

AGENDA FOR 189th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 11/08/2023 AT 4.00 P.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Item No. 1: Confirmation of the Minutes of the 188th meeting of Town & Country Planning Board held on 15/04/2023.

The Minutes of 188th meeting of TCP Board held on 15/04/2023 were prepared and were circulated to the Members vide letter No. 36/1/TCP/484/2023/1730 dtd. 30/05/2023, after approval of the same by the Chairman, inviting for comments, if any, within 3 days. Since no comments on the same were received, the decisions as taken are implemented.

Item No. 2: 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 matter regarding appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority was placed before the TCP Board in its 186th meeting held 25/11/2022 under item No. 05 and the Board had decided as under:

“The Member Secretary informed that the Appeal is preferred against 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.

It was further informed that Respondent PDA 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 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 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 Civil Court Margao in Regular Civil Suit No. 208/2021/H, restraining them from interfering and obstructing him.

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 him 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 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.

The appeal memo refers to the following grounds:

- 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*

During the hearing, Adv. Jagannath Sambari represented the Appellant, whereas Member Secretary Shri Shaikh Ali Ahmed was present on behalf of South Goa PDA.

The Appellant argued that although he had validly obtained the development permission for the construction of the compound wall, the same was revoked by the PDA by citing the reason that there is no 6.00 mts. road shown on eastern side of the property as per ODP-2028 and by further stating that 6.00 mts. wide road shown on the eastern side of the property by providing road widening area, is not as per provision of the ODP and that part of property of Chalta No. 61 of P.T. Sheet No. 14 is also shown as road by him.

The Appellant further stated that he had submitted the plans by showing the accessibility to his plot as existing on site, as per which, the width of road on eastern side is 6.00 mts. The Appellant also clarified that the same road although not reflected on ODP is existing on site and hence is reflected on site plan.

While arguing on behalf of the Authority, Member Secretary Shri Shaikh Ali Ahmed stated that while replying to the Revocation Order dtd. 9/8/2022, the Appellant has not clarified regarding 6.00 mts. road shown towards eastern side of his property. He further stated that no clear details are provided by the Appellant pertaining to availability of 6.00 mts. road shown towards

eastern side of his property and that the same is also not reflected in ODP – 2021.

After considering the arguments placed before it by both the parties, the Board felt that the Appellant has already reflected the roads as existing on site, which is not denied by the Respondent thus, the Board was of the view that the approval earlier granted by the Authority is valid as it reflects the site condition.

The appeal therefore is allowed by the Board and revocation order issued by the Authority is set aside”.

Government had accorded approval to the recommendation of the Board vide Note No. TP/B/APL/278/2022/85 dated 09/01/2023 and accordingly an Order to this effect was issued by the Chief Town Planner (Planning) & Member Secretary, TCP Board vide ref. No. TP/B/APL/278/2022/260 dated 20/01/2023.

Whereas, the Department is now in receipt of an Order dated 25th July 2023 of Hon’ble High Court of Bombay at Goa issued in the matter of Writ Petition No. 1084 of 2023 (F) filed by Fredy Barreto and anr. v/s State of Goa, through Chief Secretary and 4 others. It is mentioned in the Order that the Respondent Petitioner and contesting parties have agreed by consent that the appeals against the Order of the TCP Board having ref.No. TP/B/APL/278 and TP/B/APL/279, filed by the Respondent No. 4 need to be heard afresh and consequently the Hon’ble High Court has set aside the Orders as referred, passed by the Board, the appeals are therefore remitted back to the Board to be heard afresh after hearing the Respondent No. 4 original appellant as well as the petitioners, who are the original complainants, on the basis of whose complaint, the order of revocation was passed by the South Goa Planning and Development Authority.

Vide same Order, the Petitioners as well as Respondent No. 4 are directed to appear before the Board on receipt of the notice of the Appellant Authority.

The Board may deliberate in the matter and decide upon issuing notices to the concerned parties for hearing in the matter afresh.

Item No. 3: 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 matter regarding appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority was placed before the TCP Board in its 186th meeting held 25/11/2022 under item No. 06.

The deliberations in the matter and the decision of the Board is as under:-

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

It was further informed that Respondent PDA had granted permission for compound wall under Section 44 of the T.C.P Act, 1974 vide ref. No. SGPDA/P/6403/1469/20-21 dated 15.03.2021 for construction of a compound wall around property bearing Chalta No. 61, P.T. Sheet No. 14 Margao City.

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 said plot surveyed under Chalta No. 61 of P.T. Sheet No. 14.

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 Civil Court Margao.

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 him 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/6403/673/22-23.

Appellant states that he has 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.

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:

The appeal memo refers to the following grounds:

- 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 straight away passing the impugned order of revocation is arbitrary and bad in law.

