

**MINUTES OF 222<sup>nd</sup> MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD SCHEDULED HELD ON 03/11/2025 AT 10:00 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.**

Following attended the meeting:

- |    |   |      |                  |
|----|---|------|------------------|
| 1. | Shri. Vishwajeet P. Rane,<br>Hon'ble Minister for TCP         | ...  | Chairman         |
| 2. | Shri Rajesh Faldessai,<br>Hon'ble MLA                         | .... | Member           |
| 3. | Shri Praveen Kumar Raghav,<br>C.C.F.                          | ...  | Member           |
| 4. | Shri Ralph Antonio Savio Barbosa,<br>Research Assistant, DPSE | ...  | Member           |
| 5. | Shri Sudesh Tamboskar,<br>Department of Tourism               | ...  | Member           |
| 6. | Shri Nilesh Khanvilkar,<br>Dept. of Agriculture               | ...  | Member           |
| 7. | Shri Rajeev Sukhthankar                                       | ...  | Member           |
| 8. | Shri Paresh Gaitonde  | ...  | Member           |
| 9. | Ms. Vertika Dagur<br>Chief Town Planner (Admn./Planning)      | ...  | Member Secretary |

**Item No. 1: Confirmation of the Minutes of the 221<sup>st</sup> meeting of Town & Country Planning Board held on 16/10/2025.**

Member Secretary informed that the Minutes of 221<sup>st</sup> meeting of TCP Board held on 16/10/2025 are prepared and the same were placed before the Board for confirmation.

Member Secretary, TCP Board brought to the notice of the members that in 219<sup>th</sup> meeting of the TCP Board held on 30/09/2025 while deciding on item No. 4 “ Regarding proposal to relax the FAR, Coverage and setbacks for public utility project taken up by Government, relaxation in setbacks was inadvertently missed out and relaxation in coverage was quoted as 43% instead of 49% in the minutes of 219<sup>th</sup> Board meeting.

The Member Secretary, TCP Board accordingly informed the Board members that the minutes of 219<sup>th</sup> Board meeting has been corrected as under:

*“The Board after deliberation agreed to consider the proposal to relax the FAR from 200 to 202, Coverage, limit upto limit of existing structure i.e. 49%, and setbacks being public utility project taken up by the Government”.*

Members took note of the corrections in the minutes of the 219<sup>th</sup> meeting as above. Member Secretary was accordingly directed to communicate the decision as above to the Member Secretary, North Goa PDA.

**Item No. 2: Appeal under Section 52(2) of the TCP Act, 1974 filed by Mr. Dilip Jalora & Ors. against South Goa Planning and Development Authority & Others. (File No. TP/B/APL/468/2025)**

Member Secretary informed that the Appellant challenges the Demolition Notice issued by the Respondent No. 1 i.e. Member Secretary, South Goa Planning and Development Authority bearing No. SGPDA/P/6336/770/25-26, dated 12.08.2025 under Section 52 of the Town & Country Planning Act, directing the Appellant to demolish the alleged illegal construction of commercial/Hotel building and Compound wall in the property, under Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa, within 30 days from the receipt of the notice, failing which the Respondent No. 1 will be forced to carry out the demolition of the construction and the cost towards the same will be recovered from the Appellant.

The Appellant has given brief facts for filing of the present appeal which are as under:

- On 19.03.2020, the Appellant applied to the Respondent No. 1 i.e. SGPDA, for development permission for carrying out construction of multi-storied commercial/Hotel building and Compound wall, in the property of the Appellant, zoned as C-1 in ODP, bearing Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa.
- On 29.10.2020 the Respondent No. 1, granted the Development Permission, bearing No. SGPDA/P/6336/835/20-21, under Section 44 of the Act for construction of Ground plus 6 floor hotel/commercial building, subject to the conditions mentioned in the said Development Permission.
- Thereafter the Respondent No. 4 i.e. Margao Municipal Council had issued the Construction License, bearing No. A/42/21-22, dated 25.11.2021.
- Thereafter, the Appellant applied for Revised Development Permission, for construction of building of basement plus 7 floors, including the shield

parking on the first floor. The said plan was approved by the Respondent No. 1, by issuing a Revised Development Permission, bearing SGPDA/P/6336/833/23-24, dated 17.07.2023, for carrying out the construction of building, as per the revised plan i.e., building consisting of basement plus 7 floors in the said property zoned as C-1 zone in ODP-2028, bearing Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa, based on the conditions laid in the earlier Development Permission No. SGPDA/P/6336/833/20-21.

- By an application, dated 03.01.2025, the Appellant proposed for further revision of the plan for Commercial/Hotel building and Compound wall, thereby reducing the floors from ground plus 7 floors to ground plus 3 floors, in the property, bearing Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253.
- The Appellant further states that, he was not communicated, as to whether the said Revised plan i.e., ground plus 3 floors is approved or not?
- It is stated that, the Respondent No. 5 i.e. Shri Shriram S. P. Raiturkar had approach the Appellant with a proposal to purchase his adjacent plot, bearing Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253. Since, the Appellant could not consider the proposal, the Respondent No. 5 had threatened the Appellant that, he will go all-out, to teach lesson and he will go on filing complaints against the Appellant and finally he filed complaints to the Respondent No. 1, allegedly claiming that, the construction undertaken by the Appellant is not as per the Building Regulations.
- That apart, the Respondent No. 5 is not affected with the Appellant's construction, as such, the said Respondent No. 5 has no locus to file complaint.
- It is stated that, the Appellant was surprised to receive the notice, dated 10.09.2024 from the Respondent No. 2 i.e. Chief Town Planner (Admn.), informing that, the Respondent No. 2 is in receipt of a complaint from the Respondent No. 5, concerning construction of building commercial/Hotel building and Compound wall in Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa. By the said notice, it was informed that, the Respondent No. 2 has received a report from the Respondent No. 1 and that, the Complainant/Respondent No. 5 has submitted photographs of the construction site, which according to the

Respondent No. 1 the said photographs were contrary to the submission made in the report. However, neither the copy of the complaint and photographs, nor the copy of report, claimed to be furnished by the Respondent No. 2 & 5 was furnished to the Appellant. By the said notice, the Respondent No. 1 directed the Appellant, Respondent No. 1 & 5 to remain present for site inspection on 19.09.2024, at 10:30 p.m., to verify the same.

