

**AGENDA FOR 186th MEETING OF THE TOWN & COUNTRY
PLANNING BOARD SCHEDULED TO BE HELD ON 25/11/2022 AT 3.00
P.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

Item No. 1: Confirmation of the Minutes of the 185th meeting of Town & Country Planning Board held on 14/10/2022.

The Minutes of 185th meeting of TCP Board held on 14/10/2022 are prepared and placed before the Board for confirmation.

Board may consider the same.

Item No. 2: Appeal under Section 52 of the TCP Act, 1974 filed by Smt. Sandhya Korgaonkar against North Goa Planning and Development Authority. (File No. TP/B/APL/218/2022)

The appeal was earlier filed by Smt. Sandhya Korgaonkar against North Goa Planning and Development, which was heard by the Board in its 180th meeting held on 09/06/2022 under item No. 6 and was dismissed, with the decision as under:

“Member Secretary informed that the appeal is filed under Section 52 of the TCP Act, 1974 in respect of notice issued by North Goa PDA.

Member Secretary further informed that the Appellant is the co-owner of property bearing Sy.No. 6/1, PTS No. 170, Mapusa which was originally owned by Mr. Ramkrishna Pednekar, father of Appellant and upon his death on 30/09/2007, it is developed upon by his wife Radhabai Pednekar and children including Appellant.

Shri. Ramkrishna Pednekar had put up a small gaddo in the suit property in the early eighties. Thereafter, out of will and love for Appellant, he gave her the gaddo alongwith surrounding area admeasuring 150m² which is now in exclusive possession of Appellant.

The Appellant, with consent of all other legal representatives, installed a proper kiosk in the said area by replacing the gaddo, known as Durvesh General Stores with kiosk No. 13 with license No. T/O/4682. Directorate of Fire and Emergency Services have also given NOC dated 01/09/2013. The Appellant has been paying requisite fees for occupation of the premises. The Appellant has obtained license from Mapusa Municipal Council and NOC from her mother.

The Appellant states that with passage of time, the Respondent No. 2 started interfering with the Appellant. The Appellant was constrained to file a Regular Civil Suit No. 274/2019/C before Court of CJSD, Mapusa. The matter went to High Court also and High Court has granted interim relief to the Appellant.

Appellant states that Mr. Shankar Pednekar, Mrs. Radhabai Pednekar Respondent s have been filing all sorts of frivolous complaints before various authorities and the objections filed by them cannot be considered as they are restricted from changing status quo and possession of Appellant is protected by Court.

Appellant further states that the GPPDA has issued notice to the Appellant for appearance for which, the Appellant remained present and produced few documents relied upon by her in support of her case, however the matter was not heard on merits. In fact, the Appellant was intimated that she would be notified about the next date on which the matter would be heard and decided on merits. However, without giving her the hearing, the impugned order dated 28/12/2021 was passed by the Greater Panaji PDA.

The Appellant, being aggrieved by the said order, has preferred this appeal.

Member Secretary informed that the matter came up for hearing in the 179th meeting of TCP Board held on 17/05/2022 during which the Appellant expressed the desire to move for an amendment to the main petition and the same was agreed by the Board and the matter was disposed accordingly.

During the present hearing, Adv. Hanumant Naik appeared on behalf of the Respondent , whereas the Appellant remained absent. The Board therefore heard only the Respondent who stated that the Authority stand by its observations and requested the Board to consider the same.

The Board observed that the Appellant, although had stated that she would move for an amendment, no such amendment has been filed nor has appeared for the hearing.

Considering the facts placed before it by the Respondent Authority, the Board therefore dismissed the appeal on merit”.

Whereas Smt. Sandhya Korgaonkar has filed an appeal in Hon’ble High Court of Bombay at Goa (Writ Petition No. 423 of 2022) against the order of the Board (Respondent No. 1) stating that the Respondent No. 1 ought to have seen that the NGPDA erred in ignoring the fact that the structure in question was existing for the past several decades and that the same was mentioned in the suit filed before the Hon’ble Civil Court and the Hon’ble High Court of Bombay. It is also stated by the Petitioner that she had obtained NOC from her late father and the

Respondent No. 1 and the authorities as well and that the permissions could not have been revoked just because Respondent No. 2 & 3 had a change of heart as the Petitioner also had unfettered right to the said property.

It is further submitted by the Petitioner that the Respondent No. 1 ought to have seen that the NGPDA could not have passed the impugned order after lapse of the four years from the alleged development/change. The time period specified in the said notice is also 15 days and not one month in contravention of Section 52 of the TCP Act. Furthermore, it is stated by the Petitioner that there was no power to revoke the permissions without hearing her, that too in the manner done and further no power to direct demolition.

The Appellant has further stated as under:

1. The Respondent No. 1 has passed orders without hearing the petitioner and only after hearing the Respondent .
2. The submissions of the Respondent NGPDA have also not been recorded in the said order of the Respondent No. 1.
3. The alleged facts placed before the Respondent No. 1 by the NGPDA have also not been mentioned in the order.
4. There is absolutely no reasoning given for passing orders against the Petitioner and it appears as though the intention has been to penalize the petitioner for missing that one hearing before the Respondent No. 1.

It was informed by the Advocate appearing for the Government that the matter came up for hearing before Hon'ble High Court on 12/10/2022 and that the Court was of the opinion that reasoning ought to have been given in the order. and that the matter shall be further heard on 17/10/2022.

The matter was discussed in 185th meeting of TCP Board held on 14/10/2022 and the issues raised were deliberated and the Board was of the opinion that points raised by the Petitioner before the Hon'ble High Court need to be considered and accordingly it was decided to withdraw the earlier Order dtd. 21/7/2022 passed by the Board and it was further decided that the appeal shall be heard again to give the opportunities to the parties to give their say in the matter.

Member Secretary was directed to immediately communicate the decision of the Board to the Advocate appearing in the matter such that Hon'ble High Court could be informed of the decision.

The Appellant Smt. Sandhya Korgaonkar is accordingly informed vide letter No. TP/B/APL/218/2022/2765 dtd. 14/10/2022 that the Order dtd. 21/7/2022 is withdrawn and that the appeal shall be heard again.

Notices are accordingly issued to parties to remain present for the meeting for arguments in the matter.

The Board may deliberate.

Item No. 3: Appeal under Section 52(2) of the TCP Act, 1974 filed by Mrs. Bilkees Rafi Sait and Mr. Mohammed Rafi Sait against Greater Panaji Planning and Development Authority. (File No. TPB/APL/271/2022)

The Appellants are aggrieved by the final notice issued under Section 52 of Town & Country Planning Act, 1974, hereafter called as TCP ACT, dated 20/06/2022 issued by the Respondent No. 1.