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

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 therefore has prayed for the following:

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

During the hearing, Adv. Jagannath Sambari represented the Appellant, whereas Member Secretary Shri Shaikh Ali Ahmed was present on behalf of South Goa PDA.

The Appellant argued that although he had validly obtained the Development Permission for the construction of the compound wall, the same was revoked by the PDA by citing the reason that there is no 6.00 mts. road shown on eastern side of the property as per ODP-2028 and by further stating that 6.00 mts. wide road shown on the eastern side of the property by providing road widening area, is not as per provision of the ODP and that part of property of Chalta No. 61 of P.T. Sheet No. 14 is also shown as road by him.

The Appellant further stated that he had submitted the plans by showing the accessibility to his plot as existing on site and has proposed the road widening area for providing better accessibility and keeping in view the future widening of the same road. The Appellant further stated that the Authority while granting the approval earlier, had appreciated this and accordingly had considered the proposal for approval wherein, road widening area was clearly shown thereby making this road on the eastern side as 6.00 mts., which actually is in the larger interest of the planning.

While arguing on behalf of the Authority, Member Secretary Shri Shaikh Ali Ahmed stated that while replying to the Revocation Order dtd. 9/8/2022, the Appellant has not clarified regarding 6.00 mts. road shown towards eastern side of his property. He further stated that no clear details are provided by the Appellant pertaining to availability of 6.00 mts. road shown towards eastern side of his property and that the same is also not reflected in ODP – 2021.

After considering the arguments placed before it by both the parties, the Board was of the opinion that the plans approved earlier by the Authority was by keeping in view the planning point wherein the scope for widening of the public road is available.

The Board was also of the opinion that the Authority cannot adopt two different views at two different times. The Board therefore was of the opinion that the approval granted earlier was correctly issued and therefore allowed the appeal.

The appeal therefore was dismissed by giving the directions to the Appellant to submit the revised plans before the Respondent PDA by giving necessary clarification about existence of the road vis-à-vis provisions under ODP.

The South Goa PDA was accordingly directed to consider the application for revised plan on receipt of the same”.

Government had accorded approval to the recommendation of the Board vide Note No. TP/B/APL/279/22/84 dated 09/01/2023 and accordingly an Order to this effect was issued by the Chief Town Planner (Planning) & Member Secretary, TCP Board dated 20/01/2023.

Whereas, the Department is now in receipt of an Order dated 25th July 2023 of Hon'ble High Court of Bombay at Goa issued in the matter of Writ Petition No. 1084 of 2023 (F) filed by Fredy Barreto and anr. v/s State of Goa, through Chief Secretary and 4 others. It is mentioned in the Order that the Respondent Petitioner and contesting parties have agreed by consent that the appeals against the Order of the TCP Board having ref.No. TP/B/APL/278 and TP/B/APL/279, filed by the Respondent No. 4 need to be heard afresh and consequently the Hon'ble High Court has set aside the Orders as referred, passed by the Board, the appeals are therefore remitted back to the Board to be heard afresh after hearing the Respondent No. 4 original appellant as well as the petitioners, who are the original complainants, on the basis of whose complaint, the order of revocation was passed by the South Goa Planning and Development Authority.

Vide same Order, the Petitioners as well as Respondent No. 4 are directed to appear before the Board on receipt of the notice of the Appellant Authority.

The Board may deliberate in the matter and decide upon issuing notices to the concerned parties for hearing in the matter afresh.

Item No. 4: Regarding proposal received from Mr. Raul Francisco Fernandes for proposed construction of residential building in the property bearing Survey No. 236/1 of village Taleigao, Tiswadi Taluka.

The proposal regarding construction of residential building Block ‘A-1’ (revised), Block ‘A-2’, ‘A-3’ and ‘D’ in property bearing Survey No. 236/1 of village Taleigao of Tiswadi Taluka of Mr. Raul Francisco Fernandes is forwarded by the North Goa Planning and Development Authority to the Government for decision in the matter.

As per the details issued by the North Goa PDA, the property under reference admeasures an area of 11072 m² and as per ODP 2028 of Taleigao Planning Area, the same is earmarked as “S-2” Settlement zone (80 FAR).

It is stated that GPPDA had earlier granted Development Permission vide Order No. GPPDA/175/TAL/1943/2019 dated 14-03-2019 for repair, alteration and renovation of existing bungalow block ‘A’ having total built up area of 1208.31 m², whereas the proposal submitted now is for further revision of the same plans i.e. to the revision of building Block ‘A’ which now comprises of lower ground + two upper floors consisting of living room, dining room, kitchen and 24 bedrooms with attached toilets.

