

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

Appellate Committee

**Minutes of the Meeting of the Appellate Committee for height clearance held on
20th January, 2021**

Reference Ministry of Civil Aviation Letter No. AV.20036/66/2000-AAI dated 15-10-2012 and GSR-751(E), Rule-11, the Appellate Committee, constituted to consider appeal/grievance of the appellants against the decision of the Designated Officer of AAI for issue of NOC for a specific permissible height under GSR-751(E), held its meeting on 20th January, 2020 chaired by Smt. Rubina Ali, Joint Secretary, Ministry of Civil Aviation (MoCA). Shri Vineet Gulati, Member (ANS), AAI attended the meeting and Shri D. C. Sharma, Jt.DG, DGCA attended the meeting through video-conferencing.

The Committee was assisted by the following officers:

- i) Shri B. V. K. Pillai, GM (ATM-FPD), AAI-CHQ
- ii) Shri R. K. Singla, GM (ATM-DoAS), AAI-CHQ
- iii) Shri Rajesh Sinha, Jt.GM (CNS), AAI-CHQ
- iv) Shri Shiv Lal, Jt.GM (CNS), AAI-CHQ
- v) Shri M. Siraj Khan, Jt.GM (ATM-FPD), AAI-CHQ

The meeting was attended by following officers through video-conferencing:

- i) Shri Prabhat Mahapatra, Sr. Vice President, Airside Management, MIAL

A detailed case-by-case presentation was made by Shri R. R. Rao, Jt.GM (ATM-DoAS), AAI-CHQ before the Committee for due appraisal. The decisions are listed as below:

A. AERONAUTICAL STUDY CASES:

The Aeronautical Studies were conducted for the following appeal cases as per detailed guidelines contained in ADSAC 05 of 2020 on "Guidelines for the conduct of Aeronautical Study" dated 3rd July, 2020. The Appellate Committee has considered recommendations made in the Aeronautical Study Report of each case and decided as follows:

Six (6) cases with Sl. Nos. 1-6 were heard in the Appellate Committee meeting of 17.12.2020 wherein the representative of MIAL had requested that the calculations for these 6 cases be rechecked. The Appellate Committee was apprised that calculations for these 6 cases were rechecked and the same were shared with MIAL. In the meeting, the representative of MIAL agreed to the calculations carried out by AAI for these six (6) cases. The cases were put up again before the Committee.



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1. Mr. Jetalaal L. Dedhia Partner of M/s. Rajshree Land Developers LLP, Mumbai

CHQ File No.: AAI/20012/15/2020
NOCAS ID: SNCR/WEST/B/061319/405272
Site Address: Building No.11 on Plot Bearing C.T.S. No.5681, Survey No.236 (A), of Village Ghatkopar Kirol at Pant Nagar, Ghatkopar (E), Mumbai, Ghatkopar, Mumbai, Maharashtra.
Plot Size: 812.16sqm

The proposed site lies in Inner Horizontal Surface at a distance of 907m from end of Transitional Surface of Rwy09/27 of Santa Cruz Airport. The appellant had been granted NOC for 57.13m AMSL vide AAI letter dated 25.06.2019. The appellant requested an elevation of 74.28m AMSL vide online appeal application dated 21.09.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 68.64m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 68.64m AMSL is approved.

2. Mr. Nayan Jayantilal Vikamsey, Mumbai

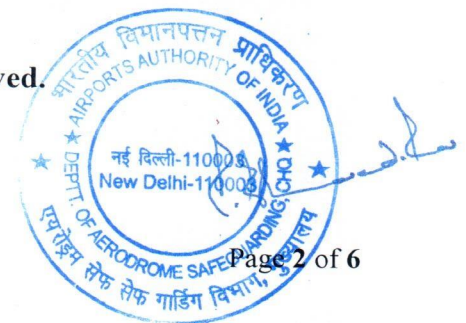
CHQ File No.: AAI/20012/16/2020
NOCAS ID: SNCR/WEST/B/081719/422135
Site Address: CTS No.5179 to 5187, of Village Ghatkopar Kirol, at Hingwala Lane, Ghatkopar (East), Mumbai, Vidyavihar, Mumbai, Maharashtra.
Plot Size: 1350sqm

The proposed site lies in Inner Horizontal Surface at a distance of 370m from end of Transitional Surface of Rwy09/27 of Santa Cruz Airport. The appellant had been granted NOC for 57.13m AMSL vide AAI letter dated 30.09.2019. The appellant requested an elevation of 68.85m AMSL vide online appeal application dated 13.12.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 61.82m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 61.82m AMSL is approved.



