

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

**Minutes of the Meeting of the Appellate Committee for height clearance held on  
23<sup>rd</sup> March 2016**

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 23<sup>rd</sup> March 2016.

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

**1. M/s. Kumar Housing Corporation Ltd., Mumbai.**

**Case No.:** MUM/11/124

**CHQ File No.:** AAI/20012/188/2011-ARI(NOC)

**NOCAS ID:** SNCR/WEST/B/101912/007

**Site Address:** CTS. No. 74(Pt.) of Village Ghatkopar(West), Mumbai.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 3152m from Rwy 27 of Santacruz Airport.

The applicant had initially requested a height of 121.60 m AMSL vide letter dated 22.02.2011 against which they were granted a height of 56.27 m AMSL vide letter dated 27.07.2011. The applicant in its letter dated 13.06.2012 has requested a reduced height of 93.85 m AMSL and thereafter the applicant has increased the height requirement to 115m AMSL vide letters dated 23.12.2013 and also 10.01.2014. The applicant had thereafter requested a reduced height of 110m AMSL vide letter dated 22.02.2014 and requesting shielding benefit with respect to natural terrain.

The case was listed for Appellate Committee meeting on 13.02.2013, but not heard due deferment. The case was subsequently heard in Appellate Committee meeting held on 24th September 2013 wherein it was decided that a physical verification of the site with respect to natural terrain be carried out by AAI to determine the extent of shielding benefit from natural terrain against the height sought.

The case was again heard in Appellate Committee meeting held on 27th December 2013 wherein it was decided that the applicant be advised to submit the contour map duly certified by Survey of India or MCGM indicating therein their site location.

Contour map submitted by the applicant.

The Case was then listed in Appellate Committee meeting held on 30th January 2014 wherein the applicant has asked for exemption. And it was then decided that the applicant may be called for subsequent meeting on receipt of communication from him.

The case was thereafter heard in Appellate Committee meeting held on 7<sup>th</sup> March, 2014 and it was then decided that the applicant may be informed that the height of 60.04 m AMSL is permissible as per existing shielding criteria. The committee further decided that if the applicant desires, they may request for Aeronautical Study. The applicant may be called for next meeting on receipt of communication from him.

Applicant vide letter dated 24.03.2014 has requested to carry out Aeronautical study and submitted MCGM letter dated 06.03.2014.

The case was heard in Appellate Committee meeting held on 16th April, 2014 and the Committee then decided that the applicant be given an opportunity to submit letter from MCGM indicating specifically support and also recommending height for the project on receipt of which the case to be put up in the next Appellate Committee meeting. The applicant thereafter submitted MCGM letter(original) dated 04.05.2014.

The Case was heard in AC meeting held on 11th July, 2014 and it was then decided that an Aeronautical Study to be conducted to determine whether the height of 100.20 m AMSL for building No.1&2(as per coordinates of the footprints of the building) and height of 109.95 m AMSL for building No.3(as per coordinates of the footprints of the building) as recommended by the local state authorities is admissible or not.

During subsequent Physical verification at the site and the report dated 05.02.2015 submitted by MIAL, the **top elevation of the building already in position measured to be 68.50m AMSL as against the height of 56.27m AMSL authorized in the NOC dated 27.07.2011.**

The applicant thereafter vide letter dated 17.03.2015 requested an opportunity to represent their case before the Appellate Committee.

This Committee in its meeting held on 26.3.2015 heard the applicant and on query admitted to have constructed additional 4 floors exceeding the authorized height of 56.27m AMSL of the NOC. The applicant further indicated that the building is required for 216 families.

The Committee then took cognizance that the applicant had violated the NOC conditions and without determining the permissible height through an authorized process had exceeded 4 floors i.e. 12.23m AMSL. The Committee decided that the Airport Operator to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.

AAI vide letter dated 20.04.2015 to CEO, MIAL conveyed the above decision and advised to take suitable action. Applicant vide letter recd. 19.08.15 stated that the three upper floors have been demolished which were constructed beyond permissible height.

AAI vide letter dated 16.09.2015 to CEO, MIAL requested physical verification of the site. As per the Physical verification Report dated 05.12.15 submitted by MIAL, **top elevation of the building measured to be 56.26m AMSL.**

This committee took note of the MIAL physical verification report. This committee also took note of the earlier violation by exceeding the permissible height in the NOC and subsequent demolition of the illegal height and request of the applicant for Aeronautical study.

**Committees' Decision:**

**Aeronautical Study to be conducted for the height of 110m AMSL as requested by the applicant subject to physical re-verification by AAI of the height of the building as existing to-date.**

**2. M/s. Esplanade Developers Pvt. Ltd., Hyderabad.**

**Case No.:** HY/157/2015

**CHQ File No.:** AAI/20012/114/2015

**NOCAS ID:** HYDE/SOUTH/B/041615/108199

**Site Address:** Proposed Construction of High raised Residential Cum Commercial Block-1, ON Open Land in Survey No. 1009 (part) at West Block Eden Square, Kukatpally Village, Balanagar Mandal, R R District, AP.

As per NOCAS, the proposed site lies in **Outer Conical Surface** and is 7045 m from Rwy 09 of Hyderabad Airport.

