

MINUTES OF 200th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 22/04/2024 AT 10.30 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Following attended the meeting:

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| 1. | Shri. Vishwajit P. Rane,
Hon'ble Minister for TCP | ... | Chairman |
| 2. | Dr. Deviya V. Rane,
Hon'ble MLA, Poriem | | Member |
| 3. | Shri Rajesh Faldessai,
Hon'ble MLA Cumbharjua | | Member |
| 4. | Shri Ralph de Souza,
GCCCI | ... | Member |
| 5. | Shri Praveen Kumar Raghav,
CCF | | Member |
| 6. | Shri Cyd M. Ferrao (PWD) | | Member |
| 7. | Dr. Cheryl De Souza,
CMO, Director of Health Services | ... | Member |
| 8. | Capt. Prashant K. Kamat | | Member |
| 9. | Lt. Cdr. Sarvesh C Mohanan | | Invitee |
| 10. | Shri Pradeep Binnar,
Asst. Director of Tourism | | Member |
| 11. | Eng. Paresh Gaitonde | | Member |
| 12. | Arch. Rajeev M. Sukhthanker | | Member |
| 13. | Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | ... | Member Secretary |

Item No. 1: Confirmation of the Minutes of the 199th meeting of Town & Country Planning Board held on 08/03/2024.

Member Secretary informed that the Minutes of 199th meeting of TCP Board held on 08/03/2024 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 minutes of 199th meeting were treated as confirmed.

Member Secretary brought to the notice of the members that in 198th meeting of TCP Board held on 29/02/2024, while deciding on item No. 5 i.e. for regularisation of structure (Ground + 3 floors) in plot bearing Chalta No. 106 (part) and Chalta No. 53 of P.T. sheet No. 100 at Maimolem, Vasco, Mormugao Taluka, the Board had considered the regularization of second floor and third floor of the residential house of Shri Deepak Naik, whereas in the minutes of the said meeting, the regularization was mentioned as that only of second floor and therefore the minutes need to be corrected as regularization of second and third floor and therefore fourth para of the minutes of item No. 5 as discussed in 198th meeting shall be read as;

“The Board perused the records placed before it and found that the applicant has already got its structure regularized by office of the Dy. Collector as provided under relevant provisions of regularization Act and whereas the present proposal is for further regularization of second floor & third floor of the residential house.

Board also observed that the structure to be regularized is for personal housing of the applicant and not for any commercial use. Since the structure was found to be for self use, it was decided by the Board to recommend the same for regularization of second & third floor by relaxing the relevant regulations under the Goa Land Development and Building Construction Regulations, 2010”.

Members took note of the corrections in the minutes of the 198th meeting as above. Member Secretary was accordingly directed to communicate the decision as above to the Member Secretary, Mormugao PDA.

Item No.2: 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. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45.

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

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

The Board was then informed that several parties as mentioned in the Agenda items reflected above, have approached Naval Authorities for grant of NOCs for the construction undertaken by them, wherein Naval Authority has either granted the NOCs or has refused the same for some.

The Board was further briefed 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 matters of demolition and the same was agreed upon and accordingly the Naval Authority had remained present for the hearing in 195th meeting.

While proceeding with the hearing, the Board took note that the issues referred in Appeal matters at Sr. No. 2 to 30 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. 31 to 45 as represented by Adv. Tome Carvalho on behalf of different Petitioners and as all these matters were of common subject and having similar violations, it was decided by the Board to hear them jointly.

While briefing the Board on behalf of the Respondent PDA, Adv. Nikhil Pai informed that the matters pertaining to the Notices as issued by the MPDA are still before the Hon'ble High Court and concerned Authorities are requested to give their say in the matter. Advocate appearing on behalf of the Appellants also stated the same.

During the discussion, the Member Secretary apprised the Board of the Application dated 31st January 2024 being Misc. Civil Application No.110 of 2024 filed in PIL Writ Petition No. 10 of 2018 by the Flag Officer Goa Area (FOGA) before the Hon'ble High Court of Bombay at Goa, whereby the Indian Navy had sought an extension of time from the Hon'ble High Court as the Final Report under the Aircraft (Demolition of Obstructions caused by Building or Trees) Rules 1994 is still not issued by the Directorate General of Civil Aviation (DGCA) pursuant to the fresh survey report issued by the Indian Navy on 21st December 2023.

The Board was further apprised that the Hon'ble High Court has allowed the aforesaid Application by Order dated 04th March 2024 granting an extension of time of 2 months to the Indian Navy to produce the Final Order from the DGCA. Capt. Prashant K. Kamat and Lt. Cdr. Sarvesh C. Mohanan appearing on behalf of the Naval Authority acknowledged the same.

The Indian Navy and the Appellant were directed to follow up the matter before the concerned Authority and to produce before the Board, the Final Orders being passed by the DGCA in terms of the fresh survey report produced by the Indian Navy on 21st December 2023, such that the matter could be decided in the next meeting.

