

# NEW HYDEL POWER

H.O Village Gholti PO Sarol Tehsil and Distt. Chamba HP 176312

Correspondence Address—New Hydel Power C/O Naman Engineers and Consultants

Tapovan Road Near HP Vidhan Sabha Dharamshala Distt. Kangra HP (176057)

Mob. 7831831053, 7018349447. Email Id. [mkapoor.8000@gmail.com](mailto:mkapoor.8000@gmail.com)

Ref. No. NHP/FC/412/23

Dated 29/3/23

To,  
The DFO,  
Forest Division Chamba,

**Subject :-** Regarding diversion of 0.6030 hectares of forest land in favor of New Hydel Power for the construction of Banuala Baroond-II SHEP(0.80MW) within the jurisdiction of Chamba Forest Division Distt. Chamba HP (Online Proposal No. FP/HP/HYD/146882/2021) and Reply to observations thereof.

**Reference-** Online proposal No. FP/HP/HYD/146882/2021 EDSs raised by IRO Shimla on dated 15-03-2023

Dear Sir,

Kindly Find here the reply to the observation raised by IRO (MoEF) Shimla in favour of Banuala Baroond –II SHEP 0.80 MW.

Sr. No.	OBSERVATIONS	REPLY
1	A fresh letter of consent needs to submitted by the State Government.	The concerned letter has been enclosed herewith P-3-3(A)
2	In response to observation no.3 State Govt submitted " <i>that Hon'ble Supreme Court has removed the ban vide order dated 08.02.2022 &amp; allowed diversion of forest land in Protection Working Circle</i> ". However, a copy of the same may be provided to this office.	The van on the diversion of land under FCA and FRA has been removed except the forest area falling within the National parks and Wild Life sanctuaries as ordered by Hon'ble Supreme Court of India in order copy enclosed and mentioned in page No.20-22 in this order. P-4-31
3	The legal status of DA is mentioned as "Protected Forest". Therefore, state Govt. may again clarify whether it is a Govt. Wasteland declared as PF under HP Govt. notification, 1952 or is notified as UPF/DPF under IFA, 1927 and is in possession of H.P. Forest Department or not.	The matter pertains to DFO Chamba
4	NOC for Banuala Baroond S.H.P. (5 MW) from the IPH Department has been Submitted However, it is not submitted for the instant proposal. Therefore, NoC from the IPH department for the extant proposal needs to be submitted.	That in the earlier Project Banuala Baroond was allotted with capacity of 5 MW with parametres i.e 2000M (weir Site) and 1615M (Power House+Tail Race) and on that time we have obtained the NOC from I&PH department. Now the Project has been bifurcated in Two stages between same allotted parametres i.e Banuala Baroond-I (2MW) 1990M (weir Site) and 1765M (Power House+Tail Race) and Banuala Baroond-II (0.80MW) elevations between 1700M (weir Site) and 1615m (Power House+Tail Race). There is not any change in Project name (i.e Banula Baroond) and Elevations only capacity and stages has been changed within the allotted elevations. No location and elevations beyond allotted parametres has been changed. So the obtained and enclosed NOC from the department of I&PH should be entertained and the capacity bifurcation approval from the Govt. Of HP has been enclosed here for your ready reference Please. P-32-33

Authorised Signatory



5	NOC for Banuala Baroond S.H.P. (5 MW) from the Fishery partment has been Submitted However, it is not submitted for the instant proposal. Therefore, NoC from the Fishery department for the extant proposal needs to be submitted.	The NOC From Department of Fisheries has been enclosed here P-34
6	Beneficiary villages are required to be marked on the KML file.	Need ful has been done in KML file and uploaded on portal
7	In joint inspection report , the length of the road is submitted as <b>400 m</b> , however, details under checklist number 23, the information regarding the length of the road is submitted as 364 m. State Govt may review and rectify the same.	The joint inspection report was a preliminary survey and on the basis of this the value of road was mentioned app. 400m. But during actual survey the length of road is 364m which is correct to the all land details and measurements of land proposed. Total area for Road and Transmission Line is 0.4004 Hect. 1. Road . 364*4=0.1456 hact 2. Transmission 364*7=0.2548 hact <b>Total 0.4004 Hect.</b> <b>P-35-36</b>
8	An enumeration list of trees, including the compartment no and along with the date of tree enumeration, which is duly authenticated by the concerned DFO, needs to be provided.	The matter pertains to the DFO Chamba
9	A layout plan showing all the components with distinct colours duly authenticated by the concerned DFO needs to be uploaded online.	Layout Plan of the project has been uploaded. P-37-38
10	The site Inspection Report uploaded by the concerned DFO needs to revise as it mentioned "the construction of the proposed Banuala Baroond –II hydroelectric Project II 2 mw". State Govt. may review and rectify the same.	The matter pertains to the DFO Chamba
11	It is observed from the KML file, the diversion area is slightly steep and vulnerable to erosion. Therefore, State Govt. may provide detail of the mitigation measures to be adopted to arrest the accelerated soil erosion/ landslide during /after the execution of the project. Additionally, the State Govt. may submit Soil and Moisture Conservation Plan along with the detailed cost of its implementation as per MoEF & CC vide letter No. FC11/43/2021-FC dated 07.06.2022.	That the project has very small components and there will be no huge excavation even then the work will be done mannually with proper caution to keeping in view the no soil erosion and landslide. The area where project components are proposed has hard strata. So there are infinite scope of soil erosion and landslide Even if needed the Wire Crate work and Gabbion Wall will be provided during excavation where will seems the chance of soil erosion and landslideing. For Dumping the muck in dumping sites they will be properly protected with concrete based structures So that the acceleration of soil can properly arrested in the dumping sites during excavation. All generated muck will be dumped in dumping sites carefully. The Muck Plan has been enclosed here. P-39-43
12	It is submitted that no independent Cumulative Impact assessment and carrying capacity study of the Ravi basin has been carried out. However, an independent cumulative Impact assessment and carrying capacity study of the Ravi basin has been carried out by a third independent party. Therefore , a copy of the same with recommendation / mitigation measures may be provided or the carrying capacity of the nalla/ rivulet / Stream where the project is proposed from the competent authority may be provided.	As mentioned in earlier that no independent cumulative impact assessment and carrying capacity study of the Ravi Basin has been carried out But a Digitized basin wise plan for Ravi basin was carried out by a third party in which the power potential of the Ravi basin has been identified as 3237.12mw. The copy of the identified Potential with all details of status of Projects in Ravi basin has been enclosed here. Further the Environment Science and Technology Department has stated that the Projects upto the capacity of 25 MW does not fall in preview of Environment Impact Assessment Notification 2006 and its subsequent ammendments. The above study will be conducted by the MoEF for which the draft term of reference (TOR) was prepared and submitted to MoEFCC GoI in the year 2015. However in the year 2015 ministry of environment and Forest(MoEF)-CC GoI took in principle decision that henceforth all the CEIA and CCS study in all river basin will be conducted by MOEF-CC GoI itself. P-44-58

New Hydel Power

Authorised Signatory



(3)

**HIMURJA**  
(H.P. GOVT. ENERGY DEVELOPMENT AGENCY)  
SHIMLA-171009.

HIMURJA/ SHP/Banuala Baroond-II (298)/2015-4666-67

Dated 23-9-2021

From Chief Executive Officer,  
HIMURJA, Urja Bhawan,  
Kasumpti Shimla-171009

To M/s Gayatri Hydel Projects (P) Ltd,  
Mohalla Charpat, Distt. Chamba-176301

M/s New Hydel Power,  
H.O. Vill. Gholli, P.O. Sarol,  
Tehsil & Distt. Chamba (HP)

Subject: - Transfer of Banuala Baroond-II (0.80MW) SHEP in Distt Chamba from M/s Gayatri Hydel Projects (P) Ltd, to M/s New Hydel Power

Dear Sir,

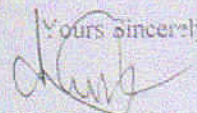
This has reference to your letter no. GHPPL/TFR/ 2021/555 dated 12.01.2021, your request for change in name of allottee/transfer of shares for Banuala Baroond-II SHEP from M/s/s Gayatri Hydel Projects (P) Ltd, to M/s New Hydel Power has been approved by the Government.