The applicant had initially requested a height of 699.10m AMSL vide their letter dated NIL against which they were granted a height of 649m AMSL vide AAI letter dated 29.05.2015. The applicant vide letter dated 03.09.2015 has reiterated for height of 669.10m AMSL.

Applicant had requested Aeronautical Study for higher height. They had submitted in original the letter of GHMC dated 18.08.2015 and 25.08.2015.

This Committee heard the applicant and considered the GHMC letter dated 18.08.2015, which has indicated the land measure required to be given by the developer from their plot proportionate to the width of the road in front, as per the Local Govt.'s policy. They had recommended the height requested by the applicant subject to an aeronautical study.

The Committee also noted that the proposed site lies in the approach surface of Rwy 09 and that as per Gol Notification No. GSR-751(E) dated 30.9.2015 vide Para No. 5.1.2 of Schedule-II, Aeronautical Study is not permitted in the instant case. The Committee was informed by AAI that the height requested by the applicant is within the limits from AGA and CNS considerations. However, from IAL consideration as obtained from NOCAS-II and observed that the permissible height is restricted to 698m AMSL. The applicant agreed for the height of 698m AMSL.

### Committees' Decision:

The request for Aeronautical Study from the applicant is not acceded to and the maximum permissible height of 698m AMSL as agreed by the applicant is authorized.

#### 3. M/s. Accord Land Developers Pvt. Ltd., Mumbai.

Case No.: MUM/15/B/73  
CHQ File No.: AAI/20012/115/2015  
NOCAS ID: SNCR/WEST/B/020215/93594  
Site Address: C.T.S No.-581 A (Pt.) of Village Kondivita on Mahakali Caves Road at Andheri (E) Kondivita, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3430 m from Rwy 14 of Mumbai Airport. The applicant had requested for a height of 125.88m AMSL dated 02.02.2015 (online) against which they were granted a height of 56.9m AMSL by AAI in their letter dated 06.10.2015. The applicant has revised their height requirement to 126.5m AMSL in the letter dated 28.10.2015.

This committee heard the applicant who requested for the higher height to consume FAR for the permissible sale built-up area. They have further stated that their project is under SRA scheme and has submitted in original SRA letter 08.12.2015 and 08.02.2016. The committee examined both the letters brought on record and observed that SRA has justified a height of 72.36m AGL which is 126.48m AMSL.

### Committees' Decision:

An aeronautical study to be conducted for a height of 126.48m AMSL.

#### 4. Shri Dhaval D. Baraot, Mumbai

Case No.: MUM/12/NOCAS/195  
CHQ File No.: AAI/20012/10/2016  
NOCAS ID: JUHU/WEST/B/090512/025  
Site Address: C.T.S No. 575 of Village Vile Parle, F.P. No. 7 of TP.S.-VI of Andheri Mumbai.

As per NOCAS, the proposed site lies in APPROACH Area and is 1962 m from Rwy 14 of Mumbai Airport. The applicant had earlier requested for a height of 67.85m AMSL in their letter dated 17.09.2012 against which they were granted a height of 51.14m AMSL by AAI in their letter dated 09.10.2013. The applicant had in their letter dated 04.01.2016 had sought revised height of 52.02m AMSL.

This committee heard the applicant who explained that they wanted higher height to consume the eligible FSI. The applicant also submitted an undertaking on Rs.100/- non-judicial stamp paper dated 21.12.2015 that the construction work for the building has been completed upto a height of 52.02m AMSL. The committee observed that this height is 0.88m more than the granted height in the NOC issued. The applicant admitted the fact that the higher height is on account of the water tank required for the tenements. The applicant was informed that the aeronautical study which they sought in the meeting cannot be undertaken as the site is in the approach area. Since the built-up

height is also exceeding the NOC permitted height, the said exceedence has to be reduced.

**Committees' Decision:**

**Appeal rejected. Airport operator to initiate action under Aircraft (Demolition of Obstructions caused by buildings & trees, etc.) Rule 1994.**

**5. M/s. Tista Impex Pvt.Ltd.,Mumbai.**

**Case No.: MUM/12/NOCAS/080**  
**CHQ File No.: AAI/20012/09/2016**  
**NOCAS ID: SNCR/WEST/B/062212/020**  
**Site Address: C.T.S No.-64/A/1 of Village Kondivita Andheri(E), Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 2484 m from Rwy 14 of Mumbai Airport. The applicant initially requested a height of 67m AMSL dated 22.06.2012 (online) against which they were granted a height of 56.28m AMSL in AAI's letter dated 16.10.2012. Subsequently, the applicant requested a revised higher height of 68.77m AMSL in their letter dated 17.10.2015.

This committee heard the applicant who has requested aeronautical study to consume full FSI. They have also informed that the project is also under SRA scheme. The justification letter from SRA letter dated 16.12.2015 was examined in the committee and the SRA had justified a height of 42.88m AGL which is 65.88m AMSL.

