

**MINUTES OF 197th MEETING OF THE GOA TOWN & COUNTRY
PLANNING BOARD HELD ON 23/02/2024 AT 4.00 P.M. IN
CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

Following attended the meeting:

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| 1. | Shri. Vishwajit P. Rane,
Hon. Minister for TCP | ... | Chairman |
| 2. | Dr. Deviya Rane,
Hon'ble MLA, Poriem | | Member |
| 3. | Shri Rajesh Faldessai,
Hon'ble MLA Cumbharjua | | Member |
| 4. | Shri Shrinivas Dempo,
GCCCI | | Member |
| 5. | Shri Santosh Fadte, DCF,
Forest Department | | Member |
| 6. | Dr. Rupa Naik,
Directorate of Health Services | | Member |
| 7. | Shri Cyd M. Ferrao,
S. W. (PWD) | | Member |
| 8. | Eng. Paresh Gaitonde | | Member |
| 9. | Arch. Rajeev M. Sukhthanker | | Member |
| 10. | Ms. Vertika Dagur | | Chief Town Planner
(Admn.) |
| 11. | Shri. Rajesh J. Naik,
Chief Town Planner (Planning). | ... | Member Secretary |

Item No. 1: Confirmation of the Minutes of the 196th meeting of Town & Country Planning Board held on 13/02/2024.

Member Secretary informed that the Minutes of 196th meeting of TCP Board held on 13/02/2024 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 under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. Sonu S. Patil against Mormugao Planning and Development Authority. (File No. TP/B/APL/437/24)

Member Secretary informed that the Appeal is preferred to the Board under Section 52(2)(b) of the Goa Town & Country Planning Act, 1974, against the Order dated 15/01/2024 issued by the Respondent MPDA.

As per the appeal memo, it is informed by the Appellant that NOC dated 12/04/2013 was earlier issued by the Flag Officer Commanding for construction of his house. It is further informed by the Appellant that the said structure under reference is constructed as per the approval granted by MPDA and that he has not violated any law at the time of construction of structure nor has violated any condition mentioned in the Development Permission issued by the Respondent.

Appellant further states that the Respondent has directly issued Demolition Notice dtd. 15/01/2024 u/s 52 of the Town & Country Planning Act, 1974 without issuing any Show Cause Notice to him, thereby not giving fair hearing to him and without going into the facts of the matter. The Appellant also states that the demolition notice sent is vague and ambiguous and no details of the illegality is mentioned and therefore the demolition notice sent is in clear violation of law and the rules applicable.

Having been aggrieved by the said impugned notice dtd. 15/01/2024 passed by the Respondent, the Appellant has preferred the present appeal on following grounds:

- i) *The appellant has not carried out any illegal construction as alleged in the impugned notice. The impugned notice is therefore fictitious.*
- ii) *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.*
- iii) *The Respondent does not have any power to issue the notice for violation of obstacle limitation surface.*
- iv) *The impugned notice is issued without giving any valid reasons, without show cause notice and without proper site inspection report of the violation.*
- v) *No show cause notice was issued to the Appellant by the Respondent but have chosen to issue the said impugned notice directly.*

vi) *That this Hon'ble Board be pleased to quash and set aside Order/Notice dtd. 15/01/2024 bearing No. MPDA/9-N/88/2023-24/1162 issued by Respondent.*

The notice bearing No. MPDA/9-N-88/2023-24/1162 dated 15/01/2024 issued by MPDA for demolition is for the reason that the height of structures is above the maximum permissible top elevation and continue to constitute an obstruction thereby penetrating the OLS as per the regulations i.e. 1.8394 mts. in the approach funnel in the property bearing Sy. No. 60/1 plot No. 18-B of Dabolim village, Mormugao Taluka.

Adv. Chetan Palekar appeared on behalf of the Appellant whereas Respondent PDA was represented by Adv. Nikhil Pai.

