

**MINUTES OF 213th MEETING OF THE GOA TOWN & COUNTRY
PLANNING BOARD HELD ON 07/03/2025 AT 2.00 P.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 Shrinivas Dempo,
GCCCI | ... | Member |
| 6. | Shri Praveen Kumar Raghav,
C.C.F. | ... | Member |
| 7. | Shri Ralph A. S. Barbosa,
Research Asst. DPSE | ... | Member |
| 8. | Dr. Cheryl de Souza,
CMO, NLEP, DHS | ... | Member |
| 9. | Shri Dhiraj R. Vagle,
Dy. Director Tourism | ... | Member |
| 10. | Shri Nilesh Khanvilkar,
Directorate of Agriculture | ... | Member |
| 11. | Smt. Varsha Naik Dessai,
Superintendent of Fisheries | ... | Member |
| 12. | Arch. Rajeev M. Sukhtankar | ... | Member |
| 13. | Shri Paresh Gaitonde | ... | Member |
| 14. | Ms. Vertika Dagur | ... | Chief Town Planner (Admn.) |
| 15. | Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | | Member Secretary |

Item No. 1: Confirmation of the Minutes of the 212th meeting of Town & Country Planning Board held on 03/02/2025.

Member Secretary informed that the Minutes of 212th meeting of TCP Board held on 03/02/2025 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 Mr. Franky Anthony Fernandes through Power of Attorney Sheikh Mainoddin, against the Member Secretary, South Goa Planning & Development Authority. (File No. TP/B/APL/459/24)

Member Secretary, TCP Board informed that the Appellant has filed Appeal under Section 45 of the Goa Town and Country Planning Act, 1974 challenging the rejection letter dated 16/12/2024 of SGPD, whereby the Respondent PDA has rejected the application submitted by the Appellant for construction of the additional floors which was based on the approval granted for additional F.A.R in the existing residential building of the Appellant in the property under Chalta No. 7 of P. T. Sheet No. 71 of City Survey Margao. The Appellant submits that the rejection of the proposal for construction of the additional floor is not only illegal and arbitrary but the same is erroneous as the Respondent Authority has failed to appreciate that he has applied for the construction of the additional floors in view of the increase in F.A.R to the existing building and the proposal was not at all for construction for entire new building and therefore stated that the rejection letter dated 16/12/2024 by which the Application of the Appellant is rejected, is erroneous.

The Appellant states that he is the owner of the plot which he had purchased vide two separate Deeds of Sale in the year 1979 and 1980 in respect of the property under Chalta No. 7 of P. T. Sheet No. 71 totally admeasuring 495 sqmts.

The Appellant states that in the year 2018, he decided to develop the said property by constructing a residential building and accordingly obtained the Conversion Sanad dated 19/11/2019 from the office of the Deputy Collector & SDO, Salcete.

The Appellant states that thereafter he, vide his application dated 12/04/2018 had applied for Development Permission from the Respondent SGPDA for construction of the residential building.

The Appellant states that pursuant to the said Application, the Respondent had granted Development Permission dated 25/10/2019 for construction of the residential building consisting of ground plus three floors.

The Appellant states that based on the said Development Permission, he had applied and obtained Construction License from the Margao Municipal Council for construction of the residential cum commercial building and a bungalow in the aforesaid property.

The Appellant states that he had carried out construction as per the approved plan and accordingly, the Margao Municipal Council based on the Completion Certificate issued by the Respondent SGPDA, had granted him the Occupancy Certificate dated 20/05/2022.

The Appellant states that subsequently in view of the amendment of the Goa Land Development and Building Construction Regulations, 2010, he had applied and obtained additional F.A.R of 15% so as to construct additional floor to the existing residential building in the said property.

The Appellant states that accordingly, he had submitted an Application dated 05/11/2024 to the Respondent SGPDA for the construction of the additional floor in view of the increase in F.A.R so as to construct an additional apartment.

The Appellant states that the Respondent did not consider his Application and rejection letter dated 16/12/2024 was issued with Preliminary Observations as under:

- i. Access to the rear and rear set back is not maintained as per Goa Land Development and Building Construction Regulations, 2010.*
- ii. The provision for fire staircase and additional lift is not provided for the proposed height as per fire and safety regulations.*

In the said communication, the Respondent mentioned and directed the Appellant to comply with the said observations and after which, further scrutiny will be made.