**Committees' Decision:**

**An aeronautical study to be conducted for a height of 65.88m AMSL.**

**6. M/s. Gold Coin Builders, Mumbai.**

**Case No.: MUM/15/135**  
**CHQ File No.: AAI/20012/110/2015**  
**NOCAS ID: SNCR/WEST/B/030415/106228**  
**Site Address: C.T.S No.-701 to 716, Kolekalayan, Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 777 m from Rwy 09 of Mumbai Airport. The applicant initially requested a height of 47.425m AMSL dated 04.03.2015 (online) against which they were granted a height of 26.9803m AMSL in AAI's letter dated 03.09.2015.

The applicant in his letter dated 06.11.2015 has re-iterated his request for 47.425m AMSL so as to make the project financially viable. The applicant submitted a copy of letter dated 09.11.2015 justifying a height of 47.425m AMSL.

This committee heard the applicant who has requested in the meeting aeronautical study for a height of 47.425m AMSL. They have also informed that the project is also under SRA scheme. The justification letter from SRA dated 09.11.2015 was examined in the committee which has not recommended an aeronautical study for the height sought. It was informed to the applicant that height sought may be got restricted on account of ELDIS ASR radar. The applicant, however, insisted for an aeronautical study and on this the committee sought a letter from SRA recommending aeronautical study

for the height recommended. The applicant was also asked to submit a formal request letter for aeronautical study.

**Committees' Decision:**

**An aeronautical study to be conducted for a height of 47.425m AMSL subject to receipt of SRA letter recommending aeronautical study for the height sought.**

**7. M/s. Rajiv harmalkar & Co., Mumbai.**

**Case No.: MUM/12/103**

**CHQ File No.: AAI/20012/08/2016**

**NOCAS ID: JUHU/WEST/B/071112/003**

**Site Address: Nityanand Nagar Vibhag IV CHS Ltd., C.T.S No.-684/A, Andheri, Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 2225 m from Rwy 14 of Mumbai Airport. The applicant initially requested a height of 63.65m AMSL dated 11.07.2012 (online) against which they were granted a height of 56.28m AMSL in AAI's letter dated 11.01.2013. The applicant has revised their height requirement to 64.27m AMSL in the letter dated 26.10.2015.

The applicant has requested for aeronautical study for the height sought stating that it is a MHADA project for re-development and that the FSI granted has to be fully consumed to make the project economically viable. The committee examined the MHADA letter dated 14.12.2015 which however has sought 48.52m AGL i.e. 62.27m AMSL. The committee also noted that the height recommended by MHADA is less than the revised height requirement sought by the applicant. The veracity of the MHADA letter also requires to be checked out.

**Committees' Decision:**

**Aeronautical study to be conducted for 62.27m AMSL after verification of the MHADA letter from the issuing authority.**

**8. M/s. Lake View Developers, Mumbai.**

**Case No.: MUM/13/NOCAS/545**

**CHQ File No.: AAI/20012/104/2015, AAI/20012/110/2014**

**NOCAS ID: SNCR/WEST/B/083113/16052**

**Site Address: C.T.S No.-10(Pt), 14 C(Pt), & 16 A(Pt) of Village Powai, Mumbai**

As per NOCAS, the proposed site lies in Conical Surface and is 4389 m from Rwy 27 of Mumbai Airport. The applicant initially requested a height of 182.77m AMSL dated 06.09.2013 against which they were granted a height of 75.54m AMSL in AAI's letter dated 30.01.2014.

Later on, the applicant has revised its requested height to 150m AMSL vide letters dated 06.11.2015, 23.11.2015 and 27.11.2015. The case was earlier heard in A.C. meeting of 16.01.2015, 26.03.2015 and the aeronautical study report thereto was reviewed on A.C. meeting of 27.08.2015. The height derived from the aeronautical study done on June 2015, was communicated to the applicant as Building 1A as 120.10m AMSL and Building 1B as 118.59m AMSL.

Subsequently, the applicant applied afresh requesting higher height due shielding criteria and has also submitted a letter from Brihanmumbai Mahanagarpalika dated 01.08.2014 justifying a height of 148.32m AMSL. During the presentation by the applicant it was claimed that the proposed site gets shielding benefit from the contour of 120m AMSL which falls within the 600m boundary line as in GSR 751.

**Committees' Decision:**

**Shielding criteria to be examined as applicable to this case under provision of GSR 751 by a committee to be set up in AAI.**

**9. Sh.Yogesh Shah, M/s Roseate Real Estate Pvt Ltd., Mumbai.**

**Case No.: MUM/13/NOCAS/649**

**CHQ File No.: AAI/20012/13/2015, AAI/20012/116/2015**

**NOCAS ID: SNCR/WEST/B/102113/17217**

**Site Address: F.P. Nos. 353/1A & 353/1B of T.P.S. III, Ghatkopar(E), Kiroli, Taluka Kurla, Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 3079m from Rwy27 of SantaCruz Airport. The applicant initially requested a height of 75.14m AMSL dated 25.10.2013 against which they were granted a height of 56.9m AMSL in AAI's letter dated 04.06.2014. The applicant has revised their height requirement to 79.09m AMSL in their letters dated 18.08.2015 and 23.10.2015.

The applicant during the presentation requested Aeronautical study to utilize full FSI.

