

MINUTES OF 212th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD HELD ON 03/02/2025 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 Arun Kumar Mishra,
Secretary (TCP) | ... | Member |
| 5. | Shri Ralph de Souza,
GCCCI | ... | Member |
| 6. | Shri Praveen Kumar Raghav,
C.C.F. | ... | Member |
| 7. | Dr. Cheryl de Souza,
CMO, NLEP, DHS | ... | Member |
| 8. | Shri Ralph A. S. Barbosa,
R. A., DPSE | ... | Member |
| 9. | Shri Rodlin Mascarenhas,
Asst. Director Tourism | ... | Member |
| 10. | Shri Paresh Gaitonde | ... | Member |
| 11. | Ms. Vertika Dagur | ... | Chief Town Planner (Admn.) |
| 12. | Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | | Member Secretary |

Item No. 1: Confirmation of the Minutes of the 211th meeting of Town & Country Planning Board held on 15/01/2025.

Member Secretary informed that the Minutes of 211th meeting of TCP Board held on 15/01/2025 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 45 of the Town & Country Planning Act 1974 filed by Smt. Nirmala Sadanand Naik W/o late Sadanand Naik w/o late Sadanand Vithal Naik against the Member Secretary, Mormugao Planning & Development Authority.

Member Secretary informed that the Appellant has preferred the aforesaid appeal on the basis of demolition notice issued by the Respondent Mormugao Planning & Development Authority bearing No. MPDA/III/443/Vasco/2024-25/85 dated 27/08/2024.

It is mentioned in the said demolition notice that in the property bearing Chala No. 27 of P.T.S. 121, a residential house has been constructed with frame structure and RCC slab comprising of ground + one floor and toilet on the second floor, without obtaining prior Development Permission u/s 44 of Town & Country Planning Act, 1974.

Member Secretary further informed that the Appellant has clarified by submission of Order issued by Mamlatdar of Mormugao, Vasco-da-Gama in Case No. MNO/VAS/221/86 dated 10th June 1987, wherein Appellant has been registered as mundcar of the opponent (Bhatkar).

Further the Appellant has submitted judgment copy in case No. II/MUND/VAS/04/2008/purch/ dated 19/03/2013 wherein the Appellant was permitted to purchase the dwelling house admeasuring 295.00 m², and has submitted a copy of site plan showing said dwelling unit.

The Appellant states that the area on which structure so developed, is the earlier existing kitchen, bathroom and toilet of his which is having house tax No:- 3 131 (4) and that he is paying house tax of the same to the Mormugao Municipal Council. Earlier structure of the Appellant is more particularly shown in Purchased Plan of Mamlatdar of Mormugao Taluka in purchase case No:- JT-I/MUND/VAS/04/2008/PURCH and the same is having water and electricity connection.

Further the Appellant states that earlier the house taxes of both the portion/parts were in the name of Appellant's husband late Shri. Sadananad V. Naik and now the house taxes of both portion/parts are transferred in the name of the Appellant's son Mr. Vishwas Sadanand Naik.

The Appellant further states that the hind portion of the dwelling house bearing house No:- 131 is of natural hill with loose rocky surface with cracks and

during the last monsoon, that is, in the month of July 2023 a huge rock rolled down causing threats to the Appellant and her family's life and property, as the rock rolled down on the Appellant side of the dwelling house that is, in the portion/part of house bearing tax No:- 3 131 (2) where the Appellant's bed room exists.

The Appellant states that in view of the said natural collapse, steps were initiated under the Disaster Management Act, where an Assistant Engineer III, PWD penned their report dated 10/01/2024.

