CREDAI - MCHI

Ref. No.: MCHI/PRES/18-19/263 April 25, 2019

To,
Shri Pradeep Singh Kharola
Hon'ble Secretary
Ministry of Civil Aviation
'B' Block, Rajiv Gandhi Bhawan,
Safdarjung Airport Area, Jor Bagh,
New Delhi – 110003, India

Subject:- Issue concerning building height permissions issued by AAI - **Obstacle Limitation Surface**

Reference:- (1) Letter dated 13-Jul-2018 addressed to Secretary, MoCA
(2) Letter dated 2-Jan-2019 addressed to Hon'ble Minister, MoCA
(3) Letter dated 1-Feb-2019 addressed to Joint Secretary, MoCA with copy to DGCA
(4) Letter dated 26-Mar-2019 address to Secretary, MoCA

Dear Sir,

With reference to the above mentioned subject, we would like to submit as follows :-

1) PIL matter 86/2014 was disposed off on 6-Apr-2018 allowing the Appellate Committee to pass final orders in terms of the aeronautical study reports submitted by the Appellate Committee to the Hon'ble High Court of Bombay in compliance to the interim orders.
2) Sub-Committee was appointed by the Appellate Committee on 26-Apr-2018 to examine the aeronautical study reports submitted earlier to the Hon'ble High Court of Bombay. Sub-Committee, during its meeting held on 15-May-2018, revised the interpretation of OLS Guidelines, due to which in 21 nos. of cases, there was variance in permitted heights. Taking note of report of the Sub-Committee, the Appellate Committee decided to submit these 21 nos. of cases to the Hon'ble High Court of Bombay for record purpose.
3) Representation was submitted by CREDAI-MCHI dated 13-Jul-2018 proposing :-
   a) Grant of permitted heights based on old Aeronautical study reports submitted to the Hon'ble High Court of Bombay in 21 nos. of cases pending with the Appellate Committee
   (OR)
   b) Implementation of proposed interpretation of OLS Guidelines as suggested by CREDAI-MCHI
4) Based on instructions from Secretary, MoCA - Joint Meeting was held on 7-Aug-2018 with AAI under chairmanship of DGCA wherein the entire matter was discussed, interpretation from CREDAI-MCHI & AAI was presented and the matter was referred to DGCA for their opinion.

CREDAI - MCHI
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

5) Opinion from DGCA was received & submitted to Secretary, MoCA which concurred with proposed interpretation as suggested by CREDAI-MCHI as being more logical.

6) On 14-Feb-2019, the Hon'ble High Court of Bombay cleared the matter and asked Appellate Committee to provide copy of revised aeronautical study report and allow the Applicants to make submissions arising out of the revised aeronautical study reports during personal hearing.

7) In adherence to the Hon'ble High Court of Bombay's Order dated 14-Feb-2019 and decision by the Appellate committee in its meeting held on 26-Feb-2019, copy of revised aeronautical study report were shared with all Applicants. Thereafter, written as well as oral submissions were sought during the personal hearing held on 16-Mar-2019.

8) The Appellate Committee considered the submissions (oral as well as written) made by the Applicants during the personal hearing held on 16-Mar-2019 and provided point wise reply on the submission made by the Applicants during its meeting held on 20-Mar-2019.

9) The Appellate Committee rejected the request of Applicants to grant permitted heights based on old Aeronautical study reports and also rejected Implementation of proposed interpretation of OLS Guidelines as suggested by CREDAI-MCHI. Justification for rejection is mentioned in Minutes of Appellate Committee meeting dated 20-Mar-2019.

Point-wise Reply on opinion of the Appellate Committee is submitted below :-

Submission by Applicant during personal hearing	Response of Appellate Committee	Further reply from CREDAI-MCHI
a) Letter from DGCA post meeting on 7-Aug-18 concurs with the proposed interpretation as suggested by CREDAI-MCHI	The opinion from DGCA was examined by experts in AAI and the same wasn't considered based on report of committee of three GM's constituted by Member (ANS) and Sub-committee's report. The Committee is of the considered opinion that revised methodology of implementation i.e. the calculation of the shortest distance of the site from the end of Transitional Surface is correct. Calculation of height in Transitional Surfaces is also done similarly. Hence, the submission of Applicants is rejected.	The revised interpretation adopted by AAI was challenged by CREDAI-MCHI. Hence, the Secretary (MoCA) suggested DGCA to chair the meeting and give opinion on the issue. However, DGCA's opinion was rejected by the 3 member team comprising of GM's from AAI and was committee was constituted by Member (ANS) from AAI itself. This is just an effort to regularize the wrong interpretation. The constitution of the 3 member Committee is not fair and the process adopted does not have any legal sanctity. With respect to technical submission that calculation of height in Transitional Surfaces is also done similarly, please refer note annexed herewith as **Appendix 1**

