

MINUTES OF 171st MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 29/09/2020 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 Nevil Alfonso,
Director of Agriculture | ... | Member |
| 6. Shri S.R. Prabhu,
SDFO, Forest Dept.,
Mapusa. (Representative) | ... | Member |
| 7. Dr. Surekha Parulekar,
CMO (NIEO) | ... | Member |
| 8. Shri Subhash Kavlekar,
Asstt. Director, Dept. of Tourism
(Representative) | ... | Member |
| 9. Smt. Megha S. Kerkar,
Supdt. of Fisheries (Representative) | ... | Member |
| 10. Shri Tolentino Furtado,
Dy. Director, DPSE
Porvorim – Goa. (Representative) | ... | Member |
| 11. Antonio A. Godinho (SW),
Office of SE-II, PWD, Altinho
(Representative) | ... | 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 170th meeting of Town & Country Planning Board held on 28/08/2020.

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

The Board was however informed by the Member Secretary that the proposals as mentioned at Annexure 'C' pertaining to Agenda Item No. 6 of 169th (Adj.) meeting of the Town & Country Planning Board held on 29/07/2020 were considered by the Board in same 169th (Adj.) meeting, however the decision as recorded in the minutes of the same meeting have inadvertently remained incomplete and requested the Board that the same shall be treated as corrected/completed by adding following para at 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 same was considered by the Board and accordingly the minutes of item No. 6 of 169th (Adj.) meeting stands corrected to that effect. The Board thereafter considered the confirmation of minutes of 170th meeting by making note of correction to the minutes of 169th (Adj.) meeting as above.

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

The Member Secretary informed that the issue is arising out of notice bearing 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.

Member Secretary informed that as per Appeal memo, 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 Mamlatdar of Salcete vide Judgement/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 purchase proceedings before the Mamlatdar of Salcete for the purchase of mundcarial area alongwith dwelling house as she is entitled for the same, for being allowed by the Court of Mamlatdar of Salcete vide Order passed on 03/01/2020.

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

Appellant also submits that she is not aware of any site inspection carried out by the Official of SGPDA and neither has she been intimated of any such inspection fixed by SGPDA 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 however states that she has received the notice on 19/12/2019 from the Respondent under Section 52 of the TCP Act requiring her to demolish the illegal development referred therein within a period of 31 days from the receipt of 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 and has prayed for following:

- a) That the appeal filed be allowed and the notice dated 18/12/2019 issued by the Respondent (SGPDA) under Sec. 52 bearing No. SGPDA/P/Illegal/1375/19-50) be quashed and set aside.
- b) Execution of the said notice bearing No. SGPDA/P/Illegal/1375/19-20 be stayed till the disposal of the Appeal on merits.

Member Secretary informed the Board that matter was earlier heard in the TCP Board meeting during which Member Secretary, Vertika Dagur and Advocate Shri Menino Pereira had appeared on behalf of Respondent PDA, during which it was informed by Adv. Menino Pereira that the Appellant has undertaken additional construction within the plot which exceeded 60.00 sq. mts. as mentioned in the mundcarial order and the same is therefore unauthorized as no permission for the same has been obtained by the Appellant from the Authority, whereas the Appellant defended that no encroachment/unauthorized construction has been carried out by her and that the structure is clearly reflected in the survey plan.

The Board therefore had 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 earlier deferred for further hearing.

The Member Secretary Ms. Vertika Dagur and Advocate Menino Pereira appeared on behalf of Respondent PDA, whereas the Appellant was represented by Adv. Shri Prakash M. Caeiro.

During the hearing, the Appellant reiterated that no Show Cause Notice was issued to her and that no site inspection was ever conducted and that she was harassed by the complainant who is only making frivolous complaints against her.

The Appellant further argued that the Respondent should show proof that Show Cause Notice has been issued to her and pointed out that she has not done any illegal construction and that she is already declared as a Mundkar and placed before the Board the documents showing how she is entitled as a Mundkar and further claimed that her house was an old mud house having old broken tin sheets as a roof.

Appellant admitted that she has reconstructed her old house and has replaced the tin roof with new tin sheets by confining herself within the plinth area of existing structure. It was brought to the notice of Appellant by the member Shri Rajeev Sukhthankar that under the regulations, even reconstructions required permissions from the Authority. The Appellant however tried to impress that there was no encroachment and she as a Mundkar was entitled under Section 7 of The Mundkar Act to reconstruct her house. Section 7 was then read to the Board. The relevant part of sec 7 & is as follows:-

“7. Mundkar to have right to repair, maintain and improve his dwelling house.—A mundkar shall have a right to maintain, repair, improve, or reconstruct his dwelling house without, in any way, increasing, the plinth area thereof. ----”

The question therefore remained whether the structure was within the plinth area.

