

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

**Minutes of the Meeting of the Appellate Committee for height clearance held on**  
**29<sup>th</sup> May, 2017 - AERONAUTICAL STUDY CASES**

Reference Ministry of Civil Aviation letter No. AV.20036/66/2000-AAI dated 15-10-2012 read with letters dated 31-12-2012 and 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) on 29<sup>th</sup> May, 2017.

The following Committee members were present:-

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

The aeronautical studies were conducted for the following appeal cases as per the Guidelines for Aeronautical Study dated 11.07.2014 and Guidelines on Allowable Penetration of OLS dated 26<sup>th</sup> March 2015 approved by the competent authority.

The Committee while arriving at their decision in each case has considered recommendations of the Aeronautical Study Reports.

The **Aeronautical Study cases** that were brought up in this Committee Meeting are as detailed below:-

**1. Mr. Deepak Salunkhe C/o Oberoi Constructions Ltd, Mumbai.**

**CHQ File No.:** AAI/20012/82/2016  
**NOCAS ID:** SNCR/WEST/B/041316/126271  
**Site Address:** Plot bearing C.T.S No. 1/B (pt), of Village Majas, Bldg No 3 at JVLR Road, Jogeshwari (E), Mumbai

As per NOCAS, the proposed lies in conical surface and is 689m from IHS of Santacruz Airport. The applicant had requested for a height of 228.68m AMSL online dated 13.04.16 against which they were granted a height of 91.36m AMSL vide AAI letter dated 07.06.2016. The applicant had revised their height requirement to 128.38m AMSL vide letter dated 11.07.16 and also requested for Aeronautical Study vide email dated 16.12.16.

The Competent Authority on 17.04.2017 approved the conduct of an Aeronautical Study for a height of 128.38m AMSL which is also recommended by Municipal Corporation of Greater Mumbai.

The Committee was informed that Aeronautical Study has indicated the permitted top elevation (which is the minimum as derived from AGA, CNS and PANS-OPS criteria) as 128.38m AMSL.

**Committees' Decision:**

**The permitted top elevation (P.T.E.) of 128.38m AMSL is approved.**

**2. M/s Avarsekar Developers.Mumbai.**

**CHQ File No.:** AAI/20012/76/2013  
**Case No.:** MUM/12/186  
**NOCAS ID:** SNCR/WEST/B/090512/001  
**Site Address:** CS No.-695, 1/696 & 697 of Mahim Division at Sitladevi Temple Rd., Mahim, Mumbai.

As per NOCAS, the proposed site is about 5760 m from Rwy 09 of Santa Cruz Airport and site lies in conical surface. The applicant had requested for 165.005m AMSL vide letter dated 12.09.12 against which they were granted height of 107.35m AMSL vide AAI letter dated 27.02.2013. The applicant had revised their height requirement to 158.15m AMSL and also requested for Aeronautical Study vide letter dated 31.03.16.

The Appellate Committee in its meeting dated 05.05.2016 approved the conduct of an Aeronautical Study for a height of 158.15m AMSL which is also recommended by Municipal Corporation of Greater Mumbai.

The Committee was informed that Aeronautical Study has indicated the permitted top elevation (which is the minimum as derived from AGA, CNS and PANS-OPS criteria) as 127.54m AMSL.

**Committees' Decision:**

**The permitted top elevation (P.T.E.) of 127.54m AMSL is approved**

**3. Mr. Gurmeet Singh, Mumbai.**

**Case No.:** MUM/15/B/75  
**NOCAS ID:** SNCR/WEST/B/012315/90871  
**Site Address:** CTS. No. 145, 146 & 147 of Village Majas at Jogeshwari (E), Mumbai.

As per NOCAS, the proposed site lies in Conical surface and is 4253m from beginning Rwy14 of SantaCruz Airport.

