

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

**Minutes of the Meeting of the Appellate Committee for height clearance held on
04th December, 2015**

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 04th December, 2015.

The following Committee members were present:-

1. Sh. A K Dutta - Member (ANS), AAI
2. Sh. K. Gohain - Technical Expert

Shri J.S. Rawat, Jt. DGCA was not present.

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

1. M/s M3M India Pvt. Ltd., Gurgaon.

Case No.: NR/222/2015
CHQ File No.: AAI/20012/93/2015
NOCAS ID: PALM/NORTH/B/062215/139029
Site Address: 13672, Chalu No.22, Village –Chauma, Sector-113, Gurgaon.

As per NOCAS, the proposed site lies in **Conical Surface** and is 4723m from Rwy 11R of IGI Airport.

The applicant had initially requested a height of 412.879m AMSL vide their letter dated 21.8.2015 against which they were granted a height of 317.95m AMSL vide letter dated 16.9.2015. The applicant vide letter dated 13.10.2015 has reiterated for same height of 412.879m AMSL.

Applicant requested Aeronautical Study since the granted height does not meet their requirement. Haryana Government Town & Country Planning Department notification dated 05.09.2014 submitted.

This Committee heard the applicant who produced the Haryana Government Town & Country Planning Department notification dated 5.9.2014 and pleaded that their site falls in the TOD Zone and is entitled to FAR 3.5 as per the said notification. They further stated that to consume the full FAR they need the height of 412.879m AMSL as sought by them. The applicant also mentioned that their site elevation is very high which the Committee noted as 212.9m AMSL. The Committee further observed that the

Haryana Government Notification of 5.9.2014 justifies the increased FAR for various setbacks of the land to be provided for construction as per the Notification and also requires that the height clearance is to be obtained from the Aviation Authorities.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height requested 412.879m AMSL is permissible.

2. M/s M3M India Pvt. Ltd.,Gurgaon.

Case No.: NR/221/2015
CHQ File No.: AAI/20012/92/2015
NOCAS ID: PALM/NORTH/B/062215/139028
Site Address: 13673, Chalu No.22, Village –Chauma, Sector-113, Gurgaon.

As per NOCAS, the proposed site lies in **Conical Surface** and is 4279m from Rwy 11R of IGI Airport.

The applicant had initially requested a height of 393.044m AMSL vide their letter dated 26.8.2015 against which they were granted a height of 295.55m AMSL vide letter dated 16.9.2015. The applicant vide letter dated 13.10.2015 has reiterated for same height of 393.044m AMSL.

Applicant requested Aeronautical Study since the granted height does not meet their requirement. Haryana Government Town & Country Planning Department notification dated 05.09.2014 submitted.

This Committee heard the applicant who produced the Haryana Government Town & Country Planning Department notification dated 5.9.2014 and pleaded that their site falls in the TOD Zone and is entitled to FAR 3.5 as per the said notification. They further stated that to consume the full FAR they need the height of 393.044m AMSL as sought by them. The applicant also mentioned that their site elevation is very high which the Committee noted as 213m AMSL. The Committee further observed that the Haryana Government Notification of 5.9.2014 justifies the increased FAR for various setbacks of the land to be provided for construction as per the Notification and also requires that the height clearance is to be obtained from the Aviation Authorities.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height requested 393.044m AMSL is permissible.

3. Mr Rajendra R Chaturvedi, M/s AIMS CONSULTANTS, Shreepati Real Ventures LLP, MUMBAI.

Case No.: MUM/14/NOCAS/254
CHQ File No.: AAI/20012/80/2015

NOCAS ID: SNCR/WEST/B/050614/38040
Site Address: CTS NO-175 B (Pt) & 193 B (Pt), VILLAGE-MAJAS,
JOGESHWARI-EAST, MUMBAI.

As per NOCAS, the proposed site lies in **Conical Surface** and is 4054m from Rwy 14 of Mumbai Airport.

The applicant had initially requested a height of 179.525m AMSL vide letter dated 19.5.2014 against which they were granted a height of 59.60m AMSL vide letter dated 26.8.2014. The applicant vide letter dated 11.09.14 has reiterated the same height of 179.525m AMSL and subsequently vide letter dated 25.8.2015 requested for reduced height of 140.10m AMSL.

Applicant requested Aeronautical Study to make the scheme financially viable and make redevelopment possible by consuming permissible FSI. Applicant also stated that proposed project scheme is being redeveloped for rehabilitation.

MHADA letters dated 01.01.2015 (in original) and 23.03.2015 (in original) submitted.

