

Minutes of the Meeting of No Objection Certificate (NOC)
Appellate Committee held on 16th December 2010 in Ministry of
Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.

The meeting of the Appellate Committee set up by the Government to consider appeals made by different applicants with regard to the height allocated to them for their construction vis-à-vis the height sought by them, was held under the Chairmanship of Joint Secretary, Ministry of Civil Aviation, wherein the following were also present:

1.	Shri. V. Somasundaram	-	Member (ANS), AAI
2.	Shri A.K. Misra Former Member (Plg.), AAI	-	Outside Expert
3.	Shri K. Gohain Former DGCA	-	Outside Expert
4.	Shri Alok Shekhar	-	Director, M/o Civil Aviation
5.	Shri Jyoti Prasad	-	ED (ATM), AAI

2. The Committee was assisted by Shri V.K. Dutta, GM (ATM), In-charge NOC Cell of AAI.

3. There were total No. of 22 cases submitted by AAI for consideration of the Committee.

4. Each of the applicants present were given a hearing by the Committee on their respective cases and on examination of the case files, the following decisions are made with respect to the individual cases as given below:

Sl. No. 01

Case No. MUM/09/212

Suresh Estates Pvt. Ltd. (Orchid Turf View), C/o B.S. Joshi (DB Realty)

The case was earlier discussed in the meeting held on 1st November 2010 wherein the Committee had observed that AAI had then not examined the overall impact of the five buildings proposed on that plot with respect to the performance of ASR, Mumbai.

AAI have now confirmed in the meeting that they have examined the above aspect and are of the view that no further height could be granted beyond the height for which the NOC has already been issued by AAI on 10.08.2010 i.e. for maximum height upto 311.27 mtrs. AMSL for building Nos. 1 & 4 and maximum height upto 202.95 mtrs. AMSL for building Nos. 2, 3 & 5.

The applicant while making their presentation in this meeting stated that the above project has been awarded to them for re-development and re-settlement of tenants in the existing residential building which is also for social cause. However, the applicant had not submitted any supporting documents for the statements made as at above. The applicant further requested for Aeronautical Study to determine the maximum permissible height at this location.

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The Committee, in view of the above, directed the applicant to provide full justification along with the supporting documents for further consideration of the Committee. These documents should be submitted to AAI to enable AAI to study the same and thereafter put up to the Committee for its consideration.

Sl. No. 02

Case No. MUM/07/491

M/s Vaidehi Akash Housing Private Ltd., C/o Rustomji Realty Pvt. Ltd.

This case was discussed in the earlier meeting of the Committee held on 1st November 2010 wherein the applicant could not provide the required details to the Committee and had requested to get one more chance for presenting their case.

While making the presentation in this Committee, the applicant stated that, as per the provisions of DCR 33 (5) of Maharashtra Govt., this project is a rehabilitation project for allottees of MAHDA flats.

The applicant also provided the coordinates of the sites to AAI which was plotted on the zoning map. The site as per the coordinates provided by the applicant now seems to be in variance with respect to the site originally plotted by AAI on the zoning map which was used for issue of initial NOC.

The Committee directed the applicant to provide coordinates in WGS 84 system of all the extremities of their plot to AAI, duly authenticated by Govt. approved Surveyor/Agency, to enable AAI to confirm the exact



location of the plot with respect to Mumbai Airport. The Committee also directed the applicant to provide the authenticated copies of the policy letter of the Maharashtra Govt. i.e DCR 33 (5) and any other relevant document from the State Govt. in support of their case for consideration by the Committee.

Sl. No. 03, Sl. No. 04, Sl. No. 05

Case Nos. MUM/10/365, MUM/10/362, MUM/10/361

Wadhwa Residency Pvt. Ltd., C/o Bhupendra Patrawla

CTS No. 50/2, 50/3, 50/4, 50/5, 50/7, 50/35-50/42, Sector 2/3/6/7, Village Vikroli, Mumbai

All the three cases were earlier discussed in the Committee's meeting held on 1st November 2010 wherein the Committee had advised the applicant to provide WGS 84 coordinates of the extremities of each plot as well as contour of nearby hills from which the applicant claimed shielding benefit.

