

MINUTES OF 195th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 29/01/2024 AT 11.00 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Following attended the meeting:

1. Shri. Vishwajit P. Rane, ... Chairman
Hon. Minister for TCP
2. Dr. Deviya Rane, Member
Hon'ble MLA, Poriem
3. Shri Rajesh Faldessai, Member
Hon'ble MLA Cumbharjua
4. Shri Praveen Kumar Raghav, Member
CCF, Forest Dept.
5. Shri Rajesh Kale Member
Dy. Director Tourism
6. Dr. Rupa Naik, Member
Directorate of Health Services
7. Cyd Ferrao Member
S. W. (PWD)
8. Eng. Paresh Gaitonde Member
9. Arch. Rajeev M. Sukhthanker Member
10. Captain Prashant V. Kamat Invitee
11. Ms. Vertika Dagur Chief Town Planner (Land Use)
Chief own Planner (Planning)
12. Shri. Rajesh J. Naik, ... Member Secretary
Chief own Planner (Planning)

Item No. 1: Confirmation of the Minutes of the 194th meeting of Town & Country Planning Board held on 18/01/2024.

Member Secretary informed that the Minutes of 194th meeting of TCP Board held on 18/01/2024 are prepared and the same were placed before the Board for confirmation.

Members took note of the minutes circulated and as there was no further suggestions/correction, the same were treated as confirmed.

Item No. 2: Appeal filed by Shri Mahesh Nadar V/s South Goa Planning and Development Authority. (File No. TP/B/APL/433/23)

Member Secretary informed that an Appeal is preferred to the Board by Shri Mahesh Nadar against the Order bearing ref. No. SGPDA/P/6626/147/23-24 dated 08/05/2023 issued by the Respondent SGPDA. Vide the same appeal, the Appellant had submitted as under:-

The Appellant had applied for Technical Clearance of the Multi-Dwelling units in the form of Residential Flats in the property situated at Gogal, Margao, bearing Chalta No. 26, 27, 28 and 29 of P. T. Sheet No. 120 of Margao City Survey.

The Appellant states that accordingly by adhering to the rules and regulations, the building was designed by the technical person i.e. Architect.

The Appellant states that the plan was put up before the Respondent being concerned authority for granting permission and technical clearance/approval.

The Appellant states that the Respondent rejected the proposed file that was put up for approval on the various grounds/observations mentioned in the Order/Letter dated 08/05/2023.

The Appellant states that the Respondent has set-out eleven grounds/observations for the rejection/denied the Development Permission.

The Appellant states that out of the eleven grounds of rejection, the Appellant shall comply to all, leaving the Ground No. 3 and 7. Appellant states that the objections the Respondent has raised are unsustainable i.e. pertaining to Set-back (Ground No. 3), which mentions that minimum rear set-back and side set-back is not maintained and the other pertaining to rules and regulations as regards to balcony area which is mentioned to be exceeding 30% of the floor area Ground No. 7. Aggrieved by the observations at 3 & 7, the Appellant has filed the present Appeal. The Appellant therefore challenged the observations as communicated by Respondent, which states that “Minimum required rear set-back and side set-back as per the ruled and regulations” and the same are challenged by the Appellant. The Grounds set out are as under:

- I. The Respondent had rejected the proposal without any application of mind.*
- II. The Respondent has ignored and he has not appreciated the Plan within the frame of rule Book.*
- III. The Respondent erroneously miscalculated the FAR and without application of mind the Respondent has rejected the Approval upon his own imaginary policy.*
- IV. The Respondent rear set-back and side set-back has been erroneously mentioned as “Not as per the Rule and Regulations”. However the Respondent ought to have considered that the Rules and Regulations*

provide the set-back on the respective floors which the Respondent failed to calculate/appreciate.

V. *The area of the balconies is within the permissible floor area and in no sketch of imagination has exceeded 30% of the Floor Area. The Respondent has completely lost the site about the calculation of FAR and to appreciate that the area of the balcony has not exceeded 30% of the Floor Area.*

The Appellant has therefore prayed that the Order of Rejection/Observations made/passed by the Respondent may be quashed and set-aside thereby granting permission of Technical Clearance.

Member Secretary informed that the matter was earlier heard in 192nd TCP Board meeting held on 21/11/2023 and during the said hearing, Respondent PDA was represented by Member Secretary Shri Shaikh Ali Ahmed, whereas the Appellant remained absent nor any Advocate appeared for him and therefore Respondent PDA had therefore suggested that the matter be adjourned and the same was considered by the Board.

Notices were accordingly issued to parties to remain present for the meeting for arguments in the matter.

During the hearing, Respondent PDA was represented by Member Secretary Shri Shaikh Ali Ahmed, whereas the Appellant was represented by Advocate Adv. Mazhar Shaikh alongwith project Arch. Shailesh Kenkre.

During the argument, Adv. For the Appellant stated that the grounds mentioned at Sr.No. 3 & 7 are incorrect and PDA should therefore reconsider their application for grant of permission. Arch. While explaining the matter, cited relevant regulations under GLDBCR -2010 as applicable for setback area and for 30% floor area exempted for FAR calculation.

Member Secretary, SGPDA however stated that the area statement as given by the applicant does not favour any such exemption for FAR. While discussing on the subject, Members Shri Paresh Gaitonde and Shri Rajeev Sukhthankar were however of the opinion that the PDA need to reconsider its observations vis-à-vis the regulations applicable for the same under GLDBCR-2010 and were of the opinion that observation as regard to setback area need to be interpreted properly by the SGPDA. Further, it was suggested by them that the PDA relook at the area statement and re-verify whether the benefit of FAR under exemption clause can be considered by the Authority.

The Board therefore was of the opinion that the matter be remanded back to the PDA for proper interpretation of regulation as regards to setback area and for recalculation of area computable for FAR.

The appeal therefore was allowed by the Board with directions to the PDA for reconsideration of the observations at Sr.No. 3 & 7 of the Order dated 08/05/2023.

Item No.3: Appeal filed by M/s Akar Creations V/s South Goa Planning and Development Authority. (File No. TP/B/APL/434/23)

Member Secretary informed that an Appeal is preferred to the Board by M/s Akar Creations under Section 52 of the Goa Town & Country Planning Act, 1974, against the Order bearing ref. No. SGPDA/Notice/1221/23-22 dated 01/11/2023 passed by the Respondent No. 1, i.e. South Goa PDA directing the Appellant to demolish the hut / structure and stair case.

Appeal memo states that the Appellant has carried out development in his property on the basis of the Construction Licence bearing No. A/98/15-16 dated 31/03/2016 issued by the Margao Municipal Council, which was revised vide Construction License No. A/98/15-16 dated 01/01/2019 and the Development Permission bearing No. SGPDA/P/5687/1912/15-16 dated 04/03/2016, which was revised vide permission bearing No. SGPDA/P/5687/942/18-19 dated 20/09/2018.