While arguing in the matter, Adv. Chetan Palekar informed that NOC was granted in the past by the Naval Authority insisting for height of 3.5 mts. as permissible and informed that the actual height as available on site is only 3.2 mts. which is well below the permissible height of 3.5 mts. Adv. Chetan Palekar further informed the Board that the Appellant had approached the Hon'ble High Court, however his Petition was dismissed and therefore relief from Hon'ble Supreme Court is sought.

While arguing on behalf of MPDA, Adv. Nikhil Pai stated that the very notice bearing No. MPDA/9-N-88/2023-24/1162 dated 15/01/2024 was issued by MPDA for demolition as the Appellant has undertaken the construction wherein he has violated portion by 1.8394 mts. in the approach funnel. Adv. Nikhil Pai further impressed upon the Board that the notice for demolition was issued by MPDA on the basis of re-survey undertaken by the Flag Officer Commanding vide letter No. 46/210/1 dated 27/12/2023.

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 1.8394 mts. in the approach funnel at Sy. No. 60/1 plot 18-B of Dabolim village in Mormugao Taluka, failing which, the MPDA was directed to demolish the offending part of structure violating the Obstacle Limitation Surface.

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

Item No. 3: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mrs. Ameena Jabbar Sayed Inus against Mormugao Planning and Development Authority and Mr. Eduardo Camilo Da Cruz. (File No. TP/B/APL/438/24)

Member Secretary informed that the Appeal is preferred to the Board under Section 52(2)(b) of the Goa Town & Country Planning Act, 1974, against the Demolition Notice dated 14/12/2023 issued by Member Secretary, MPDA with respect to complaint dtd. 18/4/2022 by Mr. Eduardo Camilo Da Cruz for illegal extension in the property bearing Chalta Nos. 254, 255 and 328 of P.T. Sheet No. 152 of Vasco city against the Appellant hereinabove.

The complainant is claiming to be owner of property bearing Chalta Nos. 254, 255 and 328 of P.T. Sheet No. 152 of Vasco city.

As per the appeal memo, the complainant states that Mr. Sayad Abdul Jabbar Sayad Inus, the late husband of the Appellant was the tenant of a structure in his property identified under Chalta No. 255 of P.T. Sheet No. 152 of Vasco city.

The complainant has alleged that there has been illegal extension in his property surveyed under Chalta Nos. 254, 255 and 328 of P.T. Sheet No. 152 of Vasco city for which he has filed complaint before the Respondent No. 1 for taking action against the structure referred and the illegal extension in accordance with the provision of the Town and Country Planning Act. The Appellant states that she has not carried out any extension to the said structure under reference.

It is the case of the Appellant that she is the permanent resident of the structure existing on the property under reference which is alleged to be illegal, and is residing in the said property till.

The Appellant states that name of her late husband is recorded in Form D of Chalta No. 254 of P.T. Sheet 152. The Appellant states that the Appellant has acquired electricity and water connection for her house from the appropriate Departments in her name.

The Appellant states that the house under reference is also assessed for House tax purpose by the Mormugao Municipal Council under two House Nos. 334 and 334(1).

The Appellant states that by Order dated June 1977 of the then Collector of Survey (City Survey of Vasco da Gama), the existence of house and the ownership of the house by her late husband, was confirmed.

The Appellant further states that the structure which is alleged to be illegal extension is existing prior to 1972 and is duly assessed for Municipal Tax under House No. 334 and 334(1) and is also provided with basic utilities like Electricity and Water connection since the year 1997.

The Appellant states that it is pertinent to note that the Appellant has already initiated Mundkarial proceedings with respect to the structure on 29/11/2023 prior to the receipt of this Notice, which came to be registered as Case No. MAM/MOR/MUND/8A/10/2023/3492 before the Mamlatdar of Mormugao, which was taken up for hearing on 04/01/2024 whereby the complainant i.e. Mr. Eduardo Camilo Da Cruz appeared before the Mamlatdar and has sought time to engage Advocate and file their reply in the matter.

