

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

**Minutes of the Meeting of the Appellate Committee held on 16th October, 2019 for
height clearance**

Reference Ministry of Civil Aviation Letter No. AV.20036/66/2000-AAI dated 15-10-2012 and GSR-751(E), Rule-11, the Appellate Committee, constituted to consider the appeal/grievance of appellants against the decision of the Designated Officer of AAI for issue of NOC for a specific permissible height under GSR-751(E), held its meeting on **16th October, 2019** chaired by Smt. Rubina Ali, Joint Secretary, Ministry of Civil Aviation (MOCA). Sh. Vineet Gulati, Member (ANS), AAI attended the meeting and Sh. D. C. Sharma, DDG, DGCA was also present as a Special Invitee.

Member (ANS) informed the Committee that for better understanding of the ground realities as also the concerns of the Airport, the APD or his nominee (of appropriate level) are being asked to attend the Meetings of the Appellate Committee. This initiative was welcomed by the Committee.

The Committee was assisted by the following officers –

- i) Shri Prabhat Mahapatra, Sr. Vice President Airside Management, MIAL;
- ii) Shri Ravi Kant, General Manager (CNS) AAI;
- iii) Shri B. V. K. Pillai, General Manager (FPD) AAI;
- iv) Shri M. P. Aggarwal, Dy. General Manager (DoAS) AAI;

The cases were presented by Shri R. K. Singla, General Manager (DoAS), AAI. A detailed case-by-case presentation was made before the Committee for due appraisal. The decisions are listed as below:

A. AERONAUTICAL STUDY CASES:

The Aeronautical Studies 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. The Appellate Committee has considered the recommendations made in the Aeronautical Study Report, before approving the permissible top elevation in each case.

1. Shri Akkineni Venkata Narayana Rao, M/s Vamsiram Builders, Hyderabad.

CHQ File No.: AAI/20012/210/2018
NOCAS ID: HYDE/SOUTH/B/061318/313014



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Site Address: Proposed Construction of High raised Commercial cum Residential Apartments on House No.8-2-120/84/1/1/A/N, 8-2-120/84/1/1, 8-2-120/84/1 and 8-2-120/84/1/2 in TS No.4/1 Revenue Sy. No.403 New and 129 Old of Shaikpet Village Situated at Road No. Two, Banjara Hills, Hyderabad, Telangana.

Plot size: 7670 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 2542m from end of the Transitional surface of runway 09/27 of Hyderabad Begumpet Airport. The appellant was granted an NIL height vide AAI NOC letter dated 12.07.2018. The Appellant appealed for an elevation of 636.60m AMSL vide letter dated 16.09.2018 to Appellate Committee.

The Chairperson, Appellate Committee enquired about the NIL height granted in the initial NOC and sought clarification whether there are other buildings present in the vicinity of this site. GM (DoAS) explained to the Committee that the Appellant had initially requested for an elevation of 651.6m AMSL against which he was granted a NIL height, due to the fact that the permissible top elevation as per AGA criteria is calculated as 576.58m AMSL and that the site elevation itself was 576.6m. Therefore, no height above ground level could be allowed at the site by the Designated Officer, Hyderabad. The appellant appealed for higher height through Aeronautical study. On the approval of the Competent Authority, the Aeronautical Study was carried out.

However, it was decided that the case may be deferred until clarification is sought from the Airport Operator and the team members of the Aeronautical Study team visit the site so as to ascertain whether there are other buildings of the proposed height present in the vicinity of the said site.

Committees' Decision:

AAI to put up the case again with the requisite inputs, after site inspection.

2. M/s YSK Retail Spaces Pvt. Ltd, Hyderabad.

CHQ File No.: AAI/20012/224/2018
NOCAS ID: HYDE/SOUTH/B/072018/320833
Site Address: Proposed Construction of Mall and Multiplex Building on H. No. 8-2-120/77/1, 8-2-120/77/2, 8-2-120/77/3, 8-2-120/77/4A, 8-2-120/77/5A, 8-2-120/77/5B, 8-2-120/77/5C & 8-2-120/77/5D in Plot Nos. 1,2,3,4A, 5A, 5B,5C & 5D in Sy. No. 403/151 (Pote8) situated at Shaikpet Village, Opp to Chiran Place, Road No 2, Banjara Hills, Hyderabad, Telangana.

