

**MINUTES OF 175<sup>TH</sup> (ADJ.) (1<sup>ST</sup> SITTING) MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 20/09/2021 AT 2.00 P.M. IN CONFERENCE HALL, SECRETARIAT BLOCK, PORVORIM - GOA.**

The following attended the meeting:

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, MLA  
Chairman, GIDC ... Member
4. Shri Nevil Alphonso  
Director (Agriculture) ... Member
5. Dr. Surekha Parulekar,  
CMO (DHS)  
(Representative) ... Member
6. Shri Dhiraj R. Vagle,  
Dy. Director of Tourism,  
(Representative) ... Member
7. Shri Raju B. Dessai, DCFSF  
(Representative) ... Member
8. Shri A. G. Samant  
Asst. Conservator of Forest  
(Representative) ... Member
9. Lt. Cdr. Chandana K. Murgesh  
SO (Works), HQGNA, Vasco  
(Representative) ... Member
- 10.M/s Neumani M. Rodrigues  
Dy. Director, DPSE  
(Representative) ... Member
- 11.Ms. Rohita Naik  
Suptd. of Fisheries  
(Representative) ... Member
- 12.Shri Assumption Luis  
Asst. Surveyor Works-I, P.W.D.  
(Representative) ... Member
- 13.Shri. Antonio P. Diniz ... Member
14. Arch. Rajeev M. Sukhthanker ... Member
15. Shri. Rajesh J. Naik,  
Chief Town Planner (Planning) ... Member Secretary

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

Member Secretary informed that the minutes of 175<sup>th</sup> meeting of TCP Board held on 30/06/2021 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 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)**

The matter came for discussion in the Board. Adv. Siddhi Pardolkar appeared on behalf of the Respondent, whereas the Appellant submitted application for adjournment of matter citing the reason that his Advocate was unable to attend the meeting and requested for hearing in the next Board meeting. The Board considered the reason and accordingly adjourned 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 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 Member Secretary informed that 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 illegal development in property bearing Ch. No. 236 of P.T. Sheet No. 171 of Baina, Vasco City.

It was informed that complaint was filed by Edward D'Cruz alleging that a completely new structure was being constructed in chalta No. 236 PTS 171 at Sasmollem, Baina, Vasco da Gama. Accordingly, a site inspection was carried out by MPDA and a show cause notice cum stop work order was issued bearing no. MPDA/ILL/205/2020-21/521 dt. 24/9/2020.

Since no further action was taken by the Authority, a Writ Petition was then filed before the Bombay High Court and the same was disposed off in terms that the Authority must decide the show cause notice issued by them.

An enquiry was thereafter conducted by the Authority after giving both the parties an opportunity of being heard orally and in writing. A report was then prepared by the Member Secretary recommending the demolition of construction carried out. The Authority in its meeting resolved to take further action and consequently a notice under Sec 52 for demolition was issued bearing no. MPDA/ILL/205/2020-21/988 dt. 2/02/2020.

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 during the process of repairs, one portion of the house collapsed and had to be constructed and was therefore reconstructed within the existing 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.

Further, the Appellant states that they are declared as Mundkars and had purchased the same mundkarial house and was having a plinth area of 104 square meters even before the same was repaired and that the father of the Appellant no. 1 and husband of Appellant No. 2, Late Vasudev V. Khorjuekar were Mundkar of the property wherein the mundkarial house bearing house No. 57 was constructed much before the Goa Liberation and it was after the death of Vasudev Khorjuekar, the Appellants being legal heir had 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 also states that his house was in a very bad shape and the same was repaired by obtaining loan and necessary permission for repairs from the MMC vide application for repairs dated 25/03/2019, however the house collapsed partly on one side and hence there was no option but to reconstruct the same as the monsoon was fast approaching and was therefore reconstructed within the plinth area, as the area allotted was 184 square meters though they were entitled for 200

square meters. Appellant states that the complaint is filed 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.

Appellant states that impugned order/notice was served on him on 04<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 earlier listed in the Agenda of 175<sup>th</sup> 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.

During the hearing, Adv. Athnain Naik represented the Appellant and the Respondent PDA was represented by Adv. Menino Pereira and whereas intervener was represented by Adv. Ravi Anand.

