

**MINUTES OF 186<sup>th</sup> MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 25/11/2022 AT 3.00 P.M. IN THE CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI - GOA.**

The following attended the meeting:

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|-----|--|-----|-----------------|
| 1.  | Shri. Vishwajit P. Rane,<br>Hon. Minister for TCP                                    | ... | Chairman        |
| 2.  | Smt. Deviya V. Rane,<br>Hon'ble MLA  | ... | Member          |
| 3.  | Shri Rajesh Faldessai,<br>Hon'ble MLA  | ... | Member          |
| 4.  | Shri Keshav Kumar,<br>Chief Conservator of Forest.                                   | ... | Member          |
| 5.  | Shri Satyavan K. Dessai,<br>Agriculture Officer,<br>Directorate of Agriculture.      | ... | Member          |
| 6.  | Dr. Raj Naik,<br>Directorate of Health Services.                                     | ... | Member          |
| 7.  | Pradeep L. Gaude,<br>SW, C.I. II, PWD.   | ... | Member          |
| 8.  | Smt. Megha S. Kerkar,<br>Supdt. of Fisheries.  | ... | Member          |
| 9.  | Shri Sanjeev Srivastav,<br>Captain India Navy,<br>HQ Goa Naval Area,<br>SSO (Works). | ... | Member          |
| 10. | Shri Paresh Gaitonde   | ... | Member          |
| 11. | Arch. Rajeev M. Sukhthanker  | ... | Member          |
| 12. | Shri Ralph De Souza,<br>President GCCI (Representative)                              | ... | Member          |
| 13. | Shri Nilesh Salkar,<br>CREDAI – Goa.   | ... | Member          |
| 14. | Shri Gajanan Karkare,<br>Representative of IEI                                       | ... | Special Invitee |
| 15. | Shri Avez Shaikh,<br>Representative of CREDAI.                                       | ... | Special Invitee |

- |   |     |                  |
|---|-----|------------------|
| 16. Smt. Snehalata Pednekar,<br>Nominee ITPI, Goa Chapter   | ... | Special Invitee  |
| 17. Shri Amit Sukhthankar,<br>IIA, Goa.                     | ... | Special Invitee  |
| 18. Shri. Rajesh J. Naik,<br>Chief Town Planner (Planning). | ... | Member Secretary |

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

Member Secretary informed that Minutes of 185<sup>th</sup> meeting of TCP Board held on 14/10/2022 were prepared and placed the same before the Board for confirmation. While briefing on the same, Member Secretary informed that in 185<sup>th</sup> meeting, while discussing on item No. 7, it was decided that Zoning Plans for Reis-Magos, Moira and Colvale villages shall also be prepared and that mention of the same is inadvertently missed in the Minutes prepared.

The Board acknowledged the same and accordingly Minutes of item No. 7 were confirmed with inclusion of Reis Magos, Moira and Colvale village for preparation of Zoning Plan.

Item No. 7 shall therefore be read as

***“Item No. 7: Preparation of Zoning Plan.***

*The Member Secretary informed that the Board in its 183<sup>rd</sup> 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. | <i>Sattari Taluka</i>  | 7.  | <i>Siolim</i>     |
| 2. | <i>Bicholim Taluka</i> | 8.  | <i>Usgao</i>      |
| 3. | <i>Assagao</i>         | 9.  | <i>Reis-Magos</i> |
| 4. | <i>Nerul</i>           | 10. | <i>Moirra</i>     |
| 5. | <i>Camurlim</i>        | 11. | <i>Colvale</i>    |
| 6. | <i>Anjuna</i>          |     |                   |

Further, while discussing on the minutes, it was also decided that detail deliberations held in 185<sup>th</sup> meeting on item No. 10 shall also be reflected in the minutes. Considering the same, item No. 10 shall be read as

***“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 84<sup>th</sup> 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 deliberated the issue and noticed that if the NGPDA comply with the directions issued vide Government Order dated 14/09/2022, then the PDA has to first prepare Landuse Map and Landuse Register u/s 26 & 27 of Goa Town and Country Planning Act and thereafter start process of preparation of ODP for Panaji Planning Area afresh, as it has to comply with provisions of section 29, 30 and 34 to 37 of the TCP Act. Consequently, there will be delay in finalization of ODP of Panaji – 2031.*

*Board took into consideration the fact that the GPPDA has already prepared Land Use Map and Land Use Register of Panaji Planning Area and that the draft ODP of Panaji 2031 was prepared and notified for objections/suggestions*

*under Section 35 of TCP Act. The Board therefore decided to give extension of 30 days time to re-notify the draft Panaji ODP-2031 u/s 35 of TCP Act, which was earlier notified for objections/suggestion vide Notification dtd. 28/10/2021).*

*Member Secretary TCP Board were directed to do the needful.”*

While discussing on item No. 11 of the 185<sup>th</sup> meeting, it was also decided that once Calangute, Candolim, Arpora, Nagoa & Parra villages are withdrawn from the Planning Areas, the TCP Dept., shall follow the finally notified ODPs for these areas i.e. Outline Development Plan for Calangute-Candolim Planning Area – 2025 and Outline Development Plan for Arpora-Nagoa-Parra Planning Area – 2030 for scrutinizing/issuing the Technical Clearances for construction, revision, re-construction, sub-division of land, zoning, conversion, etc., related to these villages, the mention of which, was however missed in the minutes. The same was acknowledged and accordingly it was decided that minutes of item No. 11 shall be read as

***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 also decided that once Calangute, Candolim, Arpora, Nagoa & Parra villages are withdrawn from the planning Areas, the TCP Dept., shall follow the finally notified ODPs for these areas i.e. Outline Development Plan for Calangute-Candolim Planning Area – 2025 and Outline Development Plan for Arpora-Nagoa-Parra Planning Area – 2030 for scrutinizing/issuing the Technical Clearances for construction, revision, re-construction, sub-division of land, zoning, conversion, etc., related to these villages.*

*Member Secretary was accordingly instructed to immediately issue Circular in this regard informing the concerned offices of the above, once the notification regarding withdrawal of Planning Areas is issued.*

With corrections/ changes in item No. 7, item No. 10 and item No. 11 as above, the Board confirmed 185<sup>th</sup> Minutes of TCP Board held on 14/10/2022.

