

**AGENDA FOR 184<sup>th</sup> MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 15/09/2022 AT 11.45 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI - GOA.**

**Item No. 1: Confirmation of the Minutes of the 183<sup>rd</sup> meeting of Town & Country Planning Board held on 11/08/2022.**

The Minutes of 183<sup>rd</sup> meeting of TCP Board held on 11/08/2022 are prepared and placed before the Board for confirmation.

Board may consider the same.

**Item No. 2: Appeal under Section 45 of the TCP Act, 1974 filed by Mr. Rajkumar M. Naik & others against Greater Panaji Planning and Development Authority. (File No. TPB/APL/273/2022)**

The appeal is preferred against the refusal/rejection order dated 16/05/2022 of the Greater Panaji Planning and Development Authority regarding regularization of alteration/addition/reconstruction of existing houses situated in property bearing survey No. 82/2-A of Taleigao village.

The Appellants states that their application was rejected by the respondent vide order dated 16/05/2022 which is hereinafter referred to as the IMPUGNED ORDER and hence they are constrained to file the present appeal invoking the provisions of Section 45 of the Town & Country Planning Act, 1974, aggrieved by the said impugned order.

As per the Appeal memo, the facts which are relevant for the purpose of the present appeal are as under:

- i. The land at Sy. No. 82/2-A (prior to partition being surveyed under Sy. No. 82/2 (part) of the village of Taleigao, admeasuring 328 sq. mts.) alongwith the existing houses bearing H. No. 18/170, H.No. 18/173 and 18/170/A was acquired by the Appellants and Respondent No. 2 and 3 by a Deed of Sale dated 19/10/2011.
- ii. The house of the Appellants and Respondents No. 2 and 3 was very old and the roof of the said house was very old and required immediate repairs as the rafters and wooden ribs were in a very bad condition, as such the Appellants had to repair the roof of their house in order to protect the same

and to avoid danger of the roof collapsing. The Appellants had commenced the construction in respect of their existing houses bearing H.No. 18/170, H.No. 18/173, which were their common ancestral houses in the property bearing survey No. 82/2, which on subsequent partition now stands surveyed under Sy. No. 82/2A as an independent unit of the village of Taleigao, on having obtained repair license bearing No. VP/TLG/NOC/2020-21/132, dated 28/04/2020, from the Village Panchayat of Taleigao, for repairs of the said existing structure which had a partial R.C.C. flat roof, for which the Appellants had commenced the repair work.

The Appellants state that the structure preferred for Reconstruction/Regularization/Addition/Extension alongwith the plot admeasuring 328 sq. mts., which is situated at Sy. No. 82/2 came to be partitioned by virtue of Order dated 17/06/2021 in Case No. LND/PART/75/2020 and the new portioned holding is now surveyed under Survey No. 82/2-A.

The Appellants state that since submission of the completed application for reconstruction/regularization/addition/extension of houses bearing H.No. 18/170, H.No. 18/170/A and H.No. 18/173 along with the shops bearing shop No. 18/173A, 18/170/B and 18/170/1 situated on property bearing Sy. No. 82/2-A, admeasuring 328 sq. mts., the GPPDA had neither processed the said application, nor passed any order either by granting permission or refusing the said application and consequently therefore by reason of section 45 of the TCP Act, as no order was passed after the expiry of a period of three months from the date of submission of the application, it was deemed to have been refused and thereafter the first appeal was filed. The said appeal was posted for first hearing on 17/05/2022 however, on the day of the hearing, the Appellants were served with the Order dated 16/05/2022 of the GPPDA, whereby the Respondents refused/rejected the proposal for reconstruction/regularization/addition/extension of the Appellants which was inwarded under inward No. 998.

The Appellant states that the impugned Order is arbitrary, perverse and an action in violation of the Principles of Natural Justice and further states that the GPPDA has neither processed their application for permission, nor passed any

order either granting permission or refusing the said application until 16/05/2022, and that virtually amounted to an act of dereliction of duty.

It is stated that the Impugned Order has been passed by way of an afterthought, in as much as the Appellants were neither given prior notice about the 19<sup>th</sup> Authority meeting to be held on 14/12/2021 nor were they informed about the decision to refuse/reject the development permission, amounting to gross dereliction in duties and flouting.