As per the appeal memo, the facts which are required to be considered to decide the present appeal on merits are as follows:

- a) The Appellant No. 2 states that on 29/04/2022, he received a stop work order issued by the Respondent No. 1 stating that a complaint is filed by the Respondent No. 2 alleging illegal construction on the ground floor in the form of extension to the existing "CP Apartments" at Tonca Miramar, Goa.
- b) The Appellant No. 2 states that he also received a copy of a complaint dated 14/03/2022, wherein allegations are made that the Appellant No. 2 has constructed illegally a concrete room built at the front and back end of the flat at the ground level. In the said complaint, Respondent No. 2 has alleged that the construction was carried out when he was away from the property.

- c) The Respondent No. 1 without verifying the ownership of the Apartment issued the order without there being any material on record to substantiate the allegation. The Respondent No. 1 wrongly issued order against Appellant No. 2.
- d) On 10/05/2022, the Appellant filed a reply to and contented that they have not done any construction after purchasing the Apartment from its previous owner way back in 2003.
- e) On 17/05/2022, the Respondent No. 1 issued show cause notice to the Appellant No. 2, stating that the site inspection was carried out on 16/05/2022 by the officials of the Respondent No. 1 and they have noticed illegal construction carried out in the form of an extension to the existing building on the ground floor of CP Apartments. The show cause notice further directed the Appellant No. 2 to show cause within the 7 days from the date of receipt of the notice, why action under section 52 of the TCP Act, should not be initiated. The show cause notice was also not served upon the Appellant No. 1 who is the owner of the ground floor apartment.
- f) Vide reply dated 26/05/2022, the Appellant replied to the show cause notice dated 17/05/2022, reiterating the earlier contentions and stated that they have re-plastered the walls and water proofed the ceiling, since the construction is more than 30 years old and requires maintenance.
- g) Appellant states that no notice of inspection as claimed in show cause notice dated 17/05/2022 was given to them and in fact, no such inspection were ever carried out by the officials of the Respondent No. 1 and there is no transgression report or sketch prepared by the officials of Respondent No. 1 in order to find out whether there is an extension or illegal construction carried out by the Appellants as alleged.
- h) The Respondent No. 1 without considering the reply filed the Appellant have issued the impugned final notice in total contravention of the procedure established by law and contrary to the provision of the TCP Act. The impugned final notice is also against the principles of the natural justice and contrary to the material available on record.

The Appellants has thereafter preferred the appeal on the following grounds:

- i) The impugned final notice is illegal, arbitrary and based on no evidence as the Respondent failed to consider the replies filed by the Appellants to the show cause notice and stop work order.
- ii) The impugned final notice has violated the principles of natural justice as the Respondent No. 1 without application of mind and without considering the reply filed by the Appellants issued impugned final notice at the behest of the Respondent No. 2.
- iii) The impugned final notice is a non-speaking order to demolish the only residential premises of the Appellants and therefore is required to be set aside in the interest of the justice.
- iv) The impugned final notice is perverse, illegal and liable to be quashed and set aside as the same is issued against the person who is not the owner of the premises and also impugned final and show cause notice suffers from no-joinder of necessary party.

The Appellant has therefore prayed for following:

- a) The Board to quash and set aside the show cause notice dated 17/05/2022 and impugned final notice dated 20/06/2022 in the interest of justice.
- b) Pending hearing and final disposal of the present appeal, pass an order staying operation, execution and implement of the final notice, which has directed the Appellants, to demolish the structure within 30 days.

The matter was placed before 184th meeting of TCP Board held on 15/09/2022, during which Appellant was absent and whereas Respondent PDA was represented by Adv. Saish Mahambare. The Board therefore had decided to give a last and final opportunity to the Appellant to remain present for the next hearing and give their say in the matter, failing which, it was decided that the matter shall be heard and decided ex-parte and accordingly the matter was adjourned.

The matter was heard in 185th meeting of TCP Board held on 14/10/2022 during which the Appellant requested for adjournment of the matter and the same was considered by the Board by making it very clear to all the parties that the

matter shall be taken up for final hearing during the next meeting of the Board and shall be decided ex-parte in case any of the parties failed to attend the hearing.

Notices are accordingly issued to the parties.

The Board may decide.

Item No. 4: Appeal under Section 52 of the TCP Act, 1974 filed by Shri. Narendra Shah against Greater Panaji Planning and Development Authority and North Goa Planning and Development Authority.

The Appellant challenges the Order dated 19/08/2022 (hereinafter referred to as 'impugned Order') passed by the Respondent No. 1 wherein the Respondent No. 1 has directed the Appellant to remove alleged illegal construction carried in alleged violation of the Development Permission granted vide Order No. GPPDA/637/PNJ/650/2021 dated 06/10/2021, within a period of one month from the date of issuance of the Order, failing which the Respondent No.1 shall proceed to demolish the alleged illegal structure.

The Appellant states that the Respondent No. 1 was Planning and Development Authority which was created by the Government of Goa having jurisdiction over Panaji Planning Area. The Appellant states that after the impugned Order came to be passed, the Government has issued Notification dated 24/08/2022, wherein the Government of Goa now brought Panaji Planning and Development Authority under the jurisdiction of North Goa Planning and Development Authority, which is having jurisdiction over Mapusa Planning Area, Calangute-Candolim Planning Area as well as Arpora-Nagoa-Parra Planning Area. Therefore, in view of this development, the Appellant has also arrayed North Goa Planning and Development Authority as party Respondent s to the present Appeal as it will be the Respondent No.2 now will be necessary party to the Appeal.

The Appellant states that he and his other family members are the owners of the properties under Chalta Nos. 32, 33, 34 of P. T. Sheet No. 60 of Panaji Goa. The Appellant states that in the said properties, he and his family members have their residential house consisting of ground plus first floor having House No.10/44(E-568) and said house is in existence for more than 82 years.

The Appellant states that since the said house has become old, he and his other family members proposed and decided to reconstruct the same and accordingly, applied for Development Permission under Section 44 of the Goa Town & Country Planning Act, 1974, to the Respondent No.1 being the Planning Authority having jurisdiction over the Panaji Planning Area. The Appellant states that he while submitting the plans clearly mentioned that he proposed to reconstruct the said house on the existing plinth, however, in the application which came to be submitted to the Authority, he inadvertently mentioned as “Proposed Alteration and Addition to the Existing House and Amalgamation of the Property”.

The Appellant states that the property under reference falls in Commercial zone as per the ODP 2011 and therefore, he otherwise is also entitled to construct the commercial building in the said property.

The Appellant states that accordingly, he commenced the reconstruction of the existing house and when the construction has reached the stage of Ground plus First floor, the Respondent No. 3, who is otherwise the next door neighbour of him, has filed the complaint before the authorities including the Respondent No.1.

The Appellant states that thereafter the Respondent No. 3 even filed Writ Petition (f) No. 66/2022 before the Hon’ble High Court of Bombay at Porvorim-Goa seeking direction to the Respondent No. 1 and CCP to hold the Site Inspection and to take immediate steps to remedial measures upon receiving report and further directed to revoke the approvals granted by the Authority. The Appellant states that in the said Writ Petition, also it is not the case of the Respondent No.3 that entire construction is illegal but the allegations were made that under the garb of repairs the Appellant has undertaken reconstruction without maintaining proper set back.

