

AGENDA FOR 169th(Adj.) MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 29/07/2020 AT 3.30 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

Item No. 1: Confirmation of the minutes of the 169th meeting of Town & Country Planning Board held on 08/06/2020.

The minutes of 169th meeting of TCP Board held on 08/06/2020 were circulated to all the members. Since no comments have been received, the Committee may confirm the same.

Item No. 2: Appeal under Section 52(2) of the TCP Act, 1974 filed by Mumtaza Hassan Shaikh against South Goa Planning & Development Authority (File No. TP/B/APL/188/2020).

The matter is arising out of noticebearing No. SGPDA/P/Illegal/1375/19-20 issued by South Goa PDA under Section 52 of TCP Act in the matter of repairs of mundcarial dwelling house bearing No. 103, located at Chalta No. 180 of P.T. Sheet No. 237 at Pedda, Margao Goa.

The Appellant has submitted that a mundcarial dwelling house of the Appellant stands recorded in survey plan under Chalta No. 175 of 237 of City Survey Margao and late husband of the Appellant Shri Shaikh Hassan has also been declared as mundcar of the said dwelling house shown under Chalta No. 175 situated in the said property by virtue of the Judgment/order passed by the Court of the Mamlatdar of Salcete vide Judgment/Order passed in November 1992 in Mundcar Case No. Mund/Mar/12/1992. Appellant further states that upon the death of her husband the Appellant has filed the purchase proceedings before the Mamlatdar of Salcete to the purchase of the mundcarial area along with the dwelling house which the Appellant is entitled under the Mundcar Act and the same is allowed by the Court of the Mamlatdar of Salcete vide order passed on 03/01/2020.

Then Appellant submits that the mundcarial dwelling house of the Appellant is very old and the roof of the said house was very old and required immediate repairs as the rafters and wooden ribs were in a very bad condition as such the Appellant has repaired the roof of her house in order to protect the same and to avoid danger of the roof collapsing.

Thereafter Appellant submits that the Appellant has not received any notice from the respondent (SGPDA) fixing any site inspection nor the Appellant has received any show cause notice dated 16/05/2019 from the Respondent (SGPDA) as stated in the notice issued to the Appellant.

Appellant therefore submits that the he is not aware of any site inspection carried out by the Official of the SGPDA as the appellant has not been intimated of any such inspection fixed by the SGPDA.

Thereafter on 19/12/2019, the Appellant received the notice from the Respondent under Section 52 of the TCP Act requiring the Appellant to demolish the said illegal development within a period of 31 days from the receipt of the notice

Appellant submits that his mundcarial house bearing house No. 103 is existing in the said property since the last more than 50 years and is occupied by his family members and there is no encroachment of house done by him in the property as alleged in the notice. The said house is also depicted/shown on the survey plan of the said property.

Aggrieved by the said notice dated 18/12/2019 issued by the respondent (SGPDA) under Section 52 of the TCP Act under No. SGPDA/P/Illegal/1375/19-20, the Appellant has preferred the present Appeal before the TCP Board, being the Appellate Authority.

Appellanttherefore prays as under:

- a) That the appeal filed by the Appellant be kindly allowed and the notice dated 18/12/2019 issued by the Respondent (SGPDA) under Sec. 52 to the Appellant under No. SGPDA/P/Illegal/1375/19-50) be quashed and set aside.
- b) The Execution of the said notice under No. SGPDA/P/Illegal/1375/19-20 be stayed till the disposal of the Appeal on merits.
- c) Such other order Board may deem fit and proper.

The TCP Board may decide.

Item No. 3:- Proposals received under Section 16B of 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 proposals as received under Section 16B are placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act. Refer Annexure 'A'.

Item No. 4: Proposals received under Section 16B for the provisions of Section 13(2) 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 Board had earlier considered application under the provision of Section 12 of the TCP Act. The proposals as are now placed before the Board for consideration under the provisions of Section 13(2) of the TCP Act. Refer Annexure 'B'.

ADDITIONAL AGENDA

Item No. 1: 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).

The matter is regarding refusal by the Respondent South Goa Planning & Development Authority to grant NOC for 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 ground that requisite NOC from society is not obtained.

