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URAN-DRONAGIRI  
ALIBAG  
KARJAT-KHALAPUR-KHOPOLI

To,  
The Regional Executive Director,  
Airports Authority of India - Western Region,  
Sahar Road, Andheri East,  
Mumbai.

Dear Sir,

**Sub: Pending Issues to be taken up with MoCA and AAI CHQ in lieu of the findings and Recommendation of the committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports, Ministry of Civil Aviation, Government of India.**

This is with reference to the findings and Recommendation of the committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports, Ministry of Civil Aviation, Government of India.

We have been requesting a meeting of the Permanent Working Group (formed in 2017 by MoCA) for the past few months to the Hon'ble Minister of Civil Aviation and the Secretary MoCA but till date we have not got any reply for the same.

The permanent working group meeting has not happened since the pandemic. It was decided that this Permanent Working Group meeting shall be held every six months for an interaction between the stakeholders, MoCA, and the Airports Authority Of India.

Following is the list of pending issues that requires implementation from MoCA based on the Recommendation of the committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports, Ministry of Civil Aviation, Government of India:

<b><u>Pending Issue</u></b>	<b><u>Recommendation of the committee formed to examine Aerodrome Safeguarding Policy and Regulations vis-à-vis development of cities around airports, Ministry of Civil Aviation, Government of India.</u></b>	<b><u>Stakeholders request</u></b>
1. Conduct of Aeronautical Study Without Insisting on the Demolition of the Building	<b><u>Recommendation No. 11- Conduct of Aeronautical Study Without Insisting on Demolition of Building (Refer Para 9.43- 9.46)</u></b> There cannot be a general recommendation for the conduct of aeronautical study without insisting on the demolition of building for all cases where there are violations. This will result in the creation of obstacles around the airport thereby impacting the safe operations at the airport and non-compliance with regulations by the builders.	Appellate Committee / MoCA to take up such cases applied prior to the publication of GSR 770 (E) dated 17.12.2020 and grant them aeronautical / CNS study.

	<p>It is recommended that for those cases where there has been a violation by the applicant prior to the publication of GSR 770 (E) dated 17.12.2020, Appellate Committee/ MoCA may take a decision to conduct the aeronautical study, after obtaining legal opinion on the subject given the Hon'ble Supreme Court rulings."</p>	
<p>2. Restrictions due to CNS Criteria in particular HF Transmitter (Tx) &amp; Receiver (Rx)</p>	<p><b><u>Recommendation No. 4 – Restrictions due to CNS Criteria in particular HF Transmitter (Tx) &amp; Receiver (Rx) (Refer Para 8.3.1-8.3.28)</u></b></p> <p>It is recommended that HF Tx and Rx Systems Should be re-located outside the main city areas of Mumbai, Chennai, and Kolkata so that height restricted are not imposed on a building located in main city areas and the quality of HF signals is also not affected. In respect of Mumbai, the Commissioner of MCGM has committed to this expert committee to allocate required land which meets operational requirements to re-locate HF TX and RX System from its present location. This needs to be followed up by the competent authority.</p>	<p>AAI and MCGM to work closely on this and resolve the HF Transmitter and Receiver issue as per the recommendations. This is affecting the building heights of a very large area of Juhu and Dahisar.</p>
<p>3. Validity of NOC prior to GSR 751(E) from 8 to 12 years.</p>	<p><b><u>Recommendation No. 13 Validity of NOC (Refer Para 9.54- 9.60)</u></b></p> <p>Extending the validity of NOC for a maximum period of twelve years with the provision of obtaining a commencement certificate during the initial validity period of eight years for NOC issued under SO 84 (E) would require a certification from the Ministry of Civil Aviation and require an amendment to GER 751 (E). It is recommended that MoCA needs to examine Rule 9 A of GSR 770 (E) Rule 16 of GER 751 (E) and SO 84 (E) for removing the validity period of NOCs issued under these Rules.</p>	<p>Awaiting amendment from MoCA. A large number of projects are stuck up halfway due to a lack of extension of NOC from 8 to 12 years.</p>
<p>4. Shielding benefits with respect to existing Building</p>	<p><b><u>Recommendation No. 10- Shielding benefits with respect to existing Building (Refer Para 9.38- 9.41)</u></b></p> <p>Presently, the Shielding benefit is applicable only in the case of natural terrain. It is recommended that AAI carry out an extension of the shielding benefit in respect of a building or any other man-made structure as is being done in many other countries.</p>	<p>Awaiting implementation by AAI for shielding benefit in respect of a building or any man-made structure.</p>

In addition to the above, we have the following points which need to be discussed with MoCA and the Airports Authority of India, CHQ.

1. We have submitted a letter dated 16<sup>th</sup> November 2022 to Chairman AAI for revisiting the NOCAS calculation on account of the introduction of the buffer of 5 nautical miles applied around the sector of lowers MSA altitude by GSR 770(E). We have not asked for the review of the 5 NM buffer criteria as published in the GSR 770 (E). We request to revisit the calculation/interpretation of the above change (as per GSR 770(E)) on the NOCAS software to transform the above principle into a NOC result.
2. We have submitted a letter to Chairman, Appellate Committee, Jt DGCA and Member ANS regarding the “Minutes of the meeting of the Appellate Committee held on 25<sup>th</sup> November 2022, point no 30: Grant of height clearances through small/ Large object analysis w.r.t Radar and Shielding Criteria – reg” note:

“The Committee, in its meeting dated 09.09.2022, decided that a report be submitted by AAI regarding the existing regulations i.e. GSR751 (E) & GSR770 (E), And the published ICAO documents i.r.o small/Large object analysis w.r.t Radar and Shielding Criteria, along with recommendations of AAI. The Committee was informed that a committee was constituted by AAI and AAI’s Recommendation/ Report on, (1) Small/ Large object analysis w.r.t Radar (2) Shielding Criteria has been prepared and put up to that Competent Authority for approval.