As per the drawings submitted, besides revision of Bungalow, the applicant has also proposed additional block ‘A-2’ consisting of basement and ground + 3 floors having residential apartment having total built-up area 1926.95 m² and additional bloc ‘A-3’ having basement, stilt and 3 upper floors having total built-up of 2429.11 m². Beside this, a block ‘D’ admeasuring area of 1200 m² is also proposed exclusively for parking of 32 cars.

The details area statement is as given below:

Sr. No.	Particulars	Details
1	Total area of Plot	11072.00 m ²
2	Coverage consumed	27.95%
3	Total Built up area on all floor	8349.78 m ²
4	FAR consumed	56%

North Goa PDA has stated that as per the records, earlier Development Permission was granted vide Order No. GPPDA/175/TAL/1943/2019 dated 14-03-2019 for residential bungalow in favor of Mr. Raul Francisco Fernandes and the present proposal dated 29-09-2022 is also submitted in the name of Mr. Raul Francisco Fernandes. North Goa DPA has however stated that as regards to ownership documents, the applicant had earlier submitted Form I & XIV which contained the following names:

1. Comunidade of Taleigao
2. Infotech Corporation of Goa Ltd., for IT SEZ
3. Goa College of Architecture
4. Janet Gonsalves alias Joanita alias Jeanette Gonsalves

It is also placed on record, that the applicant has submitted an affidavit dated 10-12-2018, which states that he is in possession of land admeasuring 11000 m2, bearing Sy. No. 236/1, falling within the limit of Village Panchayat of Taleigao and that as per the records, the name of Comunidade of Taleigao reflects on documentation, including Form I & XIV concerning the said plot. The contents further mentions that in order to amicably resolve the rectification of record and rights, a proposal was put forth before the Comunidade of Taleigao, which was placed before the General Body Meeting of Comunidade held on 28-06-2009 and it was resolved to allot land admeasuring 11,000 m2 in his favor and the said proposal was accepted by the Managing Committee in its meeting held on 12-07-2009.

The Note of the Authority further states that in the meantime, it had received a complaint dated 29-05-2023 from Mr. Xavier De Almeida, stating that Mr. Raul Fernandes has encroached on Comunidade land and has requested not to grant any permission or renewal license to Mr. Raul Fernandes. It is however stated by the North Goa PDA that the said compliant has been subsequently withdrawn by the complainant vide his letter 07-06-2023.

The remark of the Chairperson of North Goa PDA has referred to the details of the proposal and has taken note of the earlier permission granted by the then Authority in 2019 and has therefore referred the matter to the Government for decision.

Considering that the proposal was earlier approved in the property in favour of Shri Raul Fernandes and whereas the Comunidade is claiming the ownership of the land, the matter is placed before the Board for deliberation.

The Board may deliberate.

Item No. 5: Notification of GIS-Based Zoning Plan for Pernem Taluka under Section 13 of the Goa Town and Country Planning Act 1974.

The Town and Country Planning Department vide Notification published in the Official Gazette Extraordinary Series 2 No 24 dated 16th September has notified Sections 17D and 17E under TCP Act, which are pertaining to the Preparation of Zoning Plans.

As per Section 17D of the Town and Country Planning Act, Government has the power to direct the Chief Town Planner (Planning) to prepare Zoning Plans.

Section 17D and 17E of the TCP Act came into force on the 22nd of September 2022 published in the Official Gazette Extraordinary Series 1 No 25 dated 22/09/2022 vide Notification vide ref. No. 21/1/TCP/GTCPACT/2022/1494.

The TCP Board, in its 183rd meeting held on 11/08/2022 had earlier decided to prepare the Zoning Plans for Kadamba Plateau and Pernem Taluka and the Government had accorded approval for the same on 24/08/2022.

Accordingly, a tender for the Preparation of GIS-Based Zoning Plan for Pernem Taluka was floated on 08/02/2023 to the empanelled consultants on the Goa e-tendering website vide ref. No. 40/7/General/TCP/2021/427 dated 08/02/2023 and after the evaluation of the Technical and Financial Bids, Sky Group being the highest-ranked bidder, was awarded the tendered work. The said proposal was approved by the Finance Department.

Subsequently, the Letter of Award for the work of Preparation of GIS-Based Zoning Plan for Pernem Taluka was issued to Sky Group vide ref. No. 40/7/General/TCP/2022 dated 20/04/2023 and the same was acknowledged by

the company vide letter dated 24/04/2023 and accordingly a Contract Document for the tendered work was signed with Sky Group on 16/05/2023.

As per the contract document and RFP, the following were the deliverables, timelines, and payment schedule for the above-referred work.