The Appellant states that the Respondent No. 1 and the Margao Municipal Council after inspecting the development, have issued Completion Certification bearing No. SGPDA/P/5687/1777/18-19 dated 22/01/2019 and Occupancy Certificate bearing No. 3(OC)1/18-19/Tech/88 dated 08/02/2019.

The Appellant states that the Respondent No. 1 on 20/09/2021, the purchasers of the units in the said project had filed complaints with the Margao Municipal Council, complaining about illegal encroachment in the property under reference, however no action have been initiated against the said complaint.

It is further stated by the Appellant that vide Show Cause Notice bearing No. SGPDA/Show Cause/273/23-24 dated 12/05/2023, the Respondent No. 1 called upon the Appellant to show cause as to why action under Section 52 of the TCP Act should not be initiated. The Show Cause Notice dated 12/05/2023 made a reference to the purported complaints dated 16/12/2017 and 22/02/2021 of the Respondent No. 2.

Grounds as spelt out in the appeal memo by the Appellant are as under:

- A) *The Impugned Order is perverse, unjust, illegal, arbitrary and contrary to law.*
- B) *The show cause notice dated 12/05/2023 issued by the Respondent No. 1 was without any application of mind in as much as without even verifying that the stair case which was referred to in the show cause notice was approved by the Authorities and that there was sufficient and adequate car parking provided by the Appellant. Thus, the show cause notice in the context of the stair case in the property of the Appellant and the availability of required car parking was contrary to the factual situation and thus untenable in law.*
- C) *The Appellant submits that the Impugned Order would be illegal, being hit by breach of principles of natural justice. Firstly, the Appellant was*

not afforded an oral hearing, which was warranted in view of the sever civil consequences the subject matter of the show cause notice dated 12/05/2023 would have and secondly, the failure of the Respondent No. 1 to deal and consider the contents/contentions of the Appellant in the reply dated 29/05/2023. The Impugned Order therefore stands vitiated for noncompliance of principles of natural justice.

- D) The Appellant submits that as far as the demolition / removal of the hut /structure which was alleged to be illegal, the Appellant had no issues and the authority could and ought to have taken action for removal of the hut / structure referred to in the show cause notice as well as in the Impugned Order. As a matter of record, the owners of premises in the project had specifically pointed out that the hut / structure was erected by Association of Pick-up Drivers / Owners, illegally and that the Appellant would have no grievance, if the same was removed. The Appellant had also pointed out complaints filed by the owners of premises in the project in that regard even with the Margao Municipal Council. Despite the same, the Respondent No. 1 has called upon the Appellant to remove the illegal hut/ structure.*
- E) The Appellant submits that the Appellant is seriously prejudice by the direction to remove the staircase which stair case is duly approved by the Authorities which include the Respondent No. 1 and is shown in the approved plans. The Appellant submits that the staircase has been constructed at the place it was shown and approved by the Authorities which include the Respondent No.1. The same was available / existing at the time of inspection by the Authorities for considering the completion / occupancy certificate. It was upon inspection by the Authorities which include the Respondent No. 1 and the Margao Municipal Council of the development with the said stair case in place and that the Authorities being found the development in line with the approved plans had issued completion certification / occupancy certificate. In such circumstances, direction issued for removal / demolition of the said stair case is illegal and untenable. The Impugned Order to that effect is total non-application of mind.*
- F) The Show Cause Notice issued and the proceedings taken out by the Respondent No.2 was barred by limitation.*
- G) The Impugned Order is illegal, perverse and discloses total non-application of mind.*
- H) The Appellant submits that even otherwise the staircase which is approved and shown in the approved plan does not offend and / or violate any building rules and regulations.*
- I) The Impugned Order is not in consonance with the law on the subject.*
- J) Any other ground that may be urged with the leave of the Court.*

The Appellant has therefore prayed that the appeal be allowed and the direction to demolish the staircase in the property of the Appellant as referred to, in the Impugned Order issued by the Respondent No. 1 be quashed and set aside.

Notices were issued to parties to remain present for the meeting for arguments in the matter.

During the hearing, only the Member Secretary Shri Shaikh Ali Ahmed, whereas the Appellant was present on behalf of the Respondent, whereas Appellant remained absent for the same. It was therefore decided to adjourn the matter.

Member Secretary was accordingly directed to issue notices of next meeting of the Board to the concerned parties.

Item No.4: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Pramod A. Bandekar against Mormugao Planning and Development Authority. (File No. TP/B/APL/295/22)

Taken alongwith item No. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50.

Member Secretary informed that Appeals are filed by various Appellants as mentioned at respective Agenda item numbers in respect of all notices issued u/s 52(2) (b), of the TCP Act, 1974, as passed by the Respondent.

Member Secretary then informed that the matter mentioned in all the Notices, as issued by the Respondent is pertaining to the findings of Naval Authorities, as per which the construction mentioned in the respective Notices have exceeded the permissible height within the notified area.

The Board was further informed that several parties have approached Naval Authorities for grant of NOCs for the construction undertaken by them, wherein Naval Authorities have granted NOCs for some and in certain cases, the same have been refused.

It was further informed that the Respondent PDA during the last hearing in 192nd meeting of the Board had suggested that the Naval Authority shall also be made party in the hearing as the findings from their side were of utmost importance to decide on the matter of demolition and the same was agreed upon. Accordingly, the notices were issued to the Naval Authorities to remain present for the present hearing.

The Board took note that the issues referred in appeal matters at Sr. No. 4 to 20, 22 to 24, 26 to 31 and 33 to 34 as represented by Adv. Chetan Palekar are the same and so also it was observed that the similar issues of violating the Obstacle Limitation Surface (OLS) are reflected in appeal matters at item No. 36 to 50 as represented by Adv. Tome Carvalho on behalf of different Petitioners. Since all these matter were of common subject and having similar violations, it was decided to hear them jointly.

While arguing on behalf of Appellants as referred in appeal matters at Sr.No. 4 to 20, 22 to 24, 26 to 31 and 33 to 35, Adv. Chetan Palekar and while arguing on behalf of Appellants in appeal matter referred at Sr. No. 36 to 50, Adv. Tome Carvalho informed that the Appellants have not violated any law and that the houses have been constructed within the permissible height. While arguing on behalf of MPDA, in the matter of notices issued in appeal matters at Sr.No. 4 to 20, 22 to 24, 26 to 31 and 33 to 34and Sr.No. 36 to 50, Adv. Nikhil Pai stated that there is no ambiguity in the matter of notices issued in respective cases as the same were issued on the basis of findings of Naval Authority, which clearly spelt out the violations committed by the Appellants in respective cases, in terms of exceeding the permissible limit of height.

