

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

**Minutes of the Meeting of the Appellate Committee for height clearance held on**  
**18<sup>th</sup> December, 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 Addl. Secretary, Ministry of Civil Aviation (MOCA) on 18<sup>th</sup> December, 2018.

The following Committee members were present:-

1. Sh. Vineet Gulati - Member (ANS), AAI
2. Sh. J S Rawat - Jt. DGCA

The meeting was attended by Sh. Prabhat Mahapatra, CEO, MIAL as Airport Operator invitee. The cases were presented by Mr. R K Singla, GM (NOC), AAI.

**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 26<sup>th</sup> March 2015 approved by the Competent Authority. The Appellate Committee while arriving at their decision in each case has considered recommendations made in the Aeronautical Study Reports.

**1. M/s Omkar Venture Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/107/2017  
**NOCAS ID:** JUHU/WEST/B/072517/234431  
**Site Address:** CTS No. 147(pt), 147/70,71,92-93, 98-138,141-151,157-170,178-195, 206-218,229-240,252-262,278-281,304,305,349,149(pt), Total CTS 150,151,152,153,154A & 155B of Village Majas and 327(pt), 327/1-3,(Total CTS 346,347,348,349,350,351,352,353,360), 359(pt),359/1 to 359/13,359/32to 359/35, 431(pt),354(pt),361(pt),364/B(pt), 1& 5 of Village Mogra, Taluka ,Andheri, Jogeshwari(E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 2059m for Building No.1, 2233m for Building No.2, 2273m for Building No.3, 2294m for Building No.4, 2317m for Building No.5, 2325m for Building No.6, 2340m for Building No.7 and 2339m for Building No.8, from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated

21.08.2017. The applicant requested an elevation of 131.238m AMSL vide letter dated 19.09.17.

On the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was apprised of top elevations recommended through Aeronautical Study as 83.27m AMSL for Building No.1, 85.48m AMSL for Building No.2, 85.99m AMSL for Building No.3, 86.26m AMSL for Building No.4, 86.55m AMSL for Building No.5, 86.65m AMSL for Building No.6, 86.84m AMSL for Building No.7 and 86.83m AMSL for Building No.8, 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.) is approved as follows:**

| Building No. | Permissible Top Elevation (in m AMSL) |
|--------------|---------------------------------------|
| 1            | 83.27                                 |
| 2            | 85.48                                 |
| 3            | 85.99                                 |
| 4            | 86.26                                 |
| 5            | 86.55                                 |
| 6            | 86.65                                 |
| 7            | 86.84                                 |
| 8            | 86.83                                 |

**2. M/s Shree Naman Developers Pvt Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/19/2018  
**NOCAS ID:** JUHU/WEST/B/110317/254499  
**Site Address:** CTS No. 650, 651, 651/1, 652, 653, 654,654/1to6, 660, 660/1to5, 661 and 662 of Village Ambivali, J P Road, Andheri (W), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1154m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 11.12.2017. The applicant requested an elevation of 85.45m AMSL vide letter dated 27.12.17.

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 71.78m 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 71.78m AMSL is approved.**

**3. M/s Chalet Hotels Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/33/2018  
**NOCAS ID:** SNCR/WEST/B/072516/159940  
**Site Address:** At plot bearing CTS No. 71A, building No.-3, Of village –Passpoli, at Powai, Andheri (E), Mumbai.

The proposed site lies in Conical Surface at a distance of 3155m from end of Transitional surface of runway 09/27 upto IHS and further at perpendicular distance of 1334m from IHS of Santacruz Airport. The applicant had been granted an elevation of 123.57m AMSL vide AAI NOC letter dated 26.09.2016. The applicant requested an elevation of 250m AMSL vide letter dated 08.01.18.

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 152.02m 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 152.02m AMSL is approved.**

**4. M/s Everard Co-operative Housing Society Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/34/2018  
**NOCAS ID:** SNCR/WEST/B/102116/177994  
**Site Address:** CTS No 628C of Village Kurla IIIrd, Everard nagar, Eastern express highway, Sion, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1735m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 26.12.16. The applicant requested an elevation of 93.70m AMSL vide letter dated 12.01.18.

