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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8684 OF 2024**

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SUBHASH  
SONTAKKE

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Date: 2024.10.25  
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**Vinay Agarwal**

.. Petitioner

Versus

**Union of India & Ors.**

.. Respondents

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**Mr. Cyrus Ardeshir, Senior Counsel** a/w Dharam Juman, Suraj Iyer, Mihir Nerurkar, Gauri Joshi i/b. Ganesh & Co. for the Petitioner.

**Adv. Savita Ganoo a/w D. P. Singh** for the Respondent Nos. 1 and 2.

**Mr. Pravin Samdhani, Senior Counsel** a/w Shoma Maitra, Suhas S. Kadu i/b. Wadia Ghandy & Co. for Respondent No.6.

**Mr. G. S. Hegde, Senior Counsel** i/b. P. M. Bhansali for CIDCO.

**Mr. Ajay Khaire** for Respondent No.3.

**Mr. Girish Shrivastav**, Joint General Manager, AAI is present in Court.

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**CORAM:   B. P. COLABAWALLA &  
SOMASEKHAR SUNDARESAN, JJ.**

**DATE:       OCTOBER 24, 2024**

**P. C.**

1.           We have heard the above matter at quite some length. We have also perused the Petition as well as the affidavits filed by the concerned Respondents, namely, the Airports Authority of India (AAI), CIDCO, as well

as the Navi Mumbai International Airport. The AAI, at page 147, has stated that because there have been certain violations not only in relation to height but also in relation to the construction not being within the approved co-ordinates set out in the NOC dated 26<sup>th</sup> May, 2014, the same causes a safety issue.

2. As far as the height is concerned, the Petitioner states that the height restrictions have not been violated because of the increased elevation of the runway. The Petitioner, however, stated that, without prejudice to his rights and contentions, to put an end to the issue of height violation, he is willing to reduce the height of buildings B, C, and E to the approved height of 116.20 meters. We accept the said statement. Once this is the statement made, the alleged height violation is taken care of. The AAI will now only have to examine whether the three rehab buildings, which are admittedly in the shadow of the free sale buildings constructed by the Petitioner (having an approved height of 116.20 meters), would affect the safety of aircrafts landing and taking off from the Navi Mumbai International Airport. *Prima facie*, we are of the view that this should not be an issue because the taller free sale buildings have an approved height of 116.20 meters and stand between the Airport Runway and the offending rehab buildings [which have allegedly violated the co-ordinates] having a height of only approximately 55 meters.

3. However, we are not experts in the field. Therefore, we have given an opportunity to the AAI to explain to the Court how this would constitute a safety issue.

4. In order to enable the AAI to file the affidavit with the necessary details, we now place the above matter on 14<sup>th</sup> November, 2024.

5. Since we have substantially heard this matter, with the consent of parties, the same is treated as part heard. In the event the assignments change, the parties are at liberty to move the Hon'ble Chief Justice on the Administrative Side to have the above matter assigned to this Bench.

6. Stand over to 14<sup>th</sup> November, 2024.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**[SOMASEKHAR SUNDARESAN, J.]**

**[B. P. COLABAWALLA, J.]**