

Ministry of Civil Aviation
Rajiv Gandhi Bhawan, New Delhi-110003

Minutes of the Meeting of the Appellate Committee for height clearance held on
07th September, 2018

Reference Ministry of Civil Aviation letter No. AV.20036/66/2000-AAI dated 15-10-2012 read with letters dated 31-12-2012 and dated 04-01-2013, the Appellate Committee constituted to consider appeal/grievance made by different applicants with regard to the height allocated to them by AAI for their construction vis-à-vis the height sought by them, held its meeting under the Chairmanship of Joint Secretary, Ministry of Civil Aviation (MOCA) on 07th September, 2018.

The following Committee members were present:-

1. Sh. Vineet Gulati - ED (ATM) on behalf of Member (ANS), AAI
2. Sh. J S Rawat - Jt. DGCA

The cases were presented by Mr. R K Singla GM (NOC), AAI.

Aeronautical Study Cases:

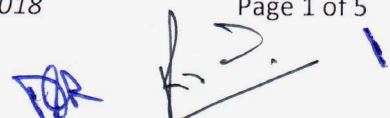
The Aeronautical Study were conducted for the following appeal cases as per the Guidelines for Aeronautical Study dated 11.07.2014 and Guidelines on Allowable Penetration of OLS dated 26th March 2015 approved by the Competent Authority. The Appellate Committee while arriving at their decision in each case has considered recommendations of the Aeronautical Study Reports.

1. M/s AIM Realtors Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/204/2017
NOCAS ID: JUHU/WEST/B/051416/127763
Site Address: CTS No. 274, 274/1 to 15, of Shevantabai Chawl, Rahivashi Seva Sangh, village Mogra, Natvar nagar, Road no.1, Jogeshwari (East), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3479m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 07.06.2016. The applicant requested an elevation of 92m AMSL vide letter dated 16.10.2017.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 79.62m AMSL, due to allowable penetration of OLS. The Committee observed



that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 79.62m AMSL is approved.

2. M/s K Raheja Corp Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/27/2018
NOCAS ID: SNCR/WEST/B/091917/247545
Site Address: CTS No 119D/1A/1 of Village Tungwa, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3798m from Rwy 27 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 10.10.2017. The applicant requested an elevation of 111.83m AMSL vide letter dated 08.01.2018.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 94.93m AMSL, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 94.93m AMSL is approved.


ICAO Aeronautical Study Case

3. Mumbai Metropolitan Region Development Authority (MMRDA), Mumbai.

The Aeronautical Study conducted by ICAO for MMRDA, Mumbai had been approved by Appellate Committee on 11th September 2017 for the cases which were lying beyond Inner Horizontal Surface of Mumbai Airport.

As per High Court of Mumbai directives reg. PIL 86 of 2014, the Aeronautical Study Reports of MMRDA for 33 plots of BKC and 11 plots of WTT, along with other cases lying in Inner Horizontal Surface of Mumbai Airport were submitted in the High Court of Mumbai.

The Appellate Committee observed that consequent to the recent decision of High Court of Mumbai directives reg. PIL 86 of 2014, the permissible heights for the 33 plots of BKC, MMRDA may be authorized, as recommended by ICAO (as detailed in the below table.)



Plot	Recommended NOC AMSL (m)	Plot	Recommended NOC AMSL (m)
BKC.1	66.15	BKC.18	68.81
BKC.2	66.01	BKC.19	64.11
BKC.3	66.05	BKC.20	63.47
BKC.4	65.12	BKC.21	57.76
BKC.5	66.73	BKC.22	53.19
BKC.6	68.97	BKC.23	52.36
BKC.7	73.45	BKC.24	67.11
BKC.8	72.72	BKC.25	61.18
BKC.9	67.58	BKC.26	58.94
BKC.10	73.53	BKC.27	54.34
BKC.11	72.72	BKC.28	61.82
BKC.12	74.24	BKC.29	59.82
BKC.13	74.24	BKC.30	57.61
BKC.14	75.51	BKC.31	54.53
BKC.15	74.83	BKC.32	51.59
BKC.16	72.19	BKC.33	49.41
BKC.17	71.73		

Committees' Decision:

Authorization to be issued for heights of 33 plots of BKC lying within the Inner Horizontal Surface of Mumbai Airport as recommended in the ICAO Aeronautical Study report.