Plot size: 3096 sqm

The proposed site lies Conical Surface at a perpendicular distance of 374 m up to IHS boundary. The IHS boundary point is at a distance of 2410 m up to end of Transitional

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surface of runway 09/27 of Hyderabad Begumpet Airport. The appellant was granted an NIL height vide AAI NOC letter dated 26.07.2018. The Appellant appealed for an elevation of 641.15m AMSL vide letter dated 24.10.2018 to the Appellate Committee.

The Chairperson, Appellate Committee enquired about the NIL height granted in the initial NOC and sought clarification whether there are other buildings present in the vicinity of this site. GM (DoAS) explained to the Committee that the Appellant had initially requested for an elevation of 632.15m AMSL against which he was granted a NIL height, due to the fact that the permissible top elevation as per AGA criteria is calculated as 595.28m AMSL and that the site elevation itself was 597.15m. Therefore, no height above ground level could be allowed at the site by the Designated Officer, Hyderabad. The Appellant appealed for higher height through Aeronautical study. On the approval of the Competent Authority, the Aeronautical Study was carried out.

However, it was decided that the case may be deferred until clarification is sought from the Airport Operator and the team members of the Aeronautical Study team visiting the site, so as to ascertain whether there are other buildings of the proposed height present in the vicinity of the said site.

Committees' Decision:

AAI to put up the case again with the requisite inputs, after site inspection.

3. M/s Maheshwari Megaventures Ltd., Hyderabad.

CHQ File No.: AAI/20012/226/2018
NOCAS ID: HYDE/SOUTH/B/100118/340714
Site Address: Proposed Construction of Commercial Complex height 66.51(i.e. existing building height 18.00 m and to be construct 48.51m) on Plot bearing premises No. 8-2-470 (Plot Nos. 1 to 4, 6A,6B, 7 to 13) in Sy. No. 116/2 Part of 116/2 and 116/3 Block No. 2 Ward no, 8, Road No. 1 and 3 situated at Khairtabad Village, Nagarjuna Circle Bajara Hills Hyderabad, Telangana.
Plot size: 6727.41 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 2510m from end of the Transitional surface of runway 09/27 of Hyderabad Airport. The appellant was granted an elevation of 576.58m AMSL vide AAI NOC letter dated 22.10.2018. The appellant requested an elevation of 600.93m AMSL vide letter dated 24.10.2018.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has recommended the elevation of 600.93m AMSL, 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 600.93m AMSL is approved.

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4. M/s Jubilee Hills Landmark Projects Pvt. Ltd., Hyderabad.

CHQ File No.: AAI/20012/14/2019
NOCAS ID: HYDE/SOUTH/B/120118/352692
Site Address: Proposed Construction of Multi Storied Residential Building in TS No. 16/3 Part, Sy. No.403, Ward No. 9, Block H situated at Jubilee Hills Check Post, Shaikpet Village, Shaikpet Mandal, Hyderabad, Telangana.
Plot size: 23661.77 sqm

The proposed site lies in Conical Surface at a perpendicular distance of 892 m up to IHS boundary. The IHS boundary point is at a distance of 2053 m up to end of Transitional surface of runway 09/27 of Hyderabad Airport. The Appellant was granted an elevation of 621.18m AMSL vide AAI NOC letter dated 19.12.2018. The Appellant requested an elevation of 641.69m AMSL vide letter dated 27.12.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

During the discussion in the meeting, it was brought to the notice of the Committee that the size of the plot is 23661.7 sq.mts. which is approximately 6 acres. The height granted to the buildings through Aeronautical Study penetrates the OLS and hence becomes obstacles. This obstacle data need to be notified by the concerned Airport Operator through AIP India for information of Pilots/Airlines/General Aviation Operators operating at the airport. The details of geo-coordinates of each of the individual buildings which will be constructed on this site are required for publication of the obstacle data.

Committees' Decision:

The case shall be put up before the Committee again, after submission of geo-coordinates for specific buildings (maximum of 4 buildings) by the Appellant.