This Committee heard the applicant who pleaded that their project is for redevelopment and rehabilitation of tenements. The MHADA letters were also examined by the Committee which supports the project for a height of 140.10 m AMSL

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height as recommended by MHADA i.e. 140.10m AMSL is permissible.

4. Mr Ramesh Bijlani, Supreme Universal Pvt. Ltd. Mumbai.

Case No.: MUM/15/NOCAS/06
CHQ File No.: AAI/20012/95/2015
NOCAS ID.: JUHU/WEST/B/121814/82391
Site Address: CTS No.C/830,C/831 & C/832 Village Bandra-C pali Hill Bandra
West Mumbai

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 3553m from Rwy 34 of Juhu Airport.

The applicant had earlier applied for a height of 100.7m AMSL vide their e-letter dated 18.12.2014 against which they were granted a height of 56.90m AMSL vide AAI letter dated 01.7.2015. The applicant has subsequently requested for reduced height of 96.60m AMSL vide their Letters dated 14.09.15 & 29.10.15. Applicant requested Aeronautical Study to consume full FSI and make the project viable.

MCGM letter dated 29.10.2015 (in original) submitted.

This Committee heard the applicant and also examined the MCGM letter dated 29.10.2015 which supports the project and recommends the revised height sought by the applicant.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height 96.60m AMSL is permissible.

5. Mr.Tajdin M.Maredia of M/s.Cordcon Builders P.Ltd, Mumbai.

Case No.: MUM/15/NOCAS/156
CHQ File No.: AAI/20012/84/2015
NOCAS ID: JUHU/WEST/B/041015/108115
Site Address: CTS No-254-A (PT) of Village Andheri, Bldg No-3 at Gilbert Hill, Andheri(W), Mumbai

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is 2293m from Rwy 26 of Juhu Airport.

The applicant had initially requested a height of 81.2m AMSL vide letter dated 10.4.2015 against which they were granted 56.90m AMSL vide letter dated 03.6.2015. The applicant had subsequently reduced height of 78.90m AMSL vide letter dated 20.9.2015 requesting Aeronautical Study to consume full FSI and pointed out the presence of the adjoining hill of height greater than 99m.

The Appellate Committee held on 6.11.2015 heard the applicant and also examined MCGM letter dated 18.09.2015 submitted (in original). The MCGM letter does not categorically recommend the project neither the height requested. The applicant informed the Committee that they will bring revised letter from MCGM. The Committee decided that the case to be placed before the Committee on receipt of revised justification letter from MCGM.

Applicant submitted revised MCGM letter dated 02.12.2015 (in original).

This Committee considered the revised MCGM letter of 2.12.2015 which has recommended the project with the height 78.90m AMSL as revised by the applicant.

Committees' Decision:

Aeronautical Study to be conducted to determine whether the height of 78.90m AMSL is permissible.

6. M/s Sunshine Builders & Developers, 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.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is at a distance of 2347 m from Rwy 14 of Santacruz Airport.

The applicant had initially requested a height of 75.75 m AMSL vide letter dated 10.11.2010 against which they were granted a height of 56.27 m AMSL vide letter dated 30.05.2011. The applicant in its letter dated 16.09.2013 has appealed to Appellate Committee for an increased height of 80 m AMSL which was revised to 110m AMSL vide letter dated 06.08.2014. The applicant requested Aeronautical Study to consume full FSI and to make project viable.

The case was earlier heard in the Appellate Committee held on 27.12.2013 wherein the applicant was to submit the documents/information sought by AAI vide letter dated 20.09.2013 and the case to be placed before Appellate Committee for consideration.

The applicant subsequently submitted the documents including Slum Rehabilitation Authority (SRA) letter dated 01.03.2014 (in original). Applicant stated that his project is a rehabilitation project involving 1776 tenements. A revised SRA letter dated 05.08.2014(in original) was also submitted.

During examination of the documents by AAI, it was revealed that while NOC dated 30.05.2011 was issued based on BMC site elevation certificate of 5.750M dated 15.09.2010, another BMC site elevation certificate for the same site as 18.55M dated 06.09.2010 was also submitted by the applicant. To resolve the doubt, a physical verification of the site was conducted by MIAL.

According to the MIAL report, the measured site elevation is 20.46m AMSL, confirming that the NOC was issued based on the wrong data filed by the applicant. MIAL also reported that at the site six buildings are under construction, of them three buildings have been constructed up to 63.32m AMSL, violating the permitted top elevation of 56.27 M and three buildings have been constructed up to 43.35m AMSL.

In view of the above, the NOC issued by AAI vide letter dated 30.05.2011 was cancelled vide AAI letter dated 20.10.2014. The matter was also referred to Municipal Commissioner, MCGM, Mumbai vide AAI letter dated 13.10.2014 to investigate the circumstances of issuance of two site elevation certificates with varying heights and take suitable corrective action.