The Appellant states that the preliminary observations raised by the Respondent is misconceived in fact and in law in as much as the Respondent failed to appreciate that the Appellant has proposed and applied for construction of the additional floor only based on the additional F.A.R granted to him, which he is entitled and it is not a new construction of building so as to have rear set back. Further, the Appellant states that he has proposed to construct only one apartment for a single occupancy and in such a situation, the question of provision of fire staircase and additional lift is not at all required as it is not the new building which is sought to be constructed.

The Appellant therefore submits that the Respondent has not properly appreciated the application submitted by him for the construction of the additional floor.

The Appellant thus being aggrieved by the rejection letter dated 16/12/2024, issued by the Respondent SGPD, has preferred present Appeal on the following grounds: -

- a) That the Impugned rejection letter dated 16/12/2024 addressed by the Respondent raising such preliminary observations is illegal, arbitrary and unreasonable in as much as the Appellant has not applied for construction of new building so as to have rear set back as well as the provisions for fire staircase and additional lift.
- b) That in view of the amendment to the applicable regulations, the Appellant had obtained the approval for additional F.A.R and based on that the Appellant applied for construction of the additional floor which will be exclusively used only for one apartment and not the multiple apartments so as to have the additional fire staircase and the additional lift.
- c) That since the building is already existing there is no scope left for providing rear set back and these aspect has not at all been considered by the Respondent herein.

- d) That the Respondent Authority considered the proposal of the Appellant as if it is a new building which is sought to be constructed by the Appellant so as to insist for the rear set back and fire staircase and additional lift.
- e) That the preliminary observations raised by the Respondent Authority is not in consonance with the fact that the Appellant has applied for construction of the additional floor only which will be exclusively used as one apartment and in such a circumstances, the requirement of fire staircase and additional lift was not necessary as the building is already existing and there is no question of now providing any rear set back.
- f) That the Impugned Communication is required to be interfered with by Hon'ble Board and direction is required to be issued to the Respondent Authority to consider and grant the Development Permission.
- g) That the building constructed by the Appellant is touching the main road which is having width of 10 mts and therefore, in case of any fire emergency, the fire services can reach close to the building.
- h) That the Appellant has maintained 5 mts set back to its existing building and as per the regulations, what is required is 5.5 mts set back and there is no scope for maintaining another 0.5 mts set back.
- i) That the existing building constructed by the Appellant, there is a lift which is already provided and available and in such circumstances, the Respondent without verifying that the lift is already provided merely insisted for additional lift.

The Appellant has therefore prayed as under:

- a) That the Hon'ble Board be pleased to call for records from the Respondent authority in respect of the Application dated 05/11/2024 submitted by the Appellant for construction of the additional floor to the existing building in the property under Chalta No. 7 of P. T. Sheet No. 71 and upon examining the legality, reasonability and propriety be pleased to quash and set aside the Impugned Communication dated 16/12/2024 and direct the Respondent Authority to grant the Development Permission as applied by the Appellant vide Application dated 05/11/2024.

b) Grant such other and further reliefs in the case may require.

The appeal was placed before the Board, during which Adv. Hanumant D. Naik appeared on behalf of the Appellant, whereas Adv. A. B. Salkar was present on behalf of Respondent PDA alongwith Member Secretary.

Adv. A. B. Salkar informed the Board that the proposal in respect of construction of additional fourth floor was rejected by SGPDA vide letter dated 16/12/2024 citing reasons as under:

1. Access to the rear and rear setback is not maintained as per GLDBCR, 2010.
2. Provision for fire staircase and additional lift is not provided.

Shri Salkar further informed that the observations as raised by PDA needs to be complied by the Appellant as the proposal in respect of additional fourth floor is not conforming to the prevailing regulations.

