

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE  
CHENNAI**

**O.A. No. 66 OF 2023 (SZ)**

**IN THE MATTER OF**

Mr.P.Bala Murali Krishna,  
No.1052, Sri Sai Nilayam,  
8<sup>th</sup> Main Chowdeswari Layout,  
Marathahalli, Bangalore – 37.

...Applicant

**-Vs-**

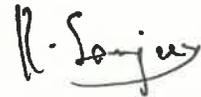
Hindustan Aeronautics Limited,  
Airport Services Center (BC),  
HAL – Bangalore Complex,  
Gate No.30, Vimanapura,  
Bangalore – 560 017 & Others

...Respondents

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Dated at Chennai on this the 16<sup>th</sup> day of March, 2024.



**Counsel for 1<sup>st</sup> Respondent**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,

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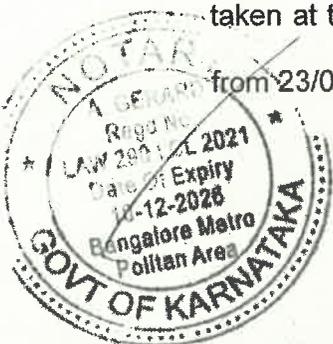
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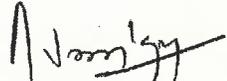
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ADDITIONAL REPORT FILED BY THE 1<sup>st</sup> RESPONDENT

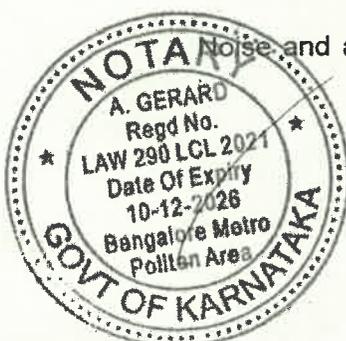
The Respondent abovenamed states as follows:

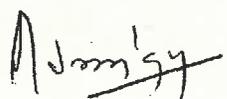
1. The 1<sup>st</sup> Respondent submits that HAL Airport, Bengaluru has been operational since 1941 onwards sans interruption and it has been facilitating test flying requirements of newly manufactured aircrafts, overhauling and designing of prototype aircraft. The 1<sup>st</sup> Respondent submits that the HAL Airport at Bengaluru was operating Domestic and International Flights until 23<sup>rd</sup> May, 2008 with 360 Aircraft Movements dally and on an average handled 10.2 million passengers on 24\*7 basis.
2. The 1<sup>st</sup> Respondent reiterates that HAL Airport was closed for commercial operations vide Executive Order dated 16/05/2008. The Executive Action for closing of HAL Airport was necessitated due to Clause 5.5 of the Concession Agreement executed between the Ministry of Civil Aviation and the Private Airport Operator i.e. Bangalore International Airport Limited (BIAL) till 2033. The 1<sup>st</sup> Respondent submits that no commercial civil aviation operations are undertaken at the HAL Airport after the opening of the Bangalore International Airport from 23/05/2008.



  
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Additional General Manager  
Airport Services Centre  
HAL(BC)

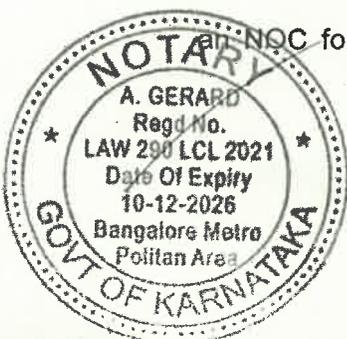
3. The 1<sup>st</sup> Respondent submits that thereafter the HAL Airport has been predominantly used by various Defence Establishments and Agencies for projects of National Importance and in National Interest. The HAL Airport is also being used for General Aviation Services other than those relating to Commercial Aircraft Operations which is not prohibited even as per the Executive Order dated 16/05/2008.
4. The 1<sup>st</sup> Respondent submits that the Definition for "Commercial Air Transport Operations" as per Convention on International Civil Aviation means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire. The 1<sup>st</sup> Respondent submits that presently the HAL Airport is not involved in transport of passengers, cargo or mail for remuneration or hire.
5. The Definition of "General Aviation Operation" means an Aircraft Operation other than a commercial air transport operation or an aerial work operation. The 1<sup>st</sup> Respondent submits that the activities that fall under General Aviation Services include accommodating Charter Operations, VVIP/VIPs and CIPs including Heads of States and Diplomats, Trainer Flights by various Airlines, usage of the Airport for takeoff and landing of Flights during National Emergencies and Aircraft Emergencies...etc. The 1<sup>st</sup> Respondent submits that even presently there are no restrictions on the HAL Airport being used for General Aviation Services.
6. The 1<sup>st</sup> Respondent submits that presently also HAL Airport is operational 24\*7 and supporting projects of National Importance and projects for sustainable growth of Civil Aviation. The 1<sup>st</sup> Respondent submits that re-opening of HAL Airport for civil commercial operations is in the pipeline considering the phenomenal growth of civil aviation and for effective utilization of the existing infrastructure.
7. The 1<sup>st</sup> Respondent submits that the Ambient Air Quality Air Standards with respect to noise in Airport Noise Zone dated 18/06/2018 in addition to excluding its applicability to Defence Aircrafts also excludes Aircraft Landing and Take-off Noise and also Aircraft Engine/Ground run-ups, helipad locations earmarked by

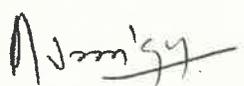


  
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Aircraft Operator for this purpose. It is pertinent to note that Aircraft Landing and Take-off Noise is excluded in respect of all Aircrafts without any differentiation.

