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Minutes of the Meeting of "No-Objection-Certificate" (NOC) Appellate Committee held on 09th February 2011 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 on 9th February 2011 at 1100 hrs. 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, CNS
3.	Shri K. Gohain Former DGCA	-	Outside Expert, Aerodrome and ATM
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 34 cases submitted by AAI for consideration of the Committee.

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4. Each of the applicants present were given a hearing by the Committee on their respective cases and on examination of the available documents contained in the subject case files provided by GM (ATM), NOC, AAI, the following decisions/recommendations are made with respect to the individual cases as given below:

Sl. No. 01

Case No. MUM/10/114

Mr. Ravi S. Bhandari, C/o B.R. Gandhi & Associates

CTS No. F/383 of village Bandra, Mumbai

Absent.

Sl. No. 02

Case No. MUM/08/583

M/s Shravan Developers Pvt. Ltd.

CTS No. 6-B, Village Vile Parle West, Gulmohar Road, Mumbai

The site lies in the IHS of Juhu Airport as well as IHS of Santa Cruz Airport and is located at 1864 mtrs. from ARP of Juhu Airport and at 2556 mtrs. from Runway 14 strip of Santa Cruz Airport respectively.

On examination of records, the Committee noted that the applicant vide their application dated 17.12.2008 had requested NOC for height of 59.250 mtrs. AMSL against which they were granted NOC for height of 48.84 mtrs. AMSL vide AAI letter dated 05/09.03.2009.

AAI vide their U.O. Note No. AAI/20012/Appeal Cases/2009/ARI (NOC) dated 25th May 2010 forwarded the case to the Ministry of Civil Aviation for consideration by the Appellate Committee.

The case was earlier discussed in the Appellate Committee meeting dated 3rd June 2010 and it was then opined by the Committee that since the site falls within the IHS of Juhu Airport, this could be studied only in case special dispensation, if any, is granted as accorded to some earlier cases for Juhu Airport. The case was thereafter deferred in that Meeting held on 3rd June 2010.

The case was further discussed in the subsequent Committee's meeting held on 16.12.2010 wherein the Committee had directed the applicant to provide the exact lay out of their proposed buildings with respect to surrounding buildings and their location with respect to ARP of Juhu Airport. The applicant had, subsequently, submitted the requisite drawings, etc. vide their letter dated 6th January 2011. On receipt of the above information, AAI had studied the case and put up to this meeting of the Appellate Committee.

Since the site lies in the IHS of Juhu as well as the Mumbai Airports, the Committee was of the opinion that detailed discussion/review would be needed to determine the status of such cases, wherein the site lies in the IHS of both these airports. While reviewing the matter in its totality, the Committee noted that the maximum permissible height in IHS of Santa Cruz Airport is 56.27 mtrs. AMSL while the maximum permissible height in IHS of Juhu Airport is 49.87 mtrs. AMSL. As per the Notification No. S.O. 84 (E) of January 2010, more restrictive of the two is to be considered for grant of NOC. However, the Committee also

noted the fact that Santa Cruz Airport is one of India's busiest Airport while Juhu Airport at present is practically non-operational for civil scheduled commercial flights. The Committee further took note of the fact that a number of constructions around Juhu Airport have already occurred which may necessitate review of operational procedures with respect to Juhu Airport, as and when Juhu Airport is made fully operational in future, as per present thinking of Ministry of Civil Aviation/Airports Authority of India.

In view of the above, the Committee is of the opinion that the specific areas falling in the IHS of both Santa Cruz and Juhu Airports, where the maximum permissible height could be considered as 56.27 mtrs. AMSL, needs to be determined by a study conducted by AAI since the maximum permissible height in the IHS of Santa Cruz Airport is 56.27 mtrs. AMSL. While conducting the above study, it needs to be ensured that permitting maximum height of 56.27 mtrs. AMSL in the above said portion of IHS of Juhu Airport would not create any safety hazard even for futuristic planned operations at Juhu Airport. However, other restrictions as applicable for objects lying in approach surface of Santa Cruz Airport and Juhu Airport would remain unchanged. Since, the above consideration would be a deviation from the provisions of S.O. 84 (E) of January 2010, the Committee, therefore, considers that the above view needs to be put up to the Competent Authority to accord special dispensation with respect to only the areas overlapping between IHS of both Juhu Airport and Santa

Cruz Airport as may be stated in the Study Report and excluding the areas lying within approach surfaces of both airports.

Sl. No. 03

Case No. 420-K

Satinder Pal Singh Anand, Cartar Road, C/o Architect M/s Sapre & Associates

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

The proposed site for construction of residential building is at about 3680 mtrs. from Runway 09 and therefore, lies in the IHS of Santa Cruz Airport.

On perusal of the records, the Committee noted that the applicant vide their original application of November, 2005 had applied for the height of 48.90 mtrs. AMSL against which they were issued NOC for 48.90 mtrs. AMSL vide AAI letter dated 4th January 2006. Subsequently, as is observed from records that NOC issued was revised to the height of 56.27 mtrs. AMSL and the said revision was issued on 25th June 2009 against an application signed by the architect of the applicant on 21st March 2009 requesting for a height of 71.8 mtrs. AMSL, which also contained a request for considering shielding benefit.

The applicant, thereafter, on 21st October 2010 appealed against the NOC issued for 56.27 mtrs. AMSL against their request for a higher height of 71.8 mtrs. AMSL.

The case was earlier discussed by the Committee in its meeting on 16th December 2010 wherein on the basis of the presentation made, the applicant

was advised to provide the exact layout on the zoning map indicating the areas qualifying, as per Notification S.O. 84 (E), for shielding benefit from the high-rise buildings in their vicinity and also specifically indicate location of their proposed building with respect to the building(s) which are being claimed to provide shielding benefit to their proposed building.

From the examination of the papers submitted by the applicant and brought on record by AAI on the file, it is observed by the Committee in this meeting that the drawing submitted by the applicant showing the shielding area and that too with respect to the Sandhu Palace has not been duly authenticated by Govt. approved surveyor.

The applicant was advised by the Committee to provide drawing indicating the shielding area, duly authenticated by Govt. approved Surveyor and on receipt of which AAI should verify the contents of the drawing with respect to S.O. 84 (E) of January 2010 on the subject, and put up to the Committee in due course.

Sl. No. 04

Case No. MUM/09/417

Vivek A. Mohanani, Western Tin Factory Private Ltd., C/o Supreme Universal

CTS No. C/1419-B & C, Village Bandra West, Pali Hills

The proposed site lies in the IHS of Runway 09 of Santa Cruz Airport at a distance of 3088 mtrs from end of the Runway 09.

From examination of records made available it is seen that the applicant had earlier on 13th August 2009 applied for NOC of 76.750 mtrs. AMSL as indicated in the work sheet dated 29.10.2009 of AAI records. AAI on this request had granted NOC for a height of 61.585 mtrs. AMSL, under shielding benefit in their letter dated 26.04.2010.

The applicant subsequently had revised their requirement and appealed for a maximum height of 80.00 mtrs. AMSL vide their letter dated 5th August 2010. In their appeal, applicant had also requested for Aeronautical Study be carried out in support of their proposal of maximum height of 80.00 mtrs. AMSL.

