

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

Minutes of the Meeting of the Appellate Committee for height clearance held on
28th July 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 28th July 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 & Deccan Builders, Mumbai.

Case No.: MUM/14/NOCAS/270
CHQ File No.: AAI/20012/73/2016-ARI(NOC)
NOCAS ID: JUHU/WEST/B/112414/76535
Site Address: CTS 248 & 249 (PT) of Village Andheri at Gilbert Hill, Andheri (W), Mumbai.

As per NOCAS, the proposed site lies in Inner Horizontal Surface and is 2403 m from Rwy 26 of Juhu Airport.

The applicant had initially requested a height of 86.53m AMSL vide letter dated 25.05.14 against which they were granted a height of 56.90m AMSL vide letter dated 04.02.2015. Later on, the applicant has re-iterated its requested height of 86.53m AMSL vide letter dated 14.06.2016

The applicant was given a hearing by the Committee based on his request letter/mail dated 14.06.2016. The applicant explained to the Committee that their project is under Slum Rehabilitation Authority of Maharashtra and that the SRA letter dated 06.10.2015 has recommended a height of 54m AGL (86.53m AMSL). The applicant on being asked about their request of "Aeronautical Study/Shielding Benefit", had clarified that their request is specific for Aeronautical Study only.

S K Pruman

[Signature]

Member ANS, who is also a member of this Committee, after examination of the documents has recommended for conduct of Aeronautical Study in accordance with the provisions of GSR751E.

The Committee approves the conduct of Aeronautical Study.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height of 86.53m AMSL is admissible, as recommended by SRA and also as requested by the applicant.

2. M/s Pratahmesh Dream Properties Pvt. Ltd, Mumbai.

Case No.: MUM/15/NOCAS/41

CHQ File No.: AAI/20012/74/2016

NOCAS ID: SNCR/WEST/B/122214/82993

Site Address: CTS No.458D (PT), Village Kirla-III, Bldg. No. 4, Sion-Chunabhatti, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3184 m from Rwy 32 of Mumbai Airport.

The applicant had requested for a height of 94.7m AMSL online dated 22.12.14 against which they were granted a height of 56.9m AMSL by AAI vide letter dated 06.04.2015. Subsequently, the applicant has reduced their height requirement to 78.75m AMSL in their letter dated 11.06.2016.

The applicant was given a hearing by the Committee based on his request letter/mail dated 11.06.2016. The applicant informed that their project is under MHADA, Maharashtra and that they require the height of 78.75m AMSL to consume the permissible FSI. They further informed that their project involves redevelopment of existing building under MHADA Redevelopment Scheme and in accordance with the State Development Control Rules 33(5). The applicant has requested for Aeronautical Study.

Member ANS, who is also a member of this Committee, in accordance with the provisions of GSR751E, after examination of the documents, has observed that the MHADA letter dated 10.06.2016 is recommending a height of 75m AMSL against the request of the applicant as 78.75m AMSL. The applicant contested that 75m AMSL is not correct as it should have been read as 75m AGL. Member ANS further observed that the letter of MHADA is not signed by the CEO. Member ANS opined that the applicant should submit revised letter with proper signature of CEO, MHADA and clarify with regard to height (AGL/AMSL) recommended by MHADA.

The Committee directed the applicant to submit revised letter as above.

Committees' Decision:

The applicant to submit revised letter, in original, giving clarity of the height recommended by the local authorities (MHADA) indicating specific height (AMSL/AGL) and duly signed by the authorities.

3. M/s Manoj V Wadhwa, Mumbai.

Case No.: MUM/15/218

CHQ File No.: AAI/20012/75/2016

NOCAS ID: JUHU/WEST/B/071315/146787

Site Address: F P No. 59 Of TPS NO. III of Bandra (W), at Junction of 29th RD & 23rd RD Road Bandra (W) Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3406 m from Rwy 09 of Mumbai Airport.

The applicant had earlier requested for a height of 71.50m AMSL online dated 13.07.15 against which they were granted a height of 56.90m AMSL by AAI vide letter dated 04.09.2015. Later on, the applicant has requested higher height of 71.50m AMSL vide letter dated NIL.

The applicant was given a hearing by the Committee based on his request letter/mail dated NIL. The applicant informed that their project is under MCGM, Maharashtra and that they require the height of 71.50m AMSL to consume the permissible FSI and the plot is being developed under Town Planning Scheme. The applicant has requested for Aeronautical Study.

Member ANS, who is also a member of this Committee, in accordance with the provisions of GSR751E, after examination of the documents has observed that the MCGM letter dated 02.06.2016 submitted in original has recommended a height of 57.75m AGL (69.25m AMSL). MCGM letter, however, states that the plan for the enhanced height has not yet been approved by them. On being queried, the applicant has informed that their construction had begun and has reached upto 10 floors which is 31.80m AMSL approximately. Member ANS has recommended that the Aeronautical Study to determine whether the height of 69.25m AMSL as recommended by MCGM is permissible at this site can be considered only after the applicant submits the approved plan by MCGM for the height they have recommended.

