

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

Minutes of the Meeting of the Appellate Committee for height clearance held on
20th June 2016 – Appeal 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 20th June 2016.

The following Committee members were present:-

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

The following decisions were taken for the appeal cases that were brought up by GM-NOC in this Committee Meeting:

1. M/s Twin City Builders, Navi Mumbai.

Case No.: MUM/15/NM/77
CHQ File No.: AAI/20012/42/2016
NOCAS ID: NAVI/WEST/B/022715/103648
Site Address: Plot No.38, Sector 26/27, Belapur, Navi Mumbai.

As per NOCAS, the proposed site lies in Inner Horizontal Surface and is 3416 m from Rwy 08L of Navi Mumbai Airport.

The applicant had initially requested a height of 97.02m AMSL online dated 27.02.15 against which NOC had not been issued since the site elevation is greater than P.T.E. Vide Letter dated 20.04.2015. The applicant in his letter dated 21.04.2016 had sought a height of 97.02m AMSL

The case was listed in this Committee's meeting. The applicant was absent.

Committees' Decision:

The case to be put up only after receipt of formal request from the applicant for considering in the subsequent Committee's meeting.

S.K. Punwar

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2. Sh. Arun Kumar Dube, Mumbai.

Case No.: MUM/14/NOCAS/137
CHQ File No.: AAI/20012/44/2016
NOCAS ID: JUHU/WEST/B/022114/21829
Site Address: F.P. No.294 of TPS NO.V of Vile Parle (East), Mumbai.

As per NOCAS, the proposed site lies in IHS and is 720m from Rwy 09 of Santa Cruz Airport.

The applicant had initially requested a height of 71.60m AMSL online dated 03.03.14 against which they were granted a height of 37.039m AMSL by AAI in their letter dated 04.09.2014. The applicant has reduced their height requirement to 61.25m AMSL in their letter dated 10.03.2016.

The applicant had requested for Aeronautical study to consume full permissible FSI.

The meeting heard the applicant and the SRA letter dated 18.04.2016 was examined which has confirmed that the project is under SRA and justified the height requirement as per DCR regulations and also recommended the height of 61.25m AMSL.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height recommended 61.25m AMSL is admissible.

3. M/s R S Builders, Mumbai.

Case No.: MUM/15/B/180
CHQ File No.: AAI/20012/46/2016
NOCAS ID: JUHU/WEST/B/041015/108120
Site Address: CTS. No. 624/6 OF Village Bandra-G at Santacruz (W) in H/W ward plot no. J-4, 16th Road, SantaCruz (West), Mumbai.

As per NOCAS, the proposed site lies in IHS and is 2020m from Rwy 34 of Juhu Airport.

The applicant had requested for a height of 67.7m AMSL online dated 10.04.15 against which they were granted a height of 56.9m AMSL by AAI in their letter dated 03.07.2015. The applicant requested a revised higher height of 458m AMSL in the letter dated 22.04.2016.

The applicant has requested Aeronautical study.

This meeting gave a hearing to the applicant and examined the SRA letter dated 01.04.2016 which has justified the project and has recommended a height of 82.35m AMSL as per DCR regulations.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height recommended 82.35m AMSL is admissible.

4. M/s Gorband Fort and Palace LLP, Jaipur

Case No.: NR/2015/332
CHQ File No.: AAI/20012/47/2016
NOCAS ID: JAIP/NORTH/B/100615/168455
Site Address: Plot No. A-6, Airport Enclave Scheme, Tonk Road, Sanganer, Jaipur.

As per NOCAS, the proposed site lies in IHS and is 2214m from Rwy 09 of Jaipur Airport.

The applicant had earlier requested for a height of 440m AMSL online dated 26.10.15 against which they were granted a height of 429.96m AMSL by AAI in their letter dated 01.12.2015. The applicant requested a revised higher height of 458m AMSL in the letter dated 22.04.2016.

This meeting gave a hearing to the applicant who has also made a request in writing for conduct of Aeronautical Study. The meeting also examined the letter from Jaipur Development Authority dated 18.04.2016 which has justified the project and has recommended 60mts AGL (450m AMSL) or as restricted.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height as recommended by State Authorities i.e. 450m AMSL is admissible.