The Appellant states that she has not carried out any illegal extension/development of existing structure with laterite masonry walls and has not covered the same partially with asbestos cement sheets and partially with mangalore tiles,

Being aggrieved by the demolition notice dated 14/12/2023, the Appellant has preferred the appeal on the following grounds:

1. *The Impugned Notice is bad in law as the Respondent did not give proper hearing to the Appellant before issuing the Impugned Notice*
2. *That the Impugned Notice is issued by the Respondent without giving knowledge of site inspection to the Appellant and as such the same is defective and arbitrary without looking the actual location on the site.*
3. *The Appellant has not carried out any illegal construction or development as alleged in the Impugned Notice. The Impugned Notice is therefore fictitious.*

4. *The Impugned Notice is arbitrary and against the principles of natural justice and hence deserves to be quashed and set aside.*
5. *The Appellant states that the Impugned Notice was issued by the Respondent mechanically and without any application of mind, and on false complaint filed by the Complainant i.e., Mr. Eduardo Camilo Da Cruz.*
6. *The Notice is not supported by any documentary evidence, and is absolutely vague without even showing any illegal development/ extension which is given by the Respondent and bad in law and hence liable to be rejected.*
7. *The Impugned Notice is issued without giving any valid reasons, and without proper site inspection.*
8. *Despite the Reply filed by the Appellant to the earlier 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 illegal construction.*

The Appellant has therefore prayed for that the Order/ Notice dated 14/12/2023 be quashed and set aside.

During the hearing, Adv. Pratiksha Dabholkar appeared for the Appellant whereas Respondent PDA was represented by Adv. Nkhil Pai. At the outset, Adv. Nikhil Pai representing the Respondent PDA requested for additional time to file his reply, citing the reason that the very short notice was given to appear before the Board in the matter.

Adv. Pratiksha Dabholkar also requested for adjournment of the matter for the reason that the Appellant has already initiated Mundkarial proceedings before the Mamlatdar of Mormugao and the Order is awaited.

Considering the request made by both the parties, the Board agreed for adjournment of the matter.

The matter therefore stands adjourned.

Item No. 4: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. Kapil Vijay Raipurkar against Mormugao Planning and Development Authority. (File No. TP/B/APL/439/24)

Member Secretary informed that the Appeal is preferred to the Board under Section 52(2)(b) of the Goa Town & Country Planning Act, 1974, against the Notice dated 18/01/2024 issued by the Member Secretary, Mormugao PDA directing to demolish /remove the alleged illegal development allegedly penetrating the OLS as per the regulations i.e. 1.8999 mts. in the approach funnel at Sy. No. 174/1-C, plot No. 19 of Sancoale village of Mormugao Taluka. The Appellant states that the impugned notice is illegal arbitrary, discriminatory and without any application of mind.

The Appellant states that he is constrained to move the present Appeal challenging the Notice dated 18/01/2024 issued by the Respondent under Section 52 of the Town and Country Planning Act, 1974.

The Appellant states that the Notice issued is illegal, arbitrary, discriminatory and without any application of mind and is issued without verification of the facts. The appellant also states that the notice has been issued without jurisdiction and without any authority of law and despite the fact that the Appellant has admittedly not violated either the Town & Country Planning, 1974 or the Goa Land Development and Building Construction Regulations, 2010 and has not been preceded with any Show Cause Notice and is therefore a blatant violation of the principles of natural justice.

The Appellant states that vide NOC dated 14/03/2013 was granted for height clearance for construction of Residential Building (Gr+2) in property bearing Survey No. 174/1, Plot No. 19 of Sancoale Village.

The Appellant states that he has been granted Development Permission dated 05/08/2016 by the Respondent and Construction License dated 26/09/2016 has been issued by the Village Panchayat and the said Village Panchayat has also granted Occupancy Certificate dated 04/06/2018.

The Appellant states that the Respondent MPDA has issued a Show Cause Notice dated 05/09/2022 alleging he has carried out construction of house by violating the Obstacle Limitation Surface (OLS) by 1.9674 mtrs within the approach funnel.