The Appellant states that in the meantime, as per the direction of the Hon’ble High Court, the joint Site inspection was carried out by the officials of the Respondent No.1 and the CCP wherein certain observation in respect of the said structure were made.

The Appellant states that pursuant to the said Site Inspection Report, CCP issued Work Stoppage Order-cum- Show Cause Notice dated 08/02/2022 to the Appellant wherein the Appellant was directed to Show Cause as to why under

Section 269(2) of the City of Corporation Panaji Act, 2002 should not be passed for the demolition of the illegal activities.

The Appellant states that since the Respondent No. 3 started making grievance about the said construction that he has undertaken reconstruction of the existing structure under the garb of the “Proposed Alteration And Addition To The Existing House and Amalgamation of the Property”, he submitted revised plan dated 28/03/2022 indicating certain internal deviations during construction without changing the existing plinth dimensions before the Respondent No.1.

The Appellant states that thereafter the Respondent No. 1 also issued the Show Cause Notice dated 15/06/2022 to him.

The Appellant states that thereafter the Hon’ble High Court vide Impugned Judgement and Order dated 24/06/2022 disposed of the Writ Petition filed by the Respondent No. 3, wherein the direction was issued to the Respondent No.1 to dispose of the Show Cause Notice within 8 weeks from the date of the said Order.

The Appellant states that thereafter the said the Respondent No.1 called the Appellant as well as the Respondent No. 3 for personal hearing and since the hearing did not take place, the hearing was again fixed on 17/08/2022 on the Show Cause Notice and this hearing was then held with complainant present

The Appellant states that thereafter vide letter dated 17/08/2022, he requested the Respondent No.1 to consider the revised plan submitted on 28/03/2022 before taking any decision on Show Cause Notice.

The Appellant states that on 17/08/2022, the Appellant through his Attorney remained present for hearing before the Member Secretary of the Respondent No.1, who alone heard him without any authorization from the Respondent No.1, wherein the Respondent No.3 produced copy of the Judgement and Order passed by the CCP.

The Appellants states that subsequently, in the evening on 17/08/2022, he also received copy of the Judgement and Order passed by the CCP wherein it was observed that the Appellant has not replied to the Show Cause Notice so also he has failed to remain present before the Commissioner of the CCP and therefore, he

has been directed to demolish the alleged illegal construction and restore the land to its original condition.

The Appellant being aggrieved by the said Judgement and Order passed by the CCP has preferred Appeal before the Government of Goa as provided under the City Corporation of Panaji Act, 2002.

The grounds for appeal as mentioned by the Appellant are as under:

- a) The Appellant submits that the Impugned Order passed by the Respondent No. 1 is illegal, arbitrary, capricious and unreasonable and consequently the same is required to be quashed and set aside.
- b) The Appellant submits that the Member Secretary of the Respondent No. 1 ought to have given reasons as to how the development undertaken by the Appellant is in violation of the Development Permission as otherwise the Appellant has undertaken construction as per the original approved Plan subscribing the existing plinth and in the Impugned Order it has been clearly observed that the Appellant has carried out construction on the same plinth.
- c) The Appellant submits that the construction undertaken by the Appellant is on the very same existing plinth as per the plan approved by the Authorities and perhaps the only error could be that in the Application submitted by the Appellant it was mentioned Application for repair and alteration and addition instead of reconstruction of the existing structure which was existing on the said property for last several years.
- d) The Appellant submits that it is not the case of the Respondent No. 1 as well as the Respondent No. 3 that the entire construction carried out by the Appellant is in violation of the law or the permission but it was the case of the Respondent No. 3 that the Appellant under the garb of repair has undertaken reconstruction without maintaining proper set back. Therefore, the Respondent No. 1 committed illegalities and error in passing the Order of demolition.
- e) The Appellant submits that once the Appellant has submitted the revised plan it was the duty of the Respondent No. 1 to consider the said revised plan before taking any decision on the Show Cause Notice which is admittedly issued

after two months from the submission of the revised plan and therefore, the Respondent No. 1 ought to have consider the said revised plan first before taking any decision on the Show Cause Notice.

f) The Appellant submit that admittedly the old house was exiting in the said Property and when Appellant started the construction, the walls started collapsing as such the Appellant has to demolished the existing walls and reconstruct the same and to for that purpose the Appellant also relied upon letter dated 05/11/2021, addressed by Engineer Shri. Saiprasad S. Sakhalkar before the Respondent No.1.

g) The Appellant submits that the Impugned Judgement and Order passed by the Respondent No. 1 is without considering the fact that the Hon'ble High Court has directed the Greater Panaji Planning and Development Authority to decide Show Cause Notice and if any Order passed therein will be subject to the remedy under Section 52 of the Goa Town and Country Planning Act and therefore, the Respondent No. 1 was fully aware that the Appellant has submitted revised plans on 28/03/2022.

h) The Appellant submits that the said deviation which has taken place for which the Appellant has already submitted revised plans before Respondent No.1 and in such circumstances the Respondent No. 1 ought not to have hurriedly passed the Impugned Order directing demolition of entire development.

i) The Appellant submits that in the circumstances, the Respondent No.2 is required to be directed to consider the revised plans submitted on 28/03/2022.

The Appellant states that the fact that the Respondent no 3 has constructed his building and has been residing there using this passage when the original building as well as the one on the side existed and lasted for last 30-35 years, there is no cause for any inconvenience to him now.

The Appellant has therefore prayed that:

- a) The Hon'ble Authority/ Government be pleased to quash and set aside the Impugned Judgement and Order dated 17/08/2022 passed by the Respondent No. 1.

- b) The Hon'ble Board be pleased to order and direct the Respondent No. 2 to consider and approve the Revised Plan submitted by the Appellant on 28/03/2022, by relaxing the setbacks requirement if any, and accordingly grant revised Development Permission and approve the Plans submitted by the Appellant.
- c) That the pending and hearing of final disposal of the Appeal, the Hon'ble Authority/Government be pleased to stay the operation and execution of the Impugned Order dated 17/08/2022 passed by the Respondent No. 1 and further restrain the Respondent No. 1 from demolishing the construction undertaken by the Appellant.

The matter was placed before 184th meeting of TCP Board held on 15/09/2022, during which Appellant was represented by Adv. Abhay Nachinolkar and whereas Respondent No. 2 i.e. North Goa PDA was represented by Adv. Saish Mahambare. Respondent No. 3 Shri Rasiklal Gangani was also present alongwith Adv. Prathmesh Korgaonkar and during the hearing, Adv. Prathmesh Korgaonkar had requested for additional time as he had received a very short notice about the scheduled hearing and the Board had considered the request and accordingly the matter was adjourned. The Board however had made the parties aware that the matter shall be decided ex-parte in case any of the Appellant/Respondent remains absent for the next hearing.