Appellant further states that the Respondent No. 1 is exercising its jurisdiction illegally and/or with material irregularity in refusing to grant the application for development permission, as filed by the Appellants in compliance with all the preliminary objection from time to time and is acting in a very highhanded fashion and is in terms acting contrary to the very scheme of the Town and Country Planning Act, 1974 and the rules framed thereunder and the Impugned Order is in fact an action under the colour of Powers and with respect biased.

It is stated that despite the direction of the High Court in the order dated 07/07/2020, directing the respective authorities to dispose of the application for reconstruction/regularization/addition/extension made by the Appellants and Respondent No. 2 and 3 in terms of law, the GPPDA had failed to process the application filed by the Appellants within the prescribed time and has passed the order rejecting/refusing the application belatedly by way of an afterthought conspicuously displayed from the action of passing the impugned order only a day before the first hearing of the previous Appeal bearing No. TP/APL/B/212/2021 held on 17/05/2020.

It is mentioned that the Respondent No. 1 has failed to appreciate the act that the said proposed dwelling house is a common ancestral house of the Appellants and purchased jointly by them by virtue of Deed of Sale dated 22/09/2011 bearing Registration No. PNJ-BK1-02783-2011 and that they have been residing together as a joint family in the said ancestral house and not independent of each other and hence it is not a multi-dwelling house but a single dwelling house.

Appeal memo also states that the Respondent No. 1 has blatantly failed to appreciate the fact that the Survey Plan issued by the DSLR of property bearing survey No. 82/2-A clearly shows the existence of the said structure and further states that grave prejudice is occasioned to the Appellants as their house

construction is pending for the past two years because the GPPDA has acted derogatory with persistent and deliberate lapses in duties and has delayed granting the development permissions to the Appellants.

The Appellants has therefore submitted that they are entitled for an order directing the Respondent No. 1 to allow the application for grant of development permission in terms of law and accord the permissions to them.

The Appellant has therefore prayed:

- a) That the Board be pleased to pass an order allowing the present appeal.
- b) To pass an order for granting Development Permission to the Appellant in respect of application dated 25/11/2020 submitted to the Respondent for reconstruction/regularization/addition/extension of Appellants houses along with the shops situated on property bearing Sy. No. 82/2A, admeasuring 328 sq. mts. and grant the same at the earliest accordance with law.

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

The Board may decide.

**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.

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

The Board may decide.

**Item No. 4: Appeal under Section 45 (1)(b) of the TCP Act, 1974 filed by Goa University against Greater Panaji Planning and Development Authority. (File No. TPB/APL/272/2022)**

The Appellant herein being aggrieved by the inaction on the part of the Respondent in considering the application filed for development permission for the construction of New 'D' type quarters/SIP Hostel building in the property of the Appellant, within the time span as provided under Section 45 of the Town and Country Planning Act, has filed the memo of appeal.

The Appellant had filed an application dated 10/02/2022, which was inwards in the office of GPPDA under inward number 1698 and it was received by the concerned official on 10/03/2022.

The Appellant states that the application was received on 10/03/2022 and more than three months have elapsed from the date of receipt of the application, however nothing has been communicated to them regarding the fate of the application by the Respondent. The application was for seeking permission for construction of New 'D' Type Quarters/SIP Hostel building under section 44 of Goa Town and Country Planning Act 1974. As provided in Section 45 of the TCP Act, omission to decide the application for construction license within three months from the date of the receipt of the of the application gives right to the appellant to file an appeal before the TCP Board within period of limitation as provided in Section 45 of TCP Act.

The present appeal is filed on the following grounds:

There is utter failure on the parts of the Respondent Authority to consider the application for development permission for the aforesaid buildings that is new 'D' type quarters/SIP Hostel building filed by Goa University. Neither any reply has been received by Goa University nor any other intimation has come from the GPPDA with regard to the said application. The GPPDA is bound to decide the application for development within a period of 3 months which it has failed to do. Hence the Appellant is entitled to file appeal in terms of section 45 1 (b) of the Town and Country Planning Act.

The Appellant has therefore prayed that the Appeal be allowed and the reliefs in terms of Section 45 be granted in favour of the appellant by directing grant of development permission pursuant to application dated 10/02/2022.