- Accordingly, the site inspection was carried out on 19.09.2024 and considering the First Approved Plan and/or Development Permission, bearing No. SGPDA/P/6336/833/20-21, dated 29.10.2024, the site inspection report was carried out. During the inspection it was claimed to have observe that, the construction of building ground plus 1<sup>st</sup> floor was constructed, which was claimed to be not as per the Goa Land Development & Building Construction Regulation 2010.
- The Respondent No. 1 i.e. SGPDA, without considering the application for Revision of construction plan filed on 03.01.2025 issued a notice, dated 08.01.2025 directed the Appellant to clarify on the observations made in the Site Inspection Report, within 7 days.
- It is stated that, since the Architect associated with the matter was out of station, the Appellant by application, dated 15.01.2025 requested 10 day's time, to give an accurate clarification and/or to file proper reply.
- By reply, dated 28.01.2025 the Appellant informed the Respondent No. 1 that, original plan for a multi-storied building has now been modified to be a three-story building, reflected in the revised plan submitted to the Respondent No. 1 on 03.01.2025, That, the Appellant had detailed discussion with their team of Architects and design experts and that, the Appellant can assured the Respondent No. 1 that, the revised proposal fully complies with the provisions of The Goa Land Development and Building Construction Regulations, 2010. Regarding the observation made by the inspection team about the distance between the existing shop on the eastern side and the proposed building.
  - (i). The Appellant clarified in the reply stating that, in accordance with Regulation 4.4.2(a), the building has been designed to meet the prescribed distances and all other relevant regulations.
  - (ii). That, in compliance with Regulation 10 of the Goa Land Development and Building Construction Regulations, 2010, the revised plan,

provides 4 parking spaces for commercial and 4 parking spaces for hotel and motels purposes and that, the number of parking spaces meets the prescribed requirements.

- (iii). That, due to shift to a low-rise building design and the discontinuation of the high-rise proposal, the objections related to stair risers under Regulation 15.9.9(f) are no longer applicable and that, the revised plan fully complies with all relevant provisions.
- (iv). Further the Appellant stated that, the proposed building adheres to permissible FAR of 200.
- (v). That, following the revision, the FAR utilized in the proposed building is only 136.55, ensuring full compliance with the regulations.

By the said reply, the Appellant further stated that, Regulation 15.9.9(b), which mandates two staircases for high-rise buildings is now irrelevant due to the change in the building's design to a low-rise structure and that, the revised plan is expected to provide greater clarity regarding the FAR utilized for infrastructural facilities and is expected to address any remaining concerns raised in the inspection report.

Apart from the Appellant, the Civil/Structure Engineer, Mr. Dattaprasad J. Borkar, also filed his reply to the said notice, dated 08.01.2025, on behalf of the Appellant, stating that, the construction carried out by the Appellant is as per the proposed revised plan, submitted on 03.01.2025 and the said construction is carried out in strict adherence to all applicable regulations and legal requirements.

In spite of receipt of detail reply, the Respondent No. 1 issued a Stop Work Order, dated 29.01.2025 stating that, the Appellant has failed to clarify on the Site Inspection Report. By the said order, the Appellant was directed to stop the work immediately on receipt of the notice.

On 28.02.2025, the Respondent No. 1 issued a Show Cause Notice, directing the Appellant to show cause forthwith, as to why action under Section 52 of the Town & Country Planning Act, 1974 should not be initiated against the Appellant, for carrying out alleged illegal construction of building commercial/Hotel building and Compound wall in Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa.

On 13.03.2025 the Appellant filed detailed reply to the Show Cause Notice, dated 28.02.2025. The Appellant through this reply once again made it clear that,

the proposed revised plan of three-story building is fully complied with the provisions of the Goa Land Development and Building Construction Regulations, 2010. That, the existing structure in the property, towards the eastern side is an encroachment done by the neighbouring owner and the Inspection Report issued by DSLR, South Goa and order issued by the Collector, South Goa was furnished. By the said reply, the Appellant further submitted that, there is an existing compound wall towards the rear eastern side of the plot and that, the front side of the plot, having access of 10 mts. wide ODP road and further replied pointwise queries raised in the Site Inspection Report. The Appellant seek to refer and rely on the averments made in the reply, as if the same are specifically incorporated herein.

Despite the detailed reply, the Respondent No. 1 by the Impugned Order, dated 12.08.2025 directed the Appellant to demolish the alleged illegal construction of commercial/Hotel building and Compound wall in the property, under Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa, within 30 days from the receipt of the notice, failing which the Respondent No. 1 will be forced to carry out the demolition of the construction and the cost towards the same will be recovered from the Appellant.

It is stated that, the Civil/Structure Engineer, Mr. Dattaprasad J. Borkar inspected the site and prepared his report stating that, the construction carried out by the Appellant is as per the proposed revised plan, submitted on 03.01.2025 and the same meets the regulatory requirement in full.

It is seen from the records that, the two inspections were carried out. The first inspection was carried out on 19.09.2024 and the second inspection was carried out on 21.02.2025. The second inspection, which was carried out on 21.02.2025, no notice of inspection was given to the Appellant nor any inspection report is furnished to the Appellant. However, it is seen from the Show Cause Notice that, the Site Inspection Report, dated 21.02.2025 is consider in the Impugned Order.

The consideration of the Site Inspection Report, dated 19.09.2024 in the Impugned Order by the Respondent No. 1 is of no consequences, for the reason that, the said report was considered on the basis of first plan approved by the Authorities on 29.10.2020 and 25.01.2021, which was for high-rise building. However, on 03.01.2025 the Appellant has submitted the third Revised Plan, whereby earlier proposed construction of multi-storied building of 6 floors was

reduced to three-story building i.e., ground plus three floors. Therefore, unless and until the revision of the plan is considered, the question of issuing Show Cause Notice, dated 28.02.2025, on the basis of the Inspection Report, dated 21.02.2025, which is not furnished to the Appellant is bad in law.

In first and foremost, the Respondent No. 1 has to consider the revised plan and only if there was any violation of the revised plan, such a Show Cause Notice or Demolition Order can be passed and not assuming and presuming that, the construction is carried out as per the first approved plan, dated 29.10.2020.

Apart from that, as per the revised plan, even taking into consideration the first Site Inspection Report, dated 19.09.2024, the following are the requirements for approval of the construction, which has narrated herein below:

**1. Front Setback:**

As per Regulation 6.A.4 of the Goa Land Development and Building Construction Regulations, 2010, the minimum required front setback for a C1 category structure is 5.0 meters. The proposed development complies with this requirement, with a setback of 5.56 meters from the boundary on the south-eastern side and 5.01 meters from the south-western side, after accounting for the road widening area. These measurements satisfy the regulatory provision under Clause 6.A.4.

**2. Distance from Existing Shop on the Eastern Side:**

Regarding the observation about the distance between the existing Shop on the eastern side and the proposed building, we would like to clarify that Clause No, 15.1.2 of the Goa Land Development and Building Construction Regulations, 2010 is not applicable, as the revised proposal is for a low-rise building.

Additionally, the structure on the eastern side that is currently obstructing access to the rear portion of the site is an encroachment onto our property.

**3. Staircase Width Requirement:**

Since the revised building is a low-rise structure, Clause No. 15.9.9, which stipulates a minimum staircase width of 1.5 meters for high-rise residential

hotels, is not applicable. The provisions applicable to low-rise structures have been duly followed in the revised design.