While representing their case on behalf of Naval Authorities, representatives Capt. Prashant K. Kamat and Lt. Abhishek Varshney placed before the Board, facts of the cases referred that the constructions have been carried out by the respective appellants in violation of Obstacle Limitation Surface (OLS) within the approach funnel by the height as mentioned in respective notices and the same is therefore required to be removed/demolished. It was however the argument of Adv. Chetan Palekar on behalf of respective Appellants that the Appellants in certain cases have still represented to the Naval Authorities, requesting for grant of NOCs.

After considering various arguments placed before it, Board felt it necessary to grant a final opportunity to the Appellants to re-apply to the Naval Authorities for grant of NOCs in their respective cases and further directed that the process of applying and getting necessary reply from the Naval Authorities shall be completed within 15 days from the date of hearing i.e. from 29/01/2024. The direction is specially issued for compliance within the time specified by taking into the cognizance of the Order dtd. 22/01/2024 as passed by the Hon'ble High Court in the matter under reference.

Member Secretary was accordingly directed to communicate the decision of the Board to the parties concerned for necessary compliance of the decision within the stipulated time.

Item No. 21: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr.Umesh Naik against Mormugao Planning and Development Authority. (File No. TP/B/APL/354/22)

Member Secretary informed that an appeal is filed by Mr. Umesh Naik against the Order dated 04/11/2022 bearing No.MPDA/9-N-88(9-Y-74)/2022-23/1085 passed by the Respondent.

As per the appeal memo, the following is submitted by the Appellant:

The Appellant is the owner of house situated at Dabolim Goa which has been constructed on the landed property bearing Plot No. 42, admeasuring 248 sq. mts. surveyed under Survey No. 60, Sub division No. 1 of Dabolim village,

Mormugao Taluka. Appellant is the co-owner of the plot, which has been purchased by Appellant vide the Deed of Sale dated 19/8/2005 registered before the sub registrar of Mormugao situated at Dabolim Goa.

The said house has been constructed as per the building plan approved by Respondent and after obtaining all the necessary permissions required for the said construction. Prior to obtaining all the permissions, the ConversionSanad was obtained from the office of Dy. Collector and also NOC is from the Indian Navy was obtained for height clearance.

The Appellant states that the said house has been completed in all respect and has obtained the completion certificate for the said house from the Respondent and has also obtained occupancy certificate for the house from the Village Panchayat of Chicalim.

The Appellant states that he has not violated any law at the time of construction of building nor any condition mentioned in the Development permission issued by the Respondent and the construction has been carried out as per the approved plan with all valid permissions required at the relevant time. If any permission was required besides the permissions obtained by the Appellant, then Respondent would not have granted the Development Permission nor the Completion Certificate.

The Appellant states that granting of permissions by the Respondent for the said building shows that no other permissions were required at the relevant time under prevailing law.

The Appellant further states that the Respondent without going into the facts of the matter have chosen to issue show cause notice dated 5/9/2022 to which Appellant had replied with all supporting documents but the Respondent failed to consider the same. Instead the Respondent has issued Demolition Notice dated 05/11/2022 under section 52 of the Town and Country Planning Act 1974. The Respondent sent a Demolition notice without even inspecting the site and the said notice sent is very vague and ambiguous, no details of the illegality are mentioned, as such same has to be quashed and set aside. The show cause notice sent is in clear violation of law and the rules applicable.

The Appellant states that he has not carried out any illegal construction in violation of rules and regulations as alleged in notice and that the construction has been carried out with all the permissions required under the law and therefore the Notice sent to him is against the principle of natural justice, and by not following proper procedure and hence the notice sent itself is illegal.

The Appellant further states that he was surprised to receive the Final notice and the Respondent has directed the Appellant to demolish the structure within 30 days from the receipt of the notice. The Applicant states that there is no Transgression report about the alleged illegality and further states that the notice is one-sided and hence cannot be looked upon and is therefore to be summarily rejected.

Having been aggrieved by the said impugned notice dated 04/11/2022 passed by the Respondent, Appellant has preferred the present appeal.

Grounds of Appeal as stated by the Appellant are as under:

- a) *That the impugned notice is bad in law as the Respondent did not give any hearing to the Appellant before issuing the impugned notice.*
- b) *That the impugned notice 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.*
- c) *The Appellant has not carried out any illegal construction as alleged in the impugned notice. The impugned notice is therefore fictitious.*
- d) *The impugned notice is arbitrary and against the principles of natural justice and hence deserves to be quashed and set aside.*
- e) *The Appellant states that the impugned notice was issued by the Respondent mechanically and without any application of mind.*
- f) *The Notice is not supported by any documentary evidence and is absolutely vague without even showing alleged illegality and bad in law and hence liable to be rejected.*
- g) *The Appellant has carried out the construction as per the approved plan sanctioned by the Respondent.*
- h) *The Impugned notice is issued without giving any valid reasons, and without any site inspection. The Respondent does not have any power to issue the notice for violation of obstacle limitation surface.*
- i) *Despite the reply filed by the Appellant to the show cause notice of the Respondent, the impugned notice was issued. 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 illegal construction.*
- j) *No transgression report has been submitted by the Respondent of the alleged illegal construction. The impugned notice is therefore liable to be quashed and set aside on this ground alone.*
- k) *The impugned notice is arbitrary, unjust illegal, non application of mind, without any basis of law or facts, and without taking into consideration the actual position at the site.*

As per the records, the impugned notice dated 04/11/2022 was issued by the Respondent and the same was received by the Appellant on 10/11/2022, directing the Appellant to carry out the demolition of the structure, illegal development within 30 days from the receipt of the same.

The Appellant has therefore prayed to quash and set aside Order/Notice dated 04/11/2022 bearing No. MPDA/9-N-88(9-Y-74)/2022-23/1085 issued by Respondent.

The matter was earlier heard in 187th meeting of the TCP Board held on 20/03/2023, however the Advocate for Appellant informed that he has applied for documents from the Naval Authorities and as such requested for adjournment of

the matter, such that sufficient time is available with the Appellant to place the additional documents before the Board. The same was considered and the matter was accordingly adjourned.

The matter was again heard in 192nd meeting of the TCP Board held on 21/11/2023 and while arguing in the matter on behalf of MPDA, Adv. Nikhil Pai impressed upon the Board that all the matters have arisen out of the findings of Naval Authorities, as per which, the development mentioned in the notices have exceeded the permissible height within the notified area. The Board was further informed that several parties have approached the Naval Authorities for grant of NOCs for the construction undertaken by them, whereas in some cases, the Naval Authorities have granted the NOCs and whereas in some cases, the NOCs have been refused. He therefore suggested that the Naval Authority shall also be made party in the hearing, as the findings from their side were of utmost importance to decide on the matter of demolition, as per the notices issued by the MPDA.