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

The Board may decide.

**Item No. 5: 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 by Appeal 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 Respondents 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.

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

The Board may decide.

**Item No. 6: Other uses to be included under the Goa Land Development and Building Construction Regulations, 2010.**

**a) Assisted Living with Clinic**

Assisted living is a type of housing designed for people who need various levels of medical and personal care with recreational, health and utility services in place. People residing can enjoy support and company at their convenience. The facilities for Living spaces can be individual rooms, apartments, or shared quarters. It generally provides a home-like setting and are physically designed to promote the resident's independence. The services offered by assisted living communities vary from facility to facility. Services often include:

- One to three meals a day
- Monitoring of medication
- Personal care, including dressing and bathing
- Housekeeping and laundry
- 24-hour emergency care
- Some medical services
- Social and recreational activities

In India, Assisted Living facilities are available at Chennai and Bangalore. Athulya Assisted Living at Bangalore is having 250 bed facility.

Under GLDBCR-2010, Hospitals and Nursing Homes are permissible in the Settlement Zone/Commercial Zone. However there are no regulations, prescribed for Assisted living and the same is needs to be defined now. Covid-19 has revealed the dire need for Planning and Management of cities with a trust on health aspects. Niti Aayog in their report on Reforms in Urban Planning Capacity in India proposed a healthy city for all by 2030 in India. A large number of Goan populations are working abroad and their parents are living alone in Goa. Some of the children can afford a better suitable standard of living for their aged parents.

For this purpose facility need to be created to develop such assisted living. It needs to be decided in which zones such facilities can come up and what should be the minimum size of plots to set up such facilities. It is also required to decide on the maximum permissible FAR and coverage for such facilities.

Board may deliberate.

**b) Professional Go-Karting Track**

Go-Karting is a road racing variant of motor sport with open wheeled, four wheeled vehicles known as Go-Karts or Shifter Karts. They are usually raced on scaled-down circuits, although some professional kart races are also held on full size motorsport circuits.

Go-Karting is presently available at two locations in Goa i.e. Verna and Anjuna. However these places do not have the required infrastructure for professional Go-Karting which could be the stepping stone to higher ranks of motor sports such as Race Course F1.

As per the Regional Plan for Goa 2021 policies, under Orchard areas, Gokart tracks are permitted provided the area of holding is more than 25000 sq.mts. and the coverage and FAR is restricted to 2%.

As per international standard designs, Go-Karts requires maximum length of track to be 1.7 kms. and all such tracks should have minimum width of 7 mts. The recommended maximum longitudinal gradient should be 5% and recommended maximum transverse gradient should be 10%.

Board may deliberate further on the issue of minimum plot area required and also on the maximum permissible FAR & coverage for the purpose.

**c) Motocross Formula one/ F1**

Formula One is the highest class of international racing for open wheel single-seater formula racing cars sanctioned by the Federation international de Automobile (FIA). Formula One cars are the fastest regulated road-Course racing cars in the world. F1 races are conducted on specifically built racing tracks called circuits. In India F1 race circuit is presently available at Noida (UP).

Formula One racing is also one of the most exciting sports to watch in the world and Goa hosting motocross races would facilitate sports related tourism.

As per the prevailing Regional Plan for Goa-2021 policies, Orchard zones can be developed into racing tracks area, if holding is more than 25000 sq.mts. where coverage and FAR is restricted to 2%.

As per international standard, course varies but must have a length of 1.5 to 5 kms. To have a 6 lane track or a track with 5 lanes and a start area, the track should be atleast 20 feet in width.

Board may deliberate further on the issue of minimum plot area required and also on the maximum permissible FAR & coverage for the purpose.

**d) Race Course/ Amateur Riding Clubs**

Horse racing is an equestrian performance sport, typically involving two or more horsed riding by jockeys (or sometimes driven without riders) over a distance for competition. Horse race course requires a turf, dirt or synthetic surface race track suitable for horses. Goa currently does not have a horse race course nor regulations for the same, however hosting horse races in Goa would attract high end tourism.

As per international standard, horse race tracks should consist of a circuit of minimum length of 2.012 kms. and maximum of 3.218 kms. The track should have a minimum course width of atleast 20 mts.

The Board may deliberate.

