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Ref. No. MCHI/PRES/22-23/431  
Date : 29/3/2023

**To,**  
**The General Manager (ATM-DoAS),**  
Airports Authority of India,  
Rajiv Gandhi Bhavan,  
New Delhi 110003

**Sub: Pending issues to be taken up for discussion in the forthcoming meeting at AAI, HQ**

Dear Sir,

This has reference to the proposed meeting to be scheduled of the permanent working group between the stakeholders, MoCA, and the Airports Authority of India.

As invited the set of points from the stakeholders, we at CREDAI-MCHI would like to bring to your kind attention following pending issues that requires implementation from MoCA:

<b>Sr. No.</b>	<b>Pending Issue</b>	<b>Current Status</b>	<b>Stakeholders request</b>
1.	Finalization of CCZM for Mumbai and Navi Mumbai	This needs to be taken up on priority as a lot of cases are affected and need to go for a NOC because of the non-availability of CCZM	The draft CCZM is sent for comments and needs to be taken up on priority.
2.	Validity of NOC prior to GSR 751(E) from 8 to 12 years.	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 GSR 751 (E). It is recommended that MoCA needs to examine Rule 9 A of GSR 770(E) Rule 16 of GSR 751 (E) and SO 84 (E) for removing the validity period of NOCs issued under these Rules.	Awaiting amendment from MoCA. A large number of projects are stuck up halfway due to the pending extension of NOC from 8 to 12 years.

3.	Automatic Extension of the validity period of 9 months (Deemed extension as per ATMC 7 of 2020)	This provision of 9 months extension has been withdrawn from September 2022.	Request to grant 9 months extension to all NOCs valid before 24.03.2020 (the start of a pandemic)
4.	Conduct aeronautical study for projects in Navi Mumbai	The aeronautical study has not yet started for plots falling under the Navi Mumbai airport region resulting in a heavy loss for developers due to a lack of clarity on the permissible height and planning for their project.	To initiate aeronautical study for plots in Navi Mumbai at the earliest
5.	Conduct of Aeronautical Study Without Insisting on the Demolition of the Building	<p>It is recommended that for those cases where there has been a violation, Appellate Committee/MoCA may take a decision to conduct the aeronautical study based on rulings given by the Hon'ble Supreme Court in similar matters.</p> <p><b>Further, As per Rule 15 – Procedure in case of violations,</b> the cases of violations where the height of any existing building, structure or tree on any land <u>within the limits specified in rule 4 exceeds the height specified in Schedule I and Schedule II</u> or any other violation arising out of non-compliance of the provisions of these rules shall be dealt in accordance with the provisions of the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.,) Rules, 1994.</p> <p><b>The Conduct of Aeronautical Study and CNS simulation Study is part of Schedule II, Para 5 and hence demolition procedure should be enforced only after the conduct of aeronautical study “<u>to determine that the existing building would not adversely affect the safety (or) significantly affect the regularity of operations of aeroplanes as per para 5 , Schedule II of GSR 751 E provisions objectively Height Restrictions for Safeguarding of Aircraft Operations) Rules 2015.</u></b></p>	<p>As these violation cases are mostly pre-effective verification processes of vertical height and coordinates and it's now curbed due to effective verification process by the aerodrome operator from the beginning,</p> <p>Hence, request Appellate Committee / MoCA to consider such cases and grant an aeronautical / CNS study to provide a one-time solution to the existing issue without diluting the safety of aircraft operation.</p>

6.	Restrictions due to CNS Criteria in particular HF Transmitter (Tx) & Receiver (Rx)	<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>This is affecting the building heights of a very large area of Juhu and Dahisar.</p> <p>AAI and MCGM to work closely on this and resolve the HF Transmitter and Receiver issue as per the recommendations.</p>
7.	Shielding benefits with respect to existing Building	<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>Deletion of Shielding principle not applicable in IHS upto 2500 mtrs.</p> <p>Revisit application of Contour of Shuttle Radar Topographic Mission (SRTM – USA) data with vertical tolerance of 16m</p>	<p>Awaiting implementation despite clear recommendations by various stakeholders over the past 5 years.</p>
8.	Uploading of Revised NOCs and Revalidated on the NOCAS website.	<p>Revised NOC's and Revalidated NOC's are sent by speed post from the respective Regional office. A few of them are returned back due to change of address or the office being closed.</p>	<p>Awaiting implementation from AAI, WR &amp; AAI, CHQ.</p>

9.	<p>Revisit implementation of the buffer of 5NM applied around lower MSA vide GSR770(E) regulations.</p>	<p>Revisiting the NOCAS calculation on account of the introduction of the buffer of 5 Nautical miles applied around the sector of lower Minimum Sector Altitude by GSR 770 (E) was forwarded to AAI by MCHI-CREDAI &amp; NAREDCO with the details of study and requested "with the implementation of Rules 2020 - GSR770(E), we find the calculation change and the lower altitude MSA calculated angle is applied for even the buffer area, different than the GSR 751E principle".</p> <p>As per our understanding, as per GSR751 and GSR 770(E) with 5 NM protection rule, the <b>Sector height for a specific distance may be calculated/ considered and the least of the calculation may be applied for the issue of NOC height.</b></p>	<p>The reply of AAI, HQ PointNo2. "It may also be noted that calculations done in NOCAS system for 5NM Buffer zone in respect of Radar criteria are as per GSR 770(E) regulations. Hence, the review of the 5NM buffer criteria as published in GSR 770 (E) is not within the purview of AAI To be discussed"</p> <p>The review of GSR 770 (E), 5NM buffer criteria is not requested, whereas sought for the review to revisit the calculation/interpretation of the above regulation implemented interpreted formula in the NOCAS software.</p> <p>Therefore, requested to re-consider the implemented / applied method and calculation of the 5NM buffer regulation as per request and GSR751 (E) &amp; GSR 770 (E) principle.</p>
10.	<p>RNP AR Approach for RWY 32 of Mumbai airport</p>	<p>RNP – AR procedure is airline specific and requires authorization from DGCA.</p> <p>As this procedure is in the draft stage since 2017 and has not yet been used by the airlines.</p> <p>Therefore, there is no need to protect the RNP – AR Runway 32 approach procedure.</p>	<p>AAI to re-consider implementation in consultation with DGCA</p>

