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Ref. No. MCHI/PRES/18-19/381

July 25, 2019

To,  
**Shri Amitabh Kant (I.A.S.)**  
Chief Executive Officer  
National Institution for Transforming India  
Government of India  
Yojana Bhawan, Sansad Marg.,  
New Delhi - 110001.

**Sub: Issues concerning building height permissions issued by AAI**

Respected Sir,

With reference to the above, we would like to submit our suggestions/concerns for your redressal :-

- 1) We request that New GSR-751 (E) whose drafts was published on 12<sup>th</sup> April 2018 to be approved and notified at the earliest. There are more than 500 projects all over India which are awaiting for height NOC's from Civil Aviation Department. With the finalization of the draft GSR-751 (E) dated 12<sup>th</sup> April 2018, all the pending decisions and issues with the department will not only unlock lot of Housing Stock but will be a positive step towards "Housing for All" target of Hon'ble Prime Minister Shri. Narendra Bhai Modi.
- 2) NOC for any structure/building once issued for a defined height should be valid for that building till completion of that building. Considering the density of the population of Mumbai city and the limited geographical area of Mumbai City (being an island) the entire population of 12 milion and above can be provided with **AFFORDABLE HOUSING** only by constructing high rises. Each of the project in Mumbai City comprises of multiple High-rises will take more than 15 to 20 years, in view of above once the particular height is sanctioned by following due process by Civil Aviation Authority we request to remain valid for entire project life.

Sir, there are multiple instances where the NOC issued for a particular height has been reduced when renewal for such NOCs are applied. The construction work in many cases is at 6 months from OC stage and the premises have been sold, the common man has invested his life earnings and the project gets stalled due to reduction of the height at the time of renewal. We once again request the height once granted should remain valid till completion of the project.

### 3) Interpretation of Obstacle Limitation Surface (OLS) Guidelines

Reference		Background & Current Status	Suggestion Proposed	Justification
Guidelines on Maximum Allowable Penetration of OLS in Aeronautical Study Reports dated 26-Mar-2015		<p>a) 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.</p> <p>b) 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.</p> <p>c) 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</p> <p>d) Taking note of report of the Sub-Committee,</p>	<p>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</p> <p>b) Implementation of proposed interpretation of OLS Guidelines as suggested by CREDAI-MCHI and subsequently concurred by DGCA as well</p>	<p>a) Unilateral Change in interpretation of OLS guidelines dated 26-Mar-2015, considered by Sub-Committee, has led to enormous delay in issuance of final orders with respect to 21 nos. of cases pending with the Appellate Committee since almost 2.5 years.</p> <p>b) The new interpretation introduced was never discussed with NOC Review Committee (though the other points were discussed during the same period) or put in public domain for suggestion or submitted to High Court for consideration during case Proceedings in the same</p>

		<p>the Appellate Committee decided to submit these 21 nos. of cases to the Hon'ble High Court of Bombay for record purpose.</p> <p>d) Representation was submitted by CREDAI-MCHI dated 13-Jul-2018 proposing revised interpretation of OLS Guidelines for consideration of MoCA</p> <p>e) Meeting was held on 7-Aug-2018 with AAI wherein the matter was referred to DGCA for their opinion</p> <p>f) Opinion from DGCA has been received &amp; submitted to MoCA concurring with our proposed interpretation</p>		<p>period.</p> <p>c) Reduction of maximum permissible height calculations coupled with delay in issuance of Revised NOC's has led to adverse impact on FSI/FAR consumption, timely project completion and profitability of projects</p>
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We request you to kindly consider our Suggestions to resolve the matter at the earliest.

Thanking you,

Your sincerely,  
For CREDAI-MCHI



**Nayan A. Shah**  
President



**Bandish Ajmera**  
Hon. Secretary



**Sanjiv S. Chaudhary MRICS**  
Chief Operating Officer