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

The 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 180<sup>th</sup> 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 150m<sup>2</sup> which is now in exclusive possession of Appellant.*

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

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

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

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

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

*Member Secretary informed that the matter came up for hearing in the 179<sup>th</sup> 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”.*

It was then informed that Smt. Sandhya Korgaonkar had 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 Appellant 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 Appellant also had unfettered right to the said property.

It is further submitted by the Appellant 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 Appellant that there was no power to revoke the permissions without hearing her, that too in the manner done and further no power to direct demolition.

The Appellant has further stated as under:

1. The Respondent No. 1 has passed orders without hearing the petitioner and only after hearing the Respondent.
2. The submissions of the Respondent NGPDA have also not been recorded in the said order of the Respondent No. 1.
3. The alleged facts placed before the Respondent No. 1 by the NGPDA have also not been mentioned in the order.

4. There is absolutely no reasoning given for passing orders against the Petitioner and it appears as though the intention has been to penalize the petitioner for missing that one hearing before the Respondent No. 1.

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

Member Secretary then informed that the matter was again discussed in 185<sup>th</sup> meeting of TCP Board held on 14/10/2022 and the issues raised were deliberated and the Board was of the opinion that points raised by the Appellant before the Hon'ble High Court need to be considered and accordingly it was decided to withdraw the Order dtd. 21/7/2022 passed earlier by the Board and it was further decided that the appeal shall be heard again to give opportunity to the parties to give their say in the matter and accordingly Member Secretary was directed to immediately communicate the decision of the Board to the Advocate appearing in the matter such that Hon'ble High Court could be informed of this decision of the Board.

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

Member Secretary then informed that notices were accordingly issued to the parties to remain present for the present hearing.

During the hearing, Appellant Smt. Sandhya Korgaonkar remained present in person whereas Respondent PDA was represented by Adv. Hanumant Naik, however Appellant Smt. Sandhya Korgaonkar requested for adjournment of the matter, citing the reason that her Advocate on record could not remain present to place her matter before the Board and the request was considered by the Board. The matter was accordingly adjourned by making the parties aware that next hearing shall be their last and final opportunity to give their say.



**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)**

Member Secretary informed that the Appellants are aggrieved by the final notice issued under Section 52 of Town & Country Planning Act, 1974 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 appeal, are as under:

- 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 he has constructed illegally a concrete room built at the front and back end of the flat at the ground level.
- 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.
- 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 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.

Member Secretary informed that the matter was earlier placed before 184<sup>th</sup> meeting of TCP Board held on 15/09/2022, during which Appellant was absent and whereas Respondent PDA was represented by Adv. Saish Mahambare and the Board had therefore 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.

It was further informed that the matter was once again taken up in 185<sup>th</sup> meeting of TCP Board held on 14/10/2022 and the Appellant had again requested for adjournment of the matter and the same was considered by the Board by making it very clear to all the parties that the matter shall be taken up for final hearing during the next meeting of the Board and shall be decided ex-parte in case any of the parties failed to attend the hearing.

During the present hearing, Adv. Abhay Nachinolkar appeared on behalf of the Appellant, whereas Respondent PDA was represented by Adv. Saish Mahambare.

While referring to the unauthorised development, Appellant stated that he has not undertaken any new construction as alleged and whereas the portion referred to as unauthorised construction, is actually existing for more than 30 years and that he is the occupant of the flat only from the year 2003 onwards.

Appellant further stated that he has undertaken only the re-plastering of the walls and water proofed the same as it required immediate maintenance. The Appellant reiterated that no inspection of the premises was ever carried out by the Respondent No. 1. Further, the Appellant stated that Respondent No. 1 had issued the final notice even without considering his reply and therefore requested for quashing and setting aside of the same.

While arguing on behalf of the Respondent, Adv. Saish Mahambare informed that the site was actually inspected by the officials of the Authority on 16/5/2022 at 4.00 p.m. and they had noticed that additional construction of RCC frame structure has been carried out on ground floor as an extension to the existing building which covered an additional area of about 31.00 sq.mts. and the same was resulting into increase in coverage and FAR.

Respondent further stated that the Appellant has failed in producing any such documents/ approvals or any NOC from any Competent Authority to prove that the extension carried out was validly undertaken by obtaining necessary permissions, etc.

Respondent further stated that since no proper documentation was placed on record to prove the legality of the extension carried out, the Authority had felt it proper to issue the final notice.

The Board considered the arguments placed before it and was satisfied that extension to the existing building is carried out and which forms the part of the ground floor flat.

The Board noted that no satisfactory answer could be given by the Appellant regarding legality of the construction carried out. The Board observed further that the extension carried out certainly consumed additional FAR and coverage and hence the Appellant should have either approached the Authority to regularise the same, if at all the same was permissible under the regulations, which, the Appellant has not chosen to do.

It was also noted that the final notice did not refer to the entire residential flat but clearly mentioned about the extended portion only admeasuring 31.00 m<sup>2</sup>, of which, no approved plans were placed on record.