Other Cases:

4. M/s B.R. Shetty, Trivandrum.

CHQ File No.: AAI/20012/30/2015
Case No: MM/268/2014, TV/22/2014
NOCAS ID: THIR/SOUTH/B/031814/23597
Site Address: 530/23, 530/24, 530/8-1, 530/9-1, 530/9-2, Attipra/Akkulam, Thiruvananthapuram.

The case was heard in Appellate Committee meeting of 29.09.2015 wherein the Appellate Committee rejected the appeal as the constructed elevation was observed to be 6.44m more than the granted elevation of 49.26m AMSL. The Committee also directed AAI to follow up action with the State Authorities for taking action as per the prevalent Rules for the violation of exceedence of permitted height.

The Hon'ble High Court of Kerala (Ref. WP(C) No.13572 of 2015 filed by B. Raghuram Shetty, Chairman cum M.D. of M/s God's Own Country Health Resorts International Pvt. Ltd.) in its judgment dated 23.05.2018 directed the 2nd respondent i.e. appellate authority to reconsider the appeal preferred by the petitioner and pass fresh orders thereon, after hearing the petitioner or its representatives within a period of three months from the date of receipt of a copy of this judgment.

(Handwritten signatures)

The case was recently heard in Appellate Committee meeting of 31.07.2018, wherein the Appellate Committee directed the applicant to present their case to the Appellate Committee on 17.08.2018 at 1200 noon in the O/o Joint Secretary (Airports), Ministry of Civil Aviation.

The case was again heard in Appellate Committee meeting of 17.08.2018, wherein the Appellate Committee took note of the request of the applicant as well as applicant's advocate (Sh. S Sreekumar) to postpone their hearing date. The Committee decided that the applicant may be called on 7th September, 2018 at 11.00 hrs. to present his case to the Appellate Committee.

The case was taken up in Appellate Committee meeting of 07.09.2018 wherein Sh. S Sreekumar and Sh. Sujith Kumar P were present as representatives of the applicant (B. Raghuram Shetty, Chairman cum M.D. of M/s God's Own Country Health Resorts International Pvt. Ltd). The Chairman, Appellate Committee explained to the applicant the various Rules applicable for grant of permitted height clearance.

The representatives of the applicant stated the present status of their case and submitted to the Appellate Committee the NOCs' issued by AAI to other parties. The representatives of the applicant stated that the sites for the above mentioned NOCs' are situated in Attipra Village (same locality as applicant's site) and are within the same proximity radius of 100-200 mts. The representatives of the applicant requested the Appellate Committee for conduct of physical verification on the site location in order to determine that whether the location of submitted NOCs' of other parties have any bearing on the height granted to the applicant. The representatives of the applicant also stated that they, on the behalf of the applicant, will make necessary application before Hon'ble High Court of Kerala for extension of time already granted by the Hon'ble Court.

The Appellate Committee deliberated on the case and decided that a sub-committee may be set up by AAI. This sub-committee shall carry out physical verification of the applicant's site with respect to the sites of submitted NOCs' which are situated adjacent to applicant's site in Attipra Village to ascertain

1. The accuracy of the site data.
2. Impact of higher height granted to the adjacent buildings (as stated by the applicant) on the permissible height to applicant's building.

A report of the findings of the sub-committee shall be submitted to the Appellate Committee.

Committees' Decision:

AAI to set up a sub-committee to carry out physical verification of the site, in presence of applicant's representative, with respect to the sites of submitted NOCs' which are situated adjacent to applicant's site in Attipra Village to ascertain:

1. The accuracy of the site data.
2. Impact of higher height granted to the adjacent buildings (as stated by the applicant) on the permissible height to applicant's building.

A report of the findings of the sub-committee shall be submitted to the Appellate Committee within two months.

5. Representation of Airport CEO / Airport Director

In the Appellate Committee meeting of 17.08.2018, the Committee decided that whenever Aeronautical Study cases are being taken up for the concerned airport, the Airport CEO / Airport Director or his suitable representative should be present in the meetings of Appellate Committee. AAI stated to the Appellate Committee that due to paucity of time, Airport representatives could not be informed to attend the meeting. The Appellate committee expressed its displeasure and directed AAI to follow the procedure in future.



(Vineet Gulati)
ED (ATM)



(J S Rawat)
Jt. DGCA



(ARUN KUMAR)
JT. SECY, MOCA
CHAIRMAN, APPELLATE COMMITTEE



Place: New Delhi.



