

**Minutes of the Meeting of No Objection Certificate (NOC) Appellate Committee held on 03/06/2010 in Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.**

The meeting of the Appellate Committee set up by the Government to consider appeals made by different applicants with regard to the height allocated to them for their constructions vis-a-vis the height sought by them was held under the Chairmanship of Joint Secretary, Ministry of Civil Aviation wherein the following Members of the Appellate Committee were also present:

- |  |   |                              |
|--|---|------------------------------|
| 1. Sh. A.K. Misra,<br>former Member (PIng.), AAI | - | Outside Expert               |
| 2. Sh. K. Gohain, former DGCA                    | - | Outside Expert               |
| 3. Sh. Alok Shekhar                              | - | Director, M/o Civil Aviation |
| 4. Sh. V.K. Yadava,                              | - | ED(ATM), AAI                 |

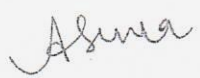
The Committee was assisted by Sh. V.K. Dutta, GM(ATM) (In-charge NOC Cell) of AAI.

There were total of 14 cases submitted by AAI for consideration of the Committee out of which 2 were absent. In addition, one had not deposited the requisite fee for the Appellate Committee and hence was not considered.

The applicants present were given a hearing by the Committee and the following decisions are made with respect to the individual cases as given below:







- Case Sl.No. 1

M/s Akruti City Ltd., Marol MIDC, Andheri (E), Mumbai.

MUM/09/254

The applicant has been given NOC for a height of 60.67 metres AMSL and now they have appealed for a top elevation of 108.60 mts. AMSL. According to the data available and also from the presentation made by the applicant, the location of the site lies within the conical surface of Rwy-14 of Mumbai Airport and is at a distance of 4088 metres from the nearest Rwy-end. The applicant during the presentation has clarified that the site is being developed for slum rehabilitation for which they have already constructed buildings upto the authorised height of 60.67 metres AMSL. They further stated that only one building in the site (Pocket-9) is being constructed which will be given as a part of the total project to rehabilitate the slum-dwellers.

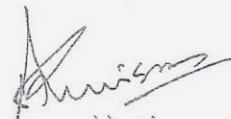
Considering the social benefits accruing out of this project, the Committee recommends that Aeronautical Study needs to be conducted to determine the maximum permissible height at this location.

- Case Sl.No. 2

M/s Govind Kunj Co-op. Housing Society Ltd., Mumbai.

MUM/09/363

The party had requested for a top elevation of 16.79 mtrs. AMSL which has been rejected by AAI stating that no further height can be granted



to the Society since the site falls within the "No Construction Zone" of Juhu Airport on 15/01/2010.

The party was represented by the Secretary of M/s Govind Kunj Co-op. Housing Society Ltd.. He intimated that their building is now in dilapidated condition and has produced photographic evidences of the same. He also informed the Committee that Society has decided to reconstruct the entire structure at the same location to ensure safety of the occupants. He further informed that since the Society does not have adequate financial resources, they have decided to have an additional floor while reconstructing the entire structure so as to offset the financial burden on the Society. He also informed that the building in front of their Society already has a height of 16.1 mts. AMSL. The AAI representative informed the Committee that NOC was granted to a number of buildings including the above referred building as a consequence of recommendations of Joglekar Committee. The site in question is about 160 mtrs. from Rwy-26 of Juhu Airport and lies within approach funnel of Rwy-26.

AAI representative informed the Committee that a number of such constructions have been permitted by AAI on recommendations of Joglekar Committee in the past, even though it was in violation of the Notification in vogue at that time. Most of these buildings lie within 3 Kms. of the nearest end of the Rwy in IHS of Juhu Airport and does not qualify for any shielding benefit as per S.O. 84 of 2009.

Since AAI has already issued NOCs to number of such buildings around Juhu Airport as per the Joglekar Committee's recommendations, it may now be difficult for the Govt. to order demolition/reduction of height for such buildings and thus the Committee feels that appropriate



Authority may consider special dispensation to deviate from the proviso of the Notification S.O.84(E) of 2010 in respect of Juhu Airport. The Committee feels that any construction which falls exactly behind the existing authorized construction and does not exceed the height of the existing authorized construction could be permitted after the above referred special dispensation is granted.