Advocate Hanumant D. Naik appearing on behalf of Appellant argued before the Board that the ground plus 3 storey building is already existing in the plot having license from Margao Municipal Council. He further informed that Completion Certificate was also issued by the Respondent SGPDA and Occupancy Certificate was thereafter granted by Licencing Authority and that in the present case he is proposing only the addition of fourth floor over the existing building to avail the benefit of additional FAR of 15% and therefore requested to consider his appeal.

The Board deliberated at length on the matter and was of the opinion that the height of the building including what is existing and that what is proposed as additional fourth floor, exceeds 15 mts. and therefore the building comes under high rise category. The Board therefore decided that a NOC from Fire Safety and Emergency Services Department shall be obtained by the Appellant in the First instance and thereafter proposal could be reconsidered by the Respondent PDA.

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

Item No. 3: Appeal under Section 45 of the TCP Act, 1974 filed by Shri Prakash Vittal Priolkar against South Goa Planning and Development Authority. (File No. TP/B/APL/460/24)

The Member Secretary informed that the Appellant challenges the rejection letter dated 08-01-2025 issued by the Respondent SGPDA under reference No. SGPDA/P/6262/1377/24-25.

The Appellant states that there exists the property under Chalta No. 33A & 34 of P.T Sheet No. 250 situated at Aquem Alto Margao Goa. The said property admeasures an area of 4000 sq.mts. as per Form D issued by City Survey Department.

It is stated that pursuant to the Order passed in Regular Inventory Proceedings in case no. 67/2011/III by the Hon'ble Civil Court at Margao, the names of all the heirs of late Vithal Putu Priolkar are included in the revenue record of form B of said property .

It is also mentioned that there exists another property under Chalta No. 33 of P.T.Sheet No. 250 of city Survey of Margao which belongs to the landlord Comunidade of Margao.

The Appellant further states that the Respondent SGPDA had even conveyed their No Objection Certificate dated 17-9-2007 to the Appellant in respect of the said property.

The Appellant further states that on 21-4-2022, the Respondent SGPDA had issued order for the payment of Rs. 31,864/- towards the Infrastructure Tax payable for the development proposed by him and further an amount of Rs. 48,956/- has been paid by the Appellant to the Respondent.

It is stated that as per the zoning certificate dated 8-10-2024 issued by the Respondent, the said property under Chalta No. 33-A of P.T. Sheet No. 250 of city survey of Margao is falling under Commercial C-1 Zone as per ODP-2031 of Margao Planning Area.

The Appellant states that the said property is the ancestral property and the same have been amicably settled amongst the co-owners. Some of the co-owners in past have been issued permission for development and construction of shop by the

Respondent SGPDA in the very same property and they too have constructed the shops in the said property and are existing on site.

The Appellant states that pursuant to the zoning certificate issued by the Respondent, the said property is earmarked as Commercial Zone and therefore in order to undertake the construction of the shops for the commercial purpose, the Appellant had applied for the approval of the construction of shops before the Respondent SGPDA by their application dated 29-11-2024 alongwith the development plan prepared by their Engineer Mr. Prakash P. Sawant. The Appellant also had submitted the necessary documents before the Respondent alongwith the said application.

It is stated that the Respondent without giving any opportunity of hearing to the Appellant in any manner, has rejected the development permission by an Order dated 8-1-2024.

The Appellant being aggrieved by the Impugned order dated 08/01/2024 challenges the same on the following grounds:

- I. That the Impugned order dated 08/01/2024 passed by the Respondent SGPDA is bad in law, non maintainable and are liable to be quashed and set aside.
- II. That the Respondent have passed the Impugned order contrary to law without even giving the reasonable opportunity of hearing the appellant before passing the Impugned order and therefore the Impugned order has been passed in violation of the principles of natural justice.
- III. That as per the revenue record the said property under Chalta No. 33-A of P.T. Sheet No.250 is zoned as commercial zone in the record of the respondent and therefore the respondent have erred in law to pass the Impugned order observing that the said property is an agricultural property and comes under the purview of section 2 of Goa Land Use Act is perverse and contrary to record and therefore the impugned order is liable to be quashed and set aside.
- IV. That the impugned order is perverse, arbitrary and capricious and passed by the mechanical application of mind by the Respondent and if the same is not quashed and set aside it will result in miscarriage of justice.

