MINUTES OF 185th MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 14/10/2022 AT 10.30 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI - GOA.

The following attended the meeting:

1.	Shri. Vishwajit Rane, Hon. Minister for TCP	…	Chairman
2.	Smt. Deviya Rane, Hon'ble MLA	…	Member
3.	Shri Keshav Kumar, Chief Conservator of Forest	…	Member
4.	Shri Shivanand Wagle, Dy. Director of Agriculture.	…	Member
5.	Megha S. Kerkar, Superintendent of Fisheries, Department of Fisheries	…	Member
6.	Dr. G.U. Sawan K, CMO, Directorate of Health Services	…	Member
7.	Shri Ajay P. Raikar, ASW, CO-I, PWD	…	Member
8.	Shri Paresh Gaitonde	…	Member
9.	Shri Ralph De Souza, President GCCI (Representative)	…	Member
10.	Ms. Swati Salgaonkar	…	Special Invitee
11.	Smt. Snehalata Pednekar, Representative of ITPI-GRC	…	Special Invitee
12.	Shri Gajanan Karkare, Chairman, Institute of Engineers	…	Special Invitee
13.	Shri Avez Shaikh, Representative of CREDAI	…	Special Invitee
14.	Ms. Vertika Dagur, Chief Town Planner (Landuse)	…	Invitee
15.	Shri. Rajesh J. Naik, Chief Town Planner (Planning)	…	Member Secretary

Item No. 1: Confirmation of the Minutes of the 184th meeting of Town & Country Planning Board held on 15/09/2022.

Member Secretary informed that 184th meeting of TCP Board held on 15/09/2022 are prepared and the same were placed before the Board for confirmation.

Since no comments were received from any of the Members, the Board confirmed the same.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board was also informed that the Appellant has further stated as under:

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

The Board was then informed by the Member Secretary that the Advocate appearing for the Government in **t**he matter has informed that the case was heard by the Hon'ble High Court on 12/10/2022 and the Court was of the opinion that reasoning ought to have been given in the order and that the matter shall be further heard on 17/10/2022.

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

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

Member Secretary was accordingly directed to issue notices to both the parties.

Item No. 3: 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)

Member Secretary informed that 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 vide their appeal memo had stated that their application was rejected by the respondent vide order dated 16/05/2022 and hence they are constrained to file the 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 have stated 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 have further stated 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 and the appeal on the same was posted for 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 Appellants have therefore stated 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 announced 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 19th 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 infact 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 fact 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.

Member Secretary informed that the matter was earlier placed before 184th meeting of TCP Board held on 15/09/2022, during which Respondent PDA was represented by Adv. Saish Mahambare and therefore the matter was adjourned. However the Appellant was absent for the said hearing and therefore the matter was adjourned.

During the present hearing, appellant was represented by Adv. Sagar Revonkar and whereas Respondent PDA was represented by Adv. Saish Mahambare.

During the hearing, Adv. Sagar Revonkar stated that the very basis for filing the appeal by him was that the Respondent PDA had not decided on his application filed for re-construction/regularisation/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. He further stated that GPPDA has neither processed his application nor passed any order either by granting order or refusing the said application. Adv. Sagar Revonkar reiterated his ground for appeal and prayer as mentioned in his appeal memo.

While arguing on behalf of Respondent, Adv. Saish Mahambare stated that the application under inward no. 207 dtd. 17/6/2020 of the appellant Shri Rajkumar Mukund Naik was earlier scrutinised by the Authority and preliminary observations were raised and were communicated to the appellant vide letter dtd. 28/9/2020. Further he mentioned that the compliance made by the appellant was again placed and discussed by the Authority in its 19th meeting held on 14/12/2021 during which the compliance as made by the appellant was not found to be satisfactory and therefore the Authority decided to refuse/reject the proposals and the grounds for the same were communicated to the appellant vide Order dtd.

16/5/2022, which were explained again in detail to the Board by Adv. Saish Mahambare.

The Board took note that the Appellant was aggrieved that the Authority had not decided on his application and same hence had preferred an appeal under Section 45 of the TCP Act, which came to be filed on 12/11/2022, by which it was stated that since no order was passed by the Authority after the expiry of a period of 3 months from the date of submission of his application, it was deemed to have been refused.

The Board took note that it was the submission of the Appellant that the Authority had neither processed his application nor had passed any Order either granting him the permission or refusing the said application.

The Board took note of the submission made by both the parties and observed that the Respondent PDA had earlier decided on the application dtd. 17/6/2020 made by the Appellant by communicating the observations to the Appellant vide their letter dtd. 28/9/2020. It was observed that vide same letter dtd. 28/9/2020, the PDA had made it clear that on compliance of the observations, the Authority shall carry out the further scrutiny of the application, for which purpose the application shall be treated afresh.