5. Mr. Gurmeet Singh, Mumbai.

Case No.: MUM/15/B/75
CHQ File No.: AAI/20012/48/2016
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 Rwy14 of SantaCruz Airport.

The applicant initially requested a height of 57.135m AMSL online dated 23.01.2015 against which they were granted a height of 57.135m AMSL in AAI's letter dated 07.04.2015. Subsequently, the applicant requested a revised higher height of 64.40m AGL (80.935m AMSL) in their letter dated 12.04.2016.

The applicant was heard in the meeting who has requested for Aeronautical Study and has submitted the SRA letter dated 31.05.2016 justifying the project and recommending the height sought by the applicant i.e. 80.935m AMSL.

Committees' Decision

Aeronautical Study to be conducted to determine whether the height as recommended by State Authorities i.e. 80.935m AMSL is admissible.

6. Mr. Lalitshyam Tekchandani, Mumbai

Case No.: MUM/14/NOCAS/508
CHQ File No.: AAI/20012/59/2016
NOCAS ID: SNCR/WEST/B/102814/69156
Site Address: CTS No. 128 A/3 of village Chembur, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3858m from Rwy32 of Santa Cruz Airport.

The applicant initially requested a height of 106.40m AMSL vide letter dated 14.11.14 against which they were granted a height of 56.90m AMSL in AAI's letter dated 06.02.2016. The applicant in his letter dated 30.04.2016 had increased his requested height as 120m AMSL.

The applicant was given a hearing in this meeting who had requested Aeronautical study for the project which is under SRA. The meeting also examined the SRA letter dated 20.03.2016 which has justified their project and has recommended maximum height permissible quoting prevailing DCR and the various reservations with regard to set-backs required from the plot such as roads, nallas, service roads, etc.

Committees' Decision:

Aeronautical Study to be conducted to determine the maximum height in mts AMSL permissible at this location.

7. M/s Heaven Star Hotels, Delhi

Case No.: NR/2016/56
CHQ File No.: AAI/20012/50/2016
NOCAS ID: PALM/NORTH/B/030916/122580
Site Address: Asset No. 13, Hospitality District, IGI Airport, New Delhi.

As per NOCAS, the proposed site lies in IHS and is 934m from Rwy28 of IGI Airport.

The applicant initially requested a height of 284.18m AMSL online dated 09.03.16. Northern Region, AAI had granted a height of 273.04m AMSL vide letter dated 05.04.2016 to Heaven Star Hotels (Delhi) Pvt. Ltd. The applicant vide letter dated 06.05.2016 has requested a height of 48m AGL (284.317m AMSL) for a large conference facility of approximate capacity of 10,000 persons. Applicant has requested sanctioning the desired height through Aeronautical Survey if required. In this context, with regard to the feasibility of construction of a convention centre on the said site as per AAI Act and OMDA, a clarification was solicited from Ministry of Civil Aviation (MOCA). The reply of MOCA is as follows:

“ The applicant M/s Heaven Star Hotels Pvt. Ltd. has made an appeal requesting for higher height at the site ‘Asset 13’ at IGI airport. While making an appeal the applicant also cited a letter from CEO, DIAL addressed to Secretary (CA) indicating the purpose of construction of convention centre. Since the airport land is owned by Airports Authority of India and it is only leased out to DIAL for 30 years, it is necessary to examine the clause of OMDA before processing the case.

In the light of the OMDA provisions the case has been examined and it is noted that the convention centre per se is not allowed in the airport land at Delhi. However, Schedule VI of OMDA mentions that conference centre is permitted subject to the condition that this can be undertaken only within the terminal complex and are primarily meant for catering the need of air passengers, Air traffic Services and Air transport services. The coordinates given by the applicant seems to be outside the terminal area earmarked in the Master Plan of 2008 as well as 2016. Since the convention centre is not allowed under the OMDA, the question of permitting convention centre does not arise.

Hence the case is disposed of. ”

Committees’ Decision:

The case is rejected and disposed of.