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 79.16m 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 79.16m AMSL is approved.**

**5. M/s Jasani Realty Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/77/2018  
**NOCAS ID:** JUHU/WEST/B/041213/003  
**Site Address:** CTS No. E/323, E/324 & E/325 Village Bandra, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1364m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 10.10.13. The applicant requested an elevation of 82.13m AMSL vide letter dated 07.04.18.

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 74.45m 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 74.45m AMSL is approved.**

**6. M/s Neel Ganga CHS Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/39/2018  
**NOCAS ID:** JUHU/WEST/B/100516/176008  
**Site Address:** F P No. 64, TPS Bandra No. III, Jn. Of 28th and 24th Road, Bandra(W), Bandra Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 2534m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 08.11.2016. The applicant requested an elevation of 75.05m AMSL vide letter dated 02.02.18.

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 of 75.05m AMSL is admissible, 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 75.05m AMSL is approved.**

**7. M/s Tobusol Management Services Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/55/2018  
**NOCAS ID:** SNCR/WEST/B/110317/254505  
**Site Address:** Plot bearing CTS No.32 of village Mulgaon and CTSNo.17/1,19,17/1(pt),20,20/1 to 3, 21,22,22/1 of village Vyarvali, Subahash nagar, Sai Shraddha Chs. And Subhash Nagar Jivdanimata Chs. At Andheri(East), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 2312m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 11.12.2017. The applicant requested an elevation of 88.95m AMSL vide letter dated 10.01.18.

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 86.49m 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 86.49m AMSL is approved.**

**8. M/s Ayodhya Construction Co., Mumbai.**

**CHQ File No.:** AAI/20012/44/2018  
**Case No.:** MUM/12/NOCAS/166  
**NOCAS ID:** SNCR/WEST/B/082512/009  
**Site Address:** CTS No. 115, 115/1 to 12 of Village Chembur, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance 687m for Tower-1, 641m for Tower-2 & 566m for Tower-3, from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.28m AMSL vide AAI NOC letter dated 10.05.13. The applicant requested an elevation of 73.35m AMSL vide letter dated 15.01.18.

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 65.85m AMSL for Tower-1, 65.27m AMSL for Tower-2 and 64.31m AMSL for Tower-3, 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 65.85m AMSL for Tower-1, 65.27m AMSL for Tower-2 and 64.31m AMSL for Tower-3 is approved.**



**9. M/s Jai Mata Di Home Construction Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/93/2018  
**NOCAS ID:** SNCR/WEST/B/042616/126960  
**Site Address:** CTS No. 303, 303/1 to 45 of Village Chembur, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1000m for Sale Building & 1010m for Rehab Building, from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 07.06.16. The applicant requested an elevation of 83.80m AMSL for Sale building and 67.30m AMSL for Rehab building vide letter dated 19.04.18.

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 69.83m AMSL for Sale building and requested elevation of 67.30m AMSL for Rehab Building is admissible, 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 69.83m AMSL for Sale Building and 67.30m AMSL for Rehab Building is approved.**

**10. M/s. Sandeep Estate Developers Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/32/2016  
**Case No.:** MUM/14/NOCAS/535  
**NOCAS ID:** SNCR/WEST/B/102014/68432  
**Site Address:** C.S No.-531 (PT.) of Dharavi Division known as Kamraj Nagar C.H.S. Ltd.at junction of two 30.40 wided P.R.D. in G North Ward, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3424m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 06.02.15. The applicant requested an elevation of 85m AMSL vide letter dated 16.02.16.

On the approval of the Appellate Committee, the Aeronautical Study was carried out. The Committee was informed that Aeronautical Study has indicated that the requested elevation of 85m AMSL is admissible, 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 85m AMSL is approved.**

**11. M/s Vastu Shilp Complex Designer Pvt. Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/46/2017  
**NOCAS ID:** NOCAS/TEMP/290518/175110  
**Site Address:** C.T.S. No. 31 E/9, 31 E/9 (1 to 11) (pt.) of Village Bandivali at Jogeshwari (W), Mumbai.