This committee was informed that the case was earlier heard in the A.C. meeting of 29.09.2015 where an undertaking on Rs.100/- non-judicial stamp paper was submitted that the building has been constructed to an elevation of 79.09m AMSL, which is 22.19m more than the granted height. The committee then took a serious view when the applicant contended that the affidavit has not reflected the factual position of the construction. The committee then rejected the appeal and AAI was to take follow up action with the authorities for taking action as per relevant rules for the violation of exceedence of permitted height.

The applicant applied afresh with requisite fees and requested aeronautical study to utilize eligible FSI and they had submitted MCGM letter dated 11.08.2015 justifying the need for a height of 75.14m AGL i.e. 79.09m AMSL.

This committee taking note of the fresh application for aeronautical study with height recommendations from MCGM took a serious view on the submission of false affidavit earlier.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 79.09m AMSL as recommended by MCGM. AAI also to file FIR with the authorities against the applicant under relevant IPC for filing wrong affidavit.**

**10. M/s. Sh.Niranjan Hiranandani, Partner of Classique Asso., Mumbai.**

**Case No.:** MUM/12/NOCAS/164  
**CHQ File No.:** AAI/20012/105/2015, AAI/20012/116/2013  
**NOCAS ID:** SNCR/WEST/B/082012/005  
**Site Address:** C.T.S No.-25 A/2(Pt) of Village Powai, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3735m from Rwy 27 of Mumbai Airport. The applicant initially requested a height of 138.55m AMSL vide letter dated 24.08.2012 against which they were granted a height of 56.28m AMSL in AAI's letter dated 20.12.2012. The applicant has reduced their height requirement to 120m AMSL in the letter dated 23.11.2015 and 27.11.2015.

The applicant during their presentation requested shielding benefit from Lal Batti hills which is about 209m AMSL. The committee was informed that the case was earlier heard in the A.C. meeting of 21.01.2015 and the committee then noted that no shielding benefit was available from the contour of the hill. The appeal was then rejected.

The applicant has applied afresh and requested higher height due shielding criteria. They have also submitted letter from Brihanmumbai Mahanagarpalika dated 01.08.2014 justifying a height of 109.6m AMSL. This committee also noted that the shielding benefit criteria has changed with the issue of GSR 751.

**Committees' Decision:**

**Shielding criteria to be examined as applicable to this case under provision of GSR 751 by a committee to be set up in AAI.**

**11. Shri S.C. Sheth of M/s Sheth Enterprises, Mumbai.**

**Case No.:** MUM/13/173  
**CHQ File No.:** AAI/20012/14/2014, AAI/20012/107/2015  
**NOCAS ID:** SNCR/WEST/B/022514/21959  
**Site Address:** C.T.S No.28/M(Pt), Village Ghatkopar, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3327 m from Rwy 27 of Mumbai Airport.

The applicant had requested for 68.93m AMSL in the letter dated 08.03.2011 against which they were granted height of 56.27m AMSL vide AAI letter dated 27.07.2011. Subsequently, the applicant requested higher height of 85m AMSL vide letter dated 27.11.2015.

The committee was informed that the case was earlier heard in A.C. meeting of 16.01.2015, wherein the applicant was informed of the decision that the height 69.03m AMSL is not admissible from shielding benefit and appeal rejected.

Thereafter, the applicant applied afresh with requisite fees and requested higher height of 85m AMSL due revision of shielding criteria existing in GSR 751. The applicant also submitted dated 17.07.2014 justifying their project and supporting the higher height of 85m AMSL.

S.K. Punwar

Dmr



**Committees' Decision:**

**Shielding criteria to be examined as applicable to this case under provision of GSR 751 by a committee to be set up in AAI.**

**12. M/s Vijay Thakkar, Mumbai.**

**Case No.:** MUM/14/NOCAS/351, MUM/10/248  
**CHQ File No.:** AAI/20012/44/2015  
**NOCAS ID:** JUHU/WEST/B/062614/43215  
**Site Address:** CTS no. E/597,598,599 of Village Bandra (W), Mumbai.

The applicant had initially requested a height of 64.35m AMSL vide their letter dated 09.4.2010 against which they were granted a height of 56.27m AMSL vide letter dated 23.9.2015. The applicant in its letter dated 16.6.2015 has requested an increased height of 68.05m AMSL.

Applicant requested aeronautical study to consume full FSI.

The Committee was informed by AAI that the Mumbai Regional Office had issued NOC for 56.27m AMSL whereas, the applicant has submitted NOC with the same letter No. and date (letter no. BT-1/NOCC/CS/MUM/10/248 dated 23.09.2010) which is valid for a height of 64.27m AMSL. This discrepancy has been referred to Regional Office Mumbai and they had clarified on 01.02.2016 that NOC letter pertaining to height 56.27m AMSL was issued on 23.09.2010 and that no NOC letter pertaining to height of 64.27m AMSL had been issued by their office. The Committee was also informed by the AAI that on their request MIAL had carried out a physical verification of the site and the building and reported that the building is measuring 68m AMSL.

The Committee took note of the above and inferred that the applicant had violated the NOC height granted 56.27m AMSL. The committee also took note that FIR no.669/15 dated 30.10.2015 was lodged by B.M.C. against the developer and the architect thereby complying with the committee's decision of 29.09.2015.