**Item No. 7: Regulation regarding Sewage Treatment Plant/Rain water harvesting.**

As per Goa Land Development Building Construction Regulations, 2010, regulation 14.1.5 Sewage Treatment Plant is mandatory for residential complexes having 50 flats/residential units and above, however, the same is not required if the area is already served by existing sewer line.

Pollution Control Board vide letter dated 15/04/2019 had requested the Department to make mandatory installation of Sewage Treatment Plant for housing complex with more than 24 dwelling units instead of 50 dwelling units and the same is already notified for amendment of draft regulation in the Official Gazette

(Extraordinary) Series I No. 21 dated 29/08/2022 and finalization of the same is under process.

Recently many complaints have been received by the TCP Department regarding non compliance of the above regulations which creates unhygienic condition for the housing complex.

It is therefore required to strictly monitor the implementation of the condition pertaining to water sewage treatment plant. It is also required to make it mandatory that wherever underground sewage treatment lines are laid, the projects shall compulsorily obtain the connection for the same to avail the benefit of such facility and conditions regarding the same need to be imposed at the time of grant of Technical Clearances/Completion Orders.

As per Goa Land Development Building Construction Regulations, 2010, regulation 14.3.2, Rain Water Harvesting tank for storage and reuse of water is mandatory for private building in case the plot area is more than 4000 sq.mts. and having 40 units and more for secondary uses such as flushing of WC, gardening, landscaping etc. through a separate parallel line in the plot/premises and the compliance of this provision is required to be strictly monitored.

Goa State although receiving sufficient rainfall, is still facing water shortage in the month of April and May, to mitigate the shortage of water problem, water harvesting is an important tool. It is therefore required to implement strictly the provision regarding making water harvesting facilities mandatory for large housing complex/commercial establishment etc.

Board may deliberate.

**Item No. 8: Regarding monitoring and assisting projects under Green Certification.**

The TCP Board in its past meetings have recommended regulations for several projects with the conditions that these projects shall have Green Certification. It is also decided that the compliance of Green Certification shall be regularly monitored and Completion Certificate be issued only after verifying that the projects are in compliance with Green Certification. The Board has already decided that services of IGBC shall be obtained for the Green Certification.



It is submitted that Green Certificate is based on the rating system of IGBC, which helps to use resources in a sustainable manner and help protect the environment. Green Certification will check the carrying capacity and help to reduce huge infrastructure cost to the Government by making building self sufficient and environmentally sustainable. It will also help in combating and mitigating environmental problems such as greenhouse gas emissions, heat island effect etc.

Green New buildings can have tremendous benefits, both tangible and intangible. The most tangible benefits are the reduction in water and energy consumption right from day one of occupancy. The energy savings could range from 20-30% and water saving around 30-50%.

It is observed that large scale housing complex are being built in Goa having more than 100 residential units alongwith other commercial uses. It is therefore required to adopt the system such that these projects do not burden the available infrastructure of the State, especially in terms of electricity and water consumption.

Regulations therefore needs to be framed to design, maintain and assist such housing projects under Green Certification.

Board may deliberate.

**Item No. 9: Preparation of Zoning Plan for Kadamba Plateau and Pernem Taluka.**

The Board in its 182<sup>nd</sup> meeting held on 01/08/2022 has decided that the zoning plan shall be prepared for the following areas:

- 1) Pernem Taluka
- 2) For Kadamba Plateau by considering an area of about 300 mts. from the edge of bye-pass road, to the extent of an area, which is presently defined as Kadamba Planning Area.

The preliminary work for the preparation of above Zoning Plans has already started.

Considering the extent of area to be included under, it is observed that some of the properties are partially affected and part of these properties falls under Zoning Plan and remaining part shall still remain under the Regional Plan, and as such the

issues as prevailed earlier in Kadamba ODP, shall still persist. The Board may therefore deliberate on extent of the area to be considered for zoning plan.

**Item No. 10: Empanelment of consultants for preparation of GIS based ODPs and zoning plans.**

TCP Board in its 180<sup>th</sup> meeting held on 9/06/2022 has decided that services of consultants/ experts in the planning field shall be obtained for the preparation of GIS based ODPs and Zoning Plans. For the said purpose, consultants are to be empaneled before tendering of the works.