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3. M/s JP Infra Mumbai Pvt. Ltd., Mumbai

CHQ File No.: AAI/20012/10/2020
NOCAS ID: JUHU/WEST/B/091019/429198
Site Address: At CTS No. 173/A, F.P. No. 44, T.P.S.-II, Village Andheri, Andheri (West), Mumbai-400053, Andheri/Andheri/Mumbai Suburban, Mumbai Suburban, Maharashtra.
Plot Size: 1038.70 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1309m from end of Transitional Surface of Rwy14/32 of Santa Cruz Airport. The appellant had been granted NOC for 57.13m AMSL vide AAI letter dated 30.09.2019. The appellant requested an elevation of 106.97m AMSL vide online appeal application dated 23.12.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 73.75m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 73.75m AMSL is approved.

4. M/s A. R. Amboli Developers, Mumbai

CHQ File No.: AAI/20012/26/2019
NOCAS ID: JUHU/WEST/B/031416/122788
Site Address: CTS No 440/19 and 440/20 of Village Ambivali off Ceaser Road, Andheri west, Mumbai.
Plot Size: 941.70sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1327m from end of Transitional Surface of Rwy14/32 of Santa Cruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 07.06.2016. The appellant requested an elevation of 79.00m AMSL vide offline appeal application dated 04.02.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 73.98m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 73.98m AMSL is approved.



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5. M/s A. R. Amboli Developers, Mumbai

CHQ File No.: AAI/20012/27/2019
NOCAS ID: JUHU/WEST/B/031416/122785
Site Address: CTS No 440/6 and 440/7 of Village Ambivali off Ceaser Road, Andheri west, Mumbai.
Plot Size: 2039.20sqm

The proposed site lies in Inner Horizontal Surface at a distance of 1405m from end of Transitional Surface of Rwy14/32 of Santa Cruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 07.06.2016. The appellant requested an elevation of 79.00m AMSL vide offline appeal application dated 04.02.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 74.97m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 74.97m AMSL is approved.

6. M/s. Chandiwala Enterprises, Mumbai

CHQ File No.: AAI/20012/87/2019
NOCAS ID: JUHU/WEST/B/101017/250882
Site Address: CTS No.815A(pt), Village Andheri (W), Mumbai – 400058, Andheri West, Mumbai, Maharashtra.
Plot Size: 1693.26sqm

The proposed site lies in Inner Horizontal Surface at a distance of 894m from end of Transitional Surface of Rwy14/32 of Santa Cruz Airport. The appellant had been granted NOC for 56.9m AMSL vide AAI letter dated 20.10.2017. The appellant requested an elevation of 81.37m AMSL vide online appeal application dated 22.03.2019.

After the approval of the Competent Authority, the Aeronautical Study was carried out. The Committee was informed that through Aeronautical Study process, the elevation of 68.48m AMSL was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 68.48m AMSL is approved.



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7. M/s. DBS Realty, Mumbai

CHQ File No.: AAI/20012/200/2010
Case No.: MUM/10/375
NOCAS ID: SNCR/WEST/B/080514/54716
Site Address: CTS No.11A(pt.), (Plot No.V marked as O P Q S) Village Chandivali,
Mumbai.
Plot Size: 11198.05sqm

The proposed building lies in Inner Horizontal Surface at distances of 1305m for Building No.7, 1308m for Building No.8, 1311m for Building No.9, 1258m for Building No.10, 1205m for Building No.11, 1208m for Building No.12, 1167m for Building No.13 and 1119m for Building No.14, from end of Transitional Surface of Rwy09/27 of Santa Cruz Airport.