The proposed site lies in Conical Surface at a distance of 1795m from end of Transitional surface of runway 14/32 upto IHS and further at perpendicular distance of 542m from IHS of Santacruz Airport. The applicant had been granted an elevation of 85.07m AMSL vide AAI NOC letter dated 10.03.11. The applicant requested an elevation of 95.725m AMSL vide letter dated 25.01.17.

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 of 95.725m AMSL is admissible, 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 95.725m AMSL is approved.**

**12. M/s Arihant Enterprise, Mumbai.**

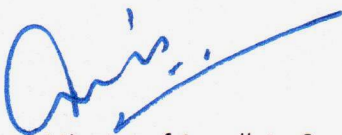
**CHQ File No.:** AAI/20012/136/2018  
**NOCAS ID:** JUHU/WEST/B/042018/299779  
**Site Address:** CTS No. 127,127/1 to 18 of Village Mogra in K/East ward, Andheri (E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1161m from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 22.05.18. The applicant requested an elevation of 92.45m AMSL vide letter dated 18.06.18.

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 71.85m 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 71.85m AMSL is approved.**



**13. M/s Executive Engineer (PPD), MHADA, Mumbai.**

**CHQ File No.:** AAI/20012/52/2018  
**NOCAS ID:** SNCR/WEST/B/101817/252247  
**Site Address:** Plot bearing C.S. No. 2/501 (part) at Sector V, Dharavi, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 2999m for Building No-2, 3054m for Building No-3, 2970m for Building No-4, and 2948m for Building No-5, from end of the Transitional surface of runway 14/32 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 11.12.17. The applicant requested an elevation of 84.31m AMSL for Building Nos-2, 3, 4 & 5 vide letter dated 27.04.18.

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 of 84.31m AMSL for Building Nos-2, 3, 4 & 5 is admissible, 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 84.31m AMSL for Building Nos-2, 3, 4 and 5 is approved.**

**14. M/s Nutan kailas CHS Ltd., Mumbai.**

**CHQ File No.:** AAI/20012/66/2018  
**NOCAS ID:** SNCR/WEST/B/100617/250746  
**Site Address:** CTS No. 5743/A, TPS-III, F P No. 353/4A, of Village Ghatkopar, Kirol, R B Mehta Marg, Ghatkopar(E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 918m from end of the Transitional surface of runway 09/27 of Santacruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 11.12.17. The applicant requested an elevation of 75.02m AMSL vide letter dated 04.05.18.

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 68.78m 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 68.78m AMSL is approved.**





**15. M/s Vision Developers, Mumbai.**

**CHQ File No.:** AAI/20012/38/2018  
**NOCAS ID:** NOCAS/TEMP/170518/122540  
**Site Address:** CTS No. 68-A/1(Pt) of Village Bandivali, Jogeshwari (West), Mumbai.

The proposed site for Building No.1 lies in Conical Surface at a distance of 1863m from end of Transitional surface of runway 14/32 upto IHS and further at perpendicular distance of 490m from IHS of Santacruz Airport. The proposed site for Building No.2 lies in Conical Surface at a distance of 1869m from end of Transitional surface of runway 14/32 upto IHS and further at perpendicular distance of 493m from IHS of Santacruz Airport. The applicant had been granted an elevation of 81.87m AMSL vide AAI NOC letter dated 15.11.11. The applicant requested an elevation of 111.78m AMSL vide letter dated 16.12.17.