The Committee also requested the party to provide copies of Resolution/MOU of the Society in support of the statements made by the Secretary to the Society as stated above before the case is processed further.

- Case Sl.No. 3

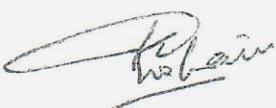
M/s Riveria Commercial Developers Ltd., DLF Centre, New Delhi.  
NR/2008/291

The Committee was informed by AAI representative that the applicant has not deposited the requisite fee for appeal and therefore, the Committee did not take up the case for examination.

- Case Sl.No. 4

M/s Naveen Bharat Co-op. Housing Society Ltd., Mumbai.  
MUM/08/413

Absent.



- Case Sl.No. 5

M/s K. Raheja Corporation Pvt. Ltd., Mumbai.

MUM/07/517

The applicant was earlier issued NOC upto height of 47.59 mts. AMSL as against a request by them for 58.50 mts. AMSL. The party has now appealed for an enhanced height of 87.59 mts. The site falls in the IHS of Juhu Aerodrome and is 304 mts. from the end of Rwy-08.

On being asked by the Committee for the project details, the applicant clarified that they had not yet conceived the detailed project report and thus no details could be made available by them.

**The Committee advised them to put up proper application to the concerned authorities after the project details are finalised with appropriate justification.**

- Case Sl.No. 6

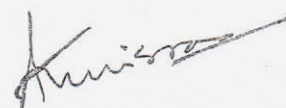
M/s Shravan Developers Pvt. Ltd., Andheri, Mumbai.

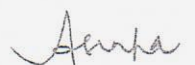
MUM/08/581

Since the site falls within the IHS of Juhu Airport, this could be studied only in case special dispensation is granted as referred in the earlier case near Juhu Airport.

This case has therefore been deferred.







- Case Sl.No.7

M/s Adhinik Power & Natural Resources Ltd., Kolkata.

ER/NOC/199/9

The site is at 10250 mtrs. from the ARP of Jamshedpur Airport and the applicant has requested for a height of 457.90 mtrs. AMSL stating requirement as per Ministry of Environment norms for chimneys associated with power plant.

On perusal of records it is seen that AAI, CHQ had issued NOC upto height of 402.92 mtrs. AMSL on 29<sup>th</sup> June, 2009. Subsequently, AAI CHQ issued directions to RED, ER to issue NOC upto the height of 429.05 mtrs. AMSL on 17<sup>th</sup> February, 2010. From records, it is not clear whether an NOC has been issued by ER as advised by AAI, CHQ.

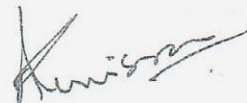
**The Committee is of the view that AAI should study the case further in detail and put up in next meeting with all relevant details/clarifications.**

- Case Sl.No. 8

M/s Anil Patil Consultants Pvt. Ltd., Mumbai/M.K. Malls & Developers Pvt. Ltd., D.B. House, Goregaon, Mumbai.

MUM/09/311

The site lies in IHS of Santacruz Airport and the applicant has appealed for height of 108.35 metres AMSL as against 56.27 mts. given to them by AAI.



The party informed that they have to allocate sizeable portion of their floor area for residential dwelling besides adequate space for car-parking and also give portion of their land for Metro Railways. The party also informed that their site lies in an area allocated by Maharashtra Govt. for commercial development and the Chief Minister of Maharashtra has already written to the Hon'ble Minister of Civil Aviation that State Govt. has envisaged massive investments, to the tune of Rs. 2,00,000 crore, which will be required during the next few years, particularly in Transport, Water Supply and Associated Social Infrastructure sectors to create suitable infrastructure in Mumbai Metropolitan Region Development Authority (MMRDA) by using land as resource especially in Bandra-Kurla Complex (BKC). Considering need for raising resources, State Govt. has sanctioned height FSI at BKC and Wadala Truck Terminal (WTT).

The applicant has clarified during the meeting that (i) plot under reference is situated in 'G' Block of Bandra-Kurla Complex wherein F.S.I. of 4.00 is permissible as per Govt. of Maharashtra Notification and the plot of land is at present encumbered with 131 residential tenements; (ii) Govt. of Maharashtra has already approved the proposal of change of user plot from residential to commercial purpose by retaining 1/3<sup>rd</sup> of plot for residential purpose to accommodate 131 numbers of existing tenements. They have further clarified that they have to leave at least 60 mtrs. wide strip of land as per M.O.E.F. Notification and that they also have to release land for 24 mts. wide DP road for the proposed Metro Rail Project executed by MMRDA.

