

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

Minutes of the Meeting of the Appellate Committee for height clearance held on
05th May 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 05th May 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. 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 Letter dated 04.09.2015. The applicant in its letter dated 26.11.2015 has requested a reduced height of 125.85m AMSL.

The case was listed in this meeting. However the applicant was absent.

Committees' Decision: May be given one last opportunity of hearing in next meeting.

S.K. Rawat

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2. M/s Starwing Developers Pvt.Ltd., M/s A V Vora Associates Pvt. Ltd.,Mumbai.

Case No.: MUM/12/NOCAS/002
CHQ File No.: AAI/20012/76/2012
NOCAS ID: JUHU/WEST/B/012914/20990
Site Address: CTS No. 198,198/1 to 11,199,199/1 to 21,213,214,214/1 to 12,215(Part),215/1 to 12 ,215/23 to 32,215/48 to 65 of Village Mogra ,Parsi Panchayat Road ,Andheri Road, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3035m from Rwy 14 of Santa Cruz Airport.

As per NOCAS, the proposed site lies in the **Inner Horizontal Surface** and is 3035m from Rwy 14 of Santacruz Airport.

The applicant had initially requested a height of 108.50 m AMSL vide their letter dated 27.03.2012 and subsequently 70.15m AMSL vide letter dated 27.01.2014. They were initially granted a height of 56.28m AMSL vide letter dated 21.05.2012.

The case was earlier discussed in the meeting on 16th April, 2014 wherein the Committee after examining the documents, submitted by the applicant in support of their request for Aeronautical Study, had ordered the Aeronautical study for a height of 70.15m AMSL.

The Aeronautical Study report along with the recommendations of the Expert Committee was reviewed in the next Committee's meeting of 30 April,2015. The Expert Committee after taking into consideration safety & regularity of operations has recommended a maximum height of 70.15 m AMSL. Accordingly, this Committee accepted the recommendations of the Expert Committee and decided to authorize a maximum height of 70.15 m AMSL as recommended by the Expert Committee. .

AAI,CHQ vide letter dated 02.06.2015 issued authorization for a height of 70.15m AMSL.

AAI, Western Region vide letter dated 13.07.2015 issued NOC for a height of 70.15m AMSL.

Subsequently, Applicant vide letter dated 21.04.2016, addressed to the A.C., has requested for higher height of 89.50m AMSL by carrying review within the scope of completed Aeronautical study or for fresh aeronautical study due subsequent increase in FAR, to make their project commercially viable and to successfully implement Slum

S. K. Ravi



Rehabilitation Scheme. SRA letter dated 18.04.2016 submitted justifying a height of 75m AGL .The case is put up as directed in this meeting.

Committees' Decision: The second Aeronautical Study to be conducted for the revised request of 75m AGL (89m AMSL) as recommended by the SRA authorities subject to submission of original letter of SRA and completion of all formalities by applicant.

3. M/s. Sandeep Estate Developers Pvt. Ltd.,Mumbai.

Case No.: MUM/14/NOCAS/535
CHQ File No.: AAI/20012/32/2016
NOCAS ID: SNCR/WEST/B/102014/68432
Site Address: C.S No.-531 (PT.) of Dharavi Division known as Kamraj Nagar C.H.S. Ltd.at junction of two 30.40 wided P.R.D. in G North Ward, Mumbai.

As per NOCAS, the proposed site lies in IHS and is 4042 m from Rwy 32 of Mumbai Airport.

The applicant had requested for a height of 69.35m AMSL vide letter dated 26.11.14 against which they were granted a height of 56.9m AMSL by AAI in their letter dated 06.02.2015. The applicant has revised their height requirement to 85m AMSL in the letter dated 16.02.2016.

The applicant has requested Aeronautical Study being SRA project and submitted SRA letter dated 21.01.16 justifying the height of 85m AMSL.

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 85m AMSL is permissible.

4. M/s Teachers Colony Co-op. Housing Society Ltd., Mumbai.

Case No.: MUM/15/B/233
CHQ File No.: AAI/20012/28/2016
NOCAS ID: SNCR/WEST/B/082415/158022
Site Address: C.T.S No. 609 of Village Bandra-East, Mumbai sub urban district,in H/E ward,Mumbai.