You are therefore, requested to complete the following formalities:-

1. Deposit security amount of Rs. 40,000/- only @ Rs. 50,000/- per MW through demand draft in favour of Director Himurja, Shimla-9 on behalf of M/s. New Hydel Power.
2. Deposit fee of Rs. 20,000/- only @ 25,000/- per MW for transfer of project in the name of new entity.
3. Submit resolution on stamp paper duly notarized for signing of Tripartite Agreement on behalf of M/s Gayatri Hydel Projects (P) Ltd.
4. Submit resolution on stamp paper duly notarized for signing of Tripartite Agreement on behalf of M/s New Hydel Power.
5. An undertaking from new SPV for acceptance of provision of Hydro Power Policy 2006, and its subsequent amendments thereof.
6. Stamp papers of Rs. 100/- each= 6 Nos. & Judicial papers 50 Nos of Rs 1/- each.

Above formalities be completed within 21 days positively.

Yours sincerely,

  
Project Director - Cum -  
Dy. CEO Himurja Bhawan  
Kasumpti, Shimla-171009

Dated

Copy forwarded to The Special Secretary (NES) to the Govt. of H.P. Shimla-2 w.r.t. letter no. NES-P (2)-10/2015 dated 02.09.2021 for information please.

  
Project Director - Cum -  
Dy. CEO Himurja Bhawan  
Kasumpti, Shimla-171009



Regd. Post.

**HIMURJA**  
(H.P. GOVT. ENERGY DEVELOPMENT AGENCY)  
SHIMLA: - 171 009.

HIMURJA/ SHP/Banuala Baroond (298)/2015 13561

Dated 27-11-2018

To

M/s Gaytri Hydel Projects (P) Ltd,  
Mohalla Charpat, Distt. Chamba-176301

Subject: -

Bifurcating Of project into two projects within allotted elevations..

Dear Sir,

This is in continuation to consent issued on 10.08.2015 in respect of Banuala Baroond (5.00MW) HEP and request received from you vide letter no-nil dated 06.07.2018 for bifurcation of allotted project Banuala Baroond in two stages within allotted elevations. The State Government has approved bifurcation of project into two projects within allotted elevations of Banuala Baroond as per details given under:

Name of Project	Allotted elevation /cap	Revised elevation & Cap.	Stream
Banuala Baroond Stage-I	2000-1615 (5.00MW)	1990-1765 (2.00MW)	Churkhu
Banuala Baroond Stage-II	2000-1615 (5.00MW)	1700-1615 (0.80MW)	Churkhu

The approval is subject to completion of codal formalities as per Hydro Power Policy 2006 and instruction/ amendments issued their under from time to time and following conditions:-

1. IPP has to deposit Upfront premium, Security charges and processing fee as fresh applicable as per prevailing Hydro Power Policy.
2. The above approval is further subject to the condition that the riparian distance of 50 mtrs elevation wise or 250 mtr horizontal distance is to be maintained between two projects to allow visible flow of water in the stream / nalla, failing which the allotment is liable to be cancelled for violation of the same.
3. IPP has to obtain the applicable NOCs as per policy provisions.

It is further stated that the exemption of extension fee for the delay in approval of change in elevations is subject to approval of Government.

Yours Sincerely,

(Er K. L. Thakur)

Director

Himurja Urja Bhawan

Kasumpti, Shimla-171009

Endst.No. - A/A

Copy is forwarded to the following for information and necessary action:-

1. The Special Secretary (NES), to the Govt. of H.P. w.r.t letter no. NES-F (2)2018 dated 30.10.18.
2. Director Energy, Directorate of Energy, Shanti Bhawan, Phase-III, Sector-6, New Shimla-171009.
3. Deputy Commissioner, Chamba, Distt.Chamba, H.P.
4. Sr. Project Officer Himurja Chamba, Distt. Chamba, H.P.

Director

Himurja Urja Bhawan

Kasumpti, Shimla-171009

New Hydel Power  
Authorised Signatory



(4)

COURT MATTER

No.FL.42-345/2019/Vol.III (FCA)  
Forest Department, Himachal Pradesh.

Dated Shimla-1, the

From: The Pr.CCF (HoFF),  
Himachal Pradesh.

To: All CCFs/CFs(T&WL and GHNP) H.P.

Subject:- Writ Petition (Civil) No. 202 of 1995, titled as T.N Godaverman Thirumulpad V/s Union of India and Others.

Memo:

In this regard, it is submitted that An interlocutory application has been filed in the Hon'ble Supreme Court of India i.e., I.A. No. 132892/2022 on the behalf of State Government for recall modification of the order dated 11.03.2019 and for allowing the State Government to divert the forest land under the Forest (Conservation) Act, 1980 and Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for the developmental activities. The Hon'ble Supreme Court of India has issued the order dated 08.02.2023 has allowed the application. The application is allowed in terms of prayer clause (a) and Hon'ble Supreme Court of India has clarify that this order would not be applicable in respect of the forest areas falling within the national Parks and wildlife Sanctuaries (copy enclosed).

Henceforth, the FCA cases after Stage-II approvals will be implementable as before 11.03.2019.

Encl:-As above.

*sd/-*  
Nodal Officer-cum-APCCF (FCA)  
Himachal Pradesh.

Enclst. No. FL 42-345/2019/Vol.III (FCA)

Dated Shimla-1, the

✓ Copy is forwarded to all DFOs T& WL and GHNP Shamshi, H.P. for information and further necessary action. You are informed that the FRA cases may be processed for the developmental activities as per the guidelines inforee. Now cases can't be sent to Hon'ble Supreme Court for approval please.

*sd/-*  
Nodal Officer-cum-APCCF (FCA)  
Himachal Pradesh.

Authorised Signatory



No. FFE-B-E(3)-24/2021-L  
Government of Himachal Pradesh  
Department of Forests  
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From

Principal Secretary (Forests) to the  
Government of Himachal Pradesh, Shimla-2

To

✓ The Principal Chief Conservator of Forests (HoFF),  
Himachal Pradesh, Talland, Shimla-171 001

Dated Shimla-2, the 28<sup>th</sup> February, 2023

Subject -

Implementation of Orders passed by Hon'ble Supreme Court of  
India in IA No. 3840 of 2014 in Writ Petition (Civil) No. 202 of 1995 -  
T.N. Godavarman Thirumulkpad Versus Union of India & Ors.