The Appellant states that vide Reply dated 21/09/2022 he has responded to the Show Cause Notice dated 05/09/2022 and denied of having committed any illegality and brought to the notice of the Respondent that the construction was carried out in terms of the approval plan.

The Appellant states that vide communication dtd. 13/03/2023, it has been brought to the notice of the MPDA that the Appellant as per its instruction had carried out the demolition of 1.9674 mts. and has also furnished the pictures of demolition done on 05/03/2023.

The Appellant states that he had received a Notice dated 15/01/2024 from the Respondent.

The Appellant states that the Respondent MPDA has issued a Notice to him despite he having complied with the earlier directions and demolished the alleged illegal construction of 1.9674 mts.

The Appellant states that the height of the building at the moment is exactly the height as permitted by the Navy NOC and in terms of approved permissions.

Grounds as mentioned by the petitioner in the appeal memo are as under:

1. *Impugned Notice is in the nature of an Order and is admittedly not a show Cause Notice. The Impugned Notice has not been preceded by any Show Cause Notice to the Appellant.*
2. *Respondent MPDA is not an authority constituted under the Aircraft Act, 1934 or The Aircraft (Demolition of obstructions caused by Buildings and Trees etc.) Rules, 1994, (hereinafter referred to as the Aircraft Rules 1994) and therefore has no jurisdiction whoever determine whether or not the alleged construction done by the Appellant violates the OLS or not.*
3. *The Aircraft Rules provide for a full fledged procedure for buildings that violates the notification issued under Section 9A(1) by the Central Government. The 1994 Rules empower authorities in the said rules to take action against buildings that violate the provisions of any notification issued under section 9A(1) of the Aircraft Act. Neither the Aircraft Act nor the Aircraft Rules 1994 empower the Respondent herein to take action against any persons whatsoever. The impugned notice is liable to be quashed and set aside on this count alone.*

4. *The Impugned Notice has been issued under Section 52 of the TCP Act. Section 52 of the TCP Act only authorizes the Respondent PDA to take action against any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, which admittedly is not the case of the Respondent MPDA.*

The Appellant has therefore prayed that the Notice dated 18/01/2024 be quashed and set aside.

During the hearing, Adv. Nikhil Pai appeared on behalf of MPDA and whereas Adv. Kaif Noorani appeared for Respondent.

At the outset, Advocate Kaif Noorani requested that a fresh notice be issued to him by the Respondent, as his say was not obtained by the Respondent PDA and thereby the MPDA has not followed the rule of natural justice.

Adv. Kaif Noorani also argued that the Flag Commanding Officer and the Member Secretary, MPDA has no authority to issue such notices under Aircraft Act, 1934 and that Respondent PDA should him give a proper opportunity to place the facts before it and for which purpose, Adv. Kaif Noorani impressed upon the Board that a fresh notice is absolutely essential to be issued to him.

To this submission made by appellant, respondent PDA had no objection and therefore it was decided by the Board that the matter be remanded back to MPDA to facilitate it to issue a fresh notice to the Appellant. The Respondent PDA was accordingly directed to decide on the matter on the basis of further proceedings in the matter before it.

The appeal therefore stands disposed off with direction to MPDA as above.

Item No. 5: Regarding provision of space in buildings for Automated External Defibrillator (AED).

Member Secretary informed that the provision pertaining to providing space in buildings for Automated External Defibrillator (AED) was discussed earlier in 190th TCP Board meeting held on 21/09/2023, during which, concern was raised regarding rising number of cases of sudden cardiac and other emergencies in the State of Goa and therefore a need was felt to provide necessary first aid equipment and other such medical facilities in multi family

dwelling units. Member Secretary further informed that the Board was also briefed that the Government was actively considering for providing the space in multifamily dwelling units for provision of Automated External Defibrillator (AED) and it was therefore decided that the directions be issued to the Branch Offices of the TCP Department and to PDAs to incorporate such a provision while granting the Technical Clearances and Development Permissions for construction of multi-family dwelling units.