S. K. Punwani 

As per NOCAS, the proposed site lies in IHS and is 1962 m from Rwy 09 of Mumbai Airport.

The applicant had earlier requested for a height of 73.7m AMSL online dated 24.08.15 against which they were granted a height of 56.90m AMSL by AAI in their letter dated 08.10.2015. The applicant had in their letter dated 29.02.2016 had sought a height of 73.70m AMSL.

Applicant requested height of 73.7m AMSL and stressed that it is a redevelopment scheme for low income group and is a MHADA project. The applicant has also submitted letter dated 11.02.16 in original issued by MHADA recommending the height of 68.95m AGL (73.70m AMSL) and requested Aeronautical Study in the meeting.

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 73.70m AMSL is permissible provided formal request letter and applicable fee for Aeronautical Study as given.

5. Shri K.Maniar, Mumbai.

Case No.: MUM/13/NOCAS/205
CHQ File No.: AAI/20012/35/2016
NOCAS ID: SNCR/WEST/B/032813/019
Site Address: C.T.S No.-610(pt) & 629(pt) of Village Bandra(East), Mumbai.

As per NOCAS, the proposed site lies in IHS and is 1962 m from Rwy 09 of Mumbai Airport.

The applicant initially requested a height of 56.27m AMSL vide letter dated 12.12.2013 against which they were granted a height of 56.27m AMSL in AAI's letter dated 29.04.2014. Subsequently, the applicant requested a revised higher height of 66.50m AMSL in their letter dated 22.03.2016.

Applicant has requested Aeronautical Study to utilize the Full FSI and indicated that the project is a SRA development project. The applicant has submitted SRA letters in original dated 07.01.16 and 11.03.16 justifying the height of 64.50m AGL (68.75m AMSL)

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 66.50m AMSL as requested by applicant is permissible.

S. K. Punwar 

6. Shri Manish Kabra C/o Shri Ashish R. Solanki, Mumbai.

Case No.: MUM/14/NOCAS/314
CHQ File No.: AAI/20012/34/2016
NOCAS ID: JUHU/WEST/B/060414/40230
Site Address: Bldg. No. 5 on C.T.S. No. 26A (Pt.) Village Vile Parle(West),
Mumbai.

As per NOCAS, the proposed site lies in IHS and is 1221 m from Rwy 16 of Juhu Airport.

The applicant initially requested a height of 60.90m AMSL vide letter dated 17.06.14 against which they were granted a height of 56.90m AMSL in AAI's letter dated 04.09.2014. The applicant in his letter dated 14.03.2016 had increased his requested height as 82.40m AMSL.

The applicant has requested Aeronautical Study being MHADA project and submitted MHADA letter in original dated 10.03.16 justifying the height of 78.40m AGL(82.40m AMSL)

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 82.40m AMSL as recommended by MHADA is permissible.

7. Mr.Nilesh Shinde (Manager Liasion) , Mumbai.

Case No.: MUM/14/NOCAS/355
CHQ File No.: AAI/20012/30/2016
NOCAS ID: SNCR/WEST/B/070214/45442
Site Address: C.T.S No.-112,115(PT) Marked as (A-B-C-D-E-F-G-H-I-J-K-A)
Village Tungwa, Taluka Kurla , Powai 'S' ward, Mumbai.

As per NOCAS, the proposed site lies in Outer conical surface and is 4213 m from Rwy 27 of Mumbai Airport.

The applicant initially requested a height of 174.50m AMSL dated 09.07.14 against which they were granted a height of 67.58m AMSL vide letter dated 03.09.2014. The applicant has reduced their height requirement to 135.50m AMSL in their letter dated 17.03.2016.

The applicant has requested Aeronautical Study as their project is supported by MCGM who has supported the project in their letter dated 27.01.16 justifying also the requirement of height of 101.1m AGL(135.6m AMSL)



S.K. Punwa

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 135.5m AMSL as recommended by MCGM is permissible

8. Mr. Abhijit Basu C/o M/s. India Power Corporation Ltd., Kolkata.

Case No.: ER/20/2008
CHQ File No.: AAI/20012/38/2016
NOCAS ID: KOLK/EAST/B/012516/119876
Site Address: Plot Nos.X-1,2,3, Block – EP, Sector-V, Salt lake, Kolkata.