8. Mr. Manoj Kumar Dubal, Mumbai.

Case No.: MUM/15/NOCAS/105
CHQ File No.: AAI/20012/64/2016
NOCAS ID: JUHU/WEST/B/013115/92781
Site Address: CTS No. 188-A village Bandivali, Mumbai.

As per NOCAS, the proposed site lies in conical surface and is 4383m from Rwy26 of Juhu Airport.

The applicant initially requested a height of 86.6m AMSL online dated 31.01.15 against which they were granted a height of 76.081m AMSL vide letter dated 11.05.2015. The applicant has revised their height requirement to 87.05m AMSL in their letter dated 03.12.2015.

The applicant was given a hearing who stated that higher height is requested by them in order to utilize the FSI granted by MCGM. They had requested conduct of Aeronautical study and has submitted MCGM letter in original dated 01.04.2016 which has justified the project and recommended a height of 76.05m AGL (87.05m AMSL).

Committees' Decision:.

Aeronautical Study to be conducted to determine whether the height as recommended by State Authorities i.e. 87.05m AMSL is admissible.

9. M/s Sundew Properties Ltd C/o Ganesh Subudhi, Hyderabad.

Case No.: HY/428/2015
CHQ File No.: AAI/20012/60/2016
NOCAS ID: HYDE/SOUTH/B/111015/219103
Site Address: Proposed construction of Building No.12D, in Mindspace, Bearing Survey No.64 (Part), Madhapur village, Serilingampally Mandal, RR Dist., Telangana State..

As per NOCAS, the proposed site lies in Outer Transitional Surface and is 356m from Approach surface of Rwy09 of Begumpet Airport.

The applicant had initially requested a height of 680.893m AMSL online dated 10.11.2015 against which they were granted a height of 648.99m AMSL vide AAI letter dated 12.12.2015. The applicant has re-iterated their height requirement as 94.7m AGL (680.89m AMSL) vide letter dated 23.05.16

The applicant was given a hearing who has in the presentation requested higher height to make the project financially viable. The applicant had submitted letter from the State Authorities (TSIIC IALA letter dated 06.05.2016) justifying the project and recommending a height of 94.7m AGL (680.89m AMSL).

The committee observed that the presentation made by the applicant in the case indicated that the site lies in the Outer Transitional Surface of Rwy09 of Begumpet Airport. This was also confirmed by the Committee from the NOCAS calculation sheet based on the WGS-84 coordinates given in the original NOC issued by AAI dated 12.12.2015. The Committee further referred to GSR751(E) which does not permit conduct of Aeronautical Study in transitional surfaces.

The applicant contended that in earlier cases of M/s Aquaspace (3 nos.), Aeronautical Study was conducted on sites in Transitional Surface. The Committee immediately sought for all the three cases as indicated by the applicant's representative and it was confirmed from the file records that in all the three cases, Aeronautical study was carried out as the sites were then determined to have been in the Conical surface. This was brought to the notice of the applicant's representative, who was also given an opportunity to see the relevant files himself. The applicant's representative accepted the above comments of the Committee and further requested if Aeronautical study is possible.

The Committee considered that the site is more than 7000mts from the nearest runway end. The outer transitional surface abuts beyond the 6100mts surface circle. The Committee, therefore, after deliberation was of the view that AAI should examine whether Aeronautical study can be carried out in the outer transition surface extending beyond 6100mts from the nearest runway end.

Committees' Decision:

AAI to set up a Committee to determine whether the Aeronautical Study can be carried out in the Transitional Surface extending beyond 6100mts within the prescribed guidelines spelt out in S.O.84 (E) and GSR751 (E) or ICAO annexes.

10. Mr. Vilash Sawant C/o Mohan T Kukreja, Mumbai

Case No.:

CHQ File No.: AAI/20012/62/2016

NOCAS ID: SNCR/WEST/B/031416/122800

Site Address: CTS No. 128/B/5, of village Chembur at Sindhi Colony, Chembur.

As per NOCAS, the proposed site lies in IHS and is 3697m from Rwy32 of SantaCruz Airport.

