

**MINUTES OF 190<sup>TH</sup> MEETING OF THE GOA TOWN & COUNTRY  
PLANNING BOARD HELD ON 21/09/2023 AT 10.00 A.M. IN  
CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

Following attended the meeting:

- |     |   |       |                                  |
|-----|---|-------|----------------------------------|
| 1.  | Shri. Vishwajit P. Rane,<br>Hon. Minister for TCP                                 | ...   | Chairman                         |
| 2.  | Dr. Deviya Rane,<br>Hon'ble MLA, Poriem   | ....  | Member                           |
| 3.  | Shri Naveen Kumar,<br>Rep. for Chief Conservator of Forest.                       | ....  | Member                           |
| 4.  | Dr. Rupa Naik,<br>Directorate of Health Services                                  | ..... | Member                           |
| 5.  | Shri Sanjeev Srivastav,<br>Captain India Navy, HQ Goa Naval Area,<br>SSO (Works). | ...   | Member                           |
| 6.  | Shri Shrinivas Dempo,<br>GCCCI President  | ...   | Member                           |
| 7.  | Eng. Paresh Gaitonde  | ...   | Member                           |
| 8.  | Arch. Rajeev M. Sukhthanker   | ...   | Member                           |
| 9.  | Adv. Nilesh Amonkar   | ...   | Special Invitee                  |
| 10. | Shri Avez Shaikh,<br>Representative of CREDAI.                                    | ...   | Special Invitee                  |
| 11. | Arch. Milind Ramani<br>IIA Goa  | ...   | Special Invitee                  |
| 12. | Smt. Snehalata Pednekar,<br>Nominee ITPI, Goa Chapter                             | ...   | Special Invitee                  |
| 13. | Ms. Vertika Dagur   | ....  | Chief Town Planner<br>(Land Use) |
| 14. | Shri. Rajesh J. Naik,<br>Chief Town Planner (Planning).                           | ...   | Member Secretary                 |

**Item No. 1: Confirmation of the Minutes of the 189<sup>th</sup> meeting of Town & Country Planning Board held on 11/08/2023.**

Member Secretary informed that the Minutes of 189<sup>th</sup> meeting of TCP Board held on 11/08/2023 were circulated to the Members vide letter No. 36/1/TCP/492/2023/2401 dtd. 14/08/2023 and since no comments on the same were received, the decisions as taken were implemented.

Members took note of the same and accordingly the minutes of 189<sup>th</sup> meeting were treated as confirmed.

**Item No. 2: Appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority. (File No. TP/B/APL/278/2022)**

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

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

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

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

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

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

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

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

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

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

*The appeal memo refers to the following grounds:*

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

*Margao City is admitted in their records therefore the Respondent has drastically committed an error in holding that on the eastern side of property bearing Chalta No. 60 P.T. Sheet No. 14 Margao City lies private property of the complainant.*

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

*The Appellant has therefore prayed for the following:*

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

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

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

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

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

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

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

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

Member Secretary further informed that the Department was thereafter in receipt of an Order dated 25<sup>th</sup> July 2023 of Hon'ble High Court of Bombay at Goa, issued in the matter of Writ Petition No. 1084 of 2023 (F) filed by Freddy Barreto and anr. v/s State of Goa, through Chief Secretary and 4 others. It was further informed that the Order mentions that the Respondent Petitioner and contesting parties have agreed by consent that the appeals against the Order of the TCP Board having ref. No. TP/B/APL/278 and TP/B/APL/279, filed by the Respondent No. 4 need to be heard afresh. The Hon'ble High Court has consequently set aside the Orders passed by the Board and accordingly, the appeals are remitted back to the Board for hearing afresh after hearing the Respondent No. 4 i.e. the original Appellant as well as the Petitioners, who are the original complainants, as on the basis of their complaint, the order of revocation was passed by the South Goa Planning and Development Authority.

The Board was then informed that the matter was placed before its 189<sup>th</sup> meeting held on 11/08/2023 under item No. 2 and it was decided to issue notices to the concerned parties for hearing in the matter afresh and accordingly the matter is now taken up for discussion.

During the hearing, Shri. Tony Rodrigues informed that his lawyer has personal difficulty in attending the case due to Ganesh festival in his house and therefore requested for adjournment and also made an application to that effect. Member Secretary Shri. Ali, who appeared on behalf of Respondent PDA also requested for adjournment of the matter, citing the reason that the Advocate on record could not remain present for the hearing in view of the Ganesh festival.

Considering the request made by both the parties, the Board adjourned the matter.

Shri. Freddy Barreto, complainant in the matter, arrived late for the hearing, who however made his written submissions, which the Board decided to consider during the further course of hearing in the matter.

**Item No. 3: Appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority. (File No. TP/B/APL/279/2022)**

The Member Secretary informed that the matter is regarding an appeal under Section 45(1) of the TCP Act, 1974 filed by Mr. Tony Rodrigues against South Goa Planning and Development Authority was placed before the TCP Board in its 186<sup>th</sup> meeting held 25/11/2022 under item No. 06.