The Board further observed that the proposal dtd. 25/11/2020, received from the appellant was discussed by the Authority in its meeting held on 14/12/2021 and was refused/rejected by citing the reasons.

The Board observed that since the application stands disposed off by the Respondent Authority, the issues raised in the appeal stands settled.

The Board further observed that the appellant did not clarified satisfactorily the technical observations raised by the Authority and hence was his application rejected. Since no arguments were made on the planning issues/technical observations raised by the Respondent, the Board did not go further into it.

Since the PDA vide its Order dtd. 16/5/2022 had already disposed off the application of the Appellant, the Board did not find any further reason to allow the appeal and hence dismissed the same.

Item No. 4: 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)

Member Secretary informed that 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 and further informed that 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 Board was then informed that the Appellant has 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.

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

During the present hearing, the Appellant was present however he requested for adjournment of the matter citing the reason that his Advocate could not remain present for the hearing as he was pre-occupied in some other court matter. Whereas, the Respondent PDA was represented by Adv. Saish Mahambare and Res. No. 2 was represented by Mrs. Leena Fernandes.

Since the appellant pleaded for adjournment, the same was considered by the Board making it very clear to all the parties that the matter shall be taken up for final hearing during the next meeting of the Board and shall be decided ex-parte in case any of the parties fail to attend the same.

Member Secretary was accordingly directed to issue notices to both the parties.

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.

Member Secretary informed that 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 off 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.

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

During the present hearing, Adv. Abhay Nachinolkar appeared for the petitioner and whereas Respondent No. 2 i.e. North Goa PDA was represented by Adv. Saish Mahambare. Shri Rasiklal Gangani was also present alongwith Adv. Rohit Bras De Sa.

Adv. Rohit Bras De Sa appearing for the Respondent No. 3 impressed upon the Board that the construction has been carried out in violation of the ODP provision as regards to the road widening area and setbacks required and is in deviation with the Development Permission granted for re-construction of existing building.

Appellant however stated that the construction has been carried out on the existing plinth itself and as such there is no violation of setbacks etc.

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

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

Member Secretary was accordingly directed to place the matter before the Board once the report is received.

Item No. 6: Status report on the objections received for Outline Development Plan for Calangute-Candolim Planning Area – 2025, Arpora-Nagoa-Parra Planning Area – 2030 and Vasco-da-Gama Planning Area-2030.

Member Secretary informed that the Government vide Notification No. 47/5/TCP/2022-23/1025 dtd. 27/4/2022 published in the Official Gazette, Series II No. 4 dated 28/04/2022 had suspended following ODPs for a period of 60 days:

1. Outline Development Plan for Calangute-Candolim Planning Area – 2025
2. Outline Development Plan for Arpora-Nagoa-Parra Planning Area – 2030
3. Outline Development Plan – 2030 for Vasco-da-Gama Planning Area

It was further informed that the TCP Board in its 180th (Adj.) meeting held on 17/06/2022 had decided to extend suspension period of these ODPs by another 30 days and had also decided to extend the period for submission of report by the Committee by 30 days. The finding of the Committee were then placed before the Board in its 180th (Adj.) meeting held on 17/06/2022.

The report prepared in this regard was placed before the Board in its 182nd meeting held on 01/08/2022 and was considered by the Board, with direction to submit the same to the Government. It was also decided by the Board that changes suggested in ODPs of Calangute-Candolim, Arpora-Nagoa-Parra and Vasco shall be notified for 60 days for inviting comments from general public/those affected.

Accordingly, Notification No. 47/5/TCP/2022-23/2012 dtd. 12/08/2022 was published in the Official Gazette, Series II No. 19 dated 12/08/2022 for inviting objections/suggestions from the public within sixty days.

Member Secretary informed that several objections/suggestions are received in response to the Notification dated 12/08/2022 issued. Member Secretary also brought to the notice of the Board that there are several other objections/ suggestions received in relation to ODPs of Calangute-Candolim, Arpora-Nagoa-Parra and Vasco which are received either before the date of notification or are received after the expiry of period mentioned in the Notification. The Board deliberated on this issue and it was decided that only those objections/suggestions need to be considered which are received within the period specified in the Notification dated 12/08/2022.

Member Secretary further informed that in 184th meeting of the TCP Board held on 15/9/2022, a sub-committee comprising of Ms. Vertika Dagur, Senior Town Planner (HQ) and Members Shri Rajeev M. Sukhthanker and Shri Paresh Gaitonde was constituted to scrutinize the objections/suggestions and to submit their findings to the Chief Town Planner (Planning), for onward placing of the same before the Board for necessary consideration.

