

**MINUTES OF 202<sup>nd</sup> MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 24/06/2024 AT 11.00 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

Following attended the meeting:

- |     |   |      |                  |
|-----|---|------|------------------|
| 1.  | Shri. Vishwajit P. Rane,<br>Hon'ble Minister for TCP  | ...  | Chairman         |
| 2.  | Dr. Deviya V. Rane,<br>Hon'ble MLA, Poriem  | .... | Member           |
| 3.  | Shri Rajesh Faldessai,<br>Hon'ble MLA Cumbharjua  | .... | Member           |
| 4.  | NabanitaGanguly, I/C, CCF   | ...  | Member           |
| 5.  | Shri Chandrakant S. Paryekar, ASW<br>P.W.D., Panaji<br>Representative of Principal Chief Engineer   | .... | Member           |
| 6.  | Shri Pradeep Binnar, Asst. Director,<br>Representative of Director,<br>Tourism Department           | .... | Member           |
| 7.  | Dr. Cheryl De Souza, CMO (NLEP),<br>Representative of Director, D.H.S.                              | .... | Member           |
| 8.  | Shri KishorBhave,<br>Representative of Director,<br>Agriculture Department                          | ...  | Member           |
| 9.  | ShriAmolAnantSawant, R.A.,<br>Representative of Directorate of Planning Statistics<br>& Evaluation. | .... | Member           |
| 10. | Shri PareshGaitonde   | .... | Member           |
| 11. | Arch. Rajeev M. Sukhthanker   | .... | Member           |
| 12. | Ms. VertikaDagur,<br>Chief Town Planner (Admn.)   | .... | Invitee          |
| 13. | Shri. Rajesh J. Naik,<br>Chief Town Planner (Planning)  | .... | Member Secretary |

**Item No. 1: Confirmation of the Minutes of the 201<sup>st</sup> meeting of Town & Country Planning Board held on 11/06/2024.**

Member Secretary informed that the Minutes of 201<sup>st</sup> meeting of TCP Board held on 11/06/2024 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/comments, the same were treated as confirmed.

**Item No. 2: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. Vijay Sutar against North Goa Planning and Development Authority. (File No. TP/B/APL/441/24)**

The Member Secretary informed that the Appellant has preferred the present appeal against the Order dated 30.04.2024 bearing Ref No. NGPDA/IDSMT/NG/8/Vol.III/249/2024 passed by the North Goa Planning and Development Authority, directing the Appellant to remove all illegal development carried by him in the property bearing Chalta No. 160 (part), P. T. Sheet No. 86 of Panaji Goa, within 30 days of receipt of the said order.

Member Secretary then briefed the Members about the factual matrix as stated by the Appellant, as under:

1. The Appellant alongwith his father and brothers are in possession of the property bearing Chalta No. 160 (part), P. T. Sheet No. 86 of Panaji Goa for over last 5 decades.
2. In the said property, the Appellant runs his fabrication workshop and has been conducting the said business therein for more than four decades.
3. The said property was owned by one Mr. Nevgi and the Appellant's father along with Appellant and other members of his family have been enjoying the possession of the said property for the past several decades.
4. The Appellant has never received any complaint or notice from the Respondent NGPDA until, for the first time in June 2021, the Appellant was served a copy of a show cause notice dated 21.04.2021, directing the "cessation of work" in the said property.
5. The said show cause notice stated that the Appellant was carrying out development on property acquired by the Authority via Award No. L.A.Q./L.A.D.C.-III/2/PDA/2/85 dated 13.04.1989, in the form of construction of a ground floor laterite masonry structure with R.C.C. columns up to the slab level, measuring approximately 5.60 meters by 5.00 meters.
6. That the Respondent Authority relied on land acquisition Award of the year 1989 to contend that the said property belonged to them, 32 years after such an award was passed. This is also a pointer to the fact that the Respondent Authority acknowledged that the Appellant was in the said property since 1989 despite the Authority supposedly having acquired the land.
7. In response to the said show cause notice, the Appellant submitted a reply on 07.06.2021, contending that the allegations were false and fabricated, and also informed the Respondent that of Municipal Appeal No. 4/2018 pending before the Ministry of Urban Development, which had granted an ex-parte stay.
8. That the Appellant's reply was considered unsatisfactory by the erstwhile Greater Panaji Planning and Development Authority during their meeting on 25.08.2021.
9. It is contended that the Appellant was asked to appear on hearings scheduled on 30.12.2021 and 10.01.2022, during which, the matter was unilaterally adjourned by the Respondent Authority.

10. It is further contended by the Respondent Authority that hearings were conducted on 08.02.2023, 06.10.2023 and 14.03.2024, however, this position is not true.
11. The Appellant had simultaneously, filed an application for regularisation before the Respondent Authority, which application is still pending. The said hearings i.e. hearings dated 08.02.2023, 06.10.2023 and 14.03.2024 were in fact not effective hearings and did not deal with the show cause proceedings but were adjourned apparently due to the pendency of the regularisation application filed by the Appellant.
12. The Appellant directly received the impugned Order dated 30.04.2024 on 06.05.2024 without even being heard in the matter.

Member Secretary then informed that aggrieved by the Order dated 30.04.2024, as passed by the North Goa Planning and Development Authority, bearing Ref No. NGPDA/IDSMT/NG/8/Vol.III/249/2024, the Appellant has preferred the present appeal under section 52(2)(b) of the Goa, Daman and Diu Town and Country Planning Act, 1974, on the following grounds:

- A. The Impugned Order is entirely based on the alleged Site inspection Report as prepared during the alleged inspection as held on 12.04.2021. The said Site Inspection Report was prepared in the absence of the Appellant and without any notice to the Appellant.
- B. Order has been passed without any complaint and in alleged exercise of 'suomotu' jurisdiction of the Appellant. It is settled position of law that without any inherent power, the Respondent authority has no jurisdiction to exercise suomotu powers. As such, the Impugned Order and the proceedings which have been initiated without any complaint, in exercise of alleged suomotu powers are without jurisdiction, beyond the provisions of the TCP Act, patently perverse and arbitrary and as such, liable to be quashed and set aside.
- C. The impugned order lacks a detailed explanation and reasoning for the conclusions drawn. The order merely states that appellant's explanations were unsatisfactory without providing any analysis or consideration of the points raised in the Appellant's reply.
- D. There was no clear schedule for the site inspection provided to the appellant. The inspection was conducted arbitrarily, and the appellant was not given a fair opportunity to be present or to arrange for representation during the inspection.
- E. The order fails to provide specific reasons for the decision to demolish the structure. A speaking order is essential to ensure transparency and accountability in administrative decisions. The absence of clear reasons indicates a lack of due process and fairness.

In light of the above grounds, the Appellant has prayed to quash and set aside the impugned order dated 30.04.2024 passed by the North Goa Planning and Development Authority, bearing Ref No. NGPDA/IDSMT/NG/8/Vol.III/249/2024.

During the hearing, Adv. Jayant Karn appeared on behalf of the Appellant for arguments, whereas Adv. H. D. Naik appeared for the Respondent PDA. The Member Secretary of NGPDA Ms. VertikaDagur, was also present for the hearing.

