

Goa (Mopa Airport Development Authority) Act, 2018

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India

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Act 10 of 2018

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Goa (Mopa Airport Development Authority) Act, 2018(Goa Act 10 of 2018)[Dated 31.8.2018]An Act in order to provide better commutation facilities to the residents of Goa, tourists visiting Goa from within India and overseas, and to provide a for a state of the art Airport and other infrastructure facilities and;In order to secure the welfare of the villagers adjoining Mopa Airport, for their orderly development and in order to give benefits of Mopa Airport to these villagers, and for securing the orderly establishment of the Mopa Greenfield International Airport and for that matter to provide for speedy issuance of various licenses, clearances and Certificates required for setting up of the Mopa Greenfield International Airport, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected with or relating to Mopa Greenfield International Airport project and for purposes connected therewith and incidental thereto.Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:-

1. Short title, commencement and application.

(1)This Act may be called the Goa (Mopa Airport Development Authority) Act, 2018.(2)It shall come into force at once.(3)It applies to the Mopa Airport Area specified in the Schedule hereto and to such other areas, with effect from such date, as the Government may, by notification in the Official Gazette, specify.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Authority" means the Mopa Airport Development Authority constituted under section 3 of this Act;(b)"Chairperson" means the Chairperson of the Authority;(c)"Clearances" means no objection certificates, consents, approvals, permissions, sanads, registrations, enrollments, licences and the like, required under the relevant law in connection with setting up of the Mopa Greenfield International Airport, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected with

or relating to Mopa Greenfield International Airport project;(c)"Competent Authority" means any Department or agency of the Government, authorized agency, statutory authority or body, village panchayat, municipality or municipal corporation or other local body or any other authority or committee which is entrusted with the powers and responsibilities to grant or issue clearances;(d)"Government" means the Government of Goa;(e)"Mopa Airport Area" means the Mopa Airport Area as specified in the Schedule hereto;(f)"Mopa International Airport Planning Area" means the area declared as the Mopa International Airport Planning Area under sub-sections (1) and (2) of section 18 of the Goa, Daman and Diu Town and Country Planning Act, 1975 (Act 21 of 1975);(g)"notification" means a notification published in the Official Gazette of the Government of Goa;(h)"prescribed" means prescribed by rules made under this Act;(i)"relevant law" means the State law and the rules, regulations, notifications and orders framed/issued thereunder;(j)"Schedule" means a Schedule appended to this Act.

3. Constitution of Authority.

- The Government may, by notification in the Official Gazette, constitute an Authority, to be known as the Mopa Airport Development Authority, to exercise the powers conferred on, and to perform the functions assigned to it, by or under this Act.

4. Composition of Authority.

- The Authority shall consist of a Chairperson to be appointed by the Government and the following Members, namely:-

(i) Secretary (Civil Aviation)	... Member.
(ii) Secretary (Revenue)	... Member.
(iii) Secretary (Town and Country Planning)	... Member.
(iv) Secretary (Urban Development)	... Member.
(v) Secretary (Panchayats)	... Member.
(vi) Chief Town Planner (Planning)	... Member.
(vii) Principal Chief Conservator of Forests	... Member.
(viii) Director of Health Services	... Member
(ix) Member Secretary of Goa PollutionControl Board	... Member
(x) Director of Fire and Emergency Services	... Member.
(xi) Director of Civil Aviation	... Member Secretary.

5. Authentication.

- All orders and decisions of the Authority shall be authenticated by signatures of the Member Secretary of the Authority.

6. Powers and functions of the Authority.

- The Authority shall exercise the following powers and perform the following functions, namely:-(i)to meet at such times and places as the Chairperson may decide and shall transact the business as per the procedure as he deems fit;(ii)to receive proposals for clearance and give acknowledgement thereof;(iii)to advice the Government from time to time;(iv)exercise the powers of the Planning and Development Authority under the Goa, Daman and Diu Town and Country Planning Act, 1975 (Act 21 of 1975), a municipality under the Goa Municipality Act, 1968 or the Village Panchayat under the Goa Panchayat Raj Act, 1994 as the case may be in respect of the Mopa International Airport Planning Area;(v)exercise all the powers, which are otherwise vested in the Competent Authority under the relevant law or rules, regulation, bye laws, notifications issued thereunder so as to give clearances for development of the Mopa Greenfield International Airport.(vi)the Authority shall exercise such other powers and functions as may be prescribed.

