**MINUTES OF 178th EXTRAORDINARY MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 18/04/2022 AT 10.30 A.M. AT VAN BHAVAN, ALTINHO, PANAJI – GOA.**

The following attended the meeting:

1. Shri. Vishwajit Rane,

 Hon. Minister for TCP … Chairman

1. Shri Puneet Goel,

Chief Secretary … Member

1. Shri C.R. Garg,

Secretary (Industries) … Member

1. Shri Keshav Kumar,

Chief Conservator of Forest … Member

1. Shri Raju B. Desai,

Dy. Chief Conservator of Forest … Member

1. Shri Nevil Alphonso,

Director of Agriculture … Member

1. Shri. Dhiraj R. Vagle,

Dy. Director (Tourism) … Member

1. Dr. Siona Gomes,

Dy. Director, DHS … Member

1. Shri Ralph Barboso,

Research Assistant,

DPSE, Porvorim … Member

1. Smt. Megha S. Kerkar,

Supdt. of Fisheries … Member

1. Shri. Antonio P. Diniz … Member
2. Arch. Rajeev M. Sukhthanker … Member
3. Shri Ralph De Souza,

President GCCI, … Member

1. Shri James Mathew,

Chief Town Planner (Admn.) … Invitee

1. Shri. Rajesh J. Naik,

 Chief Town Planner (Planning) … Member Secretary

**Item No. 1: Briefing about the 177th TCP Board meeting held on 20/12/2021.**

Member Secretary informed that 177th meeting of TCP Board was held on 20/12/2021 and the same was adjourned.

The Committee was further informed that the 177th (Adj.) meeting (1st seating) was then held on 29/12/2021 and was further adjourned. The Members were then informed that 177th (Adj.) meeting (2nd seating) was held on 03/01/2022 and concluded, Minutes of which were then prepared and confirmed by circulation.

The Chairman took note of the same and directed the Member Secretary to keep on hold further procedure as regards to cases discussed in these meetings under Section 12 and Section 13(2) of the TCP Act pertaining to change of zone as provided under Section 16B of the TCP Act and further directed not to notify these cases as required under the Act.

**Item No. 2: Empanelment/Registration of Notary Architects and Notary**

**Engineers.**

Member Secretary briefed the Members about Notary Architects or Notary Engineers as defined under the Goa Land Development and Building Construction Regulations, (latest amendment) and informed that they are registered and empowered by the Chief Town Planner to issue Third Party or self Technical Clearance/Development Permission/ Completion Order for low risk building or Compound wall or to issue third party or self certification for low risk building and for facilitating issuance of the Technical Clearance/ Development Permission/ Completion Order by the Town and Country Planning Department/PDAs for promoting ease of doing business.

 The definition of “Low risk building” was then informed to the members which meant and included all buildings in plots formed by way of finally approved sub-division layout of plot area upto 500m2 having maximum built up area of 500m2 and height of building limited to ground + 2 storeys including stilt floor.

Criteria for empanelment of Notary Architect/Notary Engineer was then informed to the Members as follows:

1. Should possess qualification of Architect and Engineer/Structural Engineer as

per Regulations.

2. Shall be not below the age of 35 years and possess atleast 10 years experience

in the field from date of registration with Council of Architecture in case of

Architects and from date of registration as Engineer or Structural Engineer

under the Goa Land Development and Building Construction Regulation for

Engineers.

3. They shall submit recommendation from Indian Institute of Architects, Goa

Chapter or Institution of Engineers, Goa Local Centre as the case may be.

4. Shall submit specimen signature, passport size photographs and residence

certificate.

5. Submit registration fee of Rs. 20,000/- for a term of 5 years.

6. Submit security deposit of Rs. 1.00 lakhs in the form of Bank guarantee.

The Board was then informed that there is no much response from the professionals for the registration as Notary Architect/Engineer and a very few applications have been received from these professionals which are under process of consideration. It was further informed that an Order to notify Notary Architect/Engineer as Competent Authority to collect the infrastructure tax is under submission in Law Department.

The Board took note that this provision could act as a major reform in promoting Ease of Doing Business (EoDB) and would provide relief to common man who want to obtain hassle free permission without having to visit Government office.

The Board deliberated on the issue and felt that this important reform needs to be implemented expeditiously as part of Ease of Doing Business initiative. During the discussion, Board felt that years of experience for empanelment of Notary Architect/Notary Engineer could be further reduced to 5 years and age to be reduced to 30 years. It was also decided that recommendation from professional bodies like IIA and IEI need not be insisted.