The Board was further informed that the spaces provided for such facilities shall 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 further informed that the government has subsequently approved such facility shall be made mandatory for residential buildings comprising of 25 No. of units, however the stake holder had made a suggestion that such a provision shall not be feasible for the residential complex having only 25 no. of units and the limit shall preferably be increased to 50 and above Nos. of residential units to insist on such provision.

The Board deliberated on the practical difficulty that may arise due to limited number of residential units, as earlier decided by it and after having considered various factors, was of the opinion that the Department shall make mandatory the provision of Automated External Defibrillator (AED) only for the buildings having 50 and above Nos. of residential units.

Item No. 6: Regularization of existing School building at Sy. No. 42/1 (part) of Village Chimbhel, Tiswadi Taluka by the Chairman of Jadeed Urdu High School.

Member Secretary informed that the proposal is forwarded by the office of Dy. Town Planner, Tiswadi Taluka Office for regularization of school buildings of Jadeed Urdu High School having blocks A, B, C & D at Sy. No. 42/1 (part) of Village Chimbhel in Tiswadi Taluka.

It was further informed that the Office of the Dy. Town Planner has mentioned that the site was inspected by its official and it is noticed that the plot having the school building is accessible only by a 3.00 mts. wide road towards

western side, as shown on the site plan. It is also mentioned by the said office that the plot is already having existing compound wall along the boundary of the plot and there are structures existing in the plot viz A1, A2, A3, B, C, D & E as shown in the site plan and the same are also reflected on the plan attached to Deed of Lease.

Member Secretary then informed that it is reported by Tiswadi Taluka office that the buildings proposed for regularization i.e. A, B, C & D as existing on site are not having adequate setbacks as mandated in the GLDBCR, 2010 and that also the required parking provisions is not available at site.

It was then informed that the Chairman of Jadeed Urdu High School has vide his letter dated 10/01/2024 submitted a clarification stating that there are about 500 children in the school, whose parents are labourers and the said buildings are close to 20-point programmed housing scheme of the Government and has also stated that the said buildings were constructed in the year 1979.

As regards to observation, pertaining to applicability of sub-division of land, it is clarified that there is Lease Deed dated 15/02/2007 from the Government of Goa, which includes both land and structures for the practice of Educational Institute. It is also mentioned that the additional clarification from the Under Secretary of the Revenue Department affirms that the land and structures have been duly regularized. It is also undertaken by the School Authorities that they shall work closely with the concerned Authorities to streamline the sub-division process and for re-survey of all the structures ensuring compliance as per regulations in force.

The applicant has submitted the following documents issued by various Authorities in the past, which are listed as under:

1. Receipt of house tax bearing House No.1/421 to 1/429 paid to Village Panchayat of Chimbhel in connection with Jadeed School existing in the property.
2. Occupancy Certificate issued by the Village Panchayat bearing No. VP/Chi/4/95-96/308 dated 14th Sept 1995 issued to existing Jadeed English High School in the plot.

3. No Objection Certificate from the Village Panchayat bearing No. VP/Chi95-96/145 dated 31st May 1995 to occupy the room of Thouheed Ul-Muslim High School at village Chimbel.
4. Regularization of Government land encroached by Anjuman Thauheed Ul-Muslim High School bearing letter No. 14/37/2006-RP dtd. 2/11/2006 by lease sanctioning vide letter bearing No. 14/37/2006-RD from the Under Secretary (Revenue).
5. Structural Stability Certificate dated 16th Aug 2023 issued by Structural and Chartered Engineer, Siddesh Sawant certifying structural soundness of the school building.
6. Deed of Lease dated 5th Feb 2007 between the Governor of Goa and Thouheed Ul-Muslimeed School duly registered in the Office of the Sub Registrar of Ilhas at Panaji, Tiswadi, Goa under registration No. 478 at pages 415 to 429 of Book I Volume 1754 dated 15th Feb 2007.
7. Plan showing the height of each floor of the existing building in which it is evident that the height of the entire existing buildings is 8.80 meters.
8. Certified copy of approved Plan of the school building vide Resolution No. 3(7) passed in monthly meeting held on 3rd Oct 2013.
9. Clarification on regularization of Jadeed English High School issued by Revenue Department, Secretariat, Porvorim bearing File No. 28/9/1/2023/RD-1/1326 dated 14th Nov 2023, wherein it has been mentioned that land admeasuring 2700 m² of Chimbel village is regularised.
10. Clarification issued by the Addition. District Collector, North Goa bearing No. 23/27/99-MISC/RB-PF/2006/3829 dated 3rd Nov 2023 wherein it is clarified that Government land admeasuring 2700.00 m² in Sy.No. 42/1 of village Chimbel of Tiswadi Taluka Goa, is regularized by the Government along with the structures.