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

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

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

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

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

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

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

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

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

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

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

*The appeal memo refers to the following grounds:*

- 1) The impugned order issued by the SGPDA is arbitrary, perverse illegal and without any proper reasoning.*
- 2) The Respondent failed to appreciate the fact that there is an injunction order of the Civil Court passed in R.C.S.No.197/2021/H which is operating against the said mundkars retraining them from interfering with the Appellant.*
- 3) The Respondent failed to appreciate the fact that after discussion with the member secretary the eastern side road as shown on the plan was proposed road in case of any future development and not an existing 6 meters wide road. Therefore the Appellant was directed to maintain 3 meters setback from the centre point of the said road.*
- 4) The Respondent failed to appreciate the fact that the road existing on the eastern side of property bearing Chalta No. 61 P.T. Sheet No. 14 Margao City is a public road tarred with public funds and underneath there is sewerage pipeline.*
- 5) The Respondent has failed to verify their own records in order to appreciate the fact that the Respondent themselves have carried out site inspection and approved the plans submitted by the Appellant therefore the impugned order issued against the Appellant is perverse to their own acts.*
- 6) That the plans that were approved by the Respondent were after perusing the documents, conducting site inspection and after discussion with the member secretary therefore in case of any objections the Respondent should have directed the Appellant to revise the approved plans. Therefore straight away passing the impugned order of revocation is arbitrary and bad in law.*

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

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

*The Appellant therefore has prayed for the following:*

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

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

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

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

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

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

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

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



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

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

Member Secretary further informed that the Department was thereafter in receipt of an Order dated 25<sup>th</sup> July 2023 of Hon’ble High Court of Bombay at Goa, issued in the matter of Writ Petition No. 1084 of 2023 (F) filed by Fredy Barreto and anr. v/s State of Goa, through Chief Secretary and 4 others. It was further informed that the Order mentions that the Respondent Petitioner and contesting parties have agreed by consent that the appeals against the Order of the TCP Board having ref.No. TP/B/APL/278 and TP/B/APL/279, filed by the Respondent No. 4 need to be heard afresh. The Hon’ble High Court has consequently set aside the Orders passed by the Board and accordingly, the appeals are remitted back to the Board for hearing afresh after hearing the Respondent No. 4 i.e. the original Appellant as well as the Petitioners, who are the original complainants, as on the basis of their complaint, the order of revocation was passed by the South Goa Planning and Development Authority.

The Board was then informed that the matter was placed before its 189<sup>th</sup> meeting held on 11/08/2023 under item No. 3 and it was decided to issue notices to the concerned parties for hearing in the matter afresh and accordingly the matter is now taken up for discussion

During the hearing, Shri. Tony Rodrigues informed that his lawyer has personal difficulty in attending the case due to Ganesh festival in his house and therefore requested for adjournment and also made an application to that effect. Member Secretary Shri. Ali, who appeared on behalf of Respondent PDA also requested for adjournment of the matter, citing the reason that the Advocate on record could not remain present for the hearing in view of the Ganesh festival.

Considering the request made by both the parties, the Board adjourned the matter.

Shri. Freddy Barreto, complainant in the matter, arrived late for the hearing, who however made his written submissions, which the Board decided to consider during the further course of hearing in the matter.

**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.**

Member Secretary informed that the Appellant has challenged the Revocation Order-cum-Rejection of Revised Plan dated 03/08/2023 bearing ref. No. NGPDA/60/PNJ/1459/2023 passed by the Respondent No. 2, wherein the Respondent No. 2 has directed the Appellant to remove alleged illegal construction carried in alleged violation of the Development Permission granted vide Order No. GPPDA/637/PNJ/650/2021 dated 06/10/2021, within a period of one month from the date of issuance of the Order, failing which the Respondent No. 2 shall proceed to demolish the alleged illegal structure and recover the cost of the demolition from the Appellant.

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 as per the Notification dated 24/08/2022, wherein the Government of Goa now brought Panaji Planning and Development Authority under the jurisdiction of North Goa Planning and Development Authority, which is having jurisdiction over Mapusa Planning Area, Calangute-Candolim Planning Area as well as Arpora-Nagoa-Parra Planning Area. Therefore, in view of this development, the Appellant has also arrayed North Goa Planning and Development Authority as party Respondents to the present Appeal as it will be the Respondent No. 2 now will be necessary party to the Appeal.

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

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

came to be submitted to the Authority, he inadvertently mentioned as “Proposed Alteration and Addition to the Existing House and Amalgamation of the Property”.

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

The Appellant states that after obtaining the Development Permission from the Respondent No. 1, then he applied for the Construction License from the Corporation of City of Panaji; and accordingly, the Construction License dated 03/11/2021 came to be issued. He also states that since he in his application mentioned as ‘Proposed alteration and addition to the existing house and amalgamation of the property’ even the Development Permission as well in the Construction License came to be issued wherein it is mentioned construction for ‘Proposed alteration and addition to the existing house and amalgamation of the property’. Further he states that both the authorities actually charged fees for reconstruction of the said structure. He also paid the total amount of Rs. 16,12,052/- to the said Respondent No. 1 as well as CCP which includes infrastructure tax.

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

The Appellant states that thereafter the Respondent No. 3 even filed Writ Petition (f) No. 67/2022 before the Hon’ble High Court of Bombay at Porvorim-Goa seeking direction to the Respondent No. 1 and CCP to hold the Site Inspection and to take immediate steps to remedial measures upon receiving report and further directed to revoke the approvals granted by the Authority. The Appellant states that in the said Writ Petition, also it is not the case of the Respondent No.3 that entire construction is illegal but the allegations were made that under the garb of repairs the Appellant has undertaken reconstruction without maintaining proper set back.

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

The Appellant states that pursuant to the said Site Inspection Report, CCP issued Work Stoppage Order-cum- Show Cause Notice dated 08/02/2022 to the Appellant wherein the Appellant was directed to Show Cause as to why under Section 269(2) of the City of Corporation Panaji Act, 2002 should not be passed for the demolition of the illegal activities.

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

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

The Appellant states that thereafter the Hon’ble High Court of Bombay at Goa vide 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 as far as the shown Cause Notice is issued by the Respondent No. 1 is concerned, he submitted reply dated 03/08/2022 wherein he provided explanation.

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 fixed on 17/08/2022 on the Show Cause Notice and this hearing was then held with complainant present.

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

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

The Appellants states that subsequently, in the evening on 17/08/2022, he also received copy of the Judgement and Order passed by the CCP wherein it was observed that the Appellant has not replied to the Show Cause Notice so also he has failed to remain present before the Commissioner of the CCP and therefore, he has been directed to demolish the alleged illegal construction and restore the land to its original condition. The Appellant being aggrieved by the said Judgement and Order passed by the CCP has preferred Appeal before the Government of Goa as provided under the City Corporation of Panaji Act, 2002.