### **Observations Based on Approved Plan:**

#### **1. Parking Requirement:**

In compliance with Regulation 10 of the Goa Land Development and Building Construction Regulations, 2010, the revised plan provides 4 parking spaces for commercial use and 4 parking spaces for hotel and motel use. The total required and proposed parking for the revised design is 8 spaces, which meets the prescribed regulatory requirement in full.

#### **2. Staircase Risers:**

With the shift to a low-rise building design and the discontinuation of the high-rise proposal, the objections related to stair risers under Regulation 15.9.9(f) are no longer applicable. The revised plan fully complies with all relevant provisions.

#### **3. Floor Area Ratio (FAR):**

Furthermore, the proposed building adheres to the permissible FAR of 200. Following the revision, the FAR utilized in the design is only 136.55, thereby ensuring complete compliance with applicable FAR regulations.

#### **4. Staircase Provision (Reg. 15.9.9(b)):**

Regulation 15.9.9(b) mandates two staircases for high-rise buildings. As the revised proposal is now classified as a low-rise structure, this clause is not applicable. The current staircase provision is in accordance with the norms for low-rise construction.

#### **5. 7.5% of F.A.R**

The revised plan is expected to provide greater clarity regarding the FAR utilized for infrastructural facilities and is expected to address any remaining concerns raised in the inspection report.

It is stated that, as on the date of Stop Work Order, dated 29.01.2025, the construction of building was in progress, as per the revised plan, which is still pending before the Respondent No. 1. Therefore, unless and until the revised plan is considered for approval/revision, the Impugned Order cannot be issued, since the construction falls within all the regulations in terms of law.

The Appellant being aggrieved by the Impugned Order files this appeal on the following amongst other grounds which are urged without prejudice to one another.

## **GROUND S**

- (A). The Appellant submits that, the Respondent No. 1 ought to have consider the revised plan, submitted on 03.01.2025 before issuing the Show Cause Notice, which meets all the requirement of law, as such, the Show Cause Notice and Impugned Order is bad in law.
- (B). The Appellant submits that, it is seen from the records that, the two inspections were carried out. The first inspection was carried out on 19.09.2024 and the second inspection was carried out on 21.02.2025. The second inspection, which was carried out on 21.02.2025, no notice of inspection was given to the Appellant nor any inspection report is furnished to the Appellant.
- (C). The Appellant submits that, the consideration of the Site Inspection Report, dated 19.09.2024 in the Impugned Order by the Respondent No. 1 is of no consequences, for the reason that, the said report was considered on the basis of first plan approved by the Authorities on 29.10.2020 and 25.01.2021, which was for high-rise building. However, on 03.01.2025 the Appellant has submitted the third Revised Plan, whereby earlier proposed construction of multi-storied building of 6 floors was reduced to three-story building i.e., ground plus three floors. Therefore, unless and until the revision of the plan is considered, the question of issuing Show Cause Notice, dated 28.02.2025, on the basis if the Inspection Report, dated 21.02.2025, which is not produced to the Appellant is bad in law.
- (D). The Appellant submits that, the Respondent No. 1 failed to consider that, the original plan for a multi-storied building has now been modified to be a three-story building (low-rise structure), which is reflecting in the revised plan submitted to the Respondent No. 1 on 03.01.2025, as such, Clause 15.1.2, as far as distance from existing shop to the eastern side, Clause 15.9.9, as far as staircase width requirement, regulation 15.9.9(f), as far as staircase risers and the Regulation 15.9.9(b), concerning the staircase provision is not applicable. The required front setback of 5 mts, as per Regulation 6.A.4 is maintained.

- (E). The Appellant submits that, the Respondent No. 1 failed to consider that, in the present case, the Appellant has maintained required setback of 5 mts., as required under the 6.A.4 of the Building Regulation is maintained, so also parking space, as per Regulation 10 is made.
- (F). The Appellant submits that, the Impugned Order is bad in law and contrary to reply filed to the Site inspection Report and Show Cause Notice, in as much as, the Show Cause Notice is based on the site inspection, dated 21.02.2025.
- (G). The Appellant submits that, the Respondent No. 1 ought to consider the revised plan and only if there was any violation of the revised plan, such a Show Cause Notice or Demolition Order can be passed and not assuming and presuming that, the construction is carried out as per the first approved plan, dated 29.10.2020.
- (H). The Appellant submits that, the reason given in the Impugned Order that, the reply filed by the Appellant is not satisfactory is not a reasoning in the eyes of law. The Impugned Order is vague, cryptic and without any good or valid reasons and against the Principles of Natural Justice. The Authority must give reasons.
- (I). The Appellant submits that, as on the date of Stop Work Order, dated 29.01.2025, the construction of building was in progress, as per the revised plan, which plan is still pending before the Respondent No. 1. Therefore, unless and until the revised plan is approved/revised, the Impugned Order cannot be issued, since the construction falls within all the regulations in terms of law.
- (J). The Appellant submits that, the Respondent No. 1 has failed to consider the reply to the notice, dated 08.01.2025, filed by the Civil/Structure Engineer, thereby narrating in detail the requirement for approval of the construction.
- (K). The Appellant submits that, the Impugned Order is arbitrary, illegal, unjust and issued with non application of mind and/or without considering the provisions of the Goa Land Development and Building Construction Regulations, 2010, applicable to the low-rise structure.
- (L). The Appellant submits that, the Impugned Order does not satisfy the test of a reasonable order, as it does not record any reasons on the clarification

afforded by the Appellant in terms of the reply to the Site Inspection Report, so also to the Show Cause Notice. It is submitted that, non recording on these reasons by the Respondent No. 1 has caused prejudice to the Appellant. It has also hampered the proper administration of justice. In these circumstances, the Impugned Order is unreasoned and is liable to be set aside. The Impugned Order is passed under the pressure of the Respondent No. 5.

- (H). It is stated that, the Impugned Order is bad in law in as much as the Respondent Authority deals with the grievances of the complainant/Respondent No. 5, which is more in the nature of civil disputes than under section 52 of the Town and Country Planning Act, 1974, who is pressurizing the Appellant to sell the property.

The Appellant is entitle for an order, quashing and setting aside the Demolition Notice, bearing No. SGPDA/P/6336/770/25-26, dated 12.08.2025, issued by the Respondent No. 1, the Member Secretary, South Goa Planning & Development Authority (SGPDA), under Section 52 of the Town & Country Planning Act, directing the Appellant to demolish the alleged illegal construction of commercial/Hotel building and Compound wall in the property, under Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa.

The Appellant is also entitled for the order, pending the hearing and final disposal of the appeal, stay of the Impugned Order, dated 12.08.2025, otherwise the great loss and prejudice will cause to the Appellant.