Chief Town Planner (Admn.) was accordingly directed to initiate further steps in this regard.

**Item No. 3:- Regarding Time limit to dispose off applications received by the TCP Department and the PDAs.**

Member Secretary informed that as provided under the Goa Land Development & Building Construction Regulations, 2010, all applications received by the Town & Country Planning Department are to be processed and disposed off within 45 days from the date of receipt of the applications, except for the cases where reference to the Government or Conservation Committee, legal opinion or approval from any other agencies is necessary.

It was then informed that the Chief Town Planner is the Appellate Authority, in case of failure to dispose of the application by the respective District/Taluka level offices, within the stipulated period and in the event, the application is not disposed off within the said stipulated period, such applications shall be deemed as a refusal and for which an appeal lies from such deemed refusal, which is required to be preferred within a period of 3 months from the date of such deemed refusal and thereafter such appeals are required to be disposed off by the Appellate Authority within a period of 45 days from the date of receipt of memo of such appeal.

The Board was then informed that Notification dtd. 6/6/2016 is issued by the Department of Public Grievances pertaining to the Goa (Right of Citizens to Time-Bound Delivery Public Services) Act, 2013, as per which the TCP Department and the Planning & Development Authorities are required to dispose off applications pertaining to Technical Clearances for building/development plan within 30 days from the receipt of such applications.

It was observed by the Board that although the time limit is prescribed in most of the cases, such time limit is not adhered to in view of the procedure followed in issuing the permissions including the site inspections, meetings, hierarchical order through which they are processed.

The Chairman strongly felt that the procedure followed in grant of permissions needs to be streamlined keeping in tune with Ease of Doing Business and in compliance to Right of Citizens to Time-Bound Delivery of Public Services.

Board deliberated on the issue and was of the opinion that 30 days time limit as notified under the Goa (Right of Citizens to Time Bound Delivery of Public Services) Act, 2013 will have precedence over 45 days specified in the Goa Land Development & Building Construction Regulations, 2010 and as such, 21 working days should be made applicable and should be implemented in TCP Offices/ PDAs, pending amendment to the Regulations.

Chief Town Planner (Admn.) was accordingly directed to issue necessary instructions to all the branch offices and Planning & Development Authorities

**Item No. 4:- File Management System to be adopted in the Town & Country Planning Department and PDAs.**

The Board took note that there is a general complaint from the applicants as regards to hardships faced by them in obtaining the permissions and that they have to visit the concerned offices of TCP Dept. and PDAs several times to inquire about the status of their proposals submitted before these Authorities. It is observed that sometimes the staff is not available on seats due to various reasons and that records are not properly maintained, which can facilitate the applicant to get satisfactory answers to their queries.

The Chairman therefore expressed that the system has to be put in place and the file tracking system need to be developed for all public related services. It was informed by Chief Town Planner (Admn.) that BPAMs is already implemented for single family dwelling units and that this system has already got a provision of tracking of application by the Department as well as applicants.

The Board was further informed that Department has already decided to take additional services under online platform which included (i) Zoning Certificate (ii) Application under Section 49(6) of the Act.

The Board took note that once this is implemented these additional applications/services can also be tracked. The Board desired that the Department should expedite these online services and bring about a mechanism to track the movements of files inter offices and intra offices to be worked out.

 Chief Town Planner (Admn.) was accordingly directed to initiate further procedure in this regard.

**Item No. 5: Streamlining the procedure in issuing permissions by the Planning & Development Authorities.**

Member Secretary informed that in the pre-budget meeting held on 29/03/2022, it was decided to withdraw all administrative orders issued in the past to submit the applications/files to the Government, which was not mandated under law and issue directions to further streamline on hierarchical order for granting permissions within the Department at Taluka level/District level and the level of Chief Town Planner (Planning) based on the principle of delegation of powers to the lowest level.

It was further informed that in the PDAs too, it was decided to issue direction to discontinue the practice of passing the buildings/land development project in the Authority meeting and direction to be issued to grant Development Permissions at the level of Member Secretary.

