

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW-29-2020

IN

PIL WRIT PETITION NO.10 OF 2019

Greater Panaji Planning & Development
Authority

In the matter of
Edgar Ribeiro & Ors.

...Applicant.

Versus

NGPDA And Ors.

.... Respondents.

Mr. Nitin Sardesai, Senior Advocate with Mr. Vibhav Amonkar,
Advocate for the Applicant.

Ms. Norma Alvares with Ms. Anamika Gode, Advocates for the
Original Petitioner.

Mr. A. Prabhudessai, Advocate for the Respondent No.1.

Mr. A. D. Bhohe, Advocate for the Respondent No.2.

Mr. Devidas J. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for the Respondents No.3 to 6.

WITH

LD-VC-OCW-66-2020

The Goa Foundation

... Applicant.

Versus

Edgar Reibeiro and Ors.

... Respondents

Ms. Norma Alvares with Ms. Anamika Gode, Advocates for the
Applicant.

Mr. Devidas J. Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for Respondent No.5.

Mr. Nitin Sardesai, Senior Advocate with Mr. Vibhav Amonkar, Advocate for Respondent No.10.

**Coram : M. S. SONAK &
M. S. JAWALKAR, JJ**

Date: 12th October, 2020

P.C.

Heard Mr. Nitin Sardesai, learned Senior Advocate with Mr. Vibhav Amonkar, learned Counsel for the applicant, Ms. Norma Alvares with Ms. Anamika Gode, learned Counsel for the original petitioner, Mr. A. Prabhudessai, learned Counsel for the respondent No.1, Mr. A. D. Bhoje, learned Counsel for the respondent No.2. Mr. Devidas J. Pangam, the learned Advocate General appears with Mr. Deep Shirodkar, Additional Government Advocate for the respondents No.3 to 6.

2. The Greater Panaji Planning & Development Authority has taken out this application seeking a clarification as to whether they can proceed considering applications for development on the basis of ODP 2011. This clarification is applied for in view of the statement made on behalf of NGPDA recorded in our order dated 11.09.2019.

2. Ms. Alvares, the learned Counsel for the original petitioner pointed out that there was no notification under Section 18(4) of the Goa Town & Country Planning Act, 1974 and therefore, there was no material on record to conclude that the Greater Panaji Planning & Development Authority was indeed a successor body to the erstwhile NGPDA. She points out that in the absence of such notification, there was no question of the Greater Panaji Planning & Development Authority seeking to operate ODP 2011.

3. Ms. Alvares, further points out that thereafter, on 19.08.2020, the necessary notification under Section 18(4) of the Goa Town & Country Planning Act, 1974, has indeed been issued and therefore it is now possible to say that the Greater Panaji Planning & Development Authority is a successor body to NGPDA.

4. Ms. Alvares, no doubt, on the basis of instructions from the petitioner, now states that in view of the aforesaid development, i.e. the issuance of notification under Section 18(4) of the said Act, the petitioner, will have no objection if the Greater Panaji Planning & Development Authority operates the ODP of 2011 and considers applications for development on the basis of ODP 2011.

5. Mr. Nitin Sardesai, the learned Senior Counsel who appears on behalf of Greater Panaji Planning & Development

Authority, on instructions, makes a statement that until the petitioner's application for interim relief bearing No.LD-VC-OCW-66-2020 is considered by this Court, the Greater Panaji Planning & Development Authority, will not operate the ODP 2021. He states that this means that no applications will be considered or granted on the basis of the changes effected by ODP 2021. He, however, wishes to make it clear that there are some government projects or projects involving public utilities, for which, some separate consideration is required. He states that in respect of such specific projects, the Greater Panaji Planning & Development Authority, will take out miscellaneous civil application before this Court to seek exemption from the statement now made.

6. We accept the statements of Mr. Sardesai made on behalf of the Greater Panaji Planning & Development Authority and direct that until the petitioner's miscellaneous civil application bearing No.LD-VC-OCW-66-2020 is heard and decided, the Greater Panaji Planning & Development Authority, should not entertain or process any applications on the basis of ODP 2021. In respect of any specified government projects concerning public utilities, the Greater Panaji Planning & Development Authority, is granted liberty to take out applications seeking variation, which applications will be considered on their own merits.

7. Now that, the petitioners, do not oppose operation of ODP 2011 in view of the notification dated 19.08.2020, we clarify that the Greater Panaji Planning & Development Authority, will be entitled to process applications for development on the basis of ODP 2011.

8. This miscellaneous civil application on behalf of Greater Panaji Planning & Development Authority is disposed of in the aforesaid terms.

9. The original petitioners' miscellaneous civil application No.LD-VC-OCW-66-2020 to be placed for further consideration after six weeks. If pleadings in the said application remain incomplete, the parties to complete the same within a period of six weeks.

10. All concerned to act on the basis of the authenticated copy of this Order.

M. S. JAWALKAR, J.

M. S. SONAK, J.