

AGENDA FOR 175th (Adj.) MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 20/09/2021 AT 2.00 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

Item No. 1: Confirmation of the Minutes of the 175th meeting of Town & Country Planning Board held on 30/06/2021.

The Minutes of 175th meeting of TCP Board held on 30/06/2021 are circulated to all the Members. No comments have been received for the same from Members.

It is however noticed that at Agenda Item No. 7, under Annexure B at Sr. No. 38, the decision of the Board in the matter of Shri Chandrahas Anant Fal Dessai is recorded as '*Board considered removal of word subject to obtaining clarification from DMA and directed Chief Town Planner (Planning) to publish the proposal under Section 13(1) of TCP Act and to obtain comments from Agriculture Department & Forest Department, wherein the sentence, 'and to obtain comments from Agriculture Department & Forest Department' was inadvertently added and is a typographical error.*

The same decision shall therefore be read as '*Board considered removal of word subject to obtaining clarification from DMA and directed Chief Town Planner (Planning) to publish the proposal under Section 13(1) of TCP Act*'.

The Board may like to confirm the Minutes with corrections as above.

Item No. 2: Appeal under Section 45 of the TCP Act, 1974 filed by Shri Gurudas T. Tari against Greater Panaji Planning and Development Authority. (File No. TP/B/APL/198/2021)

The present Appeal is filed against the Order bearing reference No. GPPDA/ill-Const/34/PNJ/124/2021 dated 25/05/2021 whereby the Respondent has rejected the Application dated 21/04/2021 made by the Appellant for regularization of the construction carried out in the plot of

land surveyed under Chalta No. 122 of P.T. Sheet No. 77 of the City of Panaji on the ground that the building plans are not in conformity with the relevant rules and regulations as described in the Goa Land Development and Building Construction Regulations, 2010 in force.

The brief facts of the case as relevant to the present Appeal are as under:-

- i) That Yeshwant N. Karapurkar alias Esvonta Naraina Carapurcar and his wife, Kamal Esvonta Carapurcar own a plot of land surveyed under Chalta No. 122 of P.T. Sheet No. 77 of the City of Panaji, situated behind All India Radio, Altinho, Panaji, (referred to as the “said bigger plot of land”) wherein there existed a residential house which was earlier assessed for the purpose of house tax by the then Panjim Municipal Council under old house No. 102 and is presently assessed for the purpose of house tax by the Corporation of the City of Panaji under house No. 211, C-9 (referred to as the “said bigger residential house”).
- ii) That the said bigger residential house existed in the said bigger Plot of land prior to the liberation of Goa.
- iii) That the Appellant’s wife, Smt. Satyavati Gurudas Tari vide a Deed of Sale dated 23rd August, 1977 purchased the portion of the said bigger Plot of land (surveyed under Chalta No. 122 of P.T. Sheet No. 77 of the City of Panaji) alongwith the portion of the said bigger residential house having a common wall (referred to as the “said residential house”), totally admeasuring an area of 92.75 sq.mts. from Esvonta Naraina Carapurcar and his wife, Esvonta Naraina Carapurcar (referred to as the “said Plot of land”).
- iv) The North Goa Planning and Development Authority issued a show cause notice dated 28th April 2011 bearing ref.No. NGPDA/III/Comp/09/ 242/2011 to the Appellant alleging that the inspection was carried out on 16th July 2010 and it was found by the North Goa PDA that the Appellant had carried out illegal construction of first and second floors. Further, the Appellant was called upon to show cause why the structure should not be

demolished. The Appellant filed his reply on 4th May 2011 wherein he pointed out all the facts and also pointed out that the present case is a case of repairs/construction and not a new construction.

- v) That North Goa Planning and Development Authority issued a Final Notice dated 17th August 2011 to the Appellant.
- vi) That the North Goa Planning and Development Authority issued a Final Notice dated 17th August, 2011 to the Appellant.
- vii) That thereafter the Corporation of the City of Panaji without considering the Licence bearing No. 20/68-TS-03/CCP/03-04/73 dated 27th October, 2003 issued by the Panjim Municipal Council to the Appellant to carry out repairs to the said residential house, issued final notice dated 28/02/2012 against the repairs/reconstruction carried out by the Appellant to the said residential house. The Appellant challenged the said final notice dated 28/02/2012 of the Corporation of the City of Panaji by filing petition bearing No. MIN/UD/APPEAL/5/2012 before the Hon'ble Minister of Urban Development. However, in view of direction issued by the Hon'ble High Court of Bombay at Panaji Goa vide Order dated 19/11/2012 passed in Writ Petition No. 501/2012 to decide the matter expeditiously and in any case, on or before 28th December, 2012, the Hon'ble Minister of Urban Development without going into the merits of the case vide judgement and Order dated 27/12/2012 dismissed the said Appeal. However, the Hon'ble Minister of Urban Development in the said Judgement and Order dated 27/12/2012 directed the Corporation of City of Panaji to take into consideration any regularization NOC given by the North Goa Planning and Development Authority.
- viii) That the Appellant preferred an Appeal before Hon'ble Board against the Order dated 24/10/2013 and Hon'ble Board vide Order dated 02/11/2016 directed the North Goa Planning and Development Authority to consider the proposal under Section 45