As per NOCAS, the proposed site lies in Approach as well as TakeOff Surface and is 7075 m from Rwy 01L of Kolkata Airport.

The applicant initially requested a height of 146.80m AMSL online dated 25.01.2016 against which they were granted a height of 51.81m AMSL vide AAI's letter dated 08.02.2016. Later on, the applicant has re-iterated its requested height of 146.80m AMSL vide letter dated 04.04.2016. The applicant produced a copy of NOC dated 07/10/2008 granting height of 130.70m AMSL.

The applicant was informed in the meeting that the site falls in the Approach surface for which Aeronautical Study is not permitted. The applicant contended that the site is not in the approach surface and that other taller buildings are existing in that area. The applicant is requesting higher to utilize permissible FAR and has submitted West Bengal Municipal building Rules,2007 The applicant sought time from the committee to make a presentation to prove his point that the site is not in the approach of 01L .

Committees' Decision: AAI to re-examine the case and put up report in the committee.

9. 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 of 6th November, 2015 heard the applicant who explain their project on a site of 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 Behala 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 in one corner of the plot only 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 of 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. This Committee where the case has been listed has been 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 basis of which NOC was issued.

The Committee also took note of the undertaking given by the applicant on Rs.10 non-judicial stamp paper which stated that the building has been constructed upto 60mts. The committee observed that the undertaking given for the construction of 60mts already done is 11.68mts more than the NOC granted height of 48.32mts. The applicant contended that the construction is not 60mts but 44mts which is less than the granted height.

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. If 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.

Committees' Decision: 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

10. M/s Hyderabad Securities & Enterprises Limited, Re. Hyderabad.

Case No.: 79/16/HY
CHQ File No.: AAI/20012/37/2016
NOCAS ID: HYDE/SOUTH/B/031516/122856
Site Address: Premises No.6-3-654/1 to9, Somajiguda, Hyderabad, Telangana.

As per NOCAS, the proposed site lies in IHS and is 3663 m from Rwy 09 of Hyderabad Airport.

The applicant initially requested a height of 628m AMSL vide letter dated NIL against which they were granted a height of 574.8m AMSL in AAI's letter dated 22.03.2016. The applicant has re-iterated their height requirement as 628m AMSL in the letter dated 23.03.2016.

Applicant has requested higher height for the building through an Aeronautical study for which they have submitted letters from GHMC addressed to the applicant in February 2016. The letter was examined by the committee and the applicant represented by his authorized person was advised to submit the letter from GHMC justifying/ recommending their height requirement of 628m AMSL.

Committees' Decision: Aeronautical study to be conducted for the height of 628m AMSL after receipt of the letter from GHMC justifying/ recommending their height requirement of 628m AMSL and completion of other relevant formalities for Aeronautical study.

11. Shri K K Basak C/o NTPC Sail Power Company (P) Ltd. Durgapur.

Case No.: ER /NOC(54/15)
CHQ File No.: AAI/20012/13/2016
NOCAS ID: JAMS/EAST/B/100515/168385
Site Address: NSPCL CPP-III Mouza Punabad JL No. 69 Khatian No.-4 Plot Nos CS 817 to 823 Mouza Pursha JL No. 71 Khatian No. 102/2 Plt Nos. CS 15,17,23 to 52, 54 to 56, 60 to 111 SAIL Durgapur.

As per NOCAS, the proposed site lies in outer conical surface and is 8276 m from Rwy 34 of Durgapur Airport.

The applicant had requested for 194.6AMSL vide online dated 05.10.15 against which they were granted height of 182.88m AMSL vide AAI letter dated 30.11.2015. Subsequently, the applicant has re-iterated their height requirement as 194.6m AMSL in the letter dated 10.02.2016.

Applicant had requested higher height for their chimney due environmental requirements and had submitted the minutes of meeting of Ministry of Environment & Forests Expert Appraisal Committee held on 28-29th January, 2016.

Committees' Decision: R.E.D., Eastern Region, AAI to examine the case and issue authorization as per NOCAS.

