

MINUTES OF 175TH (ADJ.) (2ND SITTING) MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 24/09/2021 AT 12.00 NOON 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 Puneet Goel
Secretary (TCP) ... Member
5. Shri Nevil Alphonso
Director (Agriculture) ... Member
6. Shri Keshav Kumar,
Chief Conservator of Forest ... Member
7. Shri Ralph De Souza
President, GCCI ... Member
8. Shri Jayant S. Madkaikar
ASW, PWD
(Representative) ... Member
9. Smt. Megha S. Kerkar
Suptd. of Fisheries
(Representative) ... Member
10. Dr. Gokuldas Sirsat,
CMO, Director of Health,
DHS, GOA (Representative) ... Member
11. Shri Raju B. Dessai, DCFSF
(Representative) ... Member
12. Shri A. G. Samant
Asst. Conservator of Forest
(Representative) ... Member
13. Lt. Cdr. Chandana K. Murgesh
SO (Works), HQGNA, Vasco
(Representative) ... Member
14. Shri. Antonio P. Diniz ... Member
15. Arch. Rajeev M. Sukhthanker ... Member
16. Shri. Rajesh J. Naik,
Chief Town Planner (Planning) ... Member Secretary

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).

Member Secretary informed that the matter was earlier 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.

The hearing was attended by Appellant and the Member Secretary (IDC) Respondent. During the hearing, the respondent stated that he has not received any appeal memo and therefore requested for a copy of appeal filed by the M/s Mahalasa Foods, such that he could file his reply or argue on the matter in the next meeting.

The request of Member Secretary, IDC (Respondent) was agreed upon by the Board and accordingly the matter was adjourned.

Member Secretary was accordingly directed to issue notices to both the parties to appear before the Board for next hearing.

ADDITIONAL ITEM

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

Member Secretary informed that 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 the Board 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.*

With the above direction, the representation of Dr. Suresh Shetye was disposed off by the Board.

Member Secretary further informed that this decision of the Board was however challenged by Goa University in Hon'ble High Court of Bombay at Goa and the Court has passed an Order dated 19/08/2021 in Writ Petition No. 855 of 2021, which states that the impugned Order dated 28/08/2020 is set aside and the matter is remanded back to 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.

The Board considered the directions issued by the Hon'ble High Court and Member Secretary was accordingly directed to issue notices to both the parties to appear before it for the next hearing.

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

Member Secretary informed that vide letter dated 07/07/2021, Greater Panaji Planning and Development Authority has submitted present Land Use Map and Land Use Register of Panaji Planning Area.

Member Secretary further informed that as per the details submitted, said present Land Use Map and Land Use Register was published by GPPDA by issuing public notice under Section 27(1) and thereafter a Sub-committee was appointed by the Authority under Section 27(3) who heard public objections for the said present Land Use Map and Land Use Register.

The GPPDA has further informed 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. Member Secretary informed that the said Notice was published as a conclusive evidence that the Map & Register have been duly prepared & adopted by the GPPDA.

The Board took note of the submission made to it by GPPDA of present Land Use Map and Land Use Register as required under Section 27(5) and decided to submit the same to Government as per the provisions of the same section of the TCP Act. Member Secretary was accordingly directed to do the further needful.

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

Member Secretary informed that vide letter dated 07/07/2021, Member Secretary, Greater Panaji Planning and Development Authority has submitted present Land Use Map and Land Use Register of Kadamba Planning Area.

Member Secretary further informed that as per the details submitted, said present Land Use Map and Land Use Register was published by GPPDA by issuing public notice under Section 27(1) and therefore a sub-committee was appointed by the Authority under Section 27(3) who heard public objections for the said present Land Use Map and Land Use Register.

The GPPDA has further informed that the said Land Use Map and Register is adopted by them and is also published in the Government Official Gazette bearing Series III No. 4 dated 22/04/2021. Member Secretary informed that the said Notice was published as a conclusive evidence that the Map & Register have been duly prepared & adopted by the GPPDA.

The Board took note of the submission made to it by GPPDA of present Land Use Map and Land Use Register as required under Section 27(5) and decided to submit the same to Government as per the provisions of the same section of the TCP Act. Member Secretary was accordingly directed to do the further needful.

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

Member Secretary informed that a letter dated 17/09/2021 is 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 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.

Member Secretary 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.

Member Secretary, GPPDA has stated that the Draft ODP-2031 of Panaji Planning Area was placed before 17th Authority meeting held on 25/08/2021 and was 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 and accordingly, GPPDA has submitted the same for obtaining necessary approval of TCP Board under Section 34 of TCP Act, 1974.