The Appellant states that the report dated 10/01/2024 of Assistant Engineer III, PWD indicates the seriousness of the situation and with passage of time, by the month of December 2023, a severe crack developed at the corner edge of the Appellant's dwelling house wall / bedroom wall. The said wall could have given way without any indications, as such with an oral understanding and approval from the Appellants family members, and other family members, the Appellant developed structure bearing house tax No:- 3 131 (4) within her share, within the original plinth area, as such, the Appellant has also applied on 27/06/2024 for Regularization of the same before the Deputy collector of Mormugao Taluka, since the present structure bearing house tax No:- 3131 (4) so developed is within the original purchased plinth area of dwelling house.

The Appellant states that she relies on the present Survey Report prepared by the Surveyor Mr. Abdul Gaffar Kati dated 10/06/2024, which clearly indicates that there is no extension of the plinth area and no violation of the building regulation norms. However since this is a dwelling house purchased under the Mundkars Act and is surrounded under other Mundkarial houses, provision for the setback was not possible.

Grounds as stated by the appellant are as under:

- A) The impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024 is bad in law.
- B) The impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024 is un-sustainable and devoid of merit.
- C) The impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024 is contrary to the precincts of Section 52 of TCP Act.

- D) The impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024 is unreasoned and does not attribute any observation with respect to the contents raised in reference to the notice issued.
- E) The Respondent ought to have appreciated that there is no illegal construction.
- F) The Respondent ought to have given an opportunity as the Appellant desired to seek regularization and there was no extension of plinth area.
- G) The Respondent failed to appreciate the decision under the Disaster Management Act and the fact that the development was necessary for imminent saving of life and property as there was damage to the old structure causing proximity to endanger the life of family of the appellant and her family members.
- H) The entire process has been conducted in disregard to the principals of Natural Justice and the Appellant deserved to be heard and permitted opportunity to regularize instead of extreme step of demolition more so as the act of the appellant are not illegal and not violating building regulation norms more particularly the development has not exceeded the existing plinth area.
- I) The construction/development is undertaken by the Appellant within her own area and property of which she has been declared as Mundkar and no building regulations are violated all of which ought to have been considered.
- J) The Appellant states that the area on which structure so developed is the earlier existing kitchen, bathroom and toilet of the Appellant which is having house tax bearing No:- 3 131 (4) and the same area is purchased and particularly shown in Purchased Plan of the Mamlatdar of Mormugao Taluka in purchase case JT-I//MUND/VAS/04/2008//PURCH.

Appellant has therefore prayed as follows:

- a) Call for the records and proceedings in connection with the impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024 from the Respondent.
- b) Upon hearing, the Appellant be pleased to apply the ratio of the Supreme Court and vary the notice appropriately imposing conditions on the Appellant enabling regularization of the structure indicated in the impugned notice bearing no. MPDA/III/443/Vasco/2024-25/895 dated 27-08-2024;

- c) Pending hearing, the Respondent the Member Secretary, the Mormugao Planning & Development Authority who has been served in the matter which is seen by their inwards stamp maintain status quo to avoid the present appeal from being in fructuous.

Member Secretary informed that the matter was earlier heard in 207th meeting of the TCP Board held on 10/10/2024, wherein Advocate Sangeeta A. Naik appeared on behalf of the Appellant and whereas Advocate Divya Yeragi appeared on behalf of Respondent PDA, during which, Adv. Divya Yeragi requested for some additional time to study the matter so as to enable the Respondent PDA to place proper facts before the Board in its defense and the request as made was considered by the Board and the matter was adjourned.

Member Secretary informed that the matter was again heard in 208th meeting of TCP Board held on 02/12/2024, however the Appellant did not appear before the Board during this hearing, whereas Adv. Kamat appeared on behalf of Respondent MPDA.

During the discussion on the matter, Secretary (TCP) opined that MPDA should clearly distinguish between the existing structure and the construction which was illegally undertaken which can be termed as illegal.

It was therefore decided by the Board that Respondent MPDA shall place before the Board the plan showing the extent of construction which can be termed as irregular and also showing that part of the structure which can be termed as illegal and cannot be regularised. The same was agreed upon by the Respondent MPDA.

