

Minutes of the Meeting of No Objection Certificate (NOC) Appellate Committee held on 27/04/2010 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, former Member (Plng.), AAI - Outside Expert
2. Sh. K. Gohain, former DGCA - Outside Expert
3. Sh. Alok Shekhar - Director, M/o Civil Aviation

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

There were total of 15 cases submitted for consideration of the Committee out of which 2 were absent.

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:

Appeal file.
Mark
4/5/10 1

• **Case Sl.No. 1**

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

The applicant while presenting their case informed that they propose to build a five star hotel on this plot. They further informed that as per the clearance given by various Civic Regulatory Agencies in Mumbai like Traffic Police, Fire Department, State Urban Development Department, etc.. 21 storeys of the proposed building would have to be used for common services. The applicant has been requested to provide copies of such clearances wherein building specifics are mandated to them by the State Authorities. The applicant was briefed that the height requested by them now (i.e. 455.679 metres) is extremely high in view of the distance of the site from the Mumbai Airport and its runways.

The matter will need further examination on receipt of the aforesaid documents.

• **Case Sl.No. 2**

M/s Enam Financial Consultants Pvt., Ltd., C/o M/s Sanjay Razdan & Associates Pvt., Ltd, Parel, Mumbai

The applicant has requested top elevation for 75.67 metres AMSL quoting heights of Naman Hotel and Reliance building in their justification for greater height than 56.27 metres, earlier approved to them. It was pointed out to the applicant that the height increase they seek now is even higher than the height of the Naman Hotel. The applicant mentioned during their presentation that MMRDA is also requesting for higher heights in that area to facilitate optimum

utilization of FSI been granted by Maharashtra Govt. for all construction at Bandra Kurla Complex, Mumbai.

It was also observed from records that the State Authorities have requested a special consideration to permit a height of upto 83 metres AMSL in that area. The State Authorities have indicated that Mumbai is being developed as an international financial centre and an investment of Rs. 2 lakh crores is planned during next few years. For the above purpose, MMRD is raising funds for development of required infrastructure for which land resources at this location are being utilized. Also State Govt. has sanctioned higher FSI at this location to meet the above purpose.

The applicant has requested for an aeronautical study for the maximum height permissible at their site.

Considering the above, the Committee recommends conducting aeronautical study in this case.

• Case Sl.No. 3

M/s Anil Patil Consultants Pvt. Ltd., Mumbai. C/o M/s M.K. Malls & Developers Pvt., Ltd. Mumbai.

The applicant in their presentation has appealed for a height of 108.35 metres AMSL as against 56.27 metres height earlier approved. They also quoted Sri Naman Hotel has been approved for 73.25 AMSL. The applicant was informed by the Committee that the height clearance for Sri Naman Hotel was granted based on an aeronautical study wherein it was specifically indicated that the grant of NOC to Naman Hotel for that height would not be quoted as a precedent for any future reference.

It was informed to the applicant that aeronautical studies are conducted based on justification in case-to-case basis and the aeronautical study results are applicable to that specific case only.

The applicant then requested for the conduct of aeronautical study for their proposal. **The Committee advised the applicant to provide further justifications for their specific case.**

• **Case Sl.No. 4**

Sh. Mohan Babani, C/o R.S. Builders, Mumbai

Absent.

• **Case Sl.No. 5**

M/s CLN Properties Pvt. Ltd., Bangalore.

The applicant during their presentation in the meeting had referred to their site with respect to HAL, Bangalore airport. It was clarified and vetted from the maps that the site is more than 30 kms beyond BIAL airport and its runways, which is a civil licensed airport.

The applicant was informed that since BIAL airport is not relevant in the instant case and that HAL airport is a Defence establishment, they need to take necessary clearance from the Defence authorities. A copy of the Govt. of India Notification clarifying the above position was given to the applicant.

The Committee did not consider the reference case for further examination as it does not fall under the purview of the Govt. Of India Notification 84(A) dated 14th January, 2010.

• **Case Sl.No. 6**

**M/s Ram Nivas Coop. Housing Society Ltd., Mumbai C/o
M/s Manoj Paresh Consultants, Mumbai.**

Absent.