During the arguments in the matter, Advocate Shri Hanumant Naik, appearing on behalf of Respondent PDA, clearly brought on record that the very notice under section 52(2)(b) of the TCP Act, 1974 as issued by the Respondent PDA was for the reason that the Appellant has carried out the development in the property which does not belong to him and that the said property is actually acquired by the Respondent PDA via Award dtd. 1989. It was further stated by Adv. Shri Hanumant Naik that the Authority has relied on the land acquisition Award of the year 1989 to context that the property, where the Appellant had unauthorisedly carried out the construction, actually belongs to them.

While presenting their matter, the Appellant tried to show that the construction referred, is actually the old one and that the Respondent PDA ignored this fact and on the contrary, the Respondent PDA has now relied on the Award after about 32 years, after such an Award was passed. The Appellant however could not produce any records or any such documents to prove that the land where the construction has been undertaken, is under their ownership.

The Board deliberated on the matter and was of the conclusion that any construction undertaken on Government acquired land need to be dealt firmly. Since the Appellant failed to prove his ownership right over the property under reference and having failed to produce any such documents to prove that the construction is validly undertaken, dismissed the appeal.

Member Secretary was accordingly directed to communicate the decision of the Board to the Respondent PDA directing them to proceed with further action against the unauthorized construction.

The Board therefore dismissed the appeal with the directions to the Member Secretary to convey the decision to the Appellant and the Respondent PDA.

**Item No. 3: Appeal under Section 45 of the TCP Act, 1974 filed by Mr. Alex ApolonarioFernandes against North Goa Planning and Development Authority. (File No. TP/B/APL/442/24)**

Member Secretary informed that the Appellant has filed present appeal under section 45 of the Town and Country Planning Act, 1974, against Order dated 16-02-2024 of the Member Secretary, NGPDA for refusing his application for approval of plans for development at Mapusa.

It was further informed that the Appellant has submitted as under:-

- i) That he had submitted his application bearing inward number 2699 dated 11/12/2023, before the respondent NGPDA for approval of the plans of a building with residential flats.
- ii) That the plans submitted were complete in all respects, including with appropriate and requisite conversion, as well as with drawings duly certified by the engineers and all requirements of law were met.

- iii) That by an Order dated 16 February 2024, the respondent has raised preliminary objections which are more specifically disclosed in the impugned order dated 16 February 2024.
- iv) That the preliminary objections raised by the respondent are in fact invalid and do not warrant any consideration or revision of plans or any action from the appellant. The impugned order needs to be set aside and the plans need to be approved.

The Board was then informed that the Appellant being aggrieved by the Order dated 16<sup>th</sup> February 2024, has filed the present appeal on the grounds that the impugned order wrongly records that the plot is affected by proposed 10 m wide road on the western and Southern sides as per the provision of the ODP of 2021 of Mapusa and that 5 m distance from the centre line has to be left for road widening purpose, the said objection is totally arbitrary and invalid as the plot which is put up for development is in fact part and parcel of a sub divisional layout plan which has been approved by the very same Respondent by its order dated PDA/B/885/504/03 dated 17-06-2003 and in the said approved sub divisional layout plan the road on the western and Southern side have been indicated as 8roads, and therefore the said condition raised as a preliminary observation is void and has to be set aside. It is further clarified that all adjoining houses have already been given licences in the same subdivision without such conditions.

Regarding the second observation, the Board was informed that the Appellant has stated that the said observation is about contour on the site plan which as per the order is more than 10% slope, therefore requiring an NOC under section 17A of the TCP Act, which objection is also arbitrary and not based on the correct facts and records nor in line with the provisions of the Town and Country Planning Act, more specifically the regulation of land development and building construction Act, 2008 and the rules and regulations of the year 2010 Regulation 12.3 of the regulations of 2010 as applicable to the present plot, which is under consideration specifically point out in sub clause (d) that no part of the plot which is having an inclination of more than 25% slope shall be permitted for development as usable plots. Appellant also states that the regulation also has been amended in the year 2011 to include that such provision shall not be applicable to sub divided plots which have already been approved prior to coming into force of these regulations. In the present case, not only is the slope less than 25%, making the said provision redundant and not applicable, but also since this is part of an already subdivided plot which has been duly approved by the very same authority, that is the Respondent here in the year 2003. The Board was also informed that the conversion sanad dated 12.05.2003 proving that subdivided plots had already been converted and approved prior to the Regulation coming into force and that the amendment of Regulation in the year 2011 included that such provision shall not be applicable to already subdivided plots which have already been approved prior to coming into force of these regulations.

The Board was further informed that the Appellant has stated that impugned order is nothing but a delay tactic more specifically, since the said plot is covered and a part of the sub divisional layout duly approved by the respondent itself in 2003 and licenses having been obtained from the Mapusa Municipal Council and brought to the notice that the plot also has an

appropriate conversion sanad dated 12-05-2003 and that all surrounding plots around this plot in the same sub-division have been developed, with no objection whatsoever from the Respondent and the Appellant has therefore stated the fact that the surrounding developments and approved plans having been issued for other plots in the same sub-division some of which have already been completed, makes the impugned communication dated 16 February 2024, otiose, and is therefore required to be quashed and set aside. The Appellant has therefore prayed to set aside the communication and preliminary objections raised in the letter dated 16<sup>th</sup> February 2024.

During the hearing in the matter, Adv. Shri Vivek Rodrigues appeared on behalf of Appellant whereas Respondent PDA was represented by Adv. Hanumant Naik.

While arguing in the matter, Adv. Vivek Rodrigues impressed upon the Board that the Respondent PDA has totally erred in issuing Order dtd. 16/02/2024, as the development proposed by him was in a sub division layout which was approved in the past by Respondent PDA itself vide Order dtd. 7/6/2003.

It was further stated by Adv. Vivek Rodrigues that the very objection raised by the Respondent PDA regarding maintenance of 5.00 mts. distance from centre line of the road for road widening purpose, is totally arbitrary and invalid as he stated that the plot which is put up for development is infact part and parcel of sub division layout, which shows the same road as having width of 8.00 mts.

Adv. Shri Vivek Rodrigues also brought to the notice of the Board that houses have already come up in the adjoining plots which have valid licences and that no such condition of maintaining 5.00 mts. distance from centre line of the road, is imposed upon them.

Adv. Shri Vivek Rodrigues further informed the Board that besides having approval for the sub division from the Respondent PDA, Mapusa Municipal Council has also granted its licence for the said sub division.

The Board was further briefed that the plot has an appropriate conversion sanad dtd. 12/5/2023 and that all surrounding plots around his plot in the same sub division have been developed with no objection whatsoever from the Respondent.

While arguing on further observation as raised by Respondent PDA regarding slopy nature of the land, Adv. Shri Vivek Rodrigues stated that the topographical nature of the plot under reference does not require any NOC under Section 17A of the TCP Act, as the slope is less than 10% and further stated that no such condition of undevelopable slope could be imposed upon him by the Respondent PDA as the plot under reference is very much a part of approved sub division layout.