TCP Department had accordingly invited Expression of Interest for the empanelment of consultants/ special function agency for the preparation of GIS-based outline Development Plans and Related Urban and Regional Planning Work in Goa, including survey works/ preparation of GIS base maps which was published on 28/07/2022 in two local newspapers and 1 national newspaper. The deadline for the submission of expression was 05/09/2022.

In response, the Department has received the Expression of Interest from following 20 companies and are having vast experience in preparation of GIS-based ODPs and Zoning Plans and other related works:

<b>Sr. No.</b>	<b>Name of the Company</b>
1	IPE Global Bansal
2	Sky Group
3	AECOM India Private Limited
4	International Centre for Sustainable Cities (ICSC) Consultancy Service LLP
5	Kanwar Surjit Singh Institute of Spatial Planning and Environment Research (KSSISPER)
6	SAI Consulting Engineers Pvt. Ltd.
7	Egis India consulting Engineers Pvt. Ltd.
8	Ecometrix Consultants Private Limited
9	SATPALDA TRADING PRIVATE LIMITED
10	Rudrabhishek Enterprises Limited
11	GIS Construction India Private Limited
12	Facile Maven Pvt. Ltd.
13	Venkateshwar Enterprises
14	HRP INFRA PRIVATE LIMITED
15	Voyants Solutions Private Limited
16	M/s. NeoGeoinfo Technology Pvt. Ltd.
17	Almondz Global Infra Consultant Limited (AGICL)
18	M/s. Growever Infra Private Limited
19	MBM Associates Planning & Sustaining LLP
20	EcoUrbs Consultants Private Limited

It is desirable that the companies shall be shortlisted for the purpose of inviting Request for Proposals.

Board may deliberate further.

**Item No. 11: Regarding directions received from Under Secretary (Revenue) for non issuance of provisional Technical Clearance before obtaining conversion sanad.**

The office is in receipt of a letter from the Under Secretary (Revenue) wherein it is stated that instances are brought to the notice of Revenue Department that TCP Department is issuing provisional Technical Clearance without insisting on Conversion Sanad and it is further stated that the same is resulting into financial loss to the State Exchequer\Revenue Department.

Vide same letter of the Revenue Department, it is requested of the Chief Town Planner (Planning) to issue directions to all the TCP offices and Planning & Development Authorities not to issue provisional Technical Clearance until Developers/Builders obtain conversion sanad and make necessary payments towards conversion of the land sought to be developed.

In this regard, it is stated that the Department issues “provisional” Technical Clearances only for the sub-division of land and it is only after obtaining such provisional permissions. The developers/builders are required to undertake procedure and further development including obtaining conversion sanad, development of roads and laying of other infrastructural facilities, etc. It is only after compliance of such conditions, final approvals for sub-division of land are granted by the Department/PDAs. Whereas, there is no such “provisional” Technical Clearance for building permissions.

Board may deliberate.

**Item No. 12: Revenue Sources of Planning and Development Authorities.**

Planning and Development Authorities are autonomous bodies constituted under Section 20 of the Goa TCP Act. At present, there are three PDAs functioning in the State namely North Goa PDA, South Goa PDA and Mormugao PDA. (Greater Panaji PDA has lately been merged with North Goa PDA).

All the three PDAs are presently facing financial distress and are dependent on Grant-in-Aid from the Government.

Main sources of revenue for the PDAs are Development charges, institution of use charge, renewal fees, processing fees for NOC under section 49(6), fee for zoning certificate etc. The last time the fees raised were in the year 2013.

A comparison of license fee being levied by Municipal Council versus, development charges by the PDAs, reveal that, the fees being collected by PDAs are far less and not even 5% of the fees collected by Municipal Councils. A sample comparative calculation of license fee by Municipal Council and development charges by PDAs.

PDAs are collecting the infrastructure fees as per Goa Tax on Infrastructure Act 2009, on behalf of the Government, but the said funds go to the consolidated funds of the Government.

PDAs take up preparation and revision to the Outline Development Plan. During the notification stage for receiving objections/suggestions from public, many applications for considering change of zone are received. When zone changes are considered in the Development Plan with high FAR, it takes a toll on the city infrastructure when building projects come up with high density. There is already a provision for collecting fee for change of zone.