of the TCP Act, 1974 and take appropriate decision on merit. However, the North Goa Planning and Development Authority failed to comply with the directives by Hon'ble Board in the said Order dated 02/11/2016.

Appellant further states as under:

- (i) The Respondent ought to have considered and appreciate the fact that the Licence bearing No. 20/68-TS-03/CCP/03-04/73 dated 27th October, 2003 was granted by the Panjim Municipal Council to the Appellant to carry out repairs to the said residential house.
- (ii) The Respondent ought to have considered and appreciate the fact that the Unique Homes Builders and Developers vide Stability Certificate dated 21/06/2011 has duly certified the structural stability of the construction and retention of the same in present condition will not cause any harm or imminent danger of whatsoever nature to the residents of the vicinity.
- (iii) The Respondent ought to have considered and appreciate the certificate of conformity with regulations issued by the Civil Engineer, Yaduvir G. Vast in respect of the construction.
- (iv) The Respondent failed to appreciate the fact that the area being slopy and thickly populated, demolition of the construction will jeopardize the life and property/houses of large number of people residing in the vicinity and hence, the retention of the construction as existing, is in larger public interest.
- (v) The impugned Order shall occasion gross miscarriage of justice if allowed to stand as it will result in demolition of the residential house of the Appellant which has been in existence even prior to the liberation of Goa.

The Appellant has therefore prayed that:

- a) The impugned Order be quashed and set aside.
- b) The repairs/re-construction carried out by the Appellant to the said residential house bearing house No. 212, C-9, consisting of

Basement, lower ground and Ground Floor may be regularised on such conditions as deemed fit by this Hon'ble Board.

The matter was listed in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent, the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

Item No. 3: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Santosh V. Khorjuekar and others against Mormugao Planning and Development Authority. (File No. TP/B/APL/199/2021)

The matter is regarding appeal under Section 52 (2) (b) of the Town & Country Planning Act, 1974 in respect of final notice issued by Mormugao Planning and Development Authority bearing No. MPDA/Illegal/205/2020-21/988 dated 02/02/2020 regarding carrying out illegal development in property bearing Ch. No. 236 of P.T. Sheet No. 171 of Baina, Vasco City.

The Appellant states that the Respondent has issued the notice/order directing him to demolish/remove the structure belonging to him claiming that the said structure existing in Chalta No. 236 of P.T. Sheet No. 171 at Baina Vasco da Gama Goa is illegal and that they are not satisfied with the reply to the show cause notice.

Being aggrieved by the said notice/order, the Appellant has preferred the appeal stating that the impugned order is passed without application of mind, and extending the authority of the Respondent.

The Appellant also states that the Respondent Authority erred in holding that the mundkarial house is illegal although the same was repaired

based on the deeming provision of the MMC and when the same was repaired, one portion of the house collapsed and had to be constructed, however the same was reconstructed within the plinth area.

The Appellant further states that he has not carried out any illegal construction or extension, as alleged and therefore states that the impugned notice is not tenable.

The Appellant states that they are declared as Mundkars and had purchased the same mundkarial house and was 104 square meters in plinth even before the same was repaired. The father of the Appellant no. 1 and husband of Appellant No. 2 Late Vasudev V. Khorjuekar was Mundkar of the property bearing Chalta No. 236, PTS. No. 171 situated at Baina, Vasco-da-Gama Goa wherein the mundkarial house bearing house No. 57 was constructed much before the Goa Liberation and after the death of Late Vasudev Khorjuekar, the Appellants being legal heir filed appropriate application under the Mundkar Law before the Mamlatdar of Mormugao for declaration and registration u/s 8A and 29(4) of the Goa Mundkar Act and once the Competent Authority declared them as Mundkars, the same was purchased by them u/s 16 of the Mundkar Act vide order dated 19/11/2019 in case no Jt./MUND/PUCH/05/2019.