- V. That previously the Respondent had passed order granting and permitting the development in the said property under Chalta no. 33-A of P.T. Sheet No.250 when the same was applied for by the other co-owners and the Respondent too had granted the Development Permission generously without raising any issue and when the Appellant had applied for the permission, the Respondent have passed the Impugned order dated 08/01/2024 contrary to law.
- VI. That the Respondent who had seized with the matter was aware of the fact that in such type of matter no order could be passed without hearing the party who is likely to be affected by the Impugned order as the same being the cardinal principle of law and the Respondent ought to have atleast given hearing to the Appellant, however without such exercise the Impugned order came to be passed by mechanical application of mind .
- VII. That there are already structures / shops existing in the said property under Chalta No. 33-A of P.T.Sheet No.250 under the permission of the Respondent and therefore the respondent is stopped under law in passing the Impugned order.
- VIII. That there is no document available before the Respondent to show that the Chalta No. 33-A of P.T. Sheet No.250 is agricultural property as alleged in the Impugned order dated 08/01/2024 and therefore Respondent has not justified in passing the Impugned order.
- IX. That the impugned order is an ex parte order without affording hearing to the Appellant which is in violation of principal of natural justice.
- X. That the property under Chalta no. 33-A of P.T. Sheet No. 250 is not an agricultural property and Respondent have illegally rejected the application for development on wrong ground which si not having the legal backing .

The Appellant therefore submit that the Impugned order be quashed and set aside.

The Appellant has further prayed as under:

- 1. To examine the legality of the order of SGPDA and to quash and set aside the Impugned Order dated 08-01-2025 issued by the Respondent under reference No. SGPDA/P/6262/1377/24-25.
- 2. Any other order as this Hon'ble Court deems fit and proper.

The appeal was placed before the Board, during which, Adv. A.B. Salkar appeared on behalf of Respondent PDA alongwith Member Secretary and whereas the Appellant was present alongwith Adv. Mr. Arjun Naik. Adv. Shri Salkar informed that the proposal for construction of shops at Chalta No. 33A & 34 of P.T. Sheet No. 250 was rejected vide letter dated 08/01/2025 as the property has status as Agricultural Tenanted land as per Section 2 of Goa Land Use Act 1991.

Adv. Arjun Naik on behalf of the Appellant argued that the rejection letter dated 08/01/2025 of Respondent PDA states that the property bearing Chalta No. 33A & 34, P.T. Sheet No. 250 of Aquem Margao are Agricultural Tenanted lands which comes under the purview of Section 2 of Goa Landuse Act 1991. Adv. Mr. Arjun Naik further stated that Form D issued by City Survey of the properties under reference also does not mention about any Agricultural status on the said Form D and as such the said order is bad in Law. It was further stated by Adv. Mr. Arjun Naik that as per Outline Development Plan-2031 for Margao Planning Area, the plot is earmarked as Commercial C1 zone and that the Respondent SGPDA had also issued NOC in the past under Section 49(6) for registering deed of sale dated 17/09/2007. It was also further stated by the Advocate Arjun Naik that whenever properties are purchased under Section 18-K or under Agricultural Tenancy Act, the same is clearly depicted in Form I & XIV/Form D and that in the present case, there is no such mention about Agricultural Tenancy aspect in Form D as issued by City Survey.

The TCP Board deliberated at length on the facts placed before it and perused the documents placed on record including the past commitments as made by the Respondent PDA in grant of Development Permission in the same property and was of the opinion that the proposal of Appellant for construction of shops in the property under reference, could be considered, as the Form D issued by City Survey also did not mention anything about Agricultural Tenancy aspect.

The Board therefore decided that the Respondent PDA should consider the proposal of applicant. The appeal was accordingly allowed.

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

Item No. 4: Construction of illegal structures and unauthorized sub-division of land in the State of Goa and action against the same.

Member Secretary informed that the Department has noticed several unauthorized constructions coming up in various parts of the State and are without any valid permissions from the Department or from any other Competent Authorities. It was further informed that such unauthorized construction are many a times coming up in non developable zones such as Orchard, Natural Cover, agricultural land, etc. and which has lead to haphazard development in many parts of the State. It was also informed that many a times such development comes in unauthorized sub-division layout, which are often under Orchard, Natural Cover, agricultural zone.

