

MINUTES OF 199th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 08/03/2024 AT 4.00 P.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Following attended the meeting:

1. Shri. Vishwajit P. Rane, ... Chairman
Hon'ble Minister for TCP
2. Dr. Deviya V. Rane, Member
Hon'ble MLA, Poriem
3. Shri Rajesh Faldessai, Member
Hon'ble MLA Cumbharjua
4. Shri Shrivallabh Pai, Member
S.E. PWD
5. Dr. Cheryl De Souza, Member
CMO, Director of Health Services
6. Shri Rajesh A. Kale, Member
Dy. Director Tourism
7. Ralph De Souza, Member
GCCI
8. Eng. Paresh Gaitonde Member
9. Arch. Rajeev M. Sukhthanker Member
10. Shri. Rajesh J. Naik, ... Member Secretary
Chief Town Planner (Planning)

Item No. 1: Confirmation of the Minutes of the 198th meeting of Town & Country Planning Board held on 29/02/2024.

Member Secretary informed that the Minutes of 198th meeting of TCP Board held on 29/02/2024 are prepared and the same were placed before the Board for confirmation.

Members took note of the Minutes circulated and as there were no further suggestions/corrections, the same were treated as confirmed.

Item No. 2: 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 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 8th 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 06/03/2024 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 Table - A, which forms part of these minutes.

Item No. 3: Decision on proposals considered in 39th meeting of the 16-A Committee, constituted under sub-rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules - 2008 held on 05/03/2024.

Member Secretary informed that the proposals as mentioned in Annexure 'B' have been considered by the Committee constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development works by the Government) Rules - 2008 in its 39th meeting held on 05/03/2024.

The Board deliberated on each of the proposals as submitted by different Departments, as reflected in Annexure-B and on the decisions taken by the Committee on the same, in its meeting held on 5/3/2024 and considering the reasoning cited, approved the decisions of the Committee as taken.

The decisions as taken by the Board are as per Annexure – B, which forms part of these Minutes.

Member Secretary was accordingly directed to forward above decision of Board to the Government for necessary approval.

Member Secretary further briefed the Board on other proposals of Goa Housing Board as well discussed in 191st meeting of the Board held on 25/10/2023 and informed that in this meeting total 9 proposals of Goa Housing Board were taken up for discussion and were rejected. The Board was briefed that out of these 9 proposals, 3 were earlier recommended by the 16-A Committee constituted for the purpose and whereas 6 were in any case, rejected by the said Committee.

The Board was then informed that a request as made subsequently vide letter No. GHB/ADM/765/2024 dated 15/01/2024 by the Goa Housing Board for reconsideration of their cases, was taken up by the Board in its 194th meeting held on 18/01/2024 and the matter was deferred for proper justification from Goa Housing Board, which was subsequently issued by the Goa Housing Board vide letter No. GHB/ADM/1852/2024 dated 25/01/2024.

The Board was then informed that in its 195th meeting held on 29/01/2024, the Board had again discussed on the letter dated 25/01/2024 of the Goa Housing Board and the matter was again deferred for final decision in the next meeting.

The Board then deliberated on all the proposals as requested by Goa Housing Board and considering the merits of the case and the justification as issued earlier by the Board, decided to recommend following 3 proposals, as the same were earlier approved by the 16-A Committee, constituted for the purpose in its 38th meeting held on 29/03/2023.

1. Proposal received from Goa Housing Board for change of zone from Institutional (Housing) with FAR of 150 to Institutional with FAR of 150 of property bearing Sy. No. 93/1(part), 93/2, 3, 4; 94/1 & 2; 95/1(part); 12/1, 2(part); 11; 13/1; 10/3, 2, 1 for Sector-Z of Village Rumdamol, Davorlim, Salcete Taluka.
2. Proposal for change of zone for Goa Housing Board from Group Housing (Residential Settlement) to Institutional in Block -H for an area admeasuring 945.00 m² in Sy. No. 92/0, 93/0, 94/0 of Curti Village, Ponda Taluka.
3. Proposal received from Goa Housing Board for change of zone from Institutional (Housing) with FAR 150 to Institutional (Commercial) with FAR of 150 of property bearing Sy. No. 449/1-A, Sector-A of Village Tivim, Bardez Taluka.