**Committees' Decision:**

**Airport Operator to take up with the concerned authorities for demolition of the building height exceeding the NOC height as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.**

**13. M/s. Good Time Real Estate Pvt. Ltd., Mumbai.**

**Case No.:** MUM/15/NOCAS/118  
**CHQ File No.:** AAI/20012/15/2016  
**NOCAS ID:** SNCR/WEST/B/021815/98454  
**Site Address:** C.S No. 707, of Mazgaon Division. Dr. Babasaheb Ambedkar Road, Byculla, Mumbai.

As per NOCAS, the proposed site lies in OHS and is 12401m from ARP of Mumbai Airport. The applicant had requested for 243.631m AMSL dated 18.02.2015 (online) against which they were granted height of 195.78m AMSL vide AAI letter dated 11.05.2015. Subsequently, the applicant requested higher height of 243.631m AMSL vide letter dated 05.02.2016.

The applicant during the hearing requested higher height to consume the permissible FSI and have produced a letter from MCGM in original dated 05.02.2016 justifying height of 243.63m AMSL. The applicant requested for aeronautical study for which they will submit a request letter.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 243.63m AMSL subject to receipt of formal request letter from the applicant for conduct of aeronautical study.**

**14. M/s. Executive Engineer Bandra Division (MHADA) Mumbai.**

**Case No.: MUM/15/B/36**

**CHQ File No.: AAI/20012/14/2016**

**NOCAS ID: SNCR/WEST/B/090715/160706**

**Site Address: C.T.S No.-418 A(pt),418 B and 419 (pt) of Village Bandra at Nirmal Nagar, Mhada Layout, Bandra(E) Bandra.**

As per NOCAS, the proposed site lies in IHS and is 2380 m from Rwy 09 of Mumbai Airport. The applicant had requested for 96.75m AMSL dated 07.09.2015 (online) against which they were granted height of 56.90m AMSL vide AAI letter dated 20.10.2015. Subsequently, the applicant requested higher height of 73.50m AMSL vide letter dated 09.02.2016.

This committee heard the applicant who stated that their project is a MHADA re-development project and that they are required to rehabilitate 688 tenements. The applicant also produced letter from MHADA dated 03.12.2015 justifying the height requirement of 73.50m AMSL.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 73.50m AMSL.**

**15. Shri Surjit Singh R.Mokha, Mumbai.**

**Case No.: MUM/13/NOCAS/208**

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

**NOCAS ID: SNCR/WEST/B/040113/010**

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

As per NOCAS, the proposed site lies in IHS and is 3168m from Rwy 27 of Mumbai Airport. The applicant had requested for 72.55m AMSL dated 01.05.2013 (online) against which they were granted height of 56.90m AMSL vide AAI letter dated 23.10.2013. Subsequently, the applicant requested higher height of 97.40m AMSL vide letter dated 01.07.2015.

The applicant during the presentation requested aeronautical study for higher height to make their project viable from the FSI granted by MCGM. The applicant also produced MCGM letter dated 13.04.2015 justifying the height of 96.90m AMSL.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 96.90m AMSL subject to receipt of original MCGM letter from the applicant subject to receipt of formal request letter from the applicant for conduct of aeronautical study.**

**16. M/s. Bardiya Properties, Jaipur.**

**Case No.: NR/2013/511**

**CHQ File No.: AAI/20012/16/2016**

**NOCAS ID: JAIP/NORTH/B/102413/17459**

**Site Address: Commercial Complex at Plot No 90 to 100, Kalyan Colony, Malviya Nagar, Jaipur.**

As per NOCAS, the proposed site lies in IHS and is 3553m from Rwy 09 of Jaipur Airport. The applicant had requested for 495.48m AMSL dated 24.10.2013 (online) against which they were granted height of 429.96m AMSL vide AAI letter dated 28.11.2013. Subsequently, the applicant requested reduced height of 457.48m AMSL vide letter dated 16.02.2016.

Applicant during the hearing in this committee requested higher height quoting adjoining "World Trade Park" which has been granted a height of 62m AGL by AAI. They have also produced to the committee the Rajasthan Government gazette dated 22.02.2016 regarding building regulations.

This committee examined the gazette which permits heights of buildings with reference to the width of the roads in front of the roads.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 457.48m AMSL.**

**17. Shri Nishant Rajgarhia, M/s J. Kumar Developers Pvt. Ltd, Mumbai.**

**Case No.: MUM/13/NOCAS/454**

**CHQ File No.: AAI/20012/18/2016**

**NOCAS ID: JUHU/WEST/B/070513/14954**

**Site Address: CTS No. 448 & 449 of Village Vile Parle (E), Mumbai.**

As per NOCAS, the proposed site lies in APPROACH and is 1073m from Rwy 14 of Mumbai Airport. The applicant had requested for 45.855m AMSL vide letter dated 24.07.2013 against which they were granted height of 33.36m AMSL vide AAI letter dated 12.02.2014. Subsequently, the applicant requested higher height of 47.21m AMSL vide letter dated 28.01.2016.