Sir,

I am directed to enclose herewith a copy of letter No. 2997/1995/SC/PIL  
(W) dated 20<sup>th</sup> February, 2023 alongwith certified copy of order dated 8<sup>th</sup> February  
2023 received from the Assistant Registrar, Supreme Court of India, New Delhi on the  
subject cited above and to say the Interlocutory Application No. 132892 of 2022 filed in  
Interlocutory Application No. 3840 (disposed of) in Writ Petition (C) No. 202/1995 was  
listed before the Hon'ble Supreme Court of India on 8<sup>th</sup> February, 2023. After  
hearing, the Hon'ble Court was pleased to allow the same with the following orders  
(operative part) -

"4. We find that the requirement of seeking permission of this Court  
for even undertaking minimal developmental activities necessary for  
the citizens residing in rural/hilly areas has caused long delays in the  
execution of such projects.

5. In any case, the statutory provisions under the Union Statutes like  
the Forest Conservation Act, 1980, Forest Conservation Rules, 2022,  
Compensatory Afforestation Fund Act, 2016 and Compensatory  
Afforestation Fund Rules, 2018 take care of protecting 21  
environmental concerns. In addition, the Principal Chief Conservator  
of Forests (HoFF), vide order dated 21.04.2022 has issued various  
guidelines so as to ensure compensatory afforestation, whenever the  
permission for felling of trees is required.

6. In that view of the matter, we are inclined to allow the application.  
The application is allowed in terms of prayer clause '1st'."

Authorized Signature



-2-

7 However, we clarify that this order would not be applicable in respect of the forest areas falling within the National Parks and Wildlife Sanctuaries.

2 The Clause (a) of aforesaid Interlocutory Application No 132892/2022 referred in the aforesaid orders is as under -

"(a) re-call/modify the order dated 11-03-2019 and to allow the State Govt. to divert the forest land under the Forest (Conservation) Act 1980 and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as was being done before the restraint orders."

4 Therefore, keeping in view of the aforesaid orders of the Hon'ble Supreme Court of India, the instructions/directions issued vide this department letter No. FFE B/E(3)-151/2017-L dated 22<sup>nd</sup> April 2019 (copy enclosed) are hereby recalled.

5 You are, therefore, requested to comply with the orders of the Hon'ble Supreme Court of India and issue necessary instructions to all the concerned in this regard

Yours faithfully,



(P.K. Taak)

Joint Secretary (Forests) to the  
Government of Himachal Pradesh  
Phone No. 0177-2628497

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New Hydral Power  
Authorized Signatory



ITEM NOS.21, 23, 24 & 25 COURT NO.8

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(INTERLOCUTORY APPLICATIONS FOR 08.02.2023

"ONLY"

[1] I. A. No. 191635/2022

(CEC REPORT NO. 31/2022 - REPORT OF CEC IN APPLN. NO. 1559/2022  
FILED BEFORE IT BY MINISTRY OF FINANCE)

IN RE : MINISTRY OF FINANCE

AND

[2] (i) I. A. No. 132892 OF 2022

[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN I. A. No. . 3840 (Disposed of)

APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING  
OF TREES]

AND

(ii) I. A. No. 132905 OF 2022

[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN I. A. No. 2370 OF 2007 (disposed of)

[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL  
PRADESH

AND

[3] I. A. Nos. 90862 AND 90864 OF 2021

[APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.]

IN RE : M/S. JAIPUR SILICA SUPPLY CO., RAJASTHAN

AND

[4] I. A. Nos. 105987 AND 105989 OF 2019

[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

IN RE : WIND MILL, MAHARASHTRA

AND

[5] SLP(C) No. 25047/2018

Signature Not Verified

Digital signed by  
Narayan Prasad  
Date: 2022.02.13  
10:14:13 IST  
Reason:

[5] I. A. No. 195467 AND 195468/2022

[APPLICATIONS FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022 AND



(8)

EXEMPTION FROM FILING O.T.]

IN RE : STATE OF UTTAR PRADESH

AND

[7] CONTEMPT PETITION (CIVIL) NO. 941 OF 2021

WITH I. A. NO. 151207 OF 2021

(APPLICATION FOR PERMISSION TO APPEAR AND ARGUE IN PERSON)

IN I.A.NO. 151208 OF 2021

(APPLICATION FOR EXEMPTION FROM FILING O.T.)

IN RE : KHEM CHAND GOYAL

AND

[8] [i] CONTEMPT PETITION (CIVIL) NO. 319 OF 2021

WITH I. A. NO. 66719 OF 2021

(APPLICATION FOR EXEMPTION FROM FILING NOTORIZED AFFIDAVIT)

IN I. A.NO. 90182 OF 2019 (APPLICATION FOR DIRECTIONS)

IN RE : RAJAJI TIGER RESERVE, UTTARAKHAND

WITH

[ii] I. A. No. 186910/2022

(CEC REPORT NO. 30/2022 - REPORT OF CEC IN APPLN. NO. 1557/2022

FILED BEFORE IT BY GAURAV KUMAR BANSAL)

IN RE : GAURAV KUMAR BANSAL

AND

[iii] I.A. NO. 20650/2023

(CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021

FILED BEFORE IT BY GAURAV KUMAR BANSAL)

IN RE : GAURAV KUMAR BANSAL

AND

[9] CONTEMPT PETITION (CIVIL) NO. 302 OF 2020

WITH I. A. NO. 4480 OF 2020

(APPLICATION FOR EXEMPTION FROM FILING O.T.)

AND I. A. NOS. 118475 AND 118476 OF 2020

(APPLICATIONS FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS AND  
EXEMPTION FROM FILING O.T.)

AND I. A. NO. 148248 OF 2022

(APPLICATION FOR EXEMPTION FROM FILING O.T.)

AND I. A. NO. 181312 OF 2022

(APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS )

AND

[10] In Re : Issue of Appointment of a National Regulator in terms  
of Judgment of this Court in Lafarge Umiam Mining Pvt. Ltd. Vs. UOI  
and Ors. passed in I. A. Nos. 1868/2007, 2091/2007, 2225-2227/2008,  
2380/2008, 2568/2009 and 2937/2010



AND

[ 11 ] IN RE : "CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST LAND MAHARASHTRA"

[ i ] INTERLOCUTORY APPLICATION NO. 2079/2007  
[APPLICATION FOR IMPEADMENT AND DIRECTIONS]

WITH

[ ii ] I.A NOS. 2301-2302

[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

AND

[ iii ] I.A. NOS. 3044-3045

[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

AND

[ iv ] I.A. NOS. 2771-2772

[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

AND

[ v ] I.A.NOS. 111725 AND 154041/2018

[APPLICATIONS FOR SUBSTITUTION OF APPLICANT, i.e. SMT. HOUSABAI HARIBHAU BHAI RAT AND CONDONATION OF DELAY IN FILING APPLICATION FOR SUBSTITUTION IN I.A. NOS. 2771-2772/2009]

WITH

[ vi ] W.P.(C) NO. 301/2008

AND

[ 12 ] I.A. NOS. 63946/2017 AND 35372/2017

[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]

WITH I.A. NO. 157034/2019

[APPLICATION FOR DIRECTIONS IN I. A. NO. 35372/2017]

IN RE : PROF. SOBHINDRAN

AND

[ 13 ] I.A. NOS. 2930 AND 3963

[APPLICATIONS FOR DIRECTIONS AND PERMISSION TO FILE ADDITIONAL DOCUMENTS]

WITH I.A. NO. 160714 OF 2019

[APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION]

IN RE : M/S SHEWALKER DEVELOPERS LTD.