The Board therefore dismissed the appeal.

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

The Member Secretary informed that the Appellant had challenged the Order dated 19/08/2022 passed by the Respondent No. 1 wherein the Appellant is directed to remove alleged illegal construction carried in violation of the Development Permission granted vide Order No. GPPDA/637/PNJ/650/2021 dated 06/10/2021.

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. Therefore, in view of this development, the Appellant has also arrayed North Goa Planning and Development Authority as party Respondent to the present Appeal, as Respondent No. 2 now will be necessary party to the Appeal.

The Appellant states that he and his other family members are owners of the properties under Chalta Nos. 32, 33, 34 of P. T. Sheet No. 60 of Panaji Goa and 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 reached the stage of Ground plus First floor, the Respondent No. 3, who otherwise is 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 setback.

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 observations 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 before the Respondent No. 1, indicating certain internal deviations, which had happened during construction, which however were 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 was 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 this 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 him 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 him, it was mentioned as the application is 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 placed before 184<sup>th</sup> 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 same was considered by the Board and hence the matter was adjourned.

Board was further informed that the matter was again heard in 185<sup>th</sup> meeting of TCP Board held on 14/10/2022, during which Adv. Rohit Bras De Sa appearing for the Respondent No. 3 impressed upon the Board that the construction has been carried out in violation of the ODP provision as far as road widening area is concerned and required setbacks are not mentioned and therefore the construction carried out is in deviation with the Development Permission granted for reconstruction of existing building. Appellant however stated that the construction has been carried out on the existing plinth itself and as such there is no violation of setbacks, etc.

After hearing the parties, the Board in 185<sup>th</sup> meeting held on 14/10/2022 had decided that the site inspection shall be carried out by the Senior Town Planner Ms. Vertika Dagur, holding addl. charge of Chief Town Planner (Land Use), alongwith the Appellant and Respondent No. 3 to verify the setbacks and the report shall be submitted by her to the Board and the matter was accordingly adjourned with directions to the parties to remain present for the site inspection as and when the same is fixed by Chief Town Planner (LU).

For the present hearing, Adv. Abhay Nachinolkar appeared for Appellant, whereas Adv. Saish Mahambare represented the Respondent and Adv. Rohit Bras De Sa appeared for the complainant.

Member Secretary informed that as decided in the earlier meeting, Senior Town Planner Ms. Vertika Dagur holding addl. charge of Chief Town Planner (Landuse) carried out the inspection on 23/11/2022 alongwith the parties and placed before the Board the report as prepared.

While arguing on the matter, Adv. Rohit Bras De Sa contended that the findings of the inspection itself reveals that the setbacks as required are not maintained by the Appellant. While contending the same, the Appellant stated that his application pending before the Respondent, is itself for consideration of the deviations carried out and hence the consideration of the same plan by the Respondent shall settle the issues emerging out of the construction undertaken.

Considering the arguments placed before it by the Appellant, Respondent and the complainant, the Board observed that the Appellant had requested Respondent No. 1 to consider his application dtd. 28/3/2022 for approval of revised plan, which however is still not considered by Respondent No. 1.

The Board also took into consideration the arguments placed before it by the Appellant stating that Respondent No. 1 was fully aware that the Appellant has submitted the revised plan on 28/3/2022 and whereas the Show Cause Notice was issued much thereafter without deciding on the application for revision.

The Board took into consideration that the Show Cause Notice was issued after about 2 months of applicant filing the application for consideration of the revised plan.

The Board also considered the letter dtd. 5/11/2021 of Er. Saiprasad S. Sakhalkar, which has brought out the fact that the wall of the house collapsed while renovating the structure.

The Board therefore felt it appropriate that the Respondent No. 1 shall first decide on the application for the revision before taking any action on the development carried out.

The Board while considering the inspection report, existence of the house and peculiar site condition, also directed that the Respondent PDA shall, while deciding on the revision application, consider whether any relaxations can be granted as far as setbacks are concerned, as requested by the Appellant during the course of hearing.

The appeal therefore was allowed with direction to the Respondent PDA to decide on the application submitted by the Appellant for consideration of revised plan and accordingly set aside the final notice issued by the Respondent No. 1.

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

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

It was further informed that Respondent PDA had granted permission for compound wall under Section 44 of the T.C.P Act, 1974 vide ref. No. SGPDA/P/6403/1469/22-23 dated 15.03.2021 for construction of a compound wall around property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.

The Appellant states that in order to construct the compound wall, he had submitted construction plan to the South Goa Planning & Development Authority - Margao and the Respondent after perusing the documents and after conducting the site inspection noticed that the said plot is a vacant plot and is affected by 6 meters wide road as per the ODP-2028 on the western side and one more road to eastern side. And whereas, the Appellant in his plan for compound wall had shown 6 meters tarred road on the eastern side, which physically connects the said plot surveyed under Chalta No. 60 of P.T. Sheet No. 14.

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

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

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

The Appellant states that based on the complaint lodged by one Mrs. Caetana Barreto and others, another site inspection was conducted on 18-02-2022 and the Member Secretary of South Goa Planning & Development Authority

thereafter issued show cause notice dated 20/05/2022 and Corrigendum dated 24/05/2022 to him and upon receiving the above notice, he replied to the same.