Adv. Shri Vivek Rodrigues cited regulation 12.3 of the Goa land Development and Building Construction Regulations, 2010 and pointed out sub clause (d) of the said regulation, as per which he stated that condition pertaining to slope etc. could not be made applicable to him as the sub division of the plot has been approved by the Respondent PDA itself, prior to coming into force of the present regulations i.e. GLDBCR-2010.

While presenting the matter before the Board, the Respondent PDA only contended that they have clearly gone by the provision of the ODP in force, as per which the width of the road is shown as 10.00 mts., whereby the Appellant is required to maintain 5.00 mts. distance from centre line of the road for road widening purpose.

The Board deliberated on various aspects and the facts placed before it and was of the opinion that while preparing ODP, the Respondent PDA ought to have taken into consideration the past commitments as made by it in terms of grant of various Development Permission including the approval granted for the sub division as in the present case, as the plot under reference is a part of such an approval.

The Board therefore thought it proper to remand the matter back to the Respondent PDA for reconsideration of the observations as raised by it.

The appeal was therefore allowed with the direction to Respondent PDA to reconsider its earlier decision in rejecting the proposal for the reason that it is required to honour its past commitment.

Member Secretary was accordingly directed to communicate the decision of the Board to the concerned parties.

**Item No. 4: Appeal under Section 52(2) (b) of the TCP Act, 1974 filed by Mr. Jose Martins against North Goa Planning and Development Authority. (File No. TP/B/APL/443/24)**

Member Secretary informed that the Appellant has preferred the present appeal against the Order dated 22/02/2024 bearing ref. No. NGPDA/24/TLG/3413/2024 by virtue of which the Respondent had directed the Appellant to remove all illegal development carried out by him within a period of 30 days from the date of notice.

Member Secretary then informed that the Appellant in his appeal memo has stated that he is the owner of a restaurant named and styled as 'Martins Courtyard', which is bearing H. No. 18/48/1 and is located in a property bearing survey no. 56/1 situated at Cardozo Waddo, Taleigao, Tiswadi - Goa.

The Appellant has further stated that the said restaurant was initially his residential house and thereafter upon obtaining all necessary permissions from the relevant authorities, the same was converted into the present restaurant.

The Appellant has obtained the following licenses with respect to operating and managing the said restaurant in the said property:

- i) Registration under Food and Safety Standards Act, 2006.
- ii) NOC from Directorate of Health Services
- iii) Registration certificate under the Goods and Service Tax Act.
- iv) No objection certificate from Village Panchayat Taleigao etc.
- v) Liquor license from Commissioner of Excise.
- vi) No objection for sale liquor from Village Panchayat of Taleigao.

The Board then informed that it is the say of the Appellant that due to the vagaries of nature and incessant weather, the physical condition and the external facade of the said restaurant in the said Property began to deteriorate and such deterioration included, the paint from the restaurant walls fading, the roof of said restaurant leaking, the walls of the said restaurant developing cracks, etc. and therefore to protect the said Restaurant from succumbing to such external elements, the Appellant applied for relevant permissions from the Village Panchayat of Taleigao, Goa to undertake minor maintenance/ improvement and alteration works with respect to the said restaurant.

The Board was then briefed that on the basis of the permissions received, the Appellant states that he undertook the repairs, minor maintenance/ improvement and alteration works with respect to the said restaurant and has obtained relevant permissions from the Village Panchayat of Taleigao - Goa to undertake the said repairs, minor maintenance/ improvement and alteration works with respect to the said restaurant. The Appellant therefore states that the notice issued in this regard by the Respondent PDA is vague, brief and does not disclose any information / details with respect to:

- i. Construction undertaken.
- ii. Place where such construction has been undertaken.
- iii. The type of construction that has been undertaken etc.

The Board was then informed that the Appellant vide his letters dated 20/05/2022, 20/09/2022, 18/10/2022, and 06/01/2023 he had brought the facts to the attention of the Respondent, however, he states that inspite of the information being brought to the knowledge and attention of Respondent, the same was not considered by the Respondent and due to the constant and persistent harassment meted out by the Respondent and without prejudice to his rights, he has filed an application dated 06/02/2023 for regularization of the minor maintenance/ improvement and alteration works with respect to the said restaurant.

The Board was then informed that the Appellant has stated that only after more than 10 (ten) months from the date of his application dated 06/02/2023 for regularization, the Respondent issued letter dated 07/12/2023 raising preliminary observations and the observations raised in the letter dated 07/12/2023 involved undertaking irrevocable, irreversible and un-rectifiable changes in the foundations of the said restaurant and hence would require the Appellant to invest substantial amount of his time and money for the purpose of ensuring compliance. Considering such observations, Appellant states that it was necessary for the Respondent to obtain opinions from the Appellant's engineers / architect / lawyers for the purpose of undertaking the observations raised by the Respondent.

The Appellant has brought to the notice of the Board that vide his letter dated 14/12/2023, had requested the Respondent to provide him with a 45 (forty-five) day period to undertake the observations raised and considering that the Respondent had undertaken more than 10 months to provide him with a reply to his application dated 06/02/2023 for regularization, he was under the bonafide impression that his request would be granted.



The Appellant has also stated that till date, no reply has been received by him with respect to his request.

The Appellant has therefore preferred an Appeal on following grounds:

- i) That considering the nature of the work and the in respect of the said restaurant, Section 52 of the TCP Act cannot be made applicable for the said part of the work of excavation.
- ii) That the activity undertaken by it cannot qualify as “development” or “change of use of land” under Section 52 of the TCP Act. Appellant further submits that the works carried out by it amounted to minor alteration works, it is reiterated that Section 52 cannot be made applicable based on section of the TCP Act.
- iii) That he has obtained all the necessary permissions/approvals from the concerned authorities for the said restaurant undertaken in Survey no. 56/1 of Village Panchayat of Taleigao, except for permission under Sec. 44 of the TCP Act and there is no illegality and/or infirmity as regards the said restaurant. The minor improvement and alterations works by the Appellant are in strict conformance with the said permissions/approvals and there is absolutely no deviance in respect of the same.
- iv) That the Respondent has completely failed to appreciate the contentions made in the letters dated 20/05/2022, 20/09/2022, 18/10/2022, and 06/01/2023 filed by the Appellant.
- v) The Appellant has commenced the minor alteration and improvement works pursuant to obtaining all the requisite permissions and approvals whilst complying with the relevant provisions of law.
- vi) That he had submitted application dated 06/02/2023 for regularization of the minor maintenance/ improvement and alteration works with respect to the said restaurant. Appellant however submits that till date the said application is pending and has not been disposed. Appellant has not received any notice / order regarding the disposal of the said application dated 06/02/2023 for regularization of the minor maintenance/ improvement and alteration works with respect to the said restaurant.
- vii) Appellant submits that the said application for regularization of the minor maintenance/ improvement and alteration works with respect to the said restaurant was submitted with Respondent on 06/02/2023. More than 10 months later vide letter dated 07/12/2023 the Appellant was directed to comply with the directions in the said letter dated 07/12/2023 within 15 fifteen days. Appellant further submits that inspite of seeking time to comply with the above directions, the Respondent till date has not responded to the Appellant.