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 **100.92m AMSL for Building No.1 and 101.12m AMSL for Building No.2**, 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 100.92m AMSL for Building No.1 and 101.12m AMSL for Building No.2 is approved.**

**Shielding Cases**

**16. Shri Kishore D Patel, M/s Wooden Boxes Manufactures Co-Op. Industrial Estate Ltd., Mumbai.**

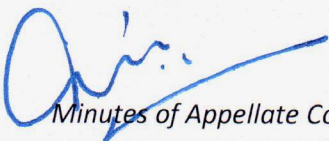
**CHQ File No.:** AAI/20012/179/2011  
**NOCAS ID:** SNCR/WEST/B/122817/271668  
**Site Address:** CTS No. 1/7 (Pt.), (Plot No.-A3) of Village Ghatkopar situated at Park Site Road, Vikhroli (W), Mumbai.

**17. M/s D B Realty, Mumbai.**

**CHQ File No.:** AAI/20012/37/2017  
**NOCAS ID:** SNCR/WEST/B/102816/179041  
**Site Address:** Plot bearing Survey No. 239/1(pt), CTS No. 827A/4A/2 of Village Malad, Taluka Borivali, M.S.D. Malad (East), Mumbai.

**18. Mr. Jatin M. Sheth, Mumbai.**

**CHQ File No.:** AAI/20012/75/2018  
**NOCAS ID:** SNCR/WEST/B/072415/152010  
**Site Address:** CTS No. 20A(pt) Chandivali, Powai, Kurla, Mumbai.



19. Mr. Bhawanishankar H. Sharma, Mumbai.

CHQ File No.: AAI/20012/108/2018

NOCAS ID: SNCR/WEST/B/110117/253783

Site Address: CTS No.27(pt), Village Powai, Taluka Kurla, MSD, Hiranandani Gardens, Powai, Mumbai.

20. M/s HGP Community Pvt. Ltd, Mumbai.

CHQ File No.: AAI/20012/164/2018

NOCAS ID: SNCR/WEST/B/110816/180486

Site Address: CTS No. 20A(pt) and 22A(pt) of Village Powai, Mumbai.

21. M/s City and Industrial Development Corporation, Navi Mumbai.

CHQ File No.: AAI/20012/124/2018

NOCAS ID: NAVI/WEST/B/112217/263428

Site Address: Plot No. E. Kharghar Hill Plateau, Kharghar/Taluka, Panvel, Navi Mumbai.

22. M/s City and Industrial Development Corporation, Navi Mumbai.

CHQ File No.: AAI/20012/121/2018

NOCAS ID: NAVI/WEST/B/112217/263382

Site Address: Plot No. B. Kharghar Hill Plateau, Kharghar/Taluka, Panvel, Navi Mumbai.

23. M/s City and Industrial Development Corporation, Navi Mumbai.

CHQ File No.: AAI/20012/122/2018

NOCAS ID: NAVI/WEST/B/112217/263384

Site Address: Plot No. C. Kharghar Hill Plateau, Kharghar/Taluka, Panvel, Navi Mumbai.

24. M/s City and Industrial Development Corporation, Navi Mumbai.

CHQ File No.: AAI/20012/123/2018

NOCAS ID: NAVI/WEST/B/112217/263397

Site Address: Plot No. D. Kharghar Hill Plateau, Kharghar/Taluka, Panvel, Navi Mumbai.

25. M/s Tridhatu Aranya LLP, Mumbai.

CHQ File No.: AAI/20012/21/2018

NOCAS ID: SNCR/WEST/B/012517/193904

Site Address: CTS No. 421/5, 429/A, 429/B, 429/D, 429/1 & 429/2 of Village Deonar at Farm Road, Chembur, Mumbai.

The 10 Shielding cases (serial nos.16 to 25 as above) were put up to the Appellate Committee.

As the Shielding cases are processed as per GSR 751 (E) Para 4 Schedule II, the Appellate Committee being the appropriate authority for higher height clearance by Aeronautical Study and Shielding Benefit cases, decided to delegate the responsibility to process and dispose of shielding cases to Member (ANS), AAI.

**Committees' Decision:**

**The responsibility to process and dispose of the Shielding Benefit cases as per provisions stated in Para 4 Schedule II of GSR 751(E), is delegated to Member (ANS), AAI.**

**Other Cases**

**26. M/s K.G.A. Investments, Mumbai.**

**CHQ File No.: AAI/20012/26/2017**

**Case No: MUM/09/658**

**Site Address: CTS No.106, 106/1 to 5, Village Tungwe, Mumbai.**

The applicant had been granted an elevation of 62.27m AMSL vide AAI (WR) letter dated 03.03.2010, which was subsequently re-validated up to 29.03.2018.