The Appeal is in time, as the Impugned Order was passed on 12.08.2025 and the copy was delivered to the Appellant on 14.08.2025.

1. The Appellant therefore prays as under:

- (a) That the Impugned Order, dated 12.08.2025, passed by the Respondent No. 1 be quashed and set aside and the Respondent No. 1 be restrained from demolishing the commercial/Hotel building and Compound wall of the Appellant, in the property, under Chalta No. 166 to 171, 319, 357, 379 to 382 of P. T. Sheet No. 253, situated at Margao-Goa.

- (b) The Respondent No. 1 be directed to further consider and decide the application for Revised plan, dated 03.01.2025, pending before the Respondent No. 1.
- (c) Pending the hearing and final disposal of the appeal the Impugned Order be stayed and/or the Respondent No. 1 be restrained from execution of the Impugned Order, dated 12.08.2025.
- (d) Ad-interim ex-parte reliefs in terms of prayer clause (c) be granted.
- (e) Any other and further relief this Hon'ble Court deems fit and proper.

The matter was taken up in the 219<sup>th</sup> meeting of the TCP Board held on 30/09/2025. During the hearing, the Appellant Mr. Dilip Jalora & Ors. Accompanied by Advocate M. Jalmi, were present. Further, Respondent No. 5 Shri Shriram Raiturkar accompanied by power of attorney holder Sanjeev Raiturkar were present. The Respondent stated that he has not received the copy of appeal memo and not in a position to give his say in the matter and therefore requested for adjournment in the matter.

Since the appellant sought time, the same was considered by the Board and the matter was adjourned and it was decided to take up the matter in next TCP Board meeting.

Further, the copy of appeal memo of the Appellant was handed over to the respondent Shri Shriram Raiturkar (P.O.A. holder Sanjeev Raiturkar).

The matter was again heard in the 222<sup>nd</sup> meeting of the TCP Board held on 03/11/2025. During the hearing, Advocate J. Godhino appeared on behalf of the Appellant Dilip Jalora has stated that the Appellant has submitted the revised plan to the SGPDa on 03/01/2025. However, no response is been received by the Appellant till date.

Shri Sanjeev Raiturkar, P.O.A. holder for Shriram Raiturkar and Respondent Shriram Raiturkar both were present during the hearing and submitted their reply on the matter.

During the hearing, Adv. Suganthi N. appeared before the TCP Board and requested for intervention in the appeal matter on behalf of Ms. Ana De Socorro Lora Peixoto De Melo e Souza alias Lora D'Souza who is the owner of the adjoining property and sought additional time for argument on the matter.

Since the intervening application was considered by the Board, hence the matter was adjourned.

**Item No. 3: Appeal under Section 52(2)(b) of the TCP Act, 1974 filed by Mr. Jyotendra B. Kamat against Mormugao Planning and Development Authority. (File No. TP/B/APL/458/24)**

The Member Secretary informed that this has reference to an appeal filed by Mr. Jyotendra B. Kamat against Mormugao Planning and Development Authority before TCP Board. The Appellant states that vide ref no. MPDA/ILL/Vasco/167/2024-25/1250 dated 18/11/2024 issued by Respondent PDA (hereinafter referred to as the “Impugned Notice”) under section 52 of the Goa Town and Country Planning Act, 1974, the appellant has been directed to demolish his alleged illegal construction of Compound wall and Pillar having a length of 5.30 meters and height around 0.45 meters, which is within the road widening area of proposed 10.00 meters wide road as shown on the Outline Development Plan for Vasco-Da-Gama Planning Area, 2030, on the property bearing Chalta No. 84 of P.T. Sheet no. 130, in an area zoned as S-1 Zone, situated within the local jurisdiction of Vasco Municipality.

The Appellant submits the following details:

The Appellant is the owner of the properties surveyed under Chalta No. 84 & 85 of P.T. Sheet no. 130, including the area indicated as an easement of City Vasco, totally admeasuring 858 square meters which originally belonged to appellant’s deceased father namely Late. Shri. Balaji Kamat and upon whose demise, the said property is in exclusive possession and enjoyment of the Appellant.

The Appellant states that the subject matter of the present appeal is the property surveyed under Chalta No. 84 of P.T. Sheet no. 130 admeasuring 363 square meters including the area indicated as an easement zoned as S-1 Zone, situated within the local jurisdiction of City Vasco (hereinafter referred to as the “said property”)

The Appellant states that in the said property, there exists a garden belonging to the Appellant and the said property is fenced on all sides by a compound wall of laterite stones which also exists since the time the house has

been built by the appellant in the property under Chalta No. 85 of P.T Sheet no. 130 of City Vasco.

The Appellant further states that at the entry point of the said property, the compound wall has a gate on the Northern side, and beyond the gate there is compound wall extension only on the right hand side of the said gate if one is facing towards the gate commencing the pillar of the said gate towards the border of the said property, wherein the said extension is further connected to a bigger pillar.

The Appellant states that he was shocked to be in receipt of a show cause notice dated 27/05/2024 issued by the respondent vide ref no. MPDA/ILL/Vasco/167/2024-25/217, under Section 53 of the Goa Town and Country Planning Act, 1974 received by him on 1/06/2024, which stated as under:

“The Site Inspection carried out on 27/05/2024 at 11:30 a.m. by the official of this Authority revealed that you have carried out illegal development on Chalta No. 84 of P.T. Sheet No. 130 in the area zoned as S-1 in Outline Development Plan for Vasco-Da-Gama Planning Area-2030 without prior permission of this Authority as required under section 44 of the Town and Country Planning Act, 1974 and which illegal development consists of: Construction of Compound wall and Pillar having length of 5.30 meters and height around 0.45 meters, which is within the road widening area of proposed 10.00 meters wide road as per the Outline Development Plan for Vasco-Da-Gama Planning Area, 2030”.

Appellant states that it is pertinent to note that the alleged site inspection mentioned to have been carried out on 27/05/2024 at 11:30 a.m in the said show cause notice, was neither annexed to the show cause notice nor the sketch prepared by the officials of the Authority, as the authority is very well aware of the fact that the same would amount to arbitrary exercise of the jurisdiction vested in it and would also amount to a clear trespass of the property belonging to the appellant without due notice under law.

The Appellant states that he replied to the said show cause notice dated 27/05/2024 vide its detailed reply dated 15/06/2024 inwarded on 18/06/2024 before the Respondent, thereby refuting the allegations levelled in the show cause notice and clearly explaining therein that the said wall existed since time immemorial and that the said show cause notice is completely arbitrary and bad in

law and has been issued with a malafide intentions and hence deserves to be revoked and set aside.