Adv. Chetan Palekar appearing for the Appellant also agreed for the same.

After deliberation on the same, the Board had considered the suggestions as made and it was decided to issue notices to Naval Authorities as well, to give their say in the matter of appeal filed by different parties.

Notices were accordingly issued to Naval Authority and otherparties to remain present before the next meeting of the Board for arguments in the matter.

During the hearing, the Appellant was represented by Adv. Chetan Palekar and whereas Respondent No. 1 was represented by Nikhil D. Pai on behalf of MPDA and Respondent No. 2 was represented by Captain Prashant K. Kamat and Lt. Abhishek Varshney.

During the course of argument, the Appellant tried to suggest that the construction carried out by him does not violate the permissible limit as notified by Naval Authorities, whereas the Adv. Nikhil Pai appearing on behalf of MPDA clearly stated that the very cause for issue of notices to the Appellant was on the basis of findings of Naval Authority, which clearly spelt out the violation committed by the Appellant in terms of exceeding the permissible limit of height.

While representing for Naval Authorities, representatives Captain Prashant K. Kamat and Lt. Abhishek Varshney placed before the Board the facts of the case whereby, it was brought to the notice of the Members that the construction of house is carried out by the Appellant in the property bearing plot No. D-42 of Sy.No. 60/1 of Dabolim village, Mormugao Taluka, by violating the Obstacle Limitation Surface (OLS) by 0.1239 mts., within the approach funnel, as per new letter dated 27/12/2023 submitted by Naval Authority. Thus, it was brought on record by the Competent Authority i.e. the Naval Authority that the Appellant has clearly exceeded the permissible limit.

The Board took note of the argument placed before it and was of the opinion that the Competent Authority i.e. Naval Authority has given its ruling in terms of violation and therefore the same need to be dealt very strictly. The

Board was also apprised of the cognizance taken by the Hon'ble High Court and the Order dtd. 22/1/2024 passed in this regard.

As the issue concerns a very serious matter of aircraft safety at the Goa International Airport at Dabolim, Goa, the Board found it fit to direct the Appellant to demolish the offending part of the structure which violated the Obstacle Limitation Surface by 0.1239 mts., under the supervision of the MPDA and the Indian Navy on or before 12th February 2024, failing which the MPDA was directed to demolish the offending part of the structure which violates the Obstacle Limitation surveyed of the Appellant to the satisfaction of the Indian Navy by 15th February 2024 and file a report in this regard with the Board by 20th February 2024.

The appeal therefore stands dismissed with directions to the Appellant and the Respondent No. 1 as above.

Item No.25: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr.DemappaVantamuri against Mormugao Planning and Development Authority. (File No. TP/B/APL/356/22)

Member Secretary informed that an appeal is filed by Mr.DemappaVantamuri against the Order dated 04/11/2022 bearing No.MPDA/9-N-88(9-V-44)/2022-23/1087 passed by the Respondent.

As per the appeal memo, the following is submitted by the Appellant:

The Appellant is the owner of house situated at Dabolim Goa which has been constructed on the landed property bearing Plot No. 18 admeasuring 231.75 sq. mts. surveyed under Survey No. 60, Sub division No. 1 of Dabolim village, Mormugao Taluka. Appellant is the owner of the plot, which has been purchased by Appellant vide the Deed of Sale dated 12/7/2012 registered before the sub registrar of Mormugao situated at Dabolim Goa.

The said house has been constructed as per the building plan approved by Respondent and after obtaining all the necessary permissions required for the said construction. Prior to obtaining all the permissions the ConversionSanad was obtained from the office of Dy. Collector and also NOC is from the Indian Navy was obtained for height clearance.

The Appellant states that the said house has been completed in all respect and has obtained the completion certificate for the said house from the Respondent and has also obtained occupancy certificate for the house from the Village Panchayat of Chicalim.

The Appellant states that he has not violated any law at the time of construction of building nor any condition mentioned in the Development permission issued by the Respondent and the construction has been carried out as per the approved plan with all valid permissions required at the relevant time.If

any permission was required besides the permissions obtained by the Appellant, then Respondent would not have granted the Development Permission nor the Completion Certificate.

The Appellant states that granting of permissions by the Respondent for the said building shows that no other permissions were required at the relevant time under prevailing law.

The Appellant further states that the Respondent without going into the facts of the matter have chosen to issue show cause notice dated 5/9/2022 to which Appellant had replied with all supporting documents but the Respondent failed to consider the same. Instead the Respondent has issued Demolition Notice dated 05/11/2022 under section 52 of the Town and Country Planning Act 1974. The Respondent sent a Demolition notice without even inspecting the site and the said notice sent is very vague and ambiguous, no details of the illegality are mentioned, as such same has to be quashed and set aside. The show cause notice sent is in clear violation of law and the rules applicable.

The Appellant states that he has not carried out any illegal construction in violation of rules and regulations as alleged in notice. The construction has been carried out with all the permissions required under the law and therefore the Notice sent to him is against the principle of natural justice, and by not following proper procedure and hence the notice sent itself is illegal.

The Appellant further states that he was surprised to receive the Final notice and the Respondent has directed the Appellant to demolish the structure within 30 days from the receipt of the notice. The Applicant states that there is no Transgression report about the alleged illegality given to him. The notice is one-sided and hence cannot be looked upon and is therefore to be summarily rejected.

Having been aggrieved by the said impugned notice dated 04/11/2022 passed by the Respondent, Appellant has preferred the present appeal.

Grounds of Appeal as stated by the Appellant are as under:

- a) *That the impugned notice is bad in law as the Respondent did not give any hearing to the Appellant before issuing the impugned notice.*
- b) *That the impugned notice 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.*
- c) *The Appellant has not carried out any illegal construction as alleged in the impugned notice. The impugned notice is therefore fictitious.*
- d) *The impugned notice is arbitrary and against the principles of natural justice and hence deserves to be quashed and set aside.*
- e) *The Appellant states that the impugned notice was issued by the Respondent mechanically and without any application of mind.*
- f) *The Notice is not supported by any documentary evidence and is absolutely vague without even showing alleged illegality and bad in law and hence liable to be rejected.*

- g) *The Appellant has carried out the construction as per the approved plan sanctioned by the Respondent.*
- h) *The Impugned notice is issued without giving any valid reasons, and without any site inspection. The Respondent does not have any power to issue the notice for violation of obstacle limitation surface.*
- i) *Despite the reply filed by the Appellant to the show cause notice of the Respondent, the impugned notice was issued. 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 illegal construction.*
- j) *No transgression report has been submitted by the Respondent of the alleged illegal construction. The impugned notice is therefore liable to be quashed and set aside on this ground alone.*
- k) *The impugned notice is arbitrary, unjust illegal, non application of mind, without any basis of law or facts, and without taking into consideration the actual position at the site.*

As per the records, the impugned notice dated 04/11/2022 was issued by the Respondent and the same was received by the Appellant on 10/11/2022, directing the Appellant to carry out the demolition of the structure, illegal development within 30 days from the receipt of the same.