5. Controller of Administration, M/s Rajiv Gandhi Centre for Biotechnology, Thiruvananthapuram.

CHQ File No.: AAI/20012/176/2018
NOCAS ID: THIR/SOUTH/B/053118/310897
Site Address: Research Block, Located Bio Innovation Center, RGCB, Survey Nos – 647, 651, 652, Trivandrum Taluk/ Cheruvakkal Village/ Akkulam, Thiruvananthapuram, Kerala.
Plot size: 80937 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1893 m from end of the Transitional surface of runway 14/32 of Thiruvananthapuram Airport. The appellant had been granted NOC for 50.23m AMSL vide AAI letter dated 28.06.2018. The

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appellant requested an elevation of 64.14m AMSL vide letter dated 18.07.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

During the discussion in the meeting, it was brought to the notice of the Committee that the size of the plot is 80937 sq.mts. which is approximately 20 acres. The height granted to the buildings through Aeronautical Study penetrates the OLS and hence becomes obstacles. This obstacle data need to be notified by the concerned Airport Operator through AIP India for information of Pilots/Airlines/General Aviation Operators operating at the airport. The details of geo-coordinates of each of the individual buildings which will be constructed on this site are required for publication of the obstacle data.

Committees' Decision:

The case shall be put up again before the Committee after submission of geo-coordinates for specific buildings (maximum of 4 buildings) by the Appellant.

6. Shri Rajan J S, M/s AR Vista Pvt. Ltd., Thiruvananthapuram.

CHQ File No.: AAI/20012/242/2018
NOCAS ID: THIR/SOUTH/B/081118/326352
Site Address: Survey Number 39,77,78,79, Sastha Gardens, Near Norka Roots Building, Thycaud, P.O., Thycaud village, Trivandrum Taluk, Thiruvananthapuram, Kerala.
Plot size: 2824 sqm

The proposed site lies in the Inner Horizontal Surface at a distance of 3326 m from end of the Transitional surface of runway 14/32 of Thiruvananthapuram Airport. The Appellant had been granted NOC for 50.23m AMSL vide AAI letter dated 14.09.2018. The appellant requested an elevation of 80.30m AMSL vide letter dated 28.11.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

The Committee was informed that Aeronautical Study has recommended the elevation of 80.30m AMSL, 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 80.30m AMSL is approved.

7. M/s Pratham Varadvinayak Developers LLP, Mumbai.

CHQ File No.: AAI/20012/35/2018
NOCAS ID: JUHU/WEST/B/110216/179917
Site Address: CTS No. 838, CS No. 133, Building No. 37, Azad Nagar, Shiv Sagar CO. OP. CHS, Azad Nagar No. 2, Village-Ambivali, Veera Desai Road, Andheri West, Mumbai.



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Plot size: 889.61 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1596 m from the end of the Transitional Surface of RWY 14/32 of Santacruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 05.12.2016. The appellant requested an elevation of 81.41m AMSL vide letter dated 03.02.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

During the course of discussion, it was brought to the notice of Committee by MIAL representative that this site lies to the close proximity to the approach surface of runway 14 of Santa Cruz Airport and there needs to be gradual increase of height laterally away from the approach surface. However, Member (ANS) informed the Committee that Aeronautical Study is being conducted as per prescribed guidelines and due diligence is exercised in calculation methodology in allowable penetration of OLS.

The Committee however directed AAI to consider and examine the observations made by the representative of MIAL and satisfy itself before bringing the proposed mitigation for consideration of the Committee in the next meeting.

Committees' Decision:

The case is deferred for the next meeting.

8. M/s The Sahiti Co-operative Housing Society Ltd., Mumbai.

CHQ File No.: AAI/20012/203/2018
NOCAS ID: JUHU/WEST/B/070116/148076
Site Address: The Sahiti CHS Ltd., Final Plot No. 598 and 599 TPS III of Bandra West CTS No. F 40 and F 41 of Village Bandra Cross of 16th Road and Khar Pali Road, Bandra West, Mumbai.
Plot size: 1879.9 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1656m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 09.09.2016. The appellant requested an elevation of 93.06m AMSL vide letter dated 10.07.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

The Committee was informed that Aeronautical Study has recommended the elevation of 78.16m AMSL, 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 78.16m AMSL is approved.

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9. M/s MMRDA, Mumbai.