Advocate for the Respondent Shri Menino Pereira on the other hand insisted that Show Cause Notice was issued and that inspection was carried. However no proof of inspection report nor proof of any postal services was produced.

The Board took note of the fact that the Mundkar Act is a beneficial legislation, and meant to help the deprived and poor section of society. The Act provides for the Mundkar to undertake reconstruction if the same was within the existing plinth area.

Considering all the arguments placed before it, the Board was of the opinion that the Appellant could still approach the Respondent PDA for regularization of the development carried out, if area of the same exceeded than what is reflected on the survey plan. The same was agreed upon by the Appellant and accordingly the Respondent was directed to consider the application for regularization, if any forwarded by the Appellant, by considering the regulations in force and other merits of the case.

The appeal was therefore allowed with directions to the Appellant to approach the Respondent PDA for regularization of the development carried out in access of the plinth area as that reflected on the survey plan.

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 Member Secretary informed that 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 zone of the property bearing Chalta No. 1/13 of P.T. Sheet No. 127 at village Mapusa, Taluka Bardez.

The Appeal memo states that the Appellant is 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 bearing No. RB/CONV/BAR/COLL/43/2014/647 dated 01/12/2016 was granted for residential use with 100 FAR, which was much prior to the notification of the Final ODP (Mapusa) dated 27/12/2016 which was published in the Official Gazette Series III No. 38 dated 28/12/2016, however they could not commence 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 PDA citing three observations, one amongst which was that the property is now earmarked as Recreational zone in the Mapusa Outline Development Plan 2021 and hence the coverage permissible is 5%, FAR permissible is 5.00 and height permissible is 5.00 mts. and therefore the proposal was not considered by North Goa PDA for approval since FAR coverage and height of the building exceeded the permissible limit.

The Appellant therefore states that they are shocked to learn that their property has been wrongly, erroneously and ex-post facto after grant of Conversion Sanad 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.*

Advocate of the Appellant Shri Raunaq Rao was present but the matter was not taken up for discussion as Shri R. K. Pandita, Member Secretary of North Goa PDA had telephonically requested for adjournment citing the reason that they shall not be able to attend to the hearing in view of situation arisen in their Authority out of Covid-19 pandemic. The request was considered by the Board and accordingly it was decided to take up the matter in next meeting of the Board.

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 Pai Fondekar Investment Private Limited against Goa Industrial Development Corporation (GIDC).

The Member Secretary informed that the matter is regarding denial of issue of NOC by GIDC for proposed Swimming Pool, Toilet blocks in Utility Plot No. 1 Phase -1-A at Verna Industrial Estate by M/s Pai Fondekar Investments Pvt. Ltd.

The Appellant in his Appeal memo has stated 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, 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 also 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 their In-principle Approval for opening up of Post-Sea Maritime Training Institute.

The Appellant has further stated that the final permissions/approval will be granted by the Director General of Shipping only after all the Infrastructural facilities as specified by the Director General of Shipping for conducting the said courses are completed. The Appellant therefore states that they are not in a position to start the training courses as the construction of pool as required by the Director General of Shipping is not completed.

The Appellant has attached 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 and has stated that they have not received any response from the Respondent GIDC 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 citing the reason that the plot allotted is a utility wherein swimming pool proposed may not serve the purpose for the activity for which it has been allotted.

The Appellant therefore 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 swimming pool sought to be constructed were as contemplated by the Director General of Shipping under the Merchant Shipping Act, which is the part of Central Government and that the Appellant has already obtained 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 was 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 hearing.

At the outset of the hearing, Member Shri Glen Ticlo recused himself from the hearing in the matter in view of possible conflict of interest for he being the Chairman of the GIDC. Advocate Shri Sanjay S. S. Sardesai appeared on behalf of Appellant and Dy. Town Planner Shri A. Deshpande appeared on behalf of GIDC.

The Appellant submitted that it is a Private Limited Company engaged in the business of recruitment and skill training and they are approved by the National Skill and Development Council as a training institute. He relied upon the allotment Order dated 09/09/2019, by which the GIDC had allotted to him the plot bearing utility plot No. 1, in phase 1-A for training and skill development purposes.