The Committee is of the view that the applicant to submit approved plan by the MCGM for the height recommended by MCGM before any decision with their request for conduct of Aeronautical Study is considered.

Committees' Decision:

Applicant to submit approved plan from the MCGM commensurate with the height recommended by them. The applicant also to revise their request for higher height in accordance with the MCGM decision.

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

Case No.: MUM/15/B/174

CHQ File No.: AAI/20012/79/2016

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 Rwy 14 of Mumbai Airport.

The applicant initially requested for a height of 102.275m AMSL online dated 21.04.2015 against which they were granted a height of 77.54m AMSL vide AAI's letter dated 03.07.2015. The applicant, subsequently, has reduced their height requirement to 97.275m AMSL in their letter dated 22.03.2016.

The applicant was given a hearing by the Committee based on his request letter/mail dated 22.03.2016. The applicant informed that their project is under SRA, Maharashtra and that they require the height of 97.275m AMSL to utilize the permissible FSI. They further informed that their project involves slum rehabilitation. The applicant on being queried about their request for "Aeronautical Study with Multiradar Benefit" confirmed that they need Aeronautical Study.

Member ANS, who is also a member of this Committee, in accordance with the provisions of GSR751E, after examination of the documents has observed that the SRA letter dated 08.06.2016 which is in original has recommended a height of 97.725m AMSL. The applicant was also informed that during Aeronautical Study, multiradar aspects, where applicable are considered. Member ANS, after examination of the documents, has recommended for conduct of Aeronautical Study.

The Committee approves the conduct of Aeronautical Study.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height of 97.275m AMSL is admissible, as recommended by SRA and also as requested by the applicant.

5. M/s Kaushik More C/o Lake view developers, Mumbai

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

NOCAS ID: SNCR/WEST/B/060915/132268

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

As per NOCAS, the proposed site lies in IHS and is 3573 m from Rwy 27 of Mumbai Airport.

The applicant initially requested a height of 327m AMSL online dated 09.06.15 against which they were granted a height of 56.90m AMSL vide AAI's letter dated 02.03.2016. The applicant has reduced their height requirement to 227m AMSL in their letter dated 19.03.2016.

The applicant was given a hearing by the Committee based on his request letter/mail dated 19.03.2016. The applicant informed that their project is under SRA, Maharashtra and that they require the height of 227m AMSL to make their project financially viable. They further informed that their project involves slum rehabilitation. The applicant on being queried about their request for "Shielding Benefit and if required Aeronautical Study" confirmed that they need only Shielding Benefit at this stage.

The Committee approves the conduct of study by the sub-committee already set up as to whether the Shielding Benefit is applicable and the height permissible thereunder.

Committees' Decision:

The sub-committee already set up by this Appellate Committee to examine whether the Shielding Benefit is applicable and the height permissible thereunder.

6. M/s Indiabulls Infraestate Ltd., Mumbai.

CHQ File No.: AAI/20012/45/2016

Old file no.: 20012/130/2013

NOCAS ID: JUHU/WEST/B/120112/012

Site Address: CS No. 131,132 & 1/132 of Bharat & Podar Mill, Mumbai.

As per NOCAS, the proposed site lies in OHS and is 11319m from ARP of Santa Cruz Airport.

The applicant initially requested a height of 210.45m AMSL online dated 13.12.2012 against which they were granted a height of 178.134m AMSL vide AAI's letter dated 26.06.2013. Subsequently, the applicant revised height requirement as 192.55m AMSL (For Tower B) 216.45m AMSL (For Tower C) vide letter dated 19.09.13. Thereafter, the applicant was granted a height of 190.45 m AMSL for Tower-B and 213.65 m AMSL for Tower-C respectively vide AAI's letter dated 11.09.2014.

Applicant vide letter dated 23.12.2015 addressed to A.C. applied as a fresh case, requesting for a higher height of 225.72m AGL for wing C.

The applicant was given a hearing by the Committee based on his request letter/mail dated 23.12.2015. The applicant informed that for Wing C, they have applied as a fresh case for higher height of 225.72m AGL as against 213.65m AMSL earlier authorized and NOC issued. They have produced MCGM letter dated 02.01.2016 (not in original), which has recommended a height of 225.72m with AMSL.

Member ANS, who is also a member of this Committee, in accordance with the provisions of GSR751E, after examination of the documents has observed that the

S. K. Punwan

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Wing C was earlier issued NOC for a height of 213.65m AMSL on the basis of CNS criteria only, including overhead water tanks, lift machine room, etc. as recommended by MCGM letter of 02.04.2014. The applicant was also informed that during Aeronautical Study, multiradar aspects, wherever applicable are considered. Member ANS, after examination of the documents, has recommended site verification by AAI before the conduct of Aeronautical Study is permitted.