CHQ File No.: AAI/20012/228/2018
NOCAS ID: SNCR/WEST/P/080118/324769
Site Address: CTS No. 116 & 117, CTS No. 1835 & 117, S.G. Barve Marg, Near Eastern Expressway, Kurla (East), Mumbai.

The proposed site lies in Inner Horizontal Surface wherein T38A at a distance of 647m, T39 at a distance of 543m, T40A(P) at a distance of 641m and T41 at a distance of 540m, from end of the Transitional surface of runway 14/32 of Santacruz Airport. The Appellant had been granted NOC for 57.13m AMSL vide AAI letter dated 06.09.2018. The Appellant requested an elevation of 71.63m AMSL for T38A, 72.05m AMSL for T39, 72.06m AMSL for T40A(P) and 71.82m AMSL for T41, vide letter dated 30.10.2018.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has recommended the elevation of 65.34m AMSL for T38A, 64.02m AMSL for T39, 64.86m AMSL for T40A(P) and 63.98m AMSL for T41, the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

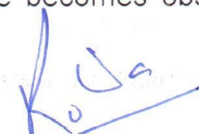
The permitted top elevation (P.T.E.) of 65.34m AMSL for T38A, 64.02m AMSL for T39, 64.86m AMSL for T40A(P) and 63.98m AMSL for T41, is approved, subject to State Government marking and lighting the same.

10. M/s Oppidum Developers Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/223/2018
NOCAS ID: SNCR/WEST/B/080318/325925
Site Address: CTS No. 1(pt), 1/1 to 1/7 of Village Saki, CTS No. 193(pt) of Village Tungwe and CTS No. 689(pt) of Village Marol, Mumbai.
Plot size: 11971.20 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 2146m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The Appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 28.08.2018. The Appellant requested an elevation of 85.00m AMSL vide letter dated 16.10.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

During discussion, it was brought to the notice of the Committee that the size of the plot is 11971.20 sq.mts. which is approximately 3 acres. The height granted to the buildings through Aeronautical Study penetrate the OLS and hence becomes obstacles. This



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obstacle data need to be notified by the concerned Airport Operator through AIP India for information of Pilots/Airlines/General Aviation Operators operating at the airport. The details of geo-coordinates of each of the individual buildings which will be constructed on this site are required for publication of the obstacle data. However, the Appellate Committee considered recommendations of the Aeronautical Study report and approved the top elevation of 84.38m AMSL subject to submission of geo-coordinates for specific buildings (maximum of 4 buildings) by the appellant.

Committees' Decision:

The permitted top elevation (P.T.E.) of 84.38m AMSL is approved subject to submission of geo-coordinates for specific buildings (maximum of 4 buildings) by the appellant.

11. Shri Ajay Nansee, Mumbai.

CHQ File No.: AAI/20012/178/2018
NOCAS ID: SNCR/WEST/B/052815/125817
Site Address: CTS No. 1721, Village-Chembur M West Ward, Mumbai.
Plot size: 2392.50 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1234 m from the end of the Transitional Surface of RWY 14/32 of Santa Cruz Airport. The Appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 03.08.2015. The Appellant requested an elevation of 72.80m AMSL vide letter dated 27.07.2018. On the approval of the Competent Authority, the Aeronautical Study was carried out.

During the course of discussion, it was brought to the notice of Committee by MIAL representative that this site lies to the close proximity to the approach surface of runway 32 of Santa Cruz Airport and there needs to be gradual increase of height laterally away from the approach surface. However, Member (ANS) informed the Committee that Aeronautical Study is being conducted as per prescribed guidelines and due diligence is exercised in calculation methodology in allowable penetration of OLS.

The Committee however directed AAI to consider and examine the observations made by the representative of MIAL and satisfy itself before bringing the proposed mitigation for consideration of the Committee in the next meeting.

Committees' Decision:

The case is deferred for the next meeting.

12. M/s VVR Infracon LLP, Mumbai.

CHQ File No.: AAI/20012/170/2018
NOCAS ID: SNCR/WEST/B/031918/287389
Site Address: CTS No. 90A(pt), 90B & 89A/3(pt) of Village Mulgaon at Mahakali Caves Road, Andheri (East), Mumbai.