The applicant had requested for a height of 57.135m AMSL online dated 23.01.15 against which they were granted height of 57.135m AMSL vide AAI letter dated 01.02.2016. Subsequently, the applicant had increased their height requirement to 80.935m AMSL and also requested for Aeronautical Study vide letter dated 12.04.16.

The Appellate Committee in its meeting dated 20.06.2016 approved the conduct of an Aeronautical Study for a height of 80.935m AMSL which is also recommended by Slum Rehabilitation Authority.

The Committee was informed that Aeronautical Study has indicated the permitted top elevation (which is the minimum as derived from AGA, CNS and PANS-OPS criteria) as 80.935m AMSL.

**Committees' Decision:**

**The permitted top elevation (P.T.E.) of 80.935m AMSL is approved**

**4. M/s Aishwarya Avant Builders LLP, Mumbai.**

**CHQ File No.:** AAI/20012/79/2016  
**Case No.:** MUM/15/B/174  
**NOCAS ID:** SNCR/WEST/B/042115/108204  
**Site Address:** CTS No. 157 and 158 Andheri/Majas/Jogeshwari/Mumbai suburb.

As per NOCAS, the proposed site lies in Conical surface and is 4412m from beginning Rwy 14 of Santacruz Airport.

The applicant had requested for 102.275m AMSL online dated 21.04.15 against which they were granted height of 77.54m AMSL vide AAI letter dated 03.07.2015. Subsequently, the applicant had reduced their height requirement to 97.275m AMSL and also requested for Aeronautical Study vide letter dated 22.03.16.

The Appellate Committee in its meeting dated 28.07.2016 approved the conduct of an Aeronautical Study for a height of 97.725m AMSL which is also recommended by Slum Rehabilitation Authority.

The Committee was informed that Aeronautical Study has indicated the permitted top elevation (which is the minimum as derived from AGA, CNS and PANS-OPS criteria) as 97.725m AMSL.

**Committees' Decision:**

**The permitted top elevation (P.T.E.) of 97.725m AMSL is approved.**



**5) Shri Jai Ram More, C/o Shri Y.E Rafik, Mumbai.**

**Case No.:** MUM/14/NOCAS/400  
**CHQ File No.:** AAI/20012/26/2015  
**NOCAS ID:** JUHU/WEST/B/080814/55402  
**Site Address:** CTS No.1(Pt) of Village Oshivara Andheri (W) Oshivara, Mumbai

As per NOCAS, the proposed site lies in Conical Surface and is 895m from IHS of Juhu Airport.

The applicant had earlier applied for a height of 161.28m AMSL vide their letter dated 21.8.2014 against which they were granted 122.59m AMSL vide AAI letter dated 07.10.2014. Subsequently, the applicant had requested for revised height of 149m AMSL and also requested for Aeronautical Study vide their letter dated 11.3.2015.

The Appellate Committee in its meeting on 27.8.2015 approved the conduct of an Aeronautical Study for a height of 148.25m AMSL as recommended by Municipal Corporation of Greater Mumbai.

The Aeronautical Study report was examined in the Appellate Committee of 23.03.2016 wherein it was noted that the permissible top elevation is 118m AMSL being restricted from IAL consideration. The Appellate Committee also noted that the height granted by AAI initially on 7.10.2014 was 122.59m AMSL. The Committee further noted that the permissible height from AGA and CNS parameters is higher than the original granted height of 122.59m AMSL. The committee was informed by AAI that the permissible top elevation is restricted to 118m AMSL on application of proposed PBN procedures for Runway 14. The Appellate Committee then opined that the matter needs to be examined from the legal point of view as the permissible top elevation from the Aeronautical Study report; has been arrived from application of a procedure which is at the draft stage and awaiting DGCA approval, and also the height derived from such a procedure is less than the height 122.59m AMSL granted initially by AAI in October, 2014. The Committee further noted that the PBN procedure referred to in the Aeronautical Study is under development and will be published only after DGCA approval. The Committee directed that as the matter is legal, opinion of Ministry of Law and Justice be obtained as to whether the earlier granted height 122.59m AMSL vide AAI letter dated 07.10.2014 will prevail or the height, arrived at by Aeronautical Study, be restricted to 118m AMSL.

