

AGENDA FOR 171st MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 29/09/2020 AT 3.30 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

Item No. 1: Confirmation of the minutes of the 170th meeting of Town & Country Planning Board held on 28/08/2020.

The minutes of 170th meeting of TCP Board held on 28/08/2020 were circulated to all the members. No comments on the same have been received.

The Board is informed that the proposals as given in Table placed at Annexure 'C' pertaining to Agenda Item No. 6 of 169th (Adj.) meeting of the Town & Country Planning Board held on 29/07/2020 have been considered by the Board in same 169th (Adj.) meeting, however the decision as recorded in the minutes of the same meeting has inadvertently remained incomplete. The following therefore shall be added after para 1 of item No. 6 in the minutes of 169th (Adj.) meeting:

“The same proposals were placed before the Board and the decisions as taken by the Committee in the matter of proposals of (i) Directorate of Tribal Welfare at Sr.No. 3, (ii) Goa Housing Board at Sr.No. 6 & 7, (iii) Department of Urban Development (Municipal Administration) at Sr.No. 9 and (iv) Directorate of Women & Child Development at Sr.No. 10 & 11 were approved.

As regards to other proposals of Goa Housing Board at Sr.No. 1, 2, 4, 5 & 8, it was decided that the proposals as recommended by Committee shall be placed again before the Board for consideration of change of zone, once the amendment to the Goa Town & Country Planning (Public Projects/Schemes/Development works by the Government) Rules, 2008 are notified.

The Member Secretary was accordingly directed to process the proposals further as per the decisions taken above.”

The minutes of 169th (Adj.) meeting were confirmed in 170th meeting held on 28/8/2020, the Board may therefore consider confirmation of minutes of 170th meeting with correction to minutes of item No. 6 of 169th (Adj.) meeting as above.

The Board may consider the confirmation of minutes of 170th meeting.

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). (Appeal earlier heard). Now for orders

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.

The Appellant has submitted that a mundcarial dwelling house of the Appellant 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 by virtue of 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 further states that upon the death of her husband, she has filed the purchase proceedings before the Mamlatdar of Salcete for the purchase of the mundcarial area along with the dwelling house as she is entitled for the same, as is allowed by the Court of the Mamlatdar of Salcete vide Order passed on 03/01/2020.

Then Appellant submits that her mundcarial dwelling house is very old and the roof of the said house required immediate repairs as the rafters and wooden ribs were in a very bad condition. The Appellant states that she has repaired roof of her house in order to protect the same and to avoid danger of the roof collapsing.

Thereafter Appellant submits that she has not received any notice from the respondent (SGPDA) fixing any site inspection nor has she received any show cause notice dated 16/05/2019 from the Respondent (SGPDA) as stated in the notice issued to her.

Appellant therefore submits that she is not aware of any site inspection carried out by the Official of the SGPDA as she has not been intimated of any such inspection fixed by the SGPDA.

Thereafter on 19/12/2019, the Appellant received the notice from the Respondent under Section 52 of the TCP Act requiring her to demolish the said illegal development within a period of 31 days from the receipt of the notice.

Appellant submits that her mundcarial house bearing house No. 103 is existing in the said property for more than 50 years and is occupied by her family members and there is no encroachment to the house as alleged in the notice. The said house is also depicted/shown on the survey plan of the property under reference.

Aggrieved by the said notice dated 18/12/2019 issued by the respondent (SGPDA) under Section 52 of the TCP Act under No. SGPDA/P/Illegal/1375/19-20, the Appellant has preferred the present Appeal before the TCP Board, being the Appellate Authority.

Appellant therefore prays as under:

- a) That the appeal filed kindly be 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.
- b) The Execution of the said notice under No. SGPDA/P/Illegal/1375/19-20 be stayed till the disposal of the Appeal on merits.
- c) Such other order Board may deem fit and proper.

Member Secretary, VertikaDagur and Ld. Advocate Menino Pereira had 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 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 from the Authority.

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

The Board may deliberate further.

Item No. 3: Appeal under Section 45 of the TCP Act, 1974 filed by Sant Nirankal Mandal against North Goa Planning and Development Authority.

The matter is regarding appeal under section 45 of the Town & Country Planning Act, 1974 in respect of letter bearing No. NGPDA/M/1806/1554/2020 dated 27/07/2020 communicating the preliminary observations as raised by North Goa PDA and regarding erroneous change of zoning of the property bearing Chalta No. 1/13 of P.T. Sheet No. 127 at village Mapusa, Taluka Bardez.