While deliberating on the issue, Members expressed that such unauthorized plots coming up in non-confirming zones are often purchased by the people at much lesser rates than the market rate and who are not even aware of the laws of the State and permissions required to undertake the constructions, which ultimately leads to unauthorized constructions.

Members were of the firm view that the Department should initiate strict action against such unauthorized construction.

While briefing on the action taken by the Department in such matters, the Member Secretary informed that Bicholim Taluka Office of TCP Department has forwarded Notes intimating about the action taken by it in such matters, which are as follows:

A. Illegal Construction of Residential house in the property bearing Sy. No. 15/7 of Poreim village in Sattari Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/21/Poriem/Sat/TCP-25/631 dated 28/02/2025, it is reported that a complaint dtd. 24/2/2025 was received from Shri. Mahesh Pednekar regarding illegal construction of Residential House carried out in property bearing Sy. No. 15/7 of Poriem village of Sattari Taluka.

As per said complaint dtd. 24/2/2025, the site was inspected by the official of Bicholim Taluka office on 25/2/2025 and it was observed that newly constructed residential house is existing in the above mentioned survey number for which Bicholim office has not issued any approval. It is also reported that cutting of land has been carried out in the said property, which does not have any

permission from the Department and hence the said activity attracts Section 17-A of the TCP Act.

As per the site inspection findings, Taluka Office Bicholim vide letter No. 23/13/21/Poriem/Sat/TCP-25/576 dated 25/02/2025 has filed FIR before Police Inspector, Valpoi Police Station, informing about illegalities noticed at site and also requesting them to keep vigil on site to prevent further cutting of land.

As per the findings of the Taluka Office TCP Bicholim/Sattari, the house under reference falls in Sy. No. 33/0, Majik wada, of Poriem village of Sattari Taluka.

B. Unauthorized development & Sale of plot in property bearing Sy. No. 496/1-B & 496/1-D of Latambarcem Village of Bicholim Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/82/Latam/Bich/TCP-25/630 dated 28/02/2025, it is reported that a complaint dtd. 18/2/2025 was received from Shri. Sudesh Dattaram Malik against Smt. Mugdha Ashok Mulgaonkar, Smt. Aparna Ashok Mulgaonkar and Shri. Rishkesh Ashok Mulgaonkar for illegal plotting/ conversion of land to non agricultural use in property bearing Sy. No. 496/1-B and 496/1-D of Latambarcem village of Bicholim Taluka.

As per said complaint dtd. 10/2/2025, the site was inspected by the official of Bicholim Taluka office on 18/2/2025 and it was observed that development of plots is carried out with construction of roads, erection of poles, laying of boundary stones and violation of Section 17-A was also noticed in property bearing Sy. No. 496/1-B and 496/1-D of Latambarcem Village of Bicholim Taluka. It is reported that no Technical Clearance Order/Provisional NOC is issued by Bicholim Taluka office for the said development.

Further it is reported that as per Regional Plan for Goa 2021, the properties bearing Sy. No. 496/1-B & 496/1-D, are earmarked partly as Settlement zone and partly as Orchard zone. The plot is also affected by proposed road which is passing through the property from North to South.

As per the site inspection findings, Taluka Office Bicholim has filed FIR before Police Inspector, Bicholim Police Station informing about illegalities noticed at site and also requesting to keep vigil on site to prevent further cutting of

land and to investigate the matter vide letter No. 23/13/82/Latam/Bich/TCP-25/487 dated 18/02/2025.

C. Illegal plotting in Sy. No. 48/6 of Saleli village of Sattari Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/22/Saleli/Sat/TCP-25/673 dated 04/03/2025, it is reported that a complaint dtd. 03/03/2025 was received from Shri. Savlaram S. Madgaonkar regarding illegal plotting in Sy. No. 48/6 of Saleli village of Sattari Taluka.