The Appellant has therefore prayed to quash and set aside Order/Notice dated 04/11/2022 bearing No. MPDA/9-N-88(9-V-44)/2022-23/1087 issued by Respondent.

The matter was earlier heard in 187th meeting of the TCP Board held on 20/03/2023, however the Advocate for Appellant informed that he has applied for documents from the Naval Authorities and as such requested for adjournment of the matter, such that sufficient time is available with the appellant to place the additional documents before the Board. The same was considered and the matter was accordingly adjourned.

The matter was again heard in 192nd meeting of the TCP Board held on 21/11/2023 and while arguing in the matter on behalf of MPDA, Adv. Nikhil Pai impressed upon the Board that all the matters have arisen out of the findings of Naval Authorities, as per which, the development mentioned in the notices have exceeded the permissible height within the notified area. The Board was further informed that several parties have approached the Naval Authorities for grant of NOCs for the construction undertaken by them, whereas in some cases, the Naval Authorities have granted the NOCs and whereas in some cases, the NOCs have been refused. He therefore suggested that the Naval Authority shall also be made party in the hearing, as the findings from their side were of utmost importance to decide on the matter of demolition, as per the notices issued by the MPDA.

Adv. Chetan Palekar appearing for the Appellant also agreed for the same.

After deliberation on the same, the Board had considered the suggestions as made and it was decided to issue notices to Naval Authorities as well, to give their say in the matter of appeal filed by different parties.

Notices were accordingly issued to Naval Authority and other parties to remain present before the Board for arguments in the matter.

During the hearing, the Appellant was represented by Adv. Chetan Palekar and whereas Respondent No. 1 was represented by Nikhil D. Pai on behalf of MPDA and Respondent No. 2 was represented by Captain Prashant K. Kamat and Lt. Abhishek Varshney.

During the course of argument, the Appellant tried to suggest that the construction carried out by him does not violate the permissible limit as notified by Naval Authorities, whereas the Adv. Nikhil Pai appearing on behalf of MPDA clearly stated that the very cause for issue of notices to the Appellant was on the basis of findings of Naval Authority, which clearly spelt out the violation committed by the Appellant in terms of exceeding the permissible limit of height.

While representing for Naval Authorities, representatives Captain Prashant K. Kamat and Lt. Abhishek Varshney placed before the Board the facts of the case whereby, it was brought to the notice of the Members that the construction of house is carried out by the Appellant in the property bearing plot No. D-18 of Sy.No. 60/1 of Dabolim village, Mormugao Taluka, by violating the Obstacle Limitation Surface (OLS) by 1.0328 mts., within the approach funnel, as per new letter dated 27/12/2023 submitted by Naval Authority. Thus, it was brought on record by the Competent authority i.e. the Naval Authority that the Appellant has clearly exceeded the permissible limit.

The Board took note of the argument placed before it and was of the opinion that the Competent Authority i.e. Naval Authority has given its ruling in terms of violation and therefore the same need to be dealt very strictly. The Board was also apprised of the cognizance taken by the Hon'ble High Court and the Order dtd. 22/1/2024 passed in this regard.

As the issue concerns a very serious matter of aircraft safety at the Goa International Airport at Dabolim, Goa, the Board found it fit to direct the Appellant to demolish the offending part of the structure which violated the Obstacle Limitation Surface by 1.0328 mts., under the supervision of the MPDA and the Indian Navy on or before 12th February 2024, failing which the MPDA was directed to demolish the offending part of the structure which violates the Obstacle Limitation surveyed of the Appellant to the satisfaction of the Indian Navy by 15th February 2024 and file a report in this regard with the Board by 20th February 2024.

The appeal therefore stands dismissed with directions to the Appellant and the Respondent No. 1 as above.

Item No.32: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. ChannaveerappaJamalingappanava against Mormugao Planning and Development Authority. (File No. TP/B/APL/361/22)

Member Secretary informed that an appeal is filed by Mr. ChannaveerappaJamalingappanavaagainst the Order dated 04/11/2022 bearing No.: MPDA/9-N-88/2022-23/1057 passed by the Respondent.

As per the appeal memo, the following is submitted by the Appellant:

The Appellant is the owner of house situated at Dabolim Goa which has been constructed on the landed property bearing Plot No. 11 admeasuring 367.15 sq.mts.surveyed under Survey No. 60, Sub division No. 1-AD of Dabolim village, Mormugao Taluka. Appellant is the owner which has been purchased by Appellant vide the Deed of sale dated 14/7/2017 registered before the sub registrar of Mormugao under No. MOR-BK1-01181-2017 dated 18/7/2017 situated at Dabolim Goa from Anthony Micheal and Sandra Micheal.

The Appellant states that he has obtained the conversionsanad under No. 11/DYC-MOR/CONV/35/2019/865 from the office of Dy. Collector/SDO,Mormugao Goa dated 28/5/2021.

The house situated in the said plot is an old one having cemented roof. As per the letter dated 7/11/2000 issued by the flag officer commanding the said plot bearing Plot No. 11 wherein the house has been constructed has the permissible height of 6.4 mts . The height of the said house is within permissible limits.

The Appellant states that he has not violated any law at the time of construction of structure as the house is an old one and does not require any permission under the law.

The Appellant further states that the Respondent without going into the facts of the matter have chosen to issue show cause notice dated 5/9/2022 to which Appellant had replied with all supporting documents but the Respondent failed to consider the same.Instead the Respondent has issued Demolition Notice dated 04/11/2022 under section 52 of the Town and Country Planning Act 1974. The Respondent sent a Demolition notice without even inspecting the site and the said notice sent is very vague and ambiguous, no details of the illegality are mentioned, as such same has to be quashed and set aside. The show cause notice sent is in clear violation of law and the rules applicable.

The Appellant states that he has not carried out any illegal construction in violation of rules and regulations as alleged in notice. The construction has been carried out with all the permissions required under the law and the Notice sent to the Appellant is against the principle of natural justice, and by not following proper procedure and hence the notice sent itself is illegal.

