

# M/S BUSHAHR LAGHU UDYOG

(Stone Crushing and Screening plant)

Mfg. All type Aggregate, Sand and Building Material

Works:- Pashada Khad, PO Khaneri, Tehsil Rampur Bsr, Shimla (H.P)

HO:- Sh. Ninju Ram Building, VPO Jhakri, Tehsil Rampur Bsr, Shimla (H.P)

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E-Mail: cheshwer1979@gmail.com

October 10, 2018

To,

Nodal Officer-cum-APCCF (FCA)  
Himachal Pradesh Forest Department  
Shmila, HP

Subject:-

A plea for considering Compensatory Afforestation land for the Diversion of 2.1532 ha forest land for the mining lease, approachable road & stacking of raw material to fulfil raw material supply to nearby already established stone crusher at village- Pashada, P.O.-Khaneri, Tehsil-Rampur, Dist.- Shimla, HP.

Dear Sir,

With reference of FAC meeting held on 20<sup>th</sup> Sept. 2018, the committee has recommended the agenda no. 6 regarding identification of Land Bank for Compensatory Afforestation (CA). In minutes of meeting of FAC (File no. 8-57/ 2018-FC) dated 20<sup>th</sup> Sept. 2018 mentioned that Protected Forests (PF) as per Government of Himachal Pradesh notification dated 25.02.1952, these are as shall be considered for the purpose of compensatory afforestation (CA) under Forest Conservation Act 1980, provided that double the area of such category is covered under CA and is declared as RF/PF under Indian Forest Act, 1927, after mutated in the name of State Forest Department in a time bound manner. This dispensation will be applicable for the Centre/State Government projects and Private projects. According to aforesaid matter, the allotted 4.3064 ha UF Shandal land may be considered as CA land for the above said proposal.

Therefore, you are requested to kindly consider the allotted CA land in favour of M/s Bushahr Laghu Udyog for further process.

Thanking You,

Yours faithfully,

कनैगतु देवी

Kangetu Devi

(For M/s Bushahr Laghu Udyog)

M/s. Bushahr Laghu Udyog

Head Office :- V.P.O Jhakri

Teh. Rampur Bsr., Shimla (H.P.)

Enclosed;

1. Minutes Of Meeting Of Forest Advisory Committee (FAC) Held On 20<sup>th</sup> September, 2018



**Government of India**  
**Ministry of Environment, Forests & Climate Change**  
**(Forest Conservation Division)**

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**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC) HELD ON  
20<sup>TH</sup> SEPTEMBER, 2018**

Sandeep Sharma, AIGF (FC)

**Agenda No. 1**

**File No. 8-57/ 2018-FC**

**Sub.: Proposal For Diversion Of 76.882 Ha. Of Forest Land (Including 2.279 Ha. Safety Zone) Within The Total MI Area Of 86.886 Ha. In Gonua Iron & Manganese Mines In Village Gonua&Patabeda By Sri Pawan Kumar Ahluwalia in Bonai Forest Division Under Sundargarh District Of Odisha.**

1. The above stated agenda item was considered in FAC meeting on 20.09.18.
2. FAC after thorough deliberation and discussion on the agenda observed that the mining lease is very old .It is operating in the area since 1955.During the currency of first renewal period, the erstwhile user agency i.eMaitre Shukla got diversion of 54.40 ha forest land with in total mining lease area of 102 ha on 09.08.1996.Later the mining lease area was revised and the lease area was reduced to 86.886 ha. On 31.05.2018 MoEF&CC had conveyed its post Facto approval , as per FCA guideline 2.8, (In respect of diversion of 54.40 ha of forest land ) for change of name the user agency from SmtMaitre Shukla to Sh Pawan Kumar Ahluwalia.The validity of the Mining lease period has been extended under section 8A(6) of MMDR Act 1957 as amended by MMDR(amendment) Act 2015 upto 31.03.2020.At present out of 86.886 ha lease area, 76.882 ha is forest area.