Member Secretary, GPPDA Shri Pandita, who was present for the meeting, then gave a detail presentation on the draft ODP by mentioning therein the salient features of the same. It was brought to the notice of the Board that no major changes have been proposed in the draft ODP as that compared to ODP-2011, which has been used as a reference plan and is in force. Member Secretary also informed that the missing links and the newly constructed roads have been incorporated in the draft ODP.

Board took note of the same and considered the draft ODP for approval and directed the Member Secretary to undertake further procedure as required under relevant provisions of TCP Act.

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

Member Secretary informed that a letter dated 17/09/2021 is 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 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.

Member Secretary 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.

Member Secretary, GPPDA has stated that the Draft ODP-2031 of Kadamba Planning Area was placed before 16th (Adj.) Authority meeting held on 12/07/2021 and was 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 and accordingly, GPPDA has submitted the same for obtaining necessary approval of TCP Board under Section 34 of TCP Act, 1974.

Member Secretary, GPPDA Shri Pandita who was present for the meeting, then gave a detail presentation on the draft ODP by mentioning therein the salient features of the same. It was informed that no major deviation have been carried out in the draft ODP-2031 as that compared to RP-2021, which has been used as a reference plan. It was also informed that any prior commitment made by the Department in terms of grant of conversion sanad/grant of Technical Clearance, etc. have been honoured.

Board took note of the same and considered the draft ODP for approval and directed the Member Secretary to undertake further procedure as required under relevant provisions of TCP Act.

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

The Member Secretary, TCP Board informed that vide letter dated 16/09/2021 received under inward No. 4069 dtd. 17/09/2021, South Goa Planning and Development Authority (SGPDA) has submitted Draft ODP of Margao – 2031 for Margao Planning Area u/s 34 of TCP Act, 1974 for consideration of TCP Board.

The Member Secretary, SGPDA, who was present for the meeting then gave detail presentation on the Draft ODP of Margao Planning Area-2031 and informed that based on the directions of Government as conveyed vide Order No. 36/1/TCP/327/2018/656 dated 15.03.2021 issued under Section 39(1) of TCP Act,

1974 for preparation of Draft ODP of Margao Planning Area and based on subsequent note of Chief Town Planner bearing No. 36/1/TCP/327/2018/1169 dated 01/06/2021 has prepared the ODP.

Further, Member Secretary (SGPDA) informed that in 90th meeting of the Authority held on 06.08.2021, a decision was taken to prepare the Draft ODP of Margao Planning Area in consultation with Local Authority and accordingly discussions with representatives of Margao Municipality were held, who then communicated their recommendations/suggestions/corrections/proposals vide letters dated 08/09/2021 and 13/09/2021.

The Member Secretary, SGPDA brought to the notice of the Members that based on the clarification received, existing Land Use Maps was not prepared as the same was prepared in the recent past by SGPDA while preparing ODP of Margao – 2028, which was finally notified.

It was further informed that the recommendations/suggestions/corrections/proposals as received and the rectification of minor errors and discrepancies, which Authority noticed on its own, were discussed in 91st meeting of the Authority held on 14/09/2021 and after agreeing for the same, the resolution was taken to submit the Draft ODP for consideration of TCP Board.

Further, Member Secretary, SGPDA briefed that United Goans Foundations and others have filed PIL Writ Petition No. 65 of 2019 in the High Court Bombay at Goa seeking relief mainly with regards to following aspects:

- a) An interim order to restrain SGPDA from issuing any Development Permission under Section 44 of TCP Act, 1974 on the basis of ODP-2028 for Margao Planning Area.
- b) An interim Order to restrain any Development being carried out pursuant to any Development Permission granted by the SGPDA on the basis of the ODP-2028 for Margao Planning Area as well as for other matters.

On inquiry from the Members regarding status of the case, the Member Secretary, SGPDA informed that on 17/02/2020, the petition was admitted and is now fixed for final hearing, however, as an interim directive, the High Court has ordered that the Development Permissions granted by the Authority shall be subject to the final outcome of Writ Petition and accordingly, necessary condition is imposed by the Authority in all the Development Permissions granted.

The Member Secretary, SGPDA also informed that two more Appeals in connection with ODP-2028 of Margao have been also filed in the District Court of Salcete at Margao seeking for quashing/modification in the ODP-2028 of Margao and the matter is yet to be decided.

On inquiry from Principal Secretary whether any legal opinion was sought to initiate the process of preparation of draft ODP for Margao, it was clarified by the Member Secretary, SGPDA that a legal opinion was sought whether the Order dated 17/02/2020 passed by the Hon'ble High Court in Public Interest Litigation W.P. No. 65/2019 would be a bar for SGPDA to prepare a new ODP for Margao Planning Area and it was opined by the Advocate that the Order of the High Court does not prevent or restrain the South Goa Planning and Development Authority from performing/discharging its functions and/or duties under the Town and Country Planning Act, 1974/Building Rules and Regulations in force and that any development permitted by the Authority is subject to further orders. The Advocate has further advised the Authority that upon final decision/finalization of the ODP, the same be placed before the Hon'ble High Court by filing an appropriate application in the Public Interest Litigation WP No. 65/2019.