The Appellant was accordingly directed to produce such order on or before 31/05/2024 before the TCP Board, failing which, it was decided that the Board shall proceed to hear the matter and dispose it off.

Member Secretary was accordingly directed to place the matter before next meeting of the Board for necessary decision.

The matters were accordingly adjourned.

Item No. 46 Appeal under Section 52(2) of the TCP Act, 1974 filed by Zuari Agro Chemicals Ltd. against Mormugao Planning and Development Authority. (File No. TP/B/APL/320/22)

Taken alongwith item No. 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76.

Member Secretary informed that Appeals are filed by Zuari Agro Chemicals Ltd. as mentioned at respective Agenda Items in respect of Notices issued under Section 52(2) of the Goa Town & Country Planning Act, 1974, as passed by the Respondent MPDA.

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

The Board was then informed that in response to the show cause notices, issued by the Respondent purporting to alleged that Appellants had carried out construction by violating the Obstacle Limitation Surface as specified in the respective notices, the Appellant had responded stating that they were unable to identify the specific structure as referred in the subject show cause notices.

The Board was then informed that the matter was earlier heard in 187th meeting of the TCP Board held on 20/03/2023 and again in 192nd meeting of the TCP Board held on 21/11/2023 and in this 192nd meeting of the Board, the Respondent PDA 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 matters of demolition and the same was agreed upon and accordingly the Naval Authority had remained present for the hearing in 196th meeting.

The Board took note that the issues referred in Appeal matters at Sr. No. 46 to 76 are having common subject of violation of Obstacle Limitation Surface (OLS) and therefore it was decided by the Board to hear them jointly.

While briefing the Board on behalf of the Respondent PDA, Adv. Nikhil Pai informed that the matters pertaining to the Notices as issued by the MPDA are still before the Hon'ble High Court and concerned Authorities are requested to give their say in the matter. Adv. Yogesh Nadkarni who represented Zuari Agro Chemicals Ltd. also reiterated the same.

During the discussion, the Member Secretary appraised the Board of the Application dated 31st January 2024 being Misc. Civil Application No.110 of 2024 filed in PIL Writ Petition No. 10 of 2018 by the Flag Officer Goa Area (FOGA) before the Hon'ble High Court of Bombay at Goa, whereby the Indian Navy had sought an extension of time from the Hon'ble High Court as the Final Report under the Aircraft (Demolition of Obstructions caused by Building or Trees) Rules 1994 is still not issued by the Directorate General of Civil Aviation (DGCA) pursuant to the fresh survey report issued by the Indian Navy on 21st December 2023.

The Board was further apprised that the Hon'ble High Court has allowed the aforesaid Application by Order dated 04th March 2024 granting an extension of time of 2 months to the Indian Navy to produce the Final Order from the DGCA. Capt. Prashant K. Kamat and Lt. Cdr. Sarvesh C. Mohanan appearing on behalf of the Naval Authority acknowledged the same.

The Indian Navy and the Appellant were directed to follow up the matter before the concerned Authority and to produce before the Board, the Final Orders being passed by the DGCA in terms of the fresh survey report produced by the Indian Navy on 21st December 2023, such that the matter could be decided in the next meeting.

The Appellant was accordingly directed to produce such order on or before 31/05/2024 before the TCP Board, failing which, it was decided that the Board shall proceed to hear the matter and dispose it off.

Member Secretary was accordingly directed to place the matter before next meeting of the Board for necessary decision.

The matters were accordingly adjourned.

Item No. 77: Appeal under Section 52(2) of the TCP Act, 1974 filed by M/s Goa Shipyard Ltd. V/s Mormugao Planning and Development Authority and Goa Industrial Development Corporation. (File No. TP/B/APL/312/22)

Taken alongwith item No. 78

Member Secretary informed that appeals are filed by M/s Goa Shipyard Ltd. As mentioned at respective Agenda items in respect of Notices issued under Section 52(2) of the Town and Country Planning Act, 1974, as passed by Respondent Mormugao PDA.

Member Secretary further informed that the matters mentioned in both Notices, as issued by the Respondent are pertaining to the findings of Naval Authority, as per which, the construction mentioned in respective Notices have exceeded the permissible height within the notified area.

The Board was then informed that in response to the show cause notices, issued by the Respondent purporting to alleged that Appellants had carried out

construction by violating the Obstacle Limitation Surface as specified in the respective notices, the Appellant had responded stating that they were unable to identify the specific structure as referred in the subject show cause notices.

The Board was then informed that the matter was earlier heard in 187th meeting of the TCP Board held on 20/03/2023 and again in 192nd meeting of the TCP Board held on 21/11/2023 and in this 192nd meeting of the Board, the Respondent PDA 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 matters of demolition and the same was agreed upon and accordingly the Naval Authorities had remained present for the hearing in 196th meeting.

The Board took note that the issues referred in appeal matters at Sr. No. 77 & 78 are having common subject of violation of Obstacle Limitation Surface (OLS) and therefore it was decided by the Board to hear them jointly.