The matter was again hearing in 185th meeting of TCP Board held on 14/10/2022 during which Adv. Rohit Bras De Sa appearing for the Respondent No. 3 impressed upon the Board that the construction has been carried out in violation of the ODP provision as regards to the road widening area and setbacks required and is in deviation with the Development Permission granted for reconstruction of existing building. Appellant however stated that the construction has been carried out on the existing plinth itself and as such there is no violation of setbacks etc.

After hearing the parties, the Board had decided that the site inspection shall be carried out by the Senior Town Planner Ms. Vertika Dagur holding addl. charge of Chief Town Planner (Land Use), alongwith the Appellant and Respondent No. 3 to verify the setbacks and the report shall be submitted by her to the Board and

the matter was accordingly adjourned with directions to the parties to remain present for the site inspection as and when the same is fixed by Chief Town Planner (LU).

As decided by the Board, the site inspection is carried out by the concerned parties on 23/11/2022 at 10.30 a.m. and the report is prepared which is placed before the Board.

The Board may deliberate further on the issue.

Item No. 5: Appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority. (File No. TP/B/APL/278/2022)

The Appeal is preferred against the Revocation Order issued vide ref.No. SGPDA/P/6403/673/22-23 dated 09/08/2022 regarding Development Permission granted vide ref. No. SGPDA/P/6403/1469/20-21 dated 15/03/2021.

The Appellant states that in order to construct the compound wall he had submitted construction plan to the South Goa Planning & Development Authority - Margao and the Respondent after perusing the documents and after conducting the site inspection noticed that the said plot is a vacant plot and is affected by 6 meters wide road as per the ODP-2028 on the western side and one more road to eastern side. And whereas, the Appellant in his plan for compound wall had shown 6 meters tarred road on the eastern side, which physically connects the said plot surveyed under Chalta No. 60 of P.T. Sheet No. 14. The Member Secretary had granted permission for compound wall under section 44 of the T.C.P Act, 1974 vide Ref. no. SGPDA/P/6403/1469/22-23 dated 15.03.2021 for construction of a compound wall around property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.

The Appellant states that in order to commence with the construction of compound wall, he went to clean the property wherein he was obstructed by the mundkars of the adjoining plot.

The Appellant states that the complaint was lodged by him against the said mundkars before the Fatorda Police Station and also obtained order of Temporary Injunction from the Civil Court Margao in Regular Civil Suit no.208/2021/H restraining them from interfering and obstructing the Appellant.

The Appellant further states that in order to overcome the order of Temporary Injunction of the Civil Court, the said mundkars approached the Member Secretary of South Goa Planning & Development Authority with complaint against him.

The Appellant states that based on the complaint lodged by one Mrs. Caetana Barreto and others, another site inspection was conducted on 18-02-2022 and the Member Secretary of South Goa Planning & Development Authority thereafter issued show cause notice dated 20/05/2022 and Corrigendum dated 24/05/2022 to the Appellant and upon receiving the above notice, he replied to the same.

The Appellant states that even after conducting the site inspection and receiving a detailed explanatory reply, the Respondent issued him the revocation order dated 09.08.2022 bearing ref. No. SGPDA/P/6403/673/22-23.

Appellant states that upon receiving the Revocation Order dated 09.08.2022, he immediately sought legal advice and has preferred the present appeal under Section 45(1) of the Goa, Daman and Diu Town and Country Planning Act, 1974 on the below mentioned grounds.

GROUND

- 1) The impugned order issued by the SGPDA is arbitrary, perverse illegal and without any proper reasoning.
- 2) The Respondent failed to appreciate the fact that there is an injunction order of the Civil Judge Junior Division in R.C.S.No.197/2021/H which is operating against the mundkars of the adjoining plot restraining them from interfering with the Appellant.
- 3) The Respondent even after conducting the site inspection failed to appreciate the existence of 6 meters wide tarred road on eastern side of the property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.

- 4) The Respondent failed to appreciate the fact that there is 6 meters wide proposed road as per the ODP-2028 on the western side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.
- 5) The Respondent failed to appreciate the fact that the road connecting on the eastern side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City is 6 meters tarred road and is a public road tarred with public funds and underneath there is sewerage pipeline.
- 6) The Respondent has failed to verify their own records in order to appreciate the fact that the Respondent themselves have carried out site inspection and approved the plans submitted by the Appellant therefore the impugned order issued against the Appellant is perverse to their own acts.
- 7) The Respondent has conducted site inspection and the existence of the road on the eastern side of the property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City is admitted in their records therefore the Respondent has drastically committed an error in holding that on the eastern side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City lies private property of the complainant.

The Appellant states that cause of action arose on 10-08-2022 when he received the impugned Order bearing ref. No. SGPDA/P/6403/673/22-23 and hence the appeal is filed within the period of limitation.

The Appellant has therefore prayed for the following:

- (a) The appeal be allowed.
- (b) The impugned Order under ref.no. SGPDA/P/6403/673/22-23 dated 09-08-2022 be quashed and set aside;
- (c) Necessary and appropriate compensation be granted to the Appellant or be directed to be paid to the Appellant by the Respondent for causing unnecessary harassments and mental torture to the Appellant; and
- (d) For such further orders as deemed fit and proper.

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

The Board may decide.

Item No. 6: Appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority. (File No. TP/B/APL/279/2022)

The Appeal is preferred against the Revocation Order vide ref. No. SGPDA/P/6406/671/22-23 dated 09/08/2022 regarding Development Permission No. SGPDA/P/6406/1472/20-21 dtd. 15/03/2021 granted for construction of compound wall.

The Appellant states that in order to construct the compound wall he had submitted the construction plan to the South Goa Planning & Development Authority the Margao and the Respondent after perusing the documents and after conducting the site inspection noticed that the said plot is a vacant plot and is affected by 6 meters wide road as per the ODP-2028 on the western side and one more road to eastern side. And whereas the Appellant in his plan for compound wall had shown 6 meters wide tarred road on the eastern side which physically connects the plot surveyed under Chalta No. 60 of P.T. Sheet No. 14 and further continues with a width of 3 meters. That after discussion with the member secretary the Appellant agreed to maintain requisite set back in order to maintain the width of the said road to 6 meters and after discussion the member secretary considered its delegated powers and granted permission for compound wall under section 44 of the T.C.P Act, 1974 vide ref. No. SGPDA/P/6403/1472/22-23 dated 15.03.2021 for construction of a compound wall around property bearing Chalta No. 61 of P.T. Sheet No. 14 Margao City.

The Appellant states that in order to commence with the construction of compound wall, he went to clean the above property wherein he was obstructed by the mundkars of the adjoining plot.

The Appellant states that the complaint was lodged by him against the said mundkars before the Fatorda Police Station and also obtained order of Temporary Injunction from the Civil Court Margao restraining them from interfering and obstructing the Appellant.

The Appellant further states that in order to overcome the order of Temporary Injunction of the Civil Court, the said mundkars approached the Member Secretary of South Goa Planning & Development Authority with complaint against him.