The Appellant further states that he was surprised to receive the Final notice and the Respondent has directed the Appellant to demolish the structure within 30 days from the receipt of the notice. The Appellant states that there is no

Transgression report about the alleged illegality given to him. The notice is one-sided and hence cannot be looked upon and is therefore to be summarily rejected.

Having been aggrieved by the said impugned notice dated 04/11/2022 passed by the Respondent, Appellant has preferred the present appeal.

Grounds of appeal as stated by the Appellant are as under:

- a) *That the impugned notice is bad in law as the Respondent did not give any hearing to the Appellant before issuing the impugned notice.*
- b) *That the impugned notice 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.*
- c) *The Appellant has not carried out any illegal construction as alleged in the impugned notice. The impugned notice is therefore fictitious.*
- d) *The impugned notice is arbitrary and against the principles of natural justice and hence deserves to be quashed and set aside.*
- e) *The Appellant states that the impugned notice was issued by the Respondent mechanically and without any application of mind.*
- f) *The Notice is not supported by any documentary evidence and is absolutely vague without even showing alleged illegality and bad in law and hence liable to be rejected.*
- g) *The Respondent does not have any power to issue the notice for violation of obstacle limitation surface.*
- h) *The Impugned notice is issued without giving any valid reasons, and without any site inspection.*
- i) *Despite the reply filed by the Appellant to the show cause notice of the Respondent, the impugned notice was issued. 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 illegal construction.*
- j) *No transgression report has been submitted by the Respondent of the alleged illegal construction. The impugned notice is therefore liable to be quashed and set aside on this ground alone.*
- k) *The impugned notice is arbitrary, unjust illegal, non application of mind, without any basis of law or facts, and without taking into consideration the actual position at the site.*

As per the records, the impugned notice dated 04/11/2022 was issued by the Respondent and the same was received by the Appellant on 10/11/2022 directing the Appellant to carry out the demolition of the structure, illegal development within 30 days from the receipt of the same.

The Appellant has therefore prayed to quash and set aside Order/Notice dated 04/11/2022 bearing No. MPDA/9-N-88/2022-23/1057 issued by Respondent.

The matter was earlier heard in 187th meeting of the TCP Board held on 20/03/2023, however the Advocate for Appellant informed that he has applied for documents from the Naval Authorities and as such requested for adjournment of the matter, such that sufficient time is available with the appellant to place the additional documents before the Board. The same was considered and the matter was accordingly adjourned.

The matter was again heard in 192nd meeting of the TCP Board held on 21/11/2023 and while arguing in the matter on behalf of MPDA, Adv. Nikhil Pai impressed upon the Board that all the matters have arisen out of the findings of Naval Authorities, as per which, the development mentioned in the notices have exceeded the permissible height within the notified area. The Board was further informed that several parties have approached the Naval Authorities for grant of NOCs for the construction undertaken by them, whereas in some cases, the Naval Authorities have granted the NOCs and whereas in some cases, the NOCs have been refused. He therefore suggested that the Naval Authority shall also be made party in the hearing, as the findings from their side were of utmost importance to decide on the matter of demolition, as per the notices issued by the MPDA.

Adv. ChetanPalekar appearing for the Appellant also agreed for the same.

After deliberation on the same, the Board had considered the suggestions as made and it was decided to issue notices to Naval Authorities as well, to give their say in the matter of appeal filed by different parties.

Notices were accordingly issued to Naval Authority and other parties to remain present before the next meeting of the Board for arguments in the matter.

During the hearing, the Appellant was represented by Adv. ChetanPalekar and whereas Respondent No. 1 was represented by Nikhil D. Pai on behalf of MPDA and Respondent No. 2 was represented by Captain Prashant K. Kamat and Lt. Abhishek Varshney.

During the course of argument, the Appellant tried to suggest that the construction carried out by him does not violate the permissible limit as notified by Naval Authorities, whereas the Adv. Nikhil Pai appearing on behalf of MPDA clearly stated that the very cause for issue of notices to the Appellant was on the basis of findings of Naval Authority, which clearly spelt out the violation committed by the Appellant in terms of exceeding the permissible limit of height.

While representing for Naval Authorities, representatives Captain Prashant K. Kamat and Lt. Abhishek Varshney placed before the Board the facts of the case whereby, it was brought to the notice of the Members that the construction of house is carried out by the Appellant in the property bearing plot No. 18-B of Sy.No. 60/1 of Dabolim village, Mormugao Taluka, by violating the Obstacle Limitation Surface (OLS) by 1.1008 mts. within the approach funnel, as per new letter dated 27/12/2023 submitted by Naval Authority. Thus, it was brought on record by the Competent Authority i.e. the Naval Authority that the Appellant has clearly exceeded the permissible limit.

The Board took note of the argument placed before it and was of the opinion that the Competent Authority i.e. Naval Authority has given its ruling in terms of violation and therefore the same need to be dealt very strictly. The Board was also apprised of the cognizance taken by the Hon'ble High Court and the Order dtd. 22/1/2024 passed in this regard.

As the issue concerns a very serious matter of aircraft safety at the Goa International Airport at Dabolim, Goa, the Board found it fit to direct the Appellant to demolish the offending part of the structure which violated the Obstacle Limitation Surface by 1.1008 mts., under the supervision of the MPDA and the Indian Navy on or before 12th February 2024, failing which the MPDA was directed to demolish the offending part of the structure which violates the Obstacle Limitation surveyed of the Appellant to the satisfaction of the Indian Navy by 15th February 2024 and file a report in this regard with the Board by 20th February 2024.

The appeal therefore stands dismissed with directions to the Appellant and the Respondent No. 1 as above.

Item No. 51: Proposal forwarded by North Goa PDA for renewal of Development Permission and relaxation of height increased for automated car parking, as sought by M/s. Manas Developers.

Member Secretary informed that the North Goa PDA has forwarded a Note bearing No. NGPDA/61/PNJ/3088/2024dtd. 13/12/2023 pertaining to an application received by the Authority under inward No.2758 dated 13-12-2023 from Mr. Tanmay Ulhas Kholkar, M/s. Manas Developers for renewal of Development Permission and relaxation of height increased in the stilt floor of the plans approved earlier by North Goa PDA, for the provision of automatic stack car parking to its residential building project situated in the property bearing Chalta No.55 of P.T.Sheet No.116 at Miramar, Panaji city.

