

**MINUTES OF 176<sup>th</sup> MEETING OF THE TOWN & COUNTRY  
PLANNING BOARD HELD ON 27/10/2021 AT 11.30 A.M. IN  
CONFERENCE HALL, SECRETARIAT BLOCK, PORVORIM -  
GOA.**

The following attended the meeting:

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|--------------------------------------------------------------------------|-----|------------------|
| 1. Shri. Chandrakant Kavlekar,<br>Hon. Minister for TCP                  | ... | Chairman         |
| 2. Shri Filipe Nery Rodrigues,<br>Hon'ble Minister for WRD & Fisheries   | ... | Member           |
| 3. Shri Glenn Souza Ticlo, MLA<br>Chairman, GIDC                         | ... | Member           |
| 4. Shri Nevil Alphonso<br>Director (Agriculture)                         | ... | Member           |
| 5. Mr. Kishan Kumar<br>Chief Conservator of Forest                       | ... | Member           |
| 6. Shri Dhiraj R. Vagle,<br>Dy. Director of Tourism,<br>(Representative) | ... | Member           |
| 7. Shri Raju B. Dessai, DCFSF<br>(Representative)                        | ... | Member           |
| 8. Mr. Jayanand S. Madkaikar<br>P.W.D. (Representative)                  | ... | Member           |
| 9. Ms. Megha S. Kerkar,<br>Suptd. of Fisheries,<br>(Representative)      | ... | Member           |
| 10. Shri Ralph D'Souza<br>President, GCCI, Panaji                        | ... | Member           |
| 11. Shri. Antonio P. Diniz                                               | ... | Member           |
| 12. Arch. Rajeev M. Sukhthanker                                          | ... | Member           |
| 13. Shri. Rajesh J. Naik,<br>Chief Town Planner (Planning)               | ... | Member Secretary |

**Item No. 1: Confirmation of the minutes of the 175<sup>th</sup> (Adj.) (1<sup>st</sup> Sitting) and 175<sup>th</sup> (Adj.) (2<sup>nd</sup> Sitting) meeting of Town & Country Planning Board held on 20/09/2021 and 24/09/2021 respectively.**

Member Secretary informed that the minutes of 175<sup>th</sup> (Adj.) (1<sup>st</sup> Sitting) and 175<sup>th</sup> (Adj.) (2<sup>nd</sup> Sitting) of TCP Board held on 20/09/2021 and 24/09/2021 respectively were circulated to all the Members and it was further informed that no comments on the same were received from any of the Member.

The Board therefore confirmed both the Minutes.

**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)**

Member Secretary informed that the Appeal is against the Order bearing No. GPPDA/ill-Const/34/PNJ/124/2021 dated 25/05/2021 whereby the Respondent has rejected the Application dated 21/04/2021 of the Appellant for regularization of 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 grounds that the building plans are not in conformity with the relevant rules and regulations as prescribed under the Goa Land Development and Building Construction Regulations, 2010 in force.

Adv. Crasto appeared on behalf of the Appellant whereas the Respondent PDA was represented by Adv. Abhishek Sawant.

During the hearing, the Appellant submitted in writing that he has moved an application for regularization of his house to the Deputy Collector under the Goa Regularization of Unauthorised Constructions Act, 2016 and an appeal regarding the same is now pending before the Hon'ble Minister for Revenue as the Appellate Authority.

It is further submitted by the Appellant that a similar case of the adjoining owner, where the Complainant is the same, is also pending for consideration before the Hon'ble Supreme Court of India and the Court has granted stay in the matter. The applicant stated that the decision in the said case will have a material bearing on the outcome of the present case.

The Appellant therefore requested to await for outcome of these Appeals before the Hon'ble Revenue Minister and the Hon'ble Supreme Court, before taking up his appeal for consideration. The Appellant therefore requested that the case be deferred.

Considering the facts placed before it and the request made thereof and for the request having not been objected by the Respondent, the Board decided to defer the matter.