The applicant initially requested a height of 79.23m AMSL online dated 14.03.16 against which they were granted a height of 56.9m AMSL in AAI's letter dated 21.04.2016. Subsequently, the applicant requested reduced height of 72.335m AMSL(68.10m AGL) in the letter dated 09.05.2016.

The applicant was given a hearing in this meeting who had requested a height of 72.335m AMSL (68.10m AGL) for utilizing the FSI admissible. They have submitted letter from MCGM dated 27.11.2014 (certified true copy), which has indicated that the Municipal Commissioner has approved a total height of 68.10m AGL including LMR & OHT and has recommended Aeronautical study.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height as requested by the applicant i.e. 72.335m AMSL (68.10m AGL+4.23m S.E.) is admissible, subject to submission of original letter from MCGM.

11. M/s Arihant Realtors, Mumbai.

Case No.: MUM/15/216
CHQ File No.: AAI/20012/56/2016
NOCAS ID: SNCR/WEST/B/062715/140016
Site Address: CTS No. 29(PT) AND 1831(PT), village Chembur, M Ward, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 2748m from Rwy32 of SantaCruz Airport.

The applicant had requested for 99.6AMSL vide online dated 27.06.15 against which they were granted height of 56.9m AMSL vide AAI letter dated 02.09.2015. Subsequently, the applicant requested reduced height of 95.20m AMSL in the letter dated 05.10.2015.

The applicant was given a hearing in this meeting and has requested for Aeronautical study for the height requested to as to consume full permissible sale FSI. The Committee also examined SRA letter dated 18.04.2016 justifying the project and also recommending maximum permissible height as per Civil Aviation rules.

Committees' Decision

Aeronautical Study to be conducted to determine whether the height as requested by the applicant i.e. 95.20m AMSL is admissible.

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12. M/s Mahindra LifeSpace Developers Ltd, Mumbai.

Case No.: MUM/13/480
CHQ File No.: AAI/20012/61/2016
NOCAS ID: SNCR/WEST/B/091115/160784
Site Address: CTS No. 243 B, 243 C & 248 of village Gundavali at Andheri East.

As per NOCAS, the proposed site lies in IHS and is 2183m from Rwy14 of SantaCruz Airport.

The applicant had initially requested a height of 100.9m AMSL vide online dated 11.09.15 against which they were granted a height of 56.9m AMSL vide letter dated 23.11.2015. Subsequently, the applicant requested reduced height of 76.13m AMSL for BUA 1,2 & 4; 74.78m AMSL for BUA 3. in the letter dated 25.05.2016.

The applicant was given a hearing in this meeting who has requested enhanced height for four built-up areas in the same plot. They had submitted MCGM letter dated 10.03.2016 in original, in the meeting, which has justified the project consisting of three built-up areas wherein the applicant has desired 76.13m AMSL for BUA 1,2 & 4. The letter from MCGM has also mentioned that the full consumption of FSI is as per DCR, 1991 including provision for parking space and other stipulations in the DCR and that the height of 44.68m AGL (76.13m AMSL) is necessary for built-up areas 1,2 & 4 as also referred to by the applicant.

Committees' Decision:

Aeronautical study to be conducted for each of the built-up areas 1, 2 and 4 to determine whether height of 44.68m AGL (76.13m AMSL) requested by the applicant and also recommended by the MCGM, is permissible.

13. M/s Azad Nagar Chaitra CHS Ltd. C/o M/s Sawstik Realty Pvt. Ltd., Mumbai.

Case No.: MUM/14/208
CHQ File No.: AAI/20012/43/2016
NOCAS ID: JUHU/WEST/B/040714/30206
Site Address: Chaitra CHS Ltd., Bldg. No. 26, C.T.S. No. 835 pt,839/2 pt, Andheri (WEST).

As per NOCAS, the proposed site lies in IHS and is 3356m from Rwy16 of Juhu Airport.

The applicant had requested for 74m AMSL online dated 07.04.2014 against which they were granted height of 56.90m AMSL vide AAI letter dated 01.07.2015. The applicant has revised their height requirement to 70m AGL (74.25 m AMSL) in their letter dated 12.04.2016.