12. M/s Godrej Properties Ltd., Bangalore.

Case No.: BL-400/2015
CHQ File No.: AAI/20012/41/2016
NOCAS ID: JAKK/SOUTH/B/111115/219717
Site Address: Sy. No. 47/3, 46/4, 47/4A, 126, 46/2, 47/2, 46/3, 47/1, 47/5, 48/4, 125/5, 46/5, Hebbal Village, Kasaba Hobli, Bangalore North Taluk, Bangalore.

As per NOCAS, the proposed site lies in IHS and is 2277 m from Rwy 08 of Jakkur Airport.

The applicant had initially requested a height of 993.12m AMSL vide online dated 11.11.15 against which they were granted a height of 963.7m AMSL vide letter dated 11.12.2015. The applicant in its letter dated 16.02.2016 has requested for a height of 993m AMSL.

The applicant while requesting higher height has submitted BMPB bye-laws 2003 which limits the height to 24mts above aerodrome elevation of Jakkur airport.

The Committee was informed that Jakkur airport is not in the control of AAI and it is a state-government airfield. The application of GSR 751 does not hold good for Jakkur airport.

Committees' Decision: Applicant informed that since Jakkur airport is not under AAI, their height requirement may be addressed to the concerned authorities of the State. Aeronautical Study will be considered only if state agrees.

13. Mr. Anil Shah Partner of Zire Rushi Construction, Mumbai.

Case No.: MUM/13/NOCAS/671
CHQ File No.: AAI/20012/39/2016
NOCAS ID: JUHU/WEST/B/102813/17531
Site Address: C.T.S No.-328 & 329(pt) Village Gundavali, Andheri(E), Mumbai.

As per NOCAS, the proposed site lies in IHS and is 1696 m from Rwy 14 of Mumbai Airport.

The applicant had requested for 82.55m AMSL vide letter dated 05.11.2013 against which they were granted height of 56.90m AMSL vide AAI letter dated 19.03.2014. Subsequently, the applicant requested reduced height of 69.70m AMSL vide letter dated 15.02.2016.

The applicant requested higher height stating that their project is supported by MCGM and has submitted the letter dated 28.09.2015, in original, justifying the height of 56.20mts AGL (69.70m AMSL). The applicant requested for Aeronautical Study in the meeting.

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 69.70m AMSL as recommended by MCGM is permissible provided formal request letter and applicable fee for Aeronautical Study as given.

14. M/s Accanoor Associates (Builders & Estate Developers), Mumbai

Case No.: MUM/13/NOCAS/501
CHQ File No.: AAI/20012/136/2014
NOCAS ID: JUHU/WEST/B/081413/15827
Site Address: CTS No. 64 of Village Ambivali at Jai Bhawani Mata Marg, Makadwadi, Andheri (East), Mumbai

As per NOCAS, the proposed site lies in Inner Horizontal Surface and is 3966m from Rwy 14 of Santa Cruz Airport.

The applicant had initially requested a height of 97.695m AMSL vide letter dated 20.08.2013 against they were granted a height of 56.90m AMSL vide letter dated 06.06.2014. The applicant in its letter dated 23.07.2014 has reiterated for the height of 97.695m AMSL and requested aeronautical study stating that it is a redevelopment project approved under Slum Rehabilitation Scheme for Slum dwellers.

The case was initially heard in the Appellate Committee meeting held on 22nd January, 2015 wherein the applicant informed that under Supreme Court's order they need to rehabilitate slum dwellers thereby they require to go higher was decided that the case to put up to the Committee after receipt of copy of the Supreme Court Order from the applicant.

Applicant vide letter dated 14.02.15 submitted copy of the Supreme Court judgment bearing Civil Appeal No.11150 of 2013. Applicant vide email dated 01.04.15 has informed that as they are not a party in the case whose judgment has been referred by us before the Appellate Committee, so it is difficult for them to obtain certified copy.