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

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

The appeal memo refers to the following grounds:

- 1) The impugned order issued by the SGPDA is arbitrary, perverse illegal and without any proper reasoning.
- 2) The Respondent failed to appreciate the fact that there is an injunction order of the Civil Judge Junior Division in R.C.S.No.197/2021/H which is operating against the mundkars of the adjoining plot restraining them from interfering with the Appellant.
- 3) The Respondent even after conducting the site inspection failed to appreciate the existence of 6 meters wide tarred road on eastern side of the property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.
- 4) The Respondent failed to appreciate the fact that there is 6 meters wide proposed road as per the ODP-2028 on the western side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City.
- 5) The Respondent failed to appreciate the fact that the road connecting on the eastern side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City is 6 meters tarred road and is a public road tarred with public funds and underneath there is sewerage pipeline.
- 6) The Respondent has failed to verify their own records in order to appreciate the fact that the Respondent themselves have carried out site inspection and approved the plans submitted by the Appellant therefore the impugned order issued against the Appellant is perverse to their own acts.
- 7) The Respondent has conducted site inspection and the existence of the road on the eastern side of the property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City is admitted in their records therefore the Respondent has

drastically committed an error in holding that on the eastern side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City lies private property of the complainant.

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

The Appellant has therefore prayed for the following:

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

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

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

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

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

pertaining to availability of 6.00 mts. road shown towards eastern side of his property and that the same is also not reflected in ODP – 2021.

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

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

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

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

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

The Appellant states that in order to construct the compound wall he had submitted the construction plan to the South Goa Planning & Development Authority the Margao and the Respondent after perusing the documents and after conducting the site inspection noticed that the said plot is a vacant plot and is affected by 6 meters wide road as per the ODP-2028 on the western side and one more road to eastern side. And whereas, the Appellant in his plan for compound wall had shown 6 meters wide tarred road on the eastern side, which physically connects the said plot surveyed under Chalta No. 61 of P.T. Sheet No. 14.

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

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

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

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

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

Appellant states that he has given all the clarifications required by the Respondent wherein he informed the Respondent about the approved plan and the construction license, which were issued after perusing the documents and conducting site inspection. The Appellant further states that he informed the Respondent that the complainant, who have complained are trying to harass him without any basis however the Respondent has failed to lend its ears to the contentions put forth by him and proceeded to issue Revocation Order.

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

The appeal memo refers to the following grounds:

- 1) The impugned order issued by the SGPDA is arbitrary, perverse illegal and without any proper reasoning.



- 2) The Respondent failed to appreciate the fact that there is an injunction order of the Civil Court passed in R.C.S.No.197/2021/H which is operating against the said mundkars retraining them from interfering with the Appellant.
- 3) The Respondent failed to appreciate the fact that after discussion with the member secretary the eastern side road as shown on the plan was proposed road in case of any future development and not an existing 6 meters wide road. Therefore the Appellant was directed to maintain 3 meters setback from the centre point of the said road.
- 4) The Respondent failed to appreciate the fact that the road existing on the eastern side of property bearing Chalta No. 61 P.T. Sheet No. 14 Margao City is a public road tarred with public funds and underneath there is sewerage pipeline.
- 5) The Respondent has failed to verify their own records in order to appreciate the fact that the Respondent themselves have carried out site inspection and approved the plans submitted by the Appellant therefore the impugned order issued against the Appellant is perverse to their own acts.
- 6) That the plans that were approved by the Respondent were after perusing the documents, conducting site inspection and after discussion with the member secretary therefore in case of any objections the Respondent should have directed the Appellant to revise the approved plans. Therefore straight away passing the impugned order of revocation is arbitrary and bad in law.

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

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

The Appellant therefore has prayed for the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Appellant has therefore prayed for the following:

- a) That this Hon'ble Board be pleased to call for record and proceedings in impugned order dated 05/05/2022 bearing No. MPDA/9-C-68/2022-23/197 and after perusing the same may be quashed and set aside.
- b) Pending hearing and final disposal of this appeal, operation of the impugned notice be stayed.

During the hearing, the Appellant was represented by Adv. Naveen Sharma whereas Mormugao PDA was represented by Adv. R. S. Banerjee.

The Appellant stated that the Respondent has not looked into the plans submitted by him for the approval and also has not perused the documents placed on record by him. He further stated that the Respondent has failed to consider that the Authority had already issued the Development Permission to sub divide the plot and that he has already executed the sale deed which is the registered document now, which establishes his ownership right over the plot under reference and therefore the Respondent is bound to grant him the Development Permission irrespective of final Development Permission for the sub-division layout.

The Appellant further stated that even if he desires to do so, he has no right to apply for final Development Permission as an individual and therefore requested that his application reconsidered for grant of Development Permission, as he has completed the process of law to own the plot.

While arguing on behalf of the Authority, Adv. Naveen Sharma stated that the Authority has denied the permission as the plot under reference is not part of the finally approved sub-division.

During the hearing, Member Secretary informed that an application in the similar matter and for similar reason was earlier rejected by the Respondent in the same property and the appeal in this regard filed before the Board was allowed by giving directions to the Respondent to consider the application for grant of permission.

The Board deliberated on the matter and considering the grounds cited in the appeal and the issues referred, decided to allow the appeal as was done in the past in 181<sup>st</sup> meeting of TCP Board held on 4/7/2022, as it was clear that in any case, no final sub-division approval could be obtained by the Developer as he is no longer living. The Board also considered that the plot already stands transferred in the name of the Appellant.

The Board therefore set aside the refusal order dtd. 5/5/2022 issued by the Mormugao PDA.

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

The Member Secretary informed that the North Goa Planning & Development Authority (NGPDA) was in receipt of an application dated 04-11-2022 from Mr. Harish Rajani and his wife for regularization of the additional 7<sup>th</sup> & 8<sup>th</sup> floors and terrace to the existing building constructed in the property bearing Chalta Nos. 271-A, 272 to 289 and 290-A of the P.T. Sheet No.36 of Panaji City.