We wish to put up the following facts for your reference and consideration:

- ✓ Reference to Constituted Committee formed by the Ministry of Civil Aviation to examine aerodrome safeguarding policy and regulation vis-à-vis developments of cities around the airport (Order No: AV-24032/111/2020-AAI-MOCA (191527), dated 17<sup>th</sup> February 2021) report para 8.3.18 **Additional regulation:** In GSR, following additional regulation is available in Radar (ASR) criteria which are not available in ICAO EUR Doc 015. There are no such provisions in ICAO Guidelines. These are for enabling more height with respect to radar criteria:-
  - a) **Multi Radar Criteria:** - In Indian regulation, there is a provision of multi-radar Criteria i.e. if any airport is having more than one ASR and these are integrated into the ATM Automation system, then the highest height is applicable from any of these radars.
  - b) **Large/Small object Criteria:** - In Indian regulation there is the provision of analyzing any proposed structure as large or small object w.r.t ASR i.e., whether it subtends an angle of 0.40 Degrees or more to the ASR antenna. If the proposed structure subtends an angle of equal or less than 0.40 Degrees, it is to be considered a small object and there will be no restriction from Radar. **As per available information, there is the such provision in Canadian regulation.**
- ✓ Reference to the Hon’ble Minister of State for Civil Aviation (May 2017) constituted “NOC Review Working Group” comprising AAI & Industry representatives, and the subsequent three meetings, followed by the interactive session on **19<sup>th</sup> Sep 2017** with the stakeholders viz. CREDAI, NAREDCO, and PEATA under the chairmanship of Dr. Guruprasad Mohapatra, IAS, Chairman Airports Authority of India (AAI), in the presence of Appellate Committee Chairman (Shri Arun Kumar, IAS, Joint Secretary, Ministry of Civil Aviation (MoCA) ) and Shri A. K. Dutta, Member (Air Navigation Services) Airports Authority of India to discuss and resolve various issues connected with the issuance of No Objection Certificate (NOC) for height clearances and its outcome of draft regulations published for suggestions/objections on 12<sup>th</sup> April 2018.
- ✓ Followed by the suggestions and objections with the justification for the draft GSR submitted by the MCHI-CREDAI / NAREDCO and PEATA to MoCA and the further presentation to MOS - Mr Jayant Sinha on 18<sup>th</sup> April 2018 along with the Secretary (MoCA) and above-mentioned members the subsequent letters submitted from MCHI-CREDAI & NAREDCO to MoCA and accepted to the industry suggestions and justification that

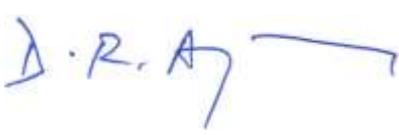
- a. "Earlier provision to be retained as the proposal of granting additional height benefit to "other than large" objects is an existing benefit given to Developers in line with similar provisions adopted by **Transport Canada under "Land Use In The Vicinity of Aerodromes" (TP1247E 2013/14)** in which large structures/objects have been defined as having an azimuth angle of more than 0.43°.
  - b. Building/s comply with "other than large" structure definition totally based on direction and Dimension (width) orientation with respect to Radar. **Further, a very small percentage of buildings can fit into this definition and many clusters can be avoided by verifying building data.**
  - c. As long as the Radar operation and performance are not affected or within the acceptable tolerance levels and safe aircraft operation is not affected, the benefit of additional height benefit due to the "Other than large" object/structure definition is required to be continued in accordance with the existing regulations, as the height benefit is not only necessary to restore the heights granted to existing buildings/structures but also essential to ensure consumption of full FSI potential to meet with specific state Urban development vision projects.
  - d. Further, this is required in compliance with ICAO DOC 9167 PART 6, 2.2.3: wherein the intent is to ensure that measures taken provide **maximum economic benefits to neighboring communities and least possible interference with the rights of property owners in addition to the greatest possible degree of safety and efficiency for aircraft operations."** and the same was agreed by all to retain and continue with the Existing provision of other than large object benefit.
- ✓ Further, the referred natural terrain in Mumbai (i.e., Lal Batti Hill) at Powai has always been in existence, and also to the best of our knowledge, there is no movement or initiative, or proposal for cutting hill height for any purpose whatsoever. In this regard, we have requested the Municipal Commissioner, Brihanmumbai Municipal Corporation, confirm/revert on the existence of any such proposal under consideration or implementation with MCGM. Hence, the applicable shielding criteria benefit, in accordance with the GSR 751 E & GSR 770 E is valid and to be continued.

We request you to take up the above issues with MoCA / AAI, CHQ and would appreciate if a meeting of the Permanent Working Group is called as soon as possible enabling us to take up these issues.

Thanking you,

Yours faithfully,  
For CREDAI-MCHI

  
**Boman Irani**  
President

  
**Dhaval Ajmera**  
Hon. Secretary