**Recommendation of FAC:**

**FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, APCCF, Regional Office and User Agency recommended the proposal for in principle approval with standard ,general and following specific conditions**

1. User agency is operating in the area since 1955.No credible and visible action had been taken by the user agency to reclaim the area .User agency shall submit an approved reclamation plan prior to stage II approval. User agency shall deposit the corresponding amount in Adhoc CAMPA.
2. Violation as reported by the state government shall be dealt as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018



2. The above proposal was submitted by the Nodal Officer FCA, 1980, Government of Haryana vide their letter No. FP/HR/SCH/33815/2018Admin-D-3-8358/1314 dated 02.07.2018.
3. FAC during its meeting on 20.09.2018, observed that neither the proposal is site-specific nor the State Government of Haryana has explored the possibilities for alternatives lands. As seen on the google map, there are other lands available adjacent to proposed forest land.
4. **Recommendations of FAC:**  
FAC after thorough deliberation and discussion with the Officials of Govt. of Haryana decided not to recommend the said proposal for granting in-principle approval.

**Agenda No. 6**

**F. No. 11-423/2011-FC**

**Sub:** Identification and suitability of Non-forest land for Compensatory Afforestation under Forest (Conservation) Act, 1980 – **regarding identification of Land Bank for Compensatory Afforestation (CA).**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018.
2. The Additional Chief Secretary (Forests) to Government of Himachal Pradesh, Shimla vide his letter No. FFEB-F (5)/9/2017 dated 30.07.2018 while forwarding the representation regarding identification of Land Bank for Compensatory Afforestation (CA) has submitted following:-
  - a. The Hon'ble Chief Minister of Himachal Pradesh (HP) during a meeting with Hon'ble Minister MOEF&CC on 17.07.2017 at New Delhi had raised the issue of delay in obtaining forest clearance for State Sector Projects mainly, for want of suitable non-forest land for CA in Himachal Pradesh. After that the Ministry issued guidelines vide letter No. 11-423/2011-FC dated 08.11.2017, in which the specific issues related to the State of Himachal Pradesh could not be addressed.
  - b. The HP Government vide notification dated 25.02.1952, provisions of chapter -IV (of Protected Forests) of IFA, 1927 were made applicable to all forest land and waste land of HP which were of the Government, or over which the Government had proprietary rights. As a consequence, all Government owned waste land came under the category of Protected Forest but these were neither demarcated on ground, nor transferred and mutated in the name of State Forest Department in the revenue records. This land is still under settlement and awaits transfer and mutation in the name of the Forest Department.
  - c. In view of the Government of India guidelines dated 08.11.2017 and the discussion held in the meeting dated 17.07.2018, it is our understanding, that all such waste land covered by the notification of 1952 (except those areas which in due course got notified as new DPFs/RFs) qualify for being considered as non-forest land for the purpose of carrying out CA under para 3.2 (i). as such lands



have not been transferred and mutated in the name of the State Forest Department in revenue records.

- d. Therefore in the view of the Government of India guidelines dated 08.11.2017, the State Government shall, while formulating and processing cases of the forest clearance, consider all such lands brought under the purview of the Government notification of 1952, for undertaking CA over equivalent area over forest land in lieu of areas proposed for the diversion under FCA, 1980 for all projects whether being implemented by State Government Departments or by the State Government Corporations/Private entities.

**Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal Officer of Govt. of Himachal Pradesh recommended that the request of the Government of Himachal may be considered for Government waste land of HP which comes under category of Protected Forests (PF) as per Government of Himachal Pradesh notification dated 25.02.1952. These notified areas were neither demarcated on the ground nor transferred & mutated in the name of the State Forest Department in the revenue records. Therefore these areas shall be considered for the purpose of compensatory afforestation (CA) under Forest Conservation Act 1980, provided that double the area of such category is covered under CA and is declared as RF/PF under Indian Forest Act, 1927, after mutated in the name of State Forest Department in a time bound manner. This dispensation will be applicable for the Centre/State Government projects and Private projects.


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Not present  
(Dr. Sanjay V. Deshmukh)  
Member

Confirmed through email  
(Dr Rajesh Kaushal)  
Member

Confirmed through email  
(S. D. Vora)  
Member

  
(A. K. Mohanty)  
Inspector General of Forests (FC)

  
(Saibal Dasgupta)  
Addl. Director General of Forests (FC)

Not present  
Additional Commissioner (Soil Conservation)  
Ministry of Agriculture (Member)

  
(Siddhanta Das)  
Director General of Forests & Special Secretary