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Minutes of the Meeting of "No-Objection-Certificate" (NOC) Appellate Committee held on 25<sup>th</sup> March 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 25<sup>th</sup> March 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 21 cases submitted by AAI for consideration of the Committee in this meeting. Of these listed cases, 15 numbers were present.

4. 'The Chairman had directed in the earlier meeting' that the first item of the Agenda should be the 'Action Taken Report' on the various cases considered in the earlier meeting(s). Accordingly, 'Action Taken Report' as submitted by AAI on the present position in each case considered in the Appellate Committee meeting held on 09.02.2011 is placed at 'Annexure I'. Appellate Committee in this meeting, in order to bring clarity in the processing of cases issued directions for future guidance which are also included in 'Annexure I'.

5. Each of the applicants present for this meeting were thereafter 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 NOC Cell of AAI, the following decisions/recommendations are made with respect to the individual cases as given below:

Sl. No. 01

Case No. MUM/09/212

Turf Estates J.V. (Suresh Estates Pvt. Ltd.), C/o .B. S Joshi, Architects

CTS No. 2/65, 3/65, 66, 67, 1A/66 of Lower Parel Division, Mumbai


The applicant vide their application dated 29<sup>th</sup> April 2009 had applied for a height of 244.219 mtrs. AMSL. Since the site had number of buildings located in the plot, AAI had requested the applicant to provide detailed drawings of each of the building within the plot indicating their respective location as well as plan and elevation view of each building. The applicant vide their letter dated 7<sup>th</sup> July 2010



submitted the desired drawings wherein the height sought for building Nos. 1 & 4 was 350 mtrs. AMSL while the requested height for other buildings i.e. building Nos. 2, 3 & 5 was 200 mtrs. AMSL. AAI CHQ vide their letter dated 10<sup>th</sup> August 2010 to RED, WR, with a copy to the applicant cleared the height for building Nos. 1 & 4 up to 311.27 mtrs. AMSL and for building Nos. 2, 3 & 5 to a height of 202.95 mtrs. AMSL. The applicant subsequently vide their letter dated 9<sup>th</sup> September 2010 appealed to the Appellate Committee for reconsideration of their case for grant of the requested height on the plea that this is a rehabilitation and redevelopment project and due to the planning constraints and the statutory requirement of open spaces on the sides coupled with full utilization of FSI, they need to increase the height of the building.

The site falls in the OHS of Santa Cruz Airport at about 12,500 mtrs. from the airport. This matter was earlier discussed in the Appellate Committee meeting held on 1<sup>st</sup> November 2010 wherein the Committee had observed that AAI should examine overall impact of all five buildings on performance of ASR, Mumbai Airport. As per the noting (page 8/n) of the concerned file, AAI have now examined the overall impact and reconfirmed that the height calculated earlier by AAI, as in the records at above, is correct.

During the presentation, the applicant referred to their letter dated 22.03.2011 wherein they have stated that their proposal entails resettlement of all existing tenants and redevelopment of dilapidated buildings under the urban renewal scheme under State Govt. Regulation DCR 3309 for which LOI has been issued to the applicant by the Municipal Corporation of Greater Mumbai.



Also a separate LOI has been issued by Municipal Corporation of Greater Mumbai indicating that the public parking lot on the plot under reference shall be as per the guidelines prepared by MCGM for development of public parking lots. In addition to the above, a part of FSI, which is to be developed by the applicant, is required to be shared with MAHDA as well as part of the land is also to be handed over as setback for road widening, thereby reducing the net plot area and consequently foot print of all the buildings proposed to be built on the said plot. During the presentation, the applicant also clarified that they are requesting for Aeronautical Study for the maximum permissible height of building Nos. 1 & 4 only, and they have accepted the maximum permissible height of 202.95 mtrs. AMSL for their building Nos. 2, 3 & 5.

Considering the above, the Committee is of the opinion that Aeronautical Study needs to be conducted to determine the maximum permissible height for proposed building Nos. 1 & 4 at their location as in the map submitted by the applicant. While conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect of aircraft operations over that area should be determined taking into consideration other existing high-rise buildings in the vicinity of the proposed structure. Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. The impact of the structures on the overall safety aspect also needs to be examined during the Aeronautical Study through Collision Risk modeling and/or Obstacle Assessment Study.

