

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 17th June 2022

As per 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 17th June, 2022 chaired by Smt. Rubina Ali, Joint Secretary, Ministry of Civil Aviation (MoCA). Shri D. C. Sharma, Jt. DG, DGCA and Shri M Suresh, Member (ANS), AAI attended the meeting as members of the committee.

The Committee was assisted by the following officers:

- i) Shri A K Meena, ED (ATM), AAI-CHQ
- ii) Shri J. B. Singh, GM (CNS), AAI-CHQ
- iii) Shri L. D. Mohanty, Jt. GM (ATM-FPD), AAI-CHQ
- iv) Shri M.P. Aggarwal, Jt. GM (ATM-DoAS), AAI-CHQ
- v) Shri V.C. Sinha, Jt. GM (ATM-DoAS), AAI-CHQ
- vi) Shri K. K. Soni, AGM (ATM-DoAS), AAI-CHQ

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

- i) Shri Jayanta Choudhury, Jt. GM (ATM), Eastern Region, AAI
- ii) Smt. G. Shanti, Jt. GM (ATM-DoAS), AAI-Hyderabad
- iii) Shri Prabhat Mahapatra, Joint President, Operations, AAHL
- iv) Shri Pradeep Dobriyal, Jt. GM (ATM), AAI-Vadodara

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

A. Deferred Cases from Appellate Committee meeting dated 26.05.2022

1. M/s Shree Sukhakartha Developers

CHQ File No.: ATM-16019/64/2021-ATM-DoAS
NOCAS ID: SNCR/WEST/B/031116/122697
Site Address: CTS No. 177 Pt, 180 Pt, 183 Pt, 184 pt, 185 Pt, 186 Pt, 187 Pt, 188 Pt, 189 Pt, 190 Pt, 191 Pt, 192 Pt, 193 Pt, 195 Pt, 196 Pt, 197 Pt, 198 Pt, 202 Pt, 215 Pt, 221 Pt of Dadar Naigaon Division in Sewree Wadala Estate Scheme No. 57 and C S No. 804 Pt, 805 Pt, 808 Pt, 809 Pt, 810 Pt, 811 Pt and 812 Pt in F South of MCGM, Jerbai Wadala Road, Parel, Mumbai.
Plot Size: 3100 sqm



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The proposed building lies in Outer Conical Surface of Santa Cruz Airport. The appellant had been granted NOC for 225.01 m AMSL vide AAI letter dated 23.08.2018. The appellant requested an elevation of 249.09 m AMSL vide offline appeal application dated 15.03.2021.

The case was heard on Appellate Committee meeting dated 08.04.2022, wherein the representative from MIAL had enquired regarding the CNS limiting factor prevailing at the time of issue of NOC. The Chairperson, Appellate Committee directed that the sought information regarding CNS restrictions be shared with representative from MIAL and the case be put up again.

The case was last heard on Appellate Committee meeting dated 26.05.2022, wherein GM (CNS) apprised that the restriction prevailing at the time of issue of NOC dated 23.08.2018 was due to CNS parameter - ADS-B. After examination of the extant case as per provisions of GSR 770 (E) dated 17.12.2020, the restriction due ADS-B is not applicable. The representative from MIAL enquired whether certain buildings in the vicinity of the extant case were considered while calculating the permissible top elevation through Small/Large Object Analysis w.r.t Radar Criteria. GM CNS informed that the that case has been examined based on the data submitted by Airport operator i.e. MIAL. After due deliberations, Chairman, Appellate Committee was of the opinion that the clarification sought by MIAL to be provided by AAI and that the case be put up again in next meeting.

GM CNS as informed this Committee that re-examination of the extant case through Small/Large Object Analysis w.r.t Radar Criteria was conducted. During examination it was observed that as per data provided by MIAL with respect to adjacent buildings, only three buildings viz. Omkar Tower L, M & N were found adjacent to proposed building (within 150 M). All three buildings were checked by manual calculation as per GSR 751(E)/770(E). Since all three buildings were granted NOCAS height without large/small object analysis which is less than 225.01M AMSL (height received by proposed building through 1st appeal), no building has qualified for forming cluster with the proposed building. In view of the above, RTE of 249.09M AMSL was cleared from CNS point of view and therefore, there is no change in PTE as per earlier examination done w.r.t CNS Criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 249.0 m AMSL for building is approved.