The matter came for discussion and the Appellant submitted that it is an admitted position that he is a Mundkar and relied upon a Supreme Court judgment that he is entitled for regularization even if it is found that there is violation of Building Rules.

Advocate Menino Pereira for the Authority pleaded that as stated in the show cause notice dt. 24/09/2020, the structure being constructed is totally a new structure and that there is no document to show that the old structure was in a dilapidated condition and stated that the permission has to be obtained from the Authority and the Municipality for the construction undertaken by the Appellant. Reliance was placed on photographs produced on record showing a completely new structure.

Advocate Shri Pereira submitted that the Appellant is putting up his new construction which falls in the area zoned as S1 in the ODP of Vasco.

The matter was deliberated and some members were of the opinion that the structure could be regularized provided the original plinth area was maintained, as the Appellant under the Mundkar Act would have the right to reconstruct/repair his house on the plinth area provided that other building Regulations were complied with.

The Board deliberated and it was resolved to partly allow the appeal by suspending the notice issued under Sec. 52 and permitting the Appellant to obtain appropriate Development Permission from the PDA on the following conditions:

- a. Regularization shall be sought as permissible under the Goa Land Development and Building Construction Regulations, 2010.
- b. Such an application must be moved within one month from receipt of the order failing which the Authority shall be free to proceed with the demolition as proposed vide notice for demolition under sec 52 bearing no. MPDA/ILL/205/2020-21/988 dt. 2/02/2020.
- c. If the application for regularization is properly filed within the stipulated period of one month, then the matter shall be considered in accordance with the Building Regulations 2010 failing which the Authority shall be free to demolish the additional structure which does not fall on the plinth area.

The appeal was accordingly disposed off in the above mentioned terms and observations.

**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 Member Secretary informed that 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.

During the hearing Adv. Vahida Yelgar represented the Appellant and Respondent PDA was represented by Adv. Sonali Nagvekar and whereas intervener was represented by Adv. Pavan Shetye.

It was informed that the Member Secretary, GPPDA had received a complaint dated 02/08/2016 regarding an 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 therefore 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 said 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.

Further, 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 11<sup>th</sup> 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 175<sup>th</sup> 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.

The matter was discussed in the present meeting during which it was observed that in the final notice under section 52 of TCP Act, 1974 was issued by GPPDA on following grounds:

- i) *That the property bearing survey No. 61/7 is owned by Mr. Regina Nazareth and holding clear title in her name, therefore the property in which the construction carried is not owned by you.*
- ii) *That as per para 9 of reply dated 28/9/2018, the tax paid to house number 19/46/1 is situated in survey No. 67/7, wherein the construction carried out by you falls in the property survey no. 61/7 of village Taleigao.*
- iii) *That as per Village Panchayat of Taleigao, the licence issued is purely for carrying out minor repair of house No. 19/46/1 and the true copy of the Resolution No. 6 [27] of the village panchayat meeting held on 27/09/2017 clearly state that the Village Panchayat of Taleigao had not issued any permission in land bearing survey No. 61/7 which they claimed to be open land and no structure was existing in said land i.e. (old or new) and the repair licence which had been issued pertaining to house No. 19/46 situated next to survey No. 61/6 of Taleigao village as such fraudulently used for the construction carried out in survey No. 61/7(part), thus misrepresenting to the Authority.*
- iv) *That the site plan showing illegal house in the plot proposed for regularization is from a part of bigger property, as such for assessment of built up area for coverage and FAR calculation, the property shall be partitioned or sub divided having independent holding or plot number and also the setbacks provided and maintained for illegal construction are inadequate.*

- v) *The survey plan submitted does not reflect any existence of structure as existing on the place illegal construction carried by you in the property bearing Sy.No. 61/7.*

The Petitioner was accordingly asked to clarify the issues raised by the PDA however the Petitioner could not answer satisfactory for the same. As seen from the observations raised, the Board observed that the issue evolved out of ownership over the property in which the structure existed, which was to be considered for regularization. Also, it was observed that GPPDA has not considered the application for regularization on the basis of technical parameters such as the plot being part of the bigger property and setbacks being inadequate.