The Appellant states that based on the complaint lodged by one Mrs. Caetana Barreto and others another site inspection was conducted on 18-02-2022 and the Member Secretary of South Goa Planning & Development Authority thereafter issued show cause notice dated 20/05/2022 and Corrigendum dated 24/05/2022 to the Appellant and upon receiving the above notice, he replied to the same.

The Appellant states that even after conducting the site inspection and receiving such detailed explanatory Reply, the Respondent issued Revocation Order dated 09.08.2022 bearing ref. No. SGPDA/P/6406/671/22-23.

Appellant states that he given all the clarifications required by the Respondent wherein he informed the Respondent about the approved plan and the construction license, which were issued after perusing the documents and conducting site inspection. The Appellant further states that he informed the Respondent that the complainant, who have complained are trying to harass him without any basis however the Respondent has failed to lend its ears to the contentions put forth by him and proceeded to issue Revocation Order. The said Revocation Order dated 09.08.2022 bearing ref. No. SGPDA/P/6406/671/22-23 is hereinafter referred to as the “IMPUGNED ORDER”.

Appellant states that upon receiving the Revocation Order dated 09.08.2022, he immediately sought legal advice and has preferred the present appeal under Section 45(1) of the Goa, Daman and Diu Town and Country Planning Act, 1974 on the below mentioned grounds:

GROUND

- 1) The impugned order issued by the SGPDA is arbitrary, perverse illegal and without any proper reasoning.
- 2) The Respondent failed to appreciate the fact that there is an injunction order of the Civil Court passed in R.C.S.No.197/2021/H which is operating against the said mundkars retraining them from interfering with the Appellant.
- 3) The Respondent failed to appreciate the fact that after discussion with the member secretary the eastern side road as shown on the plan was proposed road in case of any future development and not an existing 6 meters wide

road. Therefore the Appellant was directed to maintain 3 meters setback from the centre point of the said road.

- 4) The Respondent failed to appreciate the fact that the road existing on the eastern side of property bearing Chalta No. 61 P.T. Sheet No. 14 Margao City is a public road tarred with public funds and underneath there is sewerage pipeline.
- 5) The Respondent has failed to verify their own records in order to appreciate the fact that the Respondent themselves have carried out site inspection and approved the plans submitted by the Appellant therefore the impugned order issued against the Appellant is perverse to their own acts.
- 6) That the plans that were approved by the Respondent were after perusing the documents, conducting site inspection and after discussion with the member secretary therefore in case of any objections the Respondent should have directed the Appellant to revise the approved plans. Therefore strait away passing the impugned order of revocation is arbitrary and bad in law.

The Appellant submits that the said Impugned Order is arbitrary, illegal, oversights, violating the principles of natural justice and hence is liable to be quashed and declared as null and void.

The Appellant states that the cause of action arose on 10-08-2022 when he received the impugned Order bearing ref. No. SGPDA/P/6406/671/22-23 and hence the appeal is filed within the period of limitation.

The Appellant therefore has prayed for the following:

- (a) The appeal be allowed.
- (b) The impugned Order 09-08-2022 be quashed and set aside;

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

The Board may decide.

Item No. 7: Appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Sachin Dattaram Chandaikar against Mormugao Planning and Development Authority. (File No. TP/B/APL/277/2022)

The Appeal is preferred by Mr. Sachin Dattaram Chandaikar against the refusal of Development Permission for construction of residential building, under Section 44 of TCP Act, 1974 vide ref. No. MPDA/9-C-68/2022-23/197 dated 05/05/2022 in the Sy. No. 21/1, plot A – 13 of Dabolim Village, Mormugao Taluka.

The Appellant states that he had moved an application dated 03/02/2022 under Inward No. 2066, under Section 44 of the Town and Country Planning Department Act, 1974 for grant of Development Permission for construction of Multi Family Dwelling & Compound wall in the property surveyed under No. 21, Sub Division No. 1 plot A-13 at Dabolim and the Development Permission was refused by the Respondent on various grounds mentioned in the refusal letter dated 05/05/2022.

The Appellant has filed the appeal against the impugned order dated 05/05/2022 bearing No. MPDA/9-C-68/2022-23/197 passed by the Respondent .

The Appellant states that the Respondent without going into the facts of the matter have chosen to reject his application and has sent Impugned Order under Section 44 of the Town and country Planning Act, 1974, which Appellant states is without even giving valid reasons as per law. The Appellant therefore states that the Impugned Order passed is against the principle of natural justice and by not following proper procedure and hence the Impugned Order is illegal and has to be set aside. It is further stated by the Appellant that the Impugned Order is one-sided and hence cannot be looked upon and the same has to be summarily rejected.

Aggrieved by the said Order dated 05/05/2022, the Appellant has preferred the present appeal on following grounds:

- 1) That the impugned order issued by the Respondent to the Appellant is without carrying out any site inspection and as such the same is defective and arbitrary without looking the actual position on the site.
- 2) The Impugned Order is arbitrary and against the principals of natural justice and hence deserves to be quashed and set side.

- 3) The Respondent had not looked into the plans submitted by the Appellant and the documents on record.
- 4) The impugned Order is issued without giving any valid reasons and without any site inspection.
- 5) The Impugned notice is vague and ambiguous and there is no clarity in the impugned order. The Respondent has failed to give any inspection report to the Appellant as to on what basis the Respondent has come to the conclusion regarding the same. The Appellant has necessary documents to prove his case.
- 6) The Respondent has failed to consider that the Respondent has already issued the Development permission to sub-divide the plot, and as per the same Sale Deed was executed and registered, as such it is the duty cast upon the Respondent to give construction permission to the Individual plots irrespective of the final Development Permission.
- 7) The Respondent has failed to consider that an individual has no right to apply for final Development permission and how is that the impugned order has been passed.
- 8) The Respondent has failed to consider that after giving provisional Development permission the gutter has been laid constructed and the public road also has been constructed.

The Notice dated 05/05/2022 issued by the Respondent and is received by the Appellant on 15/05/2022 and hence the Appeal is filed within time. The Appellant has therefore prayed for the following:

- a) That this Hon'ble Board be pleased to call for record and proceedings in impugned order dated 05/05/2022 bearing No. MPDA/9-C-68/2022-23/197 and after perusing the same may be quashed and set aside.
- b) Pending hearing and final disposal of this appeal, operation of the impugned notice be stayed.
- c) Ex-parte ad-interim order be passed in terms of prayer (b) above.
- d) For costs and
- e) For such other and further order as this Hon'ble Board deems fit and proper in this facts and circumstance of the case.

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

The Board may decide.

Item No. 8: Application or regularization of additional floors, 7th, 8th and terrace floor to the existing building construction in the property bearing Ch. No. 271-A, 272 to 289 and 290-A of P. T, Sheet No. 36, Panaji for Shri Harish Rajani.