- viii) Appellant submits that considering that the Appellant's application for regularization is still pending no order could have been whilst the said application for regularization is still pending.
- ix) Appellant submits that even if it is argued without admitting that the Order dated 22/02/2024 disposes the application for regularization, the said order is erroneous and illegal, as the Respondent was not provided with any opportunity to be heard before such order was passed.
- x) That the findings in the site inspection report dated 31/01/2022, which have been referred to in the Impugned Order, are highly erroneous, specious and flawed. The site inspection committee has completely misconstrued the nature of the works undertaken by the Appellant.

During the hearing Adv. Jonathan George appeared on behalf of the Appellant and Adv. H. D. Naik appeared for Respondent PDA. Advocate of the NGPDA informed the Board that observations were raised by Respondent PDA vide Order No. NGPDA/24/TLG/3413/2024 dated 22/02/2024 by virtue of which the Respondent had directed the Appellant to remove all illegal development carried out by him failing which, the Respondent would proceed to demolish the same and recover the entire cost of demolition from the Appellant.

While arguing in the matter, the Appellant stated that he has produced all necessary documentation and records before the Respondent to prove that the construction as mentioned in the notice has been validly undertaken by obtaining necessary approvals from all concerned Authorities.

The Board deliberated on the issue and considering the content of the notice and subsequent clarification given by the appellant, it was decided that the Appellant shall submit a detailed compliance report before the Respondent for necessary consideration of the same by the Respondent. The Board also observed that the appellant has undertaken necessary procedure to carry out the development as specified in the notice and therefore directed that the PDA shall consider the same favourably for the purpose of deciding on the matter, once the observations as raised by it are satisfactorily complied by the applicant.

The appeal was therefore disposed off with the direction to both the parties as above.

Member Secretary was directed to communicate the decision of the TCP Board as above to the Appellant and Respondent PDA.

**Item No. 5: Appeal under Section 52(2) of the TCP Act, 1974 filed by Mr.Prabhakar A. Nagvenkar against North Goa Planning and Development Authority. (File No. TP/B/APL/440/24)**

Member Secretary informed that the Appellant through his son, Sushant P. Nagvenkar, has preferred an appeal under section 52(2) and has filed an appeal challenging the impugned final notice under Section 52 of the Town and Country Planning Act, 1974 bearing ref. NGPDA/ill/Const/15/PNJ/76/2024 dated 05/04/2024 as issued by Member Secretary, North Goa PDA.

Member Secretary further informed that as per the appeal memo, one Shri Ajit P. Volvoikar had filed a complaint dated 02/03/2020 before the Respondent Authority on 04/03/2020 alleging that an illegal construction was carried out by the Appellant in Chalta No. 65 PT. Sheet No. 4 within the area of CCP in ward No. 30 and subsequent to the said complaint, the complainant, AjitVolvoikar somewhere in May 2023, 11/05/2023 i.e. after a lapse of almost three years has followed up the issue with the NGPDA referring to his complaint dated 02/3/2020 and the Respondent Authority while acting on the said follow up communication dated 11/05/2023 has issued a communication No. NGPDA/ill-const. /15/PNJ/23/1285/2023 dated 20/07/2023 to the Appellant, directing him to produce ownership documents of the property alongwith Development Permission/construction license, if any obtained by him.

The Board was then informed that the Appellant has stated that given the frivolous nature of complaint dated 11/05/2023 and since the communication of NGPDA dated 20/07/2023 was not specific quoting therein the statutory provisions and the specific action that would follow, a sense of binding requirement to act on the said communication was not found to be prominent by him and as such, he did not act on the said communication immediately.

The Appellant has further stated that communication of the North Goa PDA was soon followed up by a communication ref No. NGPDA/ill-const./15/PNJ/1700/ 2023 dated 31.08.2023 intimating him of a proposed date and time of a site inspection and seeking his presence and co-operation for the inspection and the said inspection intimation was subsequently followed by a Show Cause bearing Notice ref. NGPDA/ill-const./15/PNJ/2033/2023 dated 06/10/2023.

The Appellant has stated that he responded to the said Show Cause vide his reply dated 16/10/2023 and in the said reply, he has conveyed how the complainant has been complaining against him and denied the content of the show cause and in particular sought to know the powers under which the Show Cause was issued.

The Board was further informed that the Appellant on receipt of Final Notice dated 05/04/2024 on 08/04/2024 has stated that the same was issued without affording any opportunity of hearing him and the Appellant has therefore preferred an Appeal challenging the Final Notice dated 05/04/2024 on following grounds:

- i) That the Authority has passed the impugned final Notice dated 05.04.2024 in a cursory manner based on Conjectures and surmises.
- ii) The Show Cause Notice dated 16.10.2023, is factually and inherently erroneous rendering the final Notice dated 05/04/2024, which find its footing in the said show cause, null and void ab-initio.
- iii) The Final Notice dated 05/04/2024 is not by the time bar set out in Sec 52 of the TCP Act and therefore is bad in law and nullity.
- iv) The Authority completely failed to logically traverse the reply dated 16/10/2023, filed by the appellant to the Show Cause dated 05.04.2024, arbitrarily brushing it aside by terming it "Unsatisfactory" for failure to produce any approvals / permission as required to be obtained under Town and Country Planning Act, 1974.

The Board was then informed that the Appellant has therefore prayed that his appeal be allowed and the impugned Final Notice Order ref. No. F1/CCP/ENG/SCN/2021-22/817 dated 27/10/2022 passed by the Respondent be quashed and set aside.

During the hearing, Adv. Hanumant Naik appeared on behalf of Respondent PDA, whereas the Appellant remained absent for the same.

Considering this being the first opportunity, the Board decided to adjourn the matter which was consented by the Respondent.

Member Secretary was accordingly directed to issue the notices to the concerned parties informing therein the date of the next meeting and to remain present for the same.

**Item No. 6: Appeal under Section 52 of the TCP Act, 1974 filed by Mr. Alice Andrade against South Goa Planning and Development Authority. (File No. TP/B/APL/444/24)**

Member Secretary informed that the Appellant has preferred the appeal against the Order dated 08/04/2024 bearing ref. No. SGPDA/Illegal/58/24-25 as issued by the South Goa Planning and Development Authority, by virtue of which, the Respondent had directed the Appellant to remove all illegal construction carried out by him within a period of 30 days from the date of notice.

The Board was then informed that vide his appeal memo, the Appellant has submitted brief facts of his case as under:

- i. That he is a senior citizen of advanced age of 90 years and is the owner of a residential house, bearing H. No. 204, St. Joaquim Road, Borda, which is located in a property bearing chalta No. 74 P. T. Sheet 136 and the house is 250 years old Portuguese Heritage house in the heritage area of Borda, Margao and that the said residential house consists of a ground floor made up of mud walls.
- ii. That the said residential house is occupied by one Maria AmabelClement and the Appellant has a common house walls and common boundary wall.
- iii. That the Appellant has 2 sons, who are residing along with their families and to ensure both families enjoy independent peaceful lives, the ancestral house was mutually divided into 2 parts, upon obtaining necessary permissions from the Margao Municipality and other Government Departments.
- iv. That the western side of the residential house has been allotted to the Neville Andrade who is residing there along with his wife and 3 children and the said western side of the residential house has been allotted Municipal House license No. 12/132.
- v. That the eastern side of the residential house has been allotted to the second son Glenn Andrade who is residing there along with his wife and 3 children. The said eastern side of the residential house has been allotted Municipal House License No. 12/132A.
- vi. That the Appellant has obtained necessary permissions for dividing the residential house between her two sons.