As per the direction of the Government, the rates of development charges by Planning and Development Authority are reworked with higher rate of fee in the above background and the same is approved by the Government.

Submitted for information of the Board.

### **Rates of development charges by Planning and Development Authority.**

1.

Existing							Proposed						
For Sub-Division/Institution of use							For Sub-Division/Institution of use						
Sr. No.	Type of Land Use	Rate per sq. mt. of land put under use					Sr. No.	Type of Land Use	Rate per sq. mt. of land put under use				
		F.A.R.							F.A.R.				
		Upto 1.00	Above 1.00 but upto 1.20	Above 1.20 but upto 1.80	Above 1.80 but upto 2.00	Above 2.00 but upto 2.50			Upto 0.80	Above 0.80 but upto 1.00	Above 1.00 but upto 1.50	Above 1.50 but upto 2.00	Above 2.00 but upto 3.00
1.	Residential	Rs. 4.00	Rs. 5.00	Rs. 6.00	Rs. 7.00	Rs. 8.00	1.	Residential	Rs. 10.00	Rs. 20.00	Rs. 30.00	Rs. 40.00	Rs. 50.00
2.	Commercial	Rs. 8.00	Rs. 9.00	Rs. 10.00	Rs. 20.00	Rs. 30.00	2.	Commercial	Rs. 20.00	Rs. 40.00	Rs. 60.00	Rs. 80.00	Rs. 100
3.	Industrial	Rs. 6.00	Rs. 7.00	Rs. 9.00	Rs. 10.00	Rs. 12.00	3.	Industrial	Rs. 15.00	Rs. 20.00	Rs. 25.00	Rs. 40.00	Rs. 50.00
4.	Institutional	Rs. 4.00	Rs. 5.00	Rs. 6.00	Rs. 7.00	Rs. 8.00	4.	Institutional	Rs. 10.00	Rs. 20.00	Rs. 30.00	Rs. 40.00	Rs. 50.00
5.	Others	Rs. 4.00	Rs. 10.00	Rs. 6.00	Rs. 7.00	Rs. 8.00	5.	Others	Rs. 10.00	Rs. 20.00	Rs. 30.00	Rs. 40.00	Rs. 50.00

2.

Existing							Proposed						
For change in land use							For change in land use						
Sr. No.	Type of Land Use	*Rate per sq. mt. of land put under use					Sr. No.	Type of land use after change from non developments zone	*Rate per sq. mt. of land put under use				
		F.A.R.							F.A.R.				
		Upto 1.00	Above 1.00 but upto 1.20	Above 1.20 but upto 2.00	Above 1.80 but upto 2.00	Above 2.00 but upto 2.50			Upto 0.80	Above 0.80 but upto 1.00	Above 1.00 but upto 1.50	Above 1.50 but upto 2.00	Above 2.00 but upto 3.00
1.	Residential	Rs. 8.00	Rs. 10.00	Rs. 15.00	Rs. 16.00	Rs. 20.00	1.	Residential	Rs. 200	Rs. 250	Rs. 300	Rs. 400	Rs. 500
2.	Commercial	Rs. 20.00	Rs. 24.00	Rs. 28.00	Rs. 32.00	Rs. 40.00	2.	Commercial	Rs. 300	Rs. 400	Rs. 500	Rs. 600	Rs. 800
3.	Industrial	Rs. 16.00	Rs. 20.00	Rs. 24.00	Rs. 30.00	Rs. 36.00	3.	Industrial	Rs. 200	Rs. 300	Rs. 400	Rs. 500	Rs. 600
4.	Institutional	Rs. 8.00	Rs. 10.00	Rs. 15.00	Rs. 16.00	Rs. 30.00	4.	Institutional	Rs. 100	Rs. 150	Rs. 200	Rs. 250	Rs. 300
5.	Others	Rs. 8.00	Rs. 10.00	Rs. 15.00	Rs. 16.00	Rs. 20.00	5.	Others	Rs. 200	Rs. 250	Rs. 300	Rs. 400	Rs. 500

\* Note: Any increase in FAR upto 50 or part thereof resulting from change of land use zone from one developable zone to any other zone having higher FAR will entail an additional amount of Rs. 100/- each.

3.