2. Mohammed Abdul Rasheed Alias Malik

CHQ File No.: ATM-16019/77/2021-ATM-DoAS
NOCAS ID: THIR/SOUTH/B/091914/64359
Site Address: 535/23, 535/12-2, 535/22, 535/21, 535/20
Thiruvananthapuram, Attipra

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The applicant obtained building permission from the Corporation of Trivandrum on 18.04.2008. However, the applicant did not apply for NOC from AAI as the Corporation of Trivandrum didn't insist on production of NOC from AAI, before approving the construction.

The State Government of Kerala and the Corporation of Trivandrum were apprised by AAI, Trivandrum Airport about the mandatory requirement of NOC before issue of building permit and occupancy certificate.

When the applicant applied for occupancy certificate in 2014, the Corporation of Trivandrum insisted on production of NOC issued by AAI. The applicant then applied for NOC for height clearance with AAI on 19.04.2014 and was issued NOC for permissible top elevation of 49.328 M AMSL on 04.02.2015. However, the applicant had already constructed the building with a top elevation of 58.24 M AMSL.

Aggrieved, the applicant approached the Hon'ble Court of Kerala vide WP (C). No.30698 OF 2016 (J).

As per Hon'ble High court of Kerala judgement dated 28.09.2020, the applicant appealed to the Appellate Committee requesting revised NOC for height of 58.254 M AMSL with requisite documents and appeal fee.

As per physical verification report received from the Airport Operator, two interconnected high-rise apartments (Building A & Building B) exist on the plot.

Topmost elevation of Building A: 59.50 m EGM(08)

Topmost elevation of Building B: 58.67 m EGM(08)

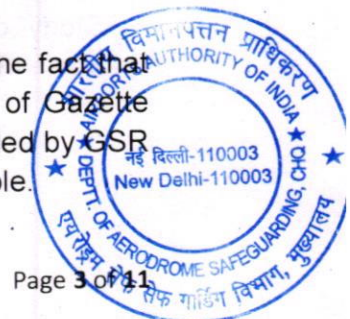
The buildings are completed and occupied.

The case was last heard in Appellate Committee meeting held on 28.12.2021, wherein the Committee took note of the above facts and the Hon'ble High court of Kerala judgement i.r.o. WP (C). No.30698 OF 2016 (J) dated 28.09.2020. After due deliberations, the Committee opined that since the decision to conduct Aeronautical Study comes under the purview of Member (ANS), therefore, Member (ANS) should decide on whether Aeronautical Study is to be conducted in the extant case. It was decided that Member (ANS) to take decision.

The case was again heard in Appellate Committee of 08.04.2022, wherein the Committee was apprised that in line with the legal opinion sought from of Law Directorate, AAI and the provisions of Para 5 Schedule II of GSR 751 (E) as amended by GSR 770 (E), the conduct of Aeronautical Study in the extant case is not permissible. It was decided that AAI to obtain legal opinion from their lawyers w.r.t. the Hon'ble High court of Kerala judgement i.r.o. WP (C). No.30698 OF 2016 (J) dated 28.09.2020 and put up the case again.

The case was last heard in Appellate Committee meeting dated 26.05.2022 was apprised that the legal opinion has been sought from the AAI counsel. After due deliberations, the case was deferred to next meeting.

The case was deliberated in this Appellate Committee meeting. In view of the fact that the appeal application from appellant was received after the promulgation of Gazette Notification GSR 770 (E) and as per the provisions of GSR 751 (E) as amended by GSR 770 (E), the conduct of Aeronautical Study in the extant case is not permissible.



Committees' Decision:

The appeal is rejected. Airport Operator to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.