Matter was accordingly adjourned for compliance of the above. The Member Secretary, MPDA was accordingly directed to place before the next meeting of the TCP Board the relevant details as decided by the Board.

During the arguments in this meeting held on 03/02/2025, Adv. Kamat who appeared for the Respondent MPDA, stated that the process of identifying that portion of the structure which is unauthorised and which is illegal, is still going on and will require some more time.

Adv. further informed that it is not known to the Authority whether the Appellant has obtained conversion sanad or not for the construction undertaken and further stated that the Authority will have to check whether the construction undertaken is within the permissible FAR or not.

The Board deliberated on the matter and decided that proper study to identify the extent of illegality could be undertaken by the Member Secretary, MPDA in consultation with the Advocate of MPDA and to arrive to the conclusion accordingly as regards to the illegality as existing at site.

Considering this exercise to be undertaken and that there was no appearance on behalf of the Appellant, the Board adjourned the matter.

Item No. 3: Appeal under Section 45 of the TCP Act, 1974 filed by Shri Utkarsh Verenkar against South Goa Planning and Development Authority. (File No. TP/B/APL/451/24)

Member Secretary informed that the Appellant states that he has inherited through his parents a plot admeasuring 327 sq. mtrs, and having a residential house bearing house No.117, issued by the Margao Municipal Council, situated in the property under chalta No. 11 of PTS No, 32, Village Fatorda, Salcete-Goa.

Member Secretary further informed that Appellant states that his late father during his lifetime had purchased the above described plot by way of a Sale deed, registered before the Sub-Registrar of Salcete at Margao and on purchase of the said plot under chalta No. 11 of PTS No, 32, his father, obtained the permission from the Camara Municipal De Salcete in the year 1971 (as there was no existence of the authority) and completed the construction of the Ground floor of the house by keeping the set back of 1.5 mtrs. towards the Eastern side of the Appellants plot.

Appellant further states that upon Completion of the said house, the neighbour's on the Eastern side of the said house also undertook the construction, by keeping a set-back of hardly 0.60 mts. towards the Western side of the said house, with the openings of windows, and as such, his father tried to settle the matter amicably, however as nothing materialistic was coming out, a suit came to be filed in the Court of Civil Judge Senior Division, Salcete at Margao under No RCS./72/1973 by the Appellant's father against the owners of the plot in the Eastern side, and finally on 26/02/1974 the suit was disposed by way of a Consent

Decree, on Consent Terms, and in that suit, the then Hon'ble Judge has passed order considering 1.5 mtrs. setback, of Appellant vide order dated 26/2/1973, and as such, all openings of house being in the Eastern side were in existence prior to 1972, (before the existence of the authority)

Appellant has obtained the permission for the second time from the Camara Municipal De Salcete in the year 1973 (as there was no existence of the authority) for the construction of the soak pit in the Eastern side of his plot having a width of 1.5 mtrs. and the same was approved by the chief officer on 3/10/1973.

It is further stated by the Appellant that he for the first time in the year 1996, started renovation of the Ground floor and construction of the First floor, for which, proper approvals were obtained from Respondent and that in the year 2010, he started renovation of the Ground floor (southern side), and extension of the First floor (southern side), for which also the proper approvals were obtained from Respondent, and finally a Occupancy Certificate was also issued by the Margao Municipal Council in the year 2011. This Appellant further states that construction, of doors, windows, openings of the said house were existing since 1972, and hence Appellants states that, without changing the plinth area, Construction of first floor was carried out as per the approved plan by the Respondent's Office for the first time in the year 1996 and subsequently in 2010.

Appellant states that his neighbour towards the Eastern side, as a revenge of 1973, and being idle due to retirement, started harassing him by filing illicit range of complaints after complaints before the Respondent, Survey offices, Municipality, Elect dept. Etc.