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

**Item No. 3: 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).**

Member Secretary informed that the appeal under Section 45 of the Town & Country Planning Act, 1974 is 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.

Shri Aryan Ghogale appeared on behalf of the Appellant whereas the Respondent PDA was represented by Adv. Abhishek Sawant.

During the hearing, the Appellant requested to defer the matter as his Advocate could not remain present, for having received the intimation at a short notice, which however was due to rescheduling of meeting.

Considering the reasons cited, the Board agreed with the request made and accordingly deferred the matter.

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

**Item No. 4: Appeal under Section 52 (2) (b) of TCP Act, 1974 filed by Mr. Manohar Anant Kamat and Mrs. Shweta Manohar Kamat against Greater Panaji Planning and Development Authority.**

Member Secretary informed that the appeal under Section 52 (2) (b) of the Town & Country Planning Act, 1974 is in respect of final notice bearing No. GPPDA/ill/Vol.V/492/2021 dated 20/08/2021 issued by Greater Panaji Planning and Development Authority for carrying out additional construction on open terrace (7<sup>th</sup> floor) of the block B-2 of the building complex named Adwalpalkar Shelter Co-operative Housing Society Ltd., in the property bearing Survey No. 69/1 and 68/2 at Taleigao Village.

Adv. Saish Mahambray appeared on behalf of the Respondent, whereas the Appellant remained absent. It was therefore felt necessary by the Members that the matter be deferred.

The matter was deferred accordingly with directions to the Member Secretary to inform the next date of hearing to both the parties, as and when the same was fixed.

**Item No. 5: The matter of ‘Representation by Dr. Suresh Shetye against Goa University.**

Member Secretary informed that the representation of Dr. Suresh Shetye against Goa University was earlier decided by the TCP Board in its 170<sup>th</sup> meeting held on 28/08/2020 on the basis of findings of the Sub-Committee.

It was further informed that the 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 has set aside the 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.

Board was further informed that the matter accordingly was placed for discussion in 175<sup>th</sup> (Adj.) (2<sup>nd</sup> sitting) and the Board considered the directions issued by the Hon'ble High Court and accordingly notices were issued to the concerned parties.

During the hearing, Adv. A. Sardesai appeared on behalf of Appellant Dr. Suresh Shetye and Adv. Sharmin Dodamani appeared on behalf of Goa University, whereas Adv. Saish Mahambray appeared on behalf of GPPDA.

Adv. Sharmin Dodamani of Goa University however requested for adjournment of the matter stating that Senior Advocate appearing on behalf of the University got the notice at a short period and as such could not remain present for the hearing as he was appearing in another court matter.

Considering the reasons cited, Board agreed for the adjournment. It was however the request of Adv. A. Sardesai to have an early hearing. The matter was accordingly adjourned with directions to the Member Secretary to inform the next date of hearing to both the parties, as and when the same was fixed.

**Item No. 6: Appeal under Section 45 (1) of TCP Act, 1974 filed by Shri Mahableshwar P. Halanker against Mormugao Planning and Development Authority.**

Member Secretary informed that the appeal is under Section 45 (1) of the Town & Country Planning Act, 1974 in respect of application dated 14/09/2011 of the Petitioner which was placed in Mormugao Planning and Development Authority's meetings and was refused.

Adv. Jason appeared on behalf of the Appellant whereas Respondent PDA was represented by Adv. Kaif Noorani.

At the outset, Adv. Jason appearing on behalf of the Appellant made the statement that he would like to withdraw the appeal. No specific reason for the same was cited. Since the Appellant himself decided to withdraw the appeal, the Board agreed for the same.

The appeal filed by Shri Mahableshwar P. Halanker against Mormugao Planning and Development Authority therefore stands withdrawn.

**Item No. 7: Appeal under Section 52 (2) (b) of TCP Act, 1974 filed by Mr. Abdul Karim against Mormugao Planning and Development Authority.**

Member Secretary informed that the appeal under Section 52 (2) (b) of the Town & Country Planning Act, 1974 is against the Order dated 09/07/2021 passed by the Member Secretary, Mormugao Planning and Development Authority regarding an illegal construction.