B. Small/Large Object Analysis w.r.t RADAR

The Small/Large Object Analysis w.r.t Radar Criteria was conducted for the following appeal cases and are presented before the Appellate Committee in accordance with provisions of Para 2 of Schedule II of GSR 751 (E) as amended by GSR 770 (E). The Appellate Committee has considered recommendations made by CNS-OM Directorate for each case and decided as follows:

3. Principal & Controller, SMS Medical College & Hospital

CHQ File No.: ATM-16019/25/2022-ATM-DoAS
NOCAS ID: JAIP/NORTH/B/080621/566572
Site Address: Site of proposed IPD tower, adjacent to dhanwantari OPD Block, SMS medical College and Hospital JLN Marg Jaipur, Jaipur, Rajasthan

The proposed building lies in Outer Conical Surface of Jaipur Airport. The appellant had been granted NOC for 488.96 m AMSL vide AAI letter dated 27.08.2021. The appellant requested an elevation of 562.22 m AMSL vide online appeal application dated 03.11.2021 and subsequently revised their height requirement to 567.48 m AMSL vide offline appeal application dated 29.04.2022.

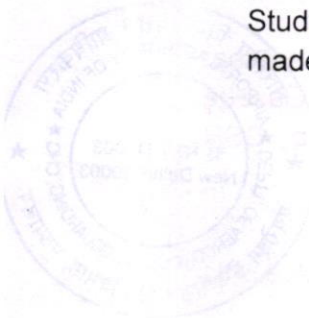
The Committee was informed that through Small/Large Object Analysis w.r.t Radar Criteria, the elevation of 567.48 m AMSL for building was recommended, as derived from AGA, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 567.48 m AMSL for building is approved.

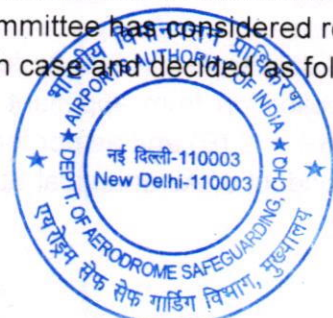
C. AERONAUTICAL STUDY CASES:

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:



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4. M/s.ANNAPURNA STUDIOS PRIVATE LIMITED Rep. by it's Executive
Director Ms. Supriya Yarlagadda, D/o. M

CHQ File No.: ATM-16019/135/2021-ATM-DoAS
NOCAS ID: HYDE/SOUTH/B/092521/621051
Site Address: Proposed Construction of Commercial Building (after
demolition of existing structures), Situated in Old Survey
No.402 (Part), New Survey No.120 (T. S. No.1 Part and
1/1/C/1 Part, Block-B and H, Ward No.9), Shaikpet Village,
Hyderabad District, Telangana., Shaikpet
Village, Hyderabad, Telangana
Plot Size: 30550 sqm

The proposed buildings lie in Conical Surface at a perpendicular distance of 112 m for TOWER-A, 68 m for TOWER-B, 179 m for TOWER-C, and 134 m for TOWER-D, up to IHS boundary. The IHS boundary point is at a distance of 2140 m for TOWER-A, 2177 m for TOWER-B, 2160 m for TOWER-C, and 2197 m for TOWER-D, from end of the transitional Surface of runway 09/27 of Hyderabad Airport. The appellant had been granted NOC for 579.23 m AMSL vide AAI letter dated 29.09.2021. The appellant requested an elevation of 631.86 m AMSL vide online appeal application dated 25.10.2021.