The coordinates have now been provided by the applicant for each location separately. Also the applicant has now withdrawn his earlier claim for getting shielding benefit with respect to nearby hills.

During the presentation, it was observed that all the three plots are contiguous and for all practical purposes, the three individual projects are on the same plot. On query from the Committee, the applicant explained that he had submitted three different applications for the three projects since the site elevation in all three cases were different. The applicant also explained that the



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area nearer/within approach surface of Runway 27 would be utilized for mandatory car parking as envisaged by BMC. The applicant has also provided supporting documents from Municipal Corporation of Greater Mumbai, Brihan Mumbai Maha Nagar Palika and Mumbai Police Traffic Control Branch indicating mandatory requirements for this project with regard to recreation ground, land to be handed over to Central Railway Corporation, land required for access to nala running along the length of the plot, buffer zone required to be provided to the Railway boundary and mandatory requirement of car parking, etc.

Considering the above justification, the Committee is of the opinion that Aeronautical Survey be conducted for each of the three plots separately to determine the maximum permissible height at these locations. The Committee further desired that while conducting Aeronautical Study the quantitative and qualitative assessment of safety of aircraft operations over that area should be determined taking into consideration other existing high rise buildings in the vicinity of the proposed structure. The impact of this structure on the safety aspect needs to be examined during the Aeronautical Study through Collision Risk Modeling and/or Obstacle Assessment Study.



Sl. No. 06

Case No. MUM/06/321

BKC Housing Pvt. Ltd., C/o Jayesh Shah

The case was earlier discussed in the meeting held on 1st November 2010. The Committee while studying the case had observed that AAI HQrs vide their letter No. AAI/20012/108/10-ARI (NOC) dated 18th August 2010 had directed the applicant to apply afresh to the office of General Manager (Aero), Western Region, AAI, Mumbai. While GM (Aero), WR, AAI had revalidated the NOC earlier issued on 03.11.2006 for a height of 49.20 mtrs AMSL upto 03.11.2011 vide their letter No. BT-1/MOCC/CS/MUM/06/321 dated 8th September 2010. The Committee in its meeting held on 1st November 2010 requested AAI HQrs to confirm whether specific directives issued by AAI HQrs in their letter dated 18th August 2010 have been complied with.

AAI HQrs subsequently vide their U.O. No. AAI/20012/492/07-ARI (NOC) dated 2nd December 2010 to the Ministry of Civil Aviation have now clarified that the NOC was re-validated by Regional Office, Mumbai upto 03.11.2010

Keeping above in view, the Committee further considered the case and provided an opportunity to the applicant to present their case in this meeting. During the presentation, the applicant informed that their project is under MMRDA which is undertaking infrastructure development of the city. The funds for this project are generated by sale of Govt. owned plots and FSI. The subject plot in the instant case falls in the Bandra Kurla Complex, the development of which is being undertaken with support of State Govt. through MMRDA to



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generate revenue for the Govt. in its city development programme for social causes. The applicant requested for a height of 103.6 mtrs AMSL in their application dated 1st July 2010 against which the height granted to them was 52.80 mtrs. AMSL. The applicant has also requested Aeronautical Study in their letter dated 1st July 2010.

The Committee considering the above justification, including the fact that the proposed building is also in the Bandra Kurla complex, is of the view, that an Aeronautical Study needs to be conducted to determine the maximum permissible height at the location. The Committee further desired that while conducting Aeronautical Study the quantitative and qualitative assessment of safety of aircraft operations over that area should be determined taking into consideration other existing high rise buildings in the vicinity of the proposed structure. The impact of this structure on the safety aspect needs to be examined during the Aeronautical Study through Collision Risk Modeling and/or Obstacle Assessment Study.

Sl. No. 07

Case No. NR/2010/52

Kathputli Colony, C/o M/s Raheja Developers

The case was earlier discussed by the Committee in the meeting held on 13th August 2010 wherein the applicant was emphasized to provide the site plan of their project with exact dimensions of the proposed tallest structure. The

applicant has requested for height clearance of 190 mtrs AGL of their tallest structure (410 mtrs AMSL).