S. K. Purwar

[Handwritten signature]

The applicant appeared before the 30th April 2015 committee and submitted the certified copy of the Supreme Court judgment as well as copies of letters / notes from the Municipal Commissioner directing all concerned for implementation of the Supreme Court's order. The Committee peruse the contents of above documents. The applicant during their presentation to the committee clarified that their project consists of two different towers and that to consume full FSI granted to them by the MCGM. They now require a revised height of 120.90m AMSL for both the towers (rehab and sale) and that they further clarified that their request of 23rd July, 2014 is for 97.695m AGL which translate to 120.90m AMSL. The committee also taking note of the above requirements revisited the SRA letter dated 19.1.2015 which has recommended the project and the height requirement.

The committee then decided that Aeronautical study to be conducted after receipt of co-ordinates of both the towers from the applicant to determine whether the height of 120.90m AMSL is permissible at the site for both the towers.

Subsequently, applicant vide letter dated 20.04.2016, due shifting of hutments/tenants from the said plot, requested a maximum time period of two months from the aforesaid date to get coordinates of both the towers. The committee took note of the above request.

Committees' Decision: Exemption granted and the case to be put up within 60 days.

15. Sh. Jaya Pravinchandra Shah, Mumbai.

Case No.: MUM/14/NOCAS/296
CHQ File No.: AAI/20012/40/2016
NOCAS ID: JUHU/WEST/B/060614/40467
Site Address: CTS NO-806,806/1 to 3 of Village Ambivali at J.P.Road,Andheri (W),Mumbai.

As per NOCAS, the proposed site lies in IHS and is 3019 m from Rwy 16 of Juhu Airport. Simultaneously site also lies in Approach Surface and is 3774m from basic strip of Santa Cruz Airport.

The applicant had requested for 105.30m AMSL vide letter dated 10.06.14 against which they were granted height of 56.90m AMSL vide AAI letter dated 05.08.2014. Subsequently, the applicant requested reduced height of 64.90m AMSL vide letter dated 24.02.2016.

The applicant requested Aeronautical study to consume full FSI and has submitted MCGM letter in original dated 05.04.2016 justifying/ recommending a height of 59.60mts AGL (64.90m AMSL).

The committee also took note of AAI examination that the site lies in the approach surface.

Committees' Decision: The appeal for Aeronautical Study is not acceptable as the site lies in the approach surface and appeal disposed off.

16. M/s Avarsekar Developers, Mumbai.

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

The proposed site lies in Conical Surface of Santa Cruz Airport at a distance of 5760 m from Rwy 09. The applicant had initially requested a height of 165.005 m AMSL vide their letter dated 12.09.2012 against which they were granted a height of 107.35 m AMSL vide letter dated 27.02.2013. The applicant in its letter dated 09.04.2013 has reiterated for height of 165.005 m AMSL requesting for Aeronautical study to consume full FSI.

The case was listed in earlier Appellate Committee held on 30-01-2014 wherein the applicant was not present. The applicant did not attend the subsequent meeting of 07.03.2014 and has sent a request for postponement. The committee of 07.03.2014 had agreed to and new date be given based on applicant's request.

The applicant vide letter dated 31.03.2016 requested reduced height of 158.155m AMSL by carrying out Aeronautical study and small/large object criteria. MCGM letter in original dated 23.03.2016 submitted justifying a height of 152.50m AGL (158.15m AMSL).

Committees' Decision: Aeronautical Study to be carried out to determine whether height of 158.15m AMSL as recommended by MCGM is permissible.

17. 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 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 letter dated 17.07.2014 justifying their project and supporting the higher height of 85m AMSL.

The case was again heard in Appellate Committee meeting on 23rd March 2016, which then decided that shielding criteria to be examined as applicable to this case under provision of GSR 751(E) para 4 by a committee to be set up in AAI.

This Committee perused the report of the Shielding committee which indicates height admissible from AGA shielding criteria as 85m AMSL and height admissible due Shielding criteria w.r.t. CNS as 96.09m AMSL.

Committees' Decision: Authorization for a height of 85m AMSL be issued.

18. 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. The committee on 23rd March 2016 also noted that the shielding benefit criteria has changed with the issue of GSR 751(E) and has taken a decision that Shielding criteria to be examined as applicable to this case under provision of GSR 751(E) para 4 by a committee to be set up in AAI.

This Committee perused the reports of the Shielding committee which indicates height admissible from AGA shielding criteria as 109.6m AMSL and height admissible due Shielding criteria w.r.t. CNS as 120.6m AMSL.