It is therefore further informed by the Respondent that out of such complaint, and a cross complaint filed by him, a inspection was conducted by the staff of Respondent, and the show cause notices were issued to him, and also to his neighbour and accordingly a reply/clarifications to show cause notice under No. SGPDA/P/4987/1354/21-22 dated 08/03/2022 was issued by him stating the facts and clearing all the query mentioned in the said Show Cause notice.

Appellant states that the clarification submitted to Respondent towards show cause notice, was very satisfactory and convincing, and hence the matter remained dormant for almost two years i.e. from 08/03/2022 to 04/03/2024.

Appellant, further states that it is in the month of August 2024, the Respondent concludes that the reply filed by him two years ago, was not satisfactory and places matter in the 104th meeting of the Authority (SGPDA), held on 04/03/2024, and issued notice dated 20/08/2024, under Ref No. SGPDA/P/4987/693/24-25, under Sec. 52 of T & C.P Act 1974 to him directing to close the 2 windows and door on the wall of the said house.

That being aggrieved by the Impugned Notice, issued by the Respondent, the Appellant has preferred the present appeal on the following grounds:

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- a. The present proceedings initiated by the Respondent is barred by law of limitation as the Appellant has all permissions/Order and on this count alone the present Appeal be allowed. The Appellant seeks leave of to Consent Decree passed by the Civil Court Margao.
- b. Appellant states that the said house is existing prior to 1972, which was repaired / alteration were carried out of the ground floor, and part of the First floor, for the first time in the year 1996, and that the part of the first floor in the year 2010.
- c. The impugned notice is bad-in-law, improper, unjust and is passed in violation of the Principal of Natural Justice and contrary to the settled principal of law.
- d. The impugned notice has occasioned manifest failure of justice as the final notice is contrary to the said show cause notice under Ref No. SGPDA/P/4987/1354/21-22 dated 08/03/2022.
- e. By issuing the impugned notice the Respondent has acted beyond 'its jurisdiction. The Respondent ought to have realized that it was duty bound and under a mandate to practice the jurisdiction vested in it which it failed to adhere to.
- f. The Respondent failed to take note, that Appellant's said house was existing prior to 1972, viz. before enacting the statute in terms of which final notice is issued to the Appellant.

- g. The impugned Notice has been issued 'on erroneous assumption and presumptions, as the ground floor was existing prior to 1972, that is prior to existence of SGPD, and hence the Impugned Notice is bad in law.
- h. The impugned notice is by itself an error of law apparent on face of record.
- i. The impugned notice is based on faulty and vague observations which doesn't specify any illegality nor gives any substantial reason why this respondent has acted maliciously by altering the show cause notice and modifying/altering the same in order to fit as it is, and therefore the same is bad-in-law., to be set aside and quashed away.
- j. The impugned notice does not speak about the detailed reasons for its issuance and on this count alone the impugned notice be set aside.
- k. That any and all the openings towards Eastern side of the Appellants house does not at all disturbs the privacy of the plot owner towards the Eastern side of the Appellants plot, as opposite plot is having a dead wall of approximately 5.00 mtrs. height.
- l. That the notice issued under section 52 of T & C. P Act 1974 is without application of mind and contrary to the show cause notice dated 08/03/2022 a impugned notice under section 52 of T & C. P Act 1974, is issued to this Appellant adding into it *“one door on the ground floor and two windows on the first floor are illegally opened on the dead wall.”* whereas the above statement is no where mentioned in the show cause notice dated 08/03/2022, issued to this Appellant, however it states as *“two windows and one door are existing to wards eastern side”*.

The Appellant prays as under:

- a) To call for the records and proceedings, and after perusing the same this Hon'ble Authority please be to quash and set aside the final notice issued to the Appellant dated 20/08/2024, under Ref No. SGPD/P/4987/693/24-25 under sec.52 of T & C.P Act 1974.
- b) That the pending hearing of the present Appeal the operation of the final notice issued to the Appellant dated 20/08/2024, under Ref No. SGPD/P/4987/693/24-25 be stayed .