Member Secretary further informed that the Appellant has stated that he has obtained following permissions:

1. Permission for sewage connection for the building from Sewage Department dated 15/11/2013, approved by Assistant Engineer.
2. Conversion Sanad from Deputy Collector dated 27/08/2014 for the building.
3. NOC for occupancy of building from sanitary point of view from health officer urban Health Center Margao dated 19/09/2018.
4. Completion Certificate from South Goa Planning and Development Authority Margao dated 06/09/2018.
5. Occupancy Certificate from Chief Officer, Margao Municipal Council dated 24/09/2018.

Appellant therefore states that no illegal construction has been undertaken by him with respect to the residential house in the property and that all necessary permissions are undertaken.

The Board was then informed that the Appellant has received Show Cause Notice dated 19/04/2023 from the Respondent, stating that a site inspection was conducted in the said Property on 23/05/2022, wherein it was observed that illegal developments were undertaken in the property under reference and therefore a Show Cause Notice dated 19/04/2023 was issued to the Appellant.

It is the contention of the Appellant that vide letter dated 12/06/2023, all the facts were brought to the attention of the Respondent by him, however inspite of the information being brought to the knowledge and attention of Respondent, the same was not considered by the Respondent and it is only due to the constant and persistent harassment meted out by the Respondent, he has filed an application for regularization of the minor maintenance/ improvement and alteration works with respect to the said residential house with the Deputy Collector and the said application for regularization is still pending for approval with the Deputy Collector.

The Board was therefore informed that aggrieved by the Impugned Order, the Appellant has now preferred the Appeal on following grounds:

1. That considering the nature of the work and in respect of the said Section 52 of the TCP Act cannot be made applicable for the said part of the work of excavation.
2. That the activity undertaken by it cannot qualify as “development” or “change of use of land” under Section 52 of the TCP Act. Appellant further submits that the works carried out by it amounted to minor alteration works, it is reiterated that Section 52 cannot be made applicable based on section of the TCP Act.
3. That it has obtained all the necessary permissions/approvals from the concerned authorities for the residential house undertaken in chalta No. 74P. T. Sheet 136 except for permission under Sec. 44 of the TCP Act and there is no illegality and/or infirmity as regards the said restaurant. The minor improvement and alterations works by the Appellant are in strict conformance with the said permissions/approvals and there is absolutely no deviance in respect of the same.

4. That the Appellant has commenced the minor alteration and improvement works pursuant to obtaining all the requisite permissions and approvals whilst complying with the relevant provisions of law.
5. That an application is submitted for regularization of the minor maintenance/ improvement and alteration works with respect to the said restaurant and the said application is pending adjudication and considering that the Appellant's application for regularization is still pending, no order could have been passed whilst the said application for regularization is still pending.

The Appellant has therefore prayed to allow the Appeal and quash and set aside the Impugned Order dated 19/04/2024 passed by the Respondent Authority.

During the hearing, Mr. Glen Andrade appeared on behalf of Appellant and informed that due to short notice issued to him, he could not prepare and gather the relevant documents to defend the matter before the Board. During the hearing, the Appellant also submitted a letter citing therein health issues of the Appellant and submitted a Medical Certificate issued by Hospicio Hospital Margao, as supporting document and therefore requested for adjournment of the matter.

Considering the reasons cited, the Board agreed for the adjournment and accordingly the matter was adjourned with the direction to the Member Secretary to place the appeal before the next meeting of the TCP Board for hearing.

The matter therefore stands adjourned.

#### **Item No. 7: Guidelines for Indian Green Building Council (IGBC) Certification.**

Member Secretary informed that the Goa Town and Country Planning Department has signed an MOU on 20<sup>th</sup> January 2024 with CII- Indian Green Building Council to work together to incorporate green concepts/measures as part of the development plans, policies, and programs in the State of Goa.

It was further informed that as part of the MOU signed, IGBC has conducted a half-day workshop on Green Buildings for the Officials of the TCP Department on 16<sup>th</sup> February 2024 at TCP Headquarters, during which, officials of IGBC expressed that urbanization is to increase from 400 million to 650 million by 2040 which will lead to close to 75 billion square feet construction footprint to be added by 2050. They further explained that given the increase in built-up area, it is the need of the hour to shift from conventional buildings to green buildings to conserve natural resources and thus reduce the impact on the environment.

Further, as per the signed MOU, one of the main focus area for IGBC is to facilitate the development of a coherent policy framework in line with the State Sustainable Goals and for IGBC to act as a "Sustainability Partner" to the TCP Department.

Member Secretary informed that the Goa Land Development and Building Construction Regulations, 2010, Regulation 6.A.4 Note (28) provides for the following:

*“Incentives for Indian Green Building Council (IGBC) Certified Green Buildings: An additional FAR of 10% may be granted with the approval of the Government, for Green Building Projects which will be pre-certified/provisionally certified by IGBC. All such project proponents availing this additional FAR shall be issued Completion Certificate with the approval of the Government post certification by IGBC and this IGBC Certification shall be renewed every 5 years by IGBC.”*

The Board was then briefed that IGBC has now submitted related documents and policies as followed by other States as regards to grant of incentives against IGBC Certification. The Board was then informed about the Guidelines as forwarded by IGBC, which was as under:

**Guidelines for granting additional FAR of 10% for Green in Building Projects the State of Goa.**

Definition:

“Green Building” inter alia means a structure created by using processes that are environmentally responsible and resource efficient throughout the building's life cycle i.e. from design, construction, operation, maintenance, renovation and demolition”.

1. Incentive FAR shall be allowed for "Green Buildings" by the Authority after assessing the installation as per the following provisions :
  - a) IGBC Silver or equivalent rating-5% incentive FAR on basic FAR.
  - b) IGBC Gold equivalent rating-7.5% incentive FAR on basic FAR. 1.
  - c) IGBC Platinum or equivalent rating- 10% incentive FAR on basic FAR.

This FAR shall be exclusive of the limits specified in the Building Bye-laws.

Provided that, achieving minimum IGBC Silver or equivalent rating for construction projects shall be mandatory for all projects under the following categories:

- a. Residential Buildings having plot area of 2000m<sup>2</sup> or 25 units or more, whichever is less.
- b. Commercial Buildings having plot area of 1500m<sup>2</sup> or having built up area of 2000 m<sup>2</sup> or more whichever is less.
- c. Golf Centres, film Cities and Film Studio
- d. Residential Schools
- e. Educational Institutes having plot area of 2000m<sup>2</sup>
- f. All Government Buildings
- g. Farmhouses having built up area of more than 500m<sup>2</sup>
- h. For secondary development to be permitted in the properties which are considered for correction of zone under section 17(2) of the TCP Act and for any secondary development in the properties whose zone has been changed under section 39(A) of the TCP Act.