The applicant during the presentation requested higher height and produced copy of MCGM letter dated 18.12.2015 justifying the height of 47.21m AMSL. This committee perused the copy of the letter and the applicant was informed that aeronautical study to determine maximum permissible height is not approved in approach surface and that the height already granted to them in the NOC is the maximum permissible height.

**Committees' Decision:**

**The appeal is rejected.**

**18. Shri Mahesh Notandas, Mumbai.**

**Case No.:** MUM/14/NOCAS/519

**CHQ File No.:** AAI/20012/22/2016

**NOCAS ID:** JUHU/WEST/B/110314/69887

**Site Address:** FP No. 64 of TPS II of Santacruz, at Junction of Green Street and Tagore Road, Santacruz (West), Mumbai.

As per NOCAS, the proposed site lies in IHS and is 1323m from Rwy 34 of Mumbai Airport. The applicant had requested for 78.72m AMSL vide letter dated 14.11.2014 against which they were granted height of 56.90m AMSL vide AAI letter dated 06.02.2015. Subsequently, the applicant reiterated height of 78.72m AMSL vide letter dated 31.03.2015.

The applicant in this meeting requested aeronautical study to consume eligible FSI granted by MCGM and the project is for re-development. They also submitted MCGM letter dated 02.02.2016 in original justifying height of 61.32m AMSL. The committee examined the MCGM letter.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 61.32m AMSL as recommended by MCGM.**

**19. Sri M. Satchidananda Rao, Hyderabad.**

**Case No.:** 255/14/HY

**CHQ File No.:** AAI/20012/113/2015, AAI/20012/63/2015

**NOCAS ID:** HYDE/WEST/B/072814/52544

**Site Address:** PROPOSED CONSTRUCTION OF RESIDENTIAL BUILDING ON PREMISES.NO.6-9-30, IN PART OF SURVEY.NO.30, SITUATED AT KUKATPALLY VILLAGE, BALANAGAR MANDAL, A.P.

As per NOCAS, the proposed site lies in IHS and is 3227m from Rwy 09 of Hyderabad Airport. The applicant had requested for 574.8m AMSL online dated 28.07.2014 against which they were granted height of 574.8m AMSL vide AAI letter dated 01.09.2014. Subsequently, the applicant requested higher height of 585.50m AMSL vide letter dated 10.12.2015.

The case was earlier heard in the A.C. meeting of 29.09.2015, wherein the applicant has requested aeronautical study and an undertaking was given on Rs.10/- non-judicial stamp paper dated 27.07.2015 in which it was stated that the building has been constructed upto 599m AMSL which is 24.2m more than the granted height. Based on the above facts, the earlier Appellate Committee on 29.09.2015 took a decision as "AAI to follow up action with the state authorities for taking action as per the prevalent Rules for the violation of permitted height. Also AAI to inform the applicant about debarring his representative from future appearance in the Committee."

Subsequently, a mail was received from AAI Hyderabad NOC cell dated 07.03.2016, that on physical verification carried out by joint team of DGCA and AAI, the building was under construction and the height reached is upto 572m AMSL. This committee noted that the height of the building is within the NOC limits granted by AAI. This Committee, however, took a serious view on the filing of wrong affidavit on non-judicial stamp paper.

**Committees' Decision:**

**Aeronautical study to be conducted for a height of 585.50m AMSL after submission of justification letter from the State authorities. AAI also to file FIR with the authorities against the applicant under relevant IPC for filing wrong affidavit.**

**20. M/s Vibhavana Properties, Coimbatore (TN).**

**Case No.: MM/466/2014  
CHQ File No.: AAI/20012/60/2015  
NOCAS ID: COIM/SOUTH/B/091614/63476  
Site Address: 5/5, 5/6 Vilankuruchi, Coimbatore.**

As per NOCAS, the proposed site lies in IHS and is 3198m from Rwy 05 of Coimbatore Airport. The applicant had requested for 465.37m AMSL online dated 16.09.2014 against which they were granted height of 448.55m AMSL vide AAI letter dated 05.01.2015. Subsequently, the applicant requested higher height of 457.87m AMSL vide letter dated 13.07.2015 which was subsequently raised to 465.37m AMSL vide letter dated 01.03.2016.

This committee was informed that the case was earlier heard in A.C. meeting of 06.11.2015, wherein an aeronautical study was ordered for applicability of height 457.87m AMSL. The committee was further informed that aeronautical study was carried out on 18.02.2016 and that the report is under preparation. Subsequently, the applicant vide their mail dated 01.03.2016 requested to consider additional height from 457.87m AMSL to 465.37m AMSL without carrying out another aeronautical study.

This committee was further informed that though the case has been listed the applicant was absent despite being called for the meeting.

**Committees' Decision:**

**The applicant to be informed that for the revised requested higher height of 465.37m AMSL fresh appeal with requisite fee to be submitted.**

**21. M/s MNP Associates, Mumbai.**

**Case No.: MUM/13/NOCAS/220  
CHQ File No.: AAI/20012/112/2015  
NOCAS ID: JUHU/WEST/B/040813/026  
Site Address: CTS No.-704,704/1 to 79 of Village Oshiwara, Veera Desai Road, Andheri(West), Mumbai.**

As per NOCAS, the proposed site lies in Conical surface and is 4216m from Rwy 16 of Mumbai Airport. The applicant had requested for 171.47m AMSL letter dated 01.05.2013 against which they were granted height of 99.75m AMSL vide AAI letter

dated 06.01.2014. Subsequently, the applicant reiterated height of 171.47m AMSL vide letter dated 31.10.2015.