Sl	Deliverable	Timeline	Payment Schedule
1	Inception Report	15 days from the commissioning of the project	10%
2	Base map	90 days from approval of the Inception Report	10%
3	Existing Land use Map	90 days from approval of Base map	10%
4	Data Analysis Report	60 days from approval of the Existing Land use Map	15%
5	Draft Master Plan	60 days from approval of the Data Analysis Report	25%
6	Final Master Plan	60 days from receipt of the Committee report on Objections and Suggestions on the Draft Master Plan	30%

The Consultant submitted the first deliverable i.e. Inception Report for the referred work on 26/05/2023 vide letter No. SG/UPT/PERNEM/06 dated 26/05/2023. Subsequently, the Consultancy Evaluation & Review Committee (CERC) meeting was convened on 30/05/2023 to discuss the Inception Report and approve the same. Based on the suggestion made by the CERC, the consultant submitted the revised Inception Report on 08/06/2023.

Thereafter, the Consultant's submitted the base maps of the Pernem Taluka vide letter No. SG/UPT/PERNEM/10 dated 07/06/2023, vide inward No. 2195 dated 08/06/2023. Accordingly, CERC meeting was then held on 12/06/2023 to discuss on the said deliverables and based on the suggestions made by CERC, revised base maps were submitted by the Consultants vide their letter dated 19/07/2023.

The Consultants has thereafter submitted the Existing Land Use Maps and the Data Analysis Report for the tendered work vide letter No. SG/UPT/PERNEM/13 dated 24/07/2023 and letter No. SG/UPT/PERNEM/14

dated 25/07/2023 respectively and the same was discussed in the CERC meeting held on 1st August 2023.

The Consultants have submitted the Draft Zoning Plan to the Department, which was deliberated by CERC in its meeting.

The draft Zoning Plan for Pernem Taluka is placed before the Board for its consideration.

Item No. 6: Applicability of Section 17(2) of the Town & Country Planning Act, 1974 for the Planning Areas withdrawn from the jurisdiction of Planning & Development Authorities.

Under the provisions of Section 18 of the TCP Act, 1974, Planning Areas and their amalgamation/sub-division etc. are declared and on such declaration, the provisions of the TCP Act are applied to such areas.

Section 19 of the TCP Act further provides for the withdrawal of the Planning Areas. The extract of the Section 19 of the TCP Act is as under:

(2) When a notification is issued under sub-section (1) in respect of any planning area or part thereof — (i) this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area or part and the Planning and Development Authority, if any constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be; but where any Planning and Development Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification stand dissolved;

There are instances wherein the PDAs have withdrawn some of Planning Areas under their jurisdiction under this provision of the Act.

Once Planning Areas are declared, the Planning & Development Authorities for such Planning Areas are constituted under Section 20 of the TCP Act, 1974, Accordingly the Government has constituted the following PDAs:

1. North Goa PDA having its jurisdiction over Mapusa Planning Area,

Panaji Planning Area, Taleigao Planning Area and Bambolim Planning Area

2. South Goa PDA having its jurisdiction over Margao Planning Area and Ponda Planning Area
3. Mormugao PDA having its jurisdiction over Sancoale Planning Area, Dabolim Planning Area, Chicolna - Bogmalo Planning Area, Vasco-da-Gama Planning Area and Chicalim Planning Area

Landuse map and landuse register for such Planning Areas are thereafter prepared by Planning & Development Authorities under Section 26 & 27 of the TCP Act. Outline Development Plans are then prepared under Section 29 of the TCP Act, which states as under:

29. Preparation of Outline Development Plan.— Every Planning and Development Authority shall, as soon as may be, and not later than one year from the date of its constitution or appointment, as the case may be, prepare, after consultation with the concerned local authority or authorities, if any, an Outline Development Plan for the planning area within its jurisdiction and submit it to the Government, through the Board, for provisional approval: Provided that on an application made by the Planning and Development Authority, the Government may, by order extend the aforesaid period by such further period or periods as it thinks fit.

ODPs are accordingly prepared by the PDAs by following the provisions under Section 34 & 35 of the TCP Act and thereafter the said ODPs are approved by the Government under Section 36 of the TCP Act. Once the ODPs are prepared, the concerned PDAs have been following only these ODPs to regulate the development and not the Regional Plan for these areas.

After obtaining approval of the Goa Town and Country Planning Board and the Government, the North Goa Planning & Development Authority vide Notification No. NGPDA/ODP/CCANP/2404/2022 dated 13/12/2022, published in Official Gazette, Series II, No. 37 dated 15/12/2022 had earlier notified Outline Development Plan for Calangute-Candolim Planning Area - 2025 and Outline Development Plan for Arpora-Nagoa-Parra Planning Area - 2030. Whereas, the Government vide Notification No. 36/1/TCP/443/2022/3406 dated 16/12/2022, published in Official Gazette, Extraordinary No. 4, Series II, No. 37 dated 20/12/2022 has withdrawn the Planning Areas of Calangute-Candolim and Arpora-Nagoa-Parra.

