

MINUTES OF 168th(Adj.) MEETING OF THE TOWN & COUNTRY PLANNING BOARD HELD ON 20/02/2020 AT 4.00 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

The following attended the meeting:

- | | | |
|--|-----|------------------|
| 1. Shri. Chandrakant Kavlekar,
Hon. Minister for TCP | ... | Chairman |
| 2. Shri Filipe Nery Rodrigues,
Hon'ble Minister for WRD & Fisheries | ... | Member |
| 3. Shri Manoj M. Caculo,
President, GCCI | ... | Member |
| 4. Shri Keshav Kumar, IFS
C.F. (Conservation) | ... | Member |
| 5. Shri Pradeep Verekar,
Dy. Conservator of Forest,
North Goa Division | ... | Member |
| 6. Shri Tolentino Furtado,
Dy. Director, DPSE
Porvorim – Goa. | ... | Member |
| 7. Shri. Madhav B. Kelkar,
Director of Agriculture,
Tonca, Caranzalem – Goa. | ... | Member |
| 8. Dr. Surekha Parulekar,
CMO (NLEP) | ... | Member |
| 9. Smt. Megha S. Kerkar,
Supdt. of Fisheries | ... | Member |
| 10. Shri Prasad Volvoikar,
Dy. Director, Tourism | ... | Member |
| 11. Antonio A. Godinho (SW),
Office of SE-II, PWD, Altinho | ... | Member |
| 12. Shri. Antonio P. Diniz | ... | Member |
| 13. Arch. Rajeev M. Sukhthanker | ... | Member |
| 14. Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | ... | Member Secretary |

Item No. 1: Confirmation of the minutes of the 168th meeting of Town & Country Planning Board held on 27/01/2020.

At the outset, while discussing on the minutes of 168th meeting, Minister briefed the members about the sub-committee constituted for the purpose of submitting report in Appeal matters of (i) Goa University V/s Suresh Shetye and (ii) Shri FaridFatehali Habib Veljee against Greater Panaji Planning & Development Authority and informed that the committee comprised of

- | | | |
|---|-----|----------|
| 1. Shri Glenn Souza Ticlo, Hon'ble MLA | ... | Member |
| 2. Shri Antonio Diniz | ... | Member |
| 3. Arch. Rajeev M. Sukhthanker | ... | Member |
| 4. Shri RanjitBorkar, Town Planner (HQ) | ... | Convenor |

Chairman requested sub-committee members to submit their report at the earliest so as to enable the Board to dispose off the appeal matters finally.

Member Secretary then informed that the minutes of 168th meeting of TCP Board held on 27/01/2020 were circulated to all the members and since no comments were received from any member, the same were confirmed.

Item No. 2: Appeal under Section 45 of the TCP Act, 1974 filed by Shri PramodShirodkar against South Goa Planning & Development Authority (File No. TP/B/APL/186/19).

Member Secretary briefed the members that the matter is regarding refusal by the Respondent to grant NOC for proposed amalgamation of Flat No. G-2 and G-3 in building “Shanterivan”, vide reference No. SGPDA/P/1672/08/19-20 dated 10/04/2019, on the grounds that requisite NOC from society is required for the purpose. It was further informed that the Appellant is owner of the premises bearing flat No. 1(G-2 and G-3), “Shanterivan Co-operative Housing Society Ltd.”, VarkhandPonda Goa admeasuring total 75.00 sq. mts., purchased by the Appellant and his daughter Dr. LeenaShirodkar from the vendors M/s Mangalkruti Realtors by an agreement dated 12/06/1998 and that the Occupancy Certificate in respect of the flats was granted on 11/11/1999 by Ponda Municipal Council which shows the flats separately as G-2 and G-3. The “Shanterivan Co-operative Housing

Society Ltd.” was registered on 06/09/2001 which shows the said flat as Single flat and the Appellant was allotted 1 share certificate, corresponding to the said single flat. Subsequently, a registered conveyance deed dated 05/10/2007 was executed which shows the said flat as single flat.