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

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

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

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

Member Secretary further informed that in the meantime, P.I.L Writ Petition No.10/2019 came to be filed before the Hon'ble High Court as also Writ Petition No.10/2019 and an affidavit dated 09-09-2019 came to be filed on behalf of NGPDA. Subsequently, the Hon'ble High Court in application filed by GPPDA passed "Order" dated 12-10-2020 in P.I.L Writ Petition No.10/2019 were in the Hon'ble High Court at para 6 has observed and directed as under:

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

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

Member Secretary then informed that the said rejection letter was then challenged by Mr. Harish Rajani and his wife before the Town and Country Planning Board on the ground that at the time of submission of the said application dated 14-01-2019, there was no such “Order” passed by the Hon’ble High Court to keep on hold ODP-2021, nor there was any Order passed by the Hon’ble High Court setting aside the operation of the ODP-2021 in case No.LD-VC-OCW-29-2020 or in the P.I.L Writ Petition No.10/2019 passed by the Hon’ble High Court and that the said appeal came for hearing in 183<sup>rd</sup> meeting held on 11-08-2022, the Board was pleased to pass an Order setting aside the rejection letter dated 04-08-2022 and allowing the appeal filed by Mr. Harish Rajani and his wife, wherein the Town and Country Planning Board observed that if the said application for revised plan was considered within the time by the GPPDA, the permission would have been granted and it is only on account of the delay caused by GPPDA in deciding the said application has resulted into the rejection of revised plan as applied by the applicants.

Further, based on receipt of the Order of the Board, NGPDA carried out the inspection and observed that the 7<sup>th</sup> & 8<sup>th</sup> floor is already constructed on the existing building and is ready for occupation which is admeasuring an area of approximately 912.77 m<sup>2</sup> on both the floors.

NGPDA has stated that the application submitted now by Mr. Harish Rajani and his wife under inward No.1212 dated 04-11-2022 is pursuant to the Order dated 29/09/2022 passed by the Town and Country Planning Board.

Member Secretary, NGPDA has stated that considering the fact that the revision plan at this stage may not be approved by the Authority and the Authority will only consider the application for regularization, as applied by the applicant Mr. Harish Rajani and his wife, vide their application dated 04-11-2022 has requested NGPDA to regularize the constructed additional 7<sup>th</sup> & 8<sup>th</sup> floor and terrace floor, wherein they have stated that in anticipation that the revised plan as submitted by them would be approved as the same were submitted as per regulations, they have proceeded with construction of the additional floors in the year 2019 and the same is done in terms of the plan submitted for approval to GPPDA vide their application dated 14/01/2019.

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

The Board deliberated at length on the issue of construction of 7<sup>th</sup> & 8<sup>th</sup> floor of the building vis-à-vis Order dated 12/10/2020, passed by the Hon'ble High Court. The Board also considered that construction is not new construction undertaken on plot of land but the applicants have constructed additional floors on the existing building which was earlier approved by the NGPDA for which the Completion Certificate/Occupancy Certificate also came to be issued. Therefore, the issue will be whether the Order passed by the Hon'ble High Court on 12-10-2020 will apply to the construction of additional floors which was undertaken prior to passing of the said Order. In the Order which has been passed by the Hon'ble High Court, the NGPDA has been restrained from granting any approvals based on ODP-2021; and therefore, the NGPDA certainly cannot process any applications or grant approvals to any new construction based on ODP-2021. Further, if the application was considered by the GPPDA and if the proposal was in accordance with Regulations, then the approval for revised plans would have been granted. In



any event subject matter of the application under consideration is additional floors and not the new construction. In such circumstances, considering the earlier decision as deliberated and passed in 183<sup>rd</sup> Meeting of the Board held on 11-08-2022, the Board directed the NGPDA to consider the application.

Member Secretary was accordingly directed to communicate the decision to the NGPDA for grant of Development Permission at their end.

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

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

As per Regional Plan for 2001, the property under reference is earmarked Partly as Settlement zone and Partly as Orchard zone and whereas, as per the Regional Plan 2021, the property is earmarked Partly as Natural Cover and Partly as No Development Slope and further GMS proposal is shown in Sy. No. 55/0. Village Siridao is classified as (VP-2) category.

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

1. Provisional Sub-division NOC was issued by Town & Country Planning Dept, Tiswadi Taluka Office vide order no. TIS/6319/SIR/09/TCP/1542 dtd 20/11/2009 (Copy is placed at C/246 to C/248).
2. Conversion Sanad Report issued by Town and Country Planning Dept., Tiswadi Office vide reference no. TIS/6319/SIR/TCP/10/1380 dtd 5/10/2010 of an area **25982.27m<sup>2</sup>** (copy is placed at C/290).

3. Conversion Sanad has been obtained by M/s Dempo Properties & Investments Pvt. Ltd. for Sy.No. 53/1, 54/0 & 55/0, Residential use vide No. RB/CNV/TIS/AC-II/04/2010 dtd. 27/11/2019 for an area admeasuring 22940.00 m2. (copy is placed at C/256 to C/260)

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

| Sr. No | Sy. No  | Area       |
|--------|---------|------------|
| 1      | 53/1(P) | 1785.00m2  |
| 2      | 54/1(P) | 12145.00m2 |
| 3      | 55/1(P) | 9010.00m2  |

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

Member Secretary informed that the area statement as submitted by the applicant is as under:

| Sr. No. | Particulars                                    | Detail s of Plot area |
|---------|--|-----------------------|
| 1.      | Area of plot                                   | 91125.00m2            |
| 2.      | Area under 10 mts. wide proposed RPG 2021 road | 4850.00 m2            |
| 3.      | Area under Orchard zone                        | 38985.00m2            |
| 4.      | Area under Settlement Zone                     | 47290.00m2            |
| 5.      | Area under road widening                       | Nil                   |

The Board was further informed about the details of provisional NOC of sub-division layout (Phase-I), as under:

|    |                             |             |
|----|-----------------------------|-------------|
| 1. | Area under Development      | 22940.00 m2 |
| 2. | Open space required 15 %    | 3441.00 m2  |
| 3. | Open space provided 15.01 % | 3445.00 m2  |
| 4. | Area under road and gutter  | 4021.00m2   |
| 5. | Area under plots            | 15474.00 m2 |

Member Secretary brought to the notice of the Board that in the above approval, an area of 17450.00 m2 was shown as “For future development - Phase II”.

