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Ref. No. MCHI/PRES/15-16/036

November 2, 2015

To,
Shri Ashok Gajapathi Raju Pusapati
Minister of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
Government of India,
New Delhi - 110003

Sub: Permissible Limits in deviation in Average mean sea level (AMSL) for the buildings where NOC of Airport Authority of India (AAI) for Height have been granted as per Site Elevation Granted by Municipal Corporation of Greater Mumbai (MCGM) in Mumbai.

Respected Sir,

Greetings from MCHI-CREDAI

Our association has come across situation where in our members have constructed the buildings and also started the construction of new buildings in Mumbai region after obtaining all permissions from the authorities including Airport Authority of India either from regional office or from head office as the case maybe.

Permission for height clearance of buildings or any other structure on the land around the Airport is given on the basis of the following data.

1. Site elevation of the plot in AMSL. (Given by MCGM in Mumbai).
2. Permissible Top elevation in AMSL
3. Site coordinates in WGS-84 Coordinates

The permissible building height is the difference between the site elevation and permissible top elevation.

The site elevation of the plot is given by the Municipal Corporation of greater Mumbai in case of Mumbai Region.

The Process which was followed to obtain the height clearance from Airport Authority about 12 to 18 months back was as follows:

1. The site elevation of the plot under reference was given by the Municipal Corporation for civil aviation purpose on the basis of location Plan as per their records.

MCHI-CREDAI

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel.: 4212 1421, Fax : 4212 1411 / 407 • Email: secretariat@mchi.net • Website : www.mchi.net

2. The permissible top elevation in AMSL is then calculated by the civil aviation authority on the basis of the location of the plot under reference.
3. The difference between the site elevation in AMSL and permissible top elevation in AMSL is the permissible height of the building above ground level.

On obtaining the permission for height clearance and on obtaining all other permission from the authorities and corporation, several buildings were constructed and few of them are under construction.

On completion of such building the builders have approached for occupation certificate, where they are asked to submit the top elevation in AMSL from authorized agency even though there is no such condition while approval of plans and issue of IOD and commencement certificate by MCGM.

There are number of cases in areas such as Andheri, Vile Parle, Santacruz, Khar and Bandra in western suburb of Mumbai which come in the flight path deviation of 1 meter to 2 meter in the top elevation in AMSL is noted recently and the Builders are blamed for this deviation.

In such cases there may have been genuine mistakes or error in site elevation given by Municipal Corporation which may have been transferred by dumpy level from the top or invert level of sewer line chamber from the nearest sewer line. The deviation in the top elevation might be the result of such error.

Due to this, the new buildings which are constructed in this vicinity of the Airport, occupation certificate are not granted and the builders, purchasers of new flats and existing members who are to be reaccomodated are suffering. The majority development in this area is redevelopment as the existing building is old and dilapidated and the old members are to be reaccommodated. They cannot take possession unless occupation certificate is obtained by the builders.

The Developer on one hand has to bear additional rent and penalties and on other hand may face litigation from the new purchasers in case of delay in offering possession.

There are more than 1000 middle class families who have been dishoused from their homes and are suffering, since they cannot get possession of their newly constructed homes. For many such families these homes are only home/ assets they possess. They are senior citizens. Due to delay the developers are forced to stop the rent in such redevelopment projects as a result of which a common man is left with no home, no rent from developer and burdened with additional financial stress of paying rent elsewhere.

There is no fault from the developer as the developer has constructed the building as per the approvals and permissions obtained from civil aviation and Municipal

Corporation yet they are the sufferer. This issue needs to be resolved as many buildings in this locality are suffering today.

We appreciate the present procedure adopted for giving the height clearance by the civil aviation authority wherein WGS coordinates (latitude and Longitude) are required at the time of application for height clearance which leaves no margin for error in comparison to earlier procedure.

The Municipal Corporation is not accepting the mistake and the buildings are already constructed as per the AGL permitted and though we are suffering. This problem can be resolved by setting some tolerance limit in the permissible top elevation in AMSL given by civil aviation authority.

Our Humble Request:

1. Permanent solution to resolve the problem of deviation in permissible top elevation in AMSL by setting allowable tolerance limit.
2. Maximum permissible tolerance limit of 2 meters should be allowed for the affected buildings.
3. Not to insist for demolition of such building part if the height of the building (AGL) is same as per permission granted by your department.

We hereby also request you to please give us a personal meeting to discuss and deliberate the issues related to the Civil Aviation matter, as per your convenience.

Thanking you,

Yours Sincerely
For MCHI-CREDAI



Dharmesh Jain
President