

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

Minutes of the Meeting of the Appellate Committee held on 24th August, 2013

Reference letter No. AV.20036/66/2000-AAI dated 15-10-2012 read with 31-12-2012 and letter dated 04-01-2013, the Appellate Committee constituted to consider appeal/grievance made by different applicants with regard to the height allocated to them by AAI for their construction vis-à-vis the height sought by them, held its meeting under the Chairmanship of Joint Secretary, Ministry of Civil Aviation (MOCA). The Appellate Committee met on 24th August, 2013 under the Chairmanship of Jt. Secretary, Ministry of Civil Aviation wherein the following members were present:

The following Committee members were present:-

1. Sh. V. Somasundaram - Member (ANS), AAI
2. Sh. J.S.Rawat - Jt. DGCA
3. Sh. K. Gohain - Technical Expert

The Committee was assisted by Shri V.K. Dutta, ED (ATM) and Sh. A.K. Bhardwaj, GM (ATM-NOC) of Airports Authority of India (AAI).

The Committee decided that all the files pertaining to NOC cases to be opened in the name of builder / owner of the project.

The following decisions were taken for the cases as under:

1. M/s L&T Realty Pvt. Ltd., Mumbai.

Case No. : MUM/NOCAS/025/12
CHQ File No.: AAI/20012/111/2012-ARI
NOCAS ID: SNCR/WEST/B/062112/002
Site Address: C.S No. 117 B of Village Tungwa, Taluka Kurla, Mumbai.

The case was earlier heard in the Appellate Committee Meeting of 19th August, 2013, wherein it was decided that the applicant be called to make their presentation in the subject case.

The applicant during their presentation in this meeting requested for Aeronautical Study as their plot is close to MHADA building which has been granted a height of 114 m AMSL. They have further indicated that since their site is adjoining an industrial plot for which, they are required to leave 50 % of their plot as per MOEF regulations and also due Mumbai DCR Regulations 1991 for providing open space and parking facilities. Their request for the required height of 136 m AMSL is however not supported by any letter from the local state authorities.

Committees' Decision: The applicant's appeal for a height of 136 m AMSL by conducting Aeronautical Study will be considered after the applicant furnishes a supporting letter from local state authorities justifying the extra height.

2. M/s Square Consultants, Mumbai.

Case No. : MUM/12/NOCAS/18
CHQ File No.: AAI/20012/100/2012-ARI
NOCAS ID: JUHU/WEST/B/061412/022
Site Address: C.T.S No. 1289 of Village Ville Parle (East), F.P. NO. 103 of TPS 1 of Ville Parle (East), Mumbai.

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013 wherein it was decided that the applicant be given an opportunity to present their case in the next meeting.

The applicant, during their presentation requesting for Aeronautical Study, has given details of their project in which they are to redevelop the site by demolishing four buildings which are in a dilapidated condition and rehabilitate the existing tenants. They have also stated that their plot is less than 1500 sq mtrs and that they had scaled down their request to 43.15 m AMSL as against their earlier request of 49.8 m AMSL in their initial application of June, 2012, after taking into consideration the various DC Regulations of the State Government.

During the presentation, the Committee informed that as per records available, their latest request of 16-07-2013 is for height is 42 m AMSL. The applicant was also informed that since the site lies in the approach surface, so, no Aeronautical Study is permissible.

Committees' Decision: The applicant's request for Aeronautical Study cannot be granted as the site lies in approach surface of Rwy 26 of Juhu Airport and the earlier decision of Airports Authority of India to grant a height of 38.19 m AMSL holds.

3. M/s Godrej and Boyce, Hyderabad

Case No. : HY/284/11
CHQ File No.: AAI/20012/196/2011-ARI
NOCAS ID: HYDE/SOUTH/B/111512/025
Site Address: Survey Nos. 405, 406, 407(P), 408 & 409(P) at Kukatpally Village, Balanagar Mandel, Rangareddy District, A.P

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013 wherein the applicant may be given an opportunity to make their presentation to clarify their submission for Aeronautical Study.

During their presentation, the applicant clarified that their request for Aeronautical Study for a height of 623 m AMSL is based on the fact that they had to leave space for road widening process, 25% space for LIG and EWS housing, 33% for parking

and that their project is for economic growth of the Hyderabad city. The applicant also mentioned that local state authorities do not have any procedure of supporting the height requested for such cases, however, if the instructions are issued from the Committee, the applicant will approach the local state authorities for such a support letter for which they sought time.