AND

[ 14 ] I.A. NO. 3927/2016 [APPLICATIONS FOR DIRECTIONS]

IN I.A. NOS. 3645-3647/2013(DISPOSED OF)

IN RE : M.P. ROAD DEVELOPMENT CORPORATION LTD.

AND

[ 15 ] I.A. NOS. 96990 AND 96992/2019

[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

IN RE : KUDIYALATHUR RESERVED FORESTS, STATE OF TAMIL NADU

WITH I.A. NO. 134037/2020

(APPLICATION FOR WITHDRAWAL OF OF I.A. NOS. 96990 AND 96992/2019)



AND

[16] I.A. NO. 2858/2010 [APPLICATION FOR DIRECTIONS ]  
IN RE : GURGAON RECREATION AND LEISURE FACILITIES AT VILLAGE  
WAZIRABAD, GURGAON, HARYANA

WITH

I.A. NO. 36565/2021 (APPLICATION FOR PERMISSION TO FILE ADDITIONAL  
DOCUMENTS)

AND

[17] I.A. NO. 41723/2022 [APPLICATION FOR DIRECTIONS]  
IN RE : AMAN SINGH, RAJASTHAN

AND

[18] I.A. NOS. 52897, 52898 AND 61361 OF 2021  
[APPLICATIONS FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM  
FILING O.T.]

IN RE : SANSAR CHAND AND ORS., JAMMU AND KASHMIR

AND

[ 19 ] I.A. NO. 184657 OF 2022  
[APPLICATION FOR DIRECTIONS]  
IN RE : KILLING OF FOREST RANGE OFFICER (FRO) IN TELANGANA

AND

[ 20 ] I. A. NO. 5891/2019 [APPLICATION FOR DIRECTIONS]  
IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING  
AUTHORITY (CAMPA) FUNDS

WITH

IN RE: STATUS OF FUNDS

AND

[21] CIVIL APPEAL NOS. 12234-12235 OF 2018  
AND CONTEMPT PETITION NO. 938/2021

AND

[22][ i ] I. A. NO. 3949 OF 2016 [APPLICATION FOR DIRECTIONS]  
IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS

WITH

[ ii ] I. A. NOS. 124224, 124225/2020 AND 124229,124230/2020  
[APPLICATIONS FOR INTERVENTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION AND DIRECTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION ]

[23] I.A. NOS.26655 AND 2663/2023 (APPLICATIONS FOR IMPEADMENT AND  
DIRECTIONS)

WITH

C.A. No. 12234-12235/2018 (XVII)  
(FOR APPLICATION FOR PERMISSION ON IA 39315/2021  
FOR impleading party ON IA 100097/2021



(11)

FOR INTERVENTION/IMPLEADMENT ON IA 100097/2021  
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100099/2021  
FOR impleading party ON IA 116495/2022  
FOR INTERVENTION/IMPLEADMENT ON IA 116495/2022  
FOR APPLICATION FOR VACATION OF INTERIM ORDER ON IA 116496/2022  
IA No. 126327/2021 - APPLICATION FOR PERMISSION  
IA No. 39315/2021 - APPLICATION FOR PERMISSION  
IA No. 116496/2022 - APPLICATION FOR VACATION OF INTERIM ORDER  
IA No. 100099/2021 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 116495/2022 - INTERVENTION/IMPLEADMENT  
IA No. 100097/2021 - INTERVENTION/IMPLEADMENT)  
SLP(C) No. 25047/2018 (XVI)

IA No. 96106/2021 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 96105/2021 - EXTENSION OF TIME  
IA No. 140401/2018 - INTERVENTION APPLICATION  
IA No. 112557/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No(s). 435/2012  
(IA No. 9702/2023 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 302/2020 in W.P.(C) No. 202/1995  
(IA No. 148248/2022 - APPLICATION FOR EXEMPTION FROM FILING THE  
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT  
IA No. 118476/2020 - EXEMPTION FROM FILING O.T.  
IA No. 4480/2020 - EXEMPTION FROM FILING O.T.  
IA No. 181312/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 118475/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 941/2021 in W.P.(C) No. 202/1995  
(IN I.A. NO. 1310 OF 2005 ETC.)  
IA No. 151208/2021 - EXEMPTION FROM FILING O.T.  
IA No. 151207/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 08-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE VIKRAM NATH

Counsel for parties

Mr. Harish N. Salve, Sr. Adv. [A.C.] (N.P.)

Ms. Aparajita Singh, Sr. Advocate [A.C.] (N.P.)



Mr. Vinod Sharma, AOR  
Nishanth Patil, AOR

Mr. Chirag M. Shroff, AOR

Dr. Joseph Aristotle S., AOR  
Mr. Shobhit Dwivedi, Adv.  
Ms. Vaidehi Rastogi, Adv.

Mrs. Garima Prashad, Sr. Adv.  
Mr. Nishit Agrawal, AOR  
Ms. Kanishka Mitral, Adv.

Ms. Vanshaja Shukla, AOR

Mr. Narendra Kumar, AOR  
Mr. Raghvendra Kumar, Adv.  
Mr. Anand Kumar Dubey, Adv.  
Mr. Simanta Kumar, Adv.

Mr. S. Gowthaman, AOR

Mr. Saket Singh, Adv.  
Ms. Sangeeta Singh, Adv.  
Ms. Niranjana Singh, Adv.

Mr. Somesh Chandra Jha, AOR  
Mr. Sunil Kumar Sharma, AOR

Mr. K.M. Nataraj, Solicitor General  
Mr. Shreekanth Neelappa Terdal, AOR  
Mr. Mrinal Elkar Mazumdar, Adv.  
Mr. Mukesh Kr. Verma, Adv.  
Mr. Neeraj Kr. Sharma, Adv.  
Ms. Indira Bhakar, Adv.

Mr. P. S. Sudheer, AOR  
Mr. Sunny Choudhary, AOR  
Mr. Nishe Rajen Shonker, AOR

Mrs. Kirti Renu Mishra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO.191635/2022 (ITEM NO.1)

1. This application concerns the Report of the CEC bearing No.31 of 2022 in Application No.1559/2022 filed by the Directorate of Revenue Intelligence, Ministry of Finance, Government of India



seeking permission of this Court for diversion of 6,200 sq. mtrs of Morphological Ridge Area situated at Plot No.11B, Vasant Kunj, New Delhi for construction of office building for the Directorate of Revenue Intelligence Headquarters, New Delhi.

2. The Central Empowered Committee (CEC) has filed its report. In the Report, the CEC has recommended permitting the Directorate of Revenue Intelligence (DRI) to construct the aforesaid headquarters at the site mentioned above, subject to certain conditions.

3. The CEC, in paragraph 22 of its Report dated 01.12.2022 has observed thus:-

"22. Keeping in view the discussions in the preceding paragraphs and considering that

i) the land in plot No.11 is part of the Institutional Plot within the constraint area in Vasant Kunj,

ii) the construction work has already commenced and that the DRI is in need of an independent office for smooth discharge of its functions.