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 608.28 m AMSL for TOWER-A, 606.94 m AMSL for TOWER-B, 611.28 m AMSL for TOWER-C, and 609.90 m AMSL for TOWER-D, was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) is approved as follows:

TOWER-A	608.28 m AMSL
TOWER-B	606.94 m AMSL
TOWER-C	611.28 m AMSL
TOWER-D	609.90 m AMSL

5. Dileep Singh Mehta of Swadeshi Pesticides, Prop. Thermofriz Insulations
Ltd.

CHQ File No.: ATM-16019/72/2021-ATM-DoAS
NOCAS ID: BEHA/EAST/B/033121/538142
Site Address: 53A, Dimond Harbour Road, Ward no-119, Borough-XIII, P.S.
New Alipore Kolkata-700038 Under Kolkata Municipal
Corporation-West Bengal, New Alipore, Kolkata, West Bengal

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Plot Size: 6078.93 sqm

The proposed buildings lie in Inner Horizontal Surface at a distance of 2488 m for Building-1 and 2562 m for Building-2, from end of Transitional Surface of runway 18/36 of Behala Airport. The appellant had been granted NOC for 48.32 m AMSL vide AAI letter dated 20.04.2021. The appellant requested an elevation of 86.74 m AMSL for Building-1 and 86.73 m AMSL for Building-2 vide online appeal application dated 23.04.2021.

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 79.91 m AMSL for Building-1 and 80.85 m AMSL for Building-2, was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) is approved as follows:

Building-1	79.91 m AMSL
Building-2	80.85 m AMSL

**6. Mr. KAMAL KANTI KHANRA, Addtl. General Manager in charge (Eng Div-IV)
WBHIDCO**

CHQ File No.: ATM-16019/136/2021-ATM-DoAS
NOCAS ID: KOLK/EAST/B/032921/537782
Site Address: Plot No -IIC/BLK- 14 15 16 and 17 New TownKolkata, New
Town,Kolkata,West Bengal
Plot Size: 30513 sqm

The proposed buildings lie in Inner Horizontal Surface at a distance of 1701 m for Block A, 1796 m for Block B and 1925 m for Block C, from end of Transitional Surface of runway 01R/19L of Kolkata Airport. The appellant had been granted NOC for 51.00 m AMSL vide AAI letter dated 20.04.2021. The appellant requested an elevation of 70.00 m AMSL vide online appeal application dated 24.09.2021.

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 53.18 m AMSL for Block A, 53.81 m for Block B and 54.71 m for Block C, was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) is approved as follows:

Block A	53.18 m AMSL
Block B	53.81 m AMSL
Block C	54.71 m AMSL



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7. M/s. Rising Sun Impex Pvt. Ltd

CHQ File No.: AAI/20012/41/2020-DoAS
NOCAS ID: SNCR/WEST/B/082119/422335
Site Address: F. P. No. 646 Of T.P.S. – III And Part Of 40.00 Feet Wide T.P. Road At "Om Sainath SRA CHS (Prop) Of Mahim Division At Kapad Bazar, Mahim, Mumbai – 400016, Mahim, Mumbai, Maharashtra
Plot Size: 4659.73 sqm

The proposed building lies in Conical Surface at a perpendicular distance of 1705 m up to IHS boundary. The IHS boundary point is at a distance of 3578 m from end of the transitional Surface of runway 09/27 of Santa Cruz Airport. The appellant had been granted NOC for 119.70 m AMSL vide AAI letter dated 30.09.2019. The appellant requested an elevation of 172.73 m AMSL vide online appeal application dated 06.12.2019.

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 172.64 m AMSL for building was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

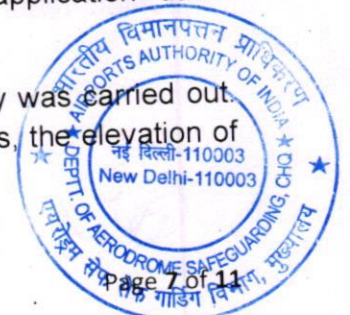
The permissible top elevation (P.T.E.) of 172.64 m AMSL for building is approved.

8. Remesh T. Bijlani

CHQ File No.: ATM-16019/123/2021-ATM-DoAS
NOCAS ID: JUHU/WEST/B/120817/266511
Site Address: CTS no. G/415C of Village Bandra, Sarojini Road, Santacruz (West), Mumbai - 400054, Santacruz / Bandra / Mumbai, Mumbai, Maharashtra
Plot Size: 600 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 654 m from end of Transitional Surface of runway 09/27 of Santa Cruz Airport. The appellant had been granted NOC for 56.90 m AMSL vide AAI letter dated 28.02.2018. The appellant requested an elevation of 67.84 m AMSL vide online appeal application dated 24.09.2021.