		Schematic representation of the technical note referred herein is annexed herewith as **Appendix 2**
b) DGCA CAR Series 'B' Part I was referred stating that power to interpret any standard and reference guidance rests with DGCA	The Guidelines on Allowable Penetration of OLS in Aeronautical Study Reports dated 26-Mar-2015 are not part of DGCA CAR Series 'B' Part I. Hence, the submission of Applicants is rejected.	DGCA is the regulatory body governing the safety aspects of Civil Aviation industry in India. Rule 29C of the Aircraft Rules 1937 enables DGCA to lay down standards and procedures not inconsistent with the Aircraft Act, 1934. One of the functions of DGCA is to maintain air safety and Aerodrome standards & Licensing. If, therefore, DGCA is of the view that the interpretation proposed by the industry is the correct interpretation and would not harm the safety of aircraft, then there is no reason for the Appellate Committee to have taken the AAI team members view that the distance of the building has to be calculated from the end of the transitional surface (Shortest distance ignoring OLS design concept Reference point Radial distance), which ignored very basis of the OLS allowable infringement introduction " as regard to the reference point of measurement and objective of Guidelines, for restriction/ penetration above OLS by objects, even though cleared by the Aeronautical study with consensus view of " gradual and uniform as the distance of the object from the runway end increases".
c) Aeronautical study was carried out by ICAO for BKC plots of MMRDA using old calculation method and height clearance was granted	The Top elevations permitted by the Appellate Committee to the MMRDA plots are in compliance with the revised interpretation of the Guidelines. Hence, the submission of Applicants is rejected.	ICAO report for MMRDA plots (33 plots in BKC and 11 plots in WTT) was approved by Appellate Committee on 11-Sep-2017. This report is never revised by ICAO and submitted to Appellate Committee for re-consideration. There is no mention of compliance to the revised interpretation of the Guidelines in the minutes of Appellate Committee's decision on MMRDA plots dated 7-Sep-2018. AAI's claim that revised interpretation of the Guidelines doesn't affect

by Appellate Committee as per old calculations		MMRDA plots is incorrect statement , as the permitted heights for WTT plots will get reduced if the report is revised. Please refer comparative chart annexed herewith as **Appendix 3**

We request you to consider our Suggestions and grant us a hearing for meeting with you & the members of the Appellate Committee (comprising of Joint Secretary, Jt. DG & Member-ANS) at the earliest to resolve the matter.

Thanking you,

Your sincerely,

For **CREDAI-MCHI**

Nayan A. Shah
President

Bandish Ajmera
Hon. Secretary

Sanjiv Chaudhary MRICS
Chief Operating Officer

Copy To :-

1. **Smt. Usha Padhee**
   Joint Secretary
   Ministry of Civil Aviation
   'B' Block, Rajiv Gandhi Bhawan,
   Safdarjung Airport Area, Jor Bagh,
   New Delhi – 110003, India

2. **Mr. J. S. Rawat**
   Jt. Director General
   The Directorate General of Civil Aviation
   Aurbindo Marg, Opp. Safdarjung Airport,
   Jor Bagh, New Delhi 110 003, India

3. **Mr. Guruprasad Mohapatra**
   Chairman
   Airport Authority of India
   'C' Block, Rajiv Gandhi Bhawan,
   Safdarjung Airport Area, Jor Bagh,
   New Delhi – 110003, India

APPENDIX 1 - TECHNICAL NOTE ON OLS CALCULATIONS

In accordance with the Annex 14, Volume 1 and Civil Aviation Requirements(CAR), Section 4, Series 'B, Part 1, Provision:
The new interpretation was introduced by AAI , Member (ANS) team through Appellate Committee and the same was challenged technically by the Industry body (CREDAI/NAREDCO/PEATA)based on Obstacle Limitation Surfaces (OLS) , Inner Horizontal Surface (I H S) design concept reason.