The case was earlier discussed in the Committee's meeting held on 16th December 2010, wherein after the presentation by the applicant, the Committee had desired that the applicant should provide duly authenticated copies of relevant documents regarding handing over their land to the Govt./BMC for external development works under TDR, and for State Govt.'s mandatory requirement of parking space. The applicant submitted the relevant papers as desired by the Committee which were received by GM (NOC), AAI on 18.01.2011. On perusal of the papers submitted, it is observed that the total area of the said property is 1727.90 sq. mtrs., out of which an area measuring 296.90 sq. mtrs is falling under road set-back for which FSI has been claimed as compensation. They are also required to provide recreation ground to the extent of 447.11 sq. mtrs. as per their submitted documents.

When queried by the Committee during their presentation, the applicant vide their letter dated 9th February 2011 provided a copy also of Development

Control Regulation (DCR) for Greater Mumbai, 1990-91 amended upto August 2007 to support their claim for mandatory parking space. On perusal of the copy of DCR and drawings submitted by the applicant, it is observed that the mandatory requirement for car parking works out to not more than 57 Nos. while the applicant claims that the requirement for parking space works out for 71 Nos. of car parking. It is also seen as per the copy of Section Drawing provided by the applicant, duly certified, dated 31.12.2009, that a number of floors provided in their proposed construction have been indicated as "void".

The Committee is of the opinion that the discrepancies regarding requirement of mandatory parking lots and also the utilization of areas marked 'void' in their proposed building as shown on the certified drawings, need to be clarified by the applicant, before the matter is processed further.

Sl. No. 05

Case No. MUM/08/71

M/s Green Bird Developers Pvt. Ltd.

CTS No. G/360-B, F.P. No. 57, TPS IV, Village Bandra

As per the available records, the site is at 1728 mtrs. from beginning of Runway 09 of Santa Cruz Airport and 1920 mtrs. from ARP of Juhu Airport. The site, also, lies in the IHS of both Santa Cruz and Juhu Airports.

It is also observed from records that against their earlier request for height of 53.75 mtrs. AMSL, vide their undated application attached with an undertaking having a date of 17.01.2008 on the body of the undertaking, the applicant was

issued a letter of authorization for issue of NOC for 48.84 mtrs. AMSL by AAI on 02.12.2008 quoting a letter of 17.06.2008 as reference (letter not available on record) from the applicant. The applicant thereafter, applied to Sr. Manager (NOC), Mumbai received by the addressee on 11.05.2010 for a height of 58.75 mtrs. AMSL. AAI, Mumbai thereafter issued a letter on 21.06.2010 to the applicant indicating that maximum permissible height at their site cannot exceed 49.87 mtrs. AMSL. Thereafter, the applicant, vide their letter received on 07.09.2010 at AAI, appealed to the Appellate Committee for reconsideration of their case on the basis that other buildings in the vicinity of their plot have been granted higher heights and also requested for conduct of Aeronautical Study. The applicant, subsequently again made an appeal which was received on 8th September 2010 requesting for a height of 58.75 mtrs. AMSL.

The case was earlier discussed in the Committee's meeting held on 16th December 2010 where the applicant could not clarify the queries raised by the Committee with regard to justification in support of their request for Aeronautical Study. The applicant has now in this meeting submitted relevant documents including building plans submitted by them to Greater Mumbai Municipal Corporation on 22.10.2010 indicating the handing over their land to the Municipal Corporation of Greater Mumbai due to road set back and the requirement of providing mandatory car parking in the proposed building as per DC Regulations, for which their plot size is getting reduced thereby making it necessary for them for providing additional floors.

Since the site lies in the IHS of Juhu as well as the Mumbai Airports, the Committee was of the opinion that detailed discussion/review would be needed to determine the status of such cases, wherein the site lies in the IHS of both these airports. While reviewing the matter in its totality, the Committee noted that the maximum permissible height in IHS of Santa Cruz Airport is 56.27 mtrs. AMSL while the maximum permissible height in IHS of Juhu Airport is 49.87 mtrs. AMSL. As per the Notification No. S.O. 84 (E) of January 2010, more restrictive of the two is to be considered for grant of NOC. However, the Committee also noted the fact that Santa Cruz Airport is one of India's busiest Airport while Juhu Airport at present is practically non-operational for civil scheduled commercial flights. The Committee further took note of the fact that a number of constructions around Juhu Airport have already occurred which may necessitate review of operational procedures with respect to Juhu Airport, as and when Juhu Airport is made fully operational in future, as per present thinking of Ministry of Civil Aviation/Airports Authority of India.

In view of the above, the Committee is of the opinion that the specific areas falling in the IHS of both Santa Cruz and Juhu Airports where the maximum permissible height could be considered as 56.27 mtrs. AMSL, needs to be determined by a study conducted by AAI since the maximum permissible height in the IHS of Santa Cruz Airport is 56.27 mtrs. AMSL. While conducting the above study, it needs to be ensured that permitting maximum height of 56.27 mtrs. AMSL in the above said portion of IHS of Juhu Airport would not create any safety hazard even for futuristic planned

operations at Juhu Airport. However, other restrictions as applicable for objects lying in approach surface of Santa Cruz Airport and Juhu Airport would remain un-changed. Since, the above consideration would be a deviation from the provisions of S.O. 84 (E) of January 2010, the Committee, therefore, considers that the above view needs to be put up to the Competent Authority to accord special dispensation with respect to only the areas overlapping between IHS of both Juhu Airport and Santa Cruz Airport as may be stated in the Study Report and excluding the areas lying within approach surfaces of both airports.

Sl. No. 06

Case No. AH/52/09

Sailesh Puri Ishwarpuri Goswami and others, C/o Jagdish Bikhabhai Patel,

Survey No. 1134, 1135, Naroda Taluka, Ahmedabad

The proposed construction comprising of residential and commercial buildings is located at 2125 mtrs. from Runway 05 of Ahmedabad Airport and thus lies in the IHS of Ahmedabad Airport.

From perusal of records, the Committee observed that the applicant had earlier applied for NOC for height up to 88.52 mtrs. AMSL vide their application dated 22.09.2009 against which NOC for a height of 85.502 mtrs. AMSL was accorded by AAI, Ahmedabad in their letter dated 11th December 2009. The applicant had, in the mean time, revised their request for height of 100.872 mtrs. AMSL vide their letter dated 9th June 2010 against which AAI HQrs had issued a

letter to the applicant and copy to the Airport Director, Ahmedabad, that in AAI HQrs. review of the case, only 79.87 mtrs. AMSL is permissible.

The case, thereafter, was referred to the Appellate Committee, as desired by the applicant. The Committee further noted that the height of 79.87 mtrs. AMSL maximum could be granted due restrictions of ARSR.

While presenting their case to the Committee, the applicant could not answer the queries raised by the Committee and thus the applicant had requested that they may be given one more chance to present their case.

The Committee, in view of the applicant's request, agreed to defer this case and provide another opportunity to the applicant for making their presentation and furnish clarification, etc.

