

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

Minutes of the Meeting of the Appellate Committee for height clearance held on
31st July, 2018

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 31st July, 2018.

The following Committee members were present:-

1. Sh. A K Dutta - Member (ANS), AAI
2. Sh. J S Rawat - Jt. DGCA

Aeronautical Study Cases:

The Aeronautical Study were conducted for the following appeal cases as per the Guidelines for Aeronautical Study dated 11.07.2014 and Guidelines on Allowable Penetration of OLS dated 26th March 2015 approved by the Competent Authority. The Appellate Committee while arriving at their decision in each case has considered recommendations of the Aeronautical Study Reports.

1. M/s Anik Development Corporation, Mumbai.

CHQ File No.: AAI/20012/178/2017
NOCAS ID: SNCR/WEST/B/072616/159979
Site Address: Sub-divided plot-A bearing CTS No. 1A/1, 1A/2(pt) and 1A/6 of Village Anik at Chembur, Mumbai.

The proposed site lies in Conical Surface at a distance of 1027m from IHS of Santa Cruz Airport. The applicant had been granted an elevation of 108.28m AMSL vide AAI letter dated 26.09.2016. The applicant requested an elevation of 203.755m AMSL vide letter dated 11.09.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 28.12.2017.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 161.57M AMSL for Building No. 2 Wing A, 158.90M AMSL for Building No. 2 Wing B, 155.84M AMSL for Building No. 3 Wing A, 153.19M AMSL for Building No. 3 Wing B, 150.15M AMSL for Building No. 4 Wing A, 147.46M AMSL for Building No. 4 Wing B, 144.80M AMSL for Building No. 5, 138.02M AMSL for Building



No. 6 Wing A and 135.55M AMSL for Building No. 6 Wing B, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 161.57M AMSL for Building No. 2 Wing A, 158.90M AMSL for Building No. 2 Wing B, 155.84M AMSL for Building No. 3 Wing A, 153.19M AMSL for Building No. 3 Wing B, 150.15M AMSL for Building No. 4 Wing A, 147.46M AMSL for Building No. 4 Wing B, 144.80M AMSL for Building No. 5, 138.02M AMSL for Building No. 6 Wing A and 135.55M AMSL for Building No. 6 Wing B, is approved.

2. M/s Omkar Venture Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/162/2017
NOCAS ID: SNCR/WEST/B/033117/206307
Site Address: CTS No. 60(pt), 60/15,16,18,34 to 37, 61(pt), 61/12 to 34, 37 to 65,71 to 115, 117, 118,120,122 to 125, 127, 129, 131, 203 to 315, 317 to 325, 331 to 345, 358 to 362, 365, 367, 138(pt), 138/1 to 187, 198 to 221, 135(pt), 135/1 to 237, 247, 136(pt), 136/1 to 73, 83 to 136/88 of Village Majas, Taluka Andheri, Jogeshwari East, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3997m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 05.06.2017. The applicant requested an elevation of 126.143m AMSL vide letter dated 28.08.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 13.10.2017.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 94.87M AMSL for Building No.1, 89.90M AMSL for Building No.2, 90.50M AMSL for Building No.3, 92.71M AMSL for Building No.4, 89.87M AMSL for Building No.5 and 90.16M AMSL for Building No.6, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 94.87M AMSL for Building No.1, 89.90M AMSL for Building No.2, 90.50M AMSL for Building No.3, 92.71M AMSL for Building No.4, 89.87M AMSL for Building No.5 and 90.16M AMSL for Building No.6, is approved.



3. Mr. Rishi Kapoor and Mrs. Neetu Kapoor, Mumbai.

CHQ File No.: AAI/20012/219/2017
NOCAS ID: JUHU/WEST/B/031517/200792
Site Address: CTS No. C 1369 to C 1371 C 1372B pt C 1372C pt and C 1335A pt of Village Bandra at 13.75 M W Existing Pali Hill Road Bandra W Mumbai in H west ward, Village Bandra, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3105m from Rwy 09 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 15.05.2017. The applicant requested an elevation of 110m AMSL vide letter dated 27.10.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 12.03.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 79.27M AMSL, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevation is the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 79.27M AMSL is approved.