S. K. Punwan 

The applicant was given a hearing who has requested revised height of 74.25m AMSL in order to consume additional prorata layout FSI from MHADA. The Committee was informed that this being a MHADA rehabilitation project required for accommodating all the existing tenements. The applicant has submitted copy of the Building Rules of Maharashtra government. The Committee observed that the rules are like a policy and not specific to the project itself. This was pointed out to the applicant and that he is required to submit a justification/recommendatory letter from the State Authorities for their specific project, which they have agreed to submit.

Committees' Decision:

Aeronautical study may be conducted only after receipt of justification/recommendatory letter from the State Authorities for the specific project.

14. Shri Raj Shah, Mumbai.

Case No.: MUM/13/NOCAS/300
CHQ File No.: AAI/20012/69/2016
NOCAS ID: SNCR/WEST/B/050713/020
Site Address: CTS No. 4647, village Ghatkopar, Mumbai

As per NOCAS, the proposed site lies in IHS and is 2531m from Rwy 27 of SantaCruz Airport.

The applicant had initially requested a height of 69.5m AMSL online dated 07.05.2013 against they were granted a height of 56.90m AMSL vide letter dated 19.11.2013. The applicant in his letter dated 02.06.2016 had increased his requested height as 80.70m AMSL.

The applicant was given a hearing in this meeting who had requested Aeronautical study to utilize additional FSI so as to make the project viable. They have submitted, in original, MCGM letter dated 26.05.2016 justifying and recommending a height of 73m AGL (80.70m AMSL). The applicant during their presentation informed that the project consists of 130 flats of which some flats have to be given to MCGM and some space given to MCGM for public parking.

Committees' Decision:

Aeronautical study to be conducted to determine whether height of 73m AGL (80.70m AMSL) as requested by the applicant and also recommended by the MCGM, is permissible.

S. K. Purwan

15. M/s Army Welfare Housing Organisation, Ernakulam, Kerala.

Case No.:

CHQ File No.: AAI/20012/70/2016

NOCAS ID: THIR/SOUTH/B/041816/126421

Site Address: 128/2-2,128/3,128/4,128/18-3,128/19-2,128/19-3,128/19-3-1,128/19-5,128/19-6.

As per NOCAS, the proposed site lies in Conical Surface and is 4222 m from Rwy 14 of Thiruvananthapuram Airport.

The applicant had requested for 100.95m AMSL online dated 18.04.16 against which they were granted height of 60.12m AMSL vide AAI letter dated 13.05.2016. The applicant has re-iterated their height requirement as 100.95m AMSL vide letter dated 29.05.16

The applicant was given a hearing and has requested higher height and in support of the request have submitted a letter from Corporation of Thiruvananthapuram dated 17.09.2015 (original submitted in this meeting) justifying and recommending a height of 91m AMSL.

Committees' Decision:

Aeronautical study to be conducted to determine whether height of 91m AMSL as recommended by the Corporation of Thiruvananthapuram, is permissible.

16. M/s DB Realty, Mumbai,

Case No.: MUM/10/377

CHQ File No.: AAI/20012/199/2010-ARI(NOC)

NOCAS ID: SNCR/WEST/B/080814/55322

Site Address: CTS No. 11A(Pt.), (Plot No.IV marked as J,K,L,M,N,O,R,S) Village Chandivali, Kurla(W), Mumbai.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is at a distance of 3028m from Rwy 27 of Santacruz Airport.

The applicant had initially requested a height of 116.86 m AMSL vide letter dated 11.6.2010 against which they were granted a height of 56.27 m AMSL vide letter dated 20.10.2010. The applicant in its letters dated 08.04.2012 and 23.06.2014 has reiterated for a height of 116.86 m AMSL requesting Aeronautical Study/shielding benefit from natural terrain as it is a Slum Rehabilitation Project on Plot No.4.