Sl. No. 07

Case No. MUM/09/23

M/s Rockline Properties and Developers Pvt. Ltd.

CTS No. 151, 151/1 to 61, 152, 152/1 to 43, 153, 154, 155, 155/1 to 46 at Pankeshah Baba Dargah, LBS Marg, Village Ghatkopar West, Mumbai

The proposed site is at 3440 mtrs. from Runway 27 of Santa Cruz Airport and thus lies in the IHS of Santa Cruz Airport.

The Committee perusing the records noted that the applicant had earlier applied for NOC of height up to 88.75 mtrs. AMSL against which they were accorded NOC for a height up to 55.30 mtrs. AMSL vide AAI letter dated

19.02.2009. Subsequently, the applicant revised their requirement to 109.95 mtrs. AMSL in their appeal dated 9th October 2010.

The case was earlier discussed in the Committee's meeting held on 16th December 2010 wherein the Committee had directed the applicant to submit to AAI, a fresh application for the new enhanced height of 109.95 mtrs AMSL as sought by them together with a complete lay out of the proposed buildings on their plot indicating height of each building therein.

The applicant, thereafter, submitted their revised application dated 10th January 2011 for grant of NOC for a height of 109.95 mtrs. AMSL including therewith a complete lay out of the proposed building to be constructed including Block Plan location and height of each building therein.

AAI while examining this request had worked out the maximum high admissible height as 56.27 mtrs. AMSL and referred the case to this Committee.

The applicant in their revised application had enclosed copies of correspondences with SRA including Letter of Intent w.r.t. the proposed construction and also Development Agreement with the Cooperative Housing Society. These papers on review by the Committee was, however, relating only to amalgamation of plots for the proposed SRA scheme. The applicant could not provide any supporting document to justify their claim for higher height.

During the hearing of this Committee, the applicant had clarified that their scheme falls in the Slum Rehabilitation Scheme of State Govt. to benefit approxi. 650 slum dwellers who are presently occupying the plot on which the building is to be constructed.

The Committee, therefore, directs that the applicant needs to submit duly authenticated documents supporting their claim as well as the communication received by them from relevant Govt. authorities and copies of any other relevant Govt. order to justify their claim for higher height.

Sl. No. 08

Case No. 770/8-HY

Annapurna Studios Pvt. Ltd., Hyderabad

New Survey No. 120 (T.S. No. 1, Part and 1/1/C-1 Part Block B & H, Ward No. 9, Village Shakipet, Hydeabad)

The site lies in the conical surface of Runway 09/27 of Hyderabad Airport at a distance of 4050 mtrs. from Runway 09 end.

From perusal of records, the Committee noted that the applicant has requested for a height of 638 mtrs. AMSL in December 2008 and was granted NOC up to a height of 578.55 mtrs. AMSL on 23rd March 2009. Thereafter, applicant vide their letter received on 16.04.2010 by AAI have requested for a height of 45 mtrs. AGL.

The case was earlier discussed in the Appellate Committee meeting held on 13th August 2010 wherein the applicant had claimed that there are number of buildings in the vicinity of their site which have been granted higher height in the same area. The Committee had then advised the applicant to provide details of such buildings which inter-alia should contain the site elevation, top elevation and

the distance of each of the buildings from the Runway end as well as ARP of the airport.

The applicant, during their presentation in this meeting, provided details of the above referred buildings. The Committee noted that the site elevation of these buildings vis-à-vis site elevation at proposed building are quite different due undulation of terrain in that area. During their presentation, the applicant also informed the Committee that their site lies in the foothills of a hillock and thus could qualify for shielding benefit. The applicant could not produce the contour maps etc. for examination of their claim.

The Committee advised the applicant to provide exact contours in that area indicating the top elevation of the hillock and top elevation of their proposed building and also to provide orientation of their building with respect to ARP of Hyderabad Airport as well as with respect to hillock behind their proposed building, as claimed by them. The Committee is further of the opinion that on receipt of the above inputs from the applicant, AAI needs to examine the details provided by the applicant, and put up for consideration of the Committee in due course.

Sl. No. 09

Case No. 771/08-HY

Annapurana Studios Pvt. Ltd., Hyderabad

New Survey No. 120/Building No. 2

The site lies in the conical surface of Runway 09/27 of Hyderabad Airport (Begumpet) and lies at a distance of 4100 mtrs. from Runway 09 end.

From the records, the Committee noted that the applicant had earlier requested for a height of 632.22 mtrs. AMSL in December 2008 and was granted up to a height of 579.80 mtrs. AMSL on 23.02.2009. Thereafter, applicant as per their letter received by AAI on 16.04.2010 requested for a height of 45 mtrs. AGL.

The case was earlier discussed in the Appellate Committee meeting held on 13th August 2010 wherein the applicant had claimed that there are number of buildings in the vicinity of their site who have been granted higher height in the same area. The Committee had requested the applicant to provide details of such buildings which should contain the site elevation, top elevation and the distance of each of the buildings from the Runway ends as well as ARP of the airport.

The applicant during their presentation in this meeting provided details of such buildings. The Committee, however, noted that the site elevation of these buildings quoted by the applicant vis-à-vis site elevation at proposed building, are quite different due undulation of terrain in that area. During this presentation, the applicant also informed the Committee that this site lies in the foothills of hillock

and thus could qualify for shielding benefit. The applicant could not, however, produce the contour maps of the location.

The Committee is of the view that the applicant needs to provide exact contours in that area indicating the top elevation of the hillock and top elevation of their proposed building and also to provide orientation of their building with respect to ARP of Hyderabad Airport as well as with respect to hillock behind their proposed building, as claimed by them. On receipt of the above inputs from the applicant, AAI needs to examine the details provided by the applicant and put up for consideration of the Committee in due course.

Sl. No. 10

Case No. 773/08-HY

Annapurana Studios Pvt. Ltd., Hyderabad

New Survey No. 120/Building No. 4

The site lies in the conical surface of Runway 09/27 of Hyderabad Airport (Begumpet) and lies at a distance of 4200 mtrs. from Runway 09 end.

On perusal of records made available by AAI, the Committee noted that the applicant had earlier requested for a height of 648 mtrs. AMSL on 10.12.2008 and was not granted NOC as the site elevation is itself higher than the permissible height at that location. Thereafter, the applicant as per their letter received in AAI on 16.04.2010 requested for height upto 45 mtrs. AGL.

The case was earlier discussed in the Appellate Committee Meeting on 13.08.2010 wherein the applicant had informed the Committee that there are number of buildings in the vicinity of their proposed building which have been granted higher heights in the same area. The applicant was requested to provide further details of these buildings in that area.

During the presentation in this meeting, the applicant informed that their proposed project of Annapurna Studio which is a link studio is essentially planned to be used as cultural hub and thereby provide employment opportunities to more than 3000 artists and artisans. They further informed that Govt. of Andhra Pradesh in support of this project, have allotted this land at the lowest and subsidized rates to facilitate this project and to promote the growth of cultural activities. The applicant also requested for Aeronautical Study for this location to determine the maximum permissible height.