The Committee while examining the case, in its earlier meeting had then advised, that AAI should do the fresh calculations on receipt of above inputs from the applicant and work out the maximum permissible height at this location. The Committee, have now, observed that AAI after re-examining the case has opined that the site falls in the circling area (PANOPS criteria) for Cat. D aeroplanes with respect to IGI Airport and hence the maximum top elevation is restricted upto 358 mtrs AMSL.

During the presentation, the Committee also informed that the tallest tower /structure will also have a provisio for construction of a helipad on its roof.

After deliberations, the Committee is of the view that the applicant should confirm to AAI, the exact height requested, which should include the height of the helicopter which will be operated from the proposed roof top helipad. Further, the Committee noted the provisions of para 6.2 of the Notification and opined that AAI needs to work out the maximum permissible height at this location considering the visual component of the Instrument Approach Procedures at IGI Airport.



Sl. No. 08

Case No. MUM/08/581

Sharvan Developers Pvt. Ltd.

CTS No. 6B, Vile Parle, Gulmohar Road

The case was earlier discussed in the meeting held on 3rd June 2010 wherein the Committee had observed that since the site falls within the IHS of Juhu Airport, it could be studied only in case any special dispensation is granted as referred in earlier cases near Juhu Airport.

The Committee noted that some cases of special dispensation for projects in IHS of Juhu Airport are being considered by the Competent Authority.

The Committee directed the applicant to provide to AAI the exact lay out of their proposed building with respect to surrounding buildings and its location from ARP of Juhu Airport. AAI should thereafter study the case with respect to Juhu as well as Mumbai Airport keeping in view the special dispensation, if any, approved by the Competent Authority and put up in the next meeting.

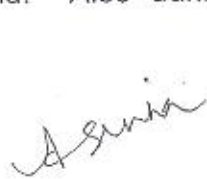
Sl. No. 09

Case No. 420-K

Satinder Pal Singh Anand, C/o Sapre & Associates

CTS No. C/1067 and C/1068 of village Bandra West

As per the available records, the site lies in the IHS of Runway 09 of Santa Cruz Airport at 3680 mtrs from Runway 09 end. Also during the



presentation, the applicant indicated that the site is at 3687.5 mtrs from ARP Juhu Airport, and thus lies in the conical surface of Juhu Airport.

The applicant had initially applied for 48.90 mtrs AMSL vide their application dated 22.11.2005 and were granted NOC upto a height of 48.9 mtrs AMSL vide AAI letter dated 04.01.2006. Thereafter, AAI issued second NOC upto 56.27 mtrs. AMSL vide their letter dated 25.06.2009 quoting a request dated 18.06.2009 from the party.

Thereafter, the applicant vide their letter dated 18.06.2010 requested a new height of 71.8 mtrs AMSL indicating that their project is a redevelopment project for the existing residents and for further residential use. The applicant also submitted for shielding benefit with respect to high rise buildings in the vicinity of their site. The applicant attached copies of NOC issued by AAI for the above said buildings from which shielding benefit is being sought.

The applicant, during their presentation, could not clearly indicate exact location of their proposed structure vis-à-vis other high rise buildings and with respect to runways of both the airports for their claim of shielding benefit.

The Committee on the basis of presentation made by the applicant was of the view that the applicant should provide the exact drawings on zoning map indicating the areas qualifying for shielding benefit, from the above referred high rise buildings in their vicinity, and also indicate their proposed building location with reference to the shielded areas.

The Committee directed the applicant to submit the above said drawings to AAI and AAI thereafter should examine the nature and extent



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of shielding benefit which the applicant could derive from the existing high rise buildings, as referred by the applicant.

Sl. No. 10

Case No. MUM/09/417

Western Tin Factory Private Ltd. C/o M/s Supreme Universal

CTS No. 1419 B and C/1419 B & C, Village Bandra, Parle Hills

As per available records, the site lies in the IHS of Runway 09 of Santa Cruz Airport at a distance of 3008 mtrs from Runway 09 end. As per their application, the applicant have indicated the distance of their site as 3320 mtrs. from Juhu Airport. The applicant had requested for a height of 76.75 mtrs AMSL vide their letter dated 13.08.2009 and were granted NOC for a height of 61.585 mtrs AMSL, vide AAI letter dated 26.04.2010 after due consideration of shielding benefit.