Existing			Proposed		
For construction of Buildings/Development of Land			For construction of Buildings/Development of Land		
Sr. No.	Land Use	Rate as per sq. mt. of floor area	Sr. No.	Land Use	Rate as per sq. mt. of floor area
1.	Residential	Rs. 8.0	1.	Residential	Rs. 100
2.	Commercial	Rs. 24.00	2.	Commercial	Rs. 200
3.	Industrial	Rs. 20.0	3.	Industrial	Rs. 150
4.	Institutional	Rs. 8.00	4.	Institutional	Rs. 100
5.	Others	Rs. 8.00	5.	Others	Rs. 100
Linear development (Existing)			Linear development (Proposed)		
Land use		Rate per running meter	Land use		Rate per running meter
Construction of wall gates, roads Pipelines, drains and other development of linear nature		Rs. 10.00	Construction of wall gates, roads Pipelines, drains and other development of linear nature		Rs. 20.00

### Item No. 13: To frame a scheme under Section 19 of TCP Act regarding reconstituted North Goa PDA.

The Government vide Notification No. 36/1/443/2022/2098 dtd. 24/8/2022 published in the Official Gazette Series I No. 21 dtd. 25/8/2022, has reconstituted NGPDA having Panaji Planning Area, Taleigao Planning Area, Bambolim Planning Area, Mapusa Planning Area, Calangute-Candolim Planning Area, Arpora-Nagoa-Parra Planning Area under its jurisdiction.

In this regard, it is informed that earlier Panaji Planning Area, Taleigao Planning Area, Bambolim Planning Area and Kadamba Planning area were under the jurisdiction of GPPDA.

By virtue of re-constitution of NGPDA, as required under Section 19 of TCP Act, scheme is required to be framed by the Government, in consultation with TCP Board to determine the portion of the balance of funds of PDAs and the manner in which properties and liabilities of PDAs shall be apportioned.

**Item No. 14: Extension of time limit for preparation of Margao ODP.**

South Goa PDA vide Notification No. 36/1/TCP/426/2022/2097 dtd. 24/8/2022 published in Official Gazette Series II No. 21 dtd. 25/8/2022 was directed to prepare the Outline Development Plan as per the earlier direction of the Government conveyed vide Order dtd. 36/1/TCP/327/2018/656 dtd. 15/3/2021.

Member Secretary, South Goa PDA vide letter dtd. 14/9/2022 has now informed that the Authority in its 97<sup>th</sup> meeting held on 14/9/2022 has taken a resolution that since quite a long time has lapsed, it is fit to provide at least one more month for receiving objections/suggestions to the draft ODP -2031 of Margao and Ponda Planning Area as per the relevant provisions of TCP Act and has therefore requested the TCP Department for consideration of extension of time.

Board may decide.

**Item No. 15: Representation received regarding zoning provision under Calangute - Candolim ODP, Arpora- Nagoa- Parra ODP, Margao ODP and Ponda ODP.**

- a) Member Secretary, North Goa PDA has forwarded a representation as received from Shri. Manoj Caculo, regarding proposed road shown through his property bearing Sy. No. 4/1 of Candolim village, as earmarked under Calangute-Candolim ODP. In his representation, Shri Caculo has submitted that close to the proposed road, there is an existing road on the site, which however is not reflected in the ODP.

It is further stated by Shri Caculo that due to this proposed road as shown in the ODP, his property is getting bifurcated and hence has requested for deletion of this proposed road.

In this regard, it is informed that the notification is issued inviting objection/suggestion on the Calangute-Candolim ODP and Arpora-Nagoa – Parra ODP.

- b) Member Secretary, North Goa PDA has forwarded a representation as received from M/s Sierragold Heights Developers LLP regarding change of zone of the property bearing plot No. 36, EDC Complex, Patto Panaji.

Member Secretary, North Goa PDA has informed that vide the representation, that the property under reference was zoned as “C-1” Commercial zone SPL under ODP of Panaji Planning Area-2021” requesting for change of zone of the property from C-1” Commercial zone SPL to Special Commercial zone with 300 FAR in the draft ODP of Panaji Planning Area -2031

- c) Member Secretary, North Goa PDA has forwarded a representation as received from Shiroda Investment Pvt. Ltd. regarding change of zone of the property bearing Chalta No. 18/19, P.T. Sheet No. 119, Panaji City.