As per said complaint dtd. 03/03/2025, the site was inspected by the official of Bicholim Taluka office on 03/03/2025 and it was observed that levelling of land has been carried out and laying of demarcation stones was undertaken in the property bearing Sy. No. 48/6 of Saleli village of Sattari Taluka. The said activity attracts a violation of Section 16-B of TCP Act. It is further informed that no permission for development as carried out at site is granted by TCP Office Bicholim/Sattari.

As per the site inspection findings, Taluka Office Bicholim vide letter No. 23/13/22/Naguem/Sat/TCP-25/640 dated 03/03/2025 has filed FIR before Police Inspector, Valpoi Police Station informing about illegalities noticed at site and also requesting to keep vigil on site to prevent further cutting of land and to initiate necessary action under the provisions of 16B of the TCP Act.

D. Illegal plotting in Sy. No.24/5 of Saleli village of Sattari Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/24/Saleli/Sat/TCP-25/672 dated 04/03/2025, it is reported that a complaint dtd. 03/03/2025 was received from Shri. Savlaram S. Madgaonkar regarding illegal plotting in Sy. No.24/5 of Saleli village of Sattari Taluka.

As per said complaint dtd. 03/03/2025, the site was inspected by the official of Bicholim Taluka office on 04/03/2025 and it was observed that levelling of land has been carried out and laying of demarcation stones was undertaken in the property bearing Sy. No. 24/5 of Saleli village of Sattari Taluka. The said activity attracts a violation of Section 16-B of TCP Act. It is further informed that no permission for development as carried out at site is granted by TCP Office Bicholim/Sattari.

As per the site inspection findings, Taluka Office Bicholim vide letter No. 23/13/24/Saleli/Sat/TCP-25/642 dated 04/03/2025 has filed FIR before Police Inspector, Valpoi Police Station informing about illegalities noticed at site and also requesting to keep vigil on site to prevent further cutting of land and initiate necessary action under the provisions of 16B of the TCP Act.

E. Illegal plotting in Sy. No. 10/1 of Naguem village of Sattari Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/22/Naguem/Sat/TCP-25/675 dated 04/03/2025, it is reported that a complaint dtd. 03/03/2025 was received from Shri. Savlaram S. Madgaonkar regarding illegal plotting in Sy. No. 10/1 of Naguem village of Sattari Taluka.

As per said complaint dtd. 03/03/2025, the site was inspected by the official of Bicholim Taluka office on 03/03/2025 and it was observed that levelling of land has been carried out and laying of demarcation stones was undertaken in the property bearing Sy. No. 10/1 of Naguem village of Sattari Taluka. The said activity attracts a violation of Section 16-B of TCP Act. It is further informed that no permission for development as carried out at site is granted by TCP Office Bicholim/Sattari.

As per the site inspection findings, Taluka Office Bicholim vide letter No. 23/13/22/Saleli/Sat/TCP-25/641 dated 03/03/2025 has filed FIR before Police Inspector, Valpoi Police Station informing about illegalities noticed at site and also requesting to keep vigil on site to prevent further cutting of land and initiate necessary action under the provisions of 16B of the TCP Act.

F. Illegal plotting in Sy. No. 1/1 of Kumbharkhan village of Sattari Taluka.

Vide Note of the Dy. Town Planner, Taluka office Bicholim/Sattari bearing No. 23/13/25/Kumbharkhan/Sat/TCP-25/674 dated 04/03/2025, it is reported that a complaint dtd. 03/03/2025 was received from Shri. Savlaram S. Madgaonkar regarding illegal plotting in Sy. No. 1/1 of Kumbharkhan village of Sattari Taluka.

As per said complaint dtd. 03/03/2025, the site was inspected by the official of Bicholim Taluka office on 03/03/2025 and it was observed that levelling of land has been carried out and laying of demarcation stones was undertaken in the property bearing Sy. No. 1/1 of Kumbharkhan village of Sattari Taluka. The said

activity attracts a violation of Section 16-B of TCP Act. It is further informed that no permission for development as carried out at site is granted by TCP Office Bicholim/Sattari.

