

No. DFO (U) //2022-23/ 2523

Himachal Pradesh Forest Department.

Dated Shimla the.

24-3-2023

From **Divisional Forest Officer.**  
**Urban Division, Shimla.**

To **Chief Conservator of Forests.**  
**Shimla Circle, Shimla.**

**Subject: - C/o Ambulance road from Fire Brigade road for the building in Daizy Bank Estate Lower Jakhu Shimla Ward No-16 KM 0/0 To 0/45 (0.0112 ha.)**

Memo.

Please refer to Integrated Regional Office, Ministry of Environment, Forest and Climate Change, CGO, Complex, Shivalik Khand Longwood Shimla H.P. office file No. FC/HPB/06/152/2022 dated 01-10-2022 addressed to Additional Chief Secretary Forest H.P. on the subject cited above.


2. The observations raised vide above communication are attended as under:



Sr. No	Observations	Reply
1	It has been observed from the past experience that Hon'ble High Court, Hon'ble NGT and Hon'ble Supreme Court are very much concerned for felling of trees in Green/Core area of Shimla. Therefore, the State Govt. may review the proposal in the light of directions of Hon'ble Courts and provide the comments as well.	There are no such Hon'ble High Court, Hon'ble NGT and Hon'ble Supreme Court orders that prohibits felling of trees in Shimla Town either in core area/green area after getting approval under section 2 of FCA, 1980. On 4 <sup>th</sup> of May, 2021 Hon'ble High Court in CWPIIL No.08/2021 had stayed the felling of trees in Shimla town, but this stay has now been vacated by the Hon'ble High Court order dated 04-08-2021. Hence, the proposal for diversion of forest land involving trees can be proceeded under FCA 1980
2	The State Govt. should scrutinize the alternatives in more details and must give complete justification establishing its inescapability for locating the project in the forest area.	There is no possibility of alternative alignment the area being densely populated. The proposed road has to necessarily pass through forest land. There is no non forest land available. There is no natural water source temple etc. hence

		there is no escape from using the forest land. Trees toward hill side will be protected and only the trees coming in the road shall be felled.
3	It has been observed from the KML file that, the beneficiary village (US Club) is already connected to the road from all side. Moreover, within the periphery of 35 m to 70 m of proposed road, existing road are clearly visible in the KML file. This clearly shows that the road is proposed for the benefit of 2-4 household only .Therefore, State Govt. may review the proposal and justify the requirement of said road in detail.	The area falls in 2 Mohal. The road starts from up mohal U.S. Club and ends at Daisy Bank, which is under up Mohal Ridge. The KML file is only showing the U.S. Club area and not the beneficiary village (Daisy Bank Area) having around 600 beneficiaries. Beneficiary certificate from revenue authority has been uploaded by User Agency.
4	As per the alignment shown in the KML, Starting and end points are not clear and the proposal road is not connected /linked with any existing road. Moreover, it is also observed from the KML file that this road is not directly benefiting the marked beneficiary villages/Household (US Club). Therefore, State Govt. may provide the correct KML file accordingly.	The road starts from existing road of U.S. Club and will end at Daisy Bank. The proposed ambulance road will benefit the population in the ward (which is around 600 and who are residing there), at the time of emergency and for disaster management . In the absence of proper connectivity local residents face a lot of problem during medical emergency. Presently the upper road and lower road is approachable by stairs numbering around 100 each road. Revised Site plan has now been uploaded by the User Agency on online portal.
5	It has been observed from KML file that the terrain of proposed site is in hilly/slopy . The State Govt. may provide details regarding the mitigation measures to be adopted to arrest the accelerated soil erosion/land slide during and /or after execution of the project . Additionally, the State Govt. may submit Soil and Moisture Conservation Plan along detail cost of its implementation as per MoEF & CC vide letter No. FC-11/43/2021-FC dated 07-06-2022	The provision of retaining wall and breast wall has already been made by the User Agency in the project proposal, however the mitigation measures to be adopted to arrest the accelerated soil erosion/land slide during and or after execution of the project will be the taken care of and undertaking to pay entire cost for Soil and Moisture Conservation has been given by the User Agency. Also the cost @ 0.5% of project



		cost has been worked out and uploaded on the portal.
6	Four numbers (04) of important trees are proposed for felling. The User agency may explore the possibilities to reduce the proposed felling to "Nil" to save ecology & environment of the area. Therefore, State Govt. may submit the comments in view of order of Hon'ble NGT in Original application No. 297/2022 (I.A. No. 90/2022 dated 12-05-2022 directions.	Possibility to save the trees had already been explored by the User agency for proposed site, but there is no possibility to save the 4 no.s of trees.
7	The proposal involves 4 no. of trees. However, perusal of KML shows that the proposed alignment is passing through dense forest. Therefore, the exact enumeration of trees duly authenticated by DFO concerned may be provided.	Enumeration list of trees uploaded on online portal in additional information
8	The Geo-coordinates mentioned in the Geo referenced map are falling in circular road. Therefore, State Govt. may review and rectify the same.	Revised map s has been uploaded by User Agency on online portal.
9	The population and number of household detail of buildings in Daizy Bank Estate Lower Jakhu Shimla who are not connected to ambulance road by yet may be provided.	Beneficiary certificate from revenue authority has been uploaded by User Agency.
10	In part-1, B-2. 1 name of Forest Division involved is mentioned as "Shimla MC". Therefore, State Govt. may review and rectify the same accordingly.	For updating the name matter has been taken up with the concerned authority.
11	Undertaking regarding the FRA certificate has been submitted ,however the name /title of the proposal is not mentioned . same needs to submitted which is duly authenticated by DFO concerned.	Needful has been done & uploaded on the portal.

  
 Divisional Forest Officer  
 Shimla Forest Division  
 Shimla-2

12	FRA Certificate along with all prescribed annexures including record of all consultations & meetings with ward members of all concerned ward are required to be submitted.	Updated copy of FRA certificate with proceeding has been uploaded by the User agency in online portal
13	It is submitted by the State Govt. that the Extra/Remaining Muck will be dumped in Approved Dumping sites. Also, submit an undertaking that no muck/debris will be stacked in open areas, neither dumped in the forest area.	Desired undertaking of muck/debris has been uploaded by the User agency in online portal.
14	Most of the documents (Muck Management Plan, certificate of length and width etc.) are not duly authenticated by DFO concerned. Same may be reviewed and uploaded on the PARIVESH portal.	Needful has been done.
15	The project approval document issued by Competent Authority may be provided.	Copy of project approval has been uploaded in online portal
16	The revised NPV calculation sheet/bill as per revised NPV rates by MoEF & CC dated 06-01-2022 may be provided.	Revised NPV bill uploaded on online portal in additional information.
17	In part-II, Column-14 geographical area of district may be reviewed and rectified.	Needful has been done
18	Layout Plan/Line Plan showing RoW along with chainage wise detail may be provided.	Layout Plan/Line Plan has been uploaded by the User agency on online portal
19	Certificate of Unavoidable and barest minimum of the Forest land for the DA has not been submitted. Same may be reviewed.	Certificate of Unavoidable and barest minimum of the Forest land for DA has been uploaded by the User agency on online portal
20	The detailed area calculation sheet showing Length, Width of road may be provided.	The detailed area calculation sheet showing Length, Width of road has been uploaded by the User agency on online portal

  
 Divisional Officer  
 Shimla Division (Urban)  
 Shimla-2