As regards to another proposal of Goa Housing Board for change of zone from Settlement to Institutional (Commercial) with FAR of 200 in Group Housing Sector 'J', area admeasuring 3772 m², Group Housing H/B2, area admeasuring 1950 m² under Sy.No. 34/1 at Porvorim, Penha-de-Franca, Bardez, the Board observed that 16A Committee in its 38th meeting held on 29/03/2023 had not recommended the proposal, as Goa Housing Board has sought the enhancement of FAR from Settlement to Institutional (Commercial - FAR 200), whereas the maximum permissible FAR under Institutional zone was 150. Considering the request made by Housing Board, the Board after having detail deliberation on the proposal, the Board decided to recommend the enhancement of FAR from Settlement to Institutional 150.

Member Secretary further informed the Board that following proposals of Goa Housing Board were earlier rejected by the Board in its 191st meeting held on 25/10/2023, as the same were not recommended by the 16A Committee in its 38th meeting held on 29/09/2023. The same decision of the Board of rejecting the proposals was further considered by the Government, as in three cases referred at Sr.No. 1, 2 & 3 below, it was found that further enhancement of FAR in Institutional zone from 150 to 200/ 250 was not permissible under the provisions of the Goa Land Development & Building Construction Regulations, 2010, as the

maximum permissible FAR in Institutional zone was 150 only and in case referred at Sr.No. 4 below, it was found that prior NOC from Education Department for change of use of plot was required from School to Institutional zone.

The Board was then informed that the Goa Housing Board in its compliance letters dtd. 15/01/2024 and dtd. 25/01/2024 has issued clarification for reconsideration of their proposals. The Board discussed on the same and was of the view that these proposals need to be first placed before the 16A Committee for their decision in view of the clarification given by the Goa Housing Board.

Accordingly, following proposals of Goa Housing Board were not considered for approval by the Board, as it required prior decision/recommendation of 16A Committee.

1. Proposal for change of zone from Institutional (Housing/Office Buildings) with FAR of 150 to Institutional (Housing/Office Buildings) with FAR of 250 in property bearing Sy. No. 34/1 of Penha-de-France Village, Bardez Taluka.
2. Proposal for change of zone from Institutional (Housing) with FAR of 150 to Institutional (Commercial) with FAR of 200 in property bearing Sy. No. 24/1-A, Part B of Curca Village, Tiswadi Taluka.
3. Proposal for change of zone from Institutional (Housing) with FAR of 150 to Institutional (Commercial) with FAR of 200 for Block F, area admeasuring 2300 m² and Block G area admeasuring 2400 m² in property bearing Sy. No. 92, 93 & 94 of Curti Village, Ponda Taluka.
4. Proposal for change of zone/re-designation of plot earmarked for School to Institutional in Block F, area admeasuring 1630 m² in property bearing Sy. No. 123/1 to 8 of Xeldem Village, Quepem Taluka.

Member Secretary was accordingly directed to forward above decision of Board also to the Government for approval of the same.

Item No. 4: Representation forwarded by the Dy. Town Planner, Mapusa, Bardez-Goa regarding representation by Sumit Ahuja M/s Kuvalyam Reality LLP for relaxation of setbacks in respect of proposed construction of residential villa 1 and 2 of village Anjuna in Bardez Taluka.

Member Secretary informed that the Dy. Town Planner, Mapusa, Bardez vide note bearing No. TPB/7301/ANJ/TCP/24/1838 dated 12/02/2024 has forwarded the file for consideration of relaxation of setback pertaining to construction of residential villa 1 and 2 at Sy. No. 426/17 of Village Anjuna of

Bardez Taluka, which are comprising of Ground + 1 floor and having total floor area of 667.89 sq. mts.