• **Case Sl.No. 7**

**M/s Joyous Housing Ltd., Akriti Trade Centre, Andheri (E),
Mumbai.**

The applicant has appealed for a height of 513.933 metres AMSL. They were earlier issued NOC for 280 metres AMSL, after an aeronautical study was conducted. The applicant contended that at the time of earlier aeronautical study in 2006, they had specifically requested for 280 metres which was granted. This was also confirmed by AAI representative

The applicant in their presentation requested for further enhancement of height beyond 280 metres for which they have requested for an aeronautical study at least to determine the maximum height permissible.

Since the height was initially granted after aeronautical study, the applicant was advised to indicate changed circumstances which warrant conduct of second aeronautical study for same plot.

• **Case Sl.No. 8 & 9**

• **M/s Consultants Combined Architects, for Plot No. 108 T.P.S. III, Bandra Mumbai**

• **M/s Consultants Combined Architects, for Plot No. 665 T.P.S. III, Bandra Mumbai**

The applicant has requested for TE of 71.80 metres & 70.00 metres AMSL for Plot No. 108 & Plot No. 665 respectively.

It was indicated during the presentation by the applicant that in both cases the AAI had earlier issued NOC for 56.27 metres in March, 2007 and May, 2006 respectively. This was confirmed by AAI representative during the meeting.

Since validity of both NOCs have expired on the date of their application i.e. 12th April, 2010, (more than 3 years period), the applicant were advised to apply for fresh NOCs through proper channel.

The Committee observed that both the cases do not qualify to be considered as an appeal.

• **Case Sl.No. 10**

M/s Nihar Constructions, Mumbai.

The applicant had sought clearance for height of 102.5 metres AMSL for which aeronautical study was conducted by AAI on April, 2010 as was earlier recommended by the Committee. The Aeronautical Study Report has dealt with the impact of the construction on the safety and regularity of aircraft operations and also the effect on the coverage of air navigation aids. The aeronautical study conducted by Airports Authority of India examined the impact on Obstacle Limitation

Surfaces, PAN-Ops and CNS criteria. As per ICAO Annex '14' recommendation contained in Para 4.2.20, "*New objects or extension of existing objects should not be permitted above the conical and inner horizontal surfaces except when in the opinion of the appropriate authority, an object would be shielded by an existing immovable object or after aeronautical study, it is determined that the object would not adversely affect the safety or significantly affect the regularity of operations of aircrafts.*"

Further as contained in Para 2.1 of the Report, since the proposed construction is penetrating the Inner Horizontal Surface by 46 metres, the examination has been carried out to determine its impact on the Obstacle Limitation Surfaces, PAN-Ops surfaces and impact on CNS criteria. The Aeronautical Study Report, after due deliberations by the Committee, has observed that though the proposed construction penetrates the IHS, however, the PAN-Ops aspects, safety and regularity of aircraft's operational aspects are not affected at the Mumbai CSI Airport. The proposed construction does not affect the minimum visual manoeuvring altitude, minimum sector altitude, minimum radar vectoring altitude, VOR procedures, OCA/H of Surveillance Radar Procedures, OCH of ILS procedures of all runways as existing today for the airport. Examination of the CNS aspects has also cleared the height as requested for ILS/VOR and ARSR criteria. Since the width of the structure is more than 32 metres, it cannot be considered as small object and thus, the height requested penetrate into the ASR surface and therefore on this account, the height is restricted to 88.68 metres.

The Aeronautical Study Report submitted by AAI also included certain generic comments/observations/recommendations at Para 10 & 11 of the Report which are normally applicable in all such cases wherein aeronautical study is ordered by the Competent Authority. These do not have any specific impact on the findings of the aeronautical study in this particular case.

The Committee, therefore, clears height to 88.68 metres AMSL.

•**Case Sl.No. 11**

M/s Neelkamal Marine Drive Developer Pvt. Ltd.

As recommended by the Committee during its meeting on 12th March, 2010, Airports Authority of India conducted Aeronautical Study in this case.

The aeronautical study has indicated that :

- (1) The proposed construction adversely affects the minimum sector altitude and imposes operational penalty.
- (2) The proposed construction adversely affects the minimum vectoring altitude and provides operational penalty.
- (3) The proposed construction adversely affects the ILS glide-path angle (3 degrees) of proposed Navi Mumbai Airport and imposes operational penalty.
- (4) Permissible top elevation at the present location is 428.696 metres AMSL restricted as per CNS(VOR) criteria.

The applicant has requested reconsideration of their case.