Sl. No. 02

Case No. MUM/09/574

M/s Sunnyfield Plantation Ltd., C/o B.R. Gandhi & Associates

CTS No. C/825 of village Bandra (W), Mumbai

Absent.

Since the applicant despite being invited was absent in the Appellate Committee meetings held on 16.12.2010 & 09.02.2011, the Chairman directed that this case should be dropped from further consideration by the Committee.

Sl. No. 3

Case No. MUM/10/114

M/s Aqua Marin Enterprises, C/o B.R. Gandhi & Associates

CTS No. F/138 of village Bandra (W), Mumbai, F.P. No. 173 of T.P.S. No. 111 of Bandra (W), Mumbai

Absent.

Since the applicant despite being invited was absent in the Appellate Committee meetings held on 16.12.2010 & 09.02.2011, the Chairman directed that this case should be dropped from further consideration by the Committee.

SI. No. 04

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.

The applicant on 21<sup>st</sup> October 2010 appealed against the NOC issued for height of 56.27 mtrs. AMSL against their request for height of 71.80 mtrs. AMSL.

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 wherein the applicant was advised by the Committee to provide drawings indicating the shielding area, duly authenticated by Govt. approved Surveyor. The applicant has now provided to the Committee the drawing duly authenticated by the Assistant Engineer (Survey) H & K Wards of BMC.

The applicant has requested for grant of shielding benefit with respect to the NOC No. AAI/20012/442/2004-ARI (NOC) dated 8<sup>th</sup> December 2009 issued to the Director, National General Agencies Pvt. Ltd., Sandhu Palace, Pali Hill, Bandra (W), Mumbai. As per this NOC, the top elevation of 110 mtrs. AMSL has been permitted for the said building Sandhu Palace.

AAI contended that shielding benefit is to be extended from authorized man-made structure and that they are not aware as of now whether the referred Sandhu Palace is complete or not.

The Committee on perusal of available records in relevant files while considering the presentation made by the applicant and taking note of



AAI's contention is of the view that the applicant may be permitted height applicable from shielding benefit as per the provision in para 4.1.7.2 of Notification S.O. 84 (E) of January 2010 taking into account the actual height of the referred Sandhu Palace building, and that if the permissible height exceeds 56.27 mtrs. AMSL, the building portion above 56.27 mtrs. AMSL should fall within the shadow of Sandhu Palace as seen from ARP of Santa Cruz Airport.

Sl. No. 05

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.

The revised request for height sought by the applicant is 100.872 mtrs. AMSL against which AAI CHQ have calculated the maximum permissible height of 79.87 mtrs. AMSL.

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history for the same is recorded in the minutes of the said meeting. During the presentation given by the applicant in the Appellate Committee meeting held on 9<sup>th</sup> February 2011, the applicant could not answer the queries raised by the Committee and the applicant on their request has now been given one more chance to present their case.



The applicant in this meeting reiterated their request for permitting the maximum height of 100.872 mtrs. AMSL. On examination of records, it is revealed that requested height of 100.872 mtrs. AMSL may be cleared from AGA criteria but the restrictions have, however, been imposed due to ASR. It was also observed that the applicant has submitted a drawing of Sectional Elevation which was not complete w.r.t. all the buildings proposed to make precise calculations for the heights that can be cleared from ASR for each of the buildings.

The Committee is of the view that the applicant needs to submit drawings indicating elevation and plan of all the buildings proposed to be constructed on the plot to enable the Committee to study the exact impact of these constructions on ASR, Ahmedabad. The applicant agreed to provide the required drawings.


Sl. No. 06

Case No. NR/10/104

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

(77° 4'30" E 28° 31' 40" N)

The proposed site lies at 3000 mtrs. from Runway 11 R of IGI Airport and is situated in the SEZ of Gurgaon.

  
Aswini



The case was earlier discussed in the Appellate Committee meeting held on 16<sup>th</sup> December 2010 and the case history is recorded in the minutes of the said meeting.