4. M/s Ajanta Pharma Ltd., Mumbai.

CHQ File No.: AAI/20012/14/2018
NOCAS ID: SNCR/WEST/B/101816/177620
Site Address: CTS No. 18 of Village Chakala, Andheri (E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 1870m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 05.12.2016. The applicant requested an elevation of 72.42m AMSL vide letter dated 21.12.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 12.03.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 71.41M AMSL, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevation is the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 71.41M AMSL is approved.



5. M/s Chandiwala Enterprises, Mumbai.

CHQ File No.: AAI/20012/217/2017
NOCAS ID: JUHU/WEST/B/062816/146630
Site Address: CTS No. 815A(pt), Village Andheri (W), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3170m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 26.07.2016. The applicant requested an elevation of 85.49m AMSL vide letter dated 05.12.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 12.03.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 69.56M AMSL, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevation is the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 69.56M AMSL is approved.

6. M/s Unique Property Enterprises Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/207/2017
NOCAS ID: SNCR/WEST/B/092617/248538
Site Address: CTS No. 620(Pt), 621(Pt), 622(Pt), 1859, 1860 and 1861, village-Chembur, Pestom Sagar Cross Road No-6, Juna Retbunder Road, Taluka Kurla, Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3080m from Rwy 32 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 10.10.2017. The applicant requested an elevation of 78.75m AMSL vide letter dated 09.11.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 12.03.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 67.99M AMSL, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevation is the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 67.99M AMSL is approved.

7. M/s Mahindra Lifespace Developers Ltd., Mumbai.

CHQ File No.: AAI/20012/226/2017
NOCAS ID: SNCR/WEST/B/040916/126158
Site Address: CTS No. 95, 95/1 to 5, Village Saki, Taluka Kurla, Sakinaka, Andheri (E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 2237m from Rwy 27 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 07.06.2016. The applicant requested an elevation of 84.89m AMSL for Wings A,B&C and 81.99m AMSL for Wings D&E vide letter dated 21.11.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 12.03.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 76.15M AMSL for Wings A,B,C,D&E, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevation is the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 76.15M AMSL for Wings A,B,C,D&E is approved.

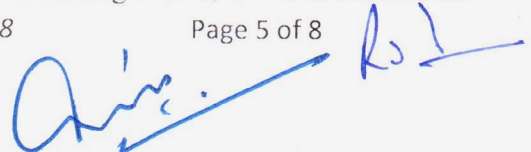
8. M/s Omkar Venture Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/163/2017
NOCAS ID: SNCR/WEST/B/022817/199463
Site Address: CTS No. 133(pt),133/1 to16,134(pt),135(pt), 135/238to413, 136(pt), 136/74to82,89to163,137(pt),137/8to16,19to134,140,141,138(pt),138/178,188to198,202,221 to238,139(pt),139/272,274,319,338to339,348to376,394to540,542to579,610to631,665,140(p t),140/81to319,141(pt),141/7to14,21to22,60to291,142(pt),142/36to103,106to115,126to141, 145(pt),145/1to262,312to314,325to327,146(pt),146/1to18,42to56,69to80,202to216,full CTS 144of Village Majas,CTS 324(pt) of Village Mogra and CTS 3 of Village ismailiya, Taluka Andheri,, Jogeshwari(E), Mumbai.

