

AGENDA FOR 173rd MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 03/02/2021 AT 3.30 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

Item No. 1: Confirmation of the minutes of the 172nd (Adj.) meeting of Town & Country Planning Board held on 23/12/2020.

The minutes of 172nd (Adj.) meeting of TCP Board held on 23/12/2020 are circulated to all the members. No comments have been received for the same from members.

The Board may like to confirm the minutes.

Item No. 2: Appeal under section 52(2)(B) of the TCP Act, 1974 filed by Shri Lyndon D'Silva and Maria Colaco D'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 vide which the Respondent PDA has directed the appellant to demolish toilet on open terrace and covering of the roof by zinc sheets consuming additional FAR.

The Appellant Smt. Maria Colaco D'Silva owns a duplex flat on 4th floor of building bearing H.No. FF9 which was purchased by her about 5 years back. Appellant states that a need to make the entire flat in a livable condition as it was closed for 20 years. The Appellant therefore sought permission from Respondent and Margao Municipal Council. It is the say of the Appellant that her duplex flat had a covered terrace which had broken finolex sheets and hence it was replaced by new sheets and the RCC stair case which saved as on 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 for the work undertaken which was however revoked on 06/05/2019 and so also as per the directives of Margao Municipal Council, the exposed roof that was removed earlier was put again and other minor works were carried out by the Appellant.

It was the direction of the Margao Municipal Council to take permission from Respondent PDA. On 01/08/2019 the Respondent issued show cause notice as no permission was obtained by the Appellant for the work undertaken, which was replied by the Appellant on 12/11/2019. A second show cause notice was again issued by Respondent, which again on 22/11/2019, was replied on 02/12/2019 by the Appellant, which not having been found satisfactory, the respondent has now issued final demolition order.

The matter was placed before the 168th 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 were not aware as to what were 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 then to reply. The request was considered by the Board and accordingly the matter was deferred.

Matter was again taken up in earlier Board meetings which however was not attended by Appellant on health grounds.

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

The Board may deliberate.

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 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 then 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 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 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 and hence the coverage permissible is 5% and FAR permissible is 5.00 and height permissible is 5.00 mts. The proposal was therefore not considered by North Goa PDA for approval as FAR coverage and height of the building exceeded the permissible limit.

The Appellant therefore states that they are rudely shocked to learn from the Respondent that their property has been wrongly, 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.*

The matter was earlier taken up for hearing by the Board for which 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.

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

The Board may deliberate.

Item No. 4: Appeal under Section 52(2)(B) of the TCP Act, 1974 filed by Mrs. Filomena D’Cruz against Mormugao Planning & Development Authority (File No. TP/B/APL/196/19).

The Appellant had earlier filed an appeal u/s 52(2) (b) against Notice dtd. 18/12/2018 of MPDA for carrying out illegal development in the property bearing Chalta No. 174(P), P.T. Shet No. 35 of Vasco city and the same was heard in 166th meeting of the Board held on 10/7/2019 under item No. 5. After considering the arguments placed before it by both the parties, the Board had decided that the Appellant shall apply to MPDA for regularization of development undertaken and thereafter MPDA was to decide on the same on the technical parameters as prescribed under the Goa Land Development & Building Construction Regulations, 2010.

The decision of the Board was accordingly communicated to the parties by the Chief Town Planning vide Order dtd. 27/04/2020. On the basis of the said Order passed by the Board, the MPDA vide its letter dtd. 22/5/2020 further requested the Appellant to submit her application for regularization of development undertaken within 10 days of receipt of their letter. In compliance of the said directions of MPDA, the Appellant vide her letter dtd. 2/6/2020 applied to the MPDA for regularization of the structure.

Whereas the Member Secretary vide his letter dtd. 17/6/2020 communicated observations to the Appellant, also mentioning therein that the application submitted for regularization of unauthorized development was not as per

GLDBCR-2010 and further gave one weeks time to the Appellant to comply with the requirement. The Appellant then vide her letter dtd. 23/6/2020 further requested MPDA to extend the time till end of July 2020 or keep in abeyance the decision till health issues arising out of COVID – 19 comes under control.

Whereas the MPDA has now issued fresh Notice dtd. 19/10/2020 u/s 52 of the TCP Act directing the Appellant to demolish/remove the illegal development. In the said Notice, it is clearly mentioned by the MPDA that it had considered the request of the Appellant as made for extension of time and had accordingly granted a grace period of 15 days for the compliance however the Appellant did not submit any plan within the extended time and as such the Authority in its meeting held on 16/9/2020 decided to serve the Notice u/s 52 of the TCP Act.

Aggrieved by the said Notice dtd. 19/10/2020, the Appellant has filed the present appeal.

Board may deliberate.

Item No. 5: Request for the grant of relaxation in frontage of proposed retail outlet in plot bearing Sy. No. 157/5 of Betalbatim village, Salcete Taluka.

This has reference to representation dtd. 07/01/2020 received from M/s Bharat Petroleum Corporation Ltd. addressed to the Hon'ble Dy. Chief Minister/Minister for TCP and Chairman of TCP Board wherein it is requested to grant relaxation in frontage from 30.00 mts. to 26.00 mts. for the proposal of retail outlet (petrol pump) in Sy.No. 157/5 of Betalbatim village, Salcete Taluka.

Earlier, the department had communicated the observation for the said proposal vide office letter No. 23/31/268/TCP/2019/2954 dtd. 13/11/2019 stating that the frontage of the plot under reference is 26.00 mts. only, which is required to be minimum 30.00 mts. for fuel filling station as required under the Goa Land Development and Building Construction Regulations, 2010.

Under the said regulations, the requirement of minimum frontage of 30.00 mts. can be relaxed if the property is located in zones C1, C2, C3, C4 wherein the

minimum size/area of the plot can be 500.00 sq.mts. with minimum frontage of 25.00 mts. (A copy of relevant portion of regulation is placed at C/14).

In the instant case, the plot is located in village Betalbatim, Salcete, Goa and is having an area of 4200.00 sq.mts. and the property under reference where the retail outlet is proposed, falls under settlement zone in VP2 village category, as such, the relaxation as mentioned is not applicable to the proposal under reference.

Hon'ble MP Shri. Francisco Sardinha vide his letter dated 16/12/2020 has requested for relaxation as sought stating that, there is a long pending public demand for the proposal as there is no other outlet within the vicinity of 8-10 kms on this MDR-43 (major district road) due to which the villagers and adjoining villagers face hardships to commute to a distant place to fill fuel in their vehicles by covering a distance of 8-10kms.

It is further stated that, this is a long pending matter and in the larger public interest of the villagers and it also comes under the utility Act and hence the relaxation in frontage may be granted.

Board may deliberate.

Item No. 6: Submission of Budget of North Goa Planning and Development Authority for the financial year 2020-2021.

The North Goa PDA has submitted budget for the year 2020-2021. The same is placed before the TCP Board under Section 106 of the TCP Act. The Board may take note of the same.

Item No. 7:- 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 scrutinized in terms of site conditions and potentialities of the area under Section 10 of TCP Act and are placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act. Refer Annexure 'A'.

Item No. 8: 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 'B'.

Item No. 9:- Any other item with the permission of chair.