The Committee is of the view that the request for conduct of Aeronautical Study can be considered only after receipt of site verification report by AAI in association with MIAL. Also the Committee observed that the MCGM letter has recommended the height of 225.72 m in AMSL and the applicant's request for 225.72 m is in AGL.

Committees' Decision:

AAI to submit site verification report. Applicant to submit revised recommendation letter from MCGM, in original, giving adequate justification for the height sought and categorically giving height recommended in AGL/AMSL.

7. 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 site lies in Conical surface and is 4689m from Rwy 14 of SantaCruz Airport.

The applicant initially requested a height of 228.68m AMSL online dated 13.04.16 against which they were granted a height of 91.36m AMSL in AAI's letter dated 07.06.2016. The applicant has reduced their height requirement to 128.38m AMSL in their letter dated 11.07.16.

The applicant was given a hearing by the Committee based on his request letter/mail dated 11.07.2016. The applicant stated to the Committee that the SRA letter dated 20.06.2016 has recommended a height of 99.70m AGL (128.38m AMSL).

Member ANS, who is also a member of this Committee, after examination of the documents in accordance with the provisions of GSR751E, has recommended site verification of construction at site by AAI before the conduct of Aeronautical Study is considered.

The Committee is of the view that before the request for Aeronautical Study is considered, AAI to submit the site verification report.

Committees' Decision:

AAI to submit site verification report before the request for conduct of Aeronautical study is considered to determine whether the height of 128.38m AMSL is admissible.

8. Mr. Varun Goenka C/o Sunidhi Estate Pvt. Ltd, Kolkata.

CHQ File No.: AAI/20012/83/2016
NOCAS ID: KOLK/EAST/B/060116/128579
Site Address: 47, Canal Circular Road, Kolkata.

As per NOCAS, the proposed site lies in Conical surface and is 7932 m from Rwy 01 of Kolkata Airport.

The applicant initially requested a height of 190.5m AMSL online dated 01.06.16 against which they were granted a height of 128.02m AMSL in AAI's letter dated 03.06.2016. The applicant has reduced their height requirement to 180.2m AMSL in their letter dated 21.07.16.

The applicant was given a hearing by the Committee based on his request letter/mail dated 11.07.2016. The applicant has submitted copy of Kolkata Municipal Corporation Rules, 2016 before the Committee and brought out Para 69A, sub-para (c) dealing with additional FAR. They have also brought out Para 74 of the Kolkata Building Rules stating that there is no restriction for height for 15 m width of Access Means (roads).

Member ANS, who is also a member of this Committee, after examination of the documents in accordance with the provisions of GSR751E, has recommended site verification at Kolkata viz-a-viz the submission of the applicant before the request for height can be considered.

The Committee endorses the above view of Member (ANS).

Committees' Decision:

AAI to carryout site verification and submit report to the Committee for consideration.

9. Shri Amrik Singh, Mumbai.

Case No.: MUM/12/NOCAS/205
CHQ File No.: AAI/20012/31/2016-ARI(NOC)
NOCAS ID: SNCR/WEST/B/121014/80621
Site Address: C.T.S No. 76, 76/1 to 10 Village Saki of Saki Vihar road, Kurla (West).

As per NOCAS, the proposed site lies in Inner Horizontal Surface and is 2481 m from Rwy 27 of Mumbai Airport.

The applicant had initially requested a height of 145.95m AMSL online dated 10.12.14 against which they were granted a height of 56.90m AMSL vide letter dated 04.09.2015. The applicant in his letter dated 26.11.2015 has requested for conduct of Aeronautical Survey and grant of a reduced height of 125.85m AMSL.

S.K. Prasad

The case was initially heard in the Appellate Committee meeting held on 05th May, 2016 wherein the applicant was absent and Committee decision was that applicant may be given one last opportunity of hearing in next meeting.

The applicant was given a hearing by the Committee based on his request letter/mail dated 26.11.2015. The applicant stated to the Committee that the MCGM letter dated 26.02.2016 has recommended a height of 102.85m AGL.

Member ANS, who is also a member of this Committee, after examination of the documents has recommended for conduct of Aeronautical Study in accordance with the provisions of GSR751E. The MCGM letter brought on record, which is in original, has just made a recommendation to the Committee for consideration to grant height of 102.85m AGL for the proposed project.

The Committee approves the conduct of Aeronautical Study, which has been requested by the applicant in order to consume the FSI granted contained in the letter of 26.11.2015.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height of 125.85m AMSL is admissible, as requested by the applicant.

10. 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 requested shielding benefit with respect to natural terrain.