The Appellant states that they are a charitable society and had purchased the property in 2006 under Chalta No. 1/13 P.T. Sheet 127 of Mapusa admeasuring 1981 sq.mts. which was zoned as “Settlement/Residential” under ODP for Mapusa in operation in the year 2016 for the purpose of setting up of its Sant Sang Bhavan. The Appellant further states that the Conversion Sanad was granted for residential use with 100 FAR, bearing No. RB/CONV/BAR/COLL/43/2014/647 dated 01/12/2016 which was much prior to the notification of the Final ODP (Mapusa) dated 27/12/2016 and which was published in the Official Gazette Series III No. 38 dated 28/12/2016. However they could not commenced the construction of Sat Sang Bhavan as they did not have required funds for the same. The Appellant on 18/3/2020 applied for Technical Clearance to the North Goa PDA, however vide letter bearing No. NGPDA/M/1806/1554/2020 dated 27/07/2020, the same was not considered by the North Goa PDA citing three observations, one amongst which was that the property is now earmarked as Recreational zone in the Mapusa Outline Development Plan 2021, hence the coverage permissible is 5% and FAR permissible is 5.00 and Height permissible is 5.00 mts. and therefore the proposal is not considered by North Goa PDA for approval since FAR coverage and Height of the building exceeds the permissible limit.

The Appellant therefore states that they are rudely shocked to learn from the Respondent that the said property has been wrongly and erroneously and ex-post facto after grant of Sanad to the Applicant has been zoned as “Recreational zone” in the Final Mapusa ODP 2021.

The Appellant has therefore prayed for following:

a. Appeal be allowed;

- b. The letter dated 27/07/2020 bearing ref. No. NGPDA/M/1806/1551/2020 issued by the Member Secretary, NGPDA be quashed and set aside.*
- c. The application bearing inward No. 2153 dated 18/03/2020 and be allowed.*
- d. Technical sanction be awarded to the Applicant in respect of the proposed construction in the property surveyed under Chalta No. 1/13 P.T. Sheet No. 127, Mapusa Taluka, Bardez Goa.*
- e. Any other order or relief as deemed fit by the Authority.*

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

The Board may deliberate.

Item No. 4: Appeal under Section 37(b)(5) of the Goa Industrial Development Corporation Act, 1965 and Section 45 of TCP Act, 1974 filed by PaiFondekar Investment Private Limited against Goa Industrial Development Corporation (GIDC).

The matter is regarding issue of NOC for proposed Swimming Pool, Toilet blocks in Utility Plot No. 1 Phase -1-A at Verna Industrial Estate for M/s PaiFondekar Investments Pvt. Ltd.

The Appellant states that the predecessor in the title of the appellant had made an application to the GIDC for allotment of land bearing utility plot No. 1 phase 1-A of Verna Industrial Estate, Verna, Salcete -Goa to the Appellant, admeasuring an area of 3934.50 sq. mts. and has annexed a copy of the provisional permission and approval from the National Skill Development Corporation.

The Appellant has placed on record letter No. TR/TAR/1(14)/2017/688 dtd. 11/8/2017 issued by Ministry of Shipping/Directorate of General Shipping conveying therein In-principle Approval for opening up of Post-Sea Maritime Training Institute.

The Appellant states that the final permissions/ approval will be granted by the Director General of Shipping only after all the Infrastructural facilities as specified by the DirectorGeneral of Shipping for conducting the said courses are completed. The Appellant state that they are not in a position to start the

training courses in the event the construction of the pool as required by the Director General of Shipping is not completed.

The Appellant has produced a copy of the circular of Directorate General of Shipping, Govt. of India, Mumbai mentioning therein the requirement of swimming pool within the campus of Maritime Training Institute.

The Appellant states that they had filed an application dated 18/11/2019 for permission to construct a training swimming pool in the utility plot No. 1 phase 1-A of Verna Industrial Estate, Verna, Salcete-Goa.

In the appeal memo, the Appellant had stated that they have not received any response from the Respondent No. 1 either granting or rejecting their application. However vide their letter dtd. 19/8/2020, the applicant has now placed on record a letter of GIDC under ref.No. Goa/IDC/Utility/ I-A/Verna/37B/5910 dtd. 5/3/2020 communicating the decision of the Committee to reject the proposal of swimming pool where the plot allotted is a utility wherein the swimming pool proposed may not serve the purpose for the activity for which it has been allotted.

The appellant states that the Committee has merely read the classification of the plot and without verifying the factual situation at loco has passed the impugned decision. It is further stated that the Hon'ble Committee has failed to take into consideration that though the plot continued to be classified as utility plot, the GIDC themselves had granted their permission/consent to utilize the said plot for running an institution. The appellant has also stated that the committee had failed to appreciate that the construction of swimming pool is not prohibited under the GIDC Act.

The appellant also states that the Hon'ble Committee has failed to take into consideration that the specifications of the swimming pool sought to be constructed were as per the specifications contemplated by the Director General of Shipping under the Merchant Shipping Act, which is the part of the Central Government and the Appellant already had an "In-principle Approval" from the Director General of Shipping for conducting the standard of training certification and Watch Keeping Course and same forms part of one of the courses to be conducted by the Appellant in the Institution under reference.

The appellant has therefore prayed for following:

- a. *Call for the file/records pertaining to the application dated 18/11/2019 for construction of a swimming pool from the Respondent No. 2.*
- b. *Quash and set aside the resolution/decision dated 13/12/2019 passed by the Committee in its 28th meeting held on 13/12/2019.*
- c. *Grant the application dated 18/11/2019 of the Appellants for construction of swimming pool in utility Plot No. 1, Phase A of Verna Industrial Estate.*
- d. *Any other order, this Hon'ble Authority deems fit in the facts and circumstances of the case.*

Since the appellant has made GIDC as the Respondent, the notice is issued to both the parties i.e. Pai Fondekar Investment Pvt. Ltd. as Appellant and Member Secretary, GIDC as Respondent with request to remain present for meeting.