The applicant submitted that the site is near Begumpet Airport which is of not much significance. The Committee informed the applicant that the site lies in the IHS of Begumpet (Hyderabad Airport) and that the said airport will remain operational. On being queried by the Committee regarding their earlier submission of higher height of nearby buildings (M/s Emami Constructions) the applicant withdrew the same submission.

Committees' Decision: The applicant is required to submit support letter within 15 days from the local state authorities justifying for the height 623.00 m AMSL and also that this plot has to accommodate road widening.

Not Revised

4. M/s Godrej and Boyce, Hyderabad

Case No. : HY/283/11
CHQ File No.: AAI/20012/196/2011-ARI
NOCAS ID: HYDE/SOUTH/B/071911/002
Site Address: Survey Nos. 407(P), 409(P), 410, 411, 412 & 413 of
Kukatpally Village, Balanagar Mandel, Rangareddy District,
A.P

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013 wherein the applicant may be given an opportunity to make their presentation to clarify their submission for Aeronautical Study.

During their presentation, the applicant clarified that their request for Aeronautical Study for a height of 624.00 m AMSL is based on the fact that they had to leave space for road widening process and that their project is for economic growth of the Hyderabad city. The applicant also mentioned that local state authorities do not have any procedure of supporting the height requested for such cases, however, if the instructions are issued from the Committee, the applicant will approach the local state authorities for such a support letter for which they sought time.

The Committee informed the applicant that the site lies in the IHS of Begumpet (Hyderabad Airport) and that the said airport will remain operational. On being queried by the Committee regarding their earlier submission of higher height of nearby buildings (M/s Emami Constructions) the applicant withdrew the same submission.

Committees' Decision: The applicant is required to submit support letter within 15 days from the local state authorities justifying for the height 624.00 m AMSL and also that this plot has to accommodate road widening.



5. Joy Builders, Mumbai

Case No.: MUM/09/587
CHQ File No.: AAI/20012/145/2012
NOCAS ID.: JUHU/WEST/B/102312/017
Site Address: CTS No. E/86/10 of Village Bandra (West) at 19th Road Khar(West), Mumbai.

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013, wherein it was decided that the applicant may be called for presenting their case.

During the presentation, the applicant had requested for higher height as their project is for Slum Rehabilitation. The applicant has submitted supporting letter from Slum Rehabilitation Authority for considering maximum permissible height. The applicant further informed that they have to accommodate another 71 families if the height as requested by them is given by AAI.

Committees' Decision: The applicant be given an opportunity to provide within 15 days supporting letter from the local state authorities indicating that they have to accommodate additional 71 families. Only after that their case will be considered for requested height of 80 m AMSL

6. M/s Catapult Realty Consultants, Mumbai

Case No.: MUM/12/NOCAS/022
CHQ File No.: AAI/20012/04/2013
NOCAS ID.: JUHU/WEST/B/102312/017
Site Address: CTS No. 126 of Village Chembur, Mumbai.

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013, wherein it was decided that the applicant may be called for presenting their case.

The applicant during their presentation clarified that they have to provide accommodation to 608 tenants and that they have to abide by the conditions stipulated in DC Regulations 33(10) for their project which is under Slum Rehabilitation Scheme. The applicant had also presented a letter from the local state authorities which do not support their request for height 129.6 m AMSL.

Committees' Decision: The applicant to provide revised support letter within 7 days from the local state authorities justifying for the requested height of 129.65 m AMSL height sought.

7. M/s H.J Thakur Architects Pvt. Ltd., Mumbai

Case No.: MUM/12/NOCAS/050
CHQ File No.: AAI/20012/29/2013
NOCAS ID.: SNCR/WEST/B/070512/003

Site Address: CTS No. 189-A, 189-B, 189-C, 190A(Pt.), 190A/1 to 5, 190B, 191A, 191A/1 to 7, 191B, Village of Village Bandra (West) at 19th Road Khar(West), Mumbai.

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013, wherein it was decided that the applicant may be called for presenting their case.