The Appellant states that subsequently on 26/08/2022, the Appellant also received copy of the Order dated 19/08/2022, passed by the Respondent No. 1 which was arbitrary, unreasonable, illegal in as much as the Appellant has submitted revised Plan for the consideration of the Respondent No. 1 and the Respondent No. 1 without considering the said revised Plan and despite request made by the Appellant has proceeded to pass Order dated 19/08/2022 when the Respondent No. 1 had clearly observed that the Appellant had undertaken construction on the same plinth however had directed him to demolish the development which is in contravention of the Development Permission. He further states and submits that in the Order the Respondent No. 1 had not given any reasons as to how the development undertaken by him is in violation of the Development Permission when he had undertaken construction in accordance with approved Plan maintaining the same plinth dimension.

The Appellant states that the Respondent No. 1 herein ought to have decided the revised Plan first which were submitted in March 2022 even before the Show Cause Notice came to be issued therefore, the Respondent No. 1 committed error and passed the Order when the application for regularization/ revised Plan submitted by him was pending before the Respondent No. 1.

The Appellant states that the Member Secretary of the Respondent No. 1 without placing the matter before the Authority on pressure exerted by the Respondent No. 3 had proceeded and passed by the Order without considering the revised Plan submitted by the him and without giving any reasons as how the construction undertaken by the him was in violation of the approved Plan.

The Appellant states that the he was constrained to file an appeal challenging the Order dated 19/08/2022 passed by the Respondent No. 1 before the Authority.

The Appellant states that the Authority vide Order dated 09/01/2023 allowed the said appeal and directed that the application for revised Plan submitted by him be considered and while deciding the said application, the Respondent No. 2 should consider whether the relaxation can be granted as far as setbacks are concerned.

The Appellant states that the Respondent No. 3 challenged the Order dated 09/01/2023 passed by this Authority vide Writ Petition No. 175/2023 before the Hon'ble High Court of Bombay at Goa.

That vide its Order dated 20/03/2023 the Hon'ble High Court expressing any comments on the merits of case and without setting aside the Order passed by this Authority on 09/01/2023 issued directions to the Respondent No. 2 to take decision on revised Plan submitted by him in view of observation made in para 6 of the said Order, after hearing the parties.

The Appellant states that pursuant to the direction issued by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 175/2023, a personal hearing was conducted on 12/04/2023 wherein the written submission of Respondent No. 1 as well as his application dated 28/03/2023 was placed in the Authority meeting held on 02/05/2023.

The Respondent No. 2 contending that the request for consideration of the relaxation as sought by him decided that the matter should be referred to the Government for necessary decision. However, the Government returned the file to the Respondent No. 2 with a remark to place the file before the Town & Country Planning Board.

The Appellant states that the Respondent No. 3 thereafter once again preferred a Writ Petition before viz. Writ Petition No. 1217 (F) before the Hon'ble High Court of Bombay at Goa.

The Respondent No. 2 in view of the time bound direction issued by the Hon'ble High Court of Bombay at Goa placed in the records in relation revised Plan submitted by him before the Respondent No. 2 Authority in its meeting held on 31/07/2023.

The Appellant states that the Respondent No. 2 vide Revocation Order-cum-Rejection of revised plan 'the impugned order' dated 03/08/2023 bearing Ref. No. NGPDA/60/PNJ/1459/2023 refused to approve the Revised Plan dated 28/03/2023

and directed the Appellant to remove the illegal construction within the period of 1 month from the issuance of this order failing which the Respondent No. 2 shall demolish the said illegal structure and recover the cost of demolishing from the Appellant.

The Appellant thus being aggrieved by the Impugned Order passed by the Respondent No.2 prefers this Appeal on following amongst the other grounds which are taken without prejudice and alternate to each other.

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

**A.** The Appellant submits that the Impugned Order passed by the Respondent No. 2 is illegal, arbitrary, capricious and unreasonable and consequently the same is required to be quashed and set aside.

**B.** The Appellant submits that the construction undertaken by the Appellant is on the very same plinth without exceeding any FSI in any manner and since the reconstruction is undertaken on the existing structure the Appellant was under *bonafide* impression that there is no need to keep any future setbacks and since now the building is reconstructed the Hon'ble Board may consider the case of relaxing the setbacks and direct Respondent No.2 to granted approval of Revised plans as submitted by the Appellant . In any case there is ample road available at the site for the users which in any manner not interfered or encroached by the Appellant.

**C.** The Appellant respectfully submits that this Authority vide order dated 09 /01/2023 whilst allowing the appeal preferred by the Appellant herein had directed that the Respondent No . 2 to consider the Application for revised plan submitted by the Appellant and further to consider whether the relaxations prayed for, can be granted as far as setbacks are concerned.

**D.** The Appellant states that the Respondent No 2 has failed to take into consideration that the new setbacks regulations cannot be applied to the Appellant's case as the construction is on the same plinth which was the original structure and which is without utilising the full FSI /FAR of the plot. Moreover, the building is not a high rise building which could otherwise be built on the said plot.

**E.** The Appellant states that the new building regulations are not clear on matters of reconstruction inasmuch as it is not clearly specified whether the setbacks have to be maintained as the term reconstruction means constructing an

existing house and a reconstruction cannot be equated to a fresh/ new construction and should infact be construed as an old structure with the same parameters on which it was approved and not looked at as if it is a fresh/ new construction.