The Board inquired about the changes incorporated in the Draft ODP-2031 and it was informed that Draft ODP-2031 of Margao has been prepared considering the finally notified ODP-2028 of Margao as a base for planning outlay, wherein only three suggestions/recommendations of Margao Municipal Council and errors/discrepancies rectified by SGPDA are incorporated.

The Board after deliberation decided and resolved to consider the approval of Draft ODP of Margao-2031 and the Member Secretary was accordingly directed to undertake further procedure as required under relevant provisions of TCP Act.

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

The Member Secretary, TCP Board informed that vide letter dated 16/09/2021 received under inward No. 4070 dtd. 17/09/2021, South Goa Planning and Development Authority (SGPDA) has submitted Draft ODP of Ponda – 2031 for Ponda Planning Area u/s 34 of TCP Act, 1974 for consideration of TCP Board.

The Member Secretary, SGPDA, who was present for the meeting then gave detail presentation on the Draft ODP of Ponda Planning Area-2031 and informed that based on the directions of Government as conveyed vide Order No. 36/1/TCP/327/2018/656 dated 15.03.2021 issued under Section 39(1) of TCP Act, 1974 for preparation of Draft ODP of Ponda Planning Area and based on subsequent note of Chief Town Planner bearing No. 36/1/TCP/327/2018/1169 dated 01/06/2021 has prepared the ODP.

Further, Member Secretary (SGPDA) informed that in 90th meeting of the Authority held on 06.08.2021, a decision was taken to prepare the Draft ODP of Ponda Planning Area in consultation with Local Authority and accordingly discussions with representatives of Ponda Municipality were held, who then communicated their recommendations/suggestions/corrections/proposals vide letters dated 13/09/2021.

The Member Secretary, SGPDA brought to the notice of the Members that based on the clarification received, existing Land Use Maps was not prepared as the same was prepared in the recent past by SGPDA while preparing ODP of Ponda – 2028, which was finally notified.

It was further informed that the recommendations/suggestions/corrections/proposals as received and the rectification of minor errors and discrepancies, which Authority noticed on its own, were discussed in 91st meeting of the Authority held on 14/09/2021 and after agreeing for the same, the resolution was taken to submit the Draft ODP for consideration of TCP Board.

The Board inquired about the changes incorporated in the Draft ODP-2031 and it was informed that Draft ODP-2031 of Ponda has been prepared considering the finally notified ODP-2028 of Ponda as a base for planning outlay, wherein only three suggestions/recommendations of Ponda Municipal Council and errors/discrepancies rectified by SGPDA are incorporated.

The Board after deliberation decided and resolved to consider the approval of Draft ODP of Ponda-2031 and the Member Secretary was accordingly directed to undertake further procedure as required under the relevant provisions of TCP Act.

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.

Member Secretary informed that 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.

Member Secretary informed that 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 is requested to be relaxed to 21.00 mts.

The Board deliberated on the request made, during which Chairman enquired whether there are any such provisions under the regulations to consider relaxations as sought and whether the Board can exercise such power. On knowing that there are no such provisions under the TCP Act, it was decided by the Board not to grant the exemptions and relaxations, as asked for.

Member Secretary was accordingly directed to communicate the decision of the Board to the Directorate of Tribal Welfare.

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 Member Secretary submitted that proposals as referred in Annexure 'A' were 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 were placed before the Board for its consideration.

The Board after deliberation recommended the proposals as listed in 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 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 'B', which forms the part of these Minutes.

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 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 and on consideration of correspondence received from Forest Department, is as recorded in Annexure 'C', which forms the part of these Minutes.

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

Regarding Agro based Eco-Tourism policy

Member Secretary informed that in 175th meeting of TCP Board held on 30/6/2021, the guidelines of the policy for consideration of Agro based Eco-Tourism project were modified to the extent of consideration of minimum area of the plot as 5000.00 sq.mts. instead of 10,000.00 sq.mts. to permit the eco-tourism project.

Member Shri Filip Nery, brought to the notice of the Board that since the requirement of plot area is being reduced to 5000.00 sq.mts., proportionate reduction in minimum required setback shall also need to be considered. The same was agreed upon on technical parameters and accordingly it was also decided to further modify the guidelines of the policy such that minimum side/rear setback shall be 5.00 mts. instead of 10.00 mts.

Member Secretary was accordingly directed to undertake the further procedure in this regard.