The findings and the report of sub-committee alongwith the ODPs of Calangute-Candolim, Arpora-Nagoa-Parra and Vasco was deliberated and examined in detail by the Board on the basis of justification provided for the same and the decisions accordingly were arrived to finalise the same ODPs with the approval of Government.

Member Secretary was accordingly directed to submit the ODPs to the Government for necessary approval by affecting necessary alterations and modifications as suggested for final notifications.

Item No. 7: Preparation of Zoning Plan.

The Member Secretary informed that the Board in its 183rd meeting held on 11/08/2022 has decided to prepare Zoning Plans for Pernem Taluka and Kadamba Plateau.

The preliminary work for the preparation of above Zoning Plans has already started and necessary data is being collected from the concerned Authorities and it was further informed that the data from several Departments such as Directorate of Settlement & Land Records, Electricity Department, Sewerage & Infrastructure Development Corporation of Goa Ltd., Education Department and Directorate of Industries, Trade & Commerce is received and is being studied.

Further, the Board deliberated and decided that Zoning Plans will also be prepared for the following areas on international lines, as these are developing areas:

1. Sattari Taluka
2. Bicholim Taluka
3. Assagao
4. Nerul

5. Reis Magos
6. Camurlim
7. Anjuna
8. Siolim
9. Usgao

Item No. 8: Empanelment of consultants for preparation of GIS based ODPs and Zoning Plans.

The Member Secretary informed the Town and Country Planning Department on behalf of the Government of Goa had invited expressions of interest for the empanelment of Consultants/ Special Functions Agency for the Preparation of GIS-based Outline Development Plans and related urban and regional planning works in Goa including Survey work/ Preparation of GIS based Maps.

The Notice for the above works was published in 2 local newspapers and one national paper. The Notice was published on 27th July 2022 and the last day for submission of an Expression of Interest was 5th September 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:

Sr. No.	Name of the Company
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 constulting 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

A scrutiny is carried out by the Department to shortlist the companies on the following criteria:

1. The company had to be registered under the Indian Companies Act 1956 or the entity is a Partnership Firm under the Indian Partnership Act 1932.

2. Companies had to have experience in a minimum of 5 projects related to GIS Survey Work based Outline Development Plans (landuse plan)/ Master Plan/ Regional Plan including Survey work/ GIS based Map preparation with a minimum Area Coverage of 250 hectares. And draft plans of atleast 3 of the 5 projects had to be submitted and approved by the concerned authorities.

3. The average annual Turnover of the consultant firm from the consultancy of the preparation of ODP including survey work/ preparation of GIS base maps in last 3 financial years has to be a minimum 2 Cr.

4. The team Leader of the firm for the Tasks must be Town Planner/ Urban and Regional Planner with minimum 10 years of experience either in the Public Sector in the field of urban planning having experience of heading and working in Government/Semi-Government/Local Body Organizations/ Private Organizations handling the Task of preparing Outline Development Plans or Master Plans

Based on the above scrutiny, following 10 companies are shortlisted for considering their applications for further process:

Sr.No.	**Name of the Company**	**Location**
1.	Voyants Solutions Private Limited	Gurugram Haryana
2.	Kanwar Surjit Singh Institute of Spatial Planning and Environment Research (KSSISPER)	Harayana
3.	Sky Group	Bangalore
4.	SAI Consulting Engineers Pvt. Ltd.	Ahmedabad Gujarat
5.	Egis India consulting Engineers Pvt. Ltd.	New Delhi

6.	Almondz Global Infra Consultant Limited (AGICL)	New Delhi
7.	Rudrabhishek Enterprises Limited	New Delhi
8.	M/s. NeoGeoinfo Technology Pvt. Ltd.	Gurugram Haryana
9.	AECOM India Private Limited	Gurugram Haryana
10.	Ecometrix Consultants Private Limited	Bhuvaneshwar

Board deliberated and decided to empanel the 1st five Companies of the above list i.e. as under:

Sr.No.	**Name of the Company**	**Location**
1.	Voyants Solutions Private Limited	Gurugram Haryana
2.	Kanwar Surjit Singh Institute of Spatial Planning and Environment Research (KSSISPER)	Harayana
3.	Sky Group	Bangalore
4.	SAI Consulting Engineers Pvt. Ltd.	Ahmedabad Gujarat
5.	Egis India consulting Engineers Pvt. Ltd.	New Delhi

Board directed Member Secretary to start the process for appointments of consultants among the short listed firms.