The Appellant further states that, it is also pertinent to mention that the Respondent had also in the past issued to him a show cause notice 25/08/2015 vide ref no. MPDA/ILL/Vasco/167/14-15/699 under Section 17A of Town and Country Planning Act, 1974 (In Short referred to as ‘TCP Act, 1974), thereby stating that the Appellant has carried out illegal development in the said property and the nature of development mentioned therein was, “Construction of Compound wall and Pillar having a length of 3.15 meters and height around 00.45 meters, which is within the road widening area of proposed 10.00 meters wide road as per the ODP”.

The Appellant states that he had replied to the above said show cause notice vide his reply dated 17/09/2015, once again refusing the contents of the said show cause notice and that the Respondent had not taken the said show cause notice to its logical conclusion.

The Appellant states that vide its reply dated 15/06/2024 to the show cause notice dated 27/05/2024, he had clearly denied the contents of the show cause notice vis-à-vis had pleaded in the said reply certain clarifications concerning the said show cause notice, the relevant portions of which are reproduced herein for ready reference:-

*“Your earlier Show Cause Notice dated 25/08/2015 referred to Section 17A whereas this Show Cause Notice dated 27/05/2024 refers to Section 44. This use of different Sections for the same alleged illegality at different points of time (9 years apart with no action if really there was an illegality), itself shows that your above referred ‘Show Cause Notice’ has been served with some malafide intention and bad in law.*

*It’s to be noted that your earlier Show Cause Notice dated 25/08/2015 itself smacked of coercion since it was issued just after my Suggestions (addition/alteration as well as suggested rectification) to the ODP 2011 on 11.8.2015. Therefore now this Show Cause Notice dated 27/05/2024 again after a delay of 9 years itself shows that it’s been served with some malafide intention and coercion in mind.*

*Your earlier Show Cause Notice dated 25/08/2015, site inspection on 30/7/2015 at 11.30 am, discloses measurement having length of 3.15 mtrs and height of 00.45mtrs. Whereas, this Show Cause Notice dated 27/05/2024, site inspection on 27/5/2024 at 11.30 am, discloses measurement having length of 5.30 mtrs and height of 0.45 mtrs. This different Lengths (with Height remaining same) at different points of time (9 years apart), though no repairs to the wall have been done to it by me leave aside doing a newer construction, alleging a new construction of 2.15 mtrs. more length done by me over the past 9 years seems an intentional manipulation to justify that illegality is still in process.*

*Moreover, I was not informed and so was not present for the 2 Site Inspections at different points of time (9 years apart). Your both Notices (Old + Current) itself says that there's an alleged Pillar, and this alleged Pillar is at one end of the alleged Wall, but at the other end of this alleged Wall is a different Pillar which supports and is part of the Compound Wall & Gate. Therefore, logically for more 2.15 mtrs. Length to be increased, the alleged Pillar should have increased by 2.15 mtrs., which is not a fact at the site. Therefore, your Site Inspections in my absence seems to be a sham, and this itself shows that your above referred 'Show Cause Notice' has been served with some malafide intention and bad in law.*

*At First when you issued me a Clarification Seeking Letter Ref. No. MPDA/Gen-Tech/2014-15/496 dated 18<sup>th</sup> September 2014 on the Subject "Complaint against Compound Wall"; towards which I replied on 10.10.2014, asking for which is the Compound Wall that you are referring to, and also asking for a complete certified copy of the referred 'complaint against compound wall', in order to enable me to render proper clarifications on the referred subject. Your later show cause notice dated 25/08/2015 has probably identified which is the compound wall. However, till date you have failed to furnish me the required complete certified copy of the referred 'complaint against compound wall', especially when your later show cause notices could have attached it. Therefore, your failure to submit me the complete certified copy of the referred 'complaint against compound wall' and thus curtail transparency, prejudices me to the cause of natural justice, and thus smacks of a malafide intention.*

*Your this Show Cause Notice dated 27/05/2024 states that the Construction of Compound Wall and Pillar is within the road widening area of proposed 10.00 mtrs wide road as per the Outline Development Plan for Vasco da Gama Planning*

*Area 2030, which is the same as that stated in your 9 years earlier Show Cause Notice dated 25/08/2015. However, you have not specified which this proposed Road is”.*

*That Section 52 (1) of the TCP, Act 1974 provides that, “(1) Where any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, the Planning and Development Authority may, within four years of such development or change, serve on the owner a notice requiring him, within such period, being not less than one month from the date of service of such notice as may be specified therein”. A bare reading of the said provision makes it amply clear that the authority has powers to act on illegal development within four years of such development or change, thus it is very clear from the show cause notice issued by the respondent themselves in the year 2015, that the said wall in dispute has been existing, and for the sake of arguments assuming the same to be in existence since 2015, the compound wall has completed the period of four years and therefore the respondent lacked powers to initiate action against the appellant, and therefore the respondent has malafidely and without conducting any site inspection as alleged has manipulated the length of the compound wall only to create a fresh cause of action in the year 2024, with an intention to harass the appellant.*

The Appellant states that the Respondent herein has not applied its mind nor considered the reply filed by the Appellant and therefore the Respondent on 18/11/2024, issued a demolition notice under section 52 of TCP Act, 1974 vide ref no. MPDA/ILL/Vasco/167/2024-25/1250, thereby directing him to demolish the illegal compound wall and pillar within a period of 30 days from receipt of the demolition notice.

The Appellant states that he being aggrieved by the said impugned Notice dated 18/11/2024, is constrained to file the appeal on the following grounds:-

- a) The impugned demolition Notice dated 18/11/2024, ought to be set aside as the same is issued on the basis of incorrect facts and more specifically on the ground of being beyond limitation as well as suppression of material facts, more so as the said wall has been standing therein for last five decades without any objections.

- b) The Respondent no. 1 i.e. MPDA has grossly erred in not considering the reply filed by the appellant which discloses that the wall in question was an old existing wall and does not affect the traffic in any manner.
- c) Section 52 (1) of the TCP, Act 1974 provides that, “(1) Where any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, the Planning and Development Authority may, within four years of such development or change, serve on the owner a notice requiring him, within such period, being not less than one month from the date of service of such notice as may be specified therein”. A bare reading of the said provision makes it amply clear that the authority has powers to act on illegal development within four years of such development or change, thus it is very clear from the show cause notice issued by the respondent themselves in the year 2015, that the said wall in dispute has been existing, and has issued the present show cause notice on 27/05/2024 without a fresh cause of action, with an intention to harass the appellant.
- d) The show cause notice dated 27/05/2024 & the Impugned demolition order dated 18/11/2024, is not maintainable in terms of law and hence deserves to be quashed and set aside.
- e) The discrepancies in the two show cause notices dated 25/08/2015 & 27/05/2024 issued by the respondent, clearly shows that the respondent has been only selectively targeting the appellant with a malafide intention of targeting the appellant for reasons well known to the respondent.
- f) The Respondent herein has failed to consider that there are residential structures existing on both the sides of the said proposed 10 meters wide road, which are built with due permissions granted by the respondent, and therefore the proposed 10 meters wide road as reflected on the ODP Plan, 2030 for city Vasco, cannot be in reality implemented as the Respondent will have to issue demolition orders with regard to the compound walls of all the existing residential structures and then proceed with road widening, which would result in reduction of the setbacks maintained by the respective owners and which would consequently result in violation of the Building Regulations, 2010 as applicable to the state of Goa.
- g) The Respondent has also deliberately ignored the fact that the said proposed road of 10 meters wide was shown on the ODP Plan, 2030 only to facilitate

some builder lobby to carry out development in the properties situated in the neighborhood in the absence of even a 6 meter wide tarred road at site.