The Appellant states that his house was in a very bad shape and said house was repaired by obtaining loan and necessary permission for repairs were obtained from the MMC vide application for repairs dated 25/03/2019, however the same collapsed partly on one side and hence there was no option but to reconstruct the same as the monsoon was fast approaching and hence the same was reconstructed within the plinth area, as the area allotted was 184 square meters though the Appellants were entitled for 200 square meters. Appellant states that the complainant is his who has filed the complaint with ulterior motive to harass him and the same is filed belatedly after the construction came above the plinth area, which shows the malafide intentions of the Bhatkar.

The Appellant states that impugned order/notice was served on him on 04th February 2021 and 31 days' time was given to demolish/remove the structure/construction and therefore the present appeal is filed within the limitation and ad interim relief be granted to him.

The Appellant has prayed for the following;

- a) Quash and set aside the Notice/Order dated 2nd February 2020 Ref. No. MPDA/Illegal/205/2020-21/988 by the Respondent .
- b) That pending the hearing and final disposal of the present appeal the impugned Notice/Order 2nd February 2020 Ref. No. MPDA/Illegal/205/2020-21/988 be stayed.
- c) Ex-parte as-interim reliefs in terms of the prayer clause (b) above

The matter was listed in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent , the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

Item No. 4: Appeal under Section 52 of the TCP Act, 1974 filed by Mrs. Rosa Maria Lopes against Greater Panaji Planning and Development Authority. (File No. TP/B/APL/194/2020)

The matter is regarding appeal filed under Section 52 of the Town & Country Planning Act, 1974 in respect of final notice issued by GPPDA bearing No. GPPDA/ill-constn/05/Tal/228/2020 dated 16/07/2020 regarding illegal development carried out in the property bearing Sy.No. 61/7 of Village Taleigao, Tiswadi Taluka, where the property is earmarked as Settlement zone (S3) in the Outline Development Plan of Taleigao. As per the appeal memo, the Appellant resides in the house bearing No.

19/46/1, situated in survey No. 61/7 of Village Taleigao for the last several years.

It is seen that the GPPDA had received a complaint dated 02/08/2016 regarding the unauthorized development for which purpose, a site inspection was carried out by the officials of the Respondent Authority on 10/08/2016 and it was observed that Appellant has carried out an illegal development in the property bearing survey No. 61/7 of village Taleigao, which is zoned as "Settlement S-3 Zone" under Outline Development Plan of Taleigao.

A show cause notice was issued to the Appellant by the Respondent under ref. No. NGPDA/illegal/Gen/Vol-V/1336/16 dated 12/09/2016, whereby Appellant was called upon as to why action under Section 52 of Town and County Planning Act, 1974 should not be initiated for demolition of the illegal/un-authorized development. The Respondent also issued a notice vide its ref. No. NGPDA/illegal/Gen/Vol-V/1337/16 dated 12/09/2016 under Section 53 of TCP Act, directing the Appellant to stop the work.

In response, the Appellant filed a detailed reply to the show cause notice denying that any illegal construction is carried out by her and stating that she has carried out only the repair work to her existing house bearing No. 19/46/1, which she claimed to be 82 years old and that the said repairs were undertaken by obtaining permission of Village Panchayat Taleigao.

On receipt of application for regularization of house under Section 44 of TCP Act, the Respondent obtained legal opinion pertaining to ownership title/possession of land by the Appellant and subsequently the application was rejected by the Authority after placing the same in its 11th meeting, for having found the reply unsatisfactory and for the plans for not being in conformity with the relevant rules and regulations and accordingly the Respondent issued final notice u/s 52 of the TCP Act.

During earlier hearing, the Appellant had remained absent although the notices were issued to remain present for the meeting. Whereas Adv. Shri Saish Mhambre had represented the Authority. During the hearing,

Adv. P. Shetye filed an application to allow Shri Anton Xavier Fernandes to be the intervening party, for he being the complainant in the matter. The same was agreed upon by the Board. The intervening party Shri Anton Xavier Fernandes stated that he would like to make his written submission during the next hearing of the appeal and the same was also agreed upon.

The matter was listed in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent, the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

Item No. 5: Appeal under Section 45 of the TCP Act, 1974 filed by Mrs. Simi Anand Ghogale and others against Greater Panaji Planning and Development Authority. (File No. TP/B/APL/198/2021)

The matter is regarding appeal under Section 45 of the Town & Country Planning Act, 1974 in respect of rejection letter issued by Greater Panaji Planning and Development Authority bearing No. GPPDA/339/PNJ/851/2020 dated 28/12/2020 in the matter of regularization of existing house (G+1) in the property bearing Chalta No. 200 & 201 of P.T. Sheet No. 69 at Fountainhas, Panaji-Goa.