The case was listed for Appellate Committee meeting on 13.02.2013, but not heard as the meeting was adjourned on that day. The applicant subsequently requested shielding benefit for their project. The case was 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 7th 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.

The 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 without adhering to the permissible top elevation by unauthorized construction in excess by 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.**

The committee took note of the MIAL physical verification report, which showed that as against 56.27 m AMSL authorized in the NOC dated 27.07.2011, the applicant had demolished the upper floor and has brought the top elevation of the building to 56.26 m AMSL, as per the MIAL report.

The Committee was also informed by AAI that according to their report, the height as per MIAL & AAI joint inspection is 56.31m AMSL, as against the permissible top elevation of 56.91 m AMSL (as per NOCAS2 calculation sheet).

In view of the above 2 reports, having different figures of height after demolition and admissible height, the Committee is of the view the physical re-verification of height of the building, as existing to date, to be carried out by AAI and report submitted to the Committee before further action is taken on the request of the applicant.

Committees' Decision:

Physical re-verification to be carried out by AAI for the height of existing building as on date and report be submitted to the Committee.

11. M/s Bengal Greenfield Housing Development Co. Ltd, Kolkata.

Case No.: ER/229/2015
CHQ File No.: AAI/20012/82/2015
NOCAS ID: BEHA/EAST/B/060515/130306
Site Address: Shibrampur, Holding No- E-3/398, Ward No-14,
Maheshtala, West Bengal.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 2257m from Rwy 36 of Behala Airport.

The applicant had initially requested a height of 64m AMSL vide letter dated 05.6.2015 against which they were granted a height of 48.32m AMSL vide AAI letter dated 28.7.2015. The applicant has requested for a height up to 60m AGL vide letter dated 25.08.15

The Committee on 6th November, 2015 heard the applicant who explained that their project is on a site of about 46 acres and that they have been granted FAR 2.25. Their planned layout of the project involved series of buildings and that the construction is in progress. The applicant also submitted letter from Maheshtala Municipality dated 27.08.2015 recommending their project. The applicant also informed in the meeting that there are other tall buildings in their area and that the nearest airport to their site is Behala, which is non-functional except some flying training aircraft operating.

The Committee was informed by AAI that as per undertaking given by the applicant on Rs.10 non-judicial stamp-paper dated 10.09.2015, the construction work is in progress and the said building has been constructed up to an elevation of 60 (sixty) mts (AMSL), **which is 11.68mts more than the granted height.** At this stage, the applicant informed that the requirement of higher height is only in one corner of the plot, as per the drawing shown by him in the meeting.

The Committee considered the functionality of the Behala Airport at present and also any plan of developing the Airport in future for operations considering the land constraint in that area. The Committee also noted that the existing NSCBI Airport at Kolkata is about more than 20 K.M. from the site. The Committee informed the applicant that permissibility of higher height can only be evaluated through conduct of aeronautical study, which involves certain formalities like fee etc. to be completed by the applicant. The Committee desired that the specific building for which higher height is required may be examined after obtaining coordinates of the building and also whether if any benefit of the distance from Behala Airport accrues to this building.

The Committee on 6th November 2015, had taken a decision that AAI to re-examine the case on receipt of coordinates of the building for which higher height is required and submit the report to Appellate committee.

The Committee on 5th May, 2016 was informed by AAI that WGS-84 coordinates submitted by applicant vide letter dated 19.03.2016, for blocks 1 to 5, lie within the plot coordinates on the basis of which NOC was issued. Further, the Committee took note of the undertaking given by the applicant on Rs.10 non-judicial stamp paper dated 10.09.2015, which stated that the building has been constructed upto 60mts AMSL., **which is 11.68mts more than the granted height** The applicant contended that the construction is not 60mts but 44mts AGL only which is less than the granted height of 48.32mts AMSL

The committee informed the applicant that based on records if the construction is equal or less than 44mts, the case can be considered for Aeronautical Study. In case it is more than the authorized height of NOC, then he will have to face demolition orders. He was also warned that for filing wrong undertakings on non-judicial stamp paper he will have to face the due process of law.

Based on above, the Committee on 5th May 2016, had taken a decision that AAI to carry out physical verification of the site including the actual height of the constructions as on date and then put up case again.

The case was put up in this Committee wherein the report of AAI Regional Hqrs., Eastern Region, Kolkata dated 12.07.2016 confirming that the maximum height of the tallest building in that area is 43.281 m AGL, which is 47.281 m AMSL. The AAI Eastern Region, Kolkata verification report also has clarified in a coloured map that the

proposed site, i.e., Plot No. 36-41 has no construction and that the tallest structure in that plot measured 47.281 m AMSL (43.281 m AGL).

Committees' Decision:

AAI to re-examine the case based on the above facts and determine the maximum permissible height at that location.



(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: August, 2016