- h) The respondent therefore has not taken into consideration the reply to the show cause notice, the impugned demolition notice has therefore been issued in complete undue haste and without proper application of mind.
- i) The said wall of the Appellant is not on the road widening property, it is in the appellant's private property and does not affect the rights of any of the adjoining owners.
- j) The Respondent has completely ignored the fact that the said existing wall is situated in the private property of the appellant, and that the respondent has not acquired the said portion of land for the purpose of completing the work of expansion of the existing 7 to 8 meters wide road approximately into the proposed 10 meters wide road as reflected on the ODP Plan, 2030.
- k) The demolition notice is completely arbitrary and violative of the Appellants rights under Article 14.

The Appellant states that the impugned demolition Notice dated 18/11/2024 will cause miscarriage of justice if allowed to stand.

It is therefore prayed by the Appellant as under:-

- a) For an order thereby allowing the appeal and quashing and setting aside the impugned demolition notice dated 18/11/2024 issued by the respondent MPDA vide ref no. MPDA/ILL/Vasco/167/2024-25/1250.
- b) That pending the hearing and final disposal of this appeal the operation, implementation and execution of the impugned demolition notice dated 18/11/2024 be stayed.
- c) For ex parte ad interim relief in terms of prayer clause (b).

The matter was earlier heard in 211<sup>th</sup> meeting of the TCP Board held on 15/01/2025. During the arguments in the matter, Advocate Shri Vishal Sawant appeared on behalf of Appellant, whereas Adv. Meghana Kamat appeared for Respondent MPDA.

While arguing in the matter on behalf of Appellant, Adv. Vishal Sawant informed that earlier, Show Cause Notice was issued by MPDA dated 27/05/2024 citing reasons as under:

*“The Site Inspection carried out on 27/05/2024 at 11:30 a.m. by the official of this Authority revealed that you have carried out illegal development on Chalta No. 84 of P.T. Sheet No. 130 in the area zoned as S-1 in Outline Development Plan for Vasco-Da-Gama Planning Area-2030 without prior permission of this Authority as required under section 44 of the Town and Country Planning Act, 1974 and which illegal development consists of: Construction of Compound wall and Pillar having length of 5.30 meters and height around 0.45 meters, which is within the road widening area of proposed 10.00 meters wide road as per the Outline Development Plan for Vasco-Da-Gama Planning Area, 2030”.*

It was further informed that vide Show Cause Notice issued by Respondent MPDA dated 18/11/2024, the Appellant was directed to demolish his alleged illegal construction of compound wall and pillar having a length of 5.30 meters and height around 0.45 meters, which was within the road widening area of proposed 10.00 meters wide road as shown on the Outline Development Plan for Vasco-Da-Gama Planning Area, 2030, on the property bearing Chalta No. 84 of P.T. Sheet No. 130, in an area zoned as S-1 Zone, situated within the local jurisdiction of Vasco Municipality.

Adv. Shri Sawant therefore impressed upon the Board that the Respondent Authority at different times have changed its own findings and sections applicable and further, without deciding on one Show Cause Notice has issued another one, that too after about nine years, which itself is something very wrong on the part of Respondent.

Adv. Meghana Kamat while arguing on behalf of Respondent PDA informed that the Respondent MPDA shall give its written submission to the Board in due course of time over the reply given by the Appellant and therefore had requested for additional time to place such a reply before the Board and the same was considered.

Adv. R. S. Banerjee on behalf of Respondent PDA has now submitted a letter dated 07/02/2025 to TCP Board by enclosing therein the reply of the MPDA in connection with reply given by the Appellant to the Board.

The adjourned matter was placed before 214<sup>th</sup> meeting of the TCP Board held on 24/04/2025. Advocate Vishal Sawant appeared on behalf of the appellant and Advocate Meghana Kamat appeared on behalf of the respondent MPDA.

Advocate Vishal Sawant informed the Board that the notice issued by MPDA dated 18/11/2024 is arbitrary and contrary to law and deserves to be set aside. He further informed that show cause notice issued to the appellant by MPDA is even without conducting site inspection. MPDA did not enclose site inspection report to the notice dated 18/11/2024 and therefore said that said notice is challenged. He further informed that even if the said road where wall and pillar is existing needs to be widened. Acquisition plan of road needs to be kept on record by MPDA. He further informed that the compound wall is existing in the property since time immemorial. He further informed that site inspection was conducted by MPDA without informing MPDA.

Further, he informed that new issue has cropped out about ownership of land of Chalta No. 84 & 85 as raised by MPDA

Further, he also informed issue of access to Chalta No. 86 has also cropped out and therefore it seems that the issue is of ownership of land and not about access.

Advocate Meghana Kamat appearing on behalf of respondent MPDA informed that illegal construction of wall and pillar is constructed in road widening area which needs to be demolished by the appellant. As such, demolition notice dated 18/11/2024 was issued to the appellant.

She further informed that the Appellant Mr.Jyotendra B. Kamat, vide affidavit dated 25/04/2025, has filed a rejoinder, alleging that the MPDA is contending on behalf of ownership of adjoining property and not regarding access.

The Advocate of the MPDA Mrs. Meghana Kamat, informed the TCP Board that the MPDA shall file a rejoinder to the allegations of the Appellant in the next Board meeting.

The Board decided to consider the request of MPDA and adjourned the matter.

Further, Advocate R. S. Banerjee, Advocate on record for MPDA has submitted an Affidavit dated 14/05/2025 on behalf of MPDA as their rejoinder before the TCP Board. In the said Affidavit dated 14/05/2025, the Member Secretary, MPDA has denied all the allegations raised by the Appellant Jyotendra Kamat from paragraph 3 to 9 in his Affidavit dated 24/04/2025.

The matter was placed before 215<sup>th</sup> meeting of TCP Board held on 02/06/2025. During the hearing, the Appellant was present and submitted a letter requested for adjournment of the matter. He further stated that he has received the Sur-rejoinder from the Respondent served via Whatsapp. As his lawyer is out of station and he has to prepare the reply to Sur-rejoinder hence sought adjournment.

Since the appellant sought time, the same was considered by the Board and the matter was adjourned.