The proposed site lies in Inner Horizontal Surface at a distance of 3857m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 26.09.2017. The applicant requested an elevation of 137.726m AMSL vide letter dated 28.08.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 28.12.2017.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 85.91m AMSL for Building No. 1, 85.65m AMSL for Building No. 2, 86.32m AMSL for Building No. 3, 86.78m AMSL for Building No. 4, 87.41m AMSL for
Minutes of Appellate Committee meeting dated 31st July, 2018



Building No. 5, 88.10m AMSL for Building No. 6, 88.70m AMSL for Building No. 7 and 89.11m AMSL for Building No. 8, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 85.91m AMSL for Building No. 1, 85.65m AMSL for Building No. 2, 86.32m AMSL for Building No. 3, 86.78m AMSL for Building No. 4, 87.41m AMSL for Building No. 5, 88.10m AMSL for Building No. 6, 88.70m AMSL for Building No. 7 and 89.11m AMSL for Building No. 8, is approved.

9. M/s Omkar Venture Pvt. Ltd., Mumbai.

CHQ File No.: AAI/20012/164/2017
NOCAS ID: SNCR/WEST/B/033117/206309
Site Address: CTS No. 139(pt), 139/1 to 59, 64to69, 73to77, 85to501,508,510,512to521(total CTS 140, 140/1to551 of Majas village Part II and III), 142(pt), 142/1 to 35,140,143(pt), 139(pt),139/1 to 244, 251to301, 311to347, 357to359, 381to385, 140(pt), 140/1to80, 141(pt), 141/1 to 6,8,15to20, 23 to59, 382 of Village Majas and CTS No. 2(pt), 3(pt) and 4(pt) of Village Ismailia, Taluka Andheri, Jogeshwari East, Mumbai.

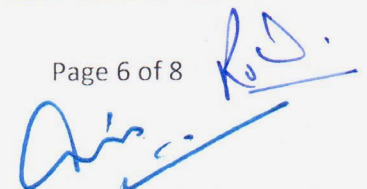
The proposed site lies in Inner Horizontal Surface at a distance of 3963m from Rwy 14 of Santa Cruz Airport. The applicant had been granted an elevation of 56.9m AMSL vide AAI letter dated 26.09.2017. The applicant requested an elevation of 126.143m AMSL vide letter dated 13.07.2017.

The Competent Authority approved the conduct of an Aeronautical Study on 18.01.2018.

The Committee was informed that Aeronautical Study has indicated that the requested elevation is restricted to 92.73m AMSL for Building1, 93.41m AMSL for Building2, 92.09m AMSL for Building3, 93.29m AMSL for Building4, 87.77m AMSL for Building5, 87.71m AMSL for Building6, 89.26m AMSL for Building7, 91.14m AMSL for Building8, 89.48m AMSL for Building9, 88.93m AMSL for Building10, 88.98m AMSL for Building11, 88.84m AMSL for Building12 and 88.69m AMSL for Building13, due to allowable penetration of OLS. The Committee observed that the above mentioned permitted top elevations are the minimum as derived from allowable penetration of OLS (through Aeronautical Study), CNS and PANS-OPS criteria.

Committees' Decision:

The permitted top elevation (P.T.E.) of 92.73m AMSL for Building1, 93.41m AMSL for Building2, 92.09m AMSL for Building3, 93.29m AMSL for Building4, 87.77m AMSL for Building5, 87.71m AMSL for Building6, 89.26m AMSL for Building7, 91.14m AMSL for Building8, 89.48m AMSL for Building9, 88.93m AMSL for Building10, 88.98m AMSL for Building11, 88.84m AMSL for Building12 and 88.69m AMSL for Building13, is approved.



10. M/s K.G.A. Investments, Mumbai.

CHQ File No.: AAI/20012/26/2017

Case No: MUM/09/658

Site Address: CTS No.106, 106/1 to 5, Village Tungwe, Mumbai.

The applicant had been granted an elevation of 62.27m AMSL vide AAI (WR) letter dated 03.03.2010, which was subsequently re-validated up to 29.03.2018.

MCGM in 2007 had measured the site elevation for this site as 24.85m using IBM method.

Subsequently, applicant vide letter dated 18.12.2017, submitted site elevation certificate from M/s S.J. Associates, wherein the site elevation is measured as 28.241m.