Directions vide Circular No. 36/1/TCP/443/2022/3462 dtd. 22/12/2022 were then issued to North Goa District Office to strictly follow approved Outline Development Plan of Calangute-Candolim and Arpora-Nagoa-Parra, as mentioned above for scrutinizing/issuing the application for construction, revision, re-construction, sub-division of land, zoning, conversion, etc.

Consequently, the North Goa PDA has now no jurisdiction over such Planning Areas withdrawn and therefore the functions of issuing Technical Clearances for construction/sub-division for these areas are performed by the North Goa District Office, Town & Country Planning Department, Mapusa as and when the cases pertaining to these areas are referred to or received by the Town & Country Planning Department.

As may be seen from the provisions of Section 19 of the TCP, once the Planning Area are withdrawn, the Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the said Planning Area withdrawn. Extract of Section 19 is as under:

“19. Power to withdraw planning area from operation of the Act.— (1) The Government may, if it is of opinion that it is necessary so to do in the public interest by notification, withdraw from the operation of this Act the whole or part of any planning area.

(2) When a notification is issued under sub-section (1) in respect of any planning area or part thereof —

(i) this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area or part and the Planning and Development Authority, if any constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be; but where any Planning and Development Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification stand dissolved;”

As per the instruction issued vide Circular No. 36/1/TCP/443/2022/3462 dtd. 22/12/2022, North Goa District Office of TCP Dept. has been following approved Outline Development Plans for Calangute - Candolim, Arpora-Nagoa-Parra villages for scrutinizing/issuing the permissions for construction, revision, re-construction, sub-division of land, zoning, conversion, etc.

Whereas Section 17(2) has been introduced by the Government under the TCP Act, which provides for following:

“(2) Notwithstanding anything contained in sub-section (1), if the Government is of the opinion that alteration/modification is necessary to be carried out to the regional plan for the purpose of rectifying any inadvertent error that has occurred in the regional plan, and for correction of inconsistent/ incoherent zoning proposals in the regional plan, it may direct the Chief Town Planner (Planning) to carry out such alteration/modification to the regional plan and the Chief Town Planner (Planning) shall by notification in the Official Gazette carry out such alteration/modification to the regional plan in such manner and only to such extent as prescribed.”.

Whereas Note No. Misc/TCP/2023/858 dtd. 11/7/2023 is received by the Department from the office of the Hon’ble Minister for TCP highlighting therein the issue pertaining to applicability of Section 17(2) of TCP Act, to the Planning Areas which are withdrawn from the jurisdiction of the PDA through de-notification. The issue specifically refers to honouring the commitments made through the zoning provisions under the ODPs, such as that for grant of development permissions/NOCs, Zoning Certificates, etc., when such withdrawn Planning Areas were under the jurisdiction of PDAs.

The proposal is placed before the Board for necessary deliberation as regards to following provisions of Section 17(2) of the TCP Act to such Planning Areas now withdrawn.

Board may deliberate.

Item No. 7: Proposal for relaxation of maximum permissible height for remainder of construction of School building at property bearing Sy. No.34/1-B(Part) of Goalim Moula village, Tiswadi Taluka by Sharda Mandir Trust in the plot having an area of 15,500.00m².

A proposal is received from Sharda Mandir Trust for construction of School building and compound wall at the property bearing Sy. No.34/1-B(Part) of Goalim Moula village, Tiswadi Taluka in the plot having an area of 15,500.00m².

As per the Outline Development Plan for Kadamba Plateau, the plot under reference is earmarked as Public, Semi-Public Institutional (P) (Permissible FAR 100). As per Surface Utilization Plan of Tiswadi Taluka,

notified under Regional Plan for Goa - 2021, the said property is earmarked as Settlement zone. The Village Goalim-Moula is classified as VP-1 category with permissible FAR of 80 and with maximum permissible height of 11.50 mts. above stilt floor.

As per the records following approvals were earlier issued by Tiswadi Taluka Office of TCP Dept.:

1. Technical Clearance/NOC was issued vide No. TIS/9329/GMOULA/TCP/ 2021/481(A) dtd. 5/3/2021 for proposed construction of school building (part) (Revised plan) to M/s Sharda Mandir Trust.
2. Completion Order for school buildings is also issued based on the above approval vide No. TIS/9329/GMOULA/TCP/2021/481 dtd. 5/3/2021.
3. Occupancy Certificate was issued by Village Panchayat Curca, Bambolim and Talaulim vide ref. No. VP/CBT/2021-22/Occu/434 dtd. 28/6/2021.
4. Conversion Sanad No. RB/CNV/TIS/4/2007 dtd. 3/1/2008 issued by Additional Collector-II, North Goa and also proposal for construction of School Building is submitted based on the Conversion Sanad.