It is recommended that this Hon'ble Court may consider permitting the DRI, Ministry of Finance, Government of India to construct its Office Headquarters in Plot No.11B on the land measuring 6200 sq.mts in Morphological Ridge area in Vasant Kunj in New Delhi subject to the following conditions:

i) the DRI, Ministry of Finance, shall deposit 5% of the project cost of Rs.74.80 crores with RMB Fund and which amount under the close supervision of the Delhi Ridge Management Board shall be used by Delhi Forest Department for conservation and protection of Delhi Ridge;

ii) the DRI shall deposit cost of undertaking compensatory planting of 500 plants and maintenance for five years with the Delhi Forest Department which shall take up planting of indigenous species and its maintenance. DRI and



(14)

seeking permission of this Court for diversion of 6,200 sq. mtrs of Morphological Ridge Area situated at Plot No.11B, Vasant Kunj, New Delhi for construction of office building for the Directorate of Revenue Intelligence Headquarters, New Delhi.

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It is recommended that this Hon'ble Court may consider permitting the DRI, Ministry of Finance, Government of India to construct its Office Headquarters in Plot No.11B on the land measuring 6200 sq.mts in Morphological Ridge area in Vasant Kunj in New Delhi subject to the following conditions:

i) the DRI, Ministry of Finance, shall deposit 5% of the project cost of Rs.74.80 crores with RMB Fund and which amount under the close supervision of the Delhi Ridge Management Board shall be used by Delhi Forest Department for conservation and protection of Delhi Ridge;

ii) the DRI shall deposit cost of undertaking compensatory planting of 500 plants and maintenance for five years with the Delhi Forest Department which shall take up planting of indigenous species and its maintenance. DRI and



DDA shall make available sufficient land for undertaking compensatory planting of 500 plants;

iii) Vice Chairman, DDA shall deposit in RMB Fund 5% of Rs.9,00,15,837/- (cost of land paid by DRI to DDA) as penalty for allotment of land in Morphological Ridge without obtaining prior approval of this Hon'ble Court; and

iv) CPWD will deposit in RMB Fund an amount of Rs.1 lakh being the penalty for having destroyed the trees standing on the plot and carrying out excavation work without obtaining the prior approval of this Hon'ble Court.

This Hon'ble Court may consider directing the Delhi Development Authority not to allot in future any land to any agency situated in the notified Ridge and Morphological Ridge without the prior approval of this Hon'ble Court."

4. It could thus be seen that the CEC has no objection if the aforesaid construction is permitted, subject to the conditions stipulated in the said Report.

5. We are, therefore, inclined to allow the application (Application No.1559/2022) filed by DRI on the conditions stipulated in the CEC Report No.31/2022, converted into I.A. No.191635/2022.

6. Permission is granted, subject to conditions, stipulated in the Report (as modified hereinbelow). The DRI as well as DDA shall scrupulously comply with the conditions mentioned in the Report.

7. Insofar as condition No.2 is concerned, Mr. Balbir Singh, learned Additional Solicitor General of India, graciously states that the DRI is willing to plant 1000 plants instead of 500 plants, as such the words "500 plants", in condition No.2, shall be substituted with "1000 plants".

8. Insofar as condition No.4 is concerned, the words "being the



penalty" shall stand struck off.

9. We find that since the land which is allotted by the DDA is part of the land, which was excluded by the orders of this Court dated 13.09.1996 and 19.08.1997, the CEC was not justified in imposing condition No.3 insofar as the DDA is concerned. The condition No.3 is, therefore, set aside.

10. I.A. No.191635/2022 is, accordingly, disposed of.

11. While considering the said I.A., one important aspect has been brought to our notice.

12. It is pointed out that apart from the notified area of ridge which is a protected area, there are other areas falling outside the demarcated notified ridge which also have similar 'morphological features' of ridge.

13. The High Court of Delhi vide order dated 30.11.2011 in Writ Petition No.3339/2011 (Ashok Tanwar v. Union of India) and this Court in Delhi Development Authority v. Kenneth Builders and Developers Pvt. Ltd. and Others [(2016) 14 SCC 561] has held that land falling outside the demarcation of notified ridge but having similar 'morphological features' of ridge should be given same protection as is given to the notified areas and no construction should be permitted thereon. It cannot be doubted that the ridge in Delhi acts as a lung, which supplies oxygen to the citizens of Delhi. The necessity to protect the ridge, therefore, cannot be undermined.

14. It appears that there has been some difficulty in identifying the areas of ridge, which are not notified but also have the same features.



15. We, therefore, find it appropriate that the Ministry of Environment, Forest and Climate Change (MoEFCC), appoints a Committee consisting of the following officials/officers, to work out the modalities for identifying the said area which has similar 'morphological features' as that of a notified ridge and which needs to be protected as a notified ridge:-

- i) A senior officer of the MoEFCC, not below the rank of Joint Secretary.
- ii) A representative of the Forest Department of the NCT of Delhi.
- iii) A representative of the Geological Survey of India.
- iv) A nominee of the Ridge Management Board
- v) A representative of the DDA.

16. The representative of the MoEFCC shall be the Chairperson-cum-Convenor of the said Committee.

17. The Committee shall submit its preliminary report on 15.03.2023.

18. We further direct that until further orders, the DDA shall not allot any land in the areas which are under consideration for being notified as a protected area.

I.A. NO.132892/2022 (ITEM NO.2)

1. This application has been filed by the State of Himachal Pradesh seeking recall/modification of the order dated 11.03.2019 and for allowing the State Government to divert the forest land under the Forest (Conservation) Act, 1980 and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights)



Act, 2006.

2. We have noticed that on account of the orders passed by this Court dated 11.03.2019, this Court is flooded with applications after applications, seeking permission to construct primary schools, public health centers, anganwadi centres and other public utility buildings in remote areas. The State is constrained to approach this Court even for seeking permission to connect villages in remote areas by roads. Needless to state, the citizens residing in the remote hill areas cannot be deprived of the developmental activities that are being undertaken in other parts of the country.

3. As already stated herein above, the State of Himachal Pradesh has filed a number of I.As. seeking permission for various projects in pursuance of the order passed by this Court dated 11.3.2019. A perusal of the orders dated 03.05.2019, 15.02.2021, 09.12.2021, 14.12.2021, 24.03.2022, 02.05.2022, 14.10.2022 and 30.11.2022 would demonstrate that the State of Himachal Pradesh has time and again approached this Court relating to clearance of projects related to roads, schools, dispensaries, anganwadis, hospitals, panchayat offices, etc.

4. We find that the requirement of seeking permission of this Court for even undertaking minimal developmental activities necessary for the citizens residing in rural/hilly areas has caused long delays in the execution of such projects.

5. In any case, the statutory provisions under the Union Statutes like the Forest Conservation Act, 1980, Forest Conservation Rules, 2022, Compensatory Afforestation Fund Act, 2016 and Compensatory Afforestation Fund Rules, 2018 take care of protecting



environmental concerns. In addition, the Principal Chief Conservator of Forests (HoFF), vide order dated 21.04.2022 has issued various guidelines so as to ensure compensatory afforestation, whenever the permission for felling of trees is required.

6. In that view of the matter, we are inclined to allow the application. The application is allowed in terms of prayer clause '(a)'.

7. However, we clarify that this order would not be applicable in respect of the forest areas falling within the National Parks and Wildlife Sanctuaries.

I.A. No.132905/2022 (ITEM NO.2 BY STATE OF HIMACHAL PRADESH) &

IA NOS.52897-98/2021 AND 61361/2021 (ITEM NO.18)

List on 15.03.2023

I.A. NOS.90862 AND 90864/2021 (ITEM NO.3)

List on 15.03.2023.

I.A. NOS.105987 & 105989/2019 (ITEM NO.4)

List on 13.02.2023.