Item No. 9: Draft Goa Land Development & Building Construction (Amendment) Regulations, 2022 notified vide Notification No. 21/1/TCP(A)/2021/Steering Committee/1377 dated 29/08/2022.

Member Secretary informed that the Department had initiated process of undertaking several amendments to the Goa Land Development and Building Construction Regulations, 2010 on the basis of request made in the past by several institutions and also on the basis of the decisions taken in the TCP Board meeting and the same i.e. “The Goa Land Development and Building Construction (Amendment) Regulations, 2010” were notified for seeking objections/suggestions from general public, within 30 days, vide Extraordinary Official Gazette No. 2 Series I, No. 21 dated 29/08/2022.

He also informed that during the notice period, the Department had received several objections/suggestions from general public as well as from Village Panchayats, etc.

Considering the objections received from various sections of society, it is decided by the Government to withdraw the Extraordinary Notification pertaining to the draft Amendments and it is also decided that a Committee shall be formed to discuss and examine further the proposals contained in the draft Notification dtd. 29/08/2022.

Board deliberated and it was decided that the coverage and FAR for farm house shall be revised from 30% to 10% respectively, subject to the maximum built up are of farm house restricted to 500 sq mts as per existing regulations.

During the discussion Chairman appraised the members of the Board that expert committee is constituted comprising of the following members:

1. Mr. Vinayak Bharne (Chairman)
2. Ms. Swati Salgaonkar (Vice Chairman)
3. Mr. Rajesh Naik, Chief Town Planner-Planning (Member Secretary)
4. Ms. Vertika Dagur, Senior Town Planner & Additional Charge of Chief Town Planner-Land Use (Member)

Chairman also informed the members that four other experts will be nominated to be a part of the above Committee.

Member Secretary informed that the proposal for nominating additional four members is already submitted to the Government.

Item No. 10: Request to grant approval to re-notify the draft ODP-2031 of Panaji Planning Area and extension of time limit.

The Member Secretary informed that North Goa PDA, vide Notification No. 36/1/TCP/447/2022/2344 dtd. 14/9/2022 published in Official Gazette Series II No. 25 dtd. 22/9/2022 was directed to prepare the Outline Development Plan for Panaji Planning Area as per the earlier direction of the Government conveyed vide Order dtd. 36/1/TCP/323/2018/2630 dtd. 28/12/2018.

Member Secretary, North Goa PDA vide note dtd. 4/10/2022 has now informed that the Authority in its 84th meeting held on 26/9/2022 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 Panaji Planning Area as per the relevant provisions of TCP Act and has therefore requested the TCP Department for consideration of extension of time.

The Board considered the reasons for delay and accordingly it was decided to grant extension of one more month for preparation of ODPs for Panaji Planning Area by the NGPDA.

After detailed discussion Board decided to extend the time another one month for preparation of draft ODP for Panaji Planning Area.

Item No. 11: Any other items with permission of the Chair.

Regarding withdrawal of Calangute-Candolim Planning Area and Arpora-Nagao-Parra Planning Area.

Member Secretary informed that as per Section 18 of the TCP Act, 1974, the Government has declared various Planning Areas from time to time and has subsequently constituted different Planning & Development Authorities as provided under Section 20 of the TCP Act, to have jurisdiction over these Planning Areas.

It was informed that the Government vide Notification No. 28/11/TCP/2018/293 dtd. 14/2/2018 had constituted North Goa Planning & Development Authority having following Planning Areas under its jurisdiction:

i. Panaji Planning Area
ii. Mapusa Planning Area
iii. Calangute-Candolim Planning Area
iv. Arpora-Nagao-Parra Planning Area

It was further informed that Government has earlier constituted Calangute-Candolim Planning Area vide Notification No. 4-5-2-84-UDD/Pt/TCP/15-60 dtd. 8/1/2015 published in Official Gazette Series II No. 42 dtd. 15/1/2015 and had also

constituted Arpora-Nagao-Parra Planning Area vide Notification No. 28/10/TCP/2018/163 dtd. 24/1/2018 published in Official Gazette Series III No. 43 dtd. 25/1/2018.

Board took the note of various issues involved and in larger public interest, decided to recommend withdrawal of Calangute-Candolim Planning Area and Arpora-Nagao-Parra Planning Area from the operation of the TCP Act as provided under Section 19 of the same Act.

It was further recommended that the withdrawal of these Planning Areas shall be done only after the ODPs of these Planning Areas are finalised, for which the process is already undertaken.

It was decided that the recommendation of the Board shall be forwarded to the Government for further necessary decision in this regard.

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

Meeting ended with thanks to the Chair.