The applicant has now requested for conducting an Aeronautical Study of their site indicating that they have a authorized high rise building within the vicinity of their plot and have justified that the excess height required is to consume and accommodate FSI purchased from Govt. under TDR, which is generated by handing over land reserved for garden, roads, schools and welfare centre, etc. to the Govt. or MCGM as the case may be. During the presentation, the applicant also stated that they need additional height to create mandatory parking as required by BMC. However, no supporting documents were made available for any of the above said claims.

The Committee is of the opinion that the applicant should provide duly authenticated copies of the relevant documents regarding handing over their land to the Govt./BMC for external development work under TDR and for mandatory parking space, for further processing of the case.

Sl. No. 11

Case No. MUM/08/71

M/s Green Bird Developers Pvt. Ltd.

CTS No. G/360 B Village Bandra West

As per the available records, the site is at 1728 mtrs. from beginning of Runway 09 at Santa Cruz Airport and 1920 mtrs. from ARP of Juhu Airport. The site, therefore, lies in the IHS of both Santa Cruz and Juhu Airport. The applicant initially applied for a height of 53.75 mtrs AMSL and were issued NOC for 49.87 mtrs AMSL on 21.06.2010. The applicant thereafter made an appeal which was received on 8th September 2010 requesting a height of 58.75 mtrs AMSL.

During the presentation, the applicant could not clarify the queries raised by the Committee with regard to justification in support of their request for Aeronautical Study in the case.

The Committee is of the opinion that in case any further justification is provided by the applicant, the case could then only be considered for further processing in due course.

Sl. No. 12

Case No. MUM/08/104

M/s Esteem Properties Private Ltd., C/o Brighton Architects.

CTS No. 191/220-229 of village Sahar, Andheri

As per available records, the site lies in the IHS of Runway 14 of Santa Cruz Airport at a distance of 1264 mtrs from Runway 14 end, and at a distance of 2650 mtrs from Runway 09 of Santa Cruz Airport.

The applicant vide their application dated 28th February 2008 had requested height of 53.80 mtrs. AMSL and were issued NOC for height of 28.52 mtrs. AMSL vide AAI letter dated 04.02.2009. Thereafter, the applicant vide their undated letter of 2009 applied for reconsideration of the NOC issued and requested grant of height of 46.94 mtrs. AMSL on the plea that there are existing buildings, surrounding their buildings in reference, which are higher than their requested height. Thereafter, AAI HQrs on this request issued an authority to Regional Executive Director, WR vide their letter dated 13th May 2009 for grant of NOC upto a height of 45.73 mtrs AMSL.

The applicant subsequently vide their letter dated 14th July 2009 while acknowledging the grant of NOC upto a height of 45.73 mtrs. AMSL again requested for consideration of grant of NOC upto a height of 52.25 mtrs. AMSL in respect of their plot Nos. 220, 221, 222, 226 & 227.

On this request, AAI HQrs further issued an authorization for issue of revised NOC for heights of (i) 47.82 mtrs. AMSL for plots under CTS Nos. 227, 228 & 229 (ii) 49.47 mtrs AMSL for plots under CTS No. 226 (iii) 52.25 mtrs.



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AMSL for plots under CTS Nos. 220, 221 & 222 subject to the condition that applicant should submit the revised Section Plan and undertaking duly authenticated.

The applicant thereafter again vide their letter dated 13th October 2010 had appealed for a grant of NOC upto a height of 53.84 mtrs. AMSL.

The Committee is of the opinion that since the applicant has been revising their request for new additional height repeatedly, the applicant should firm up their request for the height required and submit detailed Section Plans and relevant documents in support of their proposal.

Sl. No. 13

Case No. MUM/10/355

Shree Gajraj Housing Nirman (Pvt.) Ltd.

CTS No. 629 (Part) Bandra

As per available records with AAI, the site is 2472 mtrs. from nearest Runway (09) end of Mumbai Airport and therefore, is in IHS of Mumbai Airport.

The applicant had earlier requested for 56.27 mtrs. AMSL on 26.05.2010 and was granted NOC by AAI for the said requested height on 07.09.2010. The applicant, thereafter, had appealed for a height of 73.06 mtrs. AMSL vide their letter dated 16.09.2010 which AAI rejected on 19.11.2010 and has referred the case to the Appellate Committee.