It was further informed that in the year 2015, the Society’s Chairman wrote to Appellant regarding non payment of dues, illegal transfer of flat to daughter etc. and the same was being complied by the Appellant, for the purpose of which on 09/07/2018, the Appellant made an application to the Respondent, which however was rejected on the grounds that NOC from the Society is required.

The matter was placed before the 168th meeting of the Board held on 27/01/2020, during which the Respondent PDA informed that they had not received any copy of appeal memo and hence were not aware as to what were the grounds for appeal. The Appellant therefore served a copy of appeal memo to the Respondent PDA, who had then sought the time to reply, which was granted by the Board and accordingly notices were sent to both the parties to appear before the Board for the present meeting.

During the hearing, the Appellant Shri Pramod Shirodkar was present along with their Advocate J. Karan, whereas the SGPDA was represented by Adv. Menino Pereira along with Member Secretary Ms. Vertika Dagur.

The Appellant Shri Pramod Shirodkar however sought the time citing the reason that they have received the Notice only on the day of present meeting i.e. at 12.00 noon and hence were not prepared for the arguments, and that they wish to place before the Board certain documents in their defence. Reason being genuine, the Board agreed with the request made and decided to defer the matter.

It was request of the Appellant that they should be served the Notice for the next meeting well in advance as they reside at Mumbai and has to make necessary travel plans so as to appear before the Board, once the notice is received by them.

The Board directed the Member Secretary to take note of the same.

Item No. 3: Appeal under Section 52(2)(B) of the TCP Act, 1974 filed by Shri Lyndon D'Silva and Maria ColacoD'Silva against South Goa Planning & Development Authority (File No. TP/B/APL/187/19).

The Member Secretary informed that the matter is against final Notice dated 06/12/2019 issued by SGPDA, bearing No. SGPDA/P/Illegal/1289/19-20 directing the Appellant to demolish toilet constructed on open terrace and for removal of zinc sheets that consumed additional FAR.

It was briefed that the Appellant Smt. Maria ColacoD'Silva owns a duplex flat on 4th floor bearing H.No. FF9 purchased about 5 years back and to make flat in a livable condition which closed for 20 years, the Appellant sought necessary permission from Respondent and Margao Municipal Council. The said duplex flat had a covered terrace which had broken finolex sheets and hence was replaced by new sheets and the RCC stair case for access to upper floor was replaced by fabricated stair case. Upon complaint dated 09/03/2019 received against the work undertaken by the petitioner, the Margao Municipal Council issued stop work order on 02/04/2019, which was subsequently revoked on 06/05/2019 and as per the directives of Margao Municipal Council, the exposed roof that was removed earlier was put again and other minor works were also done.

The Margao Municipal Council then directed the Appellant to take permission from Respondent. On 01/08/2019, the Respondent issued show cause notice to the Appellant which was replied by the Appellant on 12/11/2019. The Respondent again issued second show cause notice to the Appellant on 22/11/2019 which too was replied on 02/12/2019. Now the Respondent has issued final demolition order, against which the appeal is filed.

The matter was placed before the 168th meeting of the Board held on 27/01/2020, during which the Respondent PDA informed that they have not received any copy of appeal memo and hence were not aware as to what were the grounds for appeal. The Appellant therefore served a copy of appeal memo to the Respondent PDA, who had then sought the time to reply, which was

granted by the Board and accordingly notices were sent to both the parties to appear before the Board for the present meeting.

The Respondent PDA however sought time for reply stating that they need to prepare details for arguments and has to refer to certain documents as available in the record file.

The Board agreed with the request as made by the Respondent and accordingly deferred the matter.

Item No. 4: Regarding request from Dattaran T. Nayak to review decision regarding earlier representation dated 31/12/2018 of RamnathDevasthan, Ponda Taluka.

Member Secretary informed that earlier, in the matter of representation dtd. 31/12/2018 as made by Shri DattaramNayak, the TCP Board in its 165th (Adj) meeting held on 10/6/2019 had concluded that there is no merit in the representation made before it and hence deserved no further action as requested therein against the Devasthan or against the TCP officials and letter accordingly under ref. No. 36/1/TCP/355/2019/3008 dtd. 20/11/2019 was issued, which stated as under:

Shri. DattaramNayak and members of the Devasthan Committee Architect Shri AjitHegde, Shri PravasNaik, President of the Devasthan and Shri RajendraKosambe, Attorney of theDevasthan remained present for the hearing.