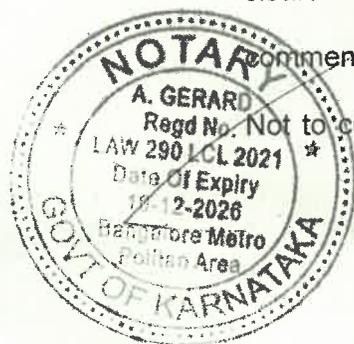
8. The 1<sup>st</sup> Respondent submits that the Complainant's residence is located at the Landing and Take-off Flight Path which is exempt from the applicability of the Ambient Air Quality Standards. The HAL Airport has been operational from the year of 1941 without any interruption and was even carrying on civil commercial operations till 2008. The 1<sup>st</sup> Respondent submits that the Complainant being a scientist at ISRO has settled in the vicinity of the HAL Airport with full knowledge of the fact that his house being located near the Airport and at the Aircraft Landing and Take-off Flight Path is susceptible to Aircraft Landing and Take-off Noise.
9. With respect to the issue on the requirement of an NOC for any construction at the vicinity of Airport from the Airport Authorities is concerned, the 1<sup>st</sup> Respondent submits that NOC for height clearance is issued on behalf of Government of India as that the Airspace around an Aerodrome is maintained free from any obstacles for ensuring safe aircraft operations and to prevent the Aerodrome from becoming unusable due to the obstacles likely to be created due to development and growth around the Aerodrome.
10. The 1<sup>st</sup> Respondent submits that a Government Gazette in this regard is being issued from time to time for providing necessary directions towards implementation of issuance of NOC procedures. Presently, the Ministry of Civil Aviation has notified G.S.R.751 (E) dated 30/09/2015 containing the "Height Restrictions for Safeguarding of Aircraft Operations Rules, 2015" which governs the procedure for issuance of NOC for construction of structures around the Aerodromes.
11. The 1<sup>st</sup> Respondent submits that as per Rule 4, no structure shall be constructed or erected on any land within a radius of not exceeding 20 kms from the Aerodrome Reference Point of civil and Defence Aerodromes without obtaining NOC for the height clearance. Further, no structure higher than the height



  
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specified shall be constructed on any land within a radius of 20 kms from the Aerodrome Reference Point.

12. As per Rule 5, the NOC in respect of civil aerodromes and Defence aerodromes shall be issued by the designated officer and authorized officer respectively in accordance with the rules and subject to such other conditions as the authorized officer may deem fit. Lastly, as per Rule 7, based on the NOC issued by the Authorised Officer, the concerned Local, Municipal or Town Planning and Development Authorities shall approve the construction of buildings or structures not exceeding the Permissible Top Elevation. Local, Municipal or Town Planning and Development Authorities shall also consider the existing building regulations or bye-laws or any other law for the time being in force before approving the construction of buildings or structures.
13. The 1<sup>st</sup> Respondent submits that as per the Bangalore Mahanagara Palike Building Bye-Laws, 2003 also contains guidelines to be followed by the Municipal Authorities while approving Building Plans for structures to be constructed near the vicinity of the Aerodromes based on the NOCs issued by the Airport Authorities. The 1<sup>st</sup> Respondent submits that Bye-law 15.3 at Table 12 of the BBMP Building Bye-laws, 2003, prescribes the Height Limitations for construction of Buildings near the vicinity of the Airport.
14. The NOC for height clearance issued by Airport Authority is mandatory for all structures, if the structure falls in the Landing and Take-off zones within 1829 M from the Airport. Further, no building structures exceeding the height indicated in Table 12 shall be permitted without the prior consultation with the local authority. Lastly, the Municipal Authorities also impose the requirement for issuance of mandatory NOC from Airport Authorities for high rise structures to be constructed within 20 kms from the Aerodrome.
15. The 1<sup>st</sup> Respondent submits that NOC is issued by the 1<sup>st</sup> Respondent for height clearance only to applicants who undertake the following terms such as (a) Not to commence the proposed construction before grant of NOC by HAL Airport; (b)



  
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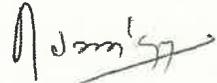
etc to applicant/other occupants or to the property or to the house of part thereof to be constructed; (c) to avoid attraction of birds, all garbage/waste materials shall be disposed off in a scientific manner, drains and manholes shall always be kept covered. The 1<sup>st</sup> Respondent submits that the Applicants for NOC are directed to execute the "Undertaking" in a Notarised Stamp Paper.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the Present Application with costs and thus render justice.

Verified at Bangalore on this 15<sup>th</sup> day of March, 2024

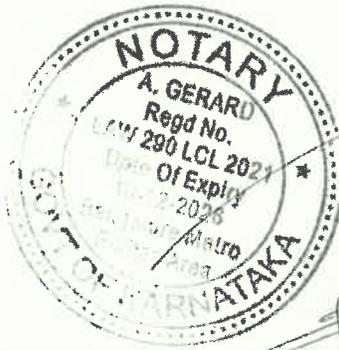


Counsel for Respondent

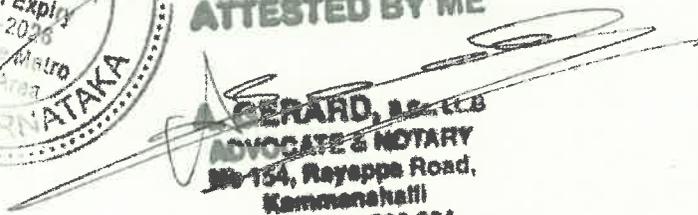


Respondent

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**ATTESTED BY ME**



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Mob: 9620539536

**15 MAR 2024**