

MINUTES OF 223rd MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 06/11/2025 AT 10:00 A.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Following attended the meeting:

1. Shri. Vishwajeet P. Rane, Hon'ble Minister for TCP	... Chairman
2. Smt. Deviya V. Rane, Hon'ble MLA Poreim	... Member
3. Shri Rajesh Faldessai, Hon'ble MLA	... Member
4. Smt. Pratima G. Dhond, President, GCCI	... Member
5. Shri Praveen Kumar Raghav, C.C.F.	... Member
6. Shri Ralph Antonio Savio Barbosa, Research Assistant, DPSE	... Member
7. Shri Chandrakant S. Paryekar, CEII, P.W.D.	... Member
8. Dr. Utkarsh Betodkar, Rep. Director of Health	... Member
9. Shri Paresh Gaitonde	... Member
10. Ms. Vertika Dagur Chief Town Planner (Admn./Planning/Landuse)/HoD	... Member Secretary

Item No. 1: Confirmation of the Minutes of the 222nd meeting of Town & Country Planning Board held on 03/11/2025.

Member Secretary informed that the Minutes of 222nd meeting of TCP Board held on 03/11/2025 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: 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 223rd 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 ‘A’ 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 ‘A’, which forms part of this minutes.

Item No. 3: 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 223rd 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 '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 (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 'B', which forms part of this minutes.

Item No. 4: Any other item with permission of the chair.

A) Reconsideration and Revision Application against the impugned Revocation order dt. 01/08/2025 dt. Bearing No TPM/33745/Cunc/71/1/(P)/25/5780 dtd 01/08/2025.

Member Secretary, TCP Board informed that the South Goa District Office is in receipt of representation dtd 04/11/2025 from Mohini Anil Dessai & Others requesting for reconsidering the proposal for residential cum commercial building in property bearing Sy.no. 71/1 (Part) of Cuncolim village in Salcete Taluka. In this regard it is submitted as under.

This office had earlier issued Technical Clearance Order for construction of residential cum commercial building in property bearing Sy no. 71/1 (Part) of Cuncolim village in Salcete Taluka, vide Technical Clearance order bearing ref no. TPM/33745/Cunc/71/1(P)/2022/1205 dtd 11/03/2022.

Whereas this office received several complaints representations from NGO's, individuals and authorities informing about the violations carried out with regard to Section 17-A of TCP Act by cutting sloppy land in the above cited property.

Further, as per the directions of the Government this office vide Note no. TPM/32727/Cunc/71/1p/2022/4642 dated 28/9/2022 issued a showcause notice to SJN Developers vide ref.no. TPM/32727/Cunc/71/12/2022/3507 dated 19/7/2022,

asking to show cause as to why the technical clearance for sub division of part property referred above should not be revoked in view of illegal cutting of sloppy land carried out in property. The reply received against the showcase notice was satisfactory and hence the Technical Clearance Order for sub-division of land (Provisional NOC) was revoked vide letter TPM/32727/Cunc/71/1(p)/2023/311 dated 19/1/2023 which was limited to sub-division land only.

Subsequently, it was noticed that prior to approval of sub division, this office had also issued a Technical Clearance Order for construction of residential cum commercial building vide ref.no. TPM/33745/Cunc/71 /1(p)/2022/1205 dtd. 11/3/2022 in part portion of the same property i.e. in Sy no.71/1(part) of village Cuncolim Taluka Salcete which was shown as remaining part of the property in the Sub division allowed. However, inadvertently the same could not be brought to the notice of the Government while revoking the technical clearance issued for sub-division referred above.

The issue regarding the same Sy. No. 71/1(part) of village Cuncolim Taluka Salcete was raised in assembly session following which the Hon'ble Minister for TCP during the Assembly session had ensured to examine and take necessary action in the matter, and bring it to the notice of the government of the fact narrated above and carry out revocation of technical clearance dtd 11/3/2022 issued for construction of building after carrying out necessary formalities including issue of show cause notice etc and decide accordingly.

The matter was referred to the Government wherein Hon'ble Minister for TCP with remark mentioned "As assured in Assembly permission to be revoked with immediate effect. No permission to be granted in future".

And whereas, this office has issued revocation order dated 06/07/2023 to Petitioners by revoking the Technical Clearance Order no. TPM/33745/Cunc/71(P)/2022/1205 dtd 11/03/2022 issued for proposed construction of residential cum commercial building in above said property.

The owners of the property filed a Writ Petition no. 310 of 2025(F) before the Hon'ble High Court of Bombay challenging the revocation order dated 06/07/2023 issued by this office by revoking the Technical Clearance Order dated 11/03/2022.