The North Goa PDA was in receipt of an application dated 04-11-2022 from Mr. Harish Rajani for regularization of the additional floors 7th, 8th and terrace floor to the existing building constructed in the property bearing Chalta Nos. 271-A, 272 to 289 and 290-A of the P.T. Sheet No.36 of Panaji City.

This Authority after having considered the application submitted by Mr. Harish Rajani and his wife, vide Order dated 01-10-2013 had granted Development Permission (revision of plans) for construction of the commercial building in the properties bearing Chalta Nos.271-A, 272 to 289 and 290-A of P.T.Sheet No.36 of Panaji city and thereafter had granted Completion Certificate dated 27-04-2017 for construction of building carried out comprising of lower basement, upper basement (parking), ground, first, second, third, fourth, fifth and sixth floor (shops/ office/restaurants).

Subsequently, the Panaji Planning Area was brought under the jurisdiction of newly constituted Greater Panaji Planning and Development Authority.

Thereafter the applicant had submitted an application dated 14-01-2019 to the GPPDA for construction of additional floors to the said existing building.

As per the ODP-2021 for Panaji Planning Area, which came to be notified in the Official Gazette dated 22-01-2019, said property of the applicant is earmarked as Commercial (special zone) and as per the zoning provision, the construction of additional floor is permitted on the existing building.

In the meantime P.I.L Writ Petition No.10/2019 came to be filed before the Hon'ble High Court as also Writ Petition No.10/2019. An affidavit dated 09-09-2019 came to be filed on behalf of NGPDA. Subsequently, the Hon'ble High Court in application filed by GPPDA passed "Order" dated 12-10-2020 in P.I.L Writ

Petition No.10/2019 were in the Hon'ble High Court at para 6 has observed and directed as under:

“We accept the statements of Mr. Sardesai made on behalf of the GPPDA and directed that until the petitioner’s miscellaneous civil application bearing No.LD-VC-OCW-66-2020 is heard and decided, the GPPDA should not entertain or process any applications on the basis of ODP-2021. In respect of any specified government projects concerning public utilities the GPPDA is granted liberty to applications seeking variation which applications will be considered on their own merits.”

Considering the petitions challenging ODP-2021, the PDA vide their letter dtd. 4/8/2022 had rejected the application dated 14-01-2019 submitted by Mr. Harish Rajani on the basis that ODP-2021 has been set aside.

The said rejection letter was then challenged by Mr. Harish Rajani before the Town and Country Planning Board on the ground that at the time of submission of the application dated 14-01-2019, there was no such “Order” passed by the Hon'ble High Court to keep on hold before the order came for setting aside the operation of the ODP-2021 in case No.LD-VC-OCW-29-2020 in the P.I.L Writ Petition No.10/2019 passed by the Hon'ble High Court.

The appeal came for hearing in 183rd meeting held on 11-08-2022 and the Board was pleased to pass an “Order” setting aside the rejection letter dated 04-08-2022 and allowing the appeal in favour of Mr. Harish Rajani, wherein the Town and Country Planning Board observed that if the said application for revised plan was considered within the time by the GPPDA, the permission would have been granted and it is only the delay caused by GPPDA in deciding the application has resulted into the rejection order.

Based on the Town and Country Planning Board order, NGPDA has visited the site and it is observed that on site, the construction work of 7th & 8th floor is found already constructed on the existing building and ready for occupation which is admeasuring an area of approximately 912.77 m² on both the floors.

NGPDA has stated that the application submitted now by Mr. Harish Rajani under inward No.1212 dated 04-11-2022, is in pursuant to the Order passed by the Hon'ble Town and Country Planning Board dated 29-09-2022 and upon

observing on site by the official, the proposed construction work of additional 7th & 8th floor is carried out.

Member Secretary, NGPDA had stated that considering the fact that the revision plan at this stage may not be approved by the Authority and the Authority will only consider the application for regularization, Applicant, Mr. Harish Rajani vide its referred application dated 04-11-2022 has requested NGPDA to regularize the constructed additional 7th & 8th floor and terrace floor, wherein he has stated that in anticipation that the approval will be granted by GPPDA, he has constructed the additional floor in the year 2019 and the same is done in terms of the plan submitted for approval to GPPDA vide its application dated 14-01-2019.

Member Secretary, NGPDA has further stated that the Government has now reverted the Panjim Planning Area to NGPDA vide Notification No.30/1/443/2022/2096 dated 24-08-2022 and considering the fact that there is an Order dated 12-10-2020, passed by the Hon'ble High Court in Writ Petition No.10/2019, directing the Authority not to process any application based on the ODP-2021, NGPDA has thought it appropriate to place the matter before the Government for its consideration as per Rule 22.4(a) of the Goa Land Development and Building Constructions Regulations-2010, so that the Authority can take appropriate decision on the application made for Regularization as submitted by the applicant.

The Board may deliberate.

Item No. 9: Proposal for Amalgamation of the plots and for Provisional NOC for sub-division of plots (Phase II) in property bearing Sy.No. 53/1, 54/0 & 55/0 of Siridao village, Tiswadi Taluka by M/s Dempo Properties & Investments Pvt. Ltd.

A proposal is received by Tiswadi Taluka Office of TCP Dept., for Provisional NOC for sub-division of plots (Phase II) in property bearing Sy.No. 53/1, 54/0 & 55/0 of Siridao village, Tiswadi Taluka by M/s Dempo Properties & Investments Pvt. Ltd. The proposal is for provisional approval of plots (1 to 30).

As per Regional Plan for 2001, the property under reference is earmarked Partly as Settlement zone and Partly as Orchard zone and whereas, as per the Regional Plan 2021, the property is earmarked Partly as Natural Cover and

Partly as No Development Slope and further GMS proposal is shown in Sy. No. 55/0. Village Siridao is classified as (VP-2) category.

The proposal is scrutinized by the Tiswadi Taluka office and it is found that following approvals are obtained by the applicant in the property under reference:-

1. Provisional Sub-division NOC was issued by Town & Country Planning Dept, Tiswadi Taluka Office vide order no. TIS/6319/SIR/09/TCP/1542 dtd 20/11/2009.(Copy is placed at C/246 to C/248).
2. Conversion Sanad Report issued by Town and Country Planning Dept., Tiswadi Office vide reference no. TIS/6319/SIR/TCP/10/1380 dtd 5/10/2010 of an area **25982.27m²** (copy is placed at C/290).
3. Conversion Sanad has been obtained by M/s Dempo Properties & Investments Pvt. Ltd. for Sy.no. 53/1, 54/0 & 55/0, Residential use vide No. RB/CNV/TIS/AC-II/04/2010 dtd. 27/11/2019 for an area admeasuring 22940.00 m². (copy is placed at C/256 to C/260).

The detail of area as per conversion Sanad is reproduced below:-

Sr. No	Sy. No	Area
1	53/1(P)	1785.00m ²
2	54/1(P)	12145.00m ²
3	55/1(P)	9010.00m ²

4. The proposal for Revised plan of provisional NOC for sub-division of plots i.e. (1 to 32) were earlier approved vide letter No. TIS/6319/SIR/TCP/2020/616 dtd 8/6/2020, which is treated as Phase I.