SLP(C) No.25047/2018 (ITEM NO.5)

1. This petition challenges the judgment and order dated 31.8.2018, passed by the Division Bench of the Calcutta High Court, thereby holding that felling of 356 trees was necessary for implementing the important public project of constructing the five Railway Over Bridges (ROBs). The Division Bench further held that



the respondent/State of West Bengal was entitled to fell only 356 trees and no other tree.

2. The Division Bench further directed that the respondent/State shall carry out compensatory plantation of at least five trees for every tree felled in the same plot or in a plot as near to the plot as possible where the trees will be felled.

3. By an interim order dated 20.09.2018, this Court had stayed the operation of the impugned judgment and order passed by the High Court.

4. Subsequently, this Court, vide order dated 09.01.2020 had appointed a Committee of Experts comprising of five members to take a decision about the best course to be adopted in the present case and to make a Report to this Court, within a stipulated period.

5. A Report was submitted by the said Committee to this Court on 18.02.2020. The Committee recommended thus:-

"that bridge will have to be constructed to resolve the congestion at the railway crossing in any event. But this issue may be solved by constructing local overbridges, at the lower cost, and possibly save some of the 306 trees from the chopping block, adding to both economic and environmental value."

6. At the end of the Report, the Committee concluded thus:-

"Conclusion: To conclude, the committee to make this report has not only been traveling on roads, but has been on a journey of discovery.

We learnt that if we factor environmental costs and do a cost/benefit analysis, into the total cost of the project it can make a difference to the strategy choices that we make. As in the intention to "Go East". We learnt to assess whether synergies of other transport modes like rail and waterways can be part of the strategy to make our decisions. We learnt that an environment impact analysis should be rigorously done



before a project to protect the human communities living there and their environment. We learnt that natural capital can be saved by acquiring a tree relocation technology and transferring it into the country. This will result in enormous economic benefits also. We learnt that plantation strategies should be formulated and implemented continuously to achieve the leaf area index (LAI) which has been lost as fast as is possible. And we learnt that signage communications about the project and environment indices in the local language will educate the people affected, and create harmony and understanding between the project teams and the local populace.

The issues in this study have implications far beyond this particular stretch of 60 km. Road. The learnings and axioms from this study can apply to other locations where such issues may surface. In this sense this report can become a template for solutions on a much larger scale.

On a more personal note, if one may be allowed, and it is relevant. One of the members of the team went on this very road 50 years ago to liberate Bangladesh with the magnificent Indian Army. Massive army columns with very heavy war technology and armaments traversed these roads smoothly and without incident. Perhaps even then they could "see the wood from the trees".

7. We have heard Mr. Prashant Bhushan, learned counsel appearing on behalf of the petitioners and Dr. Abhishek Manu Singhvi, learned senior counsel appearing on behalf of the respondent/State extensively.

8. Mr. Bhushan submits that pursuant to the directions issued by this Court dated 25.03.2021, the seven Member's Expert Committee has submitted a report, which also emphasizes the need for permanent expert regulatory body.

9. He submits that in the past, various projects have been permitted by the Government without paying due care or attention to the environmental concerns. He, therefore, submits that unless a



study is made regarding viability of an alternative proposal, such a project, which requires felling of heritage trees should not be permitted. He further submits that as a matter of fact, the project at hand envisages felling of thousands of trees.

10. Dr. Abhishek Manu Singhvi, learned senior counsel appearing on behalf of the State of West Bengal, on the contrary, submits that on account of the interim orders passed by this Court, the entire project is stalled. He submits that on account of congestion, more than 600 people have lost their lives in accidents.

11. He further submits that out of 356 trees, which were initially required to be felled, some trees have naturally fell on account of cyclone and others on account of some other reasons. As of now only 306 trees are surviving. He submits that the State is willing to plant five trees as against one tree to be felled.

12. No doubt that the Committee appointed by this Court vide order dated 9.1.2020 has rendered yeoman services by giving various recommendations, which will be useful for the policy makers to protect the environment and strike a balance between development and environmental concerns.

13. The perusal of the recommendation would reveal that the Committee itself found that bridges will have to be constructed to resolve the congestion at the railway crossing. However, the Committee recommends that the issue may be solved by constructing local overbridge at a lower cost and possibly save some of the 306 trees from chopping.

14. It is thus clear that the Committee itself is not sure, as to whether by constructing local overbridges, any of the 306 trees



could be saved or not.

15. The contest between development and environmental concerns is ever ongoing. While there is no doubt that ecology and environment need to be protected for the future generations, at the same time, development projects cannot be stalled, which are necessary not only for the economic development of the country, but at times for the safety of the citizens as well. No doubt that the protection of environment and ecology are important. However, at the same time, it cannot be denied that human life is also equally important. On account of non-construction of ROB's, a number of accidents have taken place at Railway Crossings resulting in death of hundreds of human beings. The Report of the Committee itself would show that there is a congestion, on account of which, the construction of the project is necessary. They have given an alternative that instead of ROB's local over bridges can be constructed.

16. On account of the interim orders passed by this Court, the project has been stalled for a period of almost five years, it cannot be forgotten that every day's delay in execution of projects escalates their costs. At times, on account of delay in execution of such projects, their cost is multiplied.

17. On one hand, there is a necessity to protect the trees and in the event it is not possible to protect, to direct compensatory afforestation, and on the other hand, there is a need to have ROB's, which are part of Setu Bharatam Project.

18. In that view of the matter, we do not find that any error has been committed by the High Court. The High Court has considered



all the relevant aspects of the matter. The High Court has restricted the number of trees to be felled to only 356 and further put the State Government on terms for compensatory afforestation.

19. The special leave petition is, therefore, dismissed.

20. However, we are keeping the petition alive only for the consideration of the report of the Experts on the subject of compensatory conservation in India, submitted pursuant to this Court's directions in order dated 25.3.2021.

21. For the said purpose Mrs. Aishwarya Bhati, learned Additional Solicitor General of India, submits that the report is under active consideration of the Central Government. She submits that various stake holders including the various States will have to be consulted before accepting the Report. She, therefore, prays for a period of twelve weeks for consideration of the Report and placing the views of the Central Government before this Court.

22. We would appreciate, if the Central Government holds joint meeting with all the stake holders including the representatives of all the State Governments/Union Territories and come out with a unified proposal for consideration of this Court.

I.A. NOS.195467 & 195468/2022 (ITEM NO.6)

The Registry is directed to place this matter before a Bench comprising of Three Judges, after obtaining necessary directions from Hon'ble the Chief Justice of India.

List on 15.03.2023.



CONTEMPT PETITION (C) NO.941/2021 (ITEM NO.7.)

The contempt petition is dismissed, in terms of the signed order.

CONTEMPT PETITION (C) NO.319/2021, I.A. NOS.186910/2022 AND 20650/2023 (ITEM NO.8.)

1. Issue notice in I.A. Nos.186910/2022 and 20650/2023 to the Ministry of Environment, Forest and Climate Change and the National Tiger Conservation Authority (NTCA), returnable on 15.03.2023.
2. In addition to the usual mode, liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent/State.
3. A perusal of the report(s) would reveal that various constructions have been carried out within the area of the Tiger Reserve. The photograph would show that a cordoned area has been constructed between the Tiger Reserve.
4. Mr. Abhishek Attri, learned counsel appearing for the State of Uttarakhand, submits that the concept of jungle tourism permits such a safari to be constructed in jungle areas, and according to the learned counsel, such a phenomenon is acceptable worldwide.
5. Prima facie, we do not appreciate the necessity of having a zoo inside Tiger Reserves or National Parks. The concept of protecting Tiger Reserves and National Parks is that the fauna must be permitted to reside in the natural habitat and not the artificial environs.
6. We, therefore, call upon the NTCA to explain the rationale behind granting such a permission for permitting Tiger Safaris



within Tiger Reserves and National Parks.