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Plot size: 1105.29 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1906m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 25.04.2018. The appellant requested an elevation of 90.00m AMSL vide letter dated 23.07.2018.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has recommended the elevation of 81.33m AMSL, 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 81.33m AMSL is approved.

13. M/s Cassias CHS Ltd., Mumbai.

CHQ File No.: AAI/20012/222/2018
NOCAS ID: JUHU/WEST/B/070517/230136
Site Address: Plot Bearing CTS No. 981 to 985 of Bandra West, Mumbai.
Plot size: 1851.6 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 2644m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 18.07.2017. The appellant requested an elevation of 99.29m AMSL vide letter dated 04.10.2018.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has recommended the elevation of 90.70m AMSL, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

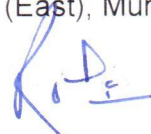
Committees' Decision:

The permitted top elevation (P.T.E.) of 90.70m AMSL is approved.

B. SHIELDING CASES:

14. Shruti Dhaon, Authorized Signatory of M/s Supreme Housing and Hospitality Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/213/2018
NOCAS ID: SNCR/WEST/B/060418/311880
Site Address: CTS No. 23A, 26A and 27A, Village-Powai, Taluka-Kurla, Dist.-MSD, Hiranandani Powai Road, Andheri (East), Mumbai.



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The proposed site lies in Inner Horizontal Surface at a distance of 3597 m from RWY 27 beginning of Santa Cruz airport and in Outer Horizontal Surface at 7614m from ARP of Juhu Airport.

The application for NOC was rejected by AAI, WR, Vide letter dated 24.09.2018 due to:

1. Wrong site elevation submitted by Appellant.
2. The site elevation of highest point of the plot is 73.35 M AMSL and therefore no structure can be constructed on it since it is within the IHS.
3. Already four structures are constructed on the plot and their Top elevations are ranging from 64.91 m to 79.1 m AMSL and hence all of them are obstructions.

NOC Committee DoAS, WR, AAI had directed MIAL to initiate action for demolition under the Aircraft Rules, 1994.

The Appellant has requested for higher height ranging from 136.728m AMSL to 228.09 m AMSL for various structures due to Shielding benefit to Appellate Committee.

The Committee took note of the above facts and was of the opinion that since the Appellant has already constructed a few structures, which are in violation of the permitted top elevation as per GSR 751(E), the appeal may be rejected.

Committees' Decision:

The Appellate Committee rejected the appeal due to the violation of permissible top elevation as per GSR 751(E).

C. OTHER CASES/DECISIONS:

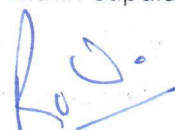
15. Kher Nagar Mayur Co-op. Housing Society Ltd., Mumbai.

CHQ File No.: AAI/20012/151/2018
NOCAS ID: SNCR/WEST/B/123016/189489

The Appellate Committee in its meeting dated 23rd April 2019 had reviewed the pendency of Appeal due to non-payment of Aeronautical Study fees and directed that appellant shall be given another notice of 30 days to pay the Aeronautical Study fees. Accordingly, the 30 days' notice was given to the appellant on 11.06.2019.

The appeal for this case was disposed off in Appellate Committee meeting held on 16.07.2019 due to non intimation of submission of Aeronautical Study fees. However, the Appellant had already made online payment on 11.07.2019 i.e. within one month of the notice and the details vide letter dated 11.07.2019 received in this office on 25.07.2019.

The Appellant vide email dated 31.07.2019 requested that his case may be considered for Aeronautical Study as the payment has been received within stipulated notice of 30 days.





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It was noted that though it is not correct for the Appellate Committee to reverse the decision taken in the earlier Committee meeting, however, as all Members agreed that it is more of an administrative lapse, it was decided to consider the case. The Chairperson however desired that more care needs to be exercised while presenting the case data to the Appellate Committee and remedial action be taken to avoid recurrences of such instances in future.

Committees' Decision:

The Committee directed that the case may be considered for the conduct of Aeronautical Study.


(VINEET GULATI)
MEMBER (ANS)
AAI


(D. C. SHARMA)
DDG, DGCA
Special Invitee


(RUBINA ALI)
JOINT SECRETARY, MOCA
CHAIRPERSON, APPELLATE COMMITTEE

Dated: 30.10.2019

Place: New Delhi.