MCGM, in their letter dated 01.01.2018, clarified that an increase of 3.39mts has occurred in site elevation, due to the fact that site elevation measurement was carried out by IBM method in 2007, whereas, the measurement carried out recently is by GPS/Satellite method.

The matter was discussed in O/o R.E.D., Western Region, AAI in the presence of representatives of MCGM and MIAL on 10.10.2017. As per Minutes of Meeting of the above mentioned meeting, "Building cases with differences in site elevations wherein the constructed top elevation has exceeded the permissible top elevation have been observed."

The applicant vide letter dated 10.01.18 has requested for a height of 83.90m AMSL by carrying out Aeronautical Study without any demolition (also recommended by MCGM in their letter dated 01.01.2018).

MIAL, in their site verification report dated 12.03.2018, have reported that the top elevations of the various points located above roof top level of the structure varies from 64.37m AMSL to 68.20m AMSL (including lightening arrestor).

Appellate Committee took note of facts and noted that the construction of 68.20m AMSL is in excess of the granted permissible top elevation of 62.27m AMSL.

After due deliberations and in the interest of Aviation Safety and to maintain the system integrity, the Committee decided that request of the applicant for conducting Aeronautical Study cannot be accepted as the existing structure is in excess of permissible top elevation granted by AAI.

Committees' Decision:

The request of the applicant for conduct of Aeronautical Study is rejected. The Airport Operator to initiate action as per Aircraft (Demolition of Obstructions caused by buildings and trees, etc.) Rule 1994.



11. M/s B.R. Shetty, Trivandrum.

CHQ File No.: AAI/20012/30/2015
Case No: MM/268/2014, TV/22/2014
NOCAS ID: THIR/SOUTH/B/031814/23597
Site Address: 530/23, 530/24, 530/8-1, 530/9-1, 530/9-2, Attipra/Akkulam,
Thiruvanantharpuram.

The proposed site lies in Inner Horizontal Surface at a distance of 3718m from Rwy 14 of Trivandrum Airport. The applicant had been granted an elevation of 49.26m AMSL vide AAI letter dated 11.03.2015. The applicant requested an elevation of 57m AMSL vide letter dated 06.03.2015.

The case was last heard in Appellate Committee meeting of 29.09.2015. The Committee observed that the constructed elevation is 6.44m more than the granted elevation. The Committee decided that the request of the applicant for height of 57m AMSL is rejected and the appeal disposed and also directed AAI to follow up action with the State Authorities for taking action as per the prevalent Rules for the violation of exceedence of permitted height.

Ref. WP(C) No.13572 of 2015 filed by B. Raghuram Shetty, Chairman cum M.D. of M/s God's Own Country Health Resorts International Pvt. Ltd. in the Hon'ble High Court of Kerala. The Hon'ble High Court of Kerala in its judgment dated 23.05.2018 directed the 2nd respondent appellate authority to reconsider the appeal preferred by the petitioner and pass fresh orders thereon, after hearing the petitioner or its representatives within a period of three months from the date of receipt of a copy of this judgment. It is made clear that it will be open to the petitioner to raise all grounds in support of its contention on merits before the appellate authority and if he makes a request for an aeronautical survey for the purposes of ascertaining the height restrictions applicable to the area where his building is situated, then the appellate authority shall consider the said request favourably as per the rules, for the purposes of determining the height limits stipulated for the area, where the building of the petitioner is situated.

The Appellate Committee was appraised of the above facts. After due deliberations, the Committee decided that the applicant may be directed to appear before the Appellate Committee on 17.08.2018 at 12.00 noon.

Committees' Decision:

The applicant M/s God's Own Country Health Resorts International Pvt. Ltd. to present their case to the Appellate Committee on 17.08.2018 at 1200 noon in the O/o Joint Secretary (Airports), Ministry of Civil Aviation.



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



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



(J S Rawat)
Jt. DGCA

Place: New Delhi.

