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WOMEN'S WING CHAIRPERSON
Sejal Goradia

To,
Shri Gopal Shetty
Hon'ble Member of Parliament
Shetty House, Lokmanya Tilak Nagar,
Poisar, Kandivali (W), Mumbai - 400067

Subject: Building Height Restrictions surrounding Mumbai airport

Respected Sir,

The city of Mumbai is surrounded by water on 3 sides; hence land is a scarce commodity. Due to ever increasing levels of urbanization, there is constant need for housing stock. During the past few years, several measures have been undertaken by the Government of Maharashtra towards ensuring increase in housing stock thereby promoting affordable housing and providing enhanced open spaces. Below is list of some of the measures undertaken by the Government of Maharashtra:-

1. Notification of DCPR 2034 allowing higher FSI potential linked to width of abutting road through payment of premium or through purchase of Transferable Development Rights (TDR) FSI or through handover of social housing tenements to the respective planning authority.
2. Amendment to the DCPR 2034 governing redevelopment of cluster schemes, municipal tenanted/cessed buildings, which allowed grant of additional incentive FSI.
3. Proposing development of Special Development Zone (NDZ) lands by allowing higher FSI, handover of land for open spaces and affordable housing, same is under consideration for final notification and implementation.
4. Execution of large-scale redevelopment projects through Maharashtra Housing and Area Development Authority i.e. Bombay Development Directorate (BDD) chawls in Naigaon-Dadar and Worli and Dharavi Redevelopment Project.

In spite of the above measures, a large number of projects are yet to be developed due to lack of clarity on availability of building height from Airport Authority of India. Recently, some of our members had attended an Interactive stakeholders workshop-cum-discussion for height clearance NOCs at AAI-WR office. During the interactions, our members had raised concerns with regards to the conservative approach being followed by Airport Authority of India (AAI) in granting heights to buildings and highlighted several policy decisions pending due consideration at AAI-CHQ and MoCA.

One of the pending issues that needs immediate resolution is with regards to revalidation of NOCs beyond the overall validity period of 8 years (i.e. initial validity period – 5 years and automatic extension period – 3 years). The same has been highlighted to the Ministry of Civil Aviation (MoCA) on number of occasions. Due to delay in issuance of required clarification, large number of projects, wherein construction of buildings has been completed, are awaiting grant of Occupation permission by the local planning authority. Substantial investments are stuck and customers are unable to get possession of their apartments, leading to frivolous litigation and mounting losses being faced by our member Developers.

Maharashtra Chamber of Housing Industry

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CREDAI-MCHI CHAPTERS : THANE | KALYAN-DOMBIVLI | MIRA BHAYANDAR | RAIGAD | NAVI MUMBAI |
BHIWANDI | PALGHAR BOISAR | SHAHAPUR-MURBAD | URAN-DRONAGIRI |
VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

The above issue has also been highlighted by industry associations before the Committee of Experts constituted by Ministry of Civil Aviation under the Chairmanship of Air Chief Marshal Shri Fali H. Major (Retd.) for the purpose of examining Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports. In their report dated 8th December 2021 submitted to the Ministry of Civil Aviation, the Committee has recommended that clarification would be required to be issued by the Ministry of Civil Aviation. Specifically, the Recommendation No. 13 of the said report states as follows :-

“Extending the validity of NOC for a maximum period of twelve years with the provision of obtaining commencement certificate during the initial validity period of eight years for NOC issued under S.O.84(E) would require a clarification from the Ministry of Civil Aviation and require an amendment to GSR751(E). It is recommended that MoCA needs to examine Rule 9A of GSR 770(E), Rule 16 of GSR 751(E) and SO84(E) for removing the discrepancies in the validity period of NOCs issued under these Rules.”

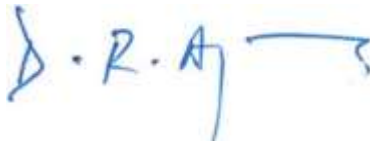
We hereby request your intervention to expedite issuance of necessary clarification through your good offices and in co-ordination with Hon’ble Municipal Commissioner, Municipal Corporation of Greater Mumbai so that the above issue is resolved at the earliest.

We really appreciate your assistance in taking up this matter.

Yours sincerely,
For **CREDAI-MCHI**



Domnic Romell
President



Dhaval Ajmera
Hon. Secretary