

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No. 21/2009  
In Appeal No. 15/2009

Shri V. A. Kamat,  
G1, Ravindra-A,  
Next to Hotel Ameya,  
Opp. St. Inez Church, St. Inez,  
Panaji – Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Town & Country Planning Department,  
Government of Goa,  
Dempo Towers, Patto Plaza,  
Panaji – Goa

... Opponent No. 1.

2) The First Appellate Authority,  
The Chief Town Planner,  
Town & Country Planning Department,  
Government of Goa,  
Dempo Towers, Patto Plaza,  
Panaji- Goa

... Opponent No. 2.

Complainant in person.  
Opponent No. 2 in person.

**Dated: 09.03.2010**

**ORDER**

By Order dated 9<sup>th</sup> April, 2009 passed in Appeal No. 251/2008 the Opponent No. 1 was directed to furnish the information at point No. 2 in the application dated 27.08.2008 within the period of ten days from the date of the order. On 21.04.2009 the Respondent No. 1 provided the information as directed in the Order. As the Complainant considered the information provided as still incorrect, preferred this Complaint.

2. The information sought at Sr. No. 2, the Complainant requires to know what was the FAR and also the maximum height permitted for construction of a building in Village Panchayat jurisdiction/area which are not covered by the Planning and Development Authority

...2/-

and its rules/regulations. The initial reply of the Opponent No. 1 did not specifically provide the information sought. The Opponent No. 1, in compliance of the order dated 09.04.2009, in the letter dated 21.04.2009, has provided the following information:

“The Goa (Regulation of Land development & Building Construction) Act 2008 which has come into force w.e.f; 2/9/2007 provides for framing & notifying the Regulations and during the period up to the finalization of the regulations by the Government under the Act, provides for interim provisions u/s 9, (1), (2) a, b (3) a, b wherein the FAR/max height of building permitted for construction of building in Village Panchayat jurisdiction in Non PDA area is as per Regulation 4.A.4. Regulations applicable to various Zones : Table V in the PDA (Development Plan) Regulations 2000.”

3. As per section 8 of the Goa (Regulation Regulation of Land development & Building Construction) Act 2008 (to be referred as Regulation Act) any land development and building construction in the State will have to be in accordance with regulation framed u/s. 7 of the Regulation Act. Section 9 of the Regulation Act is an interim provision pending finalization of regulation framed u/s. 7 of the Regulation Act and says that all applications for land development permission or construction licence for building submitted, before the date of commencement of regulations framed u/s. 7 shall be considered as per law applicable before commencement of this Act. In respect of any application of land development for construction of building received by the Panchayat as per section 9 (2) (b) of the Regulation Act says that such application will have to be forwarded by the Panchayat to the respective district/taluka level office of the Town & Country Planning Department for obtaining No Objection Certificate from planning point of view and sub-section 3 says that Town & Country Planning Department will have to consider the application for issuance of No Objection Certificate if it is satisfied that after scrutiny of plan or site inspection that the proposed land

development and construction of building, is in conformity with the Regional Plan for the State in force and Outline Development Plan/Zoning Plan in force prior to 16<sup>th</sup> May, 2007 and also in conformity with the Planning and Development Authority (Development Plan) Regulations, 2000 published in Official Gazette, Extraordinary No. 3 Series I No. 22 dated 28.08.2003 with exception of regulations governing farm houses.

4. It appears that no regulations were framed and notified u/s. 7 of the Regulation Act. Consequently, as per provisions of section 9(1) of the Regulation Act will have to be considered as per the law applicable before the commencement of the Regulation Act and those applications for land development and construction building received by the Panchayat will have to obtain No Objection Certificate from Town & Country Planning Department and while considering the application for issuance of No Objection Certificate, the Town and Country Planning Department has to be satisfied that the proposed land development and construction of building is in conformity with Regional Plan, Outline Development Plan, Zoning Plan and Planning & Development Authority Regulations, 2000. The Complainant requires information about the FAR and maximum height permitted for construction of building in Village Panchayat area which is not covered by the Planning and Development Authority. It appears that by coming into force the Regulation Act w.e.f. 02.09.2007, any land development and building construction in the State has to be in accordance with the provisions of the regulations framed u/s.7 of the Regulation Act. In the absence of those regulations all applications for land development and construction building licence will have to be dealt as per the law applicable before the commencement of the Regulation Act. In such circumstances the Opponent No. 1 by providing copy of the provision of section 4.A.4, Table V of Planning

and Development Authority Regulation, 2000 published in the Official Gazette Series I No. 22 Extraordinary No. 3 dated 28.08.2003 has provided the information regarding the FAR and maximum height of the buildings permitted for construction of building in Village Panchayat area and consequently complied with the order dated 09.04.2009 within the period as directed. There are no reasons to proceed any further and the Complaint is disposed off.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**