

Himachal Pradesh
Public Works Department

No. PW/NHN/WA-I/FCA-09/2025-26

9022

Dated: 16/2/2026

To

✓ The Divisional Forest Officer,
Nahan Forest Division,
District Sirmour, (H.P.).

Subject: Diversion of 0.327 ha forest land in favour of HPPWD for the construction of link road from village Bhogpur Simbalwala km.0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440), within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh- Regarding submission of EDS.
(Online Proposal No. FP/HP/Road/22919/2016).

Reference: Online EDS from Nodal Officer, Shimla dated 23/04/2025

Sir,

As per the online EDS dated 23/04/2025 mentioned in the above reference, EDS has been received from Nodal Officer, Shimla in which the department/user agency has to submit the document. Please find the point wise reply to the EDS for your necessary actions.

Sl. No	Query	Reply
1.	Complete status of 2183 roads i.e. cases approved, under process and yet to be processed is required. merely submitting the status of one circle does not serve the purpose. please provide the complete status of 2183 roads constructed in violation."	With reference to the above observation, it is respectfully submitted as under: 1. That vide this office letter No. PW/NHN/WA-I/FCA-9/2024-25/114 dated 07.04.2025, the status of roads constructed in violation pertaining to this Division including approved cases, under process, and yet to be processed has already been submitted to your good office. 2. That the requirement to submit the complete status of all 2183 roads constructed in violation pertains to multiple circles/divisions of HPPWD. The roads falling outside the HP.PWD., Nahan Division are not under the administrative or territorial jurisdiction of this office. 3. Accordingly, this office is constrained from providing the status of roads pertaining to other circles/divisions, and it is respectfully submitted that such information may be procured directly from the respective competent authorities having

	jurisdiction over those areas. 4. That vide the Engineer-in-chief, HPPWD, Shimla office letter No. PW/M&P/FCA/2025-26/10252-348 dated 07.04.2025 (soft copy enclosed), complete list of 2183 FCA violation cases, joint inspection report and the decision of Hon'ble High court of HP dated 05-09-2013 must be attached with each and every case. 5. That vide our office letter No. PW/NHN/WA-1/FCA-9/2024-25-14009 dated 04/03/2025 list of 2183 roads provided by the HPPWD to Hon'ble High Court of HP constructed in violation of FCA 1980 has been submitted and uploaded in additional information at Sl.No. 23 in the online Part-1. Joint inspection report has been submitted and uploaded in additional information at Sl.No. 02 in the online Part-1. The decision of Hon'ble High court of HP dated 05-09-2013 has been submitted and uploaded in additional information at Sl.No. 26 in the online Part-1. 6. Also, as per the decision of Hon'ble High court of HP dated 05-09-2013 (soft copy enclosed), it is clearly mentioned that <i>the officials of MoEF or any other department of the Government of India shall not insist for compliance of furnishing the names, designation and complete address of the officers of the State government responsible for the past violations.</i> In view of the above facts, it is requested that the case pertaining to HPPWD Nahan Division, already submitted, may kindly be considered and processed further under the provisions of the Forest (Conservation) Act.
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Submitted for kind consideration and necessary action, please.


 Executive Engineer
 Nahan Division
 H.P.P.W.D, Nahan

HIMACHAL PRADESH
PUBLICWORKS DEPARTMENT

No.PW/NHN/WA-I/FCA-9/2024-25-

114

Dated: 07/4/2025

To

The Divisional Forest Officer,
Nahan Forest Division,
District Sirmour, Nahan.

Subject: Diversion of 0.327 hac forest land in favour of HPPWD for the construction of link road from Village Bhogpur Simbalwala km. 0/0 to 3/440 (Portion Km.1/730 to 2/120 and 3/285 to 3.440), within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh-Regarding submission of EDS.
(Online Proposal No. FP/HP/Road/22919/2016).

Reference: Online EDS from CF (Nahan) dated 24/03/2025

Sir,

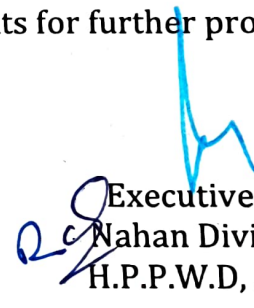
As per the online EDS dated 24/03/2025 mentioned in the above reference, EDS has been received from CF (Nahan) in which the department/user agency has to submit the document. Please find the point wise reply to the EDS for your necessary actions.