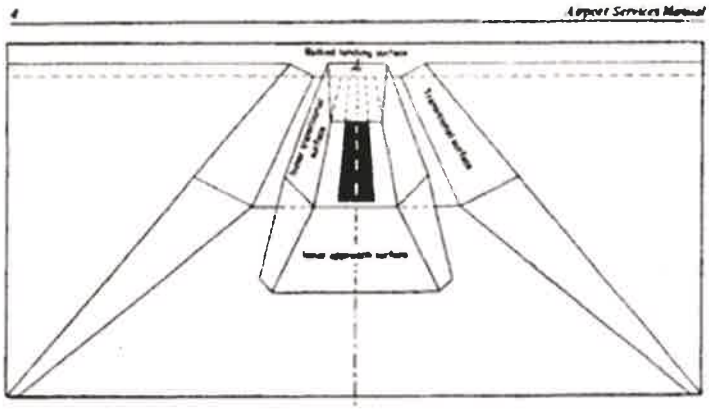
It is also relevant to mention that the opinion of the Director General of Civil Aviation [DGCA] was called for by the Secretary, Ministry of Civil Aviation and the DGCA in its note dated 18.09.2018 has also supported the aforesaid view-

"In view of the above, it is opined that the interpretation on part of CREDAI to consider the distance of the obstacles from the transition surface on a radial from the center of runway extremity, is more logical and would restrict the obstacles below the gradually rising surface."

However, the design technical reason provided is analyzed and supported by the State Regulatory authority, DGCA has been reviewed and rejected by the AAI three member Committee, constituted by the AAI Member (ANS) is a biased view and just an effort to regularize the wrong interpretation. The constitution of the 3 member Committee is not fair and the process adopted does not have any legal sanctity.

The submission of the applicants is rejected due quoted that the calculation of shortest distance of the site from the End of Transitional Surface is correct. **Calculation of the height in the transitional surface is also done similarly.**
It is pertinent to mention that :

1. The objective of Transitional Surface and the Inner Horizontal Surface (I H S) are different.
2. Transitional surface is a complex surface **along the side of the runway strip and part of the side of the approach surface, that slopes upwards and outwards to the inner horizontal surface.**



a) **Area 1 : Along the length of the strip parallel to the runway centre line;** The corresponding Runway Strip is considered as Reference Point for transitional surface limitations calculation. i.e., datum is Runway Centerline. The Same concept is applicable for I H S central portion (Along the length of the strip parallel to the runway centre line). No deviation from design concept of Transitional Surface and I HS reference point for calculation and hence uniform and gradual is maintained from the runway centerline.

b) **Area 2: Part of the side of the Approach Surface :** A lower edge beginning at the intersection of the side of the approach surface with the inner horizontal surface and extending down the side of the approach surface to the inner edge of the inner edge of the approach surface . The inner edge of the approach surface (Distance from runway threshold / runway end when threshold is located on extremity of runway) is considered as Reference Point for transitional surface limitations calculation. i.e., **datum is Runway End** , Two part calculations .i.e. First – Distance (Longitudinal) from the approach surface inner edge to centerline intersection point from object + Second – distance (Lateral) from the edge of approach surface and object. Reference Point is Runway Extremity. Hence, **Longitudinal and Lateral distances** are considered for Transitional surface calculations. (**Not only Lateral distance in the side of approach surface area**). No deviation from design concept in the Transitional Surface calculations. Hence , Calculation of the height in the transitional surface is also done similarly (only shortest distance ignoring OLS reference point) is contrary to the transitional surface limitations specifications (visible deviation) **and not valid.**

The Similar concept is applicable for I H S side of the approach surface (**Other than Central portion** - Along the length of the strip parallel to the runway centre line). The calculation being made by AAI completely ignores the reference point i.e. the centre line

point of the end of runway on either side which is the key starting point of measuring distances.

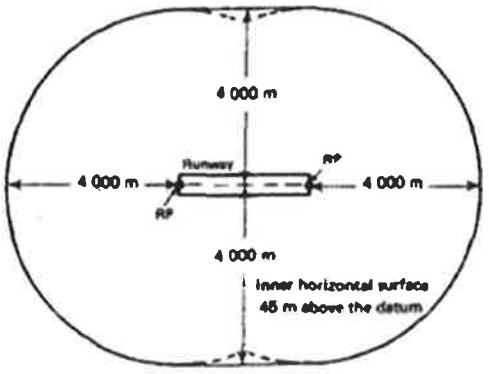


Figure 1-1. Inner horizontal surface for a single runway (where the runway code number is 4)

The IHS is itself measured as a radius from the end of the centre line of the runway. Therefore, the distance of the buildings from the runway end is the relevant criteria to be taken into account. At the same time, the distance of the building from the end of transitional surface has also to be taken into account to comply with the Guidelines Recommendations. Both the aforesaid points [namely End of Runway and End of Transitional Surface] are relevant and one cannot be ignored. In this view of the matter, the real estate industry has repeatedly represented to the Airport Authority of India, Civil Aviation Ministry, etc that the distance of the buildings should be calculated from the "intersection" of the point where a line drawn from the reference point, i.e. from the end of the runway, intersects the end of transitional surface.