The Board was accordingly, vide Order No. 29/08/TCP/2022/141443686 dtd. 30/03/2022 directions were issued for dealing and clearing the proposals for grant of Technical Clearance for building projects, land development, etc. as per the hierarchical level specified as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sr.****No.** | **Type of Clearance** | **Taluka level**  | **District level** | **Chief Town Planner (Planning)** |
| 1. | Technical clearance for building projects | Upto 1,000m2 built up area | Upto 2,000m2 built up area | Above 2,000m2 built up area |
| 2. | Technical clearance for land development proposals | Upto 10,000m2 area | Upto 20,000m2 area  | Above 20,000m2 area |

 Vide said Order, the Member Secretary of the PDAs were also authorized to process and issue permissions for all applications of Development Permissions including renewal of permission, NOC under Section 49(6) of the TCP Act, Zoning Certificate and Completion Order.

It was also brought to the notice that further direction under Section 132 of the TCP Act are issued to all PDAs vide Order No. 29/8/TCP/2022/566 dtd. 12/4/2022 to expedite the approval process in tune with Ease of Doing Business, whereby the Member Secretary, PDAs are authorized to process and issue the permissions for all applications of Development Permissions including renewal of permission, NOC under Section 49(6) of the TCP Act, Zoning Certificate and Completion Order.

The Board consented for the actions taken in larger interest of the general public and hence ratified the decisions taken.

**Item No. 6: Any other item with permission of the Chair.**

**Status of Outline Development Plans prepared by Planning & Development Authorities and Regional Plan for Goa – 2021.**

Chairman sought to know from the Member Secretary the status of various ODPs finally notified and those which are being prepared by North Goa PDA, Greater Panaji PDA, South Goa PDA and Mormugao PDA. Member Secretary informed the following regarding various ODPs:

**Panaji – ODP 2021**

Member Secretary informed that Draft ODP was notified on 6/10/2016 published in Official Gazette Series III, No. 27 and final ODP was notified on 28/12/2016 and published in Official Gazette Series III, No. 38.

It was further informed that as per Court directions, Panaji ODP 2021 is kept on hold & Panaji 2011 is in force at present for all practical purpose.

It was further informed that the Draft ODP of Panaji 2031 is prepared & notified on 28/10/2021 in Official Gazette Series III, No. 31 and that total number of objections received for draft ODP-2031 of Panaji Planning Area are 143 Nos.

**Mapusa ODP 2021**

It was informed that Draft ODP was notified on 21/07/2016 in Official Gazette Series III, No. 16 and final ODP Notified on 28/12/2016 in Official Gazette Series III, No. 38, which is in force for all practical purpose.

It was further informed that letter dated 28/12/2018 was issued by Chief Town Planner (Planning) to prepare Present Land Use Map & Register U/s 26 & 27 of Mapusa Planning area & to take up process of revising ODP by following the procedure envisaged U/s 29, 30 & 34 to 37 of TCP Act.

The Board was then informed that process of preparation of ODP is not yet undertaken by the Authority.

**Calangute – Candolim ODP 2025**

It was informed that Draft ODP was Notified dated 24/11/2016 and published in Official Gazette Series III No. 34 and final ODP was notified vide Notification dated 29/11/2018 published in Official Gazette Series III, No. 35, which is in force for all practical purpose.

It was informed that Mr. Damiao Teles & others have filed PIL W.P. No. 29/2017 against draft Outline Development Plan. Mr. Premanand Divkar & others have filed PIL WP. No. 9/2019 & Mr. Agnelo Barreto & others have filed PIL W.P. No. 32/2019 against Calangute- Candolim ODP 2025.

It was further informed that besides above, there were 60 numbers of Civil Appeals filed out of which & 30 numbers are of Civil Misc appeals are filed in the District Court under Section 38 of TCP Act, out of which 30 Civil Misc Appeals are disposed off for delay in filing appeals and regarding remaining 30 Civil appeals, the Hon'ble Court has suggested the Authority to take up appeal memo as representation of the respective appellant afresh by giving personal hearing.

**Arpora – Nagoa – Parra ODP 2030**

It was informed that Draft ODP was notified on 10/09/2020 in Official Gazette Series III, No. 24 and Final ODP was notified on 08/07/2021 in Official Gazette Series III, No. 15, which is in force for all practical purpose.

It was informed that there are 9 numbers of Civil Appeals & 1 Misc Civil Appeal are filed by individuals under Section 38 in the District Court. The Court has suggested this Authority to consider Appeal memo of the respective appellants afresh & by giving personal hearing disposed off the appeals. The Matter will be placed before the Authority after its constitution.

**Taleigao Planning area ODP 2031**

It was informed that Draft ODP was notified on 15/11/2018 published in Official Gazette Series III No. 33 and Final ODP was notified on 18/02/2019 published in Official Gazette Series III, No. 46, which is in force for all practical purpose.

