. Suresh Shetye against Goa University.

- i) The Board directed the Member Secretary to instruct GPPDA to review its Development Permission given to Goa University for construction of compound wall, by considering the provisions of RPG-2021 and any such other statutory plans in force for the area under reference.
- ii) The GPPDA shall consider the representations as made by Dr. Suresh Shetye pertaining to blockage of his access etc. while

reviewing the Development Permission granted to Goa University for the construction of compound wall.

The representation of Dr. Suresh Shetye was accordingly disposed off.

2. In the matter of appeal filed by Shri Farid Fatehali Habib Veljee.

The Board accepted the decision of the Sub-Committee as mentioned at Sr.No. a, b, c& d in its report in the matter of appeal filed by Shri Farid Fatehali Habib Veljee which are as under:

- a) Appellant cannot be made answerable to the development/construction of compound wall already existing on site, prior to his purchase of the property, which fact cannot be ignored looking at the description of the property on the sale deed, which almost certifies the existence of compound wall at the time of purchase of showroom by appellant.
- b) As per the description as made of the shed on the final notice issued by PDA and as seen from the site, the erection of shed appears to be of temporary nature, as the materials used are M. S. columns with zinc sheet roofing, which may last for a specific period and are for specific purpose and could be for limited time and could be dismantled thereafter.
- c) As regards to erection of glass sheet canopy along the frontage, the Committee observed that the same as described by PDA in its final notice, is an architectural feature and does not amount to violation of any planning parameter/perimeters, such as FAR, coverage, setback, etc.
- d) As regards to construction of platform, the same appears to be landing area for plinth having dimension of 1.00 mts. x 2.00 mts. with a ramp on one side and steps on other side which are provided to facilitate the movement of persons and two wheelers. The same was found to be agreeable considering the main use of the premises.

Appeal therefore as filed by Shri Farid Fatehali Habib Veljee was allowed and the Member Secretary was accordingly directed to communicate the decision of the Board to the GPPDA.

The report of the Sub-Committee as placed before the Board forms the part of these minutes as Annexure-B.

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. New proposals as received under Section 16B were 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 are as recorded in Annexure 'A', which forms the part of these minutes.

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

Representation received from Village Panchayat Se Old-Goa regarding inclusion of additional properties in Greater Panaji Planning and Development Authority, Panaji – Goa.

Member Secretary informed that a representation dtd. 27/8/2020 is forwarded to the Department by the office of Hon'ble Dy. Chief Minister/Minister for TCP pertaining to submission of resolution by the Village Panchayat Se Old – Goa.

Member Secretary informed that Village Panchayat Se Old-Goa vide their letter dtd. 27/8/2020 has submitted a copy of the plan and a copy of resolution No. 3 (39) dtd. 12/6/2020 & 4(2) dtd/ 10/7/2020 adopted by Village Panchayat Se Old-Goa pertaining to inclusion of properties under the jurisdiction of Greater Panaji Planning and Development Authority, Panaji – Goa. The Panchayat also forwarded applications received from locals requesting for the same which are as under:-

1. Representation received from Shri Shamsunder V. Kamat requesting for inclusion his property bearing Sy.No. 21/1, 21/1-A and 20/2 of village Baiguinim in jurisdiction of Greater Panaji PDA.

2. Representation received from Smt. Laxmi Demu Dhulapkar requesting for inclusion of her land in Greater Panaji PDA.
3. Representation received from Shri Cholu Parvatkar requesting for inclusion of his land in Greater Panaji PDA.

Member Secretary further informed that the Village Panchayat has unanimously resolved that properties coming within 200 mts. of the highway on the either side be brought within the jurisdiction of Greater Panaji Planning and Development Authority for better usage of land and to cater requirement of locals in the area for residential/commercial units. The resolution further states that a detail plan is to be drawn as per the resolution and also taking into consideration that no inconvenience is caused to general public where situation may arise that part of the properties lie within jurisdiction of Town & Country Planning Department and part in Greater Panaji Planning and Development Authority.

The Board deliberated on the resolution passed and observed that for the purpose of consideration of the request, the area referred shall first have to be declared as planning area such that the same can subsequently be brought under the jurisdiction of Planning & Development Authorities. It was therefore felt appropriate that the proposal shall be studied properly and discussed at length in the forthcoming meeting of the Board.

The request as made by Village Panchayat Se Old – Goa was therefore considered “in- principle” and was accordingly decided that the matter shall be deliberated in detail in the next meeting of the Board.

Meeting ended with thanks to the Chair.