**F.** The Appellant respectfully further states that the requirement of giving due consideration to the Application for Revised Plan dated 28/03/2022 and to disclose reasons for its disallowance was necessary and mandatory in law and more particularly in view of the directions issued by the Hon'ble High Court in its Order dated 20/03/2023 wherein the Hon'ble High Court was pleased to observe that the Respondent No. 2 was obliged to consider the revised plans in terms of Regulation 3.8 of the Building Rules and Regulations 2010.

**G.** The Appellant respectfully submits that the Respondent No. 2 in terms of the Impugned Order fails to disclose any reason whatsoever as to why the Application of Revised Plan dated 28/03/2022 cannot be approved and the relaxations prayed therein cannot be granted.

**H.** The Appellant respectfully submits that the Respondent No. 2 has been unmindful of the fact that the Original approved plan still holds and the same has till date not been either revoked or annulled.

**I.** The Appellant respectfully submits that the Respondent No. 2 has failed to consider that the construction undertaken by the Appellant is on the very same existing plinth and structure which was existing on the said property for last several years as per the plan approved by the Authorities and that the peripheral dimensions confirm this position at loco as revealed even during the site inspection.

**J.** The Appellant respectfully submits that the Respondent No. 2 has failed to consider that FAR, coverage and setbacks were based on this site inspection and the deviations are only as far as internal modifications in staircase and doors, etc not affecting FAR and other planning parameters of approvals.

**K.** The Appellant submits the Respondent No. 2 is vested with powers to grant relaxation without prejudice to the regulations in order to meet the exigencies posed by the location and site conditions. it is further submitted that at the time of either a grant or refusal of relaxations it is imperative for the Authority to allude to such site conditions and consider whether in a given case relaxation was required to be granted. It is respectfully submitted that the Respondent No. 2 has failed to give a mindful consideration to the request for relaxation made by the Appellant.



**L.** The Appellant respectfully 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 that the Appellant under the garb of repair has undertaken reconstruction without maintaining proper set back. The Appellant submits that this fact alone reveals that the Appellant had never intended to deviate but was *per force* constrained to seek revision on account of the collapse of the old structure which was existing at site. In such circumstances grant of relaxations to the Appellant ought to have been considered by the Respondent No. 2. Therefore, the Respondent No. 2 has committed serious error in arriving at the Order of demolition without understanding the factual backdrop of the case.

**M.** The Appellant submits that the above factual situation and exigency was duly supported by the Letter of the Engineer of the Appellant, which was duly furnished to the Respondent No. 2. However, the same has been disregarded by the Respondent No. 2 without any valid reason and has thus misguided itself into arriving at the impugned order.

**N.** The Appellant submits that admittedly there was an old house existing in the said Property and when Appellant commenced construction as per approved drawings, the walls of the said old house collapsed. In such circumstances the Appellant had to demolish the existing walls and reconstruct the same and to for that purpose the Appellant vide letter dated 05/11/2021, had informed the Respondent No.1 about the same which communication is a contemporaneous proof of the happening.

**O.** The Appellant submits that the grievance of the Complainant is that since the Appellant has reconstructed the structure the Appellant has to maintained setbacks from the road. There is inherent frivolity and fallacy in this contention of the Complainant as there are structures existing abutting the said road and the walls constructed by the Appellant are on very same place where the old house existed. There is no scope to widen the width of the road which can be ascertained at loco and therefore the Hon'ble Board may consider relaxing the setbacks and direct the Respondent No. 2 to consider the proposal as submitted vide revised plan.

**P.** The Appellant respectfully submits that the Appellant indeed obtained the approval of the Authorities and the plans approved by the Authorities clearly shows that the Appellant had actually submitted the plans for reconstruction of the existing structure and merely because there is some deviation that has taken place

while undertaking the said construction cannot be considered that entire construction is illegal.

**Q.** The Appellant respectfully submits that the Respondent No. 2 has passed the Impugned Order in violation of the provisions of law and therefore, for the reasons and ground taken herein the Impugned Order is required to be set aside.

**R.** The Appellant submit that they are senior citizens and have embarked on the restoration of their ancestral house by availing huge loans and grave injustice will be occasioned to them if the impugned order is not set aside.

**S.** Such other and further grounds that may be urged at the time of hearing of Appeal.

The Appellant states that the impugned Revocation Order-cum-Rejection of Revised Plan passed by the Respondent No.2 is illegal and violation of provisions of law and therefore if the operation of the said Order is not stayed it will cause irreparable loss to the Appellant. The Appellant has good case on merits of the Appeal as well as balance of convenience of convenience tilts in favour of the Appellant.

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) That the Hon'ble Authority/Government be pleased to quash and set aside the Impugned Revocation Order-cum-Rejection of Revised Plan dated 03/08/2023 bearing ref no. NGPDA/60/PNJ/1459/2023 passed by the Respondent No. 2.
- b) That the Board be pleased to order and direct the Respondent No. 2 herein which is the Authority having jurisdiction 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 pending and hearing of final disposal of this Appeal the Hon'ble Authority/Government be pleased to stay the operation and execution of the Impugned Revocation Order-cum-Rejection of Revised Plan dated 03/08/2023 bearing ref No. NGPDA/60/PNJ/1459/2023 passed by the

Respondent No. 2 and further restrain the Respondent No. 2 from demolishing the construction undertaken by the Appellant.

During the hearing, Member Secretary Ms. Vertika Dagur, who appeared on behalf of Respondent PDA, requested for adjournment of the matter, citing the reason that the Advocate on record could not remain present for the hearing in view of the Ganesh festival, whereas Shri Nilesh Shah appeared alongwith Adv. Raunak Rao on behalf of Appellant Shri. Narendra Shah.

During the hearing, Adv. Raunak Rao requested to add Shri. Gangwani as one of the Respondent, for he being the complainant in the matter. Board also took note that the entire matter of appeal has originated from the complaint made by Shri Gangawani and therefore it was decided that notices be issued to all the parties including Shri Gangawani for the next hearing in the matter.

Considering the request as made by Respondent PDA, the Board adjourned the matter.