Considering the commercial importance and its construction in overall development of Mumbai, **the Committee recommended that Aeronautical**



**Study needs to be conducted to determine maximum permissible height at this location.**

- **Case Sl.No. 9**

**M/s Chaitra Realty Ltd. Andheri (E), Mumbai.**

**MUM/08/25**

The case was considered in the earlier Committee meeting on 27<sup>th</sup> April, 2010 wherein the applicant was advised to provide copies of requirements mandated by various Authorities in the State justifying their appeal for higher height.

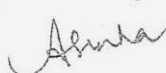
The applicant has sought top elevation of 455.679 mtrs. AMSL as against 146.79 mtrs. AMSL determined by AAI. In view of the justification now presented by the applicant, the **Committee feels that an Aeronautical Study needs to be conducted to determine the maximum permissible height at that site if the applicant makes a request in this regard.**

- **Case Sl.No. 10**

**M/s Joyouse Housing Ltd., Andheri, Mumbai.**

**MUM/06/218**

The case was considered in the last meeting also and the party was requested to indicate the change in circumstances which warrant conduct of second Aeronautical Study for the same plot. The party indicated that there





have been many changes in Rules & Regulations of the State Govt. since the last Aeronautical Study was carried out in 2006.

The party was requested to provide copies of such changes in Rules & Regulations to enable the Committee to consider their case further.

• **Case Sl.No. 11**

**M/s Bidco Engineering Division, Bandra(E), Mumbai.**  
**MUM/09/633/563-66**

*Due to paucity of time, the case has been deferred to the next meeting.*

• **Case Sl.No. 12**


**M/s Nav Prabhat Society Ltd., Vile Parle(E), Mumbai.**  
**MUM/06/495/393-96**

Absent

• **Case Sl.No. 13**

**M/s Indian Newspaper Society, Mumbai.**  
**MUM/08/314**

Perusal of the records reveal that the applicant had appealed for a height of 94.42 mtrs. AMSL as against the NOC authorizing them of 56.27 mtrs. AMSL. In their submission to the Committee, they have stated that



the project falls under MMRDA, a State Govt. body which is responsible for undertaking infrastructural development of the city.

**The case has not yet been examined by AAI and thus the Committee recommends that the case be examined by AAI in detail and put up in the next meeting.**

In view of such case been put up to the Committee without examination, **the Committee is of the view that AAI be directed to provide photocopies of the following documents for all cases to be considered by the Appellate Committee:**

- (i) **The height requested by the party in the first instance.**
- (ii) **The NOC granted by AAI.**
- (iii) **The application by the party for reconsideration of the height requested (if any).**
- (iv) **AAI's views/comments on the request of the revised height (if any).**
- (v) **Letter from AAI rejecting the request of the party for the requested height (if any).**
- (vi) **Letter from the applicant for consideration of their case by the Appellate Authority.**
- (vii) **Confirmation from AAI that the requisite papers as above including the fee for consideration of case by the Appellate Committee are available in the case files.**

*Rohani*

*Asim*

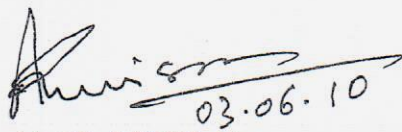
*Asim*

- Case Sl.No. 14

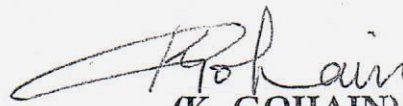
M/s Marchon Textiles Industries Pvt. Ltd, Andheri (E), Mumbai.

MUM/09/377

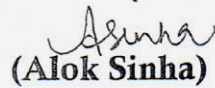
*Deferred due to paucity of time.*

  
03.06.10

**(A.K. MISRA)**  
**Outside Expert**  
**Member**



**(K. GOHAIN)**  
**Outside Expert**  
**Member**

  
**(Alok Sinha)**

**Joint Secretary, M/o Civil Aviation**  
**Chairman**

**New Delhi**  
**Date: 08/06/2010**