The Hon'ble High Court of Bombay at Goa passed an order in W.P. no.310 of 2025(F) dated 10/06/2025 holding that the revocation order dated 06/07/2023 is passed in violation of principles of natural justice, as it was not preceded either by a Show Cause Notice nor an opportunity of hearing. The Hon'ble High Court of Bombay at Goa set aside the revocation Order dated 06/07/2023 and with liberty being conferred on this office, if it is so desirous of persuading its remedy of revoking the Technical Clearance Order it shall follow the principles of natural justice which would include issuance of Show Cause Notice and seeking response of the Petitioners coupled with an opportunity of hearing.

As per the Order of Hon'ble High Court dated 10/06/2025 in above said Writ Petition, this office issued a Show Cause Notice cum Stop Work Order to the Petitioner vide ref no. TPM/33745/Cunc/71(P)/2022/4476 dtd 16/06/2025 directing the Petitioners to Show Cause as to why the Technical Clearance Order dated 11/03/2022 issued for the proposed construction of residential cum commercial building shall not be revoked.

The Petitioners filed their reply dated 24/06/2025 stating that the Technical Clearance Order bearing no TPM/33745/Cunc/71/1/(P)/2022/1205 dated 11/03/2022 was issued for proposed construction of residential cum commercial building in property bearing Sy no. 71/1(Part) is a flat land. Hence Section 17-A of the Town and Country Planning Act 1974 is not applicable in the instant case.

The Petitioner has further stated that there is no valid and justifiable reason provided in the alleged show cause notice for issuance of show cause notice. Show cause notice issued is without disclosing any subjective satisfaction of any violation for proceeding against them with the show cause notice.

The Petitioner has also stated that pursuant to the order dated 5/03/2025 passed by the Hon'ble High Court passed in Writ Petition No. 310 of 2025 (F), the Cuncolim Municipal Council has issued construction licence bearing no CMC/TECH-SEC/CL/2024-25/3983/26 dated 10/03/2025 and huge investment was been done by them.

And whereas, subsequently this office has issued a Notice dated 03/07/2025 bearing ref no. TPM/33745/Cunc/71/1/(P)/2025/5043 to the Petitioners to appear for hearing in person or with Advocate along with written submission if any on 10/07/2025 at 11.30am. The hearing in this matter was taken place on scheduled date and time. Power of Attorney (PoA) for the petitioners, Barkat Shaikh

alongwith Advocate Atul Sadne were present for the hearing and submitted the written Submissions.

Thereafter, South Goa District Office has revealed that the submission made by the petitioners is not satisfactory and hence the following order has been passed which states as below:

The Technical Clearance Order bearing ref.no. TPM/33745/Cunc/71/1(P)/2022/1205 dtd 11/03/2022 issued for proposed construction of residential cum commercial building in property bearing sy.no.71/1(part) at Cuncolim village of Salcete Taluka as the submission made by the Petitioner was not found satisfactory.

As informed by the South Goa District Office, the applicant has re-submitted representation for reconsideration of Revocation Order dtd 01/08/2025 issued by this office.

By the said representation that applicant has informed that the Technical Clearance order TPM/33745/Cunc/71 (1)2022/1205 dt. 11th March 2022 was issued on the portion of land admeasuring 5606sq mts out of the bigger/larger land property under survey no 71(1) (Part) of village Cuncolim, Taluka- Salcete, Goa, which is a Flat Land. Therefore the question of hill cutting and drilling of rocks doesn't arise at all and also stated that pursuant to the order dated 5 March 2025 passed by the Hon'ble High Court passed in Writ Petition No. 310 of 2025 (F), the Cuncolim Municipal Council has issued construction licence bearing no CMC/TECH-SEC/CL/2024-25/3983/26 dated 10 March 2025 and huge investment has been done by them.

Further it is stated by the project proponent that Technical Clearance Order TPM/33745/Cunc/71/1/(P)/2022/1205 dated 11 March 2022 was issued for construction of residential cum commercial building on the portion of the land admeasuring 5606 sq. mts. of the property under survey no. 71/1 (part) of village Cuncolim Taluka Salcete which is a flat land. There was absolutely no issue of hilly, sloppy and low-lying land in the present case and precisely therefore, there was no requirement of any contour plan. Therefore, neither contour plan was insisted upon nor there was a need for the same as property being a flat land.

Application of the project proponent has been re-checked and verified by South Goa District office and found that the construction of residential cum commercial building is proposed on land having gentle slope of less than 10% which is within permissible limit.

During the discussion, Member Secretary TCP Board appraised the members that earlier Government has given the assurance in the Assembly Session held on 2022, that the site will be inspected and if there is any violation and hill cutting beyond particular gradient action will be taken as per the law in force.

The matter was discussed at length and the members of the Board agreed to consider the proposal as the part of land where the development proposed is having less than 10% slope. And as per the Goa Town & Country Planning Act, 1974, Section 17A is not applicable incase the slope is less than 10%.

The Board recommended the proposal and directed the Member Secretary (TCP Board) to refer it to the Government for its consideration.

Meeting ended with thanks to the chair.