**Kadamba Planning area ODP 2031**

It was informed that Draft ODP was notified on 28/10/2021 published in Official Gazette Series III, No. 31.

It was further informed that 12 objections have been received for this draft ODP-2031 of Kadamba Planning Area.

**Bambolim Planning area ODP 2031**

It was informed that Draft ODP was notified on 10/09/2020 published in Official Gazette Series III, No. 24 and Final ODP was notified on 08/07/2021 published in Official Gazette Series III, No. 15, which is in force for all practical purpose.

**Ponda ODP - 2028**

Member Secretary informed that the Government has accorded approval vide No. 36/1/TCP/327/2018/2313 dated 25/10/2021 u/s 34 of the TCP Act for publication of notice of preparation of ODP u/s 35 of TCP Act. The notification bearing No. SGPDA/ODP-2031(M)734/21-22 dated 26/10/2021 was published in the Official Gazette and in the local newspapers inviting objection/ suggestions and accordingly, the SGPDA has received 66 objections/ suggestions for Ponda Planning Area. Further it was informed that process of hearing objections/suggestions is not undertaken by the Authority.

**Margao ODP - 2028**

It was informed that the Government has accorded approval vide No. 36/1/TCP/327/2018/2313 dated 25/10/2021 u/s 34 of the TCP Act for publication of notice of preparation of ODP u/s 35 of TCP Act. The Notification bearing No. SGPDA/ODP-2031(M)734/21-22 dated 26/10/2021 was published in the Official Gazette and in the local newspapers inviting objection/suggestions and accordingly, the SGPDA has received 169 objections/suggestions for Margao Planning Area. It was further informed that process of hearing objections/suggestions is not undertaken by the Authority.

**ODP 2030 for Vasco –da-Gama Planning Area**

Member Secretary informed that the approval of the Government for ODP-2030 for Vasco-da-Gama Planning Area is conveyed vide Order No. 36/1/TCP/324/2018/2857 dated 14/12/2021 and further informed that a PIL No. 2566 of 2021 (F) is filed by one Mr. Edwin Mascarenhas v/s Mormugao Planning & Development Authority in the Hon’ble High Court of Judicature at Bombay, Goa Branch challenging adopting the Land Use Map and Register for Vasco-da-Gama Planning Area notified in the Official Gazette dated 5/12/2019 u/s 27 of the Town Country Planning Act, 1974.

Chairman expressed that he has received several representations regarding the ODPs finally prepared and those which are under preparation.

The Board also took serious note of various Court matters filed by the general public who are aggrieved by the zoning provisions made under the ODP. The Chairman therefore felt the need of having a look at these ODPs again for which purpose, scrutiny and review of the ODPs was felt essential.

In order to have a larger debate on the issues and the opinion of different institutions, it was decided to invite representative of institutions such as Confederation of Real Estate Developers Association of India, Indian Institute of Architects, Institute of Engineers, India and Confederation of Indian Industry to know their opinion/suggestions pertaining functioning of the Town & Country Planning Department and Planning & Development Authorities, with specific reference to Outline Development Plans prepared.

Board also deliberated on Section 16B of the TCP Act and various provisions under this Act. Member Secretary briefed about the procedure as laid down under the Act and informed that several cases have been considered under the provisions of Section 12, Section 13(1) and Section 13(2). It was informed that the Department receives various objections either from general public on notification under Section 13(1) of the cases which are placed before the Board.

Member Secretary also briefed that following are the matters pending before the High Court pertaining to Section 16B of the TCP Act, Regional Plan for Goa – 2021 and other similar issues:

1. PIL WP No. 44/2018
2. PIL WP No. 45/2018
3. PIL WP No. 16/2019
4. PIL WP No. 34/2019
5. PIL WP No. 17/2021

Considering the various issues placed before the Board, it was decided that a sub-committee shall be formed to review all the cases considered under Section 16B of the Act.

Accordingly following was the sub-committee constituted:

1. Shri James Mathew,

Chief Town Planner(Admn.) …… Chairman

1. Shri Rajesh Naik,

Chief Town Planner(Planning) …… Convenor

1. Ms. Vertika Dagur,

Senior Town Planner(HQ) …… Member

1. Arch. Rajeev Sukhthanker …… Member

The Chairman directed that the Committee shall prepare its report within 60 days and thereafter place it before the Board for its necessary consideration.

The meeting ended with thanks to the Chair.