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



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65.43 m AMSL was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 65.43 m AMSL is approved.

9. M/s. Raghav Raj Builders & Developers LLP

CHQ File No.: ATM-16019/128/2021-ATM-DoAS
NOCAS ID: SNCR/WEST/B/120420/513809
Site Address: Building No. 114 Known as "Himanshu CHS Ltd." situated on plot bearing CTS No. 12 (pt), of Village Kurla - 3, at Nehru Nagar, Kurla (East), Mumbai Suburban District, Kurla East, Mumbai, Maharashtra
Plot Size: 1014.10 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 708 m from end of Transitional Surface of runway 14/32 of Santa Cruz Airport. The appellant had been granted NOC for 57.13 m AMSL vide AAI letter dated 24.12.2020. The appellant requested an elevation of 80.85 m AMSL vide online appeal application dated 25.09.2021.

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 66.12 m AMSL was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 66.12 m AMSL is approved.

10. Palvi Maternity and Mother Care and OB -4 of Federation plot of Kher Nagar Sahakari Sah Niwas Grih

CHQ File No.: ATM-16019/117/2021-ATM-DoAS
NOCAS ID: SNCR/WEST/B/101519/432526
Site Address: CTS No 604 (pt) 605(pt) of village Bandra , At Kherwadi junction Bandra east mumbai, at kherwadi junction/village bandra east /mumbai, Mumbai City, Maharashtra
Plot Size: 791.47 sqm

The proposed site lies in Inner Horizontal Surface at a distance of 2613 m from end of Transitional Surface of runway 09/27 of Santa Cruz Airport. The appellant had been granted NOC for 57.13 m AMSL vide AAI letter dated 22.11.2019. The appellant



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requested an elevation of 63.87 m AMSL vide online appeal application dated 16.09.2021.

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 63.87 m AMSL was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

Committees' Decision:

The permissible top elevation (P.T.E.) of 63.87 m AMSL is approved.

11. Mr. Chirag Shah Partner of M/s. New India Construction Company

CHQ File No.: ATM-16019/56/2021-ATM-DoAS
NOCAS ID: JUHU/WEST/B/021521/528881
Site Address: C.T.S.No.497 of Village Gundavali K/E Ward, Andheri (E), Mumbai., Gundavali, Mumbai, Maharashtra
Plot Size: 1255.10 sqm

The proposed building lies in Inner Horizontal Surface at a distance of 509 m from end of Transitional Surface of runway 14/32 of Santa Cruz Airport. The appellant had been granted NOC for 57.13 m AMSL vide AAI letter dated 23.03.2021. The appellant requested an elevation of 81.00 m AMSL vide online appeal application dated 15.06.2021.

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 63.59 m AMSL for building was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.

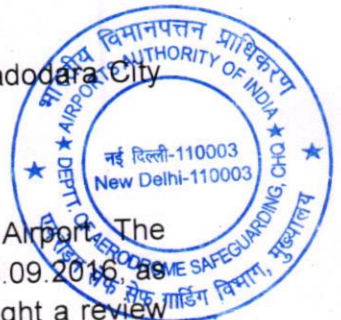
Committees' Decision:

The permissible top elevation (P.T.E.) of 63.59 m AMSL for building is approved.

12. Ashishbhai Shah Director of Shree Manav Infrastruc

CHQ File No.: ATM-16019/66/2021-ATM-DoAS
NOCAS ID: VADO/WEST/B/091216/171388
Site Address: Survey No 39 2 40 41 At Sama Taluka Vadodara City North District Vadodara, At Sama Taluka Vadodara City North District Vadoda, Vadodara, Gujarat
Plot Size: 46222 sqm

The proposed buildings lie in the Inner Horizontal Surface of Vadodara Airport. The Appellant had been granted NOC for 84.31 m AMSL vide AAI letter dated 23.09.2016, as against the requested top elevation of 106.78 m AMSL. The Appellant sought a review



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through an Aeronautical Study requesting for higher height, vide online appeal application dated 09.07.2021.