Shri. DattaramNayak stated that he had made several representations to Ponda Taluka Office citing irregularities carried out by RamnathDevasthan. The main contention of Shri DattaramNayak was as regards to encroachment over the traditional drain by means of construction of approach steps, which he claimed was belonging to Water Resource Department. He stated that although the approved plans showed only about 5 steps, the Devasthan has constructed about 32 steps. He further informed the Board that a notice dtd. 8/3/2017 was issued to RamnathDevasthan by Water Resource Department regarding covering of the drain and construction of steps over it and another

notice dtd. 30/1/2018 was issued to RamnathDevasthan seeking explanation regarding the same issues.

The representative of the Devasthan submitted that the nallah as claimed by Shri. DattaramNayak is not a Government nallah and whereas it is just a small drain constructed by Devasthan itself within its property to facilitate draining of rainwater. They also placed before the Board the copy of survey plan of the property under Sy.No. 42 which did not reflect any such public drain.

A letter dtd. 9/2/2018 of PWD was also placed before the Board by the representative of the Devasthan, pertaining to reconstruction of RCC culvert which they had received from office of the Executive Engineer, Div. XVIII (Roads), PWD, which stated that on inspection carried out by the Department, it was observed that the reconstruction of culvert is falling within the campus of Shri RamnathDevasthan and as such sanction from their Department was not necessary. The letter also allowed the Devasthan to get the same designed and executed under supervision of any Structural Engineer.

The representatives also brought to the notice of the members that the Appellant has also filed a suit against Devasthan citing several other issues and by making several allegations against the Devasthan and the Hon'ble High Court in Writ Petition No. 212 of 2019 had dismissed the petition filed by Appellant for being devoid of merits. The representative also informed the Board that the petitioner is in the habit of making false allegations against the Devasthan and its members and the complaints filed by him are frivolous and baseless.

After going through all records placed before it and arguments advanced by both the parties, the Board concluded that there is no merit in the representation dtd. 31/12/2018 made before it by Shri. DattaramNayak and hence deserves no further action, as requested therein against the Devasthan or against the TCP officials.

The Board accordingly discharged the representation as made by Shri DattaramNayak.”

The Member Secretary then informed that Shri Dattaram T. Nayak has once again made a representation dtd. 28/11/2019 stating that he would like to add few more documents in his new representation and has thus requested for review of the decision earlier taken regarding his representation dtd. 31/12/2018. Accordingly, Shri Dattaram T. Nayak appeared before the Board in the last meeting (168th) held on 27/01/2020 and Board had decided it proper to hear the other party too i.e. Shree Ramnath Devasthan in the matter and accordingly notices were issued to both the parties to appear before the Board for the present meeting.

It was then informed that a letter dtd. 18/2/2020 is received from Ramnath Devasthan informing that it will not be possible for them to attend the meeting in view of major Mahashivratri Utsav from 19/2/2020 till 25/2/2020.

The request as made by Shri Ramnath Devasthan vide their letter dtd. 18/2/2020 was considered by the Board and accordingly the matter was deferred for hearing in the next meeting.

Item No. 5: Regarding increase of FAR from 80 to 100 to take up PMAY Scheme at Xeldem Quepem in Survey No. 121/1 to 8.

Member Secretary informed that the matter is regarding letter No. 2/22/2019/HSG/248 dated 27/09/2019 by Addl. Secretary (Housing) regarding increasing of FAR from 80% to 100 % to take up PMAY scheme at Xeldem, Quepem in Survey No. 123/1 to 8.