Member Secretary informed that the matter was earlier heard in 208th meeting of the TCP Board held on 02/12/2024 and during the hearing in the matter, Adv. Utkarsh Verekar was present, being Appellant himself and whereas Adv. Anirudha Salkar represented the Respondent SGPDA.

Before the hearing on this date could proceed, Advocate Anirudha Salkar for Respondent SGPDA had requested for additional time citing the reason that SGPDA has not received a copy of the appeal memo as filed by the Appellant and he is therefore not in a position to make any statement before the Board and the same was agreed with the directions to the Member Secretary to issue copy of the appeal memo to the Respondent SGPDA.

Member Secretary, TCP Board vide letter No. TPB/APL/451/2024/4853 dated 10/12/2024 has forwarded a copy of appeal memo to the Respondent SGPDA as requested for and also informing Respondent SGPDA that the matter will be taken up in the next meeting of the Board and copy of the same is also marked to the Appellant for information.

During discussion in the matter on this day of hearing, Member Secretary informed that there is a representation received from Shri Shantidas Khandolkar to add him as an intervener, being the complainant in the matter. The same was discussed upon and it was decided to issue notice to the intervener Shri Shantidas Khandolkar to appear before the Board during the next meeting to give his say. The same was also consented by the Petitioner.

Matter was accordingly adjourned with directions to the Member Secretary to issue notices to the parties, including the intervener to appear before the next meeting of the Board.

Item No. 4: Request for withdrawal of letter regarding benefit granted for additional FAR and increase on eight at Sy. No. 135/35 of Village Arambol, Taluka Pernem for the Chairman Harmal Panchkroshi Shikshan Mandal.

Member Secretary informed that the Chairman, Harmal Panchkroshi Shikshan Mandal Arambol Goa has requested for withdrawal of letter of Taluka office Pernem bearing No. DA/2861/ARM/TCP/2024/1973 dated 08/11/2024, wherein decision of the Government was conveyed regarding withdrawal of additional FAR and height as granted vide letter dtd. 04/10/2024.

The chronological details of the case are submitted as under:-

The Dy. Town Planner (Pernem) had earlier forwarded file bearing No. DA/2861/ARM/TCP/2024/1973 containing application of the Chairman Harmal Panchkroshi Shikshan Mandal for grant of additional FAR and height to existing institutional building vide note no. DA/2861/ARM/TCP/PER/2024/1383 dated 24/07/2024.

Thereafter the aforesaid proposal was placed before the 13th meeting of the Committee (Constituted vide notification dated 31/10/2023) held on 14/08/2028 and the Committee recommended for grant of additional FAR to 20 and height to 3.00 mts.

The recommendation of the said Committee was further placed before 205th meeting of the Town & Country Planning Board held on 19/08/2024 and the TCP Board recommended FAR upto 40 and height of the building upto 8.77 mts..in view of the grant in additional FAR and height, the total FAR is 100 with height of 17.77 mts.

The TCP office Head Quarters, Panjim vide not No. DA/2861/ARM/TCP/2024/3696 dated 3/10/2024 had then conveyed the approval of the Government to Pernem Taluka Office.

Thereafter the Pernem Taluka Office was in receipt of a complaint from Dinesh S. Nail R/o Siolim Bardez Goa against construction of school building at Sy. No. 135/35 of Village Arambol citing following issues:

- 1) The construction of school building has not obtained any approval form Competent Authority.
- 2) School building setbacks height and road widening area are not maintained as per regulations.

Dy. Town Planner (Pernem) vide note bearing No. DA/2861/ARM/TCP/2024/1930 dated 01/11/2024 forwarded the complaint and the file pertaining to grant of higher FAR and height for decision of the Government and as per the direction of the Government vide Note dated 06/11/2024, the approval granted for additional FAR and height has been withdrawn vide letter dtd. 8/11/2024.