As per the site inspection findings, Taluka Office Bicholim vide letter No. 23/13/25/Kumbharkhan/Sat/TCP-25/643 dated 04/03/2025 has filed FIR before Police Inspector, Valpoi Police Station informing about illegalities noticed at site and also requesting to keep vigil on site to prevent further cutting of land and initiate necessary action under the provisions of 16B of the TCP Act.

The Board took note of the action taken by Bicholim Taluka Office on various illegalities and was of the firm opinion that the similar action also need to be initiated by other offices so as to curb the illegal development mushrooming within the State.

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 21th 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 28/02/2025 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.

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.

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 in 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 213th Town & Country Planning Board meeting 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 for its recommendation/approval/decision and the cases as listed at Table 'B' are approved by the Board. The Member Secretary, TCP Board was accordingly directed to initiate further course of action in this matter sub-rule (2) 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 'B', which forms part of this minutes.

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 of 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 213th 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.

A. In the matter of assessment of additional fees under Section 17(2) of the TCP Act.

Member Secretary informed that Section 17(2) was introduced by the State Government into the Goa TCP Act, primarily with the objective of correcting inadvertent errors and/or incoherent zoning proposals in the Regional Plan for Goa 2021 and further informed that an issue has emerged now pertaining to the collection of deficit fees by the TCP Department.

The Board was briefed that vide Notification No. 21/TCP/GTCPACT (PART)/897 dtd. 15/3/2023, Rules were notified for consideration of application under Section 17(2) of the TCP Act and the same were notified vide Official Gazette (Supplement) Series I No. 50 dtd. 16/03/2023. Vide same Rules, the fees as applicable u/s 17(2) were notified and as per the said Rules, no fees for correction/rectification of zone to Settlement/Commercial were applicable for the plot area upto 500m² and whereas maximum fees applicable for the same, for plot area above 20,000 sq.mts. was Rs. 200/- only.

The Board was then informed that the Department had subsequently received a Note No. 16/8/3/2018/Rev-I/6043 dtd. 15/03/2024 from Department of Finance (Revenue/Control), whereby it was informed that the Government has decided that the rates applicable for correction/rectification of zone to Settlement/Commercial shall be Rs. 50/- for area upto 500 sq.mts. and the same shall be Rs. 2000/- for any area above 500 sq.mts. and the same was discussed by Hon'ble TCP Minister with Hon'ble Chief Minister and it was proposed that the fees for correction for zoning shall be Rs. 1000/- instead of Rs. 2000/- and the same shall be applicable, but for the cases already received. The said proposal for consideration of above revised rate and for consideration of applicability of the new rates for new proposals only, was moved by Hon'ble TCP Minister to the Hon'ble Chief Minister on 27/3/2024 and the same was considered by Hon'ble Chief Minister. The note was accordingly forwarded to the TCP Dept. by the Hon'ble TCP Minister with comment as "As approved by Hon'ble Chief Minister" and received by the Department on 28/3/2024. Accordingly, the new rates were notified vide Notification No. 21/1/TCP/GTCPACT/2023/579 dtd. 28/3/2024 and published in Official Gazette (Supplement) Series I No. 52 dtd. 28/03/2024.

As per the said Notification, the new rates applicable for correction/rectification of zone to Settlement/ Commercial are Rs. 50/- for area upto 500 sq.mts. and the same shall be Rs. 1000/- for any area above 500 sq.mts.

Member Secretary then informed that the Department has accordingly assessed new rate of Rs. 1000/- for all those applications received after 28/3/2024 and whereas for all other applications received prior to 28/03/2024, the assessment of fees was done as per the old rates.

The Board was further informed that the Department thereafter received letter dtd. 01/08/2024 from Department of Finance (Revenue/Control) requesting the Department to collect the fees as published in the Official Gazette dtd. 28/3/2024 and a Note was therefore moved to the Government for consideration of the directions received from the Department of Finance (Revenue/Control) vide its letter dtd. 01/08/2024. Vide same Note, the Government was again informed that the Department is implementing revised rate as notified on 28/03/2024, only for applications received after 28/03/2024, whereas the old rates were still being followed for applications received prior to 28/03/2024.