Sl. No	Query	Reply
1.	Please submit the complete status of 2183 roads which pertains to 12 th Circle Nahan.	The list of 2183 roads provided by the HPPWD to Hon'ble High Court of HP constructed in violation of FCA 1980 has been uploaded as " List of 2183 Roads in violation " by highlighting the name of road at Sl. No. 412 of 12th Circle Nahan at Page No. 56 of the PDF attached under additional information at Sl. No. 23 in the online Part-1. The complete status of 2183 roads which pertains to 12 th Circle Nahan of HPPWD Nahan Division is provided below:

Sl. No	Name of Road pertains to 12th Circle Nahan of HPPWD Nahan division	Proposal Status
1.	Construction of link road from Khajurna to Malonwala road	Approved

2.	Link road Bholion to Haripur via Nalka Smalka road upto Village Nalka.	Approved
3.	Construction of link road from Thana Kasoga to Trimali Dayar road km. 0/0 to 15/200	Approved
4.	Construction of link road from Sanana Ghat Jaincha Majhai Bhalta Mechher road upto village Did Bager	Approved
5.	Mahipur Sheetla Panar road upto village Dungi Kandyon.	Approved
6.	Construction of link road from Shambhuwala to Kun Nehrla road	Pending With User agency
7.	Construction of link road to village Bhogpur Simbalwala	Pending With User agency
8.	C/O Bharyan to Nar Notti km. 0/0 to 6/500	Approved
9.	C/O Bhagyanghat to Manria Matlana road km 0/0 to 3/0	Approved
10.	Mahipur Shitla Pannar road from Dungi kundiyan	Approved
11.	Construction of link road to village Kaulawala Bhood to Neemwali road	Pending With User agency

You are requested to kindly scrutinize the documents for further process.


 Executive Engineer
 Nahan Division
 H.P.P.W.D, Nahan

HIMACHAL PRADESH
PUBLICWORKS DEPARTMENT

No.PW/NHN/WA-I/FCA-9/2024-25-

14009

Dated: 4/3/2025

To

The Divisional Forest Officer,
Nahan Forest Division,
District Sirmour, Nahan

Subject: Diversion of 0.327 ha forest land in favour of HPPWD for the construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440), within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh-Regarding submission of EDS.
(Online Proposal No. FP/HP/Road/22919/2016).

Reference: Online EDS from Nodal Officer dated 21/11/2024

Sir,

As per the online EDS dated 21/11/2024 mentioned in the above reference, EDS has been received from Nodal Officer in which the department/user agency has to submit the document. Please find the point wise reply to the EDS for your necessary actions.

Sl. No	Query	Reply
1.	In response to observation No. 1, only status of the road in violation pertains to particular division, whereas, complete status of 2183 roads are to be submitted.	The list of 2183 roads provided by the HPPWD to Hon'ble High Court of HP constructed in violation of FCA 1980 has been uploaded as " List of 2183 Roads in violation " by highlighting the name of road at Sl. No. 412 of 12th Circle Nahan at Page No. 56 of the PDF attached under additional information at Sl. No. 23 in the online Part-1.

You are requested to kindly scrutinize the documents for further process.

Executive Engineer
Nahan Division
H.P.P.W.D, Nahan

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No.PW/M&P/FCA/2025-26 - 10252-348

Dated: 14/01/2026

To

The Chief Engineer (MZ),
HP PWD Mandi.

The Chief Engineer (KZ),
HP PWD Dharamshala.

The Chief Engineer (HZ),
HP PWD Hamirpur.

All the Superintending Engineers
under HP PWD Shimla Zone.

Subject:

Regarding meeting held on 06-01-2026 on the issues regarding fast tracking of FCA proposals of HP PWD.

A meeting was held on 06-01-2026 under the chairmanship of Principal Chief Conservator of Forests (HoFF) wherein priority cases of the department held up due to clearance under FCA were discussed. During the meeting, the general shortcomings commonly found in the proposals submitted for prior approval for Government of India under VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 were also discussed and the copy of the general short comings supplied by Principal Chief Conservator of Forests (HoFF) office is enclosed herewith for ready reference and compliance, henceforth.

Besides this following were clarified:-

- (1.) With regard to delisted cases, it was apprised that for cases uploaded prior to 01-01-2023, the applications be submitted to the forest department for re-enlistment of case & after 01-01-2023 can be re-listed by the User Agency themselves.
- (2.) Now the mutation of Compensatory Afforestation (CA) land must be got executed in the name of forest department.
- (3.) 107 Stage-II cases are pending for compliance which may be attended at the earliest possible.
- (4.) NPV deposited offline be confirmed to the forest department by furnishing supporting document.
- (5.) User Agency must discuss in monthly meeting with Deputy Commissioner regarding issuing Non-Availability Certificate (NAC).
- (6.) 22 Points compliance format must be got countersigned by the concerned DFO before uploading the each and every case on the Parivesh portal.
- (7.) Complete list of 2183 FCA violation cases (soft copy enclosed), joint inspection report and the decision of Hon'ble High Court of HP dated 05-09-2013 (soft copy enclosed) must be attached with each and every case.
- (8.) In-Principal approval must be supported with the token budget.

P.T.O

(9.) Certificate of priority signed by the concerned Executive Engineer must be attached with the case.

You are, therefore, requested to issue necessary instruction to all SEs/ EEs for strict compliance of the above.

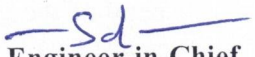
Treat it as most urgent.

Encls :- As above


Engineer-in-Chief,
HP PWD Nigam Vihar,
Shimla-171002.