The Respondent PDA relied on the legal opinion as per which they have concluded that there was nothing on record to show how the Petitioner claimed to be the beneficiary of the Court Order in the property matter, when the said Order was not in her favour. Further PDA also observed that the Petitioner in a reply filed before the Authority have admitted clearly that the house tax receipt which they produced pertaining to house No. 19/46/1 is in Sy.No. 67/7 and whereas the construction under reference is done in Sy.No. 61/7 of the plot under reference, where the petitioner has failed to prove any right in Sy.No. 61/7. Also, the PDA has observed that Mrs. Regina Nazareth's name is appearing on Form I&XIV and sale deed produced on record clearly reinstates her title on Sy.No. 61/7 and not that of the Petitioner.

Considering all the arguments and the documents cited, the Board therefore observed that the Petitioner Mrs. Rosa Maria Lopes has failed to produce any title documents of the property under reference i.e. of Sy.No. 61/7 of village Taleigao, where the structure existed.

Considering this and other technical parameters cited by the Respondent, the Board was of the opinion that the notice u/s 52 of the TCP Act is rightly served on the Petitioner and the appeal therefore was dismissed.



**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 Member Secretary informed that 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.

During earlier hearing, Adv. Arun Talaulikar represented the Appellant whereas respondent PDA was represented by Adv. Siddhi Pardolkar.

It was informed that the application of the Petitioner for regularization of structure was rejected by GPPDA with following observations as communicated vide letter dtd. 28/12/2020:

- 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 m<sup>2</sup> belongs to Smt. Simi Anand Ghogle and 24.00 m<sup>2</sup> belongs to Saidutt Velenkar total together is 43.00 m<sup>2</sup> whereas the plans shows 59.93 m<sup>2</sup> build up on ground floor which reflects encroachment of structure on adjoining land.*

Aggrieved upon the communication dated 28/12/2020, the Appellant has filed 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.

The Appellant has further stated that they have sought for the regularization of the house which has been renovated and repaired vide letter dtd. 7/12/2018. It is further stated 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.

Appellant also states that their Authority 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. It is also stated 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.

It is the contention of the Appellant 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 earlier listed in the Agenda of 175<sup>th</sup> 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.

During the present hearing, the Appellant was represented by Adv. Arun Talaulikar and whereas Adv. Siddhi Pardolkar appeared on behalf of Respondent PDA. The Respondent PDA however asked for time to gather more details in the matter and the same was agreed. The matter was therefore adjourned.

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

**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 Member Secretary informed that the matter is pertaining to final notice bearing No. SGPDA/P/Illegal/1289/19-20 dated 06/12/2019 issued by SGPDA vide which the PDA has directed the Appellant to demolish toilet on open terrace and covering of the roof by zinc sheets which has consumed additional FAR.

It was informed that the Appellants Shri Lyndon D'Silva and Smt. Maria Colaco D'Silva owns a duplex flat on the fourth floor of Regency Plaza at Comba, Margao. The case of the Appellant is that he desired to make his flat in a livable condition as the flat was closed for 20 years and accordingly had undertaken renovation and that even permission was applied from the Margao Municipality, although the same was not granted.

A complaint was then received by the Authority from Smt. Ofolinda Menezes and Mrs. Sarika Colaco, who are the residents of the same building and who have complained that the walls and ceiling of their apartment were getting wet owing to the illegal construction undertaken in the Appellant's flat. An inspection was therefore conducted by the Authority on 26/7/2019 whereby major renovations undertaken by the Appellant were noticed. It was observed that the Appellant has constructed a toilet on the open terrace without taking permission from the Authority and therefore a stop work order and show cause notice bearing no. SGPDA/ILLEGAL/722/19-20 dtd. 01/08/2019 was issued.

As no action was taken by the Authority on their show cause notice, a Writ Petition was filed by the complainant in the High Court and as an outcome, the Authority and the Municipality were directed to decide on their respective notices.