The Department thereafter received another letter from the Department of Finance (Revenue/Control) dtd. 24/09/2024, vide which it was clarified that all the applications for corrections u/s 17(2) are to be charged as per the rates prescribed under Notification dtd. 28/03/2024. On receipt of such a clarification from the Department of Finance (Revenue/Control) vide their letter dtd. 24/09/2024, the Department has immediately started assessing the fees as per the new rates i.e. Rs. 1000/- per sq.mts.

The Board was then informed that vide Notification No. 36/18/17(2)/Notification (4)/TCP/ 2024/1264, a correction/recification of zone of the property of Brahm Agro Terra Projects Ltd. bearing Sy.No. 17/1(P) of Chopdem village, Pernem Taluka in RPG-2021 from partly Orchard zone, partly Natural Cover, partly Natural Cover with NDS and partly Cultivated land to Settlement zone for an area of 89,500 m², was notified and published in Official Gazette, Series II No. 13 dtd. 27/6/2024.

The Board was then informed that the applicant had earlier paid an amount of Rs. 1,79,00,000/- (Rupees One Crore Seventy Nine Lakhs only) towards the fees payable (89500m² x Rs. 200) and the applicant vide Order No. 36/18/353/17(2)/Chopdem/17/1(P)TCP/ 2024/103 dtd. 26/02/2025 was then informed about the fees applicable to him as per Notification dtd. 28/03/2024. 89500m² x Rs. 1000/- = Rs. 8,95,00,000/-, thus the applicant was informed about additional fees payable by him of Rs. 7,16,00,000/- (Rupees Seven Crore Sixteen Lakhs only).

The Board was then informed that vide same Order, the applicant was clearly informed that the additional fees shall be deposited by him within 7 days of issue of Order, failing which further decision as regards to correction/rectification of zone of the property under reference, as notified vide Official Gazette, Series II No. 13 dtd. 27/6/2024.

The Board was further informed that the applicant has however failed to make necessary payment of additional fees of Rs. 7,16,00,000/- within stipulated period of 7 days.

The Board deliberated on the matter and considered the directions as received from the Government that the fees shall be collected as published in the Official Gazette dated 28/3/2024 for all proposals considered for assessment of fees after this date.

The Board therefore recommended that the payment of additional fees as payable by the applicant for correction/rectification affected of their respective properties, need to be collected by the Department and in case of failure of payment of these additional fees by the parties, it was recommended that the particular Notification to the extent of such properties, conveying the correction/rectification of such properties, be rescinded with the approval of the Government.

Member Secretary was accordingly directed to take further necessary action as recommended by the Board.

B. Regarding cancellation of higher FAR/change of zone in Margao ODP.

Member Secretary informed that SGPDA has brought to the notice of the Department that a complaint is received stating that the properties bearing Chalta No. 231 P.T. Sheet No. 171 and Chalta No. 116 of P.T. Sheet No. 10, situated at Margao, Salcete – Goa, have been wrongly shown as SPC (Special Commercial Zone) in the ODP – 2031 of Margao Planning Area as the surrounding adjoining area is predominantly a Residential zone. Further, it is informed that the complainant has asked to revert these properties as R.O. (Reserved Open Space) in the ODP – 2031 of Margao Planning Area, as the same are wrongly zoned as SPC zone in the ODP – 2031 of Margao Planning Area. It is informed that the zoning has changed due to cartographical errors during the preparation of the ODP – 2031 of Margao Planning Area and therefore it is decided to refer the matter to the TCP Board and to the Government for appropriate decision.

The matter was placed before the Board and deliberated the matter in detail for consideration of wrong depiction of the zone and it was recommended that the zone of the properties as referred below shall be corrected/changed to Reserved Open Space.

Sr. No.	P.T.S. No.	Chalta No.	Area in sq.mts.	Original zone	Change of zone as per ODP 2031	Change of zone/correction recommended
1.	171	231	1459.00 sq.mts.	Commercial C-1 zone	SPC (Special Commercial zone)	Reserved Open Space
2.	10	116	19355.00 sq.mts.	Commercial C-1 zone	SPC (Special Commercial zone)	Reserved Open Space

Member Secretary SGPDA was accordingly directed to undertake further necessary procedure in this regard.

Meeting ended with thanks to the Chair.