Member Secretary further informed that in the noting of Dy. Town Planner, it is mentioned that a Technical Clearance Order bearing No. TPB/7301/ANJ/TCP/2022/184 dated 11/01/2022 was issued by the North Goa District Office for construction of residential villa 1 and 2, swimming pool and for compound wall. It is also mentioned that the applicant has obtained conversion sanad vide letter No. 4/302/CNC/AC/111/2021/1575 dated 23/11/2021 from the office of the Addl. Collector-III, North Goa District, Mapusa-Goa.

It is also reported by the Dy. Town Planner, Mapusa that the site under reference has been inspected by the officials of TCP Dept. Mapusa and it is observed that the plot is accessible by an existing 6.00 mts. wide road which has proposed Right of way of 10.0 mts.

It is also reported that construction of villa 1, villa 2 and compound wall is completed at site, however it is noticed that existing front setback is found to be 1.78 mts., 2.27 mts., 2.25 mts. and 2.56 mts. from the compound wall in the front to villa 1& villa2 as against approved/permissible setback of 3.00 mts.

It is also reported that available rear setbacks from boundary of the plot to villa 1 and 2 is only 1.96 mts. as against approved/permissible 3.00 mts. and the proposal is therefore placed before the Board for necessary consideration.

Senior Town Planner (North) Ms. Vertika Dagur, who was present for the meeting informed that the construction of villas 1 and 2 is almost completed at site and it is reported by the owner that the difference in the setbacks has occurred due to site conditions and that the same does not affect any development in the adjoining properties and hence was the request of the applicant to consider relaxations of setbacks.

Members deliberated on the proposal and considering the development and the uses approved, was of the opinion that the request as made could be considered.

Members was however of the opinion that the Department shall first consider the compounding provision as available under the regulation as provided under GLDBCR and then consider the relaxation for remaining shortfall in setback distance.

The Board therefore decided that the Department shall grant the necessary relaxation in setback by invoking the compounding provision at first instance to the limit prescribed under the regulations.

Member Secretary was accordingly directed to communicate the decision as above to the office of Senior Town Planner (North).

Item No. 5: Any other item with permission of Chair.

Member Secretary informed that the North Goa PDA has referred the matter pertaining to revocation order issued to The Sir Biotech India Pvt. Ltd. for decision. It was further informed that the Show Cause cum Stop Work Notice vide ref. No. NGPDA/I7-A/PAN/03/2911 dtd. 31/01/2023 was issued by the North Goa PDA for having carried out illegal development in violation to the permission given US 17-A of the TCP Act, 1974 for cutting of hill vide Order No. NGPDA/17-A/PAN/03/294/2022 dated 27/06/2022 in property bearing Ch.No 4C of P. T. S No. 17 of Panaji City situated at Ribander in the area zoned as Commercial C-2 zone in Outline Development Plan 2011 of Panaji Planning Area. In the show cause notice issued, the details of the illegal Construction were mentioned as under:

1. *Whereas, the permission issued under section 17-A was limited to merely excavation for footings and foundations, whereas you deviated from the approved plan by bluntly excavating and cutting the hill beyond the scope of the permission granted therefore you have been remiss in adherence to the permission given U/S 17-A of TCP Act, 1974.*
2. *Whereas, the excavation is done for almost full length of the building Block A and for a width of 10.00 to 15.00 mts and height of 5.00 to 6.00 mts approximately on average, disrupting the land's overall profile, the excavation is done to lay the raft foundation by casting cement concrete base as was observed during the site inspection which therefore is the violation of section 17-A permission.*
3. *Whereas, it is further observed on the site that material brought from outside the property which has been mounted to the height of 15.00 to 20.00 mts approximately towards the North- west side abutting the service road which has the high incidence of slide or otherwise during the rainy seasons and the same is dangerous and will endanger the lives of those living below on the northern side of the property.*