During the earlier presentation to the Committee on 16.12.2010, the applicant reiterated that their building falls in the shadow of existing buildings in that area and requested for consideration of shielding benefits under the provisions of S.O. 84 (E). The Committee directed the applicant to provide detailed drawings indicating location of their building vis-à-vis other buildings in that area from which shielding benefit is sought and also with respect to Runaway 11 R of IGI Airport.

The applicant has now submitted the documents vide their letter dated 14.02.2011 as directed by the Committee in its earlier meeting held on 16.12.2010. AAI, after examination of these documents from CNS angle, have cleared the height upto 269.09 mtrs. AMSL at the location based on the coordinates provided by the applicant vide their letter dated 14.02.2011 and which is supported by a certificate from District Town Planner, Gurgaon indicating the coordinates of the site.

On examination of available records, it is, however, seen that the applicant had initially provided the coordinates of the site as 77° 4' 30" (E) 28° 31' 15" (N), while as per the certificates provided by the District Town Planner, Gurgaon there are two specific towers located at coordinates 77° 04' 21.46" (E) 28° 30' 46.41" (N) and 77° 04' 22.54" (E) 28° 30' 40.46" (N) respectively. The coordinates provided by the District Town Planner have been plotted on the map which are



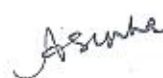
available (page 33/c) in the file. The applicant has also plotted the location of the other tower belonging to M/s IST Ltd., who have been accorded NOC upto a height of 281 mtrs. AMSL vide AAI letter dated 02.08.2005.

On perusal of the file documents and examination of the maps, it is observed that this case does not qualify for shielding benefit as contained in para 4.2 Annexure II of S.O. 84 (E) of January 2010. Also, it is noted that the location details submitted by the applicant in this meeting which is also certified by the Town Planner, Gurgaon is different from the location shown in the original application for which NOC has already been issued upto 260.42 mtrs. AMSL.

During the presentation in the meeting when specifically queried, the applicant has clarified that the exact location of their proposed building is at the location for which duly specified coordinates have been provided by the District Town Planner, Gurgaon. The applicant was informed that as per the information now submitted by them, they do not qualify for shielding benefit and thus they can be permitted upto a maximum height of 269.09 mtrs. AMSL at the location as was accorded by AAI after examination of their proposal, as was submitted on 14.02.2011. The applicant stated that they intend to revise their building plans to suit the requirement of S.O. 84 (E) of January 2010 and requested the Committee to consider their revised elevation & plan drawing for the building.

Considering the above, the Committee is of the view that as per the present drawings available on file, applicant can be permitted to a maximum height of 269.09 mtrs. AMSL as calculated by AAI at this location.

However, in case the applicant submits the revised drawings as stated by



them, the Committee may consider their case as a fresh case based on those revised drawings at that stage.

SI. 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 lies in the IHS of Santa Cruz Airport and is at 3440 mtrs. from Runway 27 end of Santa Cruz Airport.

The applicant had submitted the revised height of 109.95 mtrs. AMSL on 9<sup>th</sup> October 2010 against which a height of 56.27 mtrs. AMSL had been granted.

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the minutes of the said meeting. The Committee in the meeting held on 9<sup>th</sup> February directed the applicant to submit duly authenticated documents supporting their claim that the project pertains to slum rehabilitation. The applicant has now submitted 'Letter of Intent' from the State authorities w.r.t. the proposed construction and also 'Development Agreement' with the Cooperative Housing Society.

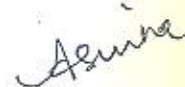
On perusal of the documents, it is observed that the project has been approved by Slum Rehabilitation Authority of the State Govt. to rehabilitate approxi. 650 slum dwellers who are presently occupying the plot on which the proposed building is to be constructed. The applicant has also signed a



Development Agreement with Pankeshah Baba (SRA) Cooperative Housing Society Limited for development of the plot and accommodating the tenants of the above said housing society which is basically a housing society formed by the slum dwellers. The 'Development Agreement' also mentions that at present 76% of hutment holders/occupants/slum dwellers of the society have granted their respective consent for the development of the above said property as Slum Development Project under the Slum Rehabilitation Authority provisions in accordance with Clause 33 (10) and Appendix IV of DC Regulations.

The applicant during their presentation to the Committee has made request, followed by a written request, for carrying out Aeronautical Study to determine the maximum permissible height.