The case was listed in the Appellate Committee meeting on 09.01.2013 wherein the applicant requested for deferment of the case to a subsequent date which the Committee then agreed. The applicant thereafter submitted SRA letter dated 24.01.2014 recommending height for their sale buildings. The applicant submitted SRA letter dated 24.01.2014 recommending height for sale building in their slum rehabilitation project.

The applicant had subsequently submitted request for consideration in the Committee meeting vide letter dated 23.06.2014 for shielding criteria, if not, applicable then for Aeronautical Study.

The case was subsequently heard in the Appellate Committee Meeting dated 16th January, 2015 wherein Committee observed from the presentation that shielding criteria is not applicable in this case and that the project is for slum rehabilitation as per the SRA letter which includes the height recommended for the sale buildings in the proposed project. The applicant had agreed for Aeronautical Study during the hearing by the Committee. It was decided that Aeronautical Study be carried out at the site for Sale Building to determine whether the requested height of 116.86 m AMSL is permissible.

Applicant thereafter vide letter dated 16.02.15 submitted agreement and fees for conduct of aeronautical study.

The case was examined in the meeting of 30.07.2015, wherein the committee was informed that physical verification of the site has revealed that there are 9 buildings at the site and top elevation of the buildings ranges from 40.82m AMSL to **70.40m** AMSL with maximum site elevation of 52.84m while the NOC is issued for **56.27m** AMSL. Thus making some of the buildings as unauthorized construction.

The committee in its meeting of 30.07.2015 then took a decision as follows:
Airport operator to initiate action under Aircraft (Demolition of Obstructions caused by buildings & trees, etc.) Rule 1994.

Subsequently the applicant vide letter addressed to Appellate Committee dated 21.10.2015 requesting shielding benefit as per GSR 751E for the height of 108.23m AGL. The applicant vide letter addressed to Hon'ble Minister, MOCA reduced their height requirement to 74.50m AGL and being a rehabilitation project, requested aeronautical study and Shielding benefit from Lal Batti Hills. SRA letter dated 03.03.2016 submitted in original.

The Committee deliberated on this case and observed that AAI has not produced the action-taken report of the Committee's decision of 30.07.2015 meeting. The committee further observed that the applicant had also violated the conditions laid down in the NOC issued to him by AAI in October, 2010.

Committee's Decision:

AAI to update action taken on the Committee's decision of the earlier meeting of 30th July 2015 and also action taken on the violation of the NOC conditions.

17. Mr. Dilip Hariyani, M/s A-Surti Developers Pvt., Mumbai

Case No.: MUM/08/574
CHQ File No.: AAI/20012/137/2011-ARI(NOC)
NOCAS ID.: SNCR/WEST/B/092112/003
Site Address: C.T.S No. 1730(Pt), 1731(Pt), 1731A, 1731/B, 1763(Pt), 1763/1 to 56, 1764, 1765(Pt.), 1765/1 to 6 ,1766, 1766/1 to 8, F.P No. 188, 188A, 188B, 188C, 188E, 188F, 188G, 188H, 188I,T.P.S-V of Village Parle (East), Mumbai.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 721 m from Rwy 09 of Santacruz Mumbai Airport.

The applicant had earlier applied for a height of 50.90 m AMSL vide their letter dated 18.12.2008 against which they were granted a height of 38.51 m AMSL vide AAI letter dated 28.01.2011. The applicant has applied for an increased height of 51 m AMSL vide letter dated 13.03.13 and later revised to 51.05m AMSL vide letter dated 25.9.2014.

The applicant had requested higher height as the project is under SRA and required to accommodate 352 hutments. The case was earlier listed for hearing in the AC meeting of 27.11.2013 in which the applicant remained absent.

The case was subsequently listed in the AC meeting of 27th December, 2013 wherein the applicant was again absent and the Committee then decided to debar the case for next three months and to consider for appeal only after fresh request is received.

The applicant subsequently requested for appeal vide letter dated 22.01.2014.

The Case was listed in Appellate Committee meeting held on 12th May, 2014. The applicant again remained absent for the meeting. The Committee decided that the applicant may be given opportunity to present his case in subsequent meeting only after fresh request is received from him.