MCGM vide letter dated 31.10.2014 has informed that the matter pertains to the SRA and therefore they have forwarded the case to the Dy. Chief Engineer, SRA for initiating further necessary action.

On the request of the applicant vide letter 19.12.2014 requesting Aeronautical Study, this Committee heard the applicant who informed that the present developer Omkar (present in the meeting) had bought the project from its earlier developer Sunshine builders who had created confusion by giving two different sets of certificates from BMC giving different site elevations. The Committee took note of this along with the fact that

the NOC had been cancelled on 20th October 2014. The committee also noted that MCGM instead of investigating the issuance of two different site elevation certificates with varying heights, simply forwarded the case to SRA. Therefore, that Committee did not accept the appeal.

The case was heard in the Appellate Committee meeting held on 21.01.15 and it was decided the appeal is rejected. RED, WR, AAI to coordinate with MIAL (Airport Operator) to take up the matter with the State authorities for registering an FIR on the involved parties for producing certificates, issued by BMC, having different & wrong site elevation values.

SRA vide letter dated 31.08.2015 addressed to A.C., has requested for Civil Aviation NOC for this case in the interest of the slum dwellers, as per directives of meeting convened on 01.07.2015 & 13.08.2015 in presence of Hon'ble Speaker (Maharashtra Legislative Council). Mr. Anand V. Dhokay c/o M/s Omkar Realtors & Developers Pvt. Ltd. vide letter dated 16.09.2015 stated that a fresh application for NOC has been made dated 09.03.2015. The applicant also requested for Aeronautical Study and stated that they are willing to accept the height sanctioned after Aeronautical Study.

The case was again put up to the Appellate Committee meeting held on 6.11.2015 in view of the above changed circumstances and had permitted hearing to the Chief Executive Officer of SRA, Shri A Gupta (IAS) who was present with two of his officers from the State Government. The CEO informed the Committee that the site elevation was earlier misrepresented by the Builder, M/s Sunshine Builders & Developers and that penal and legal action has been taken against the erring builder and that he has been removed from the project. The CEO further explained that the Slum Rehabilitation Authority monitors the projects given to the builders for construction of accommodation primarily for the slum dwellers as per the State Govt. directives. The Committee was informed that the project is presently being handled by M/s Omkar Realtors & Developers. The developer has submitted the fresh application for revoking the NOC cancelled on October, 2014. The Committee was informed that 2 floors are admissible with the new site elevation as against the 14 floors already constructed and have therefore requested permission for allocating flats upto the 12 floors for rehabilitating the slum dwellers with simultaneous initiation of demolition of the higher 2 floors. The SRA representatives also requested for Aeronautical Study and assured that the height permissible to such study will be adhered.

The Committee after hearing the appeal of the CEO, SRA informed CEO, SRA that since a violation has taken place, severe action has to be taken against the defaulter by the State Govt. as per the law and that the additional height already constructed has to be reduced. A written clarification from the SRA will be needed.

The Committee then decided that on receipt of written clarification from the SRA regarding action against the defaulter and initiation of demolition of structure exceeding the NOC permitted height, the same to be put up to the Committee.

A copy of CEO, SRA letter dated 30.11.2015 in response to Committee decision is placed in this Committee's meeting and the applicant both the SRA representative and also the builder were given a hearing. The SRA representatives produced photographs

taken by their personnel of demolition works in which the side walls of the constructed floors have been initiated and it was clarified that after the walls are collapsed then the roof will be brought down and that during this process, no occupation of the floors below will be permitted. The SRA representatives also indicated that an FIR has been lodged against the previous builders and has promised to send a copy of the FIR as indicated in its letter of 30.11.2015. The Committee 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.

Committee's Decision

Aeronautical Study to be undertaken to determine whether the height sought i.e. 110m AMSL is permissible at site only after receiving confirmation from SRA Authorities that the unauthorized portion of the construction has been demolished and a copy of the FIR furnished.

7. 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.

Committees' Decision:

AAI to carryout physical verification at the site to confirm if the height of the building has been reduced to 42m AMSL as claimed by the applicant. Thereafter, the case may be re-examined by AAI for a requested height of 42m AMSL and NOC for permissible height to be issued.

8. M/s DBS Realty, Mumbai,

Case No.: MUM/10/375
CHQ File No.: AAI/20012/200/2010-ARI(NOC)
NOCAS ID: SNCR/WEST/B/080514/54716
Site Address: CTS No. 11A(Pt.), (Plot No.V marked as O,P,Q,S) Village Chandivali, Mumbai.