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 him and his daughter Dr. LeenaShirodkar from the vendors M/s Mangalkruti Realtors by an agreement dated 12/06/1998.

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.

In the year 2015, the society Chairman wrote to appellant regarding non payment of dues, illegal transfer of flat to daughter etc. The matter was being complied. For that purpose on 09/07/2018, the appellant made an application to the Respondent. The said application has been rejected by the Respondent on the ground that NOC from the society is required.

The matter was placed before the 168th meeting of the TCP Board held on 27/01/2020. During the hearing respondent PDA informed that they have not received any copy of appeal memo and hence are not aware as to what are the grounds for appeal.

The Appellant then served a copy of appeal memo to the Respondent PDA, who sought the time to study the same and submit their reply. Thereafter, the request was considered by the Board. The appeal was accordingly deferred for further hearing in the next meeting of the Board.

Notices are accordingly issued to both the parties to remain present for the meeting.

Board may deliberate.

Item No. 2: Proposal regarding re-development of existing building in the property bearing survey number 71/6 of Village Taleigao (relaxation of front setback).

It is submitted by Greater Panaji Planning and Development Authority that, Shri Peter Vaz has proposed a Hotel Building showing front set back of 5.00 mts. which is not permissible as per the prevailing regulations in force (As per the Government Gazette, Series I No. 26 dated 27/09/2018) and whereas

the setback required is 10.00 mts. from the effective plot boundary to the proposed construction.

The same proposal has been forwarded by Greater Panaji Planning and Development Authority which is for redevelopment of existing building in the property bearing survey number 71/6 of Village Taleigao (relaxation of front setback).

It is mentioned that, the front set back of 10.00 mts. cannot be availed by the applicant due to practical difficulties in re-development of existing building as the plot in irregular shape having average depth of 26.56 mts. and accessible by 25.00 mts. wide existing road as per ODP-2028 of Taleigao Planning Area. The regulation published for SPC in the Government Official Gazette Series No. 26 dated 27/09/2018 provides relaxation of front set back of 5.00 mts. in special circumstances due to practical difficulties in redevelopment of existing building in plots having depth of less than 30 mts.

The said notified regulation is reflected as below:

Amendment of regulation 6A.4 namely:

- (i) *In table – VIII,*
- (ii) *After Note (24), the following note shall be inserted namely:-*

“(25) In SPR and SPC two stilts for parking shall be allowed free of FAR and also free from calculated of building height. The provision of access of 10.00 mts. right of way be relaxed for proposal of redevelopment, where there is no scope of expansion of existing road, provided that minimum 8.00 mts. access is available. The front setback may be relaxed subject to maintaining a minimum of 7.00 mts. in SPC on special circumstances due to practical difficulties in redevelopment of existing building in plots having a depth upto 50 mts. The front setback may be relaxed subject to maintaining a minimum of 5.00 in SPC on special circumstances due to practical difficulties in redevelopment of existing building in plots having depth less than 30 mts. with the approval of the Town & Country Planning Board and Government, provided they satisfy the requirement of fire safety for which prior clearance of Directorate of Fire and Emergency Service shall be mandatory before issuing development permission. In case of varying depths (side perpendicular to the road), the average depth shall be taken into consideration.

It is stated by Greater Panaji Planning and Development Authority, the above case was placed before its 10th Authority meeting held on 25/02/2019 and it was decided to refer the case to the Town and Country Planning Board and the Government to obtain relaxation of front setback from 10.00 mts. to 5.00 mts. due to practical difficulties in redevelopment of the existing building.

The Board may deliberate.

Item No. 3: Correction in the draft Outline Development Plan of Calangute-Candolim Planning area.

The proposal has been submitted by the North Goa Planning and Development Authority regarding grant of approval for correction of the cartographical error to the zones of the property bearing Sy. No. 199/9-D and 199-9-D-1 of Village Candolim from Settlement S-2 to Commercial C-3 in the finally notified ODP 2025 of Calangute-Candolim Planning Area.