2. The grant of additional FAR must conform with the Goa Land Development and Building Construction Regulations, 2010 and must not contravene the norm for structural stability and or any norm of other regulatory authorities (e.g. Environment Department, Pollution Control Board, Fire & Emergency Services Authority, Airport Authority etc.)
3. The projects under construction / implementation and pre-certified under the Rating System will also be eligible for availing additional F.A.R.
4. Sanction of building plan for construction of "Green Building" and grant of additional F.A.R. shall be allowed on the basis of pre-certification by the designated agencies that are following IGBC Rating System.
5. Periodic inspection during the construction in regard to compliance of "Green Building" norms shall be done by the rating agencies who has issued the pre-certification.
6. Final completion certificate shall be issued by the Authority only after receipt of the "FINAL CERTIFICATION" from the rating agency.
7. The applicant has to submit a certificate of compliance of green building after every five years.
8. In case the applicant fails to submit the Final Certification to the Authority or the certificate of compliance of green building after every five years, after giving him a months notice, may charge the compounding fees of the FAR given free cost at the rate of 200% of the cost of purchasable FAR.
9. IGBC is the empanelled agency to follow the rating program and will be the designated agencies for certification (Pre-certification or Provisional Certification and Final-certification of Green Building).
10. The system of Green Rating for buildings shall be adopted as per the guidelines issued under Indian Green Building Council (IGBC) formed by the Confederation of Indian Industry (CII)".

The guidelines as submitted and the incentives to be granted were then deliberated at length by the Members. Considering different issues referred to and related type of certification to be issued to the project proponents, the Board was of the opinion that before finalizing any such guidelines and the procedure for IGBC Certification, a proper presentation needs to be given by IGBC for obtaining clarity in the matter and for finalizing timeline in granting such certification from the date of receipt of any application in this regard.

It was therefore decided that IGBC official/representatives shall be invited to give a presentation to the Board members, such that final decision in this regard could be taken.

Member Secretary was accordingly directed to convey the decision of the Board to IGBC.



**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 and height.**

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 10<sup>th</sup> 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 21/06/2024 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 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 as recommended by the Committee constituted for the purpose and further deliberated on each of the same and considered the same for approval as per the decisions recorded at Table ‘A’, which forms part of these minutes.

**Item No. 9: Applications received under Section 39A of the TCP Act for the consideration of the Board for change of zone in the Regional Plan/Outline Development Plan.**

Member Secretary informed that the Government has introduced new section, Section 39A for change of zone vide Notification Series I No. 47 dated 22/02/2024 which reads as under:

*“39A. Change of Zone.— (1) Notwithstanding anything contained in this Act, the Chief Town Planner (Planning) upon direction of the Government or on receipt of an application in this regard and with approval of the Board, may, from time to time, alter or modify the Regional Plan and/ or the Outline Development Plan to the extent as specified in sub-section (2) for carrying out change of zone of any land therein, in such manner as prescribed, after giving notice of 30 days inviting suggestions from the public, provided the change of zone shall not be in respect if any eco sensitive land as may be prescribed.*

*(2) The alteration or modification carried out under sub-section (1) shall not alter the overall character of the existing Regional Plan and/or the Outline Development Plan.”*

The Government has also framed the Rules for considering application under Section 39A of the TCP Act as notified in the Official Gazette (Supplementary) vide Series I No. 49 dated 07/03/2024 and as amended vide Notification No. 21/1/TCP/GTCPACT/2024/824 dated 24/05/2024 published on the Official Gazette Series I No. 10 dated 06/06/2024.

Rules provides for procedure to be adopted, objection suggestion period, scrutiny of application and rates of processing fees and change of zone. As per the said rules, application received under Section 39A of the TCP Act shall be placed before the TCP Board after carrying out necessary scrutiny for its recommendation/approval/decision and the same to be subsequently notified for objection/suggestion.

The applications received by the Department with scrutiny details were placed before the 202<sup>nd</sup> Town & Country Planning Board meeting as per the rules for its recommendation/approval/decision. The cases as listed at Table ‘B’ are approved by the Board. The Member Secretary, TCP Board was directed to initiate further course of action in this matter. Details of applications as placed before the Board under Section 39A and decision of the Board on the same is as per Table ‘B’, which forms part of this minutes.

**Item No. 10: Any other item with permission of the chair.**

**A) Regarding the queries being raised by the Local Authorities on approvals granted by the TCP Department.**

Member Secretary brought to the notice of the Board that there are repetitive instances wherein despite of grant of Technical Clearance by the TCP Department, several proposals are referred back to the Department citing technical reasons and raising observations on the approvals granted.

Member Secretary further informed that it has become quite routine on the part of panchayats to call for joint site inspection on the proposals received by them for grant of construction licences, wherein the officials of the Department are called to remain present for such joint inspections which are often held alongwith the applicant/project proponent, members of Panchayat and any other person/ complainants, who might have raised issues on the approvals granted by the Department. A fix time and date is given by the local authorities to conduct such inspections, which often are not possible to attend by the officials of the Department in view of other routine functions dealt by them.

Member Secretary further briefed that many a times, the officials of TCP Department are also called to remain present for Gram Sabha meetings to explain on the proposals referred to the Panchayat and which actually stands duly approved by the TCP Department for being in conformity with the planning regulations.

Members deliberated on the issue and felt that the circumstances explained as above, only leads to inordinate delay in obtaining the construction licences from such local authorities thereby causing the delay in commencement of the construction work by the applicants.

The Board also observed that TCP Department/ PDAs are the Competent Authorities to scrutinize the proposals from planning point of view and to check whether the same are in conformity with the Goa Land Development and Building Construction Regulations, 2010 and whereas the Local Authorities/Licensing Authorities i.e. the Panchayats are not possessing a technical staff and as such do not have much technical expertise to deal and scrutinize such proposals from planning point of view.

Thus, the TCP Dept. and the local authorities are often found to be in conflict on several occasions for having questioned the permissions granted by the TCP Dept.

The Board therefore was of the opinion that although the endeavour of the Department is to give fast services to the general public in clearing their proposals, the procedure as adopted sometimes by the Local Authorities defeats the very purpose of “Time Bound Delivery Services”.

Considering all above, it was felt by the Board that necessary provisions under the TCP Act are required to be made, whereby this issue could be addressed and therefore decided that necessary provision under the TCP Act, shall be incorporated such that the permissions granted by the Department/ PDAs under the TCP Act shall be final and binding on all other Authorities under applicable statute in respect of the proposals undertaken by the applicant.

The Board was also of the opinion that the amendment shall ensure that no other Authority under any other statute shall question the approval/ recommendation made by the TCP Department/PDAs.

After having deliberated at length on the issue, the Board felt it more appropriate to affect necessary amendment to Section 134 in this regard, which specifies about “affect of other laws” such that the issue arising out of above situation will be addressed properly in public interest.

Considering the urgency in the matter, Member Secretary was directed to immediately undertake further procedure to introduce the necessary amendment to Section 134 in this regard, such that the same could be placed before the forthcoming Assembly Session.