It was further informed that North Goa PDA has cited following documents, as submitted by the applicant:

1. Section plan of stilt car parking
2. Development Permission issued vide Order No.NGPDA/2144/1976/2018 dated 19-01-2018
3. Development Permission issued under section 46 Ref. No.GPPDA/594/TAL/708/2021 dated 25-10-2021
4. Application made for renewal of development permission dated 11-12-2023

The Board was then informed that North Goa PDA has mentioned that the Development Permission for the project i.e. proposed multi-family residential building was initially granted by it vide Order No. NGPDA/2144/1976/2018 dated 19-01-2018 read with Corrigendum under Ref. No. NGPDA/61/PNJ/3587/2023 dated 17-01-2023 and has further informed that subsequent renewal permission under Section 46 was issued by GPPDA vide ref. No. GPPDA/594/TAL/708/2021 dated 25-10-2021. The Note mentions that the

site was inspected by the officials of the Authority on 09-01-2024 and it is observed that RCC frame structure of the building up to the 7th floor is completed and the masonry work is under progress. It is further observed by the Authority that the project proponent has carried out alteration/deviation in the approved stilt floor of the building whereby the stilt floor constructed on site is having different level i.e. intermediate height of stilt floor from plinth to bottom of first floor slab at one point is measured 3.30 mts. and the other side is measured 4.00 mts., which is more than the permissible 2.85 mts. Thus, the overall height of the stilt floor exceeds approximately by an average of 0.45 mts. at one point and 1.15 mts. at another point respectively.

The project under reference was approved by the Authority based on the C-1 Commercial zone in accordance to the zoning provision in the ODP-2021 of Panaji, whereas under the provisions of ODP-2011 of Panaji, the property is earmarked as Settlement S-3 zone. As per the drawing approved by the NGPDA vide Order No. NGPDA/2144/1976/2018 dated 19-01-2018, the building consists of basement, stilt and upper 8 floors.

The Note of NGPDA states that as per Rule 2 (126), the maximum intermediate height for stilt floor is permitted 2.85 mts. from the plinth top to slab top from free of FAR and height whereas, the project proponent has constructed stilt floor having intermediate height of 3.30 mts. for part stilt and 4.00 mts. to the remaining part of stilt floor and therefore the applicant has sought relaxation in existing by-laws (stilt floor) for the purpose of providing stack parking.

It is further observed by the Authority that the applicant has already obtained renewal up to the maximum period of 6 years as permitted under rule 21.2 of the regulations in force and has now requested to grant additional 3 years under force majeure circumstances due to the stoppage of work due to the Covid-19 pandemic in the year 2020 and 2021 following nationwide lockdown.

Ms. Vertika Dagur, Member Secretary, who was present for the meeting, informed that the proposal of M/s Manas Developers was discussed by the North Goa PDA in its 93rd meeting held on 15/01/2014 during which, the case was explained to the members in detail and the provisions of Rule 2 (126) and Rule 21.2 pertaining to maximum intermediate height for stilt floor permitted free of FAR and height calculation is 2.85 mts., were explained to the members. She further stated that the provisions of maximum validity of the Development Permissions were also informed to the Authority.

It was then informed by the Member Secretary of North Goa PDA that the Authority was of the opinion to relax the rules quoted in the present case and has therefore decided to refer the matter to the Government for seeking relaxation in Rule 2 (126) and Rule 21.2 of the regulation of Goa Land Development and Building Construction Regulations, 2010.

The Board deliberated the issue at length and was of the opinion that the relaxation sought in terms of height is only to facilitate better parking arrangement, which is the absolute need of the occupants of the building. Since it was observed that slight relaxation in stilt floor height does not materially affect the planning parameters and since the same was only for the betterment of parking facilities provided the Board decided to grant the relaxation as sought

The Board was however of the opinion that further renewal of the Development Permission shall be dealt by the Authority as per the provisions of the Act and the regulations prescribed in this regard.

Member secretary PDA was accordingly directed to deal with the matter, as decided by the Board.

Item No. 52: Cases considered by the Committee constituted as per Notification under No. 36/1/TCP/503/2023/3349 dated 31/10/2023.

Member Secretary informed that the Government vide Notification No. 21/1/TCP/2021-23/Steering Committee/107 dtd. 9/8/2023 and published in Official Gazette, Series I No. 18 dtd. 09/08/2023 had notified the amendment to GLDCR-2010, which provided for following:

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

It was then informed that a Corrigendum vide Notification No. 21/1/TCP/2021-23/Steering Committee/119 dtd. 21/8/2023 was thereafter published in Official Gazette, Series I, No. 21 dtd. 24/08/2023 stating that the regulation as referred above shall be read as under:

“The Government on recommendation of the Town and Country Planning Board shall grant additional height and FAR to the proposals on case to case basis in consideration of the locational aspect, nature of development, use proposed, information available and on any such other criteria, if required.”.

The Board was then informed that 4th meeting of the Committee, as constituted in this regard vide Notification No. 36/1/TCP/503/2023/3349 dated 31/10/2023 was held on 24/01/2024 in the office of the Chief Town Planner, TCP Dept., Panaji, during which, the proposals as forwarded by Taluka Offices/PDAs were considered by the Committee and the decisions taken were placed before the TCP Board as required under the amended regulation.

The Board deliberated in detail on the proposals submitted and conformity of the same in terms of notified regulations regarding the same. The Board took note that the proposals stands recommended by the Committee constituted for the purpose and therefore considered the same for approval at its end. The decisions as taken are recorded at Annexure, which forms part of these minutes.

Item No. 53: Representation dtd. 25/1/2024 received from Goa Housing Board for reconsideration of proposals submitted earlier for change of zone.

Member Secretary informed that the proposals of Goa Housing Board were earlier discussed in 191st meeting of TCP Board held on 25/10/2023 and while discussing on the same, it was observed that the Goa Housing Board has been constantly asking for change of zones of many of their properties located in different part of the State. It was thus observed that Goa Housing Board has

applied for almost all the properties for change of zone, either from Settlement to Institutional or from Settlement to Commercial zone with the intention of availing higher FAR and for putting up commercial activities.

The Board had also specifically noted the pattern in which the change of zone was constantly sought, whereby it was observed that initially the change of zone of the properties was sought by the Housing Board from Settlement to Institutional zone and after obtaining the same, requests for further change of zones were made from Institutional to Commercial zone, having higher FAR. Thus, it was seen that increase of FAR was obtained by virtue of change of zone either from 60 to 150 or from 80 to 150.

The Board therefore had felt that the concepts and priorities of the Goa Housing Board were constantly changing. The Members were therefore of the opinion that the very aim and objectives of the Goa Housing Board was getting changed time and again by shifting its focus from providing housing facilities to creating commercial spaces and therefore the Board had decided not to consider the proposals of Housing Board as applied for change of zone for higher FAR.

The Board was also informed that even the change of zones affected earlier to the properties of the Goa Housing Board, shall be restored back to its original status i.e. to revert back zones of all the properties from other zones as changed earlier to Settlement zone and the Board was accordingly informed that the decisions taken by the Government in this regard of rejecting the proposals as earlier approved by it, were communicated to the Goa Housing Board.