During the presentation, the applicant clarified that said plot is being developed as per DC Regulations of 1991 of State Government and that structural higher height exists near their site. They also mentioned that they will be able to utilize only 73% of the plot size for which they are given FSI of 3.5. The applicant could not provide any support letter from local state authorities with regard to the height of 97.3 m AMSL requested by them. Chairman directed the applicant to provide supporting documents from local authorities within 7 days to which the applicant request for more time in furnishing the supporting document.

Committees' Decision: The applicant to provide supporting letter within 30 days from the local state authorities justifying height of 97.30 m AMSL as sought by them.

8. M/s Griha Rachna, Mumbai

Case No.: MUM/12/NOCAS/016
CHQ File No.: AAI/20012/126/2012
NOCAS ID.: SNCR/WEST/B/052612/007
Site Address: CTS No. 706, 706/1 Village Majas Jogeshwari(East), Mumbai.

The case was earlier examined in the Appellate Committee Meeting of 19th August, 2013, wherein it was decided that the applicant may be called for presenting their case.

During the presentation, the applicant requested Aeronautical Study as their project is under Slum Rehabilitation Scheme wherein they have to provide accommodation for 1300 tenants from the slums for which they have to utilize 51% of the plot size for various amenities. They have been granted 2.5 FSI for which they have sought the height of 86m AMSL.

Committees' Decision: The applicant to provide support letter within 7 days from the local state authorities justifying height of 86 m AMSL height as sought by them. / NR

9. M/s Wadhwa Residency Pvt. Ltd.

CHQ File No. : AAI/20012/149/2010
Case No.: MUM/10/365 (Mr. Navin Makhija, C/o Bhupendra Patrawala)
Site Address: CTS No. 50(pt.), 50/1, 50/2(pt.), Sector II of Village Vikhroli at L.B.S. Marg, Ghatkopar (W), Mumbai.



The case was earlier put up for consideration for the Appellate Committee in its meeting held on 9th January, 2013. Prior to this meeting the then Grievance Redressal Committee in its meeting 22nd August, 2012 had decided that the benefit Y-Surface(Transitional) of ILS procedure is not applicable for granting height to a new structure and they were authorized a height of 87.5 m AMSL. The applicant had thereafter in letter of 20th December, 2012 had appealed for a height of 109 m AMSL stating that the height of 87.5 m AMSL is much less than the permissible height for Glide Path inoperative procedure for Rwy 27 Mumbai. The Appellate Committee of 9th January, 2013 has constituted a sub-committee to examine the matter which has given its report on 12th February, 2013.

The present Appellate Committee had provided the applicant an opportunity to present their case after having received the Sub-Committee report.

In their presentation in this Appellate Committee the applicant stressed the fact that their site is in the conical surface, and not in the funnel of ILS approach. They also stated that their site lies in the secondary area of the basic ILS surface. They further stated that in the Aeronautical Study report of February, 2011 submitted by AAI, the basic ILS surface permits elevation of 125.25 m AMSL. The same report while considering the GP Inoperative procedure restricted the permissible height to 87.5 m AMSL

The Committee taking into consideration the Sub-Committee's report had observed that the earlier requested height of 132.97 m AMSL for which the Aeronautical Study was carried out penetrates the basic ILS surface of Rwy 27 by 17.07 m. The applicant's revised request of 109 m however, does not penetrate the basic ILS surface of Rwy 27. The contention of the applicant that their site lies in the secondary surface of the basic ILS surface and therefore glide path inoperative procedures are not required to be considered as the obstacle assessment surface for Rwy 27 permits the height requested was deliberated in the meeting taking into consideration the guidelines in ICAO Doc 8168 and ICAO Doc 9137. The applicant was informed by the Committee that these ICAO documents are for designing IAL procedures and do not lay down any standard for calculating heights permissible to objects under the obstacle limitation surfaces.

Committees' Decision: The applicant may be provided an opportunity to submit their contention that the site falls beyond the basic ILS surface and qualify for higher height.

10. M/s Wadhwa Residency Pvt. Ltd.

CHQ File No.: AAI/20012/147/2010
Case No. : MUM/10/362 (Mr. Navin Makhija, C/o Bhupendra Patrawala)

Site Address: CTS No. 50(pt.), 50/2(pt.), 50/3, 50/4, 50/5(pt), 50/7 (Pt.)
Sector IV of Village Vikhroli at L.B.S. Marg, Ghatkopar (W),
Mumbai.