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

It was further informed that the compliance was issued by the applicant vide his letter dated 17/11/2022, which stated as under:

1. The property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao to the extent of area admeasuring approximately 47,290m<sup>2</sup> was earmarked as Settlement (S2) in the Regional Plan 2001, Earlier they had obtained provisional NOC for the proposed sub-division permissions for the development vide letter bearing No. TIS/6319/SIR/09/TCP/1542 dtd 20/11/2009 Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao village.
2. Thereafter, the Office of Village Panchayat of Pale Siridao granted its Provisional NOC bearing No. VP/SP/529/2010-11 dtd. 02/9/2010.
3. However, on account of various difficulties, development of properties were kept on hold for many years and lately they have decided to develop the same in the year 2019, accordingly applied for various permissions for development.
4. Based on the prior commitment of the Government notifying the aforesaid property as Settlement, office of Collector North, granted Conversion Sanad vide letter bearing No. RB/CNV/TIS/AC-II/04/2010 dtd. 27/11/2019 wherein the property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) was converted for Residential use.
5. It is stated that after obtaining Conversion Sanad dtd. 27/11/2019, Renewal with revised proposal of sub-division was submitted to TCP Dept., vide letter dtd. 28/11/2019.
6. Further States that the TCP Dept., considering all the above available documentation on records granted Provisional NOC vide its letter No. TIS/6319/SIR/2020/616 dtd. 8/6/2020 for sub-division of plots at property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao.

7. In line with the said Prior Commitment of the Government, the Office of village Panchayat Siridao granted its Provisional Permission bearing No. VP/SP/Prov.NOC/2021+22/398 dtd 23/8/2021, for sub-division of land bearing No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao.
8. As per the said Prior Commitment of the Government the area admeasuring 22940m<sup>2</sup> was approved for the development in Phase-I and the balance area admeasuring 17450m<sup>2</sup> was approved for development in Phase-II.
9. Further, it is stated that, Conversion Sanad for phase-II having an area of 17450m<sup>2</sup> has also been applied and the Dy. Conservator of Forest vide letter No. 5/CNV/TIS-69/DCFN/TECH/2019-20/142 dtd. 30/6/2020 granted it NOC for the same. Moreover, the Office of Mamlatdar Tiswadi has also granted its report favourably for the Conversion applied by them.
10. It is also stated that they have duly complied with all the conditions of the said prior Commitment of the Government and have duly paid all the fees as and when they fell due.

The applicant has further stated that the TCP Dept. has erroneously failed to consider the said prior Commitment of the Government based on which all subsequent approvals has been granted and further stated that the content of letter dtd. 8/11/2022, mentioning the development of the property bearing Sy. No. 53/1(P), 54/0 (P) and 55/0(P) of village Siridao as falling partly in No development slope and partly falls in Natural Cover, is totally arbitrary and Contrary to the said Prior Commitment of the Government. The applicant has therefore requested for honouring the past commitment.

As seen from the details submitted, the area proposed for development of Phase-II, admeasuring 17450.00 m<sup>2</sup> is earmarked partly as Natural Cover and partly as Natural Cover with No Development Slope under Regional Plan - 2021 which however was earlier earmarked as Settlement zone under RP - 2001 and the same area of 17450.00 m<sup>2</sup> was therefore approved as "For future development - Phase II".

Member Secretary then informed that considering the reasoning as issued by the applicant for consideration of his application, Tiswadi Taluka Office has forwarded the representation made to the office of CTP (Planning) for necessary directions.

The Board deliberated on the issue and took into consideration the zoning provision as per RPG-2021 and the past commitment made by various authorities in terms of grant of Permissions/NOCs etc. The Board observed that the earlier sub-division was approved vide letter dated 20/11/2009 in which the area now proposed for development is termed as “Future Development Phase-II”.

The Board also took note that the subsequent revision was granted vide letter dated 08/06/2020.

Considering the extent of the development carried out and the reasoning given by the applicant for the proposed development of Phase-II, the Board found the merit in the representation made and therefore decided that the permission be granted to the applicant for the development proposed.

Member Secretary was accordingly directed to issue necessary instructions to the Tiswadi Taluka office for consideration of the application.

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

The Member Secretary informed that a representation of Ponda Citizen Group is received by the Department stating that they had submitted objections/suggestions on ODP – 2028/2031 to SGPDA on 11/11/2021 and have stated that nothing has been done regarding the same and it was further informed that the same objections/suggestions are now forwarded to the Hon’ble Minister for TCP for necessary consideration.

It was then informed that the representation of Ponda Citizen Group have cited several issues and have given suggestions pertaining to zoning, traffic and the environment, the details of which are as under:

**ZONING OBJECTIONS:**

1. Commercial component is over zoned. As per URDPFI 2014 guidelines, the commercial component recommended is 3% to 4%. ODP provides 40%. Random survey in the town shows that in the name of commercial zone high FAR is allowed and utilized for non-commercial premises for greedy developers and vested interests.