An inquiry was thereafter conducted by the Authority and a report was placed in one of the meeting of the Authority whereby demolition was recommended by the Member Secretary. A notice under section 52, bearing No. SGPDA/ILLEGAL/1289/19-20 dt. 6/12/2019 was accordingly issued by the Authority. Plans submitted for regularization by the Appellant were also subsequently rejected by the Authority.

It is the case of the Authority that during earlier inspection carried, only one toilet, built illegally, was observed and based on another inspection carried out by the Authority, as ordered by the High Court, another illegal toilet constructed by the Appellant was noticed. Thus, it was observed that one toilet was constructed inside the flat and another one was found to be constructed on the open terrace.

In addition the following two more violations were also taken note of;

- a. Covering of terrace with fabricated sheets and
- b. Replacing internal staircase in the flat by a steel one.

The matter was earlier placed before 168<sup>th</sup> meeting of the TCP Board held on 27/01/2020. During this hearing, Member Secretary had informed that an application for intervention dtd. 17/3/2020 was received from Smt. Sarika E. D'Souza, Margao, stating that she apprehends that 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 by the Board and was accordingly Member Secretary was asked to call the intervener for the next hearing in the matter.

In the earlier hearing, the Appellant had informed that the issue is only regarding renovation done of a small toilet on their private covered terrace, which he said was already existing during the time of the purchase of flat by them.

As regards to covering of terrace, Appellant stated that only the roofing of the covered terrace was changed by him 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.

Appellant had further stated that the letters from 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. It was also cited that there are two more sheds which have been put up on the terrace of the same building by them which did not exist earlier. It was further stated by the Appellant that the intervener and other members of the neighbouring society have made similar sheds and complaints before the Respondent Authority have already been made by him regarding the same, which however has not been acted upon by the Authority and therefore requested for setting aside notice dtd. 6/12/2019 issued to him by SGPDA.

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

Considering all the arguments placed before it and the request as made by the Appellant, the Board had decided that the matter shall be heard finally during its next meeting.

The matter was accordingly placed before 174<sup>th</sup> (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 175<sup>th</sup> meeting held on 30/06/2021, however due to inability expressed again by the Appellant in attending the said meeting, the matter was adjourned again.

The matter now came for discussion in the Board which was attended in person by the Appellant and the Respondent PDA was represented by Adv. Menino Pereira and whereas intervener attended in person and the arguments were heard on the same.

The Appellant submitted that the construction alleged were carried out by the previous owner and were very old and hence renovation was necessary of the same. Advocate for the Respondent Shri Menino submitted that the construction of two toilets in the flat definitely required permission from the Authority as they were considered to be major alterations and the same in no way could be termed as renovations. He therefore stated that the toilets constructed were in violation of Building Regulations, 2010 as no permission was taken for the construction of the same.

Advocate Shri Menino further stated that by covering entire terrace of their flat, the Appellant has committed another violation and has also illegally changed the original internal staircase in the flat with steel one. It was further pointed out by him that vide letter dt. 12/11/2019, admissions have been made by the Appellant that the structure have been erected without the required permission from the Authority for which regularization was sought which however was consequently refused.

It was submitted by Advocate Shri Menino Pereira that covering the terrace with fabricated sheets in the form they existed has resulted in consumption of additional F.A.R. It was further brought to the notice of the Board that entire building belonged to the Co-operative Housing Society and permission shall therefore have to be sought from the Co-operative Society, since F.A.R belongs to the entire Society. It was also stated that the constructions of toilets as carried out by the Petitioner, is causing hardships to other residents on the lower floors. It was therefore stated by Adv. Shri Menino Pereira that the reasons given by the Appellant for construction of these four items is not tenable and was nothing but a flimsy excuse of carrying out renovations.

The matter was discussed at length by the Members and were in agreement with the Respondent Authority that the constructions/development carried out by the Appellant which are termed as violations definitely needed permission of the Authority which however were not obtained by the Appellant and neither could the Authority grant the same for the reasons explained and therefore the four violations required to be demolished. The Board was also in agreement with the Authority and that F.A.R. belonging to the occupants and owners of the entire property could not be allotted exclusively to the Appellant.

The Board therefore was in conformity and agreement with the reasoning tendered on behalf of the Authority. The appeal therefore was dismissed.