The Sir Biotech India Pvt. Ltd. were accordingly directed to stop the ongoing work immediately and to show cause why action under the Town & Country Planning Act. 1974 should not be initiated against them for revocation of permission granted U/S 17-A vide No. NGPDA/17-A/PAN/03/294/2022 dated

27/06/2022 and Development Permission issued u/s 44 of TCP, Act, 1974 vide Order No. GPPDA/323/PNJ/775/2020 dated 27/11/2020.

Member Secretary, North Goa PDA, Ms. Vertika Dagur, who was present for the meeting informed that a reply dated 06-02-2022 was submitted by The Sir Biotech India Pvt. Ltd. vide which they denied all the irregularities and violations as mentioned in Show Cause cum Stop Work Notice and stated that the development has been undertaken as per the approvals granted to them.

It was further informed by the Member Secretary, North Goa PDA that the personal hearing was given to The Sir Biotech India Pvt. Ltd. on 13-02-2022, during which the irregularities mentioned in the show cause notice were again denied by the representatives of The Sir Biotech India Pvt. Ltd. , which however was found to be unsatisfactory by the Authority as it was found by the Authority that The Sir Biotech India Pvt. Ltd. had indulged in major hill cutting beyond the scope of the permission granted to them.

Further, it was also clear to the Authority that The Sir Biotech India Pvt. Ltd. had carried out hill cutting blatantly in clear violation of permission granted under Section 17-A and that The Sir Biotech India Pvt. Ltd. had dumped unwanted debris towards South-west side of the property ranging from height 15.00 to 20.00 mts. from actual ground level of the slopy terrain or a length of 30.00 mts. which lead to possibility of sliding of loose debris in the rainy season, thereby endangering the lives of occupants living below on Northern side of property.

Member Secretary, North Goa PDA then briefed that upon receipt of direction from Chief Town Planner (Planning) vide office note bearing No. 28/TCP-Gen/2022/425 dated 07-02-2023, the matter was submitted to the Government vide note ref No. NGPDA/17-A/PAN/03/3173/2023 dated 15-02-2023 for necessary direction and that Government directions were subsequently received to revoke the Development Permission and to take up the steps for restoration of hilly portion.

Member Secretary, North Goa PDA then informed the Board that in view of the directions received from Government and considering all aspects and material including site inspection report, the Authority revoked the permission granted under Section 17-A vide No. GPPDA/17-A/PAN/03/294/2022 dated 27-06-2022 and also the Development Permission issued under Section 44 vide No.

GPPDA/323/PNJ/775/2020 dated 27-11-2020 and having confirmed that The Sir Biotech India Pvt. Ltd. have carried out the development in contravention of Section 51 (1) (d) &(f) and Section 52 (a) of Town and Country Planning Act, 1974, directed The Sir Biotech India Pvt. Ltd. to restore the hill as well as land to its original condition as existing before the said development was carried out.

Member Secretary then informed that the representation is made by The Sir Biotech India Pvt. Ltd. for withdrawal of the revocation order.

The Board deliberated on the issue and considering the reason cited for the revocation of the permission, decided that The Sir Biotech India Pvt. Ltd. shall immediately undertake the remedial measures to restore the land as mentioned in the revocation order and that the same shall be done in consultation with IGBC. It was also decided that the work undertaken for restoration shall be upto the satisfaction of the North Goa PDA and if required, The Sir Biotech India Pvt. Ltd. shall obtain revise approval u/s 17A and shall also obtain revise Development Permission, if the need felt so.

Member Secretary, NGPDA was accordingly directed to communicate the decision of the Board as above, to The Sir Biotech India Pvt. Ltd. for necessary compliance at their end.

Meeting ended with thanks to the Chair.