7. Miscellaneous provisions.

(1)Notwithstanding anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1975 (Act 21 of 1975), for the Mopa International Airport Planning Area, the Authority shall be deemed to be a Planning and Development Authority under the said Act.(2)This Authority shall also be a deemed Panchayat having all powers under the Goa Panchayat Raj Act, 1994 and a deemed Municipality under the Goa Municipality Act, 1968 with all powers thereof.(3)Notwithstanding anything contained in any relevant law for the time being in force, once a proposal is cleared, and a clearance or permission is granted by the Authority under this Act, then no other clearance shall be required from any Competent Authority or any other authority under the provisions of any such relevant law.

8. Staff of Authority.

(1)The Government shall provide the Authority with such officers and employees as it may deem fit.(2)The officers and employees of the Authority shall discharge their functions under the general superintendence of the Chairperson.(3)The salaries, allowances and other conditions of service of such officers and employees of the Authority shall be such as may be prescribed.

9. Members, etc., to be public servants.

- The Chairperson, Members, officers and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

10. Act to override other laws.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law, rules, regulations of any authorities in force, orders, decrees, notifications, statutes, bye-laws for the time being in force or any custom or usage or any instrument

having effect by virtue of any such law.

11. Appeals.

- Any person aggrieved by a decision of the Authority under this Act, may, within a period of thirty days from the date of such decision, prefer an appeal to the High Court.

12. Civil court not to have jurisdiction.

- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the High Court is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

13. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made hereunder.

14. Savings.

- The provisions of this Act shall not apply to any clearances required under Central enactments.

15. Power to give directions.

- The Government may give direction to any Government Department or Agency, Authority, local authority or other authority or any person, under this Act with regard to the setting up of the Mopa Greenfield International Airport, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected with or relating to the Mopa Greenfield International Airport project and such Government Department or Agency, Authority, local authority or other authority or person shall be bound to comply with such directions.

16. Power to make rules.

- The Government may, by notification make rules for carrying out all or any of the provisions of this Act.

17. Power to remove doubts and difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of two years from the date of commencement of

this Act.(2)Every order made under this section shall, as soon as may be after it is made be laid before the State Legislature.

Schedule

All that Mopa Airport Area admeasuring 2136 acres comprising of parts of the areas of villages of Mopa, Varconda, Casarvarnem, Chandel, Uguem and Amberem, delineated in the plan appended hereto and bounded as under:-North: By Survey Numbers 22/8 to 16, 25/1 to 14, 31/9, 31/15 to 18, 32/1 to 4, 34/25, 34/27, 35/ 3, 35/15, 33/1, 33/2, 33/6 to 12, 33/16, 33/17, 40/6 to 10 of Uguem Village and Survey Numbers 70, 105/4, 105/6, 105/8 to 11, 106/1, 106/18, 106/36, 106/41 of Mopa Village and Maharashtra State:South: By Survey Numbers 36, 37, 38, 45, 46, 47, 50/ 7, 61, 66, 67/1, 70/1 to 6, 70/9, 70/10, 70/13, 70/16, 70/17, 85/1 to 5, 87, 88, 89, 90, 91, 92, 93, 94, 102, 104/1, 104/3, 104/5, 104/6, 104/8, 104/ 18, 104/39, 108/1, 109/1, 112, 114/3, 114/4, 115/3, 115/5, 115/6, 117/1, 118/3, 118/4, 118/ 6, 118/7 and 127 of Varconda Village and Survey Numbers 205, 223, 218/1, 220/4, 222/ 3, 222/4, 222/6, 225/1 and 2, 226, 236/1 and 2, 237/3, 238/6, 238/8, 238/10, 238/12, 264/4 and 5, 266/1 and 277 of Casarvornem Village;East: By Survey Number 19, 21/10 and 35/5 of Chandel Village;West: By Survey Numbers 34/1 and 2, 38/3 and 4 of Amberem village.