On receipt of the withdrawal letter of TCP (Pernem) dated 08/11/2024, the Chairman Harmal Panchkroshi Shikshan Mandal has now vide his letter dated 27/01/2025, addressed to TCP (Pernem) has requested to maintain additional FAR of 100 and height of 17.77 mts. as granted earlier to the institution, citing reasons as under:-

- 1) That the complainant is not a resident of village Arambol and thus has no reason to file complaint.
- 2) That they are a Society Mandal registered under Societies Registration Act, 1980 involved in promotion of educational activities to the rural students of this area and therefore requested to assist/help them from Government side.

The said request is placed before the 212th TCP Board.

The Board deliberated on the issue and took into consideration the representation as made by Chairman, Harmal Panchkroshi Shikshan Mandal and also took note that the Society Mandal is registered under Societies Registration Act, 1980 and is involved in promotion of educational activities to the rural students of the area. It was also observed that the institution is aided by the Government of Goa.

Considering the aspects as above, the Board decided to consider the representation as made by Harmal Panchkroshi Shikshan Mandal and directed the Member Secretary to move the proposal to the Government for consideration of withdrawal of letter dtd. 8/11/2024 of Pernem Taluka Office, by which additional FAR and height granted to Harmal Panchkroshi Shikshan Mandal was withdrawn.

Item No. 5: Cases considered by the Committee constituted as per Notification 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, published in Official Gazette, Series I, No. 18 dtd. 09/08/2023 had notified the amendment to GLDBCR-2010, which provided for following:

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

shall however not be relaxed for more than 20% permitted in the prevailing Regulations.”

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

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

The Board was then informed that 20th 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 31/01/2025 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 of 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.

Member Secretary then brought to the notice of the Board regarding decision taken on additional FAR and height granted in 194th meeting held on 18/01/2024 and 196th meeting held on 13/02/2024 on the application of Executive Engineer, PWD as regards to elevated highway for Porvorim stretch.

It was informed that the Board had recommended to increase FAR from 80 to 150 and height from 11.50 mts. to 20.50 mts. for villages namely Socorro, Pilerne, Salvador-do-Mundo and Pehna-de-Franca from permissible FAR of 80 and permissible height of 11.50 mts. The Board was then informed that however, the villages namely Socorro and Salvador-do-Mundo which are VP-2 category, are having permissible FAR of 60 and maximum permissible height of 9.00 mts. and accordingly informed that necessary corrections need to be conveyed to the PWD for further action at their end.

The Board took note of above and agreed for corrections as under:

For villages of Pilerne and Penha-de-Franca, additional FAR to be considered from 80 to 150 with maximum permissible height from 11.50 mts. to 20.50 mts.

For villages of Socorro and Salvador-do-Mundo, additional FAR to be considered from 60 to 150 with maximum permissible height from 9.00 mts. to 20.50 mts.

Member Secretary was accordingly directed to take further necessary action.

Item No. 6: 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 for approval/recommendation/decision under Sub-rule (1) of rule 4 of the Goa Town & Country Planning (change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024.

This item was deferred.

Item No. 7: 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 for approval/recommendation/decision under Sub-rule (3) of rule 4 of the Goa Town & Country Planning (change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024.

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 212th Town & Country Planning Board meeting sub-rule (3) of Rule 4 of the Goa Town & Country Planning (change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 for its recommendation/approval/decision and the cases as listed at Table ‘C’ are approved by the Board. The Member Secretary, TCP Board was accordingly directed to initiate further course of action in this matter sub-rule (4) of Rule 4 of the Goa Town & Country Planning (change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024.

Details of applications as placed before the Board under Section 39A and decision of the Board on the same is as per Table ‘C’, which forms part of this minutes.

Item No. 8: Any other item with permission of the chair.

No other matter was discussed under this item.

Meeting ended with thanks to the Chair.