7. Until further orders, we restrain the authorities from making any construction within the areas notified as Tiger Reserves and National Parks and Wildlife Sanctuaries.

8. The State of Uttarakhand is directed to file its reply in I.A. Nos.186910/2022 and 20650/2023, within three weeks.

CONTEMPT PETITION (C) NO.302/2020 (ITEM NO.9.)

List on 13.02.2023

I.A. NOS.1868/2007, 2091/2007, 2225-27/2008, 2380/2008, 2568/2009 AND 2937/2010 (ITEM 10)

1. Since the issues involved in these applications is being considered by us in SLP(C) No.25047/2018, which has been kept after twelve weeks, we do not find it necessary to keep these applications pending. The applications are, accordingly, disposed of.

2. The affidavit(s) filed by the Union of India to be placed along with the proceedings in the said special leave petition.

I.A. NOS.2079/2007, 2301-02, 3044-45, 2771-72/2009, 111725 & 154041/2018 IN I.A. NO.2771-72/2009 and W.P. No.301/2008 (ITEM 11)

1. The State Government to file an affidavit explaining the present status with regard to the lands in question.

2. The same shall be done within a period of three weeks from today.



3. List on 15.03.2023.

I.A. NO.63946/2017, 35372/2017 AND 157034/2019 IN I.A.  
NO.35372/2017 (ITEM NO.12)

1. Shri K. Parameshwar, learned Amicus Curiae, states that all these applications are filed seeking certain directions with regard to violation of forest laws including illegal constructions in Periyar Tiger Reserve in Ranni Forest Division. He submits that the Division Bench of the Kerala High Court known as 'the Devaswom Bench' is monitoring the issues pertaining to the same. He further submits that apart from that, a Special Commissioner, who is of the rank of the Additional District Judge, is also monitoring these issues. He further submits that there is also a high power committee under the chairmanship of a retired Judge of the High Court to oversee the implementation of the master plan.

2. Mr. Shetty, Member Secretary of the CEC, has a grievance that the Division Bench has passed several orders, which permit violation of the forest laws.

3. We find that since the Division Bench of the High Court of Kerala is seized of the issues, it will be appropriate that the applicants file appropriate proceedings before the Kerala High Court.

4. If anybody is aggrieved with the orders passed by the Kerala High Court, contending the same to be in contravention of the forest laws, the same can very well be challenged before this Court, which challenge would be considered in accordance with law.

5. These applications are, accordingly, disposed of.



I.A. NO.2930/2010, 3963/2017 AND 160714/2019 (ITEM NO.13)

List after four weeks.

I.A. NO.3927/2016 (ITEM NO.14)

List on 13.02.2023.

I.A. NOS.96990, 96992 OF 2019 and I.A. No.134037/2020 (ITEM NO.15)

1. Learned counsel appearing for the applicant(s) seeks permission to withdraw I.A. NOS.96990, 96992 OF 2019.
2. Permission is granted.
3. The applications are, accordingly, dismissed as withdrawn.
4. I.A. NO.134037/2020 is, accordingly, disposed of.

I.A. NOS.2858/2010 AND 36565/2021 (ITEM NO.16)

1. It is appropriate that the present applications are heard along with SLP(C) Nos.26868-73/2014, inasmuch as the issues are inter related to each other.
2. The Registrar (Judl.) is directed to place these applications before Hon. the Chief Justice of India for placing them before an appropriate Bench.

I.A. NO.41723/2022 (ITEM 17)

List on 13.02.2023.



I.A. NO.184657/2022 (ITEM NO.19)

List after eight weeks.

IA NOS.26655/203 AND 26663/2023 (ITEM NO.20)

1. Application for impleadment is allowed to the extent of directions.
2. Issue notice in I.A. No.26663/2023, returnable on 15.03.2023.

C.A. NO.12234-35/2018 (ITEM NO.21.1 IN THE LIST)

I.A. No.39315/2021 is allowed.

List on 15.03.2023.

I.A. NO.5891/2019 (Status of Funds)

List on 13.02.2023.

I.A. NOS.87648/2020, I.A. NO.27111/2023

Taken on Board.

List on 13.02.2023.

I.A. NOS.28958/2023

Taken on Board.

List on 13.02.2023.



I.A. Nos.3949/2016, 124224, 124225, 124229 and 124230 of 2020 (item No.22)

List on 15.03.2023.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)

(Signed order, as above, is placed on the file)



IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CONTEMPT PETITION (C) NO.941/2021

IN

WRIT PET. (C) NO.202/1995

DEEPAK S. TANWAR

PETITIONER(S)

VERSUS

SH. KHEM CHAND GOYAL  
THE THEN MINING ENGINEER, ALWAR

ALLEGED CONTEMNOR(S)

O R D E R

No case for contempt is made out. The contempt petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

.....J  
( B.R. GAVAI )

.....J  
( VIKRAM NATH )

NEW DELHI;  
FEBRUARY 08, 2023



**HIMURJA**  
(H.P. GOVT. ENERGY DEVELOPMENT AGENCY)  
SHIMLA: - 171 009.

HIMURJA/ SHP/Banuala Baroond (298)/2015 13561

Dated 27-11-2018

To

M/s Gaytri Hydel Projects (P) Ltd,  
Mohalla Charpat, Distt. Chamba-176301

Subject: -

Bifurcating Of project into two projects within allotted elevations..

Dear Sir,

This is in continuation to consent issued on 10.08.2015 in respect of Banuala Baroond (5.00MW) HEP and request received from you vide letter no-nil dated 06.07.2018 for bifurcation of allotted project Banuala Baroond in two stages within allotted elevations. The State Government has approved bifurcation of project into two projects within allotted elevations of Banuala Baroond as per details given under:

Name of Project	Allotted elevation /cap	Revised elevation & Cap.	Stream
Banuala Baroond Stage-I	2000-1615 (5.00MW)	1990-1765 (2.00MW)	Churkhu
Banuala Baroond Stage-II	2000-1615 (5.00MW)	1700-1615 (0.80MW)	Churkhu

The approval is subject to completion of codal formalities as per Hydro Power Policy 2006 and instruction/ amendments issued their under from time to time and following conditions:-

1. IPP has to deposit Upfront premium, Security charges and processing fee afresh applicable as per prevailing Hydro Power Policy.
2. The above approval is further subject to the condition that the riparian distance of 50 mtrs elevation wise or 250 mtr horizontal distance is to be maintained between two projects to allow visible flow of water in the stream / nalla, failing which the allotment is liable to be cancelled for violation of the same.
3. IPP has to obtain the applicable NOCs as per policy provisions.

It is further stated that the exemption of extension fee for the delay in approval of change in elevations is subject to approval of Government.

Yours Sincerely,

(Er K. L. Thakur)

Director

Himurja Urja Bhawan

Kasumpti, Shimla-171009

Endst.No. - A/A

Copy is forwarded to the following for information and necessary action:-

1. The Special Secretary (NES), to the Govt. of H.P. w.r.t letter no. NES-F (2)2018 dated 30.10.18.
2. Director Energy, Directorate of Energy, Shanti Bhawan, Phase-III, Sector-6, New Shimla-171009.
3. Deputy Commissioner, Chamba, Distt. Chamba, H.P.
4. Sr. Project Officer Himurja Chamba, Distt. Chamba, H.P.