While rejecting the application, GPPDA has communicated following observations:

- a) *No setbacks as required as per regulation 2010 are kept for the existing house to be regularised (front, sides & rear).*
- b) *Ownership documents shows only 19.00 m² belongs to Smt. Simi Anand Ghogle and 24.00 m² belongs to Saidutt Velenkar total together is 43.00 m² whereas the plans shows 59.93 m² build up on*

ground floor which reflects encroachment of structure on adjoining land.

Aggrieved by the communication dated 28/12/2020, the Appellants have filed the present appeal stating that rejection has been done by the Authority on flimsy grounds and without application of mind and the same is against the facts of the case.

Appellant states that they have sought for the regularization of the house which has been renovated and repaired vide letter dtd. 7/12/2018. The Appellant further states that the findings given by the Authority is without considering the documents on records and that the Authority has misunderstood the documents and further states that the renovation of repairs of his house has not crossed the road boundary and is in line with the other ancestral houses and that the suit house is also an ancestral house.

The Appellant also states that the Authority failed to refer his proposal to the Conservation Committee as prescribed under the law as the suit house is situated within the Conservation Zone and on this ground alone the communication dated 28/12/2020 needs to be quashed and set aside.

The Appellants also states that they did not foresee that the suit houses are existing over 100 years and the cadastral survey conducted during the year 1972 also reflects the existence of the said houses. Appellants says that the additional area other than the one specified in Sale Deed belongs to the land owner who has agreed to sell the said area to the Appellants, who are the purchasers of the suit houses and consequently the owners of the said houses.

The Appellants states that the Authority has failed to pass an order which should have been a speaking order and the same is cryptic, illegal and against the well established norms and rules. The Appellant has therefore prayed for following:

- a) To call the records of the proceedings from the Greater Panaji, Planning Development Authority and upon perusing the same quash and set aside the communication dated 28/12/2020.
- b) To stay the implementation of the communication dated 28/12/2020.

The matter was listed in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent, the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

Item No. 6: 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 pertaining to 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 Appellants Shri Lyndon D'Silva and Maria Colaco D'Silva owns a duplex flat on 4th floor of building bearing H.No. FF9 which was purchased by them about 5 years back. Appellant states that there was 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 for the said work. It is the say of the Appellant that their 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 served as an access to upper floor was replaced by fabricated stair case.

Upon complaint dated 09/03/2019, the Margao Municipal Council issued a Stop Work Order on 02/04/2019 for the work undertaken which was however withdrawn on 06/05/2019 and so also, as per the directives of Margao Municipal Council, exposed roof that was removed earlier was put again and other minor works were carried out by the Appellant.

During earlier hearing, Respondent PDA had informed that they had not received any copy of appeal memo and hence were not aware as to what were the grounds for appeal and therefore the Appellant had issued a copy of appeal memo to the Respondent PDA.

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

The matter was earlier placed before the 168th meeting of the TCP Board held on 27/01/2020. During the hearing, Member Secretary informed that an application dtd. 17/3/2020 was received from Sarika E. D'Souza, Margao Goa for intervention in the matter stating that she apprehends that the Respondent No. 1 & 2 representing the State will not put up an effective case on merits and further will not raise vital points of defense or will under perform in order to give the Appellant an upper hand to succeed in getting reliefs in the appeal. The application of intervener was allowed and was accordingly called for the next hearing.

In earlier meeting, Adv. Menino Pereira represented South Goa PDA and Adv. Laxmi Sawant represented Intervener. The Appellant informed the Board that upon directions of Margao Municipal Council, they made an application to the Respondent PDA to obtain permission for the development referred. He further stated that on 01/08/2019, the Respondent issued Show Cause Notice to them for not having obtained permission for the work undertaken, which he replied on 12/11/2019.

Appellant further stated that a second Show Cause Notice was again issued to them by the Respondent on 22/11/2019, which again was replied by them on 02/12/2019. The Appellant however stated that the reply given was not found satisfactory by the Respondent and therefore a final notice was issued to them.

During earlier hearing, the Appellant had informed that the issue is only regarding renovation done of a small toilet on their private covered terrace, which already existed during the time of their purchase of flat. As regards to covering of terrace, he stated that the roofing only of the covered terrace was changed as the earlier frame with finolex sheets was totally rusted and the same was very clear from the letter of municipality dtd. 6/5/2020, by which they were instructed to once again cover the exposed roof. He further stated that letters from the neighbours and other residents are issued to him stating that they have only renovated the place and the roof which is replaced is only to prevent the leakage and is beneficial to others. He also cited that there are two more sheds which however have been put on the terrace of the same building which however did not exist earlier. It was further stated by him that the intervener and other members of the neighbouring society have made similar sheds and that he has made complaints regarding the same before the Respondent authority, which however has not been acted upon and hence requested for setting aside notice of SGPDA dtd. 6/12/2019.