It is informed by the applicant that Phase-1 of the building is completed after receipt of all statutory approvals for the construction in land admeasuring an area 11500 m², which is zoned as Institutional (P) with maximum height of 14.00 mts. As per the proposal now submitted, additional construction of School building i.e. of Phase-II shall be taken up in remaining portion of the land having an area of 4000 m², which is zoned as Settlement (S2) zone, wherein maximum permissible height is 11.50 mts. It is therefore observed that the same property under survey number 34/1-B-1 is having two different zones i.e. Institutional (P) with maximum permissible height of 15.00 mts. and Settlement (S2) with maximum permissible height of 11.50 mts.

A relaxation is therefore sought by the applicant in height from 11.50 mts. to 14.00 mts. for the portion of the building falling under Settlement (S2) zone, to maintain uniform height for the school building in Phase-I and Phase-II too. Applicant has stated that they have to utilize part of the property as Playground and other area is to be maintained as open spaces. Further, the

applicant has stated that they are providing multi-purpose hall for the school in Phase-II development, which necessitates additional height.

The proposal is placed before the Board for necessary consideration.

Item No. 8: Regarding guidelines under Section 17A for cutting of hilly land and filling up of low lying land.

The Town and Country Planning Department under 17A of the Town and Country Planning Act issued NOCs for hill cutting and filling up of low lying areas based on the guidelines that were previously approved by the Board.

The Guidelines currently being followed are as under:

EXISTING GUIDELINES FOR IMPLEMENTATION OF SECTION 17 A OF THE GOA TOWN AND COUNTRY PLANNING ACT

(A) GUIDELINES FOR CUTTING OF HILL SLOPES

1. No development shall be permitted on a site having a slope of more than 25% which is to be calculated with reference to the benchmark.

2. From 10% to 20% slope

The permission for alteration of slope would depend on site condition, so as to allow cutting or filling in a manner to make the site most suitable for development.

In case of provision for cutting the provision has to be necessarily allowed in terrace formation, where maximum cutting shall be restricted to 2 10 2.5 mts for a terrace of 10 to 15 mts width.

However, the same could be adjusted accordingly if the site less than 10 mts along the slope.

In case of development of road the maximum permissible gradient of 1:10, which is to be strictly observed and longitudinal and vertical sections of the road are to be seen for grant of permission.

Note: Retaining wall or dressing of slope in suitable inclines so as to halt any destabilization.

3. From 20% to 25% slope.

The slope of hill cutting/excavation is limited to the digging for foundation/footing and opening of foundation and for providing drain, drainage channels, soakpit, septic tank, water pipelines, electric lines or any other cables, storage like water pump, digging of well and access and pitching,

Certain areas hills/slopes may not be allowed for cutting: Areas having exceptional natural beauty, vegetation or dense trees etc, may have to be retained.

Requirement for the applicant to submit for such permission when asked permission for construction/sub-division or independent development.

1. Contour plan (interval 1 mts)
2. Survey Plan.
3. Ownership document
4. Longitudiness, and cross section to explain the proposals of road, retaining wall etc, including building if any. 1:500 plan 1:200
5. Photographs of the sites (with dates) certified.
6. The applicant shall submit the drains showing the existing natural/artificial drains pattern with details. The applicant shall show the alternate drainage pattern with special reference to the linkage to the existing drainage system. The length and breath with volumes of water plan shall also be indicated.

(B) GUIDELINES FOR PERMITTING FILLING UP OF LOW LYING LAND

1. Filling up of "Low lying land" having a depth of 50 cms. or more below the adjoining land (adjoining land will depend on the site condition it could be a road or nearby land) is only to be dealt with under the provisions of 17 A of Goa Town and Country Planning Act.
2. If the filling up involves damaging mangroves then it will not be allowed.
3. If the filling up involves a drainage channel, spring, water body, watercourse, etc. consultation with the Irrigation Department will be essential,
4. In general Khazan lands will not be allowed to be filled up.
5. Morod paddy fields, bhands, scrub jingles, etc. may be allowed to be filled up if the general gradient of such lands is between 15% to 25%.
6. Garden lands of specialized crops as bettlenut, medicinal/herbal plants is not be allowed to be filled up..
7. Irrigated crop lands will not be allowed, without the approval of the Town Planning Board.

(C) GUIDELINES FOR MINING AREAS

In case of cutting in mining areas for major or minor minerals approved by the competent Mining Authority the officer authorised for permission under this Act will abide by the conditions to which the Mining (lease grant) is subjected to.

In case of coastal and riverine stretches the filling will be permissible subject to the guidelines/notifications issued under the Environmental Protection Act 1986. The provision of the said Rules would also apply in case of monadnock or an isolated hill be sought to be cut within the coastal zone subject to the Act.