11.	Calculation of distance of particular site under OLS guidelines dated 26-Mar-2015 and aeronautical study guidelines dated 3-Jul-2020	<p>The calculation of distance in Perpendicular /radial along the transitional surface end surface is not in consonance with the ICAO methodology.</p> <p>The consequence of the newly implemented formula is a <u>non-uniform/gradual within the IHS and Conical surfaces. Hence, it contradicts the decision of the Appellate &amp; Expert Committee consensus view of "gradual and uniform as the distance of the object from the Airport Runway End increases" for the study to arrive at one specific cap for penetration height.</u></p>	To review the methodology in a holistic manner, to meet the objective of the Appellate & Expert Committee consensus view of 26 <sup>th</sup> March 2015.
12.	Displaced threshold issue	Case by case review is required to be done by Airport Operator	AAI/DGCA to initiate a review by Airport Operator and implement it at the earliest.
13.	Enhanced interface with MoD for consistency in the grant of building heights	Several anomalies (CCZM, validity, aeronautical study, etc.) in the MoD process for grant of building heights	A joint working group is to be constituted in order to streamline/automate the implementation of various regulations.
14.	To validate such NOCs where the projects have received full Commencement Certificate (CC), the Construction of project building/s is/are partial or completion stage, and the NOC validity of 12 years is completed, in order to support to complete the project with the same NOC received elevation and receipt of Occupation Certificate.	<p>1. Local airport operators insist on a valid NOC during the verification of building height for the Occupation certificate. The demand for New NOC leads to turmoil and uncertainty to complete <u>when a new NOC is awarded a lower height than the original NOC.</u></p> <p>2. <b>Reasons for uncertainty</b> At the end of 12 years, many buildings are in the last stage of completing the requirements for an Occupation Certificate, NOC expires due to unavoidable situations such as:</p>	The exiting maximum NOC validity period of 12 years (Initial 8 + Four <b><u>4 years extendable</u></b> ) for the buildings were the industry request of 2017 and the same has been accepted and made similar to the existed regulations for structures such as masts, chimneys, and towers validity period of <b><u>twelve (12) years.</u></b>

	<ul style="list-style-type: none"> <li>The revision/amendment/ changes of Development Control Regulations (DCR) and CRZ regulations modifies the status of the plot and the process of obtaining respective clearances/NOC (Environment/ CRZ clearance, High Rise NOC, Ground Water clearance etc.,) delays the project considerably.</li> <li>DCR of Mumbai underwent a total change and the permissions for the building took further time as per the revised regulations published in 2019. The DCPR was to be published in 2014 but published in November 2018, due to this, there was no clarity in the rules and FSI working and a lot of plots were stuck for development within that span of four years.</li> <li>City like Mumbai, amidst the cluster of residential areas, there are time restrictions too for executing work.</li> <li>Covid 19 - Pandemic delayed many projects</li> <li>Legal issues arise due to many factors, especially in Mumbai city where every sq feet is important and typical disputes arise out of competition, partner separation, inherent complexity within the Govt initiatives projects like SRA (Slum Rehabilitation), re – developments, etc.,</li> <li>The above facts, which are beyond the developer's purview, it's a challenge and almost impossible to complete the bigger project (comprising many high-rise towers) to complete within the 12 years period.</li> </ul>	<p>In any case, while granting NOCs, buildings are considered permanent structures and therefore, their existence for a perpetual duration is taken into consideration without impacting the safety and efficiency of aircraft operations. Hence, it does not matter whether the such proposed building is completed within the stipulated duration. Therefore, the Savings clause is to be amended suitably to ensure that as long as Applicant/ Developer has substantially completed the construction of the building with a statutory AAI NOC for the project/ buildings and the full commencement certificate is granted by the local municipal body <b><u>within the validity of the AAI NOC</u></b>, such NOC's cases should be considered under the SAVINGS clause by the local airport operator for the site visit for verification of height for the grant of an occupation certificate by the local authorities.</p>
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		Hence, as expressed above, there is no guarantee for earlier obtained NOC height if applied afresh. This uncertainty of lesser height to the building at a project completion stage leads to chaos and is not an acceptable situation and is unjustified. Sometimes, it may also lead to the demolition of a constructed building with a genuine NOC. <b>Such delay and resultant damages are beyond the scope of the developer.</b>	
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We would like to take up the above issued for discussion in the forthcoming meeting to be scheduled. Kind consideration of the same shall be highly appreciated.

Thanking you,

Yours faithfully,  
For CREDAI-MCHI

  
**Boman Irani**  
President

  
**Dhaval Ajmera**  
Hon. Secretary