Applicant vide letter dated 25.09.14 submitted his request to review their case for height of 51.05m AMSL. The applicant was again absent for third time.

The Appellate Committee in its meeting held on 28.5.2015 was informed that the physical verification at site was carried out by MIAL and MIAL vide letter dated 18.02.15 informed that there are 5 buildings present at the site. The measured top elevation of buildings are as follows:

building 1:- 35.70m AMSL,
building 2:-29.124m AMSL,
building 3:- 23.45m AMSL,
building 4:-45.30m AMSL and
building 5:-21.10m AMSL.

The Committee observed that against authorized height of 38.51m AMSL, the applicant has already constructed 45.30m AMSL in case of building 4. The Committee was also informed by AAI that earlier the site was restricted due UHF Link and after shift of UHF Link the height will be restricted to 42m AMSL due Kalina radar (1232m).

The Committee then rejected the appeal for higher height of 51.05m AMSL and disposed the case. As per the decision of that Committee the Airport Operator was to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994 w.r.t. Building No. 4.

MIAL was advised to take suitable action for implementation of the decision of AC vide AAI letter 11.07.2015.

Applicant vide letter dated 16.11.2015 stated that they are reducing the height of the said building and requested to grant restricted height of 42.00 mts.

This Committee heard the applicant who claimed that they have brought down the height of the building from 45.3m AMSL to 42m AMSL and that they request NOC for a height of 42m AMSL only. This Committee considered the submissions of the applicant who was also informed that for the height as sought will be considered only after physical verification at site of the reduced height of the building.

This Committee was informed that a joint verification of height was carried out by MIAL and AAI as per the earlier Committees' decision and that the top elevation of the existing building is 42.23m AMSL.

Committees' decision:

Applicant to be informed that complete compliance of 42m AMSL height is to be ensured.

18. M/s Sunshine Builders & Developers (Havemore Realty / Omkar Realtors), SRA Project, Mumbai.

Case No.: MUM/10/702
CHQ File No.: AAI/20012/113/2011-ARI(NOC)
NOCAS ID: JUHU/WEST/B/110513/17769
Site Address: CTS No.78 & 79 of Village Gundavali, off Western Express Highway, Andheri (East), Mumbai.

The background of the case related to an SRA project at a distance of 2347mts From Runway 14 of SantaCruz Airport being executed by M/s Sunshine Builders & Developers, Mumbai. During examination of the case in AAI and Appellate Committee meetings it was revealed that BMC had issued two different Site Elevation certificates based on which AAI has issued NOC based on site elevation 5.75mts dated 15.09.2010. Another BMC

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site elevation for the same site as 18.55mts dated 06.09.2010 was also submitted by the applicant. In view of two different site elevation certificates of the same site, MIAL (airport operator) confirmed that the measured site elevation is 20.46mts AMSL. Verification by MIAL also revealed that at the site 6 buildings are under construction of which 3 buildings have been constructed upto 63.32m AMSL violating the permitted top elevation of 56.27mts AMSL; and the remaining 3 buildings have been constructed upto 43.35mts AMSL. In view of the above discrepancy, the NOC issued by AAI vide letter dated 30.05.2011 was cancelled by AAI vide letter dated 20.10.2014.

In addition to the above the matter was referred to the Municipal Commissioner, MCGM vide AAI letter dated 13.10.2014 to investigate circumstances leading to issuance of two site elevation certificates by BMC.

Subsequently, the case was again put up for appeal by a different developer Omkar Realtors & Developers in December, 2014 for reconsideration which was rejected in the Appellate Committee meeting of 21.01.2015. The said committee also directed follow-up with the state authorities for registering FIR on the involved parties for producing certificates having different/wrong site elevation values.

The Committee in its meeting held on 04/12/2015 took note of the submissions of the SRA representatives and has informed him that only after evidences of demolition of unauthorized portion of the construction are received along with copy of action taken against the defaulting builders / developer are received. Aeronautical Study can thereafter be authorized.

"The letters of Shri Amit Prasad and Shri Rajendra Santaram Tawde & Others may be placed on the file and the file to be circulated to Members of Appellate Committee for examination of facts of the case, vis-a-vis, the letters of Shri Amit Prasad and Shri Rajendra Santaram Tawde & Others."