The detail area statement is given below:

Sr. No.	Particulars	Detail s of Plot area
1.	Area of plot	91125.00m ²
2.	Area under 10 mts wide proposed RPG 2021 road	4850.00 m ²
3.	Area under Orchard zone	38985.00m ²
4.	Area under Settlement Zone	47290.00m ²
5.	Area under road widening	Nil

Details of provisional NOC of sub-division layout **(Phase-I)**

1.	Area under Development	22940.00 m ²
2.	Open space required 15 %	3441.00 m ²
3.	Open space provided 15.01 %	3445.00 m ²
4.	Area under road and gutter	4021.00m ²
5.	Area under plots	15474.00 m ²

In the above approval, an area of 17450.00 m² was shown as “For future development - Phase II”.

Whereas, the applicant M/s Dempo Properties & Investments Pvt. Ltd. has vide their application dated 30/06/2020 has now applied for provisional NOC for sub division of this land, marked as Phase II in earlier approval, however Tiswadi Taluka Office vide their letter no. TIS/6319/SIR/TCP/2022/2210 dtd 8/11/2022 has rejected the said proposal by stating that as per Regional Plan 2021 the proposal (phase-II) falls in Partly Natural Cover and partly No Development Slope and GMS.

In compliance, the applicant has given his representation vide letter dated 17/11/2022, which states as below:

1. The property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao to the extent of area admeasuring approximately 47,290m² was earmarked as Settlement (S2) in the Regional Plan 2001, Earlier they had obtained provisional NOC for the proposed sub-division permissions for the development vide letter bearing No. TIS/6319/SIR/09/TCP/1542 dtd 20/11/2009 (Sy, No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao village.
2. Thereafter, the Office of village Panchayat of Pale Siridao granted its Provisional NOC bearing No. VP/SP/529/2010-11 dtd 02/9/2010.
3. However, on account of various difficulties, development of properties were kept on hold for many years and lately they have decided to develop the same in the year 2019, accordingly applied for various permissions for development.

4. Based on the prior commitment of the Government notifying the aforesaid property as Settlement, office of Collector North, granted Conversion Sanad vide letter bearing No. RB/CNV/TIS/AC-II/04/2010 dtd 27/11/2019 wherein the property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) was converted for Residential use.
5. It is stated that after obtaining Conversion Sanad dtd 27/11/2019, Renewal with revised proposal of sub-division was submitted to TCP Dept., vide letter dtd 28/11/2019.
6. Further States that the TCP Dept., considering all the above available documentation on records granted Provisional NOC vide its letter No. TIS/6319/sir/2020/616 DTD 8/6/2020 FOR SUB-DIVISION OF PLOTS AT PROPERTY BEARING Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao.
7. In line with the said Prior Commitment of the Government, the Office of village Panchayat Siridao granted its Provisional Permission bearing No. VP/SP/Prov.NOC/2021+22/398 dtd 23/8/2021, for sub-division of land bearing No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao.
8. As per the said Prior Commitment of the Government the area admeasuring 22940m² was approved for the development in Phase-I and the balance area admeasuring 17450m² was approved for development in Phase-II.
9. Further, it is stated that, Conversion sanad for phase-II having an area of 17450m² has also been applied and the Dy. Conservator of Forest vide letter No. 5/CNV/TIS-69/DCFN/TECH/2019-20/142 dtd. 30/6/2020 granted it NOC for the same. Moreover, the Office of Mamlatdar Tiswadi has also granted its report favorably for the Conversion applied by them.
10. It is also states that they have duly complied with all the conditions of the said prior Commitment of the Government and have duly paid all the fees as and when they fell due.

The applicant has further stated that the TCP Dept., has erroneously failed to consider the said prior Commitment of the Government based on which all subsequent approvals has been granted and further states the content of letter dtd 8/11/2022 mentioning the development of the property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao. Partly falls in No development slope and

partly falls in Natural Cover, is totally arbitrary and Contrary to the said Prior Commitment of the Government and the applicant has therefore request for honouring the past commitment.

As seen from the details submitted, the area proposed for development of Phase-II, admeasuring 17450.00 m² is earmarked Partly as Natural Cover and Partly as Natural Cover with No Development Slope under Regional Plan 2021 which however was earlier earmarked as Settlement zone under RP 2001 and the same area of 17450.00 m² was therefore approved as “For future development - Phase II”.

In light of the above, Tiswadi Taluka Office has forwarded the representation to the office of CTP (Planning) for necessary directions.

Considering the present zoning of the property under which Phase-II development is proposed and considering the past commitment in terms of grant of earlier sub-division approval dated 20/11/2009 and subsequent revision dated 08/06/2020, the proposal is placed before the TCP Board for necessary decision as regards to grant of permission.

The Board may deliberate.

Item No. 10: Representation of Ponda Citizen Group on Outline Development Plan 2021 Ponda Planning Area.

A representation of Ponda Citizen Group is received by the Department stating that they had submitted objections/suggestions on ODP – 2028/2031 to SGPDA on 11/11/2021 and have stated that nothing has been done regarding the same. The same objections/suggestions are now forwarded to the Hon’ble Minister for TCP for necessary consideration, wherein following issues are mentioned:

ZONING OBJECTIONS:

1. Commercial component is over zoned. As per URDPFI 2014 guidelines, the commercial component recommended is 3% to 4%. ODP provides 40%. Random survey in the town shows that in the name of commercial zone high FAR is allowed and utilized for no-commercial premises for greedy developers and vested interests.

2. No planning norms followed in providing commercial zone and SRZ. They have cropped up abruptly in randomly picked up spots in residential zone. It clearly shows favouritism for selected plot holders.
3. As per recommendation of Environment Protection Council, the highest environmental forum of the state a 10 m, no-development belt was marked in ODP along the perennial sweet water stream in the town to protect the water body. In subsequent ODP it was overlaid by 1 km long 20 m. wide road serving no establishment. It has talked that developer wants to fill up large paddy field for lucrative development venture. This road was removed after public objections, but come back again in ODP. It will destroy the water body and wetlands all along this road.

It was suggested that this belt is best suited for health and recreational activities with walking, jogging and cycling. Also it can be used as the main pedestrian spine of the town, with that, the stream can also be protected. This suggestion was accepted in the Traffic Infra-structure Development Plan of Ponda detailed working was done and approved by Government. In spite of all this long road has been overlaid to help the illegal private interest.

4. As per established norms of TCPD, Land steeper than 25% slope is not allowed for development. But such steep hill slope earlier marked as orchard was made settlement zone and in further ODP it was made SZ and in the last ODP it became commercial zone. This clearly flouts the norms of development and is a case of favouritism.