Adv. Menino while arguing on behalf of Respondent PDA stated that during the site inspection carried out by the Authority it was found that the Appellant had constructed an additional toilet on the open toilet and that the open terrace was covered with zinc sheets and that these both illegalities consumed additional FAR. Shri Menino further argued that there is an admission by the Appellant of guilt by virtue of the fact that plans for regularization was submitted by the Appellant to the Authority. He also stated that the Respondent has failed to give any proof that the toilet and the zinc sheets pre-existed. It was also brought to the notice of the Board that the additional FAR, even if available, cannot be exclusively used by the Appellants since such FAR belongs to all the occupants of the building.

Respondent while arguing, brought to the notice of the Board that the erection of shed and the toilet have been unauthorisedly undertaken by the Appellants and there is no consent for the same from most of the flat owners, even otherwise, the intervener has insisted that the appeal ought to

be dismissed by the Board as it is clearly brought out by the Respondent PDA that the development referred has consumed additional FAR, and the same is not considered by the Respondent PDA for regularization.

The Appellant however stated that he would like to further argue on his case only after going through the contents of the written arguments placed before the Board by the Respondent, which he said he received only after the last hearing on 5/2/2021 and expressed his desire to file the rejoinder accordingly to the appeal.

Considering all the arguments placed before it and the request made by the Appellant, the Board had decided that the matter shall be finally heard during the next meeting and accordingly the same was placed before 174th (Adj.) meeting, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent , the matter was adjourned.

The matter was listed again in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent , the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

Item No. 7: Appeal under Section 37(b)(5) of the Goa Industrial Development Corporation Act, 1965 and Section 45 of TCP Act, 1974 filed by Mahalsa Foods through its Proprietor Shri Pradeep Shet against Goa Industrial Development Corporation (GIDC).

The matter is regarding issue of NOC for proposed revision in extension on lower ground floor to the existing building for Mahalsa Foods

in Plot No. 1 of survey No. 157/1 (Part) at Verna Industrial Estate for Mahalsa Foods.

The Appellant states that he runs a business of Restaurant and such other commercial activities in the building located in the property under reference.

The Appellant states that there was partial modification in the Allotment Order dated 5/12/2001 and the Order bearing No. IDC/ED/VECP/S-157/1-Part/286 dated 14/10/2005, land admeasuring an area of 2605 square meters remained allotted to him for the purpose of for setting up of Utility Services like Canteen, Communication etc.

It is further stated that although initially the plot was allotted for the purpose of Utility Services and Canteen, the permission for changes of zone to Commercial/Industrial was issued by Town and Country Planning Department vide No. DH/1977/TCP/3385 dated 03/10/2001.

The Appellant states that, he applied for revised plans, as there were minor internal changes in the form of entry and exit and the partitions carried out in the shed as a part of interior works and which did not affect the FAR as approved vide permission dated 03/09/2018.

The Appellant states that the Respondent has rejected the revision as sought by him vide Order dated 14/05/2020 stating that, “the Goa IDC has allotted to set up Utility Services like Canteen, communication, etc. and submitted proposal consisting of Kitchen, Store etc.

The Appellant has submitted that the Order dated 14/05/2020 and 09/03/2021 are mutually inconsistent and has therefore requested for quashing of same orders and has prayed for following.

- a) To quash and set aside the Impugned Order dated 14/05/2020 and 09/03/2021, as the same issued by violating the provisions of the Goa Town and Country Planning Act, 1974;
- b) To direct the Respondent to issued NOC for the revised Plan;
- c) To condone the delay in filling the present Appeal in view of the facts and circumstances stated herein above;

The matter was listed in the Agenda of 175th meeting held on 30/06/2021, however due to inability expressed by the Appellant in attending the said meeting due to Covid-19 pandemic and as consented by the Respondent , the matter was adjourned.

Member Secretary was accordingly directed to inform the next date of hearing to both the parties, as and when the same was fixed.

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

The Board may decide.

ADDITIONAL ITEM

Item No. 1: The matter of ‘Representation by Dr. Suresh Shetye against Goa University.

The representation of Dr. Suresh Shetye against Goa University was earlier decided by the TCP Board in its 170th meeting held on 28/08/2020 on the basis of findings of the Sub-Committee and had decided as under:

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.