Committees' Decision: Authorization for height of 109.6m AMSL be issued.

19. 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. The case was heard in the Appellate Committee meeting on 23rd March 2016 which decided that Shielding criteria to be examined as applicable to this case under provision of GSR 751(E) para 4 by a committee to be set up in AAI.

This Committee were apprised of the observations of the Shielding Committee, which are as under.

“Committee reviewed height by applying shielding criteria for the coordinates as per the NOC issued dated 12.02.14 and recommends the height admissible as 120M. However

the committee was apprised of a new set of coordinates vide letter dated 26.03.2016 for which the height admissible by applying shielding criteria is 126M. .

In view of the above, on checking the record it was observed that height verification report of MIAL has considered one set of coordinates for the highest point of the building B and the said single set of coordinates also do not match the four coordinates sets as provided by the applicant. It is therefore necessary for obtaining clarification from MIAL in the regard. As per CNS criteria the height admissible is 116.1m AMSL due ADS(B)."

Committees' Decision: AAI and MIAL to jointly verify coordinates and height, then put up the case.

20. 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.

The committee on 23rd March 2016 also noted that the shielding benefit criteria has changed with the issue of GSR 751 and has taken a decision that Shielding criteria to be examined as applicable to this case under provision of GSR 751(E) para 4 by a committee to be set up in AAI.

This Committee of 05th May 2016 perused the reports of the Shielding committee which indicates height admissible from AGA shielding criteria as 135m AMSL and height admissible due Shielding criteria wrt CNS ADS(B) as 134.53m AMSL .

Committees' Decision: Authorization for height of 134.53m AMSL be issued.

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

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

The background of the case related to an SRA project at a distance of 2347mts From Runway 14 of SantaCruz Airport being executed by M/s Sunshine Builders & Developers, Mumbai. During examination of the case in AAI and Appellate Committee meetings it was revealed that BMC had issued two different Site Elevation certificates based on which AAI has issued NOC based on site elevation 5.75mts dated 15.09.2010. Another BMC site elevation for the same site as 18.55mts dated 06.09.2010 was also submitted by the applicant. In view of two different site elevation certificates of the same site, MIAL (airport operator) confirmed that the measured site elevation is 20.46mts AMSL. Verification by MIAL also revealed that at the site 6 buildings are under construction of which 3 buildings have been constructed upto 63.32m AMSL violating the permitted top elevation of 56.27mts AMSL; and the remaining 3 buildings have been constructed upto 43.35mts AMSL. In view of the above discrepancy, the NOC issued by AAI vide letter dated 30.05.2011 was cancelled by AAI vide letter dated 20.10.2014.

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

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

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

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

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

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

“ After hearing the counsel on this limited point, we direct that, in the event, the Petitioners comply with their statement made today and carry out demolition and complete it within the period stipulated above, then, the respective authorities shall carry out inspection, on receipt of the intimation of demolition from the Petitioners. The inspection be carried out and completed within two weeks from the date of receipt of such intimation. Thereafter, we would expect these authorities to carry out aeronautical survey latest by eight weeks from the date of inspection. Mr. Balsara states that all reasonable costs for carrying out survey shall be borne by the Petitioners, as they are interested in going ahead with the project. They would also execute necessary agreements and after the site inspection is carried out, the authorities can be rest assured that not only the agreements would be executed, but, even the costs, charges and expenses, which are required to carry out survey, would be deposited with them.

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

10. Petition is disposed of with the above directions.

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

The committee of 05th May 2016 noted the contents of Honb'le Court order and the decision of the court are to be implemented by all the concerned authorities.

Committees' Decision:

AAI to implement the Honorable High Court orders as per the decision of Writ Petition (L) 550 of 2016.

Other Decisions of the Appellate Committee :

1. It was decided that request for 2nd Aeronautical Study will be considered only if there is change in FAR/FSI in local municipal bye-laws and requested by the applicant with proper justification/recommendation letter.
2. It was decided that cases in which applicant has not responded for more than 60 days after communication of decision of Appellate Committee to conduct Aeronautical study, will be considered closed and disposed of. They will have to apply fresh to the Appellate Committee in case they approach for Appeal later.



(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: 11th May 2016