The committee advised the applicant to provide duly authenticated copies of orders and other relevant documentary proof of State Govt. of Andhra Pradesh's support to the project to enable the committee to take a view on the request made by the applicant.

Sl. No. 11

Case No. 772/08-HY

Annapurana Studios Pvt. Ltd., Hyderabad

Build No. 8-2-293/82/A, Road No. 2, Jubilee Hills,

The site lies in the conical surface of Runway 09/27 of Hyderabad Airport (Begumpet) and lies at a distance of 4250 mtrs. from Runway 09 end.

On perusal of records provided by AAI, the Committee noted that the applicant had earlier requested for a height of 655 mtrs AMSL on 10.12.2008 but was not granted NOC as the site elevation is itself higher than the permissible height at that location. The applicant, thereafter, applied for a height of 45 mtrs. AGL as per the letter received on 16.04.2010.

The case was earlier discussed in the Appellate Committee Meeting on 13.08.2010 wherein the applicant had informed the Committee that there are number of buildings in the vicinity of their proposed building which have been granted higher heights in the same area. The applicant was then requested to provide further details of these buildings in that area.

During the presentation in this meeting, the applicant informed that their proposed project of Annapurna Studio which is a link studio essentially planned to be used as cultural hub and thereby provide employment opportunities to more than 3000 artists and artisans. They further informed that Govt. of Andhra Pradesh in support of this project, have allotted this land at the lowest and subsidized rates to facilitate this project and to promote the growth of cultural

activities. The applicant also requested for Aeronautical Study for this location to determine the maximum permissible height.

The Committee advised the applicant to provide duly authenticated copies of orders and the documentary proof of State Govt. of Andhra Pradesh's support to the project to enable the committee to take a view on the request made by the applicant.

Sl. No. 12

✓ Case No. MUM/10/21

Slum Rehabilitation Society (NGO), C/o Swapna Safliya

CTS No. 554/A, Village Kondivita, Andheri (East)

The proposed site for construction of residential building by the Slum Rehabilitation Society (NGO) is 3560 mtrs. from Runway 14 and lies in the IHS of Santa Cruz Airport.

As is available in records, the Committee noted that the applicant had earlier requested for NOC to a height of 86.985 mtrs AMSL in their application dated 18.06.2009. AAI vide their letter dated 2nd July 2010 have informed the applicant that their request could not be considered since the site elevation itself is 77.985 mtrs. AMSL.

The case was earlier discussed in the Committee's meeting on 13.08.2010. The applicant had at that time informed that their site is below the contour levels of high terrain in the vicinity of their site. They also informed that there are a number of buildings and also a water reservoir at the top of the hill, while their site is below the top of hillock. The applicant was at that time

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requested to provide the exact details of contours of the hills , relative positions of their proposed site w.r.t other buildings, water reservoir, etc., as seen from Santa Cruz Airport. The Committee had then decided that the matter could be further examined only, after the applicant provides the above said details as claimed by him.

The applicant has now furnished the contour maps of their proposed site w.r.t. other buildings, water reservoir etc. On perusal of the submitted drawings/ contour maps, it is observed by the Committee that the proposed building lies in between two higher areas ranging between approxi. 97 mtrs. AMSL and 108 mtrs AMSL. The height requested by the applicant is 86.985 mtrs. AMSL which seems to be falling in the shadow of the high hills around it as per the documents provided by the applicant. The Committee, however, observes that the papers/maps now submitted by the applicant have not been examined by AAI on their file before putting up to this Committee.

The Committee is of the opinion that shielding benefits may be granted at this locations and that the height of 86.985 mtrs. AMSL could be permitted at this location subject to the condition that AAI reconfirms the height of contour, the top elevation requested by the applicant and the orientation of the hills and the proposed buildings w.r.t. Runway.

Sl. No. 13

Case No. 2005 / 267

Registrar, University of Delhi

The site lies in the IHS of Runway 12 of Safdarjung Airport at a distance of about 3375 mtrs. from Runway 12.

From perusal of records made available by AAI, the Committee noted that the applicant had earlier applied in December 2005 for NOC to a height of 271 mtrs. AMSL against which only authorization for issue of NOC upto a height of 260.058 mtrs. AMSL was issued in February 2008.

The applicant had subsequently made an appeal in their letter dated 24.12.2010 for grant of NOC upto 271 mtrs. AMSL as was applied initially by them in 2005.

The Committee during this meeting observed on perusal of records available in AAI that no NOC was issued by the Regional Executive Director (NR) upto the height of 260.058 mtrs. AMSL as per the authorization of AAI HQrs letter No. AAI/20012/561/2006-ARI (NOC) dated 1.02.2008.

The Committee is of the view that since formal NOC was not issued in this case and also the authorization letter was issued more than 2 years back no appeal can be entertained in such case.

The Chairman directed that AAI in future should examine the availability and authenticity of all the documents submitted by the applicant, before the cases are put up to the Appellate Committee and should also ensure that applications for NOC are forwarded to Ministry of

Civil Aviation for consideration of the Appellate Committee only in cases wherein formal NOC has already been issued by AAI.

Also, the applicant was advised by the Committee to approach AAI for issue of formal NOC in the first instance and then in case they are not satisfied they may prefer to an appeal for which they have already paid the fee.

Sl. No. 14

Case No. MUM/10/155

M/s Indiabulls Properties Pvt. Ltd.

CTS No. 882 of Lower Parle Division, Mumbai (Jupiter Textile Mills)

The site is at about 9150 mtrs. from Runway 09 of Santa Cruz Airport. The site lies in Outer Horizontal surface of Santa Cruz Airport.

From perusal of records made available by AAI, the Committee noted that the applicant vide their application dated 18.02.2010 had requested for NOC to a maximum permissible height of 329.809 mtrs. AMSL. Against this request, AAI vide their letter dated 20th July 2010 issued a NOC for height of 170.81 mtrs. AMSL. The applicant, subsequently, vide their letter dated 06.09.2010 addressed to GM (NOC), AAI requested for review of the NOC and also revised their request for issue of NOC upto a height of 289.609 mtrs. AMSL. On their request, AAI vide their letter dated 16th November 2010 informed the applicant that their case has been reviewed at AAI HQrs. and no further height could be granted. They also informed the applicant that in case they wish so, they can

appeal to the Appellate Committee for higher/additional height, (within 30 days of receipt of their letter dated 16th November 2010).

The applicant, thereafter, vide their letter dated 14th December 2010 made a formal appeal to the Appellate Committee requesting for reconsideration of their case for a height not exceeding 289.609 mtrs. AMSL.

The applicant while presenting their case to the Committee could not provide the detailed drawings in plan and elevation of their proposed project as well as the orientation of their building(s) w.r.t. Santa Cruz Airport which they assured will be submitted at the earliest.

The Committee advised the applicant to provide the detailed drawings as referred above to AAI, who should examine these drawings w.r.t. AGA, CNS & PANOPS criteria and put up to the Committee in due course.

Sl. No. 15

Case No. ER/NOC (98/10)

Visa Power Ltd.

The project is for construction of chimney of upto 275 mtrs. AGL height for establishing a coal based Super Power Thermal Power Plant at village Deveri and Dumarpali, District Raigarh, Chhattisgarh.