TRAFFIC SUGGESTIONS:

1. Existing 15 m. road from Vithoba Temple to Ponda Tisk which carries the main heavy vehicle traffic may be widened to 20 m width. It will not be possible in the future as the present undeveloped road side will get built up in future.
2. Parking is a problem with no property parking spaces in ODP. The same can be still provided. It will be impossible in future.
3. Dada Vaidya Chowk is the venue for most of the town events. To-day it is in pathetic state. It should be marked as town square for proper planning.

ENVIRONMENT:

1. Environmental considerations have been overlooked. Stream and springs are deteriorating. They should be marked in ODP with proper protection of no development belt around.
2. Protection of wetlands and paddy fields from being filled up and used for building.
3. Protection of steep slopes by green cover.
4. Promotion for increasing the urban greenway to act as carbon sink by means of urban farming of roof top gardens, vertical farms etc. and contribute towards urban sustainability.

The Board may deliberate.

Item No. 11: Representation received regarding zoning provision under Panaji ODP and Taleigao ODP.

- a) Member Secretary, North Goa PDA has forwarded application of Mr. Nilesh D. Amonkar for enhancement of FAR in respect to plot No. 25, Machado's Cove, Dona Paula, Tiswadi, Goa.

As per ODP -2028 of Taleigao, the property is earmarked as Commercial C2 zone (150 FAR) and is accessible by 30 mts. road. The applicant has cited the tremendous development and growth in business activities in Goa and especially Panaji and surrounding areas including Dona Paula. The applicant has therefore requested for increase in FAR to 200.

- b) Member Secretary, North Goa PDA has forwarded application of ACES, Apex Computer and Engineering Services for enhancement of FAR in respect to plot No. 40, EDC, Patto Plaza, Panaji. It is informed by Member Secretary that as per ODP – 2011 of Panaji, the plot under reference is earmarked as Commercial C1 (SPC) with FAR of 250 and is accessible by 20.00 mts. wide road. It is further informed that as per draft ODP – 2021 of Panaji Planning Area, the plot is earmarked as Commercial C-1 (SPL) with FAR of 250. The applicant has cited the tremendous development and growth in business activities in Goa and especially Panaji. The applicant has

therefore requested for increase in FAR to 400 as has been done in other instances in the same EDC, Patto Plaza area.

The Board may deliberate.

Item No. 12: Compounding of offenses under section 17B of the Town and Country Planning Act for Sy. No. 59/3A of Calangute situated at Candolim village.

TCP Department has received an application for NOC for regularization of filling of low lying area in property bearing Sy. No. 59/3A of Calangute situated at Candolim village.

As per the ODP Plan of Candolim 2025 property under reference is earmarked as Settlement Zone. The total area of the property is 7695.00 sq. mts., however Conversion Sanad is already obtained vide reference No. 4/17/CNU/AC/III/2021/252 dated 22/02/2021 for an area of 2500 sq. mts. of 7695.00 sq. mts. only for residential use which is beyond the CRZ line.

As per Form I & XIV the property is shown as dry crop. During the site inspection, it is seen that the applicant has filled and leveled the entire property of 7695.00 and it is difficult to assess the original depth of land. As per the site inspection report by NGPDA the property had depth of 1.5 mts. below ground level. A police complaint has already been filed for the said filling and Criminal Case under Section 17B of the TCP Act has been finalized and a final summery was submitted to JMFC Mapusa Court. However, a summary has not yet been granted.

As per the Gazette Notification dated 01/04/2022, for compounding of offense made punishable under section 17-B of TCP Act in respect of land admeasuring more than 2000 sq. mts. the recommendation of the Board on approval of the Government shall be obtained.

As per the compounding fees prescribed in the schedule of the Notification dated 01/04/2022 for filing up of low lying land more than 2000 sq. mts. upto 10,000 sq. mts. the penalty is Rs. 10,00,000/- for an area of land upto 2000 sq. mts. and Rs. 500/- per sq. mtrs. for area of land over and above such 2,000 m2.

In view of the above the Board may deliberate.

Item No. 13: In the matter of Show Cause Notice issued to M/s. Trinitas Estates LLP by the office of Senior Town Planner (North).

This has reference to a Show Cause Notice issued under ref. No. TPBZ/3184/RM/TCP-2022/5011 dtd. 06/09/2022 by office of Senior Town Planner (North). In the note forwarded to the office of Chief Town Planner (Planning), it is mentioned that proponent M/s Trinitas Estates LLP has carried out cutting and filling of land in Sy. No. 57/1 – L of Reis Magos Village, Bardez Taluka thus attracting Section 17-A of TCP Act. It is further stated that office of Senior Town Planner (North) had issued Show Cause Notice directing the party to show cause within 7 working days as regards to violation of Section 17-A of TCP Act vide show cause dtd. 06/9/2022.

Vide letter dated 13/09/2022, the proponent has submitted reply to the show cause notice wherein it is denied that no hill cutting or filling of land in the said property has been carried out however necessary maintenance measures are taken and further it is mentioned that primarily during monsoons, on account of overgrowth the company undertakes basic cutting and clearing works to get rid of the wild growth of shrubs and bushes and apart from the said activity, cutting of hill and filling of land is denied and has requested to withdraw the show cause notice issued.

Following is placed on record by the office of Senior Town Planner (North):

1. Change of zone in respect of land under reference has been approved by the Govt. and same was conveyed by the Chief Town Planner vide letter No. 40/9/92-TCP/1412 dtd. 09/03/92.
2. Technical Clearance for construction of residential villa, club house and compound wall at Survey No. 57/1 of Reis Magos village was issued by North Goa District Office vide No. TPBZ/3184/RM/TCP-14/489 dtd. 13/2/2014.
3. Conversion Sanad was issued by the Additional Collector-II vide No. RB/CNV/BAR/107/2006 dtd. 23/10/09 at Sy.No. 57/1 (part) for an area admeasuring 9800.00 for residential purpose.
4. NOC for cutting and filling was issued vide letter No. TPBZ/3184/RM/TCP/14/3711 dt. 19/11/2014.

5. Technical Clearance Order was issued vide ref. No. TPBZ/3184/RM/TCP-22/427 dtd. 25/01/2022 for construction of Hotel Building, Swimming pool & Compound wall (Revised Plan) in Sy. No. 57/1 – L of Reis Magos Village, Bardez Taluka.

It is mentioned in the note that entire scheme and building layout is changed for which revised approval has been obtained vide Technical Clearance Order No. TPBZ/3184/RM/TCP-22/427 dt. 25/01/2022, however the applicant has not obtained revised NOC under Section 17A of TCP Act for cutting/filling, which is required as the revised plan is changed now. As per the guidelines, it also required to obtain permission under Section 17A, at the time of obtaining Technical Clearance Order which in present case is not done, as the scheme is revised and hence further necessary action is intended by the said office.

It is observed by the said office that based on the revised approval obtained vide letter dated 25/01/2022, no revised permission for cutting and filling is obtained.

The file is referred to the office of CTP (Planning) for necessary concurrence.

The same is placed before the Board for direction in the matter.

Item No. 14: Any other item with permission of the Chair.