The appellant had been granted NOC for 56.27m AMSL vide AAI letter dated 20.10.2010. The appellant requested an elevation of 112.0m AMSL vide letter dated 08.04.2012 to the Appellate Committee.

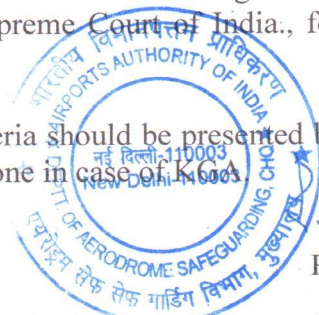
MIAL, in their site verification report submitted vide dated 08.05.2015, have reported that the top elevations of the various buildings ranging from 58.22m AMSL to 58.33m AMSL and violated the NOC issued by AAI for 56.27m AMSL. Appellate Committee in its meeting held 30.07.2015 took note that the construction is in excess of the granted permissible top elevation of 56.27m AMSL and directed the Airport Operator to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.”

The Aeronautical Study was carried out on the directives of the Hon’ble Supreme Court of India vide order Special Leave Petition Diary No(s). 30725/2018 dated 29.01.2020 with following directions:

- (1) *The Airports Authority of India shall have the right to take such actions as it may deem appropriate in respect of any violation which may have come to its notice. The respondent’s remedy against such action is left open.*
- (2) *The aeronautic study ordered by the High Court at Delhi shall be conducted as ordered by the High Court.*
- (3) *The record of the case being Writ Petition (Civil) No. 11829 of 2016 as well as Letters Patent Appeal being LPA No. 238 of 2018 shall be transferred from the Delhi High Court to the appropriate Division Bench of the Bombay High Court who shall heard these matters on its own merits and in accordance with law.*

While examining the Hon’ble Supreme Court of India order, an issue of interpretation arose as to:

- Whether, the outcome of the Aeronautical Study report and / or Shielding Criteria report as applicable should be presented before Hon’ble Supreme Court of India., for further directions.
- Or
- The Aeronautical Study report and / or Shielding Criteria should be presented before the Appellate Committee for its suitable decision as was done in case of KGA.



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The above was sent to Law Directorate of AAI for legal opinion. The opinion of Law Directorate of AAI was as follows:

"On perusal of the Order, it appears that the direction issued by the Hon'ble Supreme Court of India pertains to undertaking aeronautical study. Further, since the matter appears to be disposed of and no direction for presenting the said Aeronautical Study appears from the said Order. Therefore, the further course of action as permissible under the relevant rules may be carried out in accordance with law."


Keeping in-line the above opinion of the Law Directorate of AAI, the case, along with the Aeronautical Study report is presented before the Appellate Committee.

The Committee was informed of the decision of the Hon'ble Supreme Court of India and the recommendations through the Aeronautical Study process. The elevation of 73.70m AMSL for Building No. 7, 73.74m AMSL for Building No. 8, 73.77m AMSL for Building No. 9, 73.10m AMSL for Building No. 10, 72.43m AMSL for Building No. 11, 72.47m AMSL for Building No. 12, 71.95m AMSL for Building No. 13 and 71.34m AMSL for Building No. 14 was recommended, as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.


Committees' Decision:

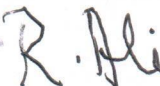
The permissible top elevation (P.T.E.) is approved as per table below:

Building No.7	73.70 m AMSL
Building No.8	73.74 m AMSL
Building No. 9	73.77 m AMSL
Building No. 10	73.10 m AMSL
Building No. 11	72.43 m AMSL
Building No. 12	72.47 m AMSL
Building No. 13	71.95 m AMSL
Building No. 14	71.34 m AMSL


(VINEET GULATI)
MEMBER (ANS)
AAI




(D. C. SHARMA)
Jt. DG
DGCA



(RUBINA ALI)
JOINT SECY., MOCA
CHAIRPERSON, APPELLATE COMMITTEE

रुबीना अली / RUBINA ALI
संयुक्त सचिव / Joint Secretary
नागर विमानन मंत्रालय / Ministry of Civil Aviation
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Place: New Delhi.

21-01-2021