From available records provided by AAI, the Committee observes that the applicant had initially applied to the Regional Executive Director, Kolkata for issue of NOC up to a maximum height of 275 mtrs. AGL. AAI, ER, however,

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issued NOC up to the height of 279 mtrs. AGL on 25th May 2010. It was also observed from records that AAI while working out maximum permissible height considered Raipur Airport as a reference. However, while issuing the NOC, AAI, ER office has put a condition that the applicant has to obtain clearance from a privately owned airport at Raigarh. Subsequently, the applicant approached the authorities of Raigarh Airport, who have given a clearance of height not exceeding 220.7 mtrs. AGL.

The applicant, thereafter, approached AAI for reconsideration of their case which AAI has forwarded to the Appellate Committee. The applicant was given a chance for presentation of their case in this Meeting.

During discussions in this Committee's meeting, Member (ANS), AAI brought out the point that S.O. 84 (E) of January 2010 includes only the airports as contained in Annexure III A of the Notification where civil commercial aircraft operations are operating or are likely to operate in near future. He pointed out that AAI being sole agency to control Indian Air Space allocated for civil aircraft operations, it needs to ensure that all other civil airstrips and airports which are not contained in Annexure 'III' of S.O. 84 (E) should also be taken into account while issuing the NOCs. The Chairman while appreciating the issue raised by Member(ANS) AAI, has expressed the view that the present jurisdiction of the Appellate Committee is limited to the provision of S.O. 84 (E) of January 2010. However, in case, AAI has any such other view relating to issue of NOC, the same should be taken up separately.

The Appellate Committee was of the view that since the Raigarh Airport is not included within the purview of S.O. 84 (E), it cannot consider the appeal for this case.

Sl. No. 16

Case No. MUM/10/178

Tanishq Builders

CTS No. 1269 (PT of village Koiril) at Chittranjan Nagar, Ghatkopar East, Mumbai

The site lies in the IHS of Santa Cruz Airport at about 2112 mtrs. from Runway 27 of Santa Cruz Airport.

From available records, it is observed that the applicant vide their undated application, but containing an undertaking indicating a date of 11th January 2010 on the body of the undertaking, had requested for a height of 89 mtrs. AMSL. AAI vide their letter dated 12th July 2010, and referring to a letter dated 12.07.2010 from the applicant (not available on record) issued NOC for height of 56.27 mtrs. AMSL.

The applicant, subsequently, vide their letter dated 20th September 2010 addressed to GM (NOC), AAI requested for grant of NOC upto 94.82 mtrs. AMSL. On this request, AAI vide their letter dated 15th November 2010 informed the applicant that their case has been reviewed by AAI HQrs. and no further height could be granted. AAI also informed the applicant that they may appeal to the Appellate Committee within 30 days of receipt of this letter. Thereafter, the

applicant vide their letter dated 9th December 2010 made a formal appeal to the Appellate Committee for consideration of their request for grant of height not exceed 94.82 mtrs. AMSL. However, no justification has been provided by the applicant for requesting the above said height.

The applicant requested to defer this case to the next meeting since they were not prepared with the required justification and data. The Committee agreed to defer the case on the request of the applicant.

Sl. No. 17

Case No. MUM/10/36

Ramakant R. Jadhav

CTS No. 13 & 33, Village Bandra East

The site lies in the IHS of Santa Cruz Airport and is at about 1344 mtrs. from Runway 09 end of Santa Cruz Airport.

From the available records, it is observed by the Committee that the applicant vide their undated application along with an undertaking indicating a date of 6th January 2010 on the body of the undertaking, had requested for a height of 105.40 mtrs. AMSL. On this request, AAI vide their letter dated 20th April 2010 quoting an applicant's letter dated 19th April 2010 had issued a NOC for a height not exceeding 56.27 mtrs. AMSL. The applicant subsequently vide their letter dated 4th October 2010, forwarded a fresh application addressed to Executive Director (ATM), AAI with the request for a height not exceeding 155 mtrs. AMSL. At this stage, AAI HQrs. vide their letter dated 11th October 2010

sought all the documents in respect of this case along with the calculation sheet from the Regional Office in Mumbai. Thereafter, the case was examined at AAI HQrs. and the applicant was informed by AAI HQrs. on 15th November 2010 that no more height is permissible at the site of the applicant. AAI HQrs. vide their same letter informed the applicant that in case they wish they may appeal to the Appellate Committee within 30 days of issue of this letter. The applicant vide their letter dated 09.12.2010 addressed to the General Manager (ATM), AAI made an appeal to the Appellate Committee.

The applicant while presenting their case to the Committee in this meeting could not provide details of their proposed building plan and elevation and its orientation with respect to Santa Cruz Airport to enable the Committee to examine their request.

The Committee, therefore, advised the applicant to provide detailed drawings as at above, as well as appropriate justification for consideration of their case. The applicant informed the Committee that their project is for development of slums under public-private partnership under the Slums Act I.C & R 1971 aimed to facilitate the rehabilitation of slums under public-private partnership. It was also presented to the Committee that as per norms they may have to construct the rehabilitation plots for the slum dwellers free of cost and the FSI generated due to construction of these rehabilitation plots is to be consumed on the site by constructing residential/commercial building for sale. However, the applicant could not provide duly authenticated documents detailing the above facts.

The Committee is of the opinion that the applicant needs to provide the detailed drawings indicating plan, elevation of buildings and its orientation w.r.t. Santa Cruz Airport and also authenticated documents in support of their claim that the project is being developed under slum rehabilitation scheme and that they have been authorized by the State Govt. to develop the same on public-private partnership model.

Sl. No. 18

Case No. MUM/09/53

M/s Housing Dev. & Infra. Ltd., C/o Bidco Engineering

CTS No. 161, 161/1 to 33, 159, 159/1 to 36, 13/1, 13/2, 13/3, 13/4, 13/14B, 13/16, 20, 21, of Bhandari Metrological Corporation Ltd., village Kurla III, Mumbai

The site lies in the IHS of Santa Cruz Airport and is at about 2080 mtrs. from Runway 32 end.

From records made available by AAI, the Committee observed that the applicant vide their undated application attached with an undertaking indicating a date of 21st August 2008, requested for a height of 60.50 mtrs. AMSL. AAI vide their letter dated 15/18th May 2009 issued a NOC for a height not exceeding 52.80 mtrs. AMSL referring to applicant's letter dated 13th May 2009, which was however, not available on file at AAI HQrs. The applicant subsequently vide their letter dated 12.06.2009 addressed to the Appellate Committee requested for a height of 63.40 mtrs. AMSL on the plea that the height of 90-110 mtrs. AMSL

have been granted at other locations within the IHS of Santa Cruz Airport by carrying out Aeronautical Study. The applicant also informed that their project falls in the shadow of Trombay hills which is about 300 mtrs. AMSL.

It was also clarified in the meeting by the applicant that as stated in their appeal letter, the project is a slum development project for rehabilitating 1828 tenants within an area of 24,000 sq. mtrs for the slum dwellers settled on the land of Mumbai Airport. They further claimed that clearing the cluster of slums on Mumbai Airport land, will also be beneficial for the Airport and to the Mumbai city and for the nation as a whole.

