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April 22, 2020

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To,  
**Shri Hardeep Singh Puri**  
The Hon'ble Minister  
Ministry of Civil Aviation  
Government of India  
'B' Block, Rajiv Gandhi Bhawan,  
Safdarjung Airport Area, Satya Sadan,  
New Delhi - 110003

**Sub:- Issues concerning grant of building heights through conduct of aeronautical study**

Respected Sir,

As you are aware that the Real Estate Industry is in tremendous stress due to the economic downturn, NBFC liquidity crisis, subdued demand conditions which have forced the Industry into its roughest patch. In such challenging times for our Industry, the Country has imposed an unprecedented Lockdown to fight the pandemic of Coronavirus, which has led to further strain on our balance sheets.

The Real Estate Sector is employing the largest number of employees, both in organized and unorganized sector and it is important that these jobs not only remain protected, but at the earliest, it starts creating further employment. Hence, the Real Estate Sector needs to be looked at from the point of protecting jobs of crores of employees and also which can create further jobs in the shortest time, to support the economic revival.

Various fiscal and monetary measures have been suggested by industry associations to counter the economic effects of this downturn. At the same, it is pertinent to consider several non-fiscal measures in order to bring greater efficiency and optimum utilization of available resources.

Since allowable building heights is an important factor governing consumption of FSI/FAR and resultantly the development potential on a given project site, we hereby request you to grant us below mentioned reliefs as under :-

**Amendment to GSR751(E) : Final Notification**

Draft notification for Amendment to the building height rules has been published on 12-Apr-2018. Once notified, the revised rules would enhance the validity period of NOCs from 8 years to 12 years and relax the prevailing restrictions due to ADS-B equipment resulting in additional height in some cases. These amendments have been proposed 3 years back and agreed by the members of the NOC Review Working Group 2017. Several meetings have been held with the MoCA in this regard, Suggestion/Objection process has been concluded and final notification is still awaited.

## **Removal of Guidelines for Maximum Allowable Penetration of Obstacle Limitation Surfaces (OLS)**

The Guidelines for Maximum Allowable Penetration of Obstacle Limitation Surfaces (OLS) were introduced in March 2015 to allow grant of building heights in gradual and uniform manner which also led to substantial reduction in sanctioned height in a large number of cases. In February 2018, AAI implemented a different interpretation of OLS Guidelines which is a further conservative approach and considers the shortest distance from the end of the Transitional Surface for calculating maximum permissible height. The Government of Maharashtra has written on many occasions in the past (letter from Chief Minister attached herewith for reference) to adopt liberal parameters for Mumbai due to the peculiar geography of the city. It is suggested that the additional restrictions imposed by OLS Guidelines should be done away with and the findings of site specific aeronautical study (without OLS restrictions) ought to be followed as the same is more scientific, precise and adhering to ICAO norms.

## **Review of Shielding Criteria norms**

Presently, shielding criteria is not allowed in projects situated within 2.5 kms from Runway and not carried out as per global standards. During various meetings held in this regard, it has been assured that global reference studies will be carried out by AAI including assessment of the actual elevation levels of the permanent objects due to which shielding criteria has been allowed. However, no update has been received in this regard.

## **Permanent Nature Displaced Threshold**

At present, permissible height in approach surface is calculated based on runway extremity or displaced threshold whichever is most restrictive. It has been suggested that in cases where the Threshold has been displaced due to Obstacles of Permanent Nature (which are in existence for considerable time and not likely to be removed) and Instrument Approach Landing Procedure is permanently established at the aerodrome with the Displaced Threshold reference as being permanent in nature, the Displaced Threshold shall be considered as a reference point for NOC calculation.

## **Required Navigation Performance - Approach Runway**

Implementation of RNP-AR procedure (i.e. training guidelines) has not been carried out by even a single airline for implementation of the suggested procedure although its restriction on building heights has been made applicable. Moreover, the current OCA limits does not take the height of existing objects into consideration. Hence, our suggestion and request is to remove RNP AR limitations at Runway 32 of CSIA from NOCAS height restriction perspective.

## **Conduct of Aeronautical Study without insisting demolition**

Inspite of clear directions from Delhi High Court in numerous judgements allowing Conduct of Aeronautical Study without insisting demolition, no aeronautical study has been conducted till date. The matter has been referred to Supreme Court which has again referred back the matter to High Court of Bombay, outcome of which is pending since past 2 years. MoCA to give clarity on whether aeronautical studies can be conducted for such projects or whether it is necessary to demolish part of the buildings to bring it within the current NOC height restrictions for such aeronautical studies to be carried out subsequently leading to wastage of resources?

**Formation of Regional Appellate Committee for conduct of Aeronautical Study**

On an average, the time taken for conduct of aeronautical study is approx. 8 to 9 months. In order to reduce the time taken for grant of additional height and assist Project Developers to get better understanding of the eventual project design at an early stage, it is suggested to form regional level Appellate Committees. The regional level Appellate Committee could seek help from the local airport operators in conduct of quicker site visits and report preparation. The validation process and approval could be conducted by the Committee. Only policy matters can be taken by the apex Appellate Committee headed by Joint Secretary (MoCA).

We request the aforesaid measures be implemented as early as possible in order to enable each and every Developer to utilize the current period in re-aligning their projects to the new economic order.

Thanking you,

Yours Sincerely,  
**For CREDAI-MCHI**



**Nayan A. Shah**  
President



**Bandish Ajmera**  
Hon. Secretary