The applicant was heard in this meeting who have stated that the project is for Slum Rehabilitation and they produced a letter from SRA dated 04.12.2015 in original justifying a height of 171.47m AMSL. The applicant was informed that the higher permissible height can be possible only through aeronautical study for which they have to make formal application and pay the requisite fees.

This committee examined the SRA letter.

**Committees' Decision:**

**Aeronautical study to be conducted for 171.47m AMSL subject to receipt of formal request letter for aeronautical study along with fees from the applicant.**

**22. M/s Director General Doordarshan, Dibrugarh.**

**Case No.:** NER/2014/49-E,  
**CHQ File No.:** AAI/20012/12/2016  
**NOCAS ID:** DIBR/NORTH\_EAST/M/082614/58712  
**Site Address:** DDK Dibrugarh, Milan Nagar, Mancotta Road, Dibrugarh, Assam.

As per NOCAS, the proposed site lies in Outer Horizontal Surface and is 10282m from ARP of Dibrugarh Airport. The applicant had requested for 278m AMSL online dated 26.08.2014 against which they were granted height of 243m AMSL vide AAI letter dated 17.10.2014. Subsequently, the applicant reiterated the height of 278m AMSL vide letter dated 10.02.2016.

This committee heard the Doordarshan representatives headed by their DDG who explained that the higher height requested is for providing different apertures for transmission of signals to the remotest areas of the North-East. This is essential in view of Chinese T.V. signals being received in the remotest areas of Arunachal Pradesh.

The committee took cognizance of the strategic importance for providing apertures for T.V. signal transmissions in that area and the height required for such a project. The committee examined the various parameters for height calculations and observed that the height is restricted to about 220m AMSL from CNS parameters on application of ADS-B.

**Committees' Decision:**

**AAI to set up a committee to examine the technical feasibility of having the T.V. Tower to the requested height without hindering aircraft operational safety in that area with respect to ADS-B.**

**23. Sh. Ashok Jain, Mumbai.**

**Case No.:** MUM/13/NOCAS/665  
**CHQ File No.:** AAI/20012/21/2016  
**NOCAS ID:** SNCR/WEST/B/102913/17566  
**Site Address:** CTS No.-133/1 of Village Mogra, Andheri(East), Mumbai.

As per NOCAS, the proposed site lies in IHS surface and is 2918m from Rwy 14 of Mumbai Airport. The applicant had requested for 69.15m AMSL letter dated 01.11.2013 against which they were granted height of 56.90m AMSL vide AAI letter dated 26.03.2014. Subsequently, the applicant requested for higher height of 87.15m AMSL vide letter dated 09.01.2016.

The applicant had requested for aeronautical study with multi-radar benefit to consume additional FSI. They also informed that their project is under SRA and they produced a letter in original dated 01.02.2016 from the SRA justifying the project to a height of 87.15m AMSL.

This committee examined the SRA letter.

**Committees' Decision:**

**Aeronautical study to be conducted for 87.15m AMSL.**

**24. Shri Shivanand Samant, M/s Supreme Housing and Hospitality Pvt. Ltd., Mumbai.**

**Case No.:** MUM/12/NOCAS/133  
**CHQ File No.:** AAI/20012/51/2013, AAI/20012/26/2016  
**NOCAS ID:** SNCR/WEST/B/042313/003  
**Site Address:** CTS No.23A (Pt), 27(Pt) Sector -B of village Powai "S" ward, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3660m from Rwy 27 of Santa Cruz Airport. The applicant had requested for 189.29m AMSL letter dated 07.08.2012 against which they were granted height of 56.90m AMSL vide AAI letter dated 26.03.2014. Subsequently, the applicant requested for higher height of 190m AMSL vide letter dated 30.12.2015.

The case was discussed in the earlier A.C. meeting of 16.04.2015 where the committee has ordered aeronautical study for a height of 189.29m AMSL. In the subsequent A.C. meeting of 30.04.2015, the applicant was authorized maximum height of 97m AMSL from the aeronautical study report. Thereafter, MIAL in their letter dated 12.11.2015 to MCGM, has indicated that the building has already been constructed till 143.94m AMSL, thereby, forming an obstacle. The MIAL also had asked MCGM to take action as per DGCA regulations for removal of obstacles.

Thereafter, the applicant applied as a fresh case and requested higher height due shielding benefit to consume full permissible FSI. The applicant also produced copy of MCGM letter dated 07.03.2014 justifying a height of 189.29m AMSL. The applicant also produced an undertaking on Rs.100/- non-judicial stamp paper dated 23.02.2016 stating that the building is under construction and has reached 143.94m AMSL.

The committee took note of the above facts and also the undertaking given by the applicant which is in consonance with the MIAL letter regarding the height of the already constructed building. Since the building has been constructed beyond the permissible

existing NOC height it is considered a violation and is to be dealt as per provisions of the Rules.