Considering the claim of the applicant that the project is for rehabilitation of slum dwellers on Mumbai Airport land, the Committee is of the opinion that implementation of this project would not only help in rehabilitation of slum dwellers but would also help in development of Mumbai Airport after these slum dwellers on the land of Mumbai Airport are rehabilitated through this project. The applicant, however, could not provide any authenticated documents in support of their claim. The applicant has also requested for Aeronautical Study, if required for the grant of the required height of 63.40 mtrs. AMSL

Considering the above facts, the Committee is of the opinion that the applicant needs to submit to AAI duly authenticated documentary proof from all concerned agencies in support of their claim that the project is aimed at rehabilitation of slum dwellers on the land belonging to Mumbai Airport.



Sl. No. 19

Case No. MUM/10/191

Mr. Nitin Brahmbhatt, Partner of Arcadia Computer and Software

CTS No. 1086, 1086/1 to 3, village Vile Parle, Mumbai

The site lies in the approach surface of Runway 14 at a distance of about 304 mtrs. from Runway strip of Runway 14 of Santa Cruz Airport.

From examination of records provided by AAI, the Committee observed that the applicant vide their undated application, attaching an undertaking indicating a date of 03.07.2010 on the body of undertaking, had applied for height of 31.085 mtrs. AMSL. AAI vide their letter of 19th July 2010 issued NOC for height not exceeding 17.30 mtrs. AMSL. The applicant, subsequently, vide their letter dated 29.10.2010 appealed against this NOC with the plea that there are other buildings within the vicinity of their plot and nearer to the Airport which have been granted more height. During the presentation, the applicant could neither provide any document supporting their claim for higher buildings being permitted in the vicinity of the site nor could clearly indicate the location of such high rise building as in the vicinity of the plot as indicated by them.

Since the site lies within the approach surface of Runway 14 at Mumbai Airport, the Committee is of the opinion that no further height can be granted in this case.

Sl. No. 20

Case No. MUM/09/159

M/s Seven Hills Healthcare Private Ltd.

Absent and have also not paid required fee to AAI.

Sl. No. 21

Case No. MUM/07/245

M/s Aniruddha R.K.

Absent and have also not paid required fee to AAI.

Sl. No. 22

Case No. MUM/09/77

M/s Prabhadeep Cooperative Housing Society

CTS No. 1400, 1400/1 to 3 of village Vile Parle (West)

The site lies in the Transitional Surface of Juhu Airport at about 32 mtrs. from beginning of Runway 26 and 112 mtrs. from Approach Funnel of Runway 26 of Juhu Airport.

The applicant vide their undated application, attached with an undertaking indicating date of 22nd January 2009 on the body of the undertaking, had applied for height clearance up to 31.70 mtrs. AMSL. They were granted NOC for a height not exceeding 27.64 mtrs. AMSL on 25.03.2009.

The applicant, thereafter, vide their letter dated 9th July 2010 addressed to the Chairman, AAI requested for review of their case. Thereafter, M/s Man

Infraprojects Ltd., on behalf of the applicant, made an appeal to the Ministry of Civil Aviation with a request to grant the additional height on the plea that the buildings in the vicinity of their proposed site have been granted higher height. They also quoted two buildings namely, Saroj Bala, Sat Guru Developers and Vidharabha, Samrat Cooperative Housing Society Ltd., according to their claim, have been granted height up to 28.33 mtrs. AMSL and 31.18 mtrs. AMSL respectively.

During their presentation, the applicant could not provide the details regarding location of their site with respect to the other buildings as referred by them as well as their orientation with respect to Runway 26 of Juhu Airport.

The Committee advised the applicant to provide the drawings indicating the location of their site with respect to other buildings and their orientation with respect to Runway 26 of Juhu Airport and also the NOC of those buildings, if available, as referred by them. The applicant was also advised to provide plan and elevation view of their proposed buildings to enable the Committee to study the utilization of the increased height requested by them.

Sl. No. 23

Case No MUM/09/433

Star Light Hospitality Pvt. Ltd.

CTS No. F/60, F/61, F/62 and F/63 of village Bandra, Mumbai

The site lies in the IHS of Santa Cruz airport and is at about 2924 mtrs from beginning of Runway 09.

From available records, the Committee observed that the applicant vide their letter dated 26.08.2009 had requested for a height of 84.890 mtrs. AMSL.

AAI (WR) vide their letter dated 26/30th November 2009, issued a letter, addressed to the architects of the applicant, stating that the maximum permissible height at their location is 56.27 mtrs. AMSL and also advised them to submit within 90 days their revised Section Plan for the height of 56.27 mtrs along with the revised undertaking for the said height. The aforesaid letter clearly mentions "This is not a NOC". From the perusal of the records, it is also seen that the applicant subsequently vide their letter dated 15th July, 2010, addressed to the Chairman AAI, requested for height more than 72 mtrs. AMSL and Aeronautical Study be conducted for the maximum permissible height at their location so as to consume full FSI. Against this request, AAI issued a letter dated 9th September 2010, that the applicant's case had been reviewed at AAI HQrs. and no further height is permissible at that location. AAI HQrs. in the same letter informed the applicant that their case is being forwarded to the Appellate Committee of Ministry of Civil Aviation for Aeronautical Study request.

The applicant presented their case to the Appellate Committee in this meeting stating that the project involves redevelopment under SRA.

The Committee is of the view that since formal NOC was not issued in this case, no appeal can be entertained.

The Chairman directed that AAI in future should examine the availability and authenticity of all the documents submitted by the applicant, before the cases are put up to the Appellate Committee and

should also ensure that applications for NOC are forwarded to Ministry of Civil Aviation for consideration of the Appellate Committee only in cases wherein formal NOC has already been issued by AAI.

Also, the applicant was advised by the Committee to approach AAI for issue of formal NOC in the first instance and then in case they are not satisfied they may prefer an appeal for which they have already paid the fee.

Sl. No. 24

Case No. MUM/10/217

M/s Ravi Raj - Architect

Absent and have also not paid required fee to AAI.

Sl. No. 25

Case No. MUM/07/152

M/s Ravi Raj- Architect

Absent and have also not paid required fee to AAI.

Sl. No. 26

Case No. MUM/10/146

M/s Kaushal Mukesh Builders & Developers (P) Ltd.

Absent.

Sl. No. 27

Case No. MUM/10/316

M/s Skylark Build

CTS No. 286 (Part 1 Lower Parel Division/FP No. 1078 TPS IV of Mahim Division)

The site lies in the OHS of the Santa Cruz Airport at a distance of 8700 mtrs. from Runway 27 end .