In their presentation, the applicant had mentioned that their project is under Slum Rehabilitation Scheme of the Govt. and, in accordance, thereto has



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to use 40% of useable plot entirely for slum dwellers rehabilitation, who are staying in unsafe and unhygienic conditions approx. 808 in number. In addition, 25% of the plot (4722 sq. mtrs.), presently occupied by slums is to be handed over to the Govt. for road link. In support of their claim, they have submitted the State Govt. order of 3rd May 2010. Also the applicant has mentioned that already 400 slum dwellers have been rehabilitated in one of the buildings already completed, in the slum rehabilitation portion of their plot and second building of theirs in the same location which is presently 90% complete will also be used to provide accommodation to remaining slum dwellers. They wanted the enhanced height for their building proposed on sale component of the plot to compensate FSI cost for slum rehabilitation buildings.

The Committee considering the above justification and the fact that the applicant has also requested for an Aeronautical Study is of the view that an Aeronautical Study needs to be conducted for the above site to determine maximum permissible height at that location. While conducting the Aeronautical Study, the qualitative and quantitative assessment of safety of aircraft operations over that area also need to be determined, taking into consideration other existing high rise buildings in the vicinity of the proposed structure. The impact of this structure on the safety aspect may also be examined during the Aeronautical Study through Collision Risk Modeling and/or Obstacle Assessment Study.

Sl. No. 14

Case No. MUM/07/443

M/s Pioneer India Developers (P) Ltd., C/o Deodhar Associates

Sub plot D, FP # 16A, B, C & 18-19/109, TPS VI, Santa Cruz (West)

As per available records of AAI, the site lies in approach of Runway 09 of Santa Cruz Airport at a distance of 1232 mtrs from edge of basic strip of the Runway. The applicant was earlier granted NOC for a height of 28.48 mtrs. AMSL on 05.09.2008. Subsequently, the applicant has requested height of 43.28 mtrs. AMSL vide their letter received by AAI on 15.11.2010. The applicant has sought the aforesaid height on the basis that such height could be permissible at their site under the provision of para 1.3.1.4 of SO 84 (E).

During their presentation, the applicant mentioned their project is of social importance, wherein 20% of their land is affected by DP roads and 7% is affected by open spaces as mandated in Court Orders. However, the relevant Court documents were not made available during the presentation.

The Committee is of the view that the applicant should submit the above referred Court documents to AAI who would thereafter re-examine the case with respect to para 1.3.1.4 of the SO (84) E and in case any additional height is permissible, the same may be granted by AAI.



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Sl. No. 15

Case No. MUM/07/432

Pioneer India Developers (Pvt.) Ltd., C/o Deodhar Associates

Sub plot F; FP # 18-19/28 & 18-19/30 of TPS VI, Santa Cruz (W)

As per available records of AAI, the site lies in approach of Runway 09 of Santa Cruz Airport at a distance of 1232 mtrs. from edge of basic strip of the Runway. The applicant was earlier granted NOC for a height of 28.48 mtrs. AMSL on 05.09.2008. Subsequently, the applicant has requested height of 43.28 mtrs. AMSL vide their letter received by AAI on 15.11.2010. The applicant has sought the aforesaid height on the basis that such height could be permissible at their site under the provision of para 1.3.1.4 of SO 84 (E).

During the meeting, the applicant mentioned their project is of social importance, where 20% of their land is affected by DP roads and 7% is affected by open spaces as mandated in Court Orders. However, the relevant Court documents were not made available during the presentation.

The Committee is of the view that the applicant should submit the above referred Court documents to AAI who would thereafter re-examine the case with respect to para 1.3.1.4 of S.O. (84) E and in case any additional height is permissible, the same may be granted by AAI.

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Sl. No. 16

Case No. MUM/08/179

Raheja Universal Ltd.

CTS No. 2053 (C), C 1 & D of Village Erangal, Malad (W)

As per available records of AAI, the proposed site about 8150 mtrs. from Santa Cruz Airport and 6500 mtrs. from ARP Juhu Airport. The site also lies in the approach funnel of Runway 14 of Santa Cruz Airport.