The Board deliberated on the matter and observed that the proposal as forwarded by Jadeed Urdu High School shall require relaxation of coverage, accessibility, FAR, height of the building and parking requirements for the purpose of regularization of buildings, A, B, C & D as mentioned in the note No. Tis/10667/CHI/TCP/2023/209 dated 19/01/2024 forwarded by the Dy. Town Planner, Tiswadi.

The Board took note that the plot alongwith school building is leased to the Jadeed Urdu High School and that the school building is already functional and is having about 500 students. The board took note that in the lease deed issued by the Government, it is mentioned that the plot under reference shall be solely used for running school by Jadeed Urdu High School. The Board further perused the documents placed in the file as under:

Considering the documents placed before it and the use to which the building is presently put to use, the Board recommended for regularization of buildings as applied for by giving therein the relaxation of coverage, accessibility, FAR, height of the building and parking requirements.

It was decided by the Board that the School Authorities shall adopt all the security measures and shall ensure the compliance of all safety measures, as prescribed by Competent Authority such that lives of students, staff, faculty members, etc. is not endangered,

Since the proposal involved relaxation of certain regulations, it was decided that the Government approval shall be obtained for the recommendation of the Board.

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

Item No. 7:- Proposal of Shri Davinder Singh and Bird Valley Realtors LLP in Sy. No. 61/1-AA, 61/1-AB, 61/1-AC, 61/1-AD, 61/1-AE, 61/1-AF, 61/1-AG, 61/1-AH, 61/1-AI, 61/1-AJ, 61/1-AK, 61/1-AL, 61/1-AM, 61/1-AN, 61/1-AO, 61/1-AP, 61/1-AQ, , 61/1-AR, 61/1-AS, 61/1-AU, 61/1-AV, 61/1-AW, 61/1-AX, 61/1-AY, & 61/1-BA, 61/1-BB, 61/1-BC, 61/1-BD, 61/1-BE, 61/1-BF and 61/1-B, 61/1-C, 61/1-D, 61/1-E, 61/1-F, 61/1-G, 61/1-H, 61/1-I, 61/1-J, 61/1-K, 61/1-L, 61/1-M, 61/1-N, 61/1-O, 61/1-P, 61/1-Q, 61/1-R, 61/1-T, 61/1-U, 61/1-V, 61/1-W, 61/1-X, 61/1-Y, 61/1-Z of Dabolim village, Mormugao Taluka.

Member Secretary informed that the Government vide Order No. 28/1-7/PDA/GEN-PERMISSION/TCP-2023/2483 dated 17/08/2023 and Order No. 28/1-7/PDA/GEN-PERMISSION/TCP-2023/3377 dated 03/11/2023 has issued direction for streamlining the procedure in issuing various permission by the Planning and Development Authority to improve functioning of PDAs and the clearance process needs to be expedite under Ease of Doing Business initiative (EoDB).

It was then informed that the Government in exercise of the powers under Section 132 of the TCP Act, directed that all the permissions for approval of sub-division of land for the properties having total area of 25000 m2 and building having floor area above 25000 m2 under Section 44 of TCP Act shall be dealt at the level of Member Secretary/Town Planning Officer of PDAs by obtaining Government approval for the same.