MCGM in 2007 had measured the site elevation for this site as 24.85m using IBM method.

Subsequently, applicant vide letter dated 18.12.2017, submitted site elevation certificate from M/s S.J. Associates, wherein the site elevation is measured as 28.241m.

MCGM, in their letter dated 01.01.2018, clarified that an increase of 3.39mts has occurred in site elevation, due to the fact that site elevation measurement was carried out by IBM method in 2007, whereas, the measurement carried out recently is by GPS/Satellite method.

The matter was discussed in O/o R.E.D., Western Region, AAI in the presence of representatives of MCGM and MIAL on 10.10.2017. As per Minutes of Meeting of the above mentioned meeting, "Building cases with differences in site elevations wherein the constructed top elevation has exceeded the permissible top elevation have been observed."

The applicant vide letter dated 10.01.18 has requested for a height of 83.90m AMSL by carrying out Aeronautical Study without any demolition (also recommended by MCGM in their letter dated 01.01.2018).

MIAL, in their site verification report dated 12.03.2018, have reported that the top elevations of the various points located above roof top level of the structure varies from 64.37m AMSL to 68.20m AMSL (including lightening arrestor).

The case was last heard in Appellate Committee meeting of 31.07.2018, wherein the Committee gave the following decision – *"The request of the applicant for conduct of Aeronautical Study is rejected. The Airport Operator to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994."*

Consequent to the above decision, the applicants filed Writ Petition in Hon'ble High Court of Delhi vide W.P.(C) 9509/2018 & C.M. No. 38741/2018.

*As per the 16 pages judgment delivered dated 20.11.2018, para 37, the contention, that Aeronautical Study cannot be undertaken unless the excess height is demolished, is not supported by any rule or even the stated policy. Sub-clause 5.1 of Schedule II to the said Rules also clearly indicate Aeronautical Studies may be conducted to determine whether the existing body or proposed new body would adversely affect the safety or significantly affect the regularity of operations of aero planes. Thus, the contention that the Aeronautical Studies cannot be conducted in any case unless the building, which is already constructed, is removed is unpersuasive.*

*Para 38, in view of the above, this Court considers it apposite to remand the matter to the Appellate Committee to consider if afresh after examining all relevant facts of the petitioner's case including the location of the building; the height by which the building has exceeded the maximum permissible limit' as well as any other factor that the Appellate Committee considers relevant for the said decision. The Appellate Committee would also briefly indicate the reasons for its decision in this regard.*

After due deliberations, the Committee was of the opinion that as per GSR 751 (E), the cases with regard to the conduct of Aeronautical Study fall in the purview of Member (ANS), AAI.

**Committees' Decision:**

**Member (ANS), AAI to examine the case for its suitable disposal.**

**27. 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 2<sup>nd</sup> 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.

The case was 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.

As per the decision of Appellate Committee meeting of 07.09.2018, AAI had set up the desired sub-committee and carried out site visit on 28th September 2018. The report of the sub-committee dated 12.10.2018 was put up to the Appellate Committee in the meeting of 17.10.2018 and also a copy provided to the representative of the applicant.

Subsequently, the Appellate Committee, in its letter to the applicant dated 08.11.2018, informed the applicant regarding its decision.

In response to the above letter, applicant vide letter dated 21.11.2018 addressed the Appellate Committee. Below is an extract from this letter:

*"Since the Hon'ble High Court had direct your goodself to consider the request for Aeronautical Study favourably, your goodself cannot reject the same on the technical reason that the construction of the building was already complete. Had an aeronautical study be conducted, the picture would have been more clear. Merely because my application was considered after the construction of the building is not a ground to get over the binding judgment of the Hon'ble High Court of Kerala.*

*In the above circumstances and in view of the judgment of the Hon'ble High Court, I request your goodself to reconsider the order dated 08.11.2018 and conduct an aeronautical study on the subject matter. "*

The Committee, after examining the applicant's letter dated 21.11.2018, re-iterated the fact that case has already been re-examined against the claims of the applicant and report of the same provided to the applicant. Since the decision of the Appellate Committee has been communicated to the applicant vide its letter dated 08.11.2018, the Appellate Committee has declined to re-consider its decision on this matter.