It is stated in the letter dated 19/07/2019 that Goa Housing Board is being appointed as the implementing agency for affordable housing in Partnership (AHP) under PMAY vertical of the Ministry of Housing and Urban Affairs (MHUA). The Government has approved 14 statutory towns of Goa to avail the benefit under the PMAY mission of which Goa Housing Board has land at Xeldem, Quepem Taluka admeasuring an area of 11459 sq.mts. To make the project feasible, composite scheme having 64 units of EWS/LIG Dwellings and 112 nos. of double bedroom flats using an FAR of 100 has been designed to cross subsidies on the cost of the EWS/LIG units which would be eligible as per the guidelines of PMAY for central assistance.

The Central Government in Pradhan Mantri Awas Yojana Scheme (PMAY) guidelines 2015 at para 11, has provided some mandatory conditions which include, obviating Non Agricultural permission if land falls in residential zone earmarked in Master Plan, single window clearance, providing additional FAR etc. Hence, the Goa Housing Board has requested for 100 FAR to make the project feasible to take up PMAY Scheme.

As per the Goa Land Development and Building Construction Regulations, 2010, the maximum permissible FAR of 100 is applicable to Settlement zone S1 only, which also has a maximum permissible height of building as 15.00 mts.

Whereas, the plot under reference of Housing Board is located at Village Xeldem, which is classified as VP1 category village to which maximum FAR assigned is 80 with maximum permissible height of building as 11.5 mts.

The matter was placed before the 168th meeting of the TCP Board held on 27/01/2020 and was discussed in brief and it was decided to call the officials of Goa Housing Board in the next meeting of the Board to give a proper presentation on the subject.

Accordingly, notice was issued to Managing Director of Goa Housing Board to remain present for the meeting. Shri Raikar was present on behalf of the Goa Housing Board to explain the details of the scheme. The Chairman then inquired about the beneficiaries of the project and whether the list of the same is prepared.

Members also sought to know the criteria for allotting the units to the beneficiaries and to what extent it would be beneficial to the locals.

During the discussion, it was also briefed that office of the Chief Secretary is monitoring the PMAY scheme and Shri Raikar was directed to inform about the status of the scheme or the decisions if any taken on this behalf.

Chairman also expressed his concern about the topography of site which he said is slopy in nature.

Board therefore decided that the sub-committee of the Board constituted earlier in the appeal matters in the 168th meeting shall also prepare a preliminary report on the proposal by conducting site inspection etc. and place it before the Board for the purpose of consideration of the request as made by Goa Housing Board for grant of additional FAR to them.

ADDITIONAL ITEM

Item No.1: Applications received under Section 16B of TCP Act for consideration under Section 12 of the TCP Act.

With notification of Section 16B of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16B. The new proposals as received under Section 16B were placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act, and the decision on the same are as per Annexure 'A'

Item No. 2: Any other item with permission of the Chair.

Member Secretary informed that the decisions regarding the cases placed for change of zone under Section 16B of the TCP Act in 166th (Adj.), 167th, 167th (Adj.) and 168th meeting held on 11/10/2019, 08/11/2019, 23/12/2019 and 27/01/2020 respectively are required to be worded as per the provision of Section 16B and whereas there are variations in recording the same as observed in minutes of the above referred meetings.

Members opined that it is advisable to maintain uniformity in the decisions of the Board and the same should be in accordance with the provision of Section 16B. The Board therefore decided to reword the decisions taken in its earlier meetings referred above. Reworded decisions accordingly as taken against Section 16B cases are as per the Annexure B, C, D& E.

During the discussion, Member Secretary also informed that while submitting the application for change of zone, many applicants have committed typographical errors and in some cases incorrect information is provided, which is noticed subsequently while further processing the applications under

Section 16B of TCP Act. The Board took note of the same and instructed Member Secretary to make such necessary corrections in the minutes of the earlier meetings, as required so as to eliminate such errors while notifying the cases under Section 13(1) of the TCP Act.

While deliberating on the above issues, the Board also revisited certain cases and decisions finally taken are as recorded in the Annexure B, C, D& E. The Board directed Member Secretary to notify the cases accordingly under Section 13(1) of the TCP Act, as per the decisions recorded in Annexure B, C, D & E referred herein.

Meeting ended with thanks to the chair.