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

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

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

#### TRAFFIC SUGGESTIONS:

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

ENVIRONMENT:

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

The Board deliberated on the representation and found the substance in the suggestions made. The Board also considered that the SGPDA is in the process of preparation of draft ODP and this should be the appropriate time for the authority to look into the issues and the suggestions made by Ponda Citizen Group.

The Board therefore recommended that the representation shall be forwarded to the South Goa Planning & Development Authority to decide upon favourably.

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

The Member Secretary informed that the North Goa Planning & Development Authority has forwarded two proposals for enhancement of FAR and the details of which were given as under:

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

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

b) Application of ACES, Apex Computer and Engineering Services is forwarded by Member Secretary, North Goa PDA for enhancement of FAR in respect to plot No. 40, EDC, Patto Plaza, Panaji.

It is informed by Member Secretary North Goa PDA that as per ODP – 2011 of Panaji, the plot under reference is earmarked as Commercial C1 (SPC) with FAR of 250 and is accessible by 20.00 mts. wide road. It is further informed that as per draft ODP – 2021 of Panaji Planning Area, the plot is earmarked as Commercial C-1 (SPL) with FAR of 250.

The applicant has cited tremendous development and growth in business activities in Goa and especially Panaji. The applicant has therefore requested for increase in FAR to 400 as has been done in other instances in the same EDC, Patto Plaza area.

The Board considered the reasoning given in the representation regarding the request for change of zone and was of the view that the cases required special consideration.

Considering that the ODPs for respective areas are under preparation, the Board recommended that the representation as received shall be referred back to the North Goa PDA for consideration of change of zone as per the request made, during the preparation of ODPs concerning the respective properties under reference.

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

Ms. Vertika Dagur, Senior Town Planner (HQ) and holding additional charge of Chief Town Planner (Land Use) informed that TCP Department has received an application for NOC for regularization of filling of low lying area in property bearing Sy. No. 59/3A of Calangute situated at Candolim village.

It was informed that as per the Gazette Notification dated 01/04/2022, provision is made under Section 17-B of TCP Act for compounding of offense made in respect of land admeasuring more than 2000 sq. mts. on the recommendation of the Board for which, the approval of the Government is required to be obtained and it was further informed that the offence made under



Section 17B may be compounded under Section 125 of TCP Act, on payment of penalty as specified in the schedule subject to specific conditions.

Board was then informed that as per provisions of ODP of Candolim 2025, property under reference is earmarked as Settlement Zone and is admeasuring 7695.00 sq. mts. and the applicant has already obtained Conversion Sanad for residential purpose vide ref. No. 4/17/CNU/AC/III/2021/252 dated 22/02/2021, which however is only for an area of 2500 sq. mts. and that this area is beyond the CRZ line. It was also further informed that the application is made for compounding of filling of land for the total area of 7695 sq. mtr., as the filling has been undertaken in the entire area.

Considering that the matter pertains to filling up of land, the Board was of the opinion that more details are to be obtained pertaining to the extent of filling undertaken and NOCs required if any, from the related Department.

The Board therefore felt it appropriate to defer the matter for obtaining details as above.

The matter therefore stands deferred.

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

Member Secretary informed that the Show Cause Notice issued under ref. No. TPBZ/3184/RM/TCP-2022/5011 dtd. 06/09/2022 has been issued by office of Senior Town Planner (North) and a note in this regard has been forwarded by Senior Town Planner (North) to the office of Chief Town Planner (Planning).

Member Secretary further informed that the note mentions that proponent M/s Trinitas Estates LLP has carried out cutting and filling of land in Sy. No. 57/1 – L of Reis Magos Village, Bardez Taluka, thus attracting action under Section 17-A of TCP Act. The note further states that office of Senior Town Planner (North) has therefore issued Notice dtd. 06/9/2022, directing the party to show cause as regards to violation of Section 17-A of TCP Act.

It was informed that vide letter dated 13/09/2022, the proponent has submitted reply to the Show Cause Notice, wherein he has denied that any hill cutting or filling of land in the property referred however only maintenance

measures are taken. The reply further states that primarily during monsoons, on account of overgrowth, the company undertakes basic cutting and clearing works to get rid of the wild growth of shrubs and bushes and apart from the said activity, cutting of hill and filling of land is denied and has requested to withdraw the show cause notice issued.

Member Secretary informed that the following is placed on record by the office of Senior Town Planner (North):

1. Change of zone in respect of land under reference has been approved by the Govt. and same was conveyed by the Chief Town Planner vide letter No. 40/9/92-TCP/1412 dtd. 09/03/92.
2. Technical Clearance for construction of residential villa, club house and compound wall at Survey No. 57/1 of Reis Magos village was issued by North Goa District Office vide No. TPBZ/3184/RM/TCP-14/489 dtd. 13/2/2014.
3. Conversion Sanad was issued by the Additional Collector-II vide No. RB/CNV/BAR/107/2006 dtd. 23/10/09 at Sy.No. 57/1 (part) for an area admeasuring 9800.00 for residential purpose.
4. NOC for cutting and filling was issued vide letter No. TPBZ/3184/RM/TCP/14/3711 dt. 19/11/2014.
5. Technical Clearance Order was issued vide ref. No. TPBZ/3184/RM/TCP-22/427 dtd. 25/01/2022 for construction of Hotel Building, Swimming pool & Compound wall (Revised Plan) in Sy. No. 57/1 – L of Reis Magos Village, Bardez Taluka.