**Item No. 5: Regarding grant of additional height and FAR by the Government to the proposals.**

Member Secretary informed that the Goa Land Development and Building Construction Regulations, 2010 are amended from time to time by undertaking the procedure as prescribed under Goa (Regulation of Land Development and Building Construction) Act, 2008.

It was further informed that the Government has now amended Regulations vide Notification No. 21/1/TCP/2021-23/Steering Committee/107 dated 09/08/2023 and the same is notified vide Official Gazette (Extraordinary No. 2) Series I, No. 18 dated 09/08/2023. The amended Regulation 6.1.1 (2) is as under:

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

The Board was then informed that the Corrigendum for the said amended Regulations was thereafter issued vide No. 21/1/TCP/2021-23/Steering Committee/119 dated 21/08/2023 and the same was notified in Official Gazette Series I No. 21 dated 24/08/2023, as per which, the applicant is entitled for additional FAR and height, which need to be considered and decided by the Government on the basis of recommendation of TCP Board. As per the said Regulations, the Government can grant additional height and FAR to the proposals on case to case basis in consideration of the locational aspect, nature of development, use proposed, information available and on any such other criteria, if required. It was clarified that vide Corrigendum issued as above, the maximum limit of 20% for relaxation as notified in Official Gazette dtd. 09/08/2023, was removed.

During the deliberation, Arch. Milind Ramani expressed that a criteria is required to be fixed for the purpose of consideration of such proposals. The members deliberated at length and it was suggested that a Committee be constituted to scrutinize such proposals before placing the same before the Board for its consideration.

The Board considered the same and accordingly a Committee consisting of following members was constituted for the purpose of consideration of grant of additional height and FAR, as per the amended regulations:

- |                               |      |                  |
|-------------------------------|------|------------------|
| 1. Shri Rajesh J. Naik,       |      |                  |
| Chief Town Planner (Planning) | .... | Chairman         |
| 2. Shri Paresh Gaitonde       | .... | Member           |
| 3. Shri Rajeev Sukhthankar    | .... | Member           |
| 4. Arch. Gayle Araujo         | .... | Member           |
| 5. Ms. Vertika Dagur          | .... | Member           |
| 6. Shri Vinod Kumar Chandra   | .... | Member Secretary |

Chairman accordingly directed that the Committee shall go into the details of such proposals and recommend the same to the Board on consideration of locational aspect, nature of development, uses proposed and any such other material consideration.

Member Secretary was accordingly directed to issue necessary order/ notification regarding this constitution of this Committee.

**Item No. 6: Regarding consideration of Special Residential Zone for proposals of re-development.**

Member Secretary informed that within Municipal area and other areas too, there are several buildings which are having multi family dwelling units. The occupants of such buildings have either formed housing societies or are having individual ownership over the units they are occupying. It is however noticed that many of such buildings which are constructed 20 years or before, are now getting deteriorated and as such requires urgent repair/re-construction works. Having failed to do, many of such buildings are now declared as “unsafe” by the Competent Authorities, thereby compelling the residents to vacate such premises. It is observed that no Developer/Builder come forward for the re-development of such properties as such proposals are not found to be economically feasible by them, as the requirement of occupants of the building against the development that can be permitted vis-à-vis maximum permissible FAR etc. is not matching. Thus, FAR and height constraints, prohibits the owners of such apartments/premises to come forward for re-development of such buildings.

Member Secretary then informed the members that the regulation is made in this regard and incorporated under the Goa Land Development and Building Construction Regulations, 2010, which is as under:

*“IN SPR and SPC two stilts for parking shall be allowed free of FAR and also free from calculation of building height. The provision of access of 10.00 meters right of way may be relaxed for proposal of re-development, where there is no scope of expansion of existing road, provided that minimum 8.00 meters access is available. The front setback may be relaxed subject to maintaining minimum 7.00 mts. in SPC on special circumstances due to practical difficulties in re-development of existing buildings in plots having a depth upto 50 mts. the front setback may be relaxed, subject to maintaining a minimum of 5.00 mts. in SPC on special circumstances due to practical difficulties in re-development of existing buildings in plots having depth less than 30 mts. with the approval of the Town and Country Planning Board and Government, provided they satisfy the requirement of fire safety for which prior clearance of Directorate of Fire and Emergency Services shall be mandatory before issuing development permission. In case of varying depths (sides perpendicular to the road), the average depth shall be taken into consideration.”*

It was then informed that there are numerous requests from general public, to extend the benefit of higher FAR and height to their properties, which are scattered in different parts of the State. It is also observed that even within the areas which are declared as Planning areas and which comes under the jurisdiction of PDAs, very few proposals are received by the concerned PDAs requesting for higher FAR, either because the society does not come forward with the request or the occupant of such buildings are unaware of the procedure involved in filing their objections/suggestions during the preparation of the ODPs of their respective areas. It was thus observed that although the necessity exists, such properties and buildings remains unattended and neglected and are deprived of benefits under re-development scheme.

During the discussion on the subject, Chairman stated that the Government and more particularly the TCP Department is fully sensitive to the interest of the unit holders and flat owners of old cooperative societies and other housing societies, which are over 20 years old and further stated that many of the flat and unit owners in these buildings wish to undertake redevelopment to secure their interest. Chairman therefore suggested that in order to facilitate and protect the interest of these unit holders and flat owners, the Department has to take a policy decision, which is rooted in the welfare of the old flat owners and unit owners, vide which, re-development could be permitted with exemptions within the ambit of law as regards to increase in FAR and height. Chairman stated that this shall meet the aspirations of many cooperative societies and old flat owners and that the said decision shall be made uniformly applicable across the State.

The Board deliberated on the proposal and agreed for such a proposal by considering that the policy decision in this regard shall certainly benefits Goans, who are owners of flats in old building and which are in urgent need of re-development.