A letter under ref. No. GHB/ADM/765/2024 dated 15/01/2024 was then received from Goa Housing Board asking for reconsideration of the decision of the Government of rejecting their various proposals submitted for change of zone and the same was discussed by the Board in its 194th meeting held on 18/1/2024 and the Board had observed that the representation given by the Goa Housing Board were not elaborate of giving any justification for their request and therefore felt it appropriate that the matter be deliberated in detail again viz-a-viz the issues earlier noted by it and accordingly the matter was therefore deferred for further discussion on the subject.

Whereas, in continuation to their letter under ref.No. GHB/ADM/1765/2024 dtd. 15/1/2024, the Goa Housing Board has submitted another representation dtd. 25/1/2024 giving therein proposal wise details requesting for reconsideration of the decision of the Government of rejecting their proposals.

The case wise details and the explanation given by the Goa Housing Board for re-consideration of the decision of the Government is as under:

- a) In regards to office letter No. 33/9/TCP/146/2023/4048 dated 27/12/2023, the proposal for change of zone from Institutional (Housing) with F.A.R. 150% to Institutional (Commercial) with F.A.R. 200% for area admeasuring 35,955.0m² in Sy.No. 24/1-A in part-B of Curca Tiswadi, it is to inform that the plot has great potential for commercial development, since the same is abutting the NH. 66 & is in the proximity of the capital city at Panaji. Goa Housing has appointed a consultant and intends to construct office spaces, shops and related amenities and utilities.

- b) In regards to office letter No. 33/9/1TCP/147/2023/4049 dated 27/12/2023, the proposal for change of zone from Institutional (Housing) with F.A.R. 150% to Institutional (Commercial) with F.A.R. 150%, in Sector -A, for area admeasuring 13795.0m' in Sy.No.499/1-A, of Tivim Village, of Bardez Taluka, it is to inform that the plot has great potential for commercial development, since the same is abutting the SH-1 & is in the proximity of Mapusa city. Due to the strategic location of the plot, Goa Housing Board intends to provide a Commercial hub, which will include office spaces, shops, showrooms, Restaurants and related infrastructure.
- c) In regards to office letter No. 33/9/TCP/148/2023/4050 dated 27/12/2023, the proposal for change of zone from Institutional (Housing/Office building) with F.A.R. 150% to Institutional (Housing/ Office building) with F.A.R. 250%, for area admeasuring 6138.0m' in Sy.No. 34/1 in plot-E of Penhna-de Franca village of Bardez Taluka, it is to inform that the Board has already obtained the technical clearances and licenses for a Commercial project vide TCP letter no.TPB /6814/PDF/TCP-2 1/2524 dated 28/06/2021, which is underway and since the plot is in the vicinity of the Secretariat, the Board intending to provide more office spaces to cater to both government and private offices.
- d) In regards to office letter No. 33/9/TCP/50/2023/4051 dated 27/12/2023, the proposal for change of zone from settlement to Institutional (commercial) with F.A.R, 200% in group housing sector J" area admeasuring3772.Om2, group housing H/B2, area admeasuring 1950.Om' under Sy.No, 34/lat Porvorim, Penhna-de- Franca, Bardez, , it is to in inform that the demand for commercial spaces is more, than for residential spaces and following the fast developing trend of Porvorim, Goa Housing Board wants to make it as a revenue generating module to self-sustain itself. Goa Housing Board intends to provide a Commercial activities which will include office spaces, shops, Restaurants and related infrastructure since the plots are in the vicinity of the secretariat.
- e) In regards to office letter No. 33/9/TCP/151/2023/4052 dated 27/12/2023, the proposal for change of zone from Institutional (Housing) with F.A.R. 150% to Institutional (Commercial) with F.A.R. 200% for Block F area admeasuring 2300.0m & Block 'G' area admeasuring 2400.0 m2 in Sy.No. 92, 93 & 94 of Curti Village, of Ponda Taluka, it is to inform that, the Board has already obtained the technical clearances and licenses for a Commercial cum Residential project vide TCP No. TPP/13 16/const/Curti/92,93,94,/22/1 1 13 dated 26/05/2022 and TPP/1324/Curti/ 92, 93, 94/2022/1 095 dated 25/05/2022 and intends to provide more office spaces, shops, showrooms, Restaurants etcalongwith Residential units in these plots, since the same are abutting the NH. 748 & is in the proximity of Ponda city.
- f) In regards to office letter No. 33/9/TCP/157/2023/4053 dated 27/12/2023, the proposal for change of zone/ Re- designation of, plot earmarked for School to Institutional, in Block-F, for area admeasuring 1630.0 m2 in Sy.No. 123/1 to 8, of Xeldem Village, of Quepem Taluka, it is to inform, that the village Panchayat of Xeldem has requested to the Board, to provide the plot for construction of village Panchayat Ghar.

- g) In regards to office letter No. 33/9/TCP/158/2023/4054 dated 27/12/2023, the proposal for change of zone from Group Housing (Residential Settlement) to institutional, in Block-H, for area admeasuring 945.0 m² in Sy.No. 92/0,93/0,94/0 of Curti Village, of Ponda Taluka, it is to inform, that the village Panchayat of Curti has requested to the Board, to provide the plot for construction of village Panchayat Ghar.
- h) In regards to office letter No. 33/9/TCP/159/2023/4055 dated 27/12/2023, the proposal for change of zone from Institutional (Housing) with F.A.R. 150% to Institutional with F.A.R. 150% for Sector-Z, area admeasuring 6250.0m² in Sy.No. 93/1 (part), 93/2,3,4,94/1 & 2, 95/1(part), 13/1,10/3,2,1 at Rumdamol, Davorlim Village. Salcete Taluka, it is to inform, that there is no Educational facility (Institutional/ School) in the vicinity and observing the thickly populated area, the Board is providing this facility, to decongest other parts of the city at Margao during peak hours.

The Board deliberated on the issue with specific reference to its earlier decision of withdrawing the permissions granted vis-à-vis the clarification as given by the Goa Housing Board now and was of the opinion that the issue may require further analysis in terms of prevailing FAR and higher FAR as sought by the Goa Housing Board through change of zone of the respective properties especially as regards to related approved sub-division layout and the available infrastructure in the respective properties to sustain forthcoming major development.

While discussing on the matter, Chairman expressed his opinion that the development/ proposals are basically to undertake Government projects and the request is therefore required to be considered favourably.

The matter was therefore deferred for further deliberation and for final decision in its next meeting.

Item No.54: Any other item with permission of the Chair.

No other issues were discussed under this item.