The North Goa Planning and Development Authority had prepared the draft Outline Development Plan of 2025 of Calangute-Candolim Planning area & had submitted it to the Town & Country Planning Board on 04/11/2016 for approval. The Authority had adopted the draft ODP-2025 of Calangute-Candolim Planning Area as per direction of Government from 16/12/2016. The approval of said draft Outline Development Plan by Town & Country Planning Board and Government was conveyed vide Order dated 21/11/2016. Thereafter notice of the preparation of Outline Development Plan 2025 for Calangute-Candolim Planning Area was published by PDA under section 35(1) of Town Planning Act, 1974 inviting objections from general public on said draft Outline Development Plan, within 60 days from publication of said notification, in the local newspapers and Government Gazette.

The Authority was then of the opinion that due to declaration of Election of Goa Legislative Assembly on 04/01/2017, the public lost attention towards filing objections on draft Outline Development Plan and therefore requested Government to grant approval to re-notify the Outline Development Plan u/s 35 of Town & Country Planning Act, 1974 and as receipt of such directions, Authority re-notified the Outline Development Plan under section 35 of Town

& Country Planning Act again informing public to give their objections if any to the Draft Outline Development Plan within 60 days.

The Authority received 884 nos. of objections from Calangute-Candolim Planning area towards draft Outline Development Plan. The Authority appointed Sub-committee for inspection & hearing of objections received, as per Section 35/3 of Town & Country Planning Act.

The Sub-Committee heard the stake holders under section 35(5) of Town & Country Planning Act who had objected to the draft Outline Development Plan & submitted the report to the Authority under section 35(6) of Town & Country Planning Act & Authority in its 71st Authority meeting held on 07/08/2018 considered the report & unanimously approved the Outline Development Plan of Calangute-Candolim 2025 & submitted it to the Town & Country Planning Board for its approval on 13/08/2018.

The Chief Town Planner (Planning) conveyed the approval of Town & Country Planning Board & Government to the Outline Development Plan vide order No. 36/1/TCP/315/2018/2439 dated 28/11/2018.

The Authority was thereafter in receipt of a letter vide inward No. 1063 dated 20/01/2020 from Shri Agnelo N. Fernandes of Silver Sand Serenity informing that zone of his property bearing survey No. 199/9-D & 199/9-D-1 of Candolim village was shown as C-3 in the draft ODP 2025 and coloured accordingly and whereas in the final ODP 2025, his property is reverted back to the original S2 zone and therefore it could be a cartographical error and requested to do the necessary correction and enclosed zoning certificate of said property issued based on draft ODP 2025 of Calangute-Candolim Planning Area which showed the zone of the property as Commercial C-3.

In this regard it is submitted by PDA that the said property bearing Survey No. 199/9-D and 199/9-D-1 of Candolim was zoned as Commercial C-3 in the draft ODP 2025 of Calangute – Candolim Planning Area and zoning certificate was issued to Shri Agnelo N. Fernandes based on the same draft ODP which had validity of six months from date of issue of certificate or change in ODP in force whichever was earlier. It is mentioned by PDA that Shri Agenlo N. Fernandes has not filed any appeal in the Hon'ble District Court against the changes done in Calangute-Candolim ODP – 2025 regarding

survey No. 199/9-D & 199/9-D-1 of Candolim village as per section 38 of the Town & Country Planning Act, 1974, however, he has brought to the notice of the Authority that in the final ODP of Calangute-Candolim Planning Area, zone of said survey No. is shown as Settlement S-2 and not Commercial C-3 as was shown in draft ODP and therefore requested to do the necessary corrections.

PDA has further informed, that on verifying the records available, it is noticed that their Authority had not taken any decision of changing the zone of said properties from Commercial C-3 to Settlement S-2 zone and neither were there any objections for showing the said property as Commercial C-3 in the draft ODP, when said draft ODP was kept open for inviting objection from general public before finalization of final ODP. PDA has therefore stated that, the error pointed out by Shri Agnelo N. Fernandes seems to be cartographical error.

The matter was placed before the 75th Authority meeting held on 21/01/2020 and the Authority had unanimously decided to send the proposal to Town & Country Planning Department to give approval to correct the cartographical error to the zones of the property bearing Survey No. 199/9-D and 199-9-D-1 of Village Candolim from Settlement S-2 zone to Commercial C-3 zone in the final ODP 2025 of Calangute-Candolim Planning Area.