This decision of the Board was however challenged by the Goa University in Hon’ble High Court of Bombay at Goa and the Hon’ble High Court has passed an order dated 25/08/2021 in Writ Petition (F) No. 855 of 2021, whereby the Hon’ble High Court of Bombay at Goa has set aside the impugned order dated 28/08/2020 and has remanded the matter back to the TCP Board for fresh consideration and disposal of the representations made by the Petitioner and Respondent No. 3 with the directions that the TCP Board shall grant an opportunity of hearing to both the Petitioner as well as Respondent No. 3 and thereafter dispose of their representations on merits as expeditiously as possible.

Accordingly, the matter is placed before the Board for information and decision accordingly.

Item No. 2: Submission of Present Land Use Map & Register of Panaji Planning Area (Adopted).

This has reference to the letter dated 07/07/2021 received from Member Secretary, Greater Panaji Planning and Development Authority regarding Submission of present Land Use Map and Land Use Register of Panaji Planning Area (Adopted).

As per the details submitted by Greater Panaji PDA, the said present Land Use Map and Land Use Register was published by issuing public notice under section 27(1) and therefore a Sub-committee as appointed by the Authority under Section 27(3) heard the public who had submitted their objections for the said present Land Use Map and Land Use Register. It is informed by The GPPDA that the said Land Use Map and Register is adopted by it and is also published in the Government Official Gazette bearing Series III No. 14 dated 01/07/2021.

The Land Use Map and Land Use Register of Panaji Planning Area is placed before the Board under section 27(j) of the TCP Act.

Item No. 3: Submission of Present Land Use Map & Register of Kadamba Planning Area (Adopted).

This has reference to the letter dated 07/07/2021 received from Member Secretary, Greater Panaji Planning and Development Authority regarding Submission of present Land Use Map and Land Use Register of Kadamba Planning Area (Adopted).

As per the details submitted by Greater Panaji PDA, the said present Land Use Map and Land Use Register was published by issuing public notice under section 27(1) and therefore a Sub-committee as appointed by the Authority under Section 27(3) heard the public who had submitted their objections for the said present Land Use Map and Land Use Register. It is informed by the GPPDA that the said Land Use Map and Register is it and is also published in the Government Official Gazette bearing Series III No. 4 dated 22/04/2021.

The Land Use Map and Land Use Register of Kadamba Planning Area is placed before the Board under section 27(j) of the TCP Act.

Item No. 4: Submission of draft ODP of Panaji Planning Area-2031 u/s 34 of TCP Act 1974.

This has reference to the letter dated 17/09/2021 received from Member Secretary, Greater Panaji Planning and Development Authority (GPPDA) regarding Submission of draft ODP of Panaji Planning Area-2031 u/s 34 of TCP Act 1974, vide which it is informed that GPPDA has prepared Draft ODP-2031 of Panaji Planning Area. It is further informed that the said draft ODP is prepared after the adoption of Present Land Use Map & Register of Panaji Planning Area under section 26 & 27 of TCP Act which was published in the local news dailies and notified in the Official Gazette vide Series III No. 14 dated 01/07/2021.

It is further informed that the Authority has prepared the Draft ODP-2031 of Panaji Planning Area under section 29 of TCP Act by following due process of consultation with local Authority i.e. City of Corporation of Panaji by having regards to the Order dated 28/12/2018.

The Member Secretary, GPPDA has stated that the Draft ODP-2031 of Panaji Planning Area was placed before the 17th Authority meeting held on 25/08/2021 and was unanimously approved and decided to submit the same to the TCP Board and the Government through the Chief Town Planner (Planning) under section 34 of TCP Act 1974 for its provisional approval.

Accordingly, the Member Secretary, GPPDA has submitted the draft ODP-2031 of Panaji Planning Area for obtaining necessary approval of TCP Board under section 34 of TCP Act, 1974.

The draft ODP-2031 of Panaji Planning Area is accordingly placed before the Board.

Item No. 5: Submission of draft ODP of Kadamba Planning Area-2031 u/s 34 of TCP Act 1974.

This has reference to the letter dated 17/09/2021 received from Member Secretary, Greater Panaji Planning and Development Authority (GPPDA) regarding Submission of draft ODP of Kadamba Planning Area-2031 u/s 34 of TCP Act 1974, vide which it is informed that GPPDA has prepared Draft ODP-2031 of Kadamba Planning Area. It is further informed that the said draft ODP is prepared after the adoption of Present Land Use Map & Register of Kadamba Planning Area under section 26 & 27 of TCP Act which was published in the local news dailies and notified in the Official Gazette vide Series III No. 4 dated 22/04/2021.