BENCH MARK: is a mark which is for the reference for the further survey of the area under reference.

However, it has been observed that all of the above guidelines cannot be practically implemented due to site conditions and other constraints. It is also to inform you that the above guidelines were formulated mainly for residential building constructions only thus making them difficult to follow for other constructions such as Institutions, Industrial Building etc wherein larger level surfaces are required. In view of the same the Department has proposed the following revised guidelines for hill cutting and filling of low lying areas under Section 17A of the TCP Act.

REVISED/ ADDITIONAL GUIDELINES FOR GRANTING PERMISSION UNDER OF SECTION 17-A OF THE GOA TOWN AND COUNTRY PLANNING ACT, 1974

I. Guidelines for cutting of sloping land.

1) Requirement of Permission

No development shall be permitted on land having slope of more than 25% (1:4 gradient). No permission for cutting of land under Section 17-A of the Goa Town and Country Planning Act shall be necessary for land having slope of less than 1:10. (Less than 10% slope).

Note: For measurement of slope, protrusions/foldings, of limited width may not be taken in isolation.

2) Guidelines for considering applications of cutting of sloping land having slope between 10% to 20%.

- *Permission for cutting of sloping land is to be considered in order to render the land feasible for building construction/land development and allied facilities.*
- *The application under Section 17-A of the Act shall be processed simultaneously with application for Technical Clearance/Development Permission as far as possible.*
- *While considering the application, it shall be ensured that buildings are designed in stepped/terraced formation in order to minimize the extent of cutting.*
- *Such terraces shall be cut as per the table mentioned below, except for the construction of special buildings like industrial buildings, institutional buildings and for other buildings and development which require level areas of larger width.*
- *Basements shall not be allowed in sloping sites.*
- *The following shall be general guidelines for cutting in order to render the land suitable for the construction of buildings.*

Type of building/development	Extent of slope	Maximum extent of cutting in mts.	Maximum extent of leveling/grading in terraces (width in meters)
Residential/Commercial	10 to 15%	4.0 mts.	26
	15 to 20%	3.0 mts.	15

For development like playground/petrol pumps/ industrial buildings etc. which require level surface of larger width, cutting may be considered as per requirement with protection measures. Structural Liability Certificate may be obtained separately to ascertain the stability of slope and protection measures to be undertaken. Such applications will be sent to the Government for final approval.

Necessary angle of repose/inclination shall be maintained as per the soil characteristics and retaining wall and other protection measures shall ensure for stabilization of slopes with suitable drainage, wherever required.

Note: In case of development of road the maximum permissible gradient of 1:10, which is to be strictly observed and longitudinal and vertical sections of the road are to be seen for grant of permission. In order to derive access to property from public road and other existing roads, box cutting of limited length could be permitted, if alternate roads are not available by maintaining protection measures.

3) Land having slope between 20% to 25%.

Cutting/excavation shall as far as be limited to digging for foundation/footings and for providing services like drains, water lines, sewage line, septic tank, soak pits, sump, well and access/circulation space.

In special circumstances, where terracing is required to be undertaken for accommodating, it may be permitted to a maximum extent of 10 mts. width with a vertical cutting limited to 2 mts. In such case, certification from a Structural engineer on the stability of slope and protection measures to be undertaken are to be separately obtained.

Requirement for the applicant to submit for such permission when asked permission for construction/sub-division or independent development.

1. Contour plan (interval 1 mts)
2. Survey Plan.
3. Ownership document
4. Longitudiness, and cross-section to explain the proposals of road, retaining wall etc, including building if any. 1:500 plan 1:200
5. Photographs of the sites (with dates) certified.
6. The applicant shall submit the drains showing the existing natural/artificial drains pattern with details. The applicant shall show the alternate drainage pattern with special reference to the linkage to the existing drainage system. The length and breath with volumes of water plan shall also be indicated.
7. *Structural Liability Certificate must be obtained to ascertain the structural stability of the proposed retaining walls and foundations of the constructions on slopes having slope between 10%-25%.*

II. GUIDELINES FOR CONSIDERING FILLING UP OF LOW LYING LAND

- Permission for filling of low lying land (only in respect of land which are at lower level by 50 cms. or more from the adjoining original ground level) to be considered as under.
- *Permission for filling of low lying shall be considered only in respect of confirming provisions in the statutory notified Plans and to enable approved projects.*
- Due care for the maintenance of the overall drainage pattern of the area shall be ensured.
- *Filling of land shall not amount to blocking of any drainage channel. In case the filling affects the natural flow of water, proper diversion of water flow linking to the nearby drainage channel/basis shall be ensured. If the filling up involves a drainage channel, spring, water body, watercourse, etc. NOC from Irrigation Department will be essential.*