The applicant while making presentation informed the Committee that in the case of Burj, Dubai, the local Govt. had raised minimum sector altitude and changed the operational procedures to accommodate the world's highest tower. Since the applicant are proposing to create world's second largest tower in Mumbai, they have requested for consideration at appropriate level to modify operational procedures so that this tower could be accommodated in Mumbai. The applicant had suggested to raise minimum sector altitude to 3700 feet all around Mumbai VOR.

The Committee while examining the report of the aeronautical study prepared by the Airports Authority of India has observed that the existing visual circling procedure, the minimum holding altitude, the VOR DME procedure, the OCA/H of surveillance radar procedure and ILS procedure are not affected in case the building is constructed as

proposed. The Committee also observed from Aeronautical Study report as well as the IAL charts for Mumbai airport that as per the published STAR the aircraft in Mumbai airport has to be at 3700ft at 15 DME arc and that aircraft are allowed to descend below **3700ft only when they are on direct track to the runway**. For any radio communication failure that may take place prior to interception of final approach track the aircraft are required to maintain 3700ft or last assign altitude **whichever is higher**. In case Radio communication failure take place after interception of final approach track and if the aircraft is required to execute miss approach the aircraft has to hold at 3700ft. The Committee also observed that the aircraft on ILS approach for landing on runway '27' has to maintain 2890ft AMSL over the outer marker which is at 8 DME.

Considering the above and keeping in consonance with the requirement of Minimum Sector Altitude as given in the Gazette Notification 84(e) of 2010, the Committee suggest that the existing MSA around Mumbai airport could be slightly modified, as follows in case the proposal is considered to be implemented at appropriate level:

- (i) The existing MSA for sector 340° to 200° be changed to "sector 340° - 220°" to have a safe buffer;
- (ii) MSA which is at present 2600ft upto 12NM and 3700ft from 12NM to 25NM be changed to "2600ft upto 8NM, 3300ft from 8NM to 12NM and 3700ft from 12NM to 25NM" (this will introduce step down approach in altitude from 3700ft – 2600ft via intermediate altitude of 3300ft in the sector 340° - 200°).

As regards restrictions due VOR indicated in aeronautical study report of Airports Authority of India, it is suggested that a simulation study could be conducted for determining the impact of the proposed construction on VOR signals. Alternatively, the existing VOR at Mumbai could be used as terminal VOR and another VOR at an appropriate location on elevated ground near Mumbai could be

installed to serve as en-route VOR. This will also help in extending the range of Mumbai VOR for en-route navigation.

The above suggestion of the Committee needs to be further studied in detail by the regulator in consultation with the ATC service provider and if found viable would also entail slight amendment in the existing ATC procedures. The decision in this regard needs to be taken by the appropriate authority.

Considering the fact that the applicant is trying to create a structure which would do pride to the nation, **the Committee recommends that the matter pertaining to changes in minimum sector altitude and consequent revision of operational procedures and also simulation study for impact on VOR and / or additional VOR be considered at appropriate level.**

- **Case Sl.No. 12, 13 & 14**

- **M/s Jhabua Power Ltd.**
- **M/s Middle Income Group III, Cooperative Housing Society, Mumbai.**
- **M/s Constructions for Mill Workers (MHADA), Mumbai.**

The Aeronautical Study Report on the above three cases were not available to the Committee as they are awaited from AAI.

- **Case Sl.No. 15**

M/s Sarlight Systems Pvt. Ltd. , Mumbai

On the recommendations of this Committee, the aeronautical study was conducted by AAI during March, 2010 to determine the maximum permissible height that could be granted in this case. The Aeronautical

Study Report of AAI had cleared the requested heights of 82.5 metres AMSL from PAN-Ops criteria. However, the Aeronautical Study Report indicated that the construction project consists of 2 plots R-1.2 and R1.3. Plot R-1.2 was recommended to be cleared upto 80.12 metres from the CNS criteria also while plot R1.3 was recommended to be cleared upto 69.175 metres AMSL.

The applicant represented against this recommendation and stated that they have one integrated building on both the plots and the major portion of Plot R1.3 will remain vacant.

To enable the Committee to determine the shielding benefits that could be derived in this project, **the Committee advised the applicant to provide authenticated maps/charts of the exact location of building(s) in these two plots and also the relative location with respect to Sri Naman Hotel as seen from Runway 32 end.**



(A.K. Mishra)
Outside Expert
(Member)



(K. Gohain)
Outside Expert
(Member)



(Shri Alok Sinha)
Joint Secretary
Ministry of Civil Aviation
(Chairman)

New Delhi
Date: 29.4.2010