While briefing the Board on behalf of the Respondent PDA, Adv. Nikhil Pai informed that the matters pertaining to the Notices as issued by the MPDA are still before the Hon'ble High Court and concerned Authorities are requested to give their say in the matter. Adv. Vanessa Barreto who represented M/s Goa Shipyard Ltd. also reiterated the same.

During the discussion, the Member Secretary apprised the Board of the Application dated 31st January 2024 being Misc. Civil Application No.110 of 2024 filed in PIL Writ Petition No. 10 of 2018 by the Flag Officer Goa Area (FOGA) before the Hon'ble High Court of Bombay at Goa, whereby the Indian Navy had sought an extension of time from the Hon'ble High Court as the Final Report under the Aircraft (Demolition of Obstructions caused by Building or Trees) Rules 1994 is still not issued by the Directorate General of Civil Aviation (DGCA) pursuant to the fresh survey report issued by the Indian Navy on 21st December 2023.

The Board was further apprised that the Hon'ble High Court has allowed the aforesaid Application by Order dated 04th March 2024 granting an extension of time of 2 months to the Indian Navy to produce the Final Order from the DGCA. Capt. Prashant K. Kamat and Lt. Cdr. Sarvesh C. Mohanan appearing on behalf of the Naval Authority acknowledged the same.

The Indian Navy and the Appellant were directed to follow up the matter before the concerned Authority and to produce before the Board, the Final Orders being passed by the DGCA in terms of the fresh survey report produced by the Indian Navy on 21st December 2023, such that the matter could be decided in the next meeting.

The Appellant was accordingly directed to produce such order on or before 31/05/2024 before the TCP Board, failing which, it was decided that the Board shall proceed to hear the matter and dispose it off.

Member Secretary was accordingly directed to place the matter before next meeting of the Board for necessary decision.

The matters were accordingly adjourned.

Item No. 79: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. Joao Baptiste Pereira against Mormugao Planning and Development Authority.

Taken alongwith

(i) Item No. 80 pertaining to Appeal filed by Mr. Parshuram H. Naik

(ii) Item No. 81 pertaining to Appeal filed by Mr. Ajay Singh

(iii) Item No. 82 pertaining to Appeal filed by Mr. Sangappa Gangappa Gani

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

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

The Board was then informed that several parties have been served notices by MPDA for similar violations and accordingly the parties have approached Naval Authorities for grant of NOCs for the construction undertaken by them, wherein Naval Authority has either granted the NOCs or has refused the same for some.

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 matters of demolition and the same was agreed upon and accordingly the Naval Authority had remained present for the hearing in 196th meeting.

The Board took note that the issues referred in appeal matters at Sr. No. 79, 80, 81 & 82 are the same. Since all these matters were of common subject and having similar violations, it was decided by the Board to hear them jointly.

During the hearing, Appellant Mr. Joao Baptiste Pereira was represented by Adv. Hyder Khilji, whereas in the matter of agenda item No. 80, Appellant Mr. Parshuram H. Naik was represented by Adv. Sudhir K. Naik. Whereas, in the matter of agenda item No. 81 of Appellant Mr. Ajay Singh and in the matter of agenda item No. 82 of Appellant Mr. Sangappa Gangappa Gani, neither the Appellant remain present nor were they represented by any Advocate.

While briefing the Board on behalf of the Respondent PDA, Adv. Nikhil Pai informed that the matters pertaining to the Notices as issued by the MPDA are still before the Hon'ble High Court and concerned Authorities are requested to give their say in the matter. Advocate appearing on behalf of the Appellants also stated the same.

During the discussion, the Member Secretary appraised the Board of the Application dated 31st January 2024 being Misc. Civil Application No.110 of 2024 filed in PIL Writ Petition No. 10 of 2018 by the Flag Officer Goa Area (FOGA) before the Hon'ble High Court of Bombay at Goa, whereby the Indian Navy had sought an extension of time from the Hon'ble High Court as the Final Report under the Aircraft (Demolition of Obstructions caused by Building or Trees) Rules 1994 is still not issued by the Directorate General of Civil Aviation (DGCA) pursuant to the fresh survey report issued by the Indian Navy on 21st December 2023.

The Board was further apprised that the Hon'ble High Court has allowed the aforesaid Application by Order dated 04th March 2024 granting an extension of time of 2 months to the Indian Navy to produce the Final Order from the DGCA. Capt. Prashant K. Kamat and Lt. Cdr. Sarvesh C. Mohanan appearing on behalf of the Naval Authority acknowledged the same.

The Indian Navy and the Appellant were directed to follow up the matter before the concerned Authority and to produce before the Board, the Final Orders being passed by the DGCA in terms of the fresh survey report produced by the Indian Navy on 21st December 2023, such that the matter could be decided in the next meeting.

The Appellant was accordingly directed to produce such order on or before 31/05/2024 before the TCP Board, failing which, it was decided that the Board shall proceed to hear the matter and dispose it off.

Member Secretary was accordingly directed to place the matter before next meeting of the Board for necessary decision.

The matters were accordingly adjourned.

Item No. 83: Any other item with permission of Chair.