The case was earlier put up for consideration for the Appellate Committee in its meeting held on 9th January, 2013. Prior to this meeting the then Grievance Redressal Committee in its meeting 22nd August, 2012 had authorized a height of 87.5 m AMSL. The applicant had thereafter in letter of 20th December, 2012 had appealed for a height of 109 m AMSL stating that the height of 87.5 m AMSL is much less than the permissible height for Glide Path inoperative procedure for Rwy 27 Mumbai. The Appellate Committee of 9th January, 2013 has constituted a sub-committee to examine the matter which has given its report on 12th February, 2013.

The present Appellate Committee had provided the applicant an opportunity to present their case after having received the Sub-Committee report.

In their presentation in this Appellate Committee the applicant stressed the fact that their site is in the conical surface, and not in the funnel of ILS approach. They also stated that their site lies in the secondary area of the basic ILS surface. They further stated that in the Aeronautical Study report of February, 2011 submitted by AAI, the basic ILS surface permits elevation of 125.25 m AMSL. The same report while considering the GP Inoperative procedure restricted the permissible height to 87.5 m AMSL

The Committee taking into consideration the sub-committee's report had observed that the earlier requested height of 132.97 m AMSL for which the Aeronautical Study was carried out penetrates the basic ILS surface of Rwy 27 by 17.07 m. The applicant's revised request of 109 m however, does not penetrate the basic ILS surface of Rwy 27. The contention of the applicant that their site lies in the secondary surface of the basic ILS surface and therefore glide path inoperative procedures are not required to be considered as the obstacle assessment surface for Rwy 27 permits the height requested was deliberated in the meeting taking into consideration the guidelines in ICAO Doc 8168 and ICAO Doc 9137. The applicant was informed by the committee that these ICAO documents are for designing IAL procedures and do not lay down any standard for calculating heights permissible to objects under the obstacle limitation surfaces.

Committees' Decision: The applicant may be provided an opportunity to submit their contention that the site falls beyond the basic ILS surface and qualify for higher height.

11. M/s ACC Ltd. Durg Raipur, Chhatisgarh.

CHQ File No. AAI/20012/104/2013

Case No.: ER/275/2013

NOCAS ID: RAIP/EAST/B/060213/003

Site Address.: Jamul, 1207(Kh.No.) Durg, Raipur Chhatisgarh.



The request made by the applicant is for a height of 475 m AMSL for the Chimney in their plant at Durg. The site is about 5710 m from Rwy 05 of Bhillai Aerodrome and therefore is in the conical surface. The site is also 37 km from Raipur Civil Aerodrome and approx. 5 km from Bhillai township.

The applicant was earlier granted a height of 426.69 m AMSL by AAI in their letter dated 1st July, 2013.

During their presentation, the applicant brought out the importance both economic and social of their project for the state of Chhatisgarh and that their appeal for the height of 475 m AMSL is as per the restrictions of the Central Pollution Control Board and MOEF for Chimneys.

The Committee during the deliberation observed that the Bhillai Aerodrome which is nearest to the site is a private Aerodrome and not included in the list of Aerodromes containing SO 84(E). The Committee further observed that the Aerodrome is non-instrumental and VFR procedures are only applicable. The airport is used by private aircraft mostly of Bhillai Steel Plant / SAIL that too not on a regular basis. The Committee also observed that the site elevation is quite high being 302 m AMSL for giving height AGL for the proposed Chimney of 173 m.

It was brought to the notice of Chairman that Defense authorities are planning to take over Bhillai Airport. Moreover, NTRO is going to start UAV activities from this airport. Member(ANS) desired that a visit to Bhillai airport to examine the obstacles etc. may be carried out to examine this case.

Committees' Decision: The applicant should obtain a NOC from Defense Authorities (NTRO) and Airport Operator for considering their case. *Recd*

The date of next Appellate Committee meeting has been fixed for 24th September, 2013.


(V.SOMASUNDARAM)
MEMBER (ANS)


(J. S. RAWAT)
JT. DGCA


(K.GOHAIN)
TECHNICAL EXPERT


(ANIL SRIVASTAVA)
JT. SECY, MOCA
CHAIRMAN, APPELLATE COMMITTEE

Place: New Delhi
Date: 24th August, 2013