Subsequent to the decision of the Appellate Committee meeting held on 6.1.2016, the case file was circulated amongst the members of the Appellate Committee wherein the members have opined that since a Writ Petition WP (L) 166/2016 has been filed in the hon'ble Bombay High Court, it would not be appropriate to deal with the case by the Appellate Committee till the matter is resolved in the Court.

In addition to this, our Lawyer from Mumbai has conveyed the decision of the WP(L) 550/2016 (Havemore Reality Pvt. Ltd. v/s UOI & others) as follows:-

After hearing the counsel on this limited point, we direct that, in the event, the Petitioners comply with their statement made today and carry out demolition and complete it within the period stipulated above, then, the respective authorities shall carry out inspection, on receipt of the intimation of demolition from the Petitioners. The inspection be carried out and completed within two weeks from the date of receipt of such intimation. Thereafter, we would expect these authorities to carry out aeronautical survey latest by eight weeks from the date of inspection.

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Mr. Balsara states that all reasonable costs for carrying out survey shall be borne by the Petitioners, as they are interested in going ahead with the project. They would also execute necessary agreements and after the site inspection is carried out, the authorities can be rest assured that not only the agreements would be executed, but, even the costs, charges and expenses, which are required to carry out survey, would be deposited with them.

Needless to clarify, that when the Petitioners communicate to the Airport Authority of India and Mumbai International Airport Authority that they have carried out demolition, they must also inform the Slum Rehabilitation Authority. The Slum Rehabilitation Authority must depute its representative and verify whether such demolition is carried out at site and prepare a report and duly forward it to Airport Authority of India and Mumbai International Airport Authority.

10. Petition is disposed of with the above directions.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]

The committee of 05th May 2016 noted the contents of Honb'le Court order and the decision of the court are to be implemented by all the concerned authorities. The Committee then directed AAI to implement the Honb'le court orders in the decision of Writ Petition(L) 550 of 2016 after the SRA forwards the report on demolition to AAI.

The case was brought up in this Committee in which letter from CEO, SRA, Mumbai vide his letter no. SRA/ENG/DESK-3/9502/KE dated 13.06.2016 has stated that the developers have informed him of the demolition of 13th and 14th habitable floors except the lift duct of rehab buildings 1, 2 & 3. The same has been confirmed by his office. The Committee was also informed of the MIAL report

The Committee was also presented the inspection report of the combined team of MIAL and AAI, who carried out site visit and measured the height of the buildings on 16th June 2016. The heights of three buildings under reference are as follows:

S No.	Building	Earlier Height (AMSL)	Current Height (AMSL)	Allowable height (AMSL)
1	Building -1	63.32 M	59.94 M	56.9 M
2	Building -2	63.32 M	60.4 M	56.9 M
3	Building -3	63.32 M	60.18	56.9 M

The above mentioned heights are the top elevations of the Lift Machine Rooms (LMR) on top of the buildings. Earlier these buildings were Ground + 14 floors, there was no LMR on top of buildings. Now these are Ground + 12 floors + LMR. So these buildings are still penetrating the Obstacle Limitation Surface and hence obstructions.

The committee after perusal of the judgement of Hon'ble Bombay High Court and considering the joint inspection report of AAI and MIAL, is of the view that the applicant who was the petitioner in the court case has not carried out demolition of the portion of the buildings which were in excess of the allowable height.

The applicants were given a hearing and were informed of the heights contained in the joint verification report by MIAL & AAI and also informed that the SRA report does not

give the figures as measured by them. The applicant stressed that they have demolished the 13th and 14th floors of the buildings and could not explain the existence of the lift machine rooms even after demolition of the two top-most floors.

Committee's Decision:

Applicant and SRA to be advised to comply with the Court orders in letter and spirit and demolish the portion in excess of the maximum allowable height.



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



(J S RAWAT)
Jt. DGCA



(K. GOHAIN)
TECHNICAL EXPERT



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

23rd of June
2016

Place: New Delhi