Adv. Laxmikant Salkar appeared on behalf of the Appellant whereas Respondent PDA was represented by Adv. Vivek Rodrigues. Adv. Laxmikant Salkar appearing for the Appellant however requested for adjournment of the matter and the same was agreed upon by the Respondent PDA.

The appeal filed by Mr. Abdul Karim against Mormugao Planning and Development Authority therefore stands adjourned.

**Item No. 8: 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).**

Member Secretary informed that the matter is regarding refusal for issue of NOC by GIDC 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.

Adv. P. Sawant appeared on behalf of the Appellant whereas Adv. S. Rao appeared on behalf of the Respondent. During the hearing, Advocate for the Respondent requested for adjournment of the matter citing the reason that the exhibits of the appeal filed by Shri Pradeep Shet were not furnished to GIDC and as a reason they are not in a position to defend the matter appropriately.

Adv. For the petitioner however objected for any further adjournment stating that the Respondent have been trying to adjourn the matter several times on flimsy grounds.

The Respondent however made a strong ground that the exhibits of the appeal are of absolute necessary to prepare their defence.

Having heard the arguments of both the parties, the Board decided to adjourn the matter for the last time and directed both the parties to attend the next hearing compulsorily failing which, it shall be compelled to hear the matter ex-parte. The same was taken note of by both the parties.

The matter was accordingly adjourned.

**Item No. 9: Submission of final ODP-2030 of Vasco Planning Area by the Mormugao Planning and Development Authority for the Government Approval under Section 36 of Town and Country Planning Act, 1974.**

Member Secretary informed that the Mormugao Planning and Development Authority has submitted final ODP-2030 of Vasco-da-Gama Planning Area under Section 36 of Town & Country Planning Act, 1974 vide letter bearing No. MPDA/Rev.ODP-2030/2021-22/116 dated 08/10/2021 for approval of Government.

Member Secretary, MPDA then gave the brief on methodology adopted, Economic profile, Evaluation, Brief History of Planning Area, Demographic and Socio-economic profile, Population projections and Infrastructure projections, Land use analysis of ODP etc.

Considering various planning parameters especially as regards to Safety zone around Naval Armament Depot (Goa), the approach funnel zone and Inner Horizontal Surface (HIS) boundary adopted by the Authority in preparation of ODP, the Board however felt that a detail presentation need to be given on various aspects involving these issues.

Member Secretary, MPDA was therefore directed to make detail presentation regarding the same in the next meeting of the Board.

The agenda item was therefore adjourned.

**Item No. 10: Issues related to report from different Authorities in the meeting Section 16B of TCP Act.**

Member Secretary informed that the Department has been seeking reports from Authorities like Agriculture Department, Forest Department and Water Resource Department in the matter of applications received under Section 16B of TCP Act, which are usually sought after placing the applications before the TCP Board under Section 12 of the TCP Act and it is only after receipt of such reports from the respective Departments, the applications are processed further for consideration under Section 13(2) of the TCP Act.

Member Secretary informed that the Department for the purpose of clarity, sometimes finds it essential to obtain clarification on the reports received from the concerned Department such as Forest, Agriculture, Water Resource Department and till such times, the Department finds it difficult to place the proposals before the Board.

The matter was deliberated by the representatives present of various Department and it was decided that Member Secretary shall hold the discussions with the concerned Departments in case any clarification is required or any clarity is required on the reports received.

The Member Secretary was accordingly directed to follow the above.



**Item No. 11: 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 were scrutinized in terms of site conditions and potentialities of the area under Section 10 of TCP Act and were placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act and the decision taken on the same are as recorded in Annexure 'A', which forms the part of these Minutes.

**Item No. 12: 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 were then placed before the Board for consideration under the provisions of Section 13(2) of the TCP Act. The decisions taken on the same by the Board are as recorded in Annexure 'B', which forms the part of these Minutes.

**Item No. 13:- Any other item with the permission of chair.**

No matter was discussed under this item.