The Board may deliberate.

Item No. 5: Regarding request from Dattaran T. Nayak to review decision regarding earlier representation dated 31/12/2018 of Ramnath Devasthan, Ponda Taluka.

The issue is pertaining to a representation made by Shri Dattaram Nayak which was discussed earlier in 165th meeting of TCP Board held on 01/03/2019, during which Shri Dattaram Nayak was heard in the matter of grant of Technical Clearance Order to Shree Ramnath Devasthan at Bandora for construction of Purush Sankul and Archak Sankool.

Further, in subsequent hearing in meeting of the Board, Shri Dattaram Nayak and members of the Devasthan Committee, Architect Shri Ajit Hegde, Shri Pravas Naik, President of the Devasthan and Shri Rajendra Kosambe, Attorney of the Devasthan were heard in detail and after considering the argument placed before it by both the parties, the representation of Shri Dattaram Nayak was discharged accordingly.

The Board was further informed that Shri Dattaram Nayak has 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 taken by the Board against in his earlier representation dtd. 31/12/2018 and the matter was therefore again placed before 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 both the parties to remain present before the next meeting of the Board.

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

The matter was taken up for hearing in the 170th meeting, which was attended by Adv. Sagar Sarmalkar on 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. It was further requested by Advocate Shri Sagar Sarmalkar that in case Board desires to proceed further in the matter of representation made by Shri Dattaram Nayak vide his letter dtd. 24/8/2020, then a copy of the said letter be provided to Devasthan to enable them to submit their written statements.

No further arguments were however heard in the matter as the Member Secretary informed about the unavailability of Shri Dattaram Nayak to attend the 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 had 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. Bothe the parties are informed accordingly of the same decision of the Board.

The matter is again placed before the Board for further deliberation.

The Board may decide.

Item No. 6:- Submission of present Land Use Map and Land Use Register of Bambolim Planning Area falling under the jurisdiction of Greater Panaji Planning and Development Authority.

This has reference to the letter No. GPPDA/PLUM&R/Bambolim/71/2020 dated 22/05/2020 received from Member Secretary, Greater Panaji Planning and Development Authority regarding Submission of present Land Use Map and Land Use Register of Bambolim Planning Area falling under their jurisdiction.

As per the details submitted by Greater Panaji PDA, the said present Land Use Map and Land Use Register was published for information of general public by issuing public notice under section 27(1) of the TCP Act. It is stated that a Sub-committee was appointed by the Authority under Section 27(3) of the TCP Act to hear the objections received for the same present Land Use Map and Land Use Register.

The Authority in its 11th meeting held on 15/11/2019 has considered the report of the Committee and has resolved to adopt the Present Land Use Map & Register of Bambolim Planning Area as per section 27(4) of Town & Country Planning Act, 1974 and the notice regarding adoption of the same was published as required under Section 27(5) of the TCP Act and also in Government Official Gazette Series III, No. 8 dated 21/05/2020 as per section 27(6). The Authority has stated that the said public notice was published as a conclusive evidence that the Map & Register have been duly prepared & adopted by the GPPDA.

The GPPDA has submitted the same present Land Use Map & Register of Bambolim Planning Area to the Town & Country Planning Board and the Government.

Item No. 7: Decision on proposals considered by 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.

With notification of Section 16A of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16A.

Several proposals 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.

The same proposals were placed before the Board in its 169th (Adj.) meeting held on 29/07/2020 and decisions were taken accordingly. As regards to some proposals of the Goa Housing Board as mentioned in Annexure-A, it was decided that the same shall be placed again before the Board for consideration of change of zone, once the amendment to the Goa Town & Country Planning (Public Projects/Schemes/Development works by the Government) Rules, 2008 are notified.

Whereas the Government has now carried out amendment to Rule 2 of the Goa Town & Country Planning (Public Projects/Schemes/Development works by the Government) Rules, 2008 vide Notification No. 21/1/87-90/TCP-07-08/2020(pt.file)/1702 dtd. 10/9/2020 and published in the Official Gazette Series I No. 25 dtd. 17/9/2020. As per the said amendment, projects of Housing Board are considered under Public Projects/Schemes/Development works under Section 16A.

Since the necessary amendment has been carried out, the proposals of the Housing Board as were earlier placed before the Board in its 169th (Adj.) held on 29/07/2020 are placed again before the Board for necessary decision. Refer Annexure – A.

Item No. 8:- Proposals received under Section 16B of the TCP Act for consideration under Section 12 of 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 'B'.

Item No. 9: Proposals received under Section 16B of the TCP Act for consideration under Section 13(2) of TCP Act.

With notification of Section 16B of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16B. The Board had

earlier considered applications under the provision of Section 12 of the TCP Act. The proposals are now placed before the Board for consideration under the provisions of Section 13(2) of the TCP Act. Refer Annexure 'C'.

Item No. 10: Any other item with permission of the Chair.