During the pendency of the appeal, the Appellant filed a Writ Petition No. 13963/2021 in the Hon'ble Delhi High Court. The Hon'ble High Court directed AAI to conduct the aeronautical study of the project and place the Report of the Aeronautical Study before the Hon'ble High Court. As per directives of the Hon'ble High Court, the Aeronautical Study was accordingly conducted by AAI and the report was submitted before the Hon'ble High Court. The Hon'ble High Court, disposed off the Writ Petition vide order dated 04.04.2022 and directed that the appeal preferred by the Appellant be decided on its own merits in accordance with law, after affording a hearing to the parties.

In pursuance of Hon'ble High Court's order dated 04.04.2022, the Parties were granted a hearing before the Appellate Committee on 29.04.2022. The hearing was attended by Shri Aashish Jayantilal Shah, CMD, Shree Balaji Group from Manav Infra, and representatives of Ministry of Civil Aviation and Airports Authority of India.

The Committee heard the submissions advanced by all the Parties during the hearing. Accordingly, keeping in view the interpretation of the issue involved in the light of the Hon'ble High Court's order and the extant applicable rules, it was considered appropriate to refer the case to the Ministry of Law seeking their opinion / interpretation. The matter was referred to Ministry of Civil Aviation to seek the opinion / interpretation on the issue from Ministry of Law.

Ministry of Civil Aviation has intimated the opinion of the Ministry of Law and the same is presented before this Appellate Committee. It was advised by Ministry of Law that -

"Under the facts and circumstances of the case as well as in light of provisions of the applicable Rules on the subject, this Department feels to be more appropriate that Appellate Committee may consider the Aeronautical Study report conducted by the AAI in the present matter to dispose of the appeal at their administrative wisdom on the basis of merit and in accordance with the law to comply with the direction passed by the Hon'ble Delhi High Court, while disposing the Writ Petition, in its true letter and spirit."

The Committee, in accordance with the legal appropriateness / position enunciated vide the opinion of Ministry of Law, considered the report of the Aeronautical Study that was undertaken by AAI, in compliance with the order of the Hon'ble High Court. The Committee observed that through Aeronautical Study process, the elevation of 105.01 m AMSL for Residential Tower – A, B, C ; 104.09 m AMSL for Residential Tower – D, E, F; 103.60 m AMSL for Office – 1 and 103.13 m AMSL for Office – 2, was recommended, as derived from allowable penetration of OLS, CNS and PANS-OPS criteria.



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Committees' Decision:

The permissible top elevation (P.T.E.) is approved as follows:


Residential Tower – A, B, C	105.01 m AMSL
Residential Tower – D, E, F	104.09 m AMSL
Office – 1	103.60 m AMSL
Office – 2	103.13 m AMSL


D. OTHER CASES

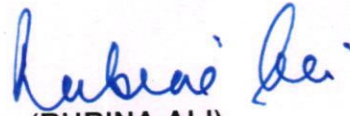
13. Reconstitution of Shielding Committee:

Consequent to selection of Sh. D. Moitra, Jt. GM (ATM-FPD) as GM (Aerodrome Licensing), the Shielding Committee is reconstituted as follows:

1. Sh. S. Swaminathan, GM (ATM-ATS)
2. Sh. J. B. Singh, GM (CNS)
3. Sh. L. D. Mohanty, Jt. GM (ATM-FPD)


M. SURESH
Member (ANS)
Airports Authority of India


(D. C. SHARMA)
Jt. Director General
Directorate General of Civil
Aviation


(RUBINA ALI)
Joint Secretary
Ministry of Civil Aviation
Chairperson, Appellate Committee

Place: New Delhi. 17/06/2022