Copy to:-

- (1) The Chief Engineer (SZ), HP PWD Nigam Vihar, Shimla-2 for information please.
- (2) All the Superintending Engineers (B&R) in the HP PWD for information and immediate necessary action in the matter.
- (3) All the Executive Engineers (B&R) in the HP PWD for immediate necessary action in the matter.


Engineer-in-Chief,
HP PWD Nigam Vihar,
Shimla-171002.

General Shortcomings commonly found in the proposal submitted for prior approval of GOI under V(SS)A, 1980: -

1. Copy of Administrative approval approved by competent authority, clearly mentioned the name of project and length.
2. Area of KML should be equal to the proposed DA and mark all the components in the **polygon features** and in distinguish colours (Forest/Non-forest/dumping sites) upload the same at designated column of the Part-1.
3. Proper justification of locating the project in forest land required.
4. Employment generation details should be realistic.
5. DGPS map and SOI Toposheet should be as per the KML of the proposed diversion area with correct lat and long.
6. Cost benefit ratio of the proposal is required to be submitted if the proposed DA area is > 5ha.
7. Copy of detailed Muck Management plan and details of muck generated, balanced muck and muck dumped, with Scientific & Engineering measures and photograph of the site duly authenticated by DFO concerned.
8. State Govt should explore the dumping sites which are devoid of Trees.
9. Copy of Reclamation plan for the proposed Dumping sites with protection measures/Scientific measures undertaken with financial allocation, duly authenticated by DFO concerned.
10. Copy of details/Calculation sheet of length and width of the proposed road passing through the forest and non-forest with reference to the IRC norms followed, duly authenticated by DFO concerned.
11. NoC from the concerned depart.
12. the detailed and scaled layout plan in legible format and in proper Scale chainage wise length and width of the proposed road and mark (Forest land/Non-Forest land//Dumping sites etc.) duly authenticated by DFO concerned.
13. If the proposal involves Pvt land, Consent of the private landowners by the way of sale/gift Deed/NoC or any other form is required to be submitted/uploaded.
14. Geologist report for the proposed DA duly authenticated by competent authority.
15. SMCP and WLMP plan wherever applicable.
16. Tree enumeration list should be matching with the details uploaded at part-II.



CWP No. 5600 of 2012 a/w CWP No. 9797 of 2012 & COPC No. 56 of 2009

05.09.2013

Present:

CWP No. 5600 of 2012

Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 4 & 6 to 8.

Mr. C.N. Singh, Advocate, for respondent No. 9.

Mr. Arvind Sharma, Advocate, for respondent No. 10.

CWP No. 9797 of 2012

Mr. Bipin C. Negi, Advocate, for the petitioners.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 6.

Mr. Rajnish Maniktala, Advocate, for respondent No. 8.

COPC No. 56 of 2009

None for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for Union of India.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents-State.

Heard counsel for the parties.

2. We have perused the minutes of the proceedings of the joint meeting held on 19th August, 2013, attended by all the concerned duty holders noted in our order dated 8th August, 2013. Since, in principal, agreement has been reached for regularization of 841 roads subject to certain compliances to be made by the State Government and

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that process is likely to take some time, we have no hesitation in deferring the hearing of this matter for the time being till **30th December, 2013**, for reporting of further action taken by the concerned duty holders.

3. Learned Assistant Solicitor General of India submitted that the MoEF is of the opinion that in addition to 841 roads, referred to in the order dated 8th August, 2013, by this Court, it is possible that there are other roads, which are not included in the list of 841 roads. That figure may jump to around 1500. In other words, there are more than 660 roads, which have not been brought to the notice of the MoEF as of today.

4. The learned Advocate General appearing for the State submits that this apprehension will be duly examined at the highest level by the State Government and the information that would be collated during such enquiry, the Principal Secretary (PWD) to the Government of Himachal Pradesh shall submit that information to the MoEF not later than two months from today. The State Government, through learned Advocate General, undertakes to abide by all the conditions specified in the minutes of the joint meeting held on 19th August, 2013, even with regard to the unlisted roads of which information will be furnished by the State Government in due course.

5. In view of this assurance given by the State Government, we do not deem it necessary to issue any direction on that issue as of now.

6. Learned Assistant Solicitor General of India then invited

-: 3 :-

our attention to Clause (x) of the minutes and pointed out that the State Government be directed to submit the list of officers responsible for violation.

7. In our opinion, insistence of this compliance will be counter productive at this stage. In our order, dated 8th August, 2013, we have already kept the order dated 28th August, 2009, in abeyance. Necessity of furnishing list of officers of the State Government responsible for violation would arise only if the said order was to be revived and the abeyance order is recalled.

8. In the circumstances, we hope that the officials of MoEF or any other department of the Government of India shall not insist for compliance of furnishing the names, designations and complete addresses of the officers of the State Government responsible for past violations.

9. Accordingly, this matter be notified on 30th December, 2013. The arrangement directed in terms of order dated 8th August, 2013, to continue till further directions.

Copy dasti.

(A.M. Khanwilkar)
Chief Justice

(Kuldip Singh)
Judge

September 5, 2013
(rajni / vt)