The applicant had earlier requested for height of 236.55 mtrs. AMSL vide their application dated 10.04.2008 and were granted height of 147.5 mtrs. AMSL vide AAI letter dated 26.02.2009. Thereafter, applicant has set up fresh application dated 08.10.2010 requesting height of 278.20 mtrs. AMSL including aerial mast and requested for Aeronautical Study.

The Committee after due consideration of the case is of the opinion that since the site lies inside the approach funnel of Runway 14 of Santa Cruz Airport, the request of the applicant for Aeronautical Study cannot be acceded to.

Sl. No. 17

Case No. MUM/10/137

M/s Raheja Universal Ltd.

CTS # 213 A/1 B, 21 & 217, Village Goregoan (E), Mumbai

As per available records with AAI, the site is about 5000 mtrs. from Runway 14 of Santa Cruz Airport and 5500 mtrs. from ARP of Juhu. The site



lies in conical surface with respect to Santa Cruz airport and is in OHS of Juhu Airport.

The applicant had earlier vide their letter dated 14.06.2010 requested NOC for height upto 124.68 mtrs. AMSL against which they were granted NOC for a height of 104.27 mtrs. AMSL by AAI vide letter dated 28.06.2010. Subsequently, the applicant vide their letter dated 08.10.2010 appealed to the Appellate Committee for reconsideration of their proposal for grant of height upto 124.68 mtrs. AMSL on the grounds that MCGM had considered a height of around 150 mtrs for thier plot where part of the plot is also deisgnated for Govt. facilities like public parking & other amenities and also to cater to Govt. DC norms on mandatorily providing open spaces and green areas. In their above appeal, they had also requested for Aeronautical Study. The applicant in their appeal letter of 08.10.2010 had also enclosed a fresh application for granting of height upto 163.08 mtrs. AMSL on the ground that the project is strategically located and from aesthetic point of view they require a height of 150 mtrs. AGL/163.08 mtrs. AMSL. During their presentation to the Committee, the applicant also brought out that their entire plot will have two buildings, reiterating that one of the two buildings will be designated for Govt facilities like amenities, public parking and the other is for only commercial purposes.

The Committee is of the view that there being no additional justification other than parking, the applicant needs to submit further additional justification if any, with all relevant documents in support of

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their request for additional height and also a detailed layout of their proposed buildings on the plot.

Sl. No. 18

Case No. MUM/10/385

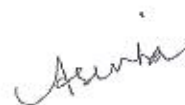
Nimesh Global Syndicate, C/o M/s MITI

CTS # 1084-A (Part) Village Bandra Khar (W)

As per available records with AAI, the site lies at about 2800 mtrs. from ARP of Juhu Airport and 3040 mtrs. from Runway 09 of Santa Cruz Airport. The applicant had earlier requested granting of height upto 105.40 mtrs. AMSL, against which they were granted height upto 56.27 mtrs. AMSL vide AAI letter dated 21.10.2010.

Subsequently, in their letter dated 16.10.2010, which was prior to the issue of AAI NOC letter dated 21.10.2010, the applicant had appealed for reconsideration of their case for a height not exceeding 88.40 mtrs. AMSL on the plea that their project under reference is being developed under Slum Rehabilitation Scheme and is a unique scheme under PPP model. The scheme is implemented without any Government funds and this project is approved by the Competent Authority of Govt of Maharashtra. A copy of Letter of Intent dated 29.07.2010 from Slum Rehabilitation Authority has been submitted in support of their claim.

During their presentation to the Committee, the applicant elaborated that their project is under the provision of Development Control Regulation 33(10) for



Mumbai and 15 % of plot area is to be handed over to the Government for proposed setting up of fishing complex over and above slum rehabilitation. The applicant also requested for conduct of Aeronautical Study.

The Committee, on the basis of the above, is of the view that an Aeronautical Study needs to be conducted for determining the maximum height permissible in that area. The Committee also directs that while conducting Aeronautical Study the qualitative and quantitative assessment of safety of aircraft operations over that area should be determined taking into consideration other existing high rise buildings in the vicinity of the proposed structure. The impact of this structure on the safety aspect may also be examined during the Aeronautical Study through Collision Risk Modeling and/or Obstacle Assessment Study.