It is further informed that the Authority has prepared the Draft ODP-2031 of Kadamba Planning Area under section 29 of TCP Act by following due process of consultation with local Authority i.e. Village Panchayat of Chimbel, Village Panchayat of Se Old Goa and Village Panchayat of Curca Bambolim Talaulim.

The Member Secretary, GPPDA has stated that the Draft ODP-2031 of Kadamba Planning Area was placed before the 16th (Adj.) Authority meeting held on 12/07/2021 and was unanimously approved and decided to submit the same to the TCP Board and the Government through the Chief Town Planner (Planning) under section 34 of TCP Act 1974 for its provisional approval.

Accordingly, the Member Secretary, GPPDA has submitted the draft ODP-2031 of Kadamba Planning Area for obtaining necessary approval of TCP Board under section 34 of TCP Act, 1974.

The draft ODP-2031 of Kadamba Planning Area is accordingly placed before the Board.

Item No. 6: Submission of draft ODP of Margao Planning Area-2031 u/s 34 of TCP Act 1974.

This has reference to the letter dated 16/09/2021 received from Member Secretary, South Goa Planning and Development Authority (SGPDA) regarding submission of draft ODP of Margao Planning Area-2031 u/s 34 of TCP Act 1974.

Based on the directions of Government conveyed by Chief Town Planner vide Order no. 36/1/TCP/327/2018/656 dated 15.03.2021 under section 39(1) of TCP Act, 1974 for preparation of Draft ODP of Margao Planning Area and also based on the subsequent clarification note of Chief Town Planner vide no. 36/1/TCP/327/2018/1169 dated 01/06/2021, the SGPDA started process of preparation of the Draft Outline Development Plan for Margao Planning Area by following the procedure envisaged in the TCP Act.

In the 90th Authority meeting held on 06.08.2021 the decision was taken and resolved to prepare the Draft ODP of Margao Planning Area in consultation with Local Authority.

The clarification given by CTP in note dated 01.06.2021 the Authority did not prepared existing Land Use Maps, as the same were prepared in the recent past by SGPDA while preparing ODP of Margao 2028 which is finally notified.

Subsequently, as per the provisions in Section 39(1) of the TCP Act the local Authority i.e. Margao Municipal Council was informed vide letter no. SGPDA/ODP/M/466/21-22 dated 23.08.2021 and asked to submit the proposals/development schemes/suggestions required to incorporate in the Draft ODP of Margao -2031.

After, formal discussion with representatives of Margao Municipality, the SGPDA received from Margao Municipal Council the recommendations/ suggestions/ corrections/proposals vide letter dated 08/09/2021 and 13/09/2021.

The recommendations/suggestions/corrections/proposals received from Margao Municipality and the errors rectified by SGPDA were discussed in 91st Authority meeting held on 14/09/2021 and resolutions were taken. The minutes of the said meeting are enclosed along with list of the changes considered of Margao Municipality and the rectification of errors carried out by SGPDA to be effected in Draft ODP of Margao 2031.

The 3(three) proposals of Margao Municipal Council were incorporated in the said Draft ODP - 2031 of Margao Planning Area and the same was placed in 91st Authority meeting held on 14/09/2021. The Authority unanimously agreed and resolved to consider the said changes and also the rectification were carried out in Draft ODP 2031.

The Draft ODP-2031 of Margao has been prepared considering prevailing ODP-2028 of Margao as a base for planning outlay.

The Draft ODP-2031 of Margao is hereby submitted after discussing and due consideration of Margao Municipality suggestions/objections and after due exhaustive discussion at 91st Authority meeting. Further, the guidelines proposed by TCP Board vide order dated 15/03/2021 have been complied with.

The Chairman of SGPDA being satisfied that all procedures and other legal requirements were followed as well as the Margao Municipality has been taken into confidence and have actively participated in preparation of the Draft ODP of Margao.

Accordingly, the Member Secretary, SGPDA has submitted the draft ODP-2031 of Margao Planning Area for obtaining necessary approval of TCP Board under section 34 of TCP Act, 1974.

The draft ODP-2031 of Margao Planning Area is accordingly placed before the Board.

Item No. 7: Submission of draft ODP of Ponda Planning Area-2031 u/s 34 of TCP Act 1974.

This has reference to the letter dated 16/09/2021 received from Member Secretary, South Goa Planning and Development Authority (SGPDA) regarding submission of draft ODP of Ponda Planning Area-2031 u/s 34 of TCP Act 1974.

Based on the directions of Government conveyed by Chief Town Planner vide Order no. 36/1/TCP/327/2018/656 dated 15.03.2021 under section 39(1) of TCP Act, 1974 for preparation of Draft ODP of Ponda Planning Area and also based on the subsequent clarification note of Chief Town Planner vide no. 36/1/TCP/327/2018/1169 dated 01/06/2021, the SGPDA started process of preparation of the Draft Outline Development Plan for Ponda Planning Area by following the procedure envisaged in the TCP Act.