The Committee in view of the justification provided by the applicant is of the view that an Aeronautical Study needs to be conducted to determine whether the requested height of 109.95 mtrs. AMSL could be permitted at the subject location. The Committee is also of the view that while conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect 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 Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. The impact of this structure on the safety aspect also needs to be examined during the



**Aeronautical Study through Collision Risk modeling and/or Obstacle Assessment Study.**

SI. No. 08

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 and thus lies in the Outer Horizontal Surface of Santa Cruz Airport.

The revised request for grant of NOC by the applicant is 289.609 mtrs. AMSL vide their letter dated 06.09.2010. AAI vide their letter dated 16<sup>th</sup> November 2010 informed the applicant that no further height would be permissible more than the height of 170.81 mtrs. AMSL already granted to them at this location

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the minutes of the said meeting.

The applicant while making presentation to the Committee on 9<sup>th</sup> February 2011, could not provide the detailed drawings in plan and elevation of their proposed project as well as the orientation of their building w.r.t. Santa Cruz Airport. The Committee had then advised the applicant to provide the detailed drawings, as referred above, to AAI who would re-examine these drawings and put up to the Committee in due course.

The applicant has now provided the detailed drawings to AAI and the same have been examined by AAI from CNS criteria and their observations are recorded in the note-sheet of the relevant file of AAI.

During the presentation made by the applicant in this meeting, the applicant stressed that the angle subtended at DVOR from this location is 1.4820 for requested height of 289.609 mtrs. AMSL. The applicant also informed the Committee that the structure above the level of 257 mtrs AMSL is only a decorative tall structure and would be made of non-metallic and non-reflective material.

The calculations made with respect to DVOR were rechecked and it was found that calculations made by AAI on their file are correct and accordingly maximum permissible height at this location works out to 264.31 mtrs. AMSL.

Considering the above, the Committee is of the view that maximum permissible height at this location could be 264.31 mtrs. AMSL. The Committee is also of the view that while issuing the NOC, copies of the duly authenticated drawings for the specific buildings, submitted by the applicant vide their letter dated 9<sup>th</sup> February 2011, which formed the basis of working out the above said heights should be attached and referred to in

the NOC.



Page 14 of 32



Sl. No. 09

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.

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the minutes of the said meeting.


The applicant had forwarded a fresh application addressed to Executive Director (ATM), AAI with a request for a height not exceeding 155 mtrs. AMSL against which AAI CHQ vide their letter dated 15<sup>th</sup> November 2010 informed the applicant that no height more than 56.27 mtrs. AMSL is permissible at the site of the applicant.

During the meeting held on 9<sup>th</sup> February 2011, 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. The Committee had then requested to the applicant to provide the detailed drawings indicating the plan, elevation of the 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.

The applicant has now supplied the copies of the relevant documents with authentication to the Committee.

On specific query by the Committee during the presentation, the applicant clarified that their claim that the project is on PPP basis was only to the extent that Govt. of Maharashtra have provided them the land and the ownership of the land would remain with the State. Thus, it is now revealed that the project is under PPP scheme and the project is for the development of slums and the Slum Rehabilitation Authority of State Govt. vide their letter dated 20<sup>th</sup> August 2009 have issued a revised 'Letter of Intent' to the applicant for development of their plot under Slum Rehabilitation Scheme. The applicant has requested for Aeronautical Study.

Considering the above, the Committee is of the view that Aeronautical Study needs to be conducted to determine whether the requested height of 155 mtrs. AMSL could be permitted at this location. While conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect of aircraft operations over that area should be determined taking into consideration other existing high-rise buildings in the vicinity of the proposed structure. Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. Also, 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.



Asunta



SI. No. 10

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.

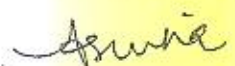

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the minutes of the said meeting.