**Committees' Decision:**

**The Committee has declined to review its decision dated 08.11.2018.**

**28. M/s Rafique Shaikh C/A to Owner Shubhari Darshan CHS Ltd., Mumbai.**

**CHQ File No.: AAI/20012/48/2018**

**NOCAS ID: JUHU/WEST/B/091217/245763**

**Site Address: CTS No. E/126, Plot no. 665, TPS III, Khar West, Mumbai.**

The proposed site lies in Inner Horizontal Surface at 2778m from Rwy 09 beginning of Santa Cruz Airport & Conical Surface at 600m from IHS of Juhu Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI NOC letter dated 10.10.2017. The applicant requested an elevation of 71.04m AMSL vide letter dated 16.02.2018.

The applicant had also been issued NOC for the same plot i.e FP No. 666 and FP no. 665, TPS III, Village Bandra(W) vide AAI letter dated 11.05.2006 for PTE 56.27m AMSL and revalidated upto 17.05.2011 vide AAI letter dated 12.05.2010.

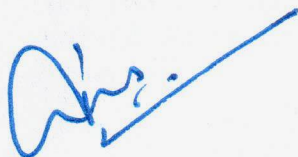
As per MIAL verification report dated 28.08.2018, the plot under reference has two buildings. One building is "Hicons Classic" has a top elevation of 69.28m AMSL which was constructed in violation of NOC top elevation of 56.27m AMSL issued on 12.05.2010. MIAL has already initiated action for demolition under Acft Rules, 1994.

MIAL has also expressed its reservation for conduct of Aeronautical Study as requested by the applicant.

The Competent Authority in AAI has declined the request of the applicant for Aeronautical Study. The Appellate Committee was apprised of the AAI's decision.

**Committees' Decision:**

**Appellate Committee took note of the AAI's decision.**



**Issues raised by MIAL:**

Representative of MIAL has raised the following issues:

**29. Temporary height clearance for cranes involved in construction**

Issue of temporary height clearance to the cranes has been left to the concerned Airport Operator, in co-ordination with the local ANSP. MIAL has pointed out that since there is no clear guidelines or SOP to process such cases and crane height may penetrate PANS-OPS surfaces, there is a need to frame SOP for the purpose.

**Committees' Decision:**

**MIAL to provide a draft SOP to NOC Section, AAI, CHQ for issuance of temporary height clearance to cranes. After finalization of the SOP, AAI to issue an Aerodrome safeguarding circular on the subject, applicable to all civil airports.**


**30. Non – compliance of Day Marking and Night Lighting of Buildings**

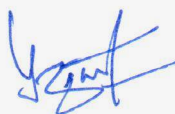
MIAL also raised the issue that the builders/owners, who have been issued higher height through Aeronautical Study are obligated to inform the Airport Operator, before their building penetrate OLS so that Airport Operator notifies the obstacle.


Also, builders/owners are not complying with the requirement of night lighting and day marking of the obstacle as per DGCA CAR.

**Committees' Decision:**

**Builders are obligated to follow the terms and conditions of NOC, since the higher height granted through Aeronautical Study are above OLS and such buildings may become obstacles for aircraft operation, which need to be lighted/marked and published. MIAL and other Airport Operators, in coordination with the concerned Local Bodies, to issue show cause notice to such builders/owners who are not complying the safety related conditions enumerated in the NOC letter.**

  
(Vineet Gulati)  
Member (ANS)

  
(J S Rawat)  
Jt. DGCA

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

Place: New Delhi.

Date: 31-12-2018