As per NOCAS, the proposed site lies in **Inner Horizontal Surface** and is at a distance of 2868m from Rwy 27 of Santacruz Airport.

The applicant had initially requested a height of 112.00 m AMSL vide letter dated 11.06.2010 against which they were granted a height of 56.27 m AMSL vide letter dated 20.10.2010. The applicant in its letter dated 07.03.2012 has reiterated for a height of 112.00 m AMSL requesting Aeronautical Study stating that it is a Slum Rehabilitation Project on Plot No.5. The applicant thereafter has again reiterated the same height of 112.00 m AMSL vide letter dated 23.06.2014.

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 thereafter submitted request for consideration in the Committee vide letter dated 23.06.2014 and has asked for higher height from shielding criteria, if not, applicable then for Aeronautical Study.

The case was earlier heard in the Appellate Committee Meeting dated 16th January, 2015 wherein the Committee observed from the presentation that shielding criteria is not applicable in this case as per the Notification SO84(E) which was in vogue then 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 112 m AMSL is permissible.

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

The case was again examined in the Appellate Committee meeting held on 30.7.2015 wherein the committee was informed that physical verification of the site has revealed that there are 5 buildings at the site and top elevation of the buildings ranges from 58.22m AMSL to 58.33m AMSL with maximum site elevation of 40.29m while the NOC is issued for 56.27m AMSL, thereby making some of the buildings as unauthorized construction. The Committee then decided that Airport operator to initiate action under Aircraft (Demolition of Obstructions caused by buildings & trees, etc.) Rule 1994.

MIAL was requested to take suitable action for implementation of the decision of AC vide AAI letter 21.08.2015.

Applicant vide letter dated 20.10.2015 requested shielding w.r.t. natural terrain.

This Committee deliberated on the request of the applicant and noted that the Aeronautical Study as decided in the Committee meeting on 16.1.2015 was not accomplished till the time the applicant had sent its letter of 20.10.2015 requesting shielding benefit. The Committee also noted that the earlier request of shielding benefit was not admissible in view of the Regulations then contained in Govt. Notification SO84(E). The Committee further observed that the present Govt. Notification GSR-751 (E) dated which is in vogue as on date has revised shielding criteria. This Committee in view of the above, considered that the matter may be re-examined from the shielding criteria as per the new Notification GSR-751 (E) dated 30th Sept., 2015.

Committees' Decision:

The permissible height to be examined from the shielding criteria as contained in the Notification GSR-751 (E) dated 30th Sept., 2015 and the report to be placed to the Appellate Committee.

9. M/s. Space Consultants, Mumbai

Case No.: MUM/13/NOCAS/157
CHQ File No.: AAI/20012/204/2014
NOCAS ID.: SNCR/WEST/B/050212/001
Site Address: CTS No.123-B/1, TPS -III, Mahim, BMC ward G/North, J.K Sawant Marg, Matunga West, Mumbai.

As per NOCAS, the proposed site lies in **Outer Conical Surface** and is 2618m beyond IHS of Santa Cruz Airport.

The applicant had initially requested a height of 254.366m AMSL vide letter dated 18.4.2013 against which they were granted a height of 122.147m AMSL vide letter dated 23.10.2013. The applicant in its letter dated 22.11.2014 has requested a reduced height of 148.116m AMSL and requesting aeronautical study to consume full FSI and also quoting that there are two high rise towers of height 208.03m AMSL & 195m AMSL in the same vicinity.

MCGM Letter dated 22.10.14 was submitted. (In Original)

The Committee earlier in its meeting held on 24.6.2015 heard the applicant in the meeting on 24.6.2015 and had ordered Aeronautical study to be conducted for the height of 148.116m AMSL as sought by the applicant.

This Committee was also informed that the applicant vide letter dated 18.11.2015 requested to grant additional height from 148.116m AMSL to 177.31m AMSL without carrying out another aeronautical study; due to availability of additional FSI/FAR and for which they have submitted a revised MCGM letter dated 21.11.15 (in original).

This Committee was informed that site visit for Aeronautical study was carried out on 9th October, 2015 and the preparation of the Aeronautical study report is under progress.

This Committee took note of the revised appeal of the applicant for the height request of 177.31m AMSL without carrying out any additional Aeronautical Study and that the Aeronautical Study which was ordered earlier had not been completed till date.

Committees' Decision:

Aeronautical Study already ordered should consider during the finalization of the report whether the height now sought as 177.31m AMSL is permissible.



(A K Dutta)
MEMBER (ANS), AAI



(K.GOHAIN)
TECHNICAL EXPERT



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

Place: New Delhi

Date: 04 December 2015