In the 90th Authority meeting held on 06.08.2021 the decision was taken and resolved to prepare the Draft ODP of Ponda Planning Area in consultation with Local Authority.

In view of clarification given by CTP in note dated 01.06.2021 the Authority did not prepared existing Land Use Maps, as the same was prepared in the recent past by SGPDA while preparing ODP of Ponda 2028 which is finally notified.

Subsequently, as per the provisions in Section 39(1) of the TCP Act the local Authority i.e. Ponda Municipal Council was informed vide letter no. SGPDA/ODP/M/466/21-22 dated 23.08.2021 and asked to submit the proposals/development schemes/suggestions required to incorporate in the Draft ODP of Ponda -2031.

After, formal discussion with representatives of Ponda Municipality, the SGPDA received from Ponda Municipal Council the recommendations/ suggestions/ corrections/ proposals vide letter dated 13/09/2021. At the request of Ponda Municipal Council inspections of certain sites in Ponda were also carried out.

The recommendations/suggestions/corrections/proposals received from Ponda Municipality and the errors rectified by SGPDA in Draft ODP 2031 were discussed in 91st Authority meeting held on 14/09/2021 and resolutions were taken. The minutes of the said meeting are enclosed along with list of the changes considered of Ponda Municipality and the rectification of errors carried out by SGPDA to be effected in Draft ODP of Ponda 2031.

The 4(Four) proposals of Ponda Municipal Council were incorporated in the said Draft ODP - 2031 of Ponda Planning Area and the same was placed in 91st Authority meeting held on 14/09/2021. The Authority unanimously agreed and resolved to consider the said changes and also the rectification were carried out in Draft ODP 2031.

The Draft ODP-2031 of Ponda has been prepared considering prevailing ODP-2028 of Ponda as a base for planning outlay.

The Draft ODP-2031 of Ponda is hereby submitted after discussing and due consideration of Ponda Municipality suggestions/proposals and after due exhaustive discussion at 91st Authority meeting. Further, the guidelines proposed by TCP Board vide order dated 15/03/2021 have been complied with.

The Chairman of SGPDA being satisfied that all procedures and other legal requirements were followed as well as the Ponda Municipality has been taken into confidence and have actively participated in preparation of the Draft ODP of Ponda.

Accordingly, the Member Secretary, SGPDA has submitted the draft ODP-2031 of Ponda Planning Area for obtaining necessary approval of TCP Board under section 34 of TCP Act, 1974.

The draft ODP-2031 of Ponda Planning Area is accordingly placed before the Board.

Item No. 8:- Request of Directorate of Tribal Welfare for approval of minimum of 21.00 mts. height upto the terrace slab for proposed “Tribal Bhavan” building.

The Department is in receipt of a letter dated 07/09/2021 from the Directorate of Tribal Welfare, wherein it is stated that Directorate of Tribal Welfare has proposed to construct an Institutional Building “Tribal Bhavan” in plot No. ‘A’ admeasuring 2200.00 sq. mts. at Sy. No. 106/1 of Village Penha-de-Franca, Porvorim-Goa for which purpose, Government has accorded approval for change of zone of the of plot ‘A’ of the same Sy. No. from Settlement to Institutional (P) zone with FAR of 150 in Regional Plan for Goa 2021 for an area admeasuring 2200.00 sq. mts.

In the said letter it is mentioned by Directorate of Tribal Welfare that the consultant for the project i.e. Engineering Projects (India) Ltd., which is a Government of India Enterprise has requested for obtaining approval for total height of the proposed building as minimum 21.00 mts. upto terrace slab and the said proposal as submitted by EPI Ltd. has been duly approved by Hon’ble Minister Tribal Welfare.

It is also requested by the Directorate to exempt their department of any fees/charges for the reason that the project is funded by State Government.

As per the Goa Land Development And Building Construction Regulations, 2010, maximum permissible height for any building under Institutional zone is 15.00 mts., which in the present case of requested to be relaxed to 21.00 mts.

The Board may deliberate.

Item No. 9: Decision on proposal considered in 34th meeting of the 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 held on 07/09/2021.

The proposals as given in Table placed at Annexure 'A' 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 34th meeting held on 07/09/2021.

The same proposals are placed before the Town & Country Planning Board for consideration as per Annexure 'A'.

Item No. 10: 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 'B'.

Item No. 11: 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. 12:- Any other item with the permission of chair.