Appellant further submitted that as per the Goa Industrial Development Act or even as per the letter of allotment of the GIDC, there was neither an embargo imposed by the GIDC with regards to the kind or nature of training courses that could be conducted in the said plot nor was there a ban for the construction of any swimming pool and hence their permissions could not have been rejected. He further submitted that even the decision dated 13/12/2019 of the Committee used the words “may” and not “shall” to conclude that the swimming pool may not serve the purpose for which the plot is allotted and that GIDC itself was not certain of its grounds of rejection.

The Appellant further stated that the swimming pool for which the construction permission was sought was not for leisure or entertainment purposes, but in fact was for training candidates for STCW courses, one of which was a survival at Sea Course. Advocate Sardesai referred to the document annexed at pages 11 to 13 of appeal memo which contained the provisional permission granted by the Director General of Shipping for conducting the Standards of Training, Certification and Watch Keeping Course which are basically considered to be personal survival techniques for seafarer.

The Chairman of the Board at this juncture, enquired whether the said details were mentioned by the Appellant in their original Application, to which Advocate Sardesai informed that these details were already forming a part of the records of the allotment file of the GIDC and also of the application for permission before the Committee and made a reference to page 14 and 15 of the memo of appeal, wherein they had annexed the copy of the Circular of the Director General of Shipping. He further submitted that the permission that is sought by them was as per the specifications mentioned in the said circular itself. He further added that it was also not the case that their application was rejected for being in violation of any building regulations.

The Board after perusing the Circular of specifications of the swimming pool of the Director General of Shipping and the provisional permissions granted to the Appellant, was of the opinion that the Appellant was entitled for permissions as sought.

The Chairman thereafter inquired with Mr. Deshpande if there were any reasons under the Regulations why the permissions was rejected, to which Mr. Deshpande could not cite any such specific reason for refusal under the regulations. The Board therefore agreed with submissions of Advocate Sardesai and accordingly allowed the appeal with directions to Shri Deshpande to consider the application of Appellant and to grant necessary permission for swimming pool accordingly.

The appeal was therefore allowed with directions to the GIDC to consider the proposal of swimming pool, as applied for by Pai Fondekar Investment Private Limited.

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 Member Secretary informed that 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 hearings in meetings 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 also heard 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 his earlier representation dtd. 31/12/2018. 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 again taken up for hearing in 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 taken up in the matter as the Member Secretary informed about the unavailability of Shri Dattaram Nayak as conveyed by him telephonically to attend the meeting in view of COVID-19 pandemic and hence has requested for postponement of 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. Member Secretary informed that both the parties were informed accordingly.

Mr. Rajendra Kossambe (Attorney of Shree Ramnath Devasthan) along with Adv. Sagar S. Sarmalker (Substitute Attorney of Shree Ramnath Devasthan) appeared and filed reply dated 29/09/2020 and canvassed Oral Arguments on behalf of Shree Ramnath Devasthan, whereas the Appellant Shri Dattaram T. Nayak did not attend the meeting however his authorized person submitted a written statement on behalf of Shri Dattaram Nayak, which were taken on record.

Member Secretary informed that the case of Shri. Dattaram Nayak in the said representation dated 27/11/2019 and Written Arguments dated 29/08/2020 is as follows:-

- a) That Shree Ramnath Devasthan has obtained Technical Clearance Order vide No. TPP/CONST/Band/42/2012/721 dated 14/09/2012 and TTP/386/Bandora/42/2016/271 dated 26/02/2016 which is required to be revoked.
- b) That as per Technical Clearance Order Terms and Condition No. 2 it says *“the permission granted shall be revoked if any information, plan calculations, documents and other accompaniments of the Application are found incorrect or wrong at any stage after the grant of the permission and the Applicant would not be entitled for any compensation”*.
- c) That the traditional drain is covered with RCC and Steps have been constructed above it to enter buildings Archak Sankul and Purush Sankul.

- d) That Archak Sankul Two Buildings are constructed to the edges of traditional drain.
- e) That there is no sufficient gap in between the two buildings as per Bye-laws of Town & Country Planning Department.
- f) That terms and Conditions Nos. 2, 4, 6, 7, 8, 13, 14 and 16 of the Technical Clearance are violated.
- g) That V. P. Bandora issued Occupancy Certificate on 16/05/2017 without NOC of Health and Occupancy Certificate is revoked on 22/10/2019.
- h) That Archak Sankul and Purush Sankul are illegally occupied.