From available records, the Committee observed that the applicant vide their application dated 14th May 2010, had applied for a height of 501.909 mtrs. AMSL. On this request, AAI Regional HQrs. Mumbai vide their letter dated 26th August 2010 issued NOC for a height not exceeding 168.88 mtrs AMSL. AAI subsequently vide their letter dated 21st October 2010 referring to a letter dated 31st August 2010 from the applicant not available on record, intimated to the applicant that their case has been reviewed at AAI HQrs. and that no more height is permissible. AAI HQrs. also informed the applicant that their case is being forwarded to the Appellate Committee. Thereafter, the applicant vide their undated letter received in the Ministry of Civil Aviation on 16.11.2010 and addressed to the GM (NOC), AAI requested for a review of their case for a height of 501.909 mtrs AMSL stating that there are existing authorized higher buildings in their vicinity. This letter was followed by another letter dated 22nd November 2010 from the applicant addressed to GM(NOC), revising their request to 375.159 mtrs. AMSL and also requesting for Aeronautical study. The applicant

also forwarded with their letter of 22nd November 2010, the revised drawings for consideration by AAI.

The Applicant while giving their presentation, informed the Committee that their project is for slum re-housing and improvement of living conditions and is an innovative partnership approach with state authorities for the improvement of slums. The entire plot has been planned to have separate towers for slum rehabilitation as well as for sale component. The sale component will have two towers wherein the applicant had requested for higher height. On specific query during the presentation, the applicant stated that about 3000 slum dwellers are required to be rehabilitated. The applicant also could not provide the authenticated documents to support their claim.

On perusal of records, it is seen that the case is still under examination by AAI.

The Committee is of the view that AAI needs to examine the case in full and thereafter put up to the Appellate Committee along with their findings. The Committee also felt that the applicant needs to provide the detailed information sought by the Committee as well as duly authenticated copies of the documents, if any, issued by the Municipal authorities and State Govt. authorities to support their claim .

Sl. No. 28

Case No. NR/2010/411

M/s Madhvilata Granite (India) Ltd.

Absent and have also not paid required fee to AAI.

Sl. No. 29

Case No : MUM/10/455

M/s Pilot Constructions Pvt. Ltd.

CS No. 6 (Pt.) of Sion Division, Mumbai

The site lies in the conical surface of Santa Cruz Airport at about 4288 mtrs from Runway 32 end.

From available records, the Committee observed that the applicant vide their undated application, attached with an undertaking indicating date of 1st July, 2010 on the body of the undertaking, had requested for height of 302.172 mtrs AMSL. On this request, AAI vide their letter dated 29th October 2010, issued authorization for grant of NOC upto 70.67 mtrs. AMSL. The applicant vide their letter dated 10th November 2010, appealed to the Appellate Committee requesting for reconsideration of their case for a height of 302.172 mtrs. AMSL on the grounds that

- 1) They understand that it is possible to get higher height if after Aeronautical Study it is determined that the said height shall not in any way at this stage affect the safety of aircraft operations.

2) That height upto 110 mtrs. AMSL has been granted much nearer to the Runway by carrying out the Aeronautical Study.

3) That there is a hill in the vicinity of their plot which is about 309 mtrs. AMSL

The applicant had also requested for Aeronautical Study.

The applicant during presentation to the Committee mentioned that their proposal is a redevelopment project of existing residential buildings.

The Committee advised the applicant to provide the details regarding utilization of land for the project as stated above and also submit detailed drawings to enable the Committee to ascertain the mandatory requirement of space for development as per State Govt./Municipal Corporation Regulations. Also the applicant needs to submit copies of duly authenticated documents in support of their claim that it is a redevelopment project supported by Municipal / State authorities.

On receipt of the above information/details, AAI need to examine the same and issue a formal NOC. The Committee is also of the view that it can consider appeal cases only in case a formal NOC has been issued.

Therefore, this case can be further heard by the Committee only after the above said papers are examined by AAI and a formal NOC is issued by them. Thereafter, AAI can put up the case to Appellate Committee, if required, as the applicant has already paid the required fee to AAI for consideration of their case by Appellate Committee.

Sl. No. 30

Case No. MUM/08/467

R.T. Constructions Pvt. Ltd., C/o M/s Bidco Engineering Division

CTS No. 12-14, 16 & 17 of village Vile Parle, Mumbai

The site lies in the IHS of Mumbai and Juhu airports at about 1880 mtrs from Runway strip of Runway 14 of Santa Cruz airport and 2292 mtrs. from ARP of Juhu Airport respectively.

The applicant vide their undated application, attached with an undertaking indicating date of 16th June 2008 on the body of undertaking, had requested for a height of 54.75 mtrs. AMSL. Against this, AAI vide their letter dated 18th May 2009, quoting reference of a letter dated 13th May 2009 from the applicant, issued a NOC for a height not exceeding 48.84 mtrs. AMSL. The applicant vide their, undated, letter received by AAI HQrs. on 18.10.2010 submitted a fresh application requesting for a height of 63.95 mtrs. AMSL stating that as per revised S.O. 84 (E) of January 2010, they can be granted more height. They also mentioned that there are higher buildings authorized in the vicinity of their plot. AAI vide their letter dated 13th December 2010 informed the applicant that no more height beyond 48.84 mtrs. AMSL is permissible at their site and that the applicant can appeal to the Appellate Committee of Ministry of Civil Aviation if they so desire.

Thereafter, the applicant vide their undated letter received in AAI on 24th January 2011 appealed to the Appellate Committee for height of 63.95 mtrs.

AMSL quoting that the buildings in the vicinity of their plot have been granted height of 56.27 mtrs. AMSL.

The applicant during their presentation in this meeting indicated that their proposal is under the slum rehabilitation scheme and that the Govt. of Maharashtra Slum Rehabilitation Authority had issued a Letter of Intent which was produced according to which the applicant has to re-house eligible slum dwellers which are 1341 in numbers. They are also required to surrender some part of the buildable plot for setting up of primary school for 500 students and that they are also permitted to have buildings for sale.

The applicant was advised to provide the exact coordinates in WGS 84 for all extremities of their plot.

Considering that the project is under slum rehabilitation scheme with letter of intent issued by Slum Development Authority of Mumbai, the Committee is of the opinion that Aeronautical Study is required to be conducted with respect to Santa Cruz as well as Juhu Airports to determine the maximum permissible height at this location. Further, while carrying out the Aeronautical Study AAI should also consider the missed approach procedures for Runway 08 of Juhu airport as well as the proposed GNSS procedures for Santa Cruz and Juhu Airports. 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. 31

Case No. MUM/09/124

M/s Ratan Builders

CTS No. 3996 – 4002A, 4003, 4007, 4008, 4009A, 4009B of village Ghatkopar West, Mumbai

The site lies in the Approach Surface of Runway 27 at about 3232 mtrs. from strip of Runway 27 of Santa Cruz Airport.

From the available records, the Committee observed that the applicant vide their undated application, attached with an undertaking indicating date of 20th March, 2009 on its body, had requested for grant of height upto 87.78 mtrs. AMSL. Against this request, AAI vide their letter of 18.10.2010 referring to the applicant's letter dated 07th October 2010 issued NOC for height not exceeding 52.80 mtrs AMSL. Thereafter, the applicant vide their letter dated 1st November, 2010, addressed to the Appellate Committee made a request to reconsider their case stating that the calculations made by Western Region are not correct. They have also requested for fresh calculations as per Notification S.O. 84 (E) of January 2010 and grant the height requested by them.