The Board may deliberate.

Item No. 4: Proposal of Greater Panaji Planning and Development Authority regarding submission of draft ODP of Bambolim Planning Area 2030 u/s 34 of Town & Country Planning Act, 1974.

The Greater Panaji Planning and Development Authority has submitted draft ODP of Bambolim Planning Area 2030 u/s 34 of Town & Country Planning Act, 1974.

It is informed by Greater Panaji PDA that the Authority has prepared Draft ODP-2030 of Bambolim Planning Area, after the adoption of Present Land Use Map & Register of Bambolim Planning Area under section 26 to 27 of Town & Country Planning Act, 1974.

The adoption of Present Land Use Map & Register of Bambolim Planning Area was published in the two local news dailies namely The Goa

Everyday (English) and Gomantak (Marathi) o 13.05.2020 and notified in the Official Gazette vide Series III No. 7 dated 14/05/2020 and the addendum to the public notice was also published in the two local news dailies namely the Goa Everyday (English) and Gomantak (Marathi) on 18/05/2020 and notified in the Official Gazette vide Series III No.8 dated 21/02/2020.

Greater Panaji PDA has prepared the Draft ODP-2030 of Bambolim Planning Area under section 29 of Town & Country Planning Act, 1974. The Authority has carried out the due process of consultation with local Authorities i.e. Village Panchayat of Curca-Bambolim-Talaulim and Village Panchayat of St. Cruz.

It is informed by Greater Panaji PDA that said draft ODP-2030 of Bambolim Planning Area was placed before the 12th (Adj.) Authority meeting held on 15/05/2020 and it was unanimously resolved to approve the same to submit it to the Town & Country Planning Board and the Government through the Chief Town Planner (Planning) under section 34 of Town & Country Planning Act, 1974.

Accordingly the Member Secretary Greater Panaji PDA has submitted the draft ODP-2030 of Bambolim Planning Area for necessary approval under section 34 of Town & Country Planning Act, 1974 to the Town & Country Planning Board.

The Board may deliberate.

Item No. 5: Proposal of North Goa Planning and Development Authority regarding submission of draft ODP of Arpora-Parra-Nagoa Planning Area 2030 u/s 29 of Town & Country Planning Act, 1974.

The North Goa Planning and Development Authority has submitted draft ODP of Arpora-Parra-Nagoa Planning Area 2030, to grant provisional approval u/s 29 of Town & Country Planning Act, 1974.

The draft ODP 2028 of Arpora-Nagao-Parra Planning Area was submitted to the Town & Country Department vide letter dated 26-02-2019 for according Town & Country Board and Government approval.

Then after constitution of new committee on 17-09-2019 under the Chairmanship of Mr. Francisco Silveira, it was requested by North Goa Planning and Development Authority vide Note dated 16-06-2020 to send back the draft ODP to place the same before the Authority meeting as new committee members were not aware of the contents of the draft ODP.

Accordingly copy of draft ODP was sent back to the North Goa Planning and Development Authority vide Note dated 19-06-2020 by this office.

It is informed by the Member Secretary, NGPDA that the same draft ODP was placed before the 76th Adjourned meeting of the Authority held on 22-06-2020 and after going through the contents of the draft ODP 2028, Authority members decided to review the ODP 2028 and to make certain changes regarding change of zone and various right of ways etc. based on Regional Plan 2021 and affected the said changes in the draft ODP 2030 of Arpora-Nagao-Parra planning area.

The proposal of Member Secretary North Goa PDA of the draft ODP-2030 of Arpora-Parra-Nagao Planning Area is for necessary approval under section 29 of Town & Country Planning Act, 1974 to the Town & Country Planning Board.

The Board may decide.

Item No. 6 Decision on proposal considered by 30th 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.

The Member Secretary submitted that few proposals are 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 30th meeting held on 07/07/2020.

The same proposals are placed before the Town & Country Planning Board for consideration as per Annexure 'C'.

Item No. 7: Any other item with permission of the Chair.