Considering the various issues, the Board decided to constitute a Committee to scrutinize the proposals received in this regard and to recommend them to the Board. Accordingly, a Committee was constituted for the purpose, consisting of following members:

1. Ms. Vertika Dagur,  
Chief Town Planner (Landuse)      ....      Chairman
2. Shri Shrinivas Dempo      ....      Vice Chairman

3. Shri Rajeev Sukhthankar	....	Member
4. Ms. Gayle Araujo	....	Member
5. Arch. Snehalata Pednekar	....	Member
6. Shri Vinod Kumar Chandra	....	Member Secretary

Member Secretary was accordingly directed to issue necessary order/notification regarding this constitution of the Committee.

**Item No. 7: Proposal for relaxation of the setback line for Green Meadows School Building at property bearing Sy.No. 31/6 of Nagoa Village, Bardez Taluka.**

Member Secretary informed that North Goa District Office, Town & Country Planning Dept., Mapusa Goa, had earlier issued NOC for amalgamation of properties Sy. No. 31/3, 4 & 5 & proposed construction of School cum staff quarters building vide No. TPBZ/465/Nagoa/31/3,4,5/07/2535 dated 04/12/2007.

Thereafter, the North Goa Planning Development Authority, Panaji had issued Development Permission vide No. NGPDA/NAG/44/275/1656/2022 dated 07/02/2022 for construction of additional block (School building).

Subsequently, proponent had submitted proposal for issue of completion certificate to the Office of North Goa Planning Development Authority, Panaji, whereas the same was not issued as the required setbacks were not available on site.

Member Secretary then informed that Arpora-Nagoa-Parra Planning Areas were subsequently withdrawn from the North Goa Planning and Development Authority vide Notification No. 36/1/TCP/443/2022/3406, as published in Official Gazette, Extra Ordinary, Series II, No. 37, dated 20/12/2022 and the proposals therefore of these withdrawn planning areas, are now dealt by the North Goa District office, Mapusa.

It was then informed that on receipt of the application/representation from the Green Meadows School, (Ms. R. Panesar – Founder Trustee and Manager) under inward No. 3286 dated 07/09/2023, for relaxation of the setback line to the existing school building constructed in property bearing Sy. No. 31/6of Nagoa village, of Bardez Taluka, a site inspection was carried out and it was observed that setbacks towards eastern and southern side are less than 3.50 mtrs. The available setbacks were found to be 3.00 mtrs. towards the eastern side and 3.30 mtrs.

towards the southern side. Whereas, setbacks required under the Goa Land Development Building Construction & Regulation -2010 is 3.50 mtrs., as the structure is having ground and 2 upper floors with height of 9.00 mtrs.

As per Outline Development Plan for Arpora-Parra-Nagoa Planning Area - 2030, the plot under reference falls in Partly Residential (S3/R3) Zone & (P) Partly Public/ Semi Public/Govt. institutional/Religious with permissible 60 FAR.

It was then informed that the applicant vide his representation has stated as under:

1. They have inadvertently missed out on keeping a 4 metres set back on two sides of the building –
  - (a) It's 3 meters on the EAST side.
  - (b) It's 3.30 meters on the SOUTH side.
2. Whereas it is more than 4 meters on the NORTH and WEST sides.
3. The reason why the setback was adjusted slightly because they had to have the school hall on the second floor and the classrooms on the ground and first floor and the sizes of classrooms had to be in keeping with CBSE specifications. Technical issues were encountered and had to adjust accordingly.
4. Even though the actual boundary is beyond the existing compound wall on East side, some clear area had to be left for the public to walk through without any hindrance or obstructions. There is also a storm water drain (Nalla) passing very close to our boundary.
5. The intention was not to violate any law.

The North Goa District Office, Town & Country Planning Dept., Mapusa Goa, has forwarded the representation as made by the applicant to the office of Chief Town Planner (Planning) for necessary directions and the same is placed before the Board for deliberation as it requires relaxation under the Regulations.

Board deliberated at length on the issue and considering the facts placed before it and further considering that the use of the building is institutional (school building), decided to grant relaxation in setback as sought.

Member Secretary was accordingly directed to communicate the decision of the Board to PDA after obtaining necessary Government approval for the same.



**MINUTES OF 190<sup>TH</sup> MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 21/09/2023 AT 10.00 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

**Item No. 8: Preparation of Zoning Plans.**

Member Secretary informed that the Government had earlier decided to undertake preparation of Zoning Plans for Kadamba Plateau, Anjuna village, Siolim village, Assagao village, Nerul village and Carmulim village (Bardez) and further informed that in 185<sup>th</sup> meeting of the Board, it was decided to prepare the Zoning Plans for Nerul, Assagao, Reis Magos, Camurlim (Bardez), Anjuna, Siolim, Usgao villages and also for Bicholim and Sattari Taluka. Member Secretary further informed that Zoning Plan for Pernem Taluka is being prepared by Sky Consultants.

It was then informed that the preparation of Zoning Plan for Pernem Taluka is already undertaken through Consultants and that a draft Zoning Plan for Pernem Taluka is already notified inviting comments from general public.

During the deliberation, Chairman stated that some of the villages for which Zoning Plans shall be prepared, are actually fast growing in terms of construction activities / development being undertaken there and hence it would be more advisable to consider cluster of such villages for making such Zoning Plans rather than picking up of single village. Accordingly, it was decided that following Village Panchayats shall also be considered for the preparation of Zoning Plans:

1. Siolim – Sodiem Village Panchayat
2. Siolim – Marna Village Panchayat
3. Oxel Village Panchayat

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

**Item No. 9: Streamlining the procedure in issuing permission by the PDAs.**

Member Secretary informed that since the Government was of the opinion that the functioning of PDAs need to be further improved by means of expediting the clearance process of proposals under Ease of Doing Business, directions were issued to the PDAs vide Order No. 28/1-7/PDA/Gen-Permission/TCP//2023/2483

dated 17/08/2023 that all the permissions for approvals of sub-division of land under Section 44 of Town and Country Planning Act, for the properties having total area of 25,000m<sup>2</sup> and above, shall be dealt and be cleared at the level of Member Secretary/Town Planning Officer of the PDA's, by obtaining necessary Government approval for the same.