Director

Himurja Urja Bhawan

Kasumpti, Shimla-171009

New Hydel Power  
Authorised Signatory



HIMACHAL PRADESH  
IRRIGATION CUM P.H. DEPARTMENT

No.AE-IPH-TSD-NOC/2016-443-444

Dated-27/5/2016

To,

The Executive Engineer,  
IPH.Division Salooni  
Distt.-Chamba  
Himachal Pradesh

Sub-

No Objection Certificate.

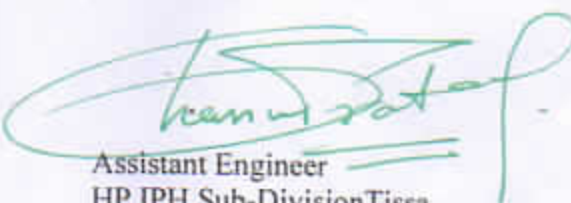
This department has no objection for the construction of Banoula Baroond S.H.P ( 5 MW ) on chhurku Nallah a tributary of Bhararu Nallah & Sub- tributary of chanju Nallah in Tehsil Churah, Distt. Chamba ( H.P.) subject to following conditions:-

1. If any damage happens to the existing structure of department then all the expenditure will be beared by the construction company.
2. In future on the basis of public demand if any new water supply scheme or irrigation scheme will be constructed by department then water as required should be released without any obstruction.

Assistant Engineer  
HP IPH Sub-Division Tissa,  
Distt. Chamba (H.P.)

H.P.) 176310.

Copy to Gayatri Hydrel Project Mohalla charpat Distt. Chamba (

  
Assistant Engineer  
HP IPH Sub-Division Tissa,  
Distt. Chamba (H.P.)



No. FSH-F (2)54-39-/2015-ARC-Banuala Baroond-II - 7957  
Directorate of Fisheries,  
Himachal Pradesh.

From

The Director-cum-Warden of Fisheries,  
Himachal Pradesh.

To

M/S Gyatri Hydel Projects Pvt. Ltd  
Mohalla Charpat, P.O., Tehsil & District Chamba,  
H.P. 176301  
Email [Id-mkapoor.8000@gmail.com](mailto:Id-mkapoor.8000@gmail.com)  
Mob.No. 94182-54538

Dated Bilaspur-174001 the, 02/08/2022

Subject: -

Consent for obtaining the NOC for installation of Banuala Baroond-II (0.80 MW), on Chukhu nala, a tributary of Ravi River in Tehsil Churah, District Chamba (H.P.)

Sir,

I invite a reference of letter No. GHPPL/NOC/620/21, dated 10.08.2021 on the above cited subject.

In this context, it is intimated that as per amendments in hydro power policy-2006 of H.P. notified vide Notification No. MPP-F(1)2/2005-VIII, dated 04.03.2014 and clarifications received from the Principal Secretary(Power) to the GoHP vide his letter No. MPP-F(1)2/2005-IX, dated 02.08.2014, you are requested to submit duly notarized/attested affidavit for the disposal of silt and sustenance of aquatic fauna. Specimen of affidavits can be downloaded from our department's website <http://hpfisheries.nic.in/welcome.asp>.

Power of attorney/authority letter in favour of authorized signatory may also be supplied to this Directorate so as to enable us to proceed further in the matter regarding issuance of NOC for setting up of Small Micro Hydel project on proposed river/stream, please.

Yours faithfully,

*Jagjit Singh*  
Deputy Director of Fisheries (Hqr),  
Directorate of Fisheries, H.P. Bilaspur.  
E-mail-ddfisheries-bil-hp@nic.in  
Tel/Fax: 01978-223212,224068  
Dated:- 02/08/2022

Endst No. As above- 7958

Copy forward to:-Assistant Director of Fisheries, Chamba, H.P. in reference to letter no. 615 dated 26.07.2022 for favour of information, please.

*Jagjit Singh*  
Deputy Director of Fisheries (Hqr),  
Directorate of Fisheries, H.P. Bilaspur.  
E-mail-ddfisheries-bil-hp@nic.in  
Tel/Fax: 01978-223212,224068



25

DIVERSION OF 0.6030HA.OF FORESTLAND FOR CONSTRUCTION OF BANUALA BAROOND-II  
SMALL HYDRO PROJECT 0.80 MW IN TEHSIL CHURAH DISTRICT CHAMBA (H.P)

FILE NO .. :FP/HP/HYD/146882/2021

DATE OF PROOSAL :

CHECK LIST SERIAL NUMBER:-23

**ANNEXURE - A**

**1. Details regarding Transmission Lines**

Sr. No.	Particulars	Remarks
1.	Voltage of Transmission Line (KV)	11KV
2	Total length of the Transmission Line	364M
3	Length passing through forest area	364M
4	Right of Way	7M
5	Number of Towers to be erected	5
6	Number of Towers to be erected in forest area	5 (in 0.2548 hect. Forest area)
7	Height of Transmission Towers	9

**1. Details regarding Road / Railway Lines**

Sr. No.	Particulars	Remarks
1.	Length and width of the strip and forest area required	364 m Length x 4.00 m Width and Area- 0-1456 Ha.
2	Total length of the road	364 m
3	Length of the road already constructed	Nil
4	Length of the road passing through forest	364 m

Place : Chamba

Dated : 25/3/2023

For New Hydro Power  
New Hydro Power

Authorized Signatory

Deputy Conservator of Forests  
Chamba Forest Division  
Chamba-176310



DIVERSION OF 0.6030 HA. OF FORESTLAND FOR CONSTRUCTION OF BANUALA BAROOND-II  
SMALL HYDRO PROJECT 0.80 MW IN TEHSIL CHURAH DISTRICT CHAMBA (H.P.)  
FILE NO. : FP/HP/HYD/146882/2021  
DATE OF PROPOSAL :

**CL-24**

**COMPONENT WISE DETAIL OF LAND REQUIRED FOR CONSTRUCTION OF BANUALA  
BAROOND -II (0.80 MW) IN TEHSIL CHURAH, DISTRICT CHAMBA (H.P.)**

Sr. No.	COMPONENTS	LEANGTH	BREADTH	Khasra Number / Survey or Compartment Number or Km Stone.	Forest Area proposed for Diversion (HA)
1	WEIR SITE	12	8.8	275/3/1	00-00-97
2	CONVEYANCE CHANNEL	42.48	2.66	62/2/1	00-01-13
3	DUMPING SITE -I	20	15.60	62/2/2	00-03-12
4	D-TANK CUM FOREBAY	15	10.80	62/2/3	00-01-62
5	PENSTOCK	300	1.12	62/2/4	00-03-36
6	POWER HOUSE COMPLEX AND SWITCH YARD	35	17.36	62/2/5	00-06-07
7	DUMPING SITE -II	15.20	10	62/2/6	00-01-52
8	TAIL RACE	28.30	3	62/2/7	00-00-85
9	ROAD	364	4	62/2/8	00-14-56
10	TRANSMISSION LINE	364	7		00-25-48
11	DUMPING SITE-III	16.20	10	62/2/9	00-01-62
TOTAL					0-60-30 Hectares

Place : Chamba