Based on the Committee's decision, AAI through MoCA took up the matter with the Ministry of Law and Justice who have in their response dated 14.06.2016 stated that "as per legal opinion the height permission which was granted to the applicant would prevail and proposed procedure(which are not yet published) being prospective in nature would not affect the earlier permissions/NOCs."

The Appellate Committee in its meeting dated 28.07.2016 took note of the above legal opinion dated 14.06.2016, received from the Ministry of Law and Justice and advised AAI to review the OCA of RNAV procedures. The Committee further directed AAI to issue NOC for permissible top elevation of 122.59m AMSL in accordance with the opinion given by Ministry of Law and Justice.

Based on the Committee's decision, AAI issued authorization for 122.59m AMSL vide letter dated 06.09.2016.

Applicant subsequently vide letter dated 21.09.2016 and 07.11.2016 requested to re-examine case w.r.t. PANS-OPS for possible additional height. AAI reviewed the PANS-OPS procedure based on latest obstacle survey data 2016 provided by MIAL and based on revised OCA as contained in draft RNAV procedure, the committee was informed that top elevation of 131m AMSL is permissible from PANS-OPS criteria and that P.T.E. w.r.t. CNS is 148.25m AMSL and P.T.E. w.r.t. AGA is 138.6845m AMSL.

**Committees' Decision:**

**The Appellate Committee directed Member(ANS) to decide the case on its merit.**

**The Appellate Committee also recommended that in future, before considering any draft/proposed procedure/futuristic master plan of Airports/proposed Nav-aids settings used for NOC calculations, approval of competent authority needs to be obtained and such procedures/plans should be notified in public domain.**

**6) Cases related to IHS of Mumbai-Aeronautical Study Reports**

The Appellate Committee was informed that as per directive of Hon'ble High Court of Bombay in the PIL 86/2014 dated 23.03.2017, AAI will submit the Aeronautical Study Report/ Shielding Committee Report of the following cases to the Hon'ble High Court of Bombay

**6a) M/s Airport Planners & Design Consulting Pvt. Ltd. C/o Shri Surjit Singh R.Mokha, Mumbai.**

**CHQ File No.: AAI/20012/59/2015**

**Site Address: C.T.S No. 188 of Village Tungwa at Powai , Mumbai.**

**6b) Mr. Mohan Subramanian C/o M/s Havemore Realty Pvt Ltd, Mumbai.**

**CHQ File No.: AAI/20012/113/2011**

**Site Address: C.T.S No. 78A to 78H, Village Gundavali, Mumbai.**

**6c) M/s Kaushik More C/o Lake view developers, Mumbai.**

**CHQ File No.: AAI/20012/72/2016**

**Site Address: C.T.S No. 1 (pt),of Village Ghatkopar, Mumbai Suburban District in N ward, Mumbai, Maharashtra.**

7) **Hon'ble Delhi High Court Order-Aeronautical Study by ICAO**

The Hon'ble Delhi High Court in its order dated 12<sup>th</sup> April, 2017 in W.P.(C) 2258/2017, W.P.(C) 2272/2017 & W.P.(C) 2274/2017 directed MoCA & AAI to refer the appeals of the petitioners to ICAO for conduct of Aeronautical Study.

Appellate Committee reiterated its decision of its meeting dated 28.04.2017 in which the Committee earlier advised AAI to file appeal against the Hon'ble Delhi High Court order dated 12<sup>th</sup> April 2017.



(A.K. Dutta)  
MEMBER (ANS), AAI



(J S Rawat )  
Jt. DGCA



(K. GOHAIN)  
TECHNICAL EXPERT



(ARUN KUMAR)  
JT. SECY, MOCA  
CHAIRMAN, APPELLATE COMMITTEE

12/06/17

Place: New Delhi.