The matter was again heard in the 222<sup>nd</sup> meeting of the TCP Board held on 03/11/2025. During the hearing, Adv. Vishal Sawant appeared alongwith the Appellant Jyotendra Kamat. Adv. Vishal Sawant informed the Board that substantial development has already come up along the existing road. He further stated that if the land acquisition proceeding has already been carried out than the same can be submitted to the Appellant as well as all the land owner whose lands are affected by the proposed 10.00 mts. wide road. He further informed that in view of substantial development that has already come up by way of construction of compound walls and buildings along the said stretch of road, widening of the said road is not feasible.

The Board deliberated on the proposal and directed Member Secretary MPDA to carryout detailed site inspection of the area in question and submit its report to TCP Board in the next meeting.

**Item No. 4: Appeal under Section 45 of the TCP Act, 1974 filed by Mr. Nadir C. Narangui alias Nadir Chandsab Narangi & Ors. against North Goa Planning and Development Authority & Others. (File No. TP/B/APL/452/2024)**

Member Secretary informed that the present appeal filed by the Appellant is against the rejection application for Completion Certificate. The Appellant by this Appeal seeks to challenge the Letter dated 21/11/2024 issued by the Respondent herein through its Member Secretary whereby the Application dated 28/10/2024 submitted by the Appellant for issuance of Completion Certificate has been rejected by raising two Preliminary Observations viz., that the front setback of the construction carried out by the Appellant is alleged to be less than 3 mtrs; and that the retaining wall which is constructed at the rear side at distant of approximately 3 mts from the construction carried out for which the permission under Section 17-A of the Goa Town and Country Planning Act, 1974 ought to have been obtained

prior to the construction and therefore, the Application has been rejected. The Appellant respectfully submits that the rejection of the Application for the Completion Certificate by the Respondent is totally misconceived in fact as well as in law as the Respondent required to only verify whether the construction carried out by the Appellant is in accordance with the Approved Plan and if the same is carried out in accordance with the Approved Plan then the Completion Certificate required to be issued which the Respondent has failed.

The necessary facts to decide the present Appeal are stated as under:-

The Appellant states that the Appellant vide registered Deed of Sale dated 10/10/2012 purchased the 'Plot B' admeasuring 464 sq mts along with the existing house therein from immovable property known as "ARADICHEM BHATTA" situated at Gaunsawado within the limits of Mapusa Municipal Council, Sub-District Taluka Bardez, Goa.

The Appellant states that in the said property, the old residential house bearing Municipal No. 6/17 and a well was existing.

The Appellant states that the Appellant purchased the said plot of land along with the house for his residential use and since then the Appellant is residing in the said house along with his family members.

The Appellant states that since the said house has become old and required the major repairs and considering the fact that the Appellant is having total four sons and two of them have already married, the Appellant decided to demolish the said old house and undertake reconstruction of the new house and accordingly, applied for Development Permission from the Respondent as required under Section 44 of the Goa Town and Country Planning Act, 1974.

The Appellant states that the Respondent herein after considering the said Application and upon examining the said Application granted Development Permission dated 12/07/2022 for construction of residential house consisting of basement (parking), first and second floors.

The Appellant states that after having obtained the said Development Permission, the Appellant obtained the Construction License dated 03/01/2023 from the Mapusa Municipal Council as required under the Goa Municipalities Act, 1968.

The Appellant states that in the said Approved Plan by the Respondent, in fact approval was granted for two residential units including two kitchens.

The Appellant states that pursuant to the approval granted by the Authorities, the Appellant undertaken construction, the Appellant constructed only one single unit with single kitchen as such the Appellant submitted revised plan to the Respondent.

The Appellant states that the Respondent herein after duly considering the said Revised Plan vide Order dated 20/08/2024 granted Development Permission (construction of residential building) (revised) vide Order dated 20/08/2024.

The Appellant states that pursuant to the said Development Permission, the Appellant also obtained Completion Certificate dated 06/09/2024 in respect of the Revised Plan in the said property.

The Appellant states that thereafter the Appellant has completed the construction of the residential house and accordingly, applied for Completion Certificate from the Respondent herein as required under the Goa (Regulation of Land Development and Building Construction) Act, 2008.

The Appellant states that the Appellant's house is situated on the road which is passing from St. Jerome Church to bypass road which approached towards the Preeti International Hotel.

The Appellant states that while undertaking the construction of the residential house, the Appellant by sheer inadvertent construction the house slightly in setback area so also towards the rear side of the plot, the Appellant has undertaken construction of the retaining wall so that there is no landslide.

The Appellant states that the Appellant has not undertaken any hill cutting and constructed the house strictly in accordance with the Approved Plan except for minor deviation of the set back. In fact, the Appellant's old residential house was existing till the rear side of the plot and the back side of the said plot is situated on a higher level although there is such hill.

The Appellant states that the Respondent herein consider the proposal for Application for Completion Certificate and an inspection was carried out.

The Appellant states that thereafter the Appellant shocked to receive the Letter dated 21/11/2024 by which the Respondent raised the observation in respect

of the set back and the retaining wall constructed by the Appellant which is only for protection of the land slide as the Appellant has not undertaken any hill cutting since the Appellant's old house was indeed existing.

The Appellant states that with the said two Preliminary Observations, the Respondent rejected the Application as if the Appellant has applied for Development Permission for which the said observations have been raised.

The Appellant state that the Impugned Letter dated 21/11/2024 is completely illegal, non-application of mind as the said observations could not have been raised as the Appellant has already undertaken construction of his residential house in fact by maintaining the proper set back then what was existing as far as old house in concerned.

The Appellant states that presently the setback has been maintained properly as the Appellant's old house was already existing and the present construction is reconstruction of the said old house. Therefore, the Respondent cannot insist for setback of 3 mts.

The Appellant states that as stated earlier, there are several houses which are existing right touching the existing road and therefore, the officials of the Respondent NGPDA who inspected the site despite having seen the site condition has raised Preliminary Observations in the Impugned Letter dated 21/11/2024.

The Appellants thus being aggrieved by the Impugned Letter dated 21/11/2024 rejecting the Application submitted by the Appellants prefers this Appeal before the TCP Board.

## **GROUND S**

**a)** The Appellant respectfully submits that the Impugned Letter dated 21/11/2024 is illegal, arbitrary and unreasonable as the Appellant has undertaken reconstruction of his old residential house and there is a proper set back maintained.