## **B) Encroachments on Government/PDA land.**

The issue regarding encroachments on Government/PDA land was taken up for discussion in the meeting for being a serious issue as several instances of such encroachments in its land, has come to the notice of Department and the PDAs. The Board observed that these unauthorized activities and encroachment on Government land many a times goes unnoticed and ultimately resulting into litigations under various Courts of law. It was further observed that in view of such encroachments, the Government finds it difficult to put such lands to intended use as often the title is contested in the Courts of Law.

Having detail deliberation on the issue, the Board directed Member Secretary to obtain detailed report from all the PDAs and from Taluka Level offices of TCP Dept. pertaining to status of land under their possession and whether any encroachments have been found on such land and action taken in this regard. Member Secretary was accordingly directed to place before the Board, the report obtained in this regard for further necessary action.

C) **Notification regarding rate of processing fee and rate of fee for change of zone under Section 39(A) of TCP Act and regarding rate of processing fee and other fee as regards to correction to the Regional Plan under Section 17(2) of the TCP Act.**

Member Secretary informed the Board that the Government vide Notification No. 21/1/TCP/GTCPACT/2024/73 dated 18/06/2024 has notified rate of processing fee and rate of fee for change of zone under Section 39(A) of TCP Act.

Member Secretary further informed that vide Notification No. 21/1/TCP/GTCPACT/2023 dated 28/03/2024, the Government has also notified rate of processing fee and other fee as regards to correction to the Regional Plan under Section 17(2) of the TCP Act.

Chairman brought to the notice of the Members that he is receiving several representations regarding multifold hike in rate of fees for change in land under Section 39(A) of TCP Act as well as those for hike in fees under Section 17(2) of the TCP Act which is on a higher side.

While explaining on the subject, Member Secretary informed that Section 17(2) of the Goa Town and Country Planning Act was inserted vide notification No. 21/1/TCP/GTCPACT/2023/882 dated 15/03/2024, which pertains to rectification of inadvertent error and correction of inconsistent/incoherent zoning proposal under Regional Plan and further informed that the Department has also notified the Rules for the purpose of carrying out alterations/modifications in the Regional Plan for rectification of inadvertent errors and correction of inconsistent/incoherent zoning proposals vide No. 21/1/TCP/GTCPACT/2023/882 dated 15/03/2023. As per sub rule (3) of Rule 3, the Department had initially notified fee for processing of application and other fee as detailed under Notification No. 21/1/TCP/GTCPACT(PART)/897 dated 15/03/2023 published in the Official Gazette (Supplement) Series I No. 50 dated 16<sup>th</sup> March 2023. The fees as prescribed under the said regulations were then brought to the notice of the Members, which were as per Table below:

**TABLE - A**

| (1)   | (2)                               | (3)   | (4)   | (5)  |
|---|-----------------------------------|---|---|--|
| Area of the land in Respect of which correc- tion is proposed | Fee for processing Of Application | Fee for correction of inconsistent/incoherent Zoning provisions which Amount to change of Zone of land to settle- ment zone or sub-zone Settlement (Commercial) per sq.mtr. of land | Fee for correction of inconsistent/incoherent Zoning provisions which Amount to change of Zone of land to Industrial zone, per sq.mtr.of land | Fee for correction of inconsistent/incoherent Zoning provisions Which amount to change Of zone of land to Institutional zone or any other zone not specified in this Table per sq.mtr. of land |
| Upto500sq.mtrs.   | ₹5,000                            | Nil   | ₹100  | ₹ 50   |
| 501sq.mtrs.to 1,000sq.mtrs.                                   | ₹ 7,500                           | ₹ 50  | ₹150  | ₹50  |

|  |          |       |       |       |
|--|----------|-------|-------|-------|
| 1,001sq.mtrs.to<br>2,000sq.mtrs.       | ₹ 10,000 | ₹75   | ₹150  | ₹50   |
| 2,001sq.mtrs.to<br>5,000sq.mtrs.       | ₹15,000  | ₹100  | ₹150  | ₹50   |
| 5,001sq.mtrs.to<br>10,000sq.mtrs.      | ₹20,000  | ₹125  | ₹200  | ₹ 100 |
| 10,001 sq. mtrs. to<br>20,000 sq.mtrs. | ₹ 30,000 | ₹ 150 | ₹ 300 | ₹ 100 |
| Above 20,000 sq.<br>mtrs.              | ₹ 50,000 | ₹ 200 | ₹ 400 | ₹ 150 |

The Board was then informed that the Department has subsequently received a letter from the Department of Finance (Revenue & Control) whereby it was decided by the Government to revise the rate for fee for processing application and other fees and accordingly, the rates were as regards to applications made under sub section (2) of Section 17 of Goa TCP Act, 1974 were revised and these revised rates were notified vide Notification No. 21/1/TCP/GTCPACT/2023/579 dated 28/03/2024 published in the Official Gazette Supplement Series I No. 52 dated 28<sup>th</sup> March 2024. The fees as revised were then brought to the notice of the members, which were as under:

TABLE - B

| (1)   | (2)                                     | (3)   | (4)  | (5)   |
|---|---|---|--|---|
| Area of the land in<br>Respect of which<br>Correction is proposed | Fee for<br>Processing of<br>application | Fee for correction of<br>inconsistent/incoherent<br>Zoning provisions which<br>Amount to change of<br>zone of land to<br>Settlement zone or<br>sub-zone settlement<br>(Commercial)persq.mtr.<br>of land | Fee for correction<br>Of inconsistent/<br>/incoherent zoning<br>Provisions which<br>amount to change of<br>zone of land to<br>Industrial zone per<br>sq.mtr. of land | Fee for correction<br>Of inconsistent/<br>/incoherent zoning<br>Provisions which amount<br>to change of zone of land<br>to Institutional zone or<br>any other zone not<br>specified in the Table<br>per sq.mtr. of land |
| Upto500sq.mtrs.   | ₹5,000                                  | ₹50   | ₹200   | ₹150  |
| 501sq.mtrs.to 1,000<br>sq. mtrs.                                  | ₹10,000                                 | ₹1,000  | ₹250   | ₹150  |
| 1,001 sq.mtrs. to<br>2,000 sq. mtrs.                              |   |   | ₹250   | ₹150  |
| 2,001sq.mtrs.to<br>5,000 sq. mtrs.                                |   |   | ₹250   | ₹150  |
| 5,001sq.mtrs.to<br>10,000 sq. mtrs.                               |   |   | ₹300   | ₹200  |
| 10,001sq.mtrs.to<br>20,000 sq. mtrs.                              |   |   | ₹400   | ₹200  |
| Above20,001sq.<br>mtrs.   |   |   | ₹500   | ₹250  |

The Board deliberated at length on the rates originally prescribed vis-à-vis those revised and was of the opinion that the increase as carried out in the fees need to be reduced such that the same are corresponding to the plot area.