The subject was further discussed in the 190th meeting of Town & Country Planning Board held on 21/09/2023 and it was decided that applications received in this regard shall be forwarded by the concerned Planning & Development Authorities to the Chief Town Planner (Planning) for the purpose of placing the same before the Town & Country Planning Board for its consideration and decisions on the same and which shall thereafter be submitted to the Government for its approval.

It was informed by the Member Secretary that MPDA vide Note No. MPDA/9-5-273/2023-24/1320 dtd. 16/02/2024 has now forwarded a proposal of Devendra Singh and Bird Valley Realtors LLP for amalgamation of plots and sub-division of land (provisional) in the re-constituted amalgamated property bearing Sy. No. 61/1-AA, 61/1-AB, 61/1-AC, 61/1-AD, 61/1-AE, 61/1-AF, 61/1-AG, 61/1-AH, 61/1-AI, 61/1-AJ, 61/1-AK, 61/1-AL, 61/1-AM, 61/1-AN, 61/1-AO, 61/1-AP, 61/1-AQ, , 61/1-AR, 61/1-AS, 61/1-AU, 61/1-AV, 61/1-AW, 61/1-AX, 61/1-AY, & 61/1-BA, 61/1-BB, 61/1-BC, 61/1-BD, 61/1-BE, 61/1-BF and 61/1-B, 61/1-C,61/1-D, 61/1-E, 61/1-F, 61/1-G, 61/1-H, 61/1-I, 61/1-J, 61/1-K, 61/1-L, 61/1-M, 61/1-N, 61/1-O, 61/1-P, 61/1-Q, 61/1-R, 61/1-T, 61/1-U, 61/1-V, 61/1-W, 61/1-X, 61/1-Y, 61/1-Z of Dabolim village, Mormugao Taluka. It was further informed that the total area of the property is 1,07,101.00 m2 and the property is zoned as Settlement (S2) as per Outline Development Plan for Vasco-da-Gama Planning Area 2030.

The proposal was then placed before the Board for discussion, during which the detail area statement pertaining to the proposal was then explained to the Members, which was as under:

Area of Plot	1,07,101.00 m2
Area under proposed internal roads	17,748.30m2
Open space required (15%)	16,065.15m2

Open space provided (15.12%)	16,189.61m ²
Proposed area for commercial purpose	3,926.00m ²
Proposed area for community purpose	2,857.00m ²
Proposed area for institutional purpose	2,374.18m ²
Area under proposed ODP road	7,205.00m ²
Number of plots provided	321 Nos.
Area under proposed residential development	56,800.82m ²

Member Secretary informed that the applicant has already obtained Conversion Sanad for the property under reference, property is accessible by 10.00 mts. wide ODP road. Applicant has submitted the proposal for sub-division of land as per the Goa (Regulation of Land Development and Building Construction) Relaxation Rules, 2023.

The Board was then informed that the Committee constituted for the purpose, in its 3rd meeting held on 20/02/2024 has verified that the proposal as submitted by MPDA is as per regulations in force and has therefore recommended the same to be placed before the TCP Board.

The Board deliberated in detail on the proposal and considering the findings of the MPDA and further recommendation of the Committee in this regard, considered the proposal for approval for onward submission of the same to the Government.

Member Secretary was accordingly directed to do further needful in this regard.

Item No. 8: Cases considered by the Committee constituted as per Notification under No. 36/1/TCP/503/2023/3349 dated 31/10/2023 for granting additional FAR.

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 GLDBCR-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 6th 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 20/02/2024 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 decision as taken in the matter of Golden Affairs & Entertainment Pvt. Ltd. under any other item, was also taken note of.

The Board deliberated in detail on the proposals submitted and conformity of the same in terms of notified regulations. 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 Board also took note of application of Golden Affairs & Entertainment Pvt. Ltd., which was considered earlier in 4th meeting of the Committee held on 24/01/2024 under item No. 2(16) and also recommended by the TCP Board in 195th meeting held on 29/01/2024. The decision as taken on the proposals are recorded at Annexure, which forms part of these minutes.

Item No. 9: Any other item with the permission of the Chair.

No other issues were discussed under this item.

Meeting ended with thanks to the Chair.