Member Secretary, North Goa PDA has informed that vide the representation, the applicant has informed that the property under reference was zoned as C-1 as per ODP Panaji Planning Area 2021, which is now zoned as “S-2” Settlement in the draft ODP – 2031, which has caused a grave injustice to him. It is therefore requested to revert back the zone from “S-2” to “C-1”.

- d) Member Secretary, South Goa PDA has forwarded a representation as received from Infrastructure Logistic Pvt. Ltd., requesting for change of zone of their property from Industrial Zone to Special Commercial Zone (CBD) with 400 FAR.

It is informed by Member Secretary, SGPDA that as per Outline Development Plan of Margao Planning Area 2031 (draft ODP), the property bearing Chalta No. 11 of P.T. Sheet No. 8 of Margao City is earmarked as Industrial zone. Further, it is informed that earlier, Infrastructure Logistic Pvt. Ltd. has given their submission/objection towards the draft ODP for Margao 2031, wherein they have requested to change the zone of the property from Industrial to Special Commercial Zone with 300 FAR.

It is informed that vide Order dated 24/08/2022, SGPDA has been already directed to take up the draft ODP of Margao Planning Area - 2031.

- e) Member Secretary, South Goa PDA has forwarded the representation of Shri Milan Mohan Dhavlikar for change of zone of the property bearing

Sy.No. 197/2 of Ponda City, requesting for change of zone of the property from partly Settlement S-1, partly Orchard zone to Special Commercial zone with 300 FAR in the draft ODP of Ponda Planning Area - 2031. SGPDA has informed that earlier the applicant has filed his representation for change of zone of the property from S-1 to Commercial zone.

- f) Member Secretary, South Goa PDA has forwarded the representation of Shri Ramdas Govind Bakhale & Dilip Keshav Desai for change of zone of the property bearing Sy.No. 29/7, 29/7-A, 29/8 & 29/11 of Ponda City, requesting for change of zone of the property from Settlement S-1 to Special Commercial zone with 400 FAR in the draft ODP of Ponda Planning Area - 2031. SGPDA has informed that the applicant had earlier filed his representation for change of zone of the property from S-1 to Commercial zone.
- g) Member Secretary, South Goa PDA has forwarded the representation of Shri Santosh G. Shikerkar for change of zone of the property bearing Sy.No. 124/1 & 4 of Ponda City, requesting for change of zone of the property from C-2 (Part) and C-1(Part) to Special Commercial zone with 400 FAR in the draft ODP of Ponda Planning Area -2031.
- h) Member Secretary, South Goa PDA has forwarded the representation of Dr. Sandeep Dhavalikar & Mithil Dhavalikar for change of zone of the property bearing P.T. Sheet No. 14 Chalta No. 80 and P.T. Sheet No. 23 Chalta No. 51 of Fatorda, Margao City, requesting for change of zone of the property from partly C-1, partly S-1, partly Institutional, partly Orchard zone to Special Commercial zone with 400 FAR in the draft ODP of Margao Planning Area - 2031.
- i) Member Secretary, South Goa PDA has forwarded the representation of Shri Prakash Timblo L.R. of Gurudas Timblo for change of zone of the property bearing P.T. Sheet No. 243 Chalta No. 26 of Margao City, requesting for change of zone of the property from C-1 (part), S1 (part) to Special Commercial-CBD with 400 FAR in the draft ODP of Margao Planning Area - 2031.



- j) Member Secretary, South Goa PDA has forwarded the representation of Shri Sarvesh P. Timblo for change of zone of the property bearing P.T. Sheet No. 231 Chalta No. 171 of Margao City, requesting for change of zone of the property from C-1 to Special Commercial-CBD with 400 FAR in the draft ODP of Margao Planning Area -2031.
- k) Member Secretary, South Goa PDA has forwarded the representation of Shri Sarvesh P. Timblo for change of zone of the property bearing P.T. Sheet No. 116 Chalta No. 10 of Margao City, requesting for change of zone of the property from C-1 to Special Commercial-CBD with 400 FAR in the draft ODP of Margao Planning Area -2031.

**Item No. 16: Any other item with the permission of chair.**