After deliberation, the Board suggested the rate to be reduced as per the Table below:

TABLE - C

| (1)   | (2)                               | (3)   | (4)  | (5)   |
|---|-----------------------------------|---|--|---|
| Area of the land in respect of which correction is proposed | Fee for processing of application | Fee for correction of inconsistent/incoherent zoning provisions which amount to change of zone of land to settlement zone or sub-zone settlement (Commercial) per sq. of land | Fee for correction of inconsistent/incoherent zoning provisions which amount to change of zone of land to Industrial zone per sq. mts. of land | Fee for correction of inconsistent/incoherent zoning provisions which amount to change of zone of land to Institutional zone or any other zone not specified in the Table, per sq. mts. of land |
| Upto 500 sq. mtrs.  | ₹ 5,000                           | Nil   | 100  | } 75  |
| 501 sq. mtrs. to 1,000 sq. mtrs.                            | } ₹ 10,000                        | 100   | } 200  |   |
| 1,001 sq. mtrs. to 2,000 sq. mtrs.                          |                                   | 200   |  |   |
| 2,001 sq. mtrs. to 5,000 sq. mtrs.                          |                                   | 300   |  |   |
| 5,001 sq. mtrs. to 10,000 sq. mtrs.                         |                                   | 400   | } 300  | } 200   |
| 10,001 sq. mtrs. to 20,000 sq. mtrs.                        |                                   | 500   |  |   |
| Above 20,001 sq. mts.                                       |                                   | 500   |  |   |

Member Secretary then informed the Board that Section 39A of TCP Act is for change of zone in the Regional Plan and to the Outline Development Plan which was inserted vide Notification No. 7/3/2024-LA-50 dated 22/02/2024 notified in Official Gazette (Extraordinary) Series I No. 47 dated 22<sup>nd</sup> February 2024.

The Board was then briefed about the Rules notified for processing applications received under Section 39A of the TCP Act and schedule of rates of processing fee alongwith rate of fee for change of zone, as notified initially vide Notification No. 21/1/TCP/GTCPACT/2024/470 dated 06/02/2024, published in the Official Gazette (Supplement) Series I No. 49 dated 07/03/2024:

The fees as applicable were then brought to the notice of the Members, which were as under:

TABLE - D

| Rate of processing fee and rate of fee for change of zone       |                       |   |  |  |
|---|-----------------------|---|--|--|
| (1)   | (2)                   | (3)   | (4)  | (5)  |
| Area of the land in respect of which change of zone is proposed | Processing fee in Rs. | Fee for change of zone to settlement zone or sub- zone settlement (Commercial) per sq. mtr. of land | Fee for change of zone to Industrial zone per sq. mtr. of land | Fee for change of zone to Institutional zone and others per sq. mtr. of land |
| Upto 500 sq. mtrs.  | ₹ 5,000               | Nil   | ₹ 100  | ₹ 50   |
| 501 sq. mtrs. to 1,000 sq. mtrs.                                | ₹ 7,500               | ₹ 50  | ₹ 150  | ₹ 50   |
| 1,001 sq. mtrs. to 2,000 sq. mtrs.                              | ₹ 10,000              | ₹ 75  | ₹ 150  | ₹ 50   |
| 2,001 sq. mtrs. to 5,000 sq. mtrs.                              | ₹ 15,000              | ₹ 100   | ₹ 150  | ₹ 50   |
| 5,001 sq. mtrs. to  | ₹ 20,000              | ₹ 125   | ₹ 200  | ₹ 100  |

|                                      |          |       |       |       |
|--------------------------------------|----------|-------|-------|-------|
| 10,000 sq. mtrs.                     |          |       |       |       |
| 10,001 sq. mtrs. to 20,000 sq. mtrs. | ₹ 30,000 | ₹ 150 | ₹ 300 | ₹ 100 |
| Above 20,001 sq. mtrs.               | ₹ 50,000 | ₹ 200 | ₹ 400 | ₹ 150 |

The Board was the informed that these rates too were subsequently revised to bring them at par with the rates notified for the purpose of Section 17(2) of the TCP Act. These revised rates as notified vide Notification No. 21/1/TCP/GTCPACT/2024/73 dated 18/06/2024published in Official Gazette Series I No. 12 dated 20/06/2024 were then brought to the notice of the Members, which are as under :

TABLE - E

| Rate of processing fee and rate of fee for change of zone       |                       |   |   |   |
|---|-----------------------|---|---|---|
| (1)   | (2)                   | (3)   | (4)   | (5)   |
| Area of the land in respect of which change of zone is proposed | Processing fee in Rs. | Fee for change of zone to settlement zone or sub-zone settlement (Commercial)per sq. mtr. of land | Fee for change of zone to Industrial zone per sq.mtr. of land | Fee for change of zone to Institutional zone and others per sq.mtr. of land |
| Upto500sq.mtrs.   | ₹5,000                | ₹50   | ₹200  | ₹150  |
| 501sq.mtrs.to1,000sq. mtrs.                                     | ₹10,000               | ₹1,000  | ₹250  | ₹150  |
| 1,001 sq. mtrs. to 2,000sq. mtrs.                               |                       |   | ₹250  | ₹150  |
| 2,001sq.mtrs.to5,000sq. mtrs.                                   |                       |   | ₹250  | ₹150  |
| 5,001 sq. mtrs. to 10,000sq. mtrs.                              |                       |   | ₹300  | ₹200  |
| 10,001 sq. mtrs.to20,000sq. mtrs.                               |                       |   | ₹400  | ₹200  |
| Above20,001sq.mtrs.   |                       |   | ₹500  | ₹250  |

The Board again deliberated on the hike in these rates and was of the opinion that these fees too are required to be reduced so as to bring them within the affordable range. The Board also recommended that fees for change of zone to Industrial and Institutional also needs to be revised.

After detail deliberation, the Board therefore recommended that the rates for processing fee and rate of fee for change of zone shall be as per Table below:

TABLE - F

| Rate of processing fee and rate of fee for change of zone       |                       |   |  |  |
|---|-----------------------|---|--|--|
| (1)   | (2)                   | (3)   | (4)  | (5)  |
| Area of the land in respect of which change of zone is proposed | Processing fee in Rs. | Fee for change of zone to settlement zone or sub- zone settlement (Commercial) per sq. mtr. of land | Fee for change of zone to Industrial zone per sq. mtr. of land | Fee for change of zone to Institutional zone and others per sq. mtr. of land |
| Upto 500 sq. mtrs.  | ₹ 5,000               | Nil   | 100  | } 75   |
| 501 sq. mtrs. to 1,000 sq. mtrs.                                | } ₹ 15,000            | 100   | } 200  |  |
| 1,001 sq. mtrs. to 2,000 sq. mtrs.                              |                       | 200   |  | } 100  |
| 2,001 sq. mtrs. to 5,000 sq. mtrs.                              |                       | 300   |  |  |
| 5,001 sq. mtrs. to 10,000 sq. mtrs.                             |                       | 400   | } 300  | } 200  |
| 10,001 sq. mtrs. to 20,000 sq. mtrs.                            |                       | } 500   |  |  |
| Above 20,001 sq. mtrs.  |                       |   |  |  |

Member Secretary was accordingly directed to move the proposal to the Government for approval of the same.

Meeting ended with thanks to the chair.