During their presentation on 9<sup>th</sup> February 2011, the applicant claimed that this project is for rehabilitation of 1828 tenants within an area of 24,000 sq. mtrs for the slum dwellers settled on the land of Mumbai Airport. The Committee had, in the aforesaid meeting, requested the applicant to provide duly authenticated documentary proof from all concerned agencies in support of their claim. The applicant has now provided a letter from Slum Rehabilitation Authority clarifying that the applicant is required to handover 1828 numbers for rehab tenements for rehabilitation of eligible families affected by the extension of Mumbai International Airport. Also, the applicant has provided a 'Letter of Intent' from Mumbai International Airport Pvt. Ltd. reiterating that their project is for rehabilitation of slum dwellers of Mumbai International Airport.

Acunia

Considering the fact that the project which is for rehabilitation of slum dwellers on Mumbai Airport land, the Committee notes that this would help in development of Mumbai Airport after these slum dwellers presently settled on the land of Mumbai Airport are rehabilitated through this project.

The Committee, in view of the above, is of the opinion that Aeronautical Study needs to be conducted to determine whether the requested height of 60.50 mtrs. AMSL could be permitted at this location. While conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect of aircraft operations over that area should be determined taking into consideration other existing high-rise buildings in the vicinity of the proposed structure. Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. Also, 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. 11

Case No. MUM/10/217

M/s Omkar Realtors & Developers Pvt. Ltd., C/o M/s Ravi Raj, Architect

CTS No. 108 (Pt.) & 108/1 to 8 of Kurla village, Mumbai.

The proposed construction is of residential building and is at about 432 mtrs. from Runway strip of Runway 27 of Santa Cruz Airport and lies in the Approach Surface of Runway 27.

As per available records, the applicant was issued an authorization dated 30<sup>th</sup> June 2010 for the height not exceeding 19.22 mtrs. AMSL, quoting a letter dated 25.03.2010 from the applicant.

The applicant subsequently vide their letter dated 3<sup>rd</sup> August 2010 have appealed to the Appellate Committee against the above said authorization dated 30<sup>th</sup> June 2010 from AAI, on the plea that:

- i) the plot under reference is situated in the Industrial Zone wherein no major industry is in existence.
- ii) as per DCR 1991 of State Govt. of Maharashtra, the plot under reference is under receiving zone for utilization of transfer of development rights.
- iii) the existing area of the plot is approxi. 8400 sq. mtrs. which can be further loaded with 8400 sq. mtrs. on transfer of development

 rights.





Page 19 of 32





- iv) the permissible height granted is not sufficient to consume full potential of the plot and hence the applicant is approaching for additional height required.

The case was further examined by AAI CHQ and as per the calculations sheet available, on file, the maximum permissible height at this location works out to 18.90 mtrs. AMSL. AAI CHQ also noted on the file that Regional NOC Committee, Mumbai has already authorized NOC for 19.22 mtrs. AMSL and no additional height is applicable at this location.

The applicant made their presentation to the Appellate Committee requesting for additional height on the grounds as stated above.

The Committee is of the opinion that since the site falls within the approach surface of Runway 27 of Mumbai Airport, no further height, more than the height already granted by AAI in their NOC, could be permitted at this location.

Sl. No. 12

Case No. MUM/10/152

M/s Omkar Realtors & Developers Pvt. Ltd., C/o M/s Ravi Raj, Architect

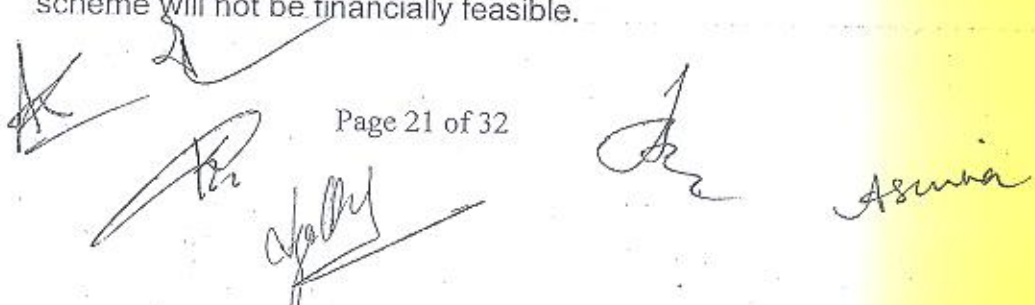
CTS No. 286 (Pt.), 793 (Pt.), 913 and 1629 (Pt.) of Lower Parel Division,  
Worli, Mumbai

The site lies in the OHS of Santa Cruz Airport at a distance of 8400 mtrs.  
from Runway 09 end.