Adv. Shri Sagar Sarmalkar argued that the case of Shree Ramnath Devasthan considering the preliminary reply dated 28/08/2020 and reply dated 29/09/2020 is that:-

- a. That the Board is constituted and governed by the Goa, Daman and Diu Town and Country Planning Act, 1974 and Rules 1976 and that there is no provision for review of its own order provided for under the act as such power to review its decision ultra-wires the scope of the board, as such review application with due respect is not maintainable and deserves to be dismissed.
- b. That in the 165th meeting of the Town and Country Planning Board, the records / representation dated 31/12/2018 / reply of Shree Ramnath Devasthan were perused; grievances raised by Shri. Dattaram Nayak were heard; President and Attorney of Shree Ramnath Devasthan were heard, and the board after giving fair hearing in compliance with principles of natural justice, came to the conclusion there being no merits in the representation dated 31/12/2018 deserves no further action as requested therein against the Devasthan. That the said decision is not challenged by Shri. Dattaram Nayak before any appellate forum till date and being a reasoned order, otherwise is not fit for challenge.
- c. Without prejudice, there is no error apparent on the face of record nor is otherwise spelt out or demonstrated by Shri. Dattaram Nayak assuming for the sake of argument that review is permissible and / or maintainable.

- d. That Shri. Dattaram Nayak failed to show cause the provision under which the said review is sought for deliberation of the Board.
- e. That Shri. Dattaram Nayak is a habitual complainant with no success and is in habit of making false and baseless allegations against the Devasthan and the complaints filed by Shri. Dattaram Nayak are frivolous and baseless.
- f. That the Attorney placed reliance on the copy of the Order dated 02/04/2019 in Writ Petition No. 212/ 2019 wherein the Hon'ble High Court categorically observed at para 4 that "*the impugned order passed by the learned Mamlatdar is reasoned order which is passed after hearing the petitioner and after considering the facts. There is no perversity in the order. The Petition is devoid of merits and is accordingly dismissed with no order as to costs*".
- g. That mere dismissal of the complaint by the Board does not entitle the Complainant to re-agitate the issues which are heard and found to be without merits.
- h. That the issuance of the notice to Shree Ramnath Devasthan by the Hon'ble Board is bad in law considering the lack of power / jurisdiction to review, as such the complainant with malafide intentions and ulterior motives should not be entertained.
- i. That under such circumstances, the representation dated 27/11/2019 of Shri. Dattaram Nayak be rejected being against the law, baseless, frivolous and at any rate not maintainable.

After going through the records placed before the Board, in the interest of justice and after affording opportunity of being heard to the Complainant and the Representative of Shree Ramnath Devasthan, the written arguments of Shri. Dattaram Nayak are perused and taken on record, Reply and Oral Arguments canvassed by Adv. Shri Sagar Surendra Sarmalker and Mr. Rajendra Kossambe are heard, and the Board concluded that the preliminary objection raised by the representatives of Shree Ramnath Devasthan pertaining to maintainability of the review goes to the root of the jurisdiction of the Board and that the representation dated 31/12/2018 which is earlier decided in 165th meeting cannot be reviewed by the Board. The Board further observed that

there are no merits in the representation dated 27/11/2019 made by Shri. Dattaram Nayak and hence dismissed the representation.

No further action as requested against the Devasthan is therefore recommended by the Board. The representation of Shri Dattaram Nayak for review of earlier decision of the Board therefore stands dismissed.

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.

The Member Secretary informed that a letter No. GPPDA/PLUM&R/Bambolim/71/2020 dated 22/05/2020 is 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, 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.

It was felt by the members that a proper presentation on the same was required for which purpose presence of Member Secretary Shri R.K. Pandita was essential. However since Member Secretary had telephonically expressed his inability to attend the meeting in view of Covid-19 situation, it was decided to adjourn this matter.

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.

Member Secretary informed that after notification of Section 16A of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16A and 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.

It was then informed that some proposals were earlier placed before the Board in its 169th (Adj.) meeting held on 29/07/2020 and decisions taken accordingly. As regards to 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.

It was further informed that 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 which, projects of Housing Board are now considered under Public Projects/Schemes/Development works under Section 16A.

Since 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 were placed again before the Board and after deliberation the

same were recommended. The decisions taken are as per Annexure – A which forms the part of these minutes.

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. 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 'B', which forms the part of these minutes.

Due to paucity of time, the decisions only on cases reflected from Sr.No. 1 to 43 were taken and the rest of the cases from Sr.No. 44 to 68 were adjourned for discussion in the next meeting.

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

This agenda item was not taken up for discussion as the meeting was adjourned.

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

No other issues were discussed under this item.

Meeting ended with thanks to the chair.