Sl. No. 19

Case No. NR/10/104

Gurgaon Infospace Ltd., Sector 21, Village Dundaheera, Gurgaon, C/o Unitech House

(77° 4'30" E 28° 38' 40" N)

As per available records with AAI, the proposed site lies at 3000 mtrs. from Runway 11 R of IGI Airport and is situated in proposed SEZ, Gurgaon. The applicant had earlier applied for height not exceeding 291.50 mtrs. AMSL. AAI vide their letter dated 27.08.2010 issued NOC for height not exceeding 260.42 mtrs. AMSL.

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The applicant vide their letter dated 15.09.2010 addressed to AAI, requested for review of their application and granting permission to the height of 53 mtrs. AGL for the structure where the site elevation is 230 mtrs. The applicant further submitted that the SEZ complex consists of nine blocks, out of which 5 blocks belonging to erstwhile Cyber Park for which NOC for height clearance of upto 53 mtrs. AGL was already issued in 2005.

AAI vide their letter dated 18.11.2010 intimated the applicant that the maximum permissible height cannot exceed 260.77 mtrs. AMSL and, if applicant so desire, they can appeal to the Committee. The applicant thereafter vide their letter dated 06.12.2010 made a formal appeal to the Appellate Committee.

During the presentation to the Committee, the applicant reiterated that their building falls in the shadow of their existing buildings in that area and requested for consideration of shielding benefits under the provisions of S.O. 84(E).

The Committee directed the applicant to provide detailed drawings indicating location of their building vis-à-vis other buildings in that area and also with respect to Runway 11 R of IGI Airport. On receipt of the above information, AAI needs to examine and submit to the Committee to determine whether any shielding benefits would be available in this case.



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Sl. No. 20

Case No. MUM/08/240

Mrs Saira Bano, C/o Shriish Sukhatne

Plot C 1395-1396-1397, Village Bandra (W), Pali Hill

As per available records with AAI, site lies at 2880 mtrs. from Juhu Airport and 3080 mtrs. from beginning of Runway 09. Initially the applicant appears to have sought NOC for 40.80 mtrs. AGL. In the mean time, the applicant approached Ministry of Civil aviation for consideration for grant of height upto 82.50 mtrs. AMSL on the plea that the building belonging to National General Agency (Sandhu Palace) was issued NOC upto 110 mtrs. AMSL vide AAI letter dated 25.03.2008. It was observed from records that in 2008, the Ministry had appointed a Committee to consider various appeal cases which had come up then and this case was included therein. AAI vide their U.O. Note dated 24.07.2008 had forwarded the observations of the above Committee to Ministry of Civil Aviations wherein the Committee, then had recommended the clearance of height upto the requested height of 82.5 mtrs. AMSL, under shielding benefit as per the provisions of the Notification in vogue at that time. This was further examined in AAI and in their U.O. Note of 30.07.2008 to the Ministry of Civil Aviation, it was clarified that the building in question is located at approx. 170 mtrs. SE from the structure of M/s National General Agency Pvt. (Ltd.) for shielding benefits. Thereafter, MCA directed AAI vide their letter No. AV.19032/3/2008 AAI dated 19.08.2008 for issue of NOC upto top elevation of 82.5 mtrs. AMSL for the property bearing CTS C-1395-1396-1397 of Bandra i.e.

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the property under consideration by this Committee. AAI issued NOC dated 22.08.2008 for maximum height upto 82.5 mtrs. AMSL

Shri Dilip Kumar, husband of the applicant, a renowned personality in Indian Cinema, has now addressed a letter dated 16.12.2010 appealing to the Chairman, Appellate Committee indicating that they intend to accommodate in the existing building a memorial showcasing the history and milestones in the respective professional careers of Mr. Dilip Kumar and his wife in their said building. He further added that he also wants to include the contribution made by Smt. Naseem Bano, a famed actress in her time in the memorial they have proposed for themselves.