**Committees' Decision:**

**Airport Operator to take up with the concerned authorities for demolition of the building height exceeding the NOC height as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.**

**25. Shri Dipesh Bhagtani, Mumbai.**

**Case No.: MUM/13/NOCAS/70  
CHQ File No.: AAI/20012/57/2014, AAI/20012/108/2015  
NOCAS ID: SNCR/WEST/B/102213/17288  
Site Address: CTS No. 11H of Village Chandivali, S.M Shetty School at Powai, Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 3534m from Rwy 27 of Santa Cruz Airport. The applicant had requested for 139.71m AMSL letter dated 04.02.2013 & 11.03.2014 against which they were granted height of 56.90m AMSL vide AAI letter dated 12.02.2014. Subsequently, the applicant requested for reduced height of 93.84m AMSL vide letter dated 17.04.2015.

The applicant had earlier received NOC from AAI vide no. BT-1/NOCC/CS/519-Y/2434 dated 24.05.1995 for a height of 118m AMSL and the applicant has confirmed that the building has been constructed upto that height in his non-judicial stamp paper dated 11.03.2016.

The case was earlier heard in Appellate Committee meeting of 30.04.2015 and the appeal for aeronautical study was rejected due non-specific recommendation in MCGM letter. Thereafter, the applicant applied as a fresh case and requested higher height due shielding benefit from Lal Batti hill. The MCGM letter dated 22.05.2015 was submitted justifying a height of 122.57m AMSL which is also the revised requested height of the applicant vide their letter dated 19.11.2015.

**Committees' Decision:**

**Shielding criteria to be examined as applicable to this case under provision of GSR 751 by a committee to be set up in AAI.**

**26. M/s River Rose Developers Pvt. Ltd., Mumbai.**

**Case No.: MUM/10/392  
CHQ File No.: 20012/164/2014  
NOCAS ID.: SNCR/WEST/B/121314/81509  
Site Address: CTS No.35C (Pt.),35 C/1 to 7,35 C/8 (Pt.),35 C/9 (Pt.),35 C/10,35 C/11(Pt.),35 C 12 Village Tungve, Mumbai.**

As per NOCAS, the proposed site lies in IHS and is 3018m from Rwy 27 of Santa Cruz Airport.



The applicant had earlier applied for a height of 65.18m AMSL vide their letter dated 22.6.2010 against which they were granted a height of 56.27m AMSL vide AAI letter dated 28.12.2010. The applicant has applied for an increased height of 82.70m AMSL (Online dated 13.12.14) and later revised to 83.30m AMSL vide their Letter dated 23.05.15.

Applicant requested higher height quoting that the building located in the vicinity is of higher height.

The case was earlier heard in Appellate Committee meeting held on 30.7.2015 wherein the Committee observed that MCGM letter dated 27.7.2015 as submitted by the applicant is not height specific. It only indicates that the plans are under scrutiny. The applicant informed that they will bring revised recommendation letter from Local Authorities and it was decided that the case to be put up again after receipt of revised MCGM recommendation letter. Thereafter, applicant submitted MCGM letter addressed to AC dated 11.08.15. (In Original)

The Committee of 29.09.2015 examined the MCGM letter of 11.8.2015 which has not indicated the height recommended and also the admissible FSI. The applicant was explained the absence of clarity on the above issues and was advised to submit revised letter from MCGM giving categorically the height recommended by them vis-à-vis, the approved FSI.

The case was listed for this meeting and the committee was informed that the applicant vide his letter of 22.02.2016 requested withdrawal of the case until communicated by them.

**Committees' Decision:**

**The case to be taken up as fresh case as and when application is received.**

**27. Shri Mitesh Kathrotiya, Mumbai**

**Case No.:** MUM/15/NOCAS/30  
**CHQ File No.:** AAI/20012/55/2015  
**NOCAS ID:** SNCR/WEST/B/010215/84802  
**Site Address:** Barucha Brothers, Plot no. 79, Street no. 13, MIDC, Andheri (E), Mumbai

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 2944.52m from Rwy14 of SantaCruz Airport.

The applicant had initially requested a height of 65m AMSL (Online dated 02.01.2015) against they were granted a height of 56.9m AMSL vide letter dated 01.4.2014. The applicant in its letter dated 23.3.2015 has requested for increased height of 76.54m AMSL.

Applicant requested higher height to utilize additional total FSI.

*S.K. Purwar*

*[Signature]*

The Committee of 29.09.2015 examined the MIDC letter dated 26.5.2015 addressed to the applicant and copy endorsed to AAI submitted along with new MIDC Industrial Policy, 2013. The representative / applicant requested deferment of the case for 2 months as they had not submitted the justification of the Local Bodies of the State Govt.

Thereafter, the applicant was requesting extension of time limit of 60 days in their letter dated 30.09.2015 and subsequently, vide their letter 22.02.2016, requested to withdraw the case until communicated by them.

**Committees' Decision:**

The case to be taken up as fresh case as and when application is received.



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



(J S Rawat )  
Jt. DGCA



(K. GOHAIN)  
TECHNICAL EXPERT



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

Place: New Delhi

Date: 23<sup>rd</sup> March 2016

31/3/2016