- ***NOC from Water Resources Department may be obtained, for filling of larger areas which are likely to cause hindrance to natural drainage pattern.***
- If the filling up involves damaging mangroves then it will not be allowed.
- In general Khazan lands will not be allowed to be filled up.
- Garden lands of specialized crops as bettlenut, medicinal/herbal plants is not be allowed to be filled up..
- Irrigated crop lands will not be allowed, without the approval of the Town Planning Board.
- ***Filling of land shall not be permitted in the buffer zones and influence zones of water bodies notified under Wetland Management Rules.***

III. Documents/details to be submitted.

1. Contour plan (interval 1 mts)/Block levels.
2. Survey Plan
3. Copy of the Technical Clearance/Development Permission, if any.
4. Ownership document
5. Site plan showing location of boundary, internal road, drainage pattern.
6. Longitudinal and cross sections to explain the profile of level before and after undertaking cutting with buildings foundations, proposals of road, retaining wall, etc.
7. Latest photographs of the site.
8. Drainage pattern showing the existing natural/artificial drains with details. Alternate drainage pattern with special reference to the linkage to the adjacent existing drainage system shall be proposed in necessary. The length and breadth its capacity shall also be indicated.
9. ***Conversion Sanad (to be deliberated)***

Item No. 9: Amendment to the Goa Land Development & Building Construction Regulations, 2010.

As per the regulations under the Goa Land Development & Building Construction Regulations, 2010 under 6.1.1 Table V, there was a provision for reduction in FAR in plots having an area of more than 4,000 sq.mts. in both VP1 and VP2 category villages, which however is amended and notified vide Gazette Notification dtd. 09/08/2023. The amended regulation is as under:

2. Amendment of regulation 4.11. — In regulation 4.11 of the Goa Land Development and Building Construction Regulations, 2010 (hereinafter referred to as the principal Regulations), in clause (d), for the expression “Authority/Council/ Panchayat”, the expression “Authority/Council/Panchayat/Town and Country Planning Department” shall be substituted.

3. Amendment of regulation 6.1.1.— In regulation 6.1.1 of the principal Regulations, in clause (a),—

(i) in the TABLE-V, the following entries shall be omitted, namely:—

“VP1	Area 4000m ² & above	60	As per S2/R2
VP2	Area 4000m ² & above	50	9.00 mts. including stilt”;

(ii) the existing note shall be numbered as (1) and after the note (1) so numbered, the following note shall be inserted, namely:—

“(2) The Government on recommendation of the Town and Country Planning Board shall grant additional height and FAR to the proposals on case to case basis in consideration of the locational aspect, nature of development, use proposed, information available and on any such other criteria, if required. Such relaxation shall however not be relaxed for more than 20% permitted in the prevailing Regulations”.

Further amendment to regulation 12.8 has also been carried out and is notified vide Official Gazette (Extraordinary) dtd. 9/8/2023. The amended regulation is as under:

5. Amendment of regulation 12.8.— The regulation 12.8 of the principal Regulations shall be omitted.

Item No. 10: Regarding incentives to be given for construction/Development of Cancer Hospital & other related requirements.

Physical and Social infrastructure in the State of Goa is improving at a rapid pace, wherein the Government is encouraging a various organizations/companies etc. to set up their institutions in the State of Goa to provide better facilities to the local population and to improve their standard of living.

The Government has recently announced the improvement in health sector by stating that Cancer Hospital and related facilities shall be set up in the state of Goa to facilitate Goans in availing advanced services in this regard.

Considering the present regulations, it is felt that certain incentives need to be given in terms of development regulations to promote such institutions in setting up their base in Goa, to make such projects viable.

The Board may deliberate.

Item No. 11: Deputation of Town Planning Officers in other corporations/Authorities etc., shall be discontinued and wherever placed they shall be called back.

Various committees are formed by the Government under GIDC, RERA, I.T. Department, Smart City Mission, MADA, etc. wherein the functions of Town & Country Planning Dept. and that of Chief Town Planner are dealt directly by the said Authorities. Whenever there is any development proposal for any construction/sub-division etc. such proposals are now directly dealt by the said Authorities without referring to them to the TCP Dept., as is provided under the relevant provisions of the Act, notified by the respective Authorities.

It is however observed that on these committees constituted, a Town planning Officer, not below the rank of Dy. Town Planner is deputed, whose consultation is obtained in the matter of development proposals by the respective Authorities.

By virtue of above provisions, the functions of the Department are getting affected as the Town Planning Officers are now deputed to the above referred authorities. There is already a shortage of the Officers in the Department and dual charge is given to some of the Officers to look after the functions of two offices, thereby affecting the efficiency of the Department and causing little delay in imparting its services.

Brought to the notice of the Board for information purpose.

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