This would ensure that the reference point i.e. the distance from the runway is factored in and the height of the building is determined with reference to the runway, but at the same time distance is calculated from the end of transitional surface [as per the Guidelines Recommendation].

No deviation from design concept of Transitional Surface and I HS reference point for calculation and hence uniform and gradual is maintained from the runway centerline/end.

The interpretation being given by AAI that the height of the building would depend upon the shortest distance of the building from the end of the transitional surface, without reference to the distance of building from the runway, is contrary to the OLS design Specifications Standards as regard to the reference point of measurement and objective of Guidelines, for restriction/ penetration above OLS by objects, even though

cleared by the Aeronautical study with consensus view of " gradual and uniform as the distance of the object from the runway end increases". IHS and other areas is linked to the distance from the end of runway.

Thus, the distance from the runway end (Reference Point) shall be considered to meet the objective of the additional restriction criteria has to be taken into account.

APPENDIX 3 - COMPARATIVE CHART ON MMRDA WTT PLOTS WITHIN I.H.S

SL NO	MMRDA PLOT NAME	OLD AAI INTERPRETATION CALCULATION			NEW AAI INTERPRETATION CALCULATION		
		DISTANCE FROM RUNWAY END	OLD FORMULA	OLD FORMULA PERMISSIBLE ELEVATION (M)	SHORTEST DISTANCE FROM TRANSITIONAL SURFACE END	NEW INTERPRETATION CALCULATION	NEW INTERPRETATION PERMISSIBLE ELEVATION (M)
1	**WTT-1**	3829.3	45 + (3828.30 - 465) x 0.0127 +12.13	**99.85/99.62** (ICAO – 99.59)	2196.69	45 + (2196.69 x 0.0127) +12.13	**85.05**
2	**WTT-1.24**	3994.72	45 + (3994.72 - 465) x 0.0127 +12.13	**101.95/101.72** (ICAO – 101.69)	2398.24	45 + (2398.24 x 0.0127) +12.13	**87.58**
3	**WTT-1.28**	3920.12	45 + (3920.12 - 465) x 0.0127 +12.13	**101.01/100.70** (ICAO – 100.74)	2314.63	45 + (2314.63 x 0.0127) +12.13	**86.52**
4	**WTT-1.4**	3918.24	45 + (3918.24 - 465) x 0.0127 +12.13	**100.98/100.75** (ICAO – 100.72)	2257.68	45 + (2257.68 x 0.0127) +12.13	**85.8**

5	**WTT-2.32**	3719.35	45 + (3719.35 - 465) x 0.0127 +12.13	98.46 /98.23 **(ICAO – 98.19)**	2134.95	45 + (2134.95 x 0.0127) +12.13	**84.24**
6	**WTT-2.37**	3837.44	45 + (3837.44 - 465) x 0.0127 +12.13	105.86/105.63 **(ICAO – 99.69)**	2291.81	45 + (2291.81 x 0.0127) +12.13	**86.23**
7	**WTT-2.41**	3913.39	45 + (3913.39 - 465) x 0.0127 +12.13	100.92/100.69 **(ICAO – 100.66)**	2380.41	45 + (2380.41 x 0.0127) +12.13	**87.36**
8	**WTT-2.45**	3860.28	45 + (3860.28 - 465) x 0.0127 +12.13	100.25/100.02 **(ICAO – 99.56)**	2359.28	45 + (2359.28 x 0.0127) +12.13	**87.09**
9	**WTT-2.49**	3890.92	45 + (3890.92 - 465) x 0.0127 +12.13	100.63/100.40 **(ICAO – 100.25)**	2446.16	45 + (2446.16 x 0.0127) +12.13	**88.19**
10	**WTT-2.53**	3978.71	45 + (3978.71 - 465) x 0.0127 +12.13	101.75 / 100.52 **(ICAO – 101.49)**	2478.96	45 + (2478.96 x 0.0127) +12.13	**88.61**