During discussion, Chairman suggested that although the procedure requires the proposals to be considered by the Government, it would be more advisable that a Committee scrutinizes such proposals and then recommends it to the Board for the purpose of its consideration and the same was agreed upon.

The Board accordingly constituted the following Committee to recommend such proposals to the Board:

- |                              |      |                  |
|------------------------------|------|------------------|
| 1. Ms. Vertika Dagur,        |      |                  |
| Chief Town Planner (Landuse) | .... | Chairman         |
| 2. Shri Paresh Gaitonde      | .... | Member           |
| 3. Shri Rajeev Sukhthankar   | .... | Member           |
| 4. Arch. Milind Ramani       | .... | Member           |
| 5. Shri Vinod Kumar Chandra  | .... | Member Secretary |

It was further decided that the buildings having floor area of 25000 m<sup>2</sup> and above shall also be covered under the Order bearing No. 28/17/PDA/GEN-Permission/TCP/2023/2483 dtd. 17/8/2023.

It was therefore concluded that any proposals received for approvals under Section 44 of TCP Act for sub-division of property having an area of 25000 m<sup>2</sup> and above and for the proposals having floor area of 25000 m<sup>2</sup> and above, shall be forwarded by the concerned offices to the Chief Town Planner (Planning) for the purpose of placing the same before the TCP Board, who shall consider and decide on the same on receipt of necessary recommendation of the sub-committee as constituted above.

It was therefore decided that the Board shall recommend such proposals to the Government for its approval.

Member Secretary was accordingly directed to issue Order in this regard.

**Item No. 10: Regarding provision of space in buildings for Automated External Defibrillator (AED).**

The Chairman stated that considering rising number of cases of sudden cardiac and other emergencies, a need is felt to provide necessary first aid equipment and other such medical facilities in multi family dwelling units. He further stated that the Government is actively considering for providing the space in multifamily dwelling units for provision of Automated External Defibrillator (AED) and for which purpose necessary directions need to be issued to the Branch Offices and to the PDAs to incorporate such provision while granting the permissions.

The matter was deliberated and it was agreed that a space in multi family dwelling units be provided for provision of Automated External Defibrillator (AED). It was further decided that the spaces provided for such facilities could be considered for exemption towards computation of floor area as provided under regulation 2, sub-regulation 63 (k) of the Goa Land Development and Building Construction Regulations, 2010.

It was accordingly decided to issue direction in this regard to all the District/Taluka Offices and PDAs.

Member Secretary was accordingly directed to issue a Notification to this effect.

**Item No. 11: Any other item with permission of Chair.**

**a) Regarding GIS-Based Zoning Plan for Pernem Taluka under Section 13 of the Goa Town and Country Planning Act 1974.**

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

It was then informed that the work of preparation of GIS-Based Zoning Plan for Pernem Taluka was then allotted to Sky Group vide ref. No. 40/7/General/TCP/2022 dated 20/04/2023.

The Members were then briefed that the Consultants have submitted the Existing Land Use Maps and the Data Analysis Report for the tendered work vide

letter No. SG/UPT/PERNEM/13 dated 24/07/2023 and letter No. SG/UPT/PERNEM/14 dated 25/07/2023 respectively and further informed that the Draft Zoning Plan is also submitted to the Department by Sky Group Consultancy, which was discussed and considered by the Board in its 189<sup>th</sup> meeting held on 11/8/2023 and it was decided to notify the same under Section 12 of the TCP Act, as is required under the provisions of the Act and the same is accordingly notified vide Notification No. 36/1/TCP/493/2023/2451 dtd. 16/8/2023 published in Official Gazette, Series II, No. 20 dtd. 17/8/2023 inviting comments from the public.

The Board was then informed that as per the procedure to be adopted for the preparation of Zoning Plan, provisions of 12 to 15 of the TCP Act are required to be followed as provided under the Act. As provided under Section 13 (2) of the Act, the CTP (Planning) is required to refer the comments received from the public to the Board for its consideration.

The Board deliberated at length about the procedure involved and it was decided that a sub-committee shall be formed by the Board for the purpose of considering the comments as received from the public. Accordingly the following sub-committee was constituted for the purpose:

- |  |      |                  |
|--|------|------------------|
| 1. Shri Rajesh J. Naik,<br>Chief Town Planner (Planning) | .... | Chairman         |
| 2. Shri Paresh Gaitonde                                  | .... | Member           |
| 3. Shri Rajeev Sukhthankar                               | .... | Member           |
| 4. Ms. Gayle Araujo                                      | .... | Member           |
| 5. Shri Vinod Kumar Chandra                              | .... | Member Secretary |

**b) Mahindra Club Holidays**

Member Secretary informed the Members that during the preparation of report on RPG-2021 for placing the same before the Legislative Assembly Session held in July 2023, several proposals were scrutinized and further informed that the development carried out by Mahindra Club Holidays at Assonora was also studied.

Chairman informed that it was observed that while considering the zoning of the property during the preparation of RPG-2021, it appeared that certain aspects about command area appeared to have been overlooked and which need to be

checked. It was therefore decided that the approval granted to Club Mahindra Holidays at Assonora shall be scrutinized considering zoning aspect of the property and the procedure adopted while granted the Technical Clearance Order.

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

**c) Preparation of Outline Development Plans**

Member Secretary informed that vide Order under ref. No. 47/5/TCP/2022-23/2159 dtd. 5/7/2023, Government directions were issued to North Goa PDA and South Goa PDA to complete the process of preparation of ODPs as mentioned below by 30/7/2023.

