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Vijay Lakhani

Ref. No. MCHI/PRES/19-20/344

May 16, 2020

To,
Hon'ble Shri Hardeep Singh Puri
Minister for Housing & Urban Affairs
Minister State for Civil Aviation (Independent Charge)

Subject: Request for Video Meet on Issues related to Civil Aviation in the Real Estate Industry.

Ref: CREDAI-MCHI email dated 25th April 2020

Respected Sir,

At the outset, We, CREDAI MCHI an apex body of the developers' fraternity, would like to deeply appreciate the work done by the Ministry under the leadership Shri Hon'ble Minister for bringing back the Indian passengers stranded abroad as well as the work done by you and your team in these times by being on the frontlines.

We do understand the ongoing pandemic crisis is a priority for all however as the Hon PM has suggested we as Indians should look at this as an opportunity to become self-reliant. A country comprises of two primary resources viz its people and land. Every country that enables optimization of human and land resource succeeds. Real estate is built on land which is a finite resource and it is therefore imperative that the policies in place for development of this finite resource should be progressive and comparable to countries that India aspires to be in league with. The MOCA/AAI and its policies have a major bearing on development of land in and around airports across India and the impact of these policies has a much greater bearing on cities such as Mumbai which have grown around the airport.

As a representative of the Real Estate Industry, we request your support and involvement for resolution of the issues related to Civil Aviation NOC which have historically impeded the development of land to its optimum level in Mumbai. It was discussed in the meeting dated 23rd April 2020, that the Ministry is working on revamping some of the Civil Aviation laws related to real estate and we appreciate the initiatives being taken by the Ministry, however **we request if we can get an audience with you Honorable Sir for 15mins-30mins so that we can present our concerns to you and we request if they can be addressed by the Ministry** in the current revamping of the civil aviation laws being taken up by the Ministry. This will make way for many developments, which are stuck.

We are attaching an annexure of our concerns for your reference, which we would like to present to you during the meeting requested for. The concerns are non-fiscal issues and will go a very long way in alleviating the suffering of the industry. Moreover, if India has been an economic super power then it's policies have to be conducive to optimum utilisation if it's land resource and the present stipulations inhibit the same.

We are sure and strongly believe that you would accept our invitation and confirm your availability at a convenient date and time most suitable to you.

We and all our members look forward to interacting with you!

Thanking you and looking forward to hearing your kind acceptance, meanwhile with best regards,

Yours Sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary

Annexure of Issues to be discussed

<u>Sr No.</u>	<u>Current Law / Provision</u>	<u>Challenge Posed / Reason for need for amendment</u>	<u>Proposed Law / Provision</u>	<u>Impact & Economic Benefit</u>
1	Applicability of Guidelines for Maximum Allowable Penetration of OLS through Aeronautical Study dated 26-Mar-2015	<p>The guidelines were issued by the Appellate Committee to allow grant of building heights in gradual and uniform manner. However, implementation of these guidelines has led to reduction in permissible height in the Inner Horizontal Surface (IHS) & Conical area (upto 6kms from the airport) by almost 12-24 meters. The Government of Maharashtra has written on many occasions in the past to adopt liberal parameters for Mumbai due to the peculiar geography of the city.</p> <p>There is no other major country in the world which adopts such OLS Guidelines while conducting an aeronautical study.</p>	It is suggested that the additional restrictions imposed by the Appellate Committee through OLS Guidelines dated 26-Mar-2015 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. It is also submitted that the recommendation of DGCA dt. 28.11.2018 in this regard be implemented by the AAI.	The projects undertaken will be able to utilize its full development potential without affecting safety of civilian air traffic movement as the Project proponents would be benefited through additional building height being permitted. Currently very large projects with BUA of approx. 30 Million sq feet held up in the IHS for permission of greater height. The conservative value of the projects held up is in excess of Rs 80000 crores. The decision to remove OLS restriction will greatly spur economic growth for the economy.
2	Amendment to GSR751(E) : Final Notification	These amendments have been proposed 3 years back and agreed by the members of the NOC Review Working Group 2017. Draft notification for Amendment to the building height rules has been published on 12-Apr-2018 i.e. more than 25 months back. Final notification is yet not published.	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.	Once final notification is published, project proponents who have not been able to complete their projects would be able to get clarity on the allowable building heights and be able to complete their projects. The value of incomplete projects held up is in excess of Rs 18600 crores and if this decision is taken then it will greatly help the stuck projects and spur in reviving the economy.

3	Measures to ease the process for conduct of aeronautical study	Aeronautical study and issuance of Revised NOC takes about 8-12 months. Moreover, the appellate committee doesn't allow the project proponent to present the case and as such the proceedings of the appellate committee are unknown to the project proponent.	With the view to reduce the delay we would like to submit that appellate committees be set up at all regional levels with a mandate to decide all cases within 30 days of submission. Moreover the meetings of the committee should be open for the project proponent to attend virtually or in person as may be feasible.	Every project proponent pays 20 lacs for an aeronautical study which can cover the establishment cost of such regional appellate committees. This will help in reducing the time taken for conduct of aeronautical study and aid in coping with lost time and help in completing projects as quickly as possible. According to estimates the annual saving in project cost will be the tune will be to the tune of around Rs 8900cr.
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