In their appeal letter signed by both Shri Dilip Kumar and Ms. Saira Bano it has been mentioned that they will have their private residence shifted to a smaller section on the topmost floor and the building at lower levels will have six floors dedicated for parking only to facilitate visitors to the memorial. The memorial will also help to preserve the many awards, trophies, citations and certificates bestowed on Shri Dilip Kumar both by the Govt. and the film industry and will also house related photographs, reels of documentaries showing evolution of Indian Cinema. The memorial which will be opened for public will benefit not only cinema historians & enthusiasts but also students on Indian Cinema & its history, as their films had social relevance and forms a cultural heritage of the country. They have, therefore, now requested for a height of 108.5 mtrs. AMSL with the above justification.



Amir



The Committee observed that the present existing building was granted NOC for a height upto 82.5 mtrs. AMSL through an appeal mechanism in 2008 set up by the Ministry of Civil Aviation then. The Committee, therefore, is of the opinion that it would not be appropriate for this Committee to reconsider the case for height higher than what has already been decided on recommendation by an earlier Committee appointed by the Ministry. However, in case Competent Authority, if so desires, keeping in view, the proposal from Mr. Dilip Kumar, to create a memorial for showcasing the milestones and their family contributions thereto in Indian Cinema, which may be treated as for public/National interest, may direct this Committee to look afresh into this case to consider an Aeronautical Study as requested by the applicant.

Sl. No. 21

Case No. MUM/09/23

Rockline Properties & Developers Pvt. Ltd.

CTS No 151, 151/1 to 61, 152, 152/1-43, 153, 154, 155 & 155/ 1-46

Village Ghatkopar (W) Mumbai

As per available records, the site lies at 3440 mtrs. from Runway 27 and lies in IHS of Santa Cruz Airport. The applicant had earlier requested for a height of 88.75 mtrs. AMSL and was granted NOC for 55.03 mtrs. vide AAI letter dated 19.02.2009. Subsequently, the applicant vide their letter dated 09.10.2010 approached Chairman, Appellate Committee for grant of height upto 109.95 mtrs.

AMSL on the plea that their project falls under slum rehabilitation scheme and is likely to benefit 650 slum dwellers. AAI vide their letter dated 14.12.2010 conveyed to the applicant that their case has been considered and no further height above 55.30 mtrs. AMSL could be granted. They also conveyed to the applicant that their case is being forwarded to Appellate Committee.

During their presentation, the applicant could not provide detailed layout of the proposed construction on their plot and the height required for each building on their plot.

The Committee, in view of the above, is of the view that the applicant needs to submit to AAI a fresh application for the new enhanced height of 109.95 mtrs. AMSL as sought by them together with complete layout of the proposed buildings on their plot indicating height of each building. AAI, thereafter, should examine the case and in case this height cannot be granted by them, the case may be put up to the Committee.

Sl. No. 22

Case No. MUM/10/141

Kumar Mordani

Plot No. 680 CTS E/144 Bandra (W)

The case was earlier discussed in the meeting of 1st November 2010 wherein the applicant was required to provide additional justification for considering their case for Aeronautical Study.

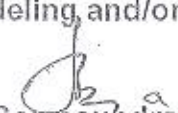


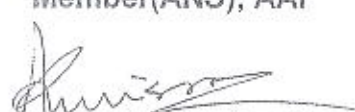
Asunia




The applicant vide their letter dated 23.11.2010 reiterated that the said proposed building is to create affordable housing and thus support weaker section of society. The affordable housing leads to more families residing in the building which in turn generates requirement for more car parking space. Their project will also help housing people living in dilapidated buildings who are unable to get affordable apartments of this kind and thus would help redevelopment of dilapidated buildings thus reducing danger to life of people living in such buildings.

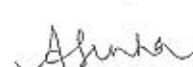
In view of the above, the Committee is of the view that an Aeronautical Study needs to be carried out to determine the maximum permissible top elevation at this site. The Committee also directs that while conducting Aeronautical study the qualitative and quantitative assessment of safety of aircraft operations over that area should be determined taking into consideration other existing high rise buildings in the vicinity of the proposed structure. The impact of this structure on the safety aspect may also be examined during the Aeronautical Study through Collision Risk Modeling and/or Obstacle Assessment Study.


(V. Somasundram)
Member(ANS), AAI


(A.K. Misra)
Outside Expert


(K. Gohain)
Outside Expert


(Jyoti Prasad)
ED (ATM), AAI


(Alok Sinha)
Chairman

New Delhi
Dated : 29.12.2010