It is mentioned in the note that entire scheme and building layout is changed and revised, for which approval has been obtained vide Technical Clearance Order No. TPBZ/3184/RM/TCP-22/427 dt. 25/01/2022. It is however informed that the applicant has not obtained any revised NOC under Section 17A of TCP Act for cutting/filling, which is actually required, as the plans are revised now. It is further informed that as per the guidelines issued, it is required to obtain permission under Section 17A, at the time of obtaining Technical Clearance Order itself, which in the present case is not done. Since the scheme is revised vide approval dtd. 25/01/2022 and as 17-A permission for cutting/filling is not obtained, necessary action is now intended to be taken by North Goa District Office, Mapusa and the

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

Member Secretary informed that the matter is placed before the Board for necessary direction in this regard.

The Board deliberated in detail on the issues involved and noticed that although the revised plans has been approved, no further revised approval under Section 17A has been obtained, which is a must as there is deviation in the approved plan. The Board therefore directed that the strict action need to be taken and therefore suggested that all the permissions granted for the development in the property under reference need to be revoked immediately.

Member Secretary was accordingly directed to issue instructions to the Senior Town Planner (North) to revoke all the permissions granted by the Department in the property under reference

**Item No. 14: Engaging services of local agency/firm for related work pertaining to preparation of Zoning Plans.**

Member Secretary informed the Board that the Department has undertaken the work of preparation of zoning plans for Talukas as well as for certain villages/areas. He further informed that the Department has already initiated the preliminary work for preparation of Zoning Plan for Pernem Taluka and for Kadamba Plateau as decided in the earlier Board meeting.

The Board was also informed that the Department has decided to engage the services of consultants for this work and accordingly Expression of Interest (EOI) was invited from various consultancy firms and the process of issuing RFPs for the shortlisted consultants is in progress.

Considering the vast scope work in this exercise, the Member Secretary informed that it shall be prudent to engage the services of local firm/agency to assist the Department as well as consultants in various planning related works.

The Board acknowledged the tremendous work involved in the preparation of Zoning Plan and felt it advisable to engage the services of local agency/ firm having experience in planning exercise, who could assist the Department and the consultants for data collection, drone surveys, contour mapping, preparing the

present landuse maps, etc., such that planning exercise and the preparation of Zoning Plan could be expedited.

The Board also expressed the need of updating the roads on the survey plan/landuse plan and felt that the agency could play a vital role in completing this exercise. The Board also felt necessary that such agencies/firms shall have experts in CAD operations for the preparation of plans.

It was also felt essential that the detail landuse map, if prepared shall be of great help in determining the predominant landuses and for the purpose, it would be essential to identify the floor wise layers of uses in the building / houses, such as residential, commercial, mixed use, industrial, public, religious, etc., which could be dealt by these local agencies/firms.

The Board took note that such services were earlier obtained by the Department during the preparation of Regional Plan for Goa – 2021 and such services are also obtained presently by Planning & Development Authorities for preparation of ODPs.

The Board accordingly decided that services of agencies/firms shall be engaged by the Department by following due procedure for the purpose of assisting the work of preparation of Zoning Plans.

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

#### **Item No. 15: Preparation of Bambolim ODP.**

Member Secretary informed that North Goa PDA, South Goa PDA & Mormugao PDA have undertaken preparation of ODPs coming under their respective jurisdictions. It was then brought to the notice of the Board that ODP for Bambolim Planning Area, although prepared were require certain revision, taking into consideration the growth potential and influence of surrounding villages on this area.

The Board deliberated on the issue and was of the strong opinion that ODP of Bambolim too be revised, so as to accommodate the growth in terms of commercial, institutional and residential uses. The Board therefore recommended the revision of the Bambolim ODP.

Member Secretary was accordingly directed to issue necessary direction to the PDA, with approval of the Government.

**Item No. 16: Declaration and inclusion of Penha-de-Franca Village (Part) into Panaji Planning Area.**

While discussing on the various growth factors and saturation of different land uses into particular villages, the Board was of the opinion that planning area boundaries need to be redefined for such areas.

Considering this factor, the Board deliberated on growth potential of different villages and in particular certain areas of these villages and felt the need for immediate planning intervention so as the growth could be properly regulated from planning point of view for these areas.

One such area which was primarily focused was immediate area in vicinity of new High Court building and the Assembly Complex at Penha-de-Franca, as it was observed that these are the immediate adjoining areas of Panaji Planning Area.

Having considered various options, the Board was of the opinion that it shall be of extreme necessity to include part of Penha-de-Franca village consisting of the new High Court building and the Assembly Complex into the Panaji Planning Area, such that North Goa Planning & Development Authority could have its jurisdiction on this area.

This decision was necessitated by the fact that major institutions/ Government projects such as existence of High Court and Assembly Complex are located just at the outskirts of Panaji Planning Area and functionally it appears that these areas are connected, thus requiring allocation of proper landuses for the adjoining areas such that the same shall be complementary to the main institutional uses located in these areas.

It was felt that in order to control haphazard commercial activities coming up in the area, it shall be prudent to earmark proper commercial pockets/zones such that there is orderly growth of immediate area in vicinity of the High Court and Assembly Complex.

Considering the existing road network on either side of Mandovi bridge, it was also felt that proper transportation network need to be worked out for this area, which is turning chaotic day by day.

Considering all these emerging issues, the Board recommended that the area adjoining High Court and Assembly Complex shall be declared as Planning Area and to include the same into North Goa PDA, as provided under the relevant provisions of the Act. The area to be declared as Planning Area was also identified on the plan placed before the Board.

Member Secretary was accordingly directed to move this recommendation of the Board for approval of the Government and thereafter to initiate necessary process to notify the said area as Planning Area.

Meeting ended with thanks to the chair.