<b>Sr. No.</b>	<b>Name of the Planning and Development Authority</b>	<b>Name of the Outline Development Plan</b>
1.	North Goa Planning and Development Authority	Outline Development Plan of Panaji - 2031
2.	North Goa Planning and Development Authority	Outline Development Plan for Mapusa Planning Area
3.	South Goa Planning and Development Authority	Outline Development Plan of Margao Planning Area - 2031
4.	South Goa Planning and Development Authority	Outline Development Plan of Ponda Planning Area - 2031

It was then informed that the Government vide Order No. 47/5/TCP/2022-23/2356 dtd. 4/8/2023 had subsequently granted further extension of time for the preparation of Mapusa ODP and for part ODP (Panaji) for Porvorim.

The matter was deliberated, during which Member Secretary informed that North Goa PDA has already submitted ODP of Panaji Planning Area to the office of Chief Town Planner (Planning) and which shall be placed before the Board for its consideration.

Chairman took note that the ODPs for other areas also need to be prepared within the given time and considering the procedure involved in preparation of the same, it was decided that North Goa PDA shall prepare the ODP for Mapusa by January 2024 and South Goa PDA shall prepare ODP for Margao Planning Area and Ponda Planning Area by 30<sup>th</sup> October 2023.

It was also decided that North Goa PDA shall revise the ODP for Taleigao Planning Area and Member Secretary was accordingly directed to issue the

directions to North Goa PDA, after obtaining necessary Government approval for this decision.

d) **Regarding preparation of revised ODP for Taleigao Planning Area**

Member Secretary informed that the Taleigao Planning Area was declared vide Notification No. 28/10/TCP/2017-18/184 dated 15/12/2017 and that the said planning area is now under the jurisdiction of North Goa PDA.

It was further informed that the then GPPDA had prepared and adopted the present land use map and register of Taleigao Planning Area as required under the provisions of TCP Act. It was then informed that ODP-2028 of Taleigao Planning Area was prepared by the then GPPDA by following the provisions of Section 34 & 35 of the TCP Act.

The Board was further informed that said ODP was placed before 164<sup>th</sup> (Adj.) meeting of the Goa Town and Country Planning Board held on 01-02-2019 and the Board had recommended its approval for the same and thereafter approval of the Government under Section 36 of Town and Country Planning Act, 1974 was communicated by the Chief Town Planner (Planning) vide Order No. 36/1/TCP/348/2019/458 dated 18-02-2019 and the said ODP 2028 of Taleigao Planning Area came into force under Section 37(3) of TCP Act, 1974, w.e.f. 18/2/2019 as notified vide Official Gazette (Supplement) Series III, No. 46 dtd. 18/2/2019.

Member Secretary then briefed the members that in 183<sup>rd</sup> meeting of TCP Board held on 11/8/2022, the Board had recommended that the Government may give direction to GPPDA to undertake the procedure of preparation of fresh ODP of Taleigao Planning area and further informed that on getting approval for the same, an Order under ref. No. 36/1/TCP/446/2220 dtd. 30/8/2022 was issued to North Goa PDA to take up the preparation of land use map and land use register under section 26 & 27 of TCP Act and to prepare Taleigao ODP in consultation with consultants/experts.

The Board took note of the above and was of the opinion that the process of revision of ODP need to be expedited and that the North Goa PDA should complete the process of preparation of ODP for Taleigao in 90 days. It was therefore recommended that Government give some specific instructions to North Goa PDA to complete the revision process within 90 days from the date of issue of Government direction for the same.

Member Secretary was accordingly directed to forward the recommendation of the Board to the Government for issue of necessary direction in this regard to North Goa PDA.

e) **Regarding preparation of ODP for Bambolim Planning Area**

Member Secretary informed that the Bambolim Planning Area was declared vide Notification No. 28/10/TCP/2017-18/1824 dtd. 3/9/2018 published in the Official Gazette, Series I No. 23 dtd. 6/9/2018 and that the said Planning Area is now under the jurisdiction of North Goa PDA.

It was further informed that the then GPPDA had prepared and adopted the present land use map and register of Bambolim Planning Area as required under the provisions of TCP Act. It was then informed that the ODP-2030 of Bambolim Planning Area was prepared by then GPPDA by following the provisions of section 34 & 35 of the TCP Act.

The Board was further informed that the said ODP was placed before 174<sup>th</sup> (Adj.) meeting of the Goa Town and Country Planning Board held on 28/04/2021 and the Board had recommended its approval for the same and thereafter approval of the Government under Section 36 of Town and Country Planning Act, 1974 was communicated by the Chief Town Planner (Planning) vide Order No. 40/22/ODPBamb/TCP/2020/1447 dated 07-07-2021 and the said ODP-2030 of Bambolim Planning Area came into force under Section 37(3) of TCP Act, 1974, w.e.f. 8/7/2021 as notified vide Official Gazette, Series III, No. 15 dtd. 08/07/2021.

Member Secretary then informed that directions are issued to North Goa PDA and South Goa PDA to revise the ODPs of the Planning Areas coming under their jurisdictions and accordingly the same PDAs have undertaken necessary process in this regard.

Considering the development potential and outgrowth of Panaji City, the Members were of the opinion that ODP of Bambolim needs to be revised to accommodate growing needs of Panaji and its peripheral areas.

The Board accordingly recommended the revision of Bambolim ODP and decided that Government may consider the same for issue of directions in this regard to North Goa PDA.



Considering the extent of area under Bambolim Planning area, the Board was of the opinion that the process of revision of Bambolim ODP should preferably be completed within 4 months.

Member Secretary was accordingly directed to forward the recommendation of the Board to the Government for issue of necessary direction in this regard to North Goa PDA.

Meeting ended with thanks to the Chair.