

No. Ft. 48-5125/2020(FCA),
Forest Department, Himachal Pradesh

From: Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh, Shimla.

To: Principal Chief Conservator of Forests (HoFF)
Himachal Pradesh, Shimla

Dated Shimla-1, the

13 1 DEC 2020

Subject: **Diversion of 0.1374 hectare of forest land in favour of HPPWD for the construction of Sanour Gharwasra via Answal Kapahi road (KMs. 0/00 to 0/40) within the jurisdiction of Jogindernagar Forest Division, Distt. Mandi, H.P.**

Sir,

I am directed to refer to the subject cited proposal received on single file from you, seeking prior approval of the Government of H.P. for diversion of forest land for non-forestry purpose under Forest (Conservation) Act, 1980.

2 After careful consideration of the proposal, the State Govt. has decided to accord, "in-principle" approval of the above mentioned proposal subject to the compliance of the following conditions:

1. The cost of Compensatory Afforestation will be realized from the user agency alongwith 10 years maintenance charges as per compensatory scheme on current wage rates.
2. Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency as per Hon'ble Supreme Court of India's order dated 30.01.2002, 09.05.2008 and Ministry's directions issued vide letter Nos. 5-3/2007-FC dated 05.02.2009.
3. The concerned DFO/UA shall get deposited the cost of plantation(except cost of Departmental Chargest @ 17.5 %), NPV and all other compensatory levies "online" with Ad-hoc body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) only through e-challan.
4. GoI has developed an e-payment module of forest clearance portal for online remittance of compensatory levies. Therefore, from 15th October, 2015 onward all deposit of compensatory levies viz cost of CA including Penal CA, Contingency charges on CA, NPV & CAT Plan etc. shall only be deposited through the e-payment portal such as online challan mode. Offline payments through RTGS/NEFT will not be accepted. The departmental charges on CA and cost of trees may be deposited in Govt. treasury. The instructions may be kept in view at the time of realizing compensatory levies which have already been circulated.
5. The use of forest land shall not be done till final approval is accorded.
6. The muck generated in the earth cuttings will be disposed off at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slope.
7. No tree felling is involved in this case.
8. Hon'ble Supreme Court in Civil Writ No. 202/1995 in T.N. Godavarman Thirumulkpad Vs. Union of India & Others in its judgment dated 11.03.2019 has imposed ban on diversion of forest land. The final approval for diversion of forest land will be accorded after the decision of Hon'ble Supreme Court. Till then, no construction activities shall be undertaken on the forest land proposed for diversion.

Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh, Shimla. o/c

Endst. No. Ft.48-5125/2020(FCA)

Dated Shimla-1, the 31 DEC 2020

Copy is forwarded to the following for information and further necessary action.

1. CCF Mandi.
2. DFO Jogindernagar.
3. Executive Engineer, HPPWD Division Dharampur, Distt. Mandi, Himachal Pradesh.

Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh, Shimla.

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04/12/2020