During the presentation, the applicant had informed that their project is for redevelopment of slums to rehabilitate about 864 slum dwellers and that they

have to surrender portions of their plot for road widening and for school and that remaining 54% only of their areas will be utilized for building purposes.

Considering the fact that the site lies in the Approach Surface of Runway 27 and also in the IHS of Runway 27 of Santa Cruz Airport which is considered critical, the Committee is of the view that the provision of S.O. 84 (E) of January 2010 needs to be applied strictly.

The Committee is of the opinion that since the applicant had raised doubts about the calculations made by AAI (WR), AAI HQrs. need to recheck the calculations w.r.t. maximum permissible height at that location, considering the provisions of S.O. 84(E) w.r.t. Inner Horizontal Surface and Approach Surface and in case any deviations are found w.r.t. earlier calculations, AAI may issue revised NOC as per the fresh calculations. In case AAI finds no deviations in the calculations made earlier, the matter then also may be brought up in the Appellate Committee Meeting in due course of time.

Sl. no. 32

Case No. MUM/07/420

M/s Pioneer India Developments Private Ltd.

Sub plot 'E' bearing F.P. No. 18-19/31 to 22 (Pt.) and 18-19/34 ABC, 35 ABC (Pt.) TPS VI of Santa Cruz village, Bandra (W), Mumbai

The proposed site lies in the Approach area of Runway 09 at a distance of 1400 mtrs. from edge of basic strip of Runway 09.

As per available records, the Committee observes that the applicant vide their undated application, attached with an undertaking indicating date of 11th September, 2007 on its body, had applied for a height not exceeding 31.65 mtrs. AMSL. AAI vide their letter dated 26th June 2008 issued NOC for the height of 31.65 mtrs. AMSL. Subsequently, the applicant vide their undated letter received by AAI HQrs. on 1st February 2011 stated that as per the latest Notification S.O. 84 (E) of January 2010 they are entitled for more height. They also submitted a fresh application requesting for a height of 46.45 mtrs. AMSL.

The Committee is of the opinion that since the fresh application requesting for a height of 46.45 mtrs. has not been examined by AAI, therefore AAI needs to initially examine the case afresh based on the fresh application, in accordance with para 1.3.1.4 of the Notification S.O. 84 (E) of January 2010 considering that the railway line in the approach of Runway 09 is a permanent obstruction and is not likely to be removed and thereafter, issue the NOC for permissible height. While examining the case, AAI should also consider the adverse impact, if any, of the proposed construction on take-off and climb-up surfaces as appropriate in conformity to para 4.2.25 and also para 4.2.27 of Chapter 4 Annex 14 considering that the Railway line is a permanent obstruction and is not likely to be removed.

SI. No. 33

Case No. MUM/09/196

Mr. Mohammed Yusuf Abdul Sattar Momin

Building No. 4 of plot bearing CTS No. 31 E/2(Pt.), (Part – A) of village
Bandivali Jogeshwari (W), Mumbai

The site lies in the Conical Surface of Runway 14 of Santa Cruz Airport at a distance of 4824 mtrs. from the Runway 14.

From available records, the Committee notes that the applicant vide their application dated 29.04.2009 had requested for a height not exceeding 98.725 mtrs. AMSL. Against this request, AAI vide their letter dated 22.05.2009 issued NOC for the requested height of 98.725 mtrs. AMSL. Thereafter, the applicant approached AAI vide their letter dated 29th October 2010 requesting for a height of 222.60 mtrs. AGL i.e. 239.865 mtrs. AMSL. The applicant further submitted a fresh application vide their undated letter requesting for a height of 239.865 mtrs. AMSL. On perusal of records, it is further observed that the case has not been examined initially by AAI.

The Committee is of the opinion that the case needs to be examined initially by AAI by following the latest Notification and circulars and issue the NOC accordingly. In case, the applicant does not get permission for their requested height, then only the applicant may take up the case to the Appellate Committee in due course of time.

Sl. No. 34

Case No. MUM/10/413

Kalpesh Patel

CTS No. G/540 village Bandra (W) F.P. No. 150 of TPS-IV of Santa Cruz at
Santa Cruz (W)

This case was put up to the Appellate Committee at the last moment
without prior examination of the case by AAI.

However, the Committee reviewed the documents submitted to it by AAI
and observed that the site under reference is located at 3675 mtrs. from ARP of
Mumbai Airport and 2538 mtrs. from ARP of Juhu Airport thereby lies in the inner
Horizontal surface of both the airports. The site under reference does not fall
inside the approach surface of both the airports.


Since the site lies in the IHS of Juhu as well as the Mumbai Airports, the
Committee was of the opinion that detailed discussion/review would be needed
to determine the status of such cases, wherein the site lies in the IHS of both
these airports. While reviewing the matter in its totality, the Committee noted that
the maximum permissible height in IHS of Santa Cruz Airport is 56.27 mtrs.
AMSL while the maximum permissible height in IHS of Juhu Airport is 49.87 mtrs.

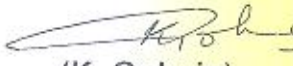
AMSL. As per the Notification No. S.O. 84 (E) of January 2010, more restrictive of the two is to be considered for grant of NOC. However, the Committee also noted the fact that Santa Cruz Airport is one of India's busiest Airport while Juhu Airport at present is practically non-operational for civil scheduled commercial flights. The Committee further took note of the fact that a number of constructions around Juhu Airport have already occurred which may necessitate review of operational procedures with respect to Juhu Airport, as and when Juhu Airport is made fully operational in future, as per present thinking of Ministry of Civil Aviation/Airports Authority of India.

In view of the above, the Committee is of the opinion that the specific areas falling in the IHS of both Santa Cruz and Juhu Airports where the maximum permissible height could be considered as 56.27 mtrs. AMSL, needs to be determined by a study conducted by AAI since the maximum permissible height in the IHS of Santa Cruz Airport is 56.27 mtrs. AMSL. While conducting the above study, it needs to be ensured that permitting maximum height of 56.27 mtrs. AMSL in the above said portion of IHS of Juhu Airport would not create any safety hazard even for futuristic planned operations at Juhu Airport. However, other restrictions as applicable for objects lying in approach surface of Santa Cruz Airport and Juhu Airport would remain un-changed. Since, the above consideration would be a deviation from the provisions of S.O. 84 (E) of January 2010, the Committee, therefore, considers that the above view needs to be put up to the Competent Authority to accord special dispensation with respect to


only the areas overlapping between IHS of both Juhu Airport and Santa Cruz Airport as may be stated in the Study Report and excluding the areas lying within approach surfaces of both airports.

Also, the Committee is of the opinion that the case needs to be examined initially by AAI by following the latest Notification and circulars and issue the NOC accordingly. In case, the applicant does not get permission for their requested height, then only the applicant may take up the case to the Appellate Committee in due course of time.


(V. Somasundram)
Member(ANS), AAI


(K. Gohain)
Outside Expert


(A.K. Misra)
Outside Expert


(Jyoti Prasad)
ED (ATM), AAI


(Alok Sinha)
Chairman

New Delhi
Dated : 23.02.2011