**b)** The Appellant respectfully submits that the Respondent has not properly appreciated and examined the Application submitted by the Appellant for Completion Certificate and has raised observations without application of proper mind.

c) The Appellant respectfully submits that the Appellant has already constructed and completed the construction since the Appellant's old house was existing and by maintaining the setback which the Appellant bonafidely believed would be sufficient. However, the Respondent without considering the fact that the house has already been constructed has raised Preliminary Observations in respect of the front set back is less than 3 mts and the permission ought to have been obtained under Section 17-A wherein the Appellant has not undertaken any construction of the hill cutting.

d) The Appellant respectfully submits that the Respondent ought to have issued Completion Certificate and could not have raised Preliminary Observations as if the Appellant has applied for proposal for construction of house.

e) The Appellant respectfully submits that the Appellant has undertaken construction of his residential house strictly as per the Approved Plan and there is no violation of the set back as such. However, the Respondent has raised observations to the fact that front setback is less than 3 mts.

f) The Appellant respectfully submit that the Appellant has already constructed the house and as such, it would not be appropriate for the Respondent to insist for maintenance of the front set back.

g) The Appellant respectfully submits that as stated earlier, the Respondent has not indulged in any hill cutting for which the permission was required. However, the Respondent merely raised observations that retaining wall has been constructed at rear side.

h) The Appellants therefore states that the Impugned Letter dated 21/11/2024 wherein the observations have been raised is illegal, arbitrary as the construction of the residential house is already completed and therefore, the Respondent ought to have issued the Completion Certificate.

i) Such other and further grounds that may be urged at the time of hearing of Appeal.

1) The Appellant has not filed any other proceedings challenging the Impugned Letter.

The Appellant states that Impugned Letter dated 21/11/2024, came to be served on Appellant on 21/11/2024 itself; and therefore the present Appeal is filed well within time.

The Appellant in the circumstances prays as under: -

### **P R A Y E R S**

- a) That this Hon'ble Authority be please to call for records from the Respondent herein in relation to the Application dated 28/10/2024 submitted by the Appellant and upon examining the legality, propriety and reasonability thereof be pleased to quash and set aside the Impugned Letter dated 21/11/2024 issued by the Respondent and direct the Respondent to issue Completion Certificate as applied by the Appellant vide Letter dated 28/10/2024.
- b) Grant such other and further reliefs in the case may require.

The matter was heard in the 222nd meeting of the TCP Board held on 03/11/2025. During the hearing, Adv. R. G. Rivarkar appeared on behalf of Appellant and Adv. Hanumant D. Naik had appeared on behalf of Respondent NGPDA . Adv. Rivarkar informed the Board that the structure which is reconstructed with the approval of NGPDA is already shown in the survey plan. He further informed that the construction carried out at site by the Appellant is on the existing plinth as shown in the survey plan. As such this structure shall not be treated as a new structure but a reconstruction.

The TCP Board deliberated on the issue and decided to consider the appeal on the basis that the development permission was granted by NGPDA on the basis of structure existing on site and the same is shown on the survey plan. Further the Member Secretary, TCP Board was directed to communicate the decision of the Board to Member Secretary after obtaining the approval of the Government.

### **Item No. 5: Proposed Re-alignment of the road in Regional Plan for Goa 2021 under Sy. no. 85/0 of village Harvalem Taluka Bicholim.**

Member Secretary informed the Board that the representation is received by Bicholim Taluka office of TCP Dept., from the Secretary of Village Panchayat Harvalem dtd. 24/10/2025 and also from Villagers of Harvalem dtd. 27/10/2025 for re-alignment of road in Regional Plan for Goa 2021 under Sy. No. 85/0 of village Harvalem, Taluka Bicholim.

As per the Regional Plan for Goa 2021 the plot bearing Sy. No. 85/0 falls in Settlement Zone and proposed 15.00mts. Right of way is passing through the plot. No houses are reflected on the Regional Plan for Goa 2021.

Site was inspected by the officials of Taluka office of TCP Bicholim alongwith the Sarpanch of Village Panchayat Harvalem and it was noticed that sub – division of plot is carried out on site and also new tar road has been developed. 15.00mts. right of way road shown in the Regional Plan for Goa 2021 does not tally as per the existing road on the site.

Further, it is stated that, during the site inspection the Sarpanch requested to reduce proposed 15.00mts. right of way of the existing 6 mts. road to 8.00mts. and 15.00mts. proposed road to be deleted from Regional Plan for Goa 2021.

The matter was discussed at length and the Board considered the request of the Village Panchayat and Villagers, since the sub-division of the plot is already carried out, and the said plots are having access by the 6 mts. wide road. Hence the proposed 15 mts. road is to be realign with 6 mts. existing road and limiting it to 8 mts. instead of 15 mts. Further, the Board also decided to delete the 15 mts. proposed road shown in the Regional Plan.

Member Secretary, TCP Board was accordingly directed to further process the proposal for obtaining Government approval and thereafter communicate the decision of the Government to the Bicholim Taluka Office, TCP Dept., Bicholim for further necessary action.

**Item No. 6: Correction of wrongly depicted road in Regional Plan for Goa 2021 under Sy. No. 49/4 & 48/15 of village Melauli Taluka Sattari.**

Member Secretary informed the Board the representation is received by Bicholim Taluka office of TCP Dept., dtd. 27/10/2025 from Dr. Santosh Desai for Correction of wrongly depicted road in Regional Plan for Goa 2021 under Sy. No. 49/4 & 48/15 of village Melauli Taluka Sattari.

As per the Regional Plan for Goa 2021 the plot bearing Sy. No. 49/4 & 48/15 of village Melauli Taluka Sattari falls in Orchard Zone and 15.00mts. Right of way proposed road is abutting to the property. No houses are reflected on the Regional Plan for Goa 2021.

Taluka Office of TCP Bicholim inspected the site alongwith the applicant. Upon inspection it was noticed that there exists a 3 m wide tar road within the plot which is ending at River Ragada. Further the proposed 15 m road shown in the Regional Plan for Goa 2021 does not tally with the 3.00 mts. existing road alignment.

The matter was discussed at length and decided to consider the request, as the proposed 15 mts. road does not tally with existing ground condition. It was decided to realign the proposed 15 mts. wide road as per the existing 3 mts. road. The Board also decided to limit the proposed 15 mts. road to the existing 3 mts. road as it is serving only the Applicant's plot and is abruptly ending in the river.

Member Secretary, TCP Board was accordingly directed to further process the proposal for obtaining Government approval and thereafter communicate the decision of the Government to the Bicholim Taluka Office, TCP Dept., Bicholim for further necessary action.

**Item No. 7: 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 29<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 31/10/2025 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 this minutes.

**Item No. 8: 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 222<sup>nd</sup> 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. 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 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 222<sup>nd</sup> 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. 10: Decision on proposals considered in 43<sup>rd</sup> meeting of the 16-A Committee, constituted under sub-rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules - 2008 held on 29/10/2025.**

Member Secretary submitted that proposals as referred in Annexure ‘D’ were considered by the Committee constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules – 2008 in its 43<sup>rd</sup> meeting held on 29/10/2025. The same proposals were placed before the Board for its consideration.

The Board after deliberation recommended the proposals as listed in Annexure 'D'.

**Item No. 11: Any other item with permission of the chair.**

No matter was discussed under this item.

Meeting ended with thanks to the chair.