The applicant vide their application dated 03.03.2010 applied for a maximum height of 278.849 mtrs. AMSL against which AAI, WR vide their letter dated 04.06.2010 informed the applicant that the maximum height permissible at this location is 163.60 mtrs. AMSL.

The applicant vide their letter dated 03.08.2010 appealed against this on the plea that :

- i) Govt. of Maharashtra has launched a comprehensive slum rehabilitation scheme. One of such scheme is Mahalaxmi SRA scheme which has been approved by SRA for rehabilitation of 1800 number of slum dwellers.
- ii) the applicant has obtained approval from the Competent Authority of State Govt. vide their 'Letter of Intent' No. SRA/ENG/1308/GS/ML/LOI dated 21<sup>st</sup> January 2009.
- iii) the sale component is permitted proportionate to rehabilitate component in order to cross subsidize the cost of rehabilitation component.
- iv) the proposed SRA scheme is on a narrow strip of plot having 25547.27 sq. mtrs., area wherein applicant has to handover land for development of road, garden reservation and to construct major nalla.
- v) in order to achieve all such parameters of scheme, they have proposed the building with maximum height unless which the SRA scheme will not be financially feasible.

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- vi) the applicant has also proposed multilevel podium parking upto 11 floors.

The applicant has also submitted a certified copy of Slum Rehabilitation Authority letter dated 21<sup>st</sup> January 2009.

AAI vide their letter dated 04.08.2010 have issued a formal NOC for a maximum height of 163.60 mtrs. AMSL at this location.

The applicant subsequently vide their letter dated 20.10.2010 addressed to the Chairman, Appellate Committee have requested for grant of NOC for the height of 400 mtrs. wherein they have further justified the increase of the height on the ground that the area is highly populated and is a commercial hub of Mumbai causing traffic congestion. Hence, their proposal for parking requirement is also high.

The applicant later vide their letter dated 18.01.2011 revised their height requirement to 310 mtrs. AMSL and thereafter again the applicant vide their letter dated 03.02.2011 further revised the height requirement to 340 mtrs. AMSL.

Against the above background, the Committee is of the opinion that the applicant must, in the first instance, decide the height for which they are requesting for NOC. The Committee, in this meeting, directed the applicant to firm up their height requirement and submit to AA the detailed location plan, plan and elevation of their proposed building to enable further examination of the case. Also, the applicant should provide duly authenticated documents supporting their claim for parking



requirement as well as their requirement with details to accommodate the slum dwellers as indicated by the SRA and the sale portion they propose to include in their proposal.

SI . No. 13

Case No. MUM/10/146

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

CTS No. 22, 22/1 to 20 of village Chandivali, Saki Vihar Road, Mumbai

Absent.

SI. No. 14

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.

The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the minutes of the said meeting.

The Committee, in the aforesaid meeting, had requested the applicant to provide detailed information, as well as duly authenticated copies of the

documents, if any, issued by the Municipal authorities and other State Govt. authorities in support of their claim.

In response to the above, the applicant in their letter dated 10<sup>th</sup> March 2011, while submitting the copy of the 'Letter of Intent' for the said slum development along with the area statement of rehabilitation and sale component has now requested the height of 375.159 mtrs. AMSL as against their earlier request of 501.909 mtrs. AMSL. The applicant in their above submission have amended the plans and reduced the height of the building to 375.159 mtrs. AMSL.

The scrutiny of the files reveals that AAI have examined the case under the provisions of S.O. 84 (E) and the maximum height permissible has been worked out to be 253.84 mtrs. AMSL for Tower 'A' and 264.31 mtrs. AMSL for Tower 'B'. However, while working out the maximum permissible height, it has also been indicated that no building/structure should be considered for height, exceeding 168.88 mtrs. AMSL within the range of 69.46 mtrs. from the above two buildings, and at 0.4 degree on either side of line of sight of ASR.

The Committee is of the view that the above permissible height (Tower 'A' 253.84 mtrs. AMSL, Tower 'B' 264.31 mtrs. AMSL) may be permitted subject to said heights being cleared from proposed IAL Procedures and implementation of SBAS & GBAS. The Committee is also of the view that while issuing the NOC duly authenticated drawings for the specific buildings which formed the basis of working out the above said heights should be attached and referred to in the NOC.





Sl. No. 15

Case No. MUM/09/621

Ashtavinayak CHS Ltd., C/o Allora Projects Consultants (Axay Raj  
Buildwell Pvt. Ltd.)

CTS No. 195 (Pt.), D.N. Nagar, Andheri

Absent.

Sl. No. 16

Case No. MUM/10/336

Shri Nainesh Gandhi

CTS No. 353, 353/1 to 6, 332, 332/1 to 42, 333 (Pt.), 354, 354/1 to 17, 355,  
355/1-2, 356, 356/1 to 19, 357 of village Vile Parle East

Absent.

Sl. No. 17

Case No. MUM/10/337

Nimesh Gandhi

CTS Nos. 358, 359, 359/1 to 8, 31 (Pt.), 360 (Pt.), 2095, 2095/1 to 10, 364,  
364/1 to 12, 365, 365/1 to 6, 366, 366/1 to 16, 367, 368, 368/1 to 10, 369, 369/1  
to 18, 370 (Pt.), village Vile Parle, East, Mumbai

Absent.

Sl. No. 18

Case No. MUM/10/379

DBS Realty, C/o B.S. Joshi

CTS No. 11A (Pt.) of village Chandivali, Kurla West, Mumbai

The site is at about 3360 mtrs. from Runway 27 end and lies in the IHS of Santa Cruz Airport.

The applicant vide their application dated 8<sup>th</sup> June 2010 had requested for height of 91.530 mtrs. AMSL against which the applicant was granted height of 56.27 mtrs. AMSL vide AAI letter dated 20.10.2010. The applicant vide their letter dated 18.12.2010 had requested AAI for reviewing their case by stating that the project, involving five different buildings, is of vital public importance where over 10,500 families ought to be settled so as to enable other vital projects for public convenience like city water supply being undertaken by the Govt./Municipal Corporation can be implemented. They have requested for grant of height up to 218.98 mtrs. AMSL citing distances to the five independent buildings proposed to be built on the site. AAI vide their letter dated 3<sup>rd</sup> February 2011 informed the applicant that their above request is reviewed and that no further height is permissible than what has been granted in the NOC dated 20.10.2010.

While making the presentation, the applicant informed the Committee that:

- i) the proposed project is a school building.

- ii) the proposed project is falling in the shadow of point 209 & point 686, a natural feature and is barely 100-250 mtrs. from school building and thus shielding benefit is available at this location.

The Committee members during the presentation analyzed the location of their school building vis-à-vis the contours as claimed by them and it was informed to the applicant that their site does not qualify to get the shielding benefit under provisions of S.O. 84 (E) of January 2010. The applicant requested the committee for Aeronautical Study, followed by written request, to determine the maximum permissible height at this location.

Keeping in view, the proposed project is a school building, the Committee is of the opinion that Aeronautical Study needs to be conducted to determine whether the requested height of 91.530 mtrs. AMSL could be permitted at this location. While conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect 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 Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. Also, 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.

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Sl. No. 19

Case No. MUM/09/417

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

CTS No. C/419-B & C, Village Bandra West, Pali Hills

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

The applicant as per their revised request had applied for maximum height of 80.00 mtrs. AMSL vide their letter dated 5<sup>th</sup> August 2010, while AAI had granted NOC for a height of 61.585 mtrs. AMSL vide their letter dated 26<sup>th</sup> April 2010.

The case was discussed in the Appellate Committee Meeting held on 9<sup>th</sup> February 2011 and the case history of this case is recorded in the minutes of the said meeting.

The applicant had requested for higher height on the plea that under State DCR 33 they are to provide certain areas for mandatory car parking. As per the papers submitted by them, they are also required to provide land for road set-back. Higher FSI has been claimed by them as compensation for the above from the Govt. authorities in Maharashtra.

While scrutinizing the papers submitted by the applicant, it was observed that the mandatory requirement of car parking works out to not more than 57 numbers while the applicant claimed that the requirement for parking spaces works out for 71 Nos of car parking. It was also seen that as per the copy of

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Section Drawing provided by the applicant, that a number of floors provided in the proposed construction have been indicated as "void". The Committee sought clarifications on the above issues from the applicant.

The applicant while making the presentation in this meeting stated that "void" shown in the drawings is to accommodate higher heights which are likely to be permitted in future after the CRZ Regulations are amended by the Govt. They have also stated that the CRZ Regulations are likely to be amended soon.

After considering the presentation made by the applicant, the Committee is of the view that Aeronautical Study would be needed for this location to determine whether the height of 80 mtrs. AMSL as sought by the applicant is permissible at this location. However, the NOC for height higher than 61.585 mtrs. AMSL to be determined by Aeronautical Study should be issued only after the applicant provides the duly authenticated copy of the amended CRZ regulations as indicated by them. While conducting Aeronautical Study, the quantitative and qualitative assessment of safety aspect of aircraft operations over that area should be determined taking into consideration other existing high-rise buildings in the vicinity of the proposed structure. Aeronautical Study is also to consider the impact of these buildings on the procedures being developed for implementation of SBAS & GBAS for Mumbai Airport. The impact of this structure on the safety aspect also needs to be examined during the Aeronautical Study through Collision Risk modeling and/or Obstacle Assessment Study.



SI. No. 20

Case No. NR/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.

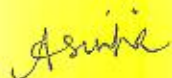
The case was discussed in the Appellate Committee meeting held on 9<sup>th</sup> February 2011 and the case history is recorded in the Minutes of the said meeting.

From perusal of records made available by AAI, the Committee noted that the applicant had earlier applied in December 2005 for NOC upto a height of 271 mtrs. AMSL against which 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 the Appellate Committee meeting on 9<sup>th</sup> February 2011 observed, on perusal of records available in AAI, that the authorization of AAI HQrs letter No. AAI/20012/561/2006-ARI (NOC) dated 1.02.2008 was issued upto the height of 260.058 mtrs. AMSL to Regional Executive Director (NR). However, formal NOC for this height is yet to be issued by AAI against the above said authorization.

AAI vide their U.O. Note dated 18.03.2011 to the Chairman, Appellate Committee explained their position with respect to issue of authorization for issue



of NOC under certain circumstances. AAI further stated that "the site is restricted because of Safdarjung Airport being consider for expansion. However, in earlier cases, the Appellate Committee opined that there is no plan to expand Safdarjung Airport because of prohibited areas in close proximity and airport is categorized as Code 2 fit for only VFR operations".

The Chairman, Appellate Committee, on the basis of U.O. note provided by AAI, decided to consider this case, since the case pertains to autonomous body i.e. University of Delhi and involves public interest in educational field. The above is subject to the condition that this case would not be quoted as precedent in future cases.

The Committee also noted that Safdrjung Airport is included in Annexure III B of S.O. 84 (E) of January 2010 indicating the list of aerodromes where at present civil schedule operations are not taking place and/or there is no possibility of such operations in the future.. Thus, the Committee is of the opinion that the applicant may be granted NOC upto the height of 271 mtrs. AMSL as was applied by them initially, since the site is cleared with respect to Delhi Airport.

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Sl. No. 21

Case No. MUM/10/178

Tanishq Builders

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

Mumbai

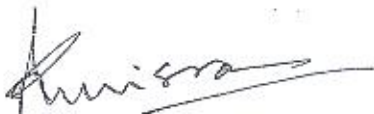
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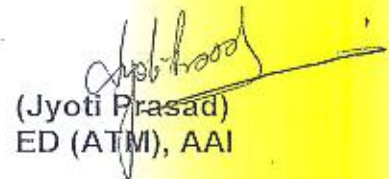
(V. Somasundram)  
Member(ANS), AAI



(K. Gohain)  
Outside Expert



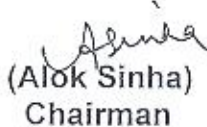
(A.K. Misra)  
Outside Expert



(Jyoti Prasad)  
ED (ATM), AAI



(Alok Shekhar)  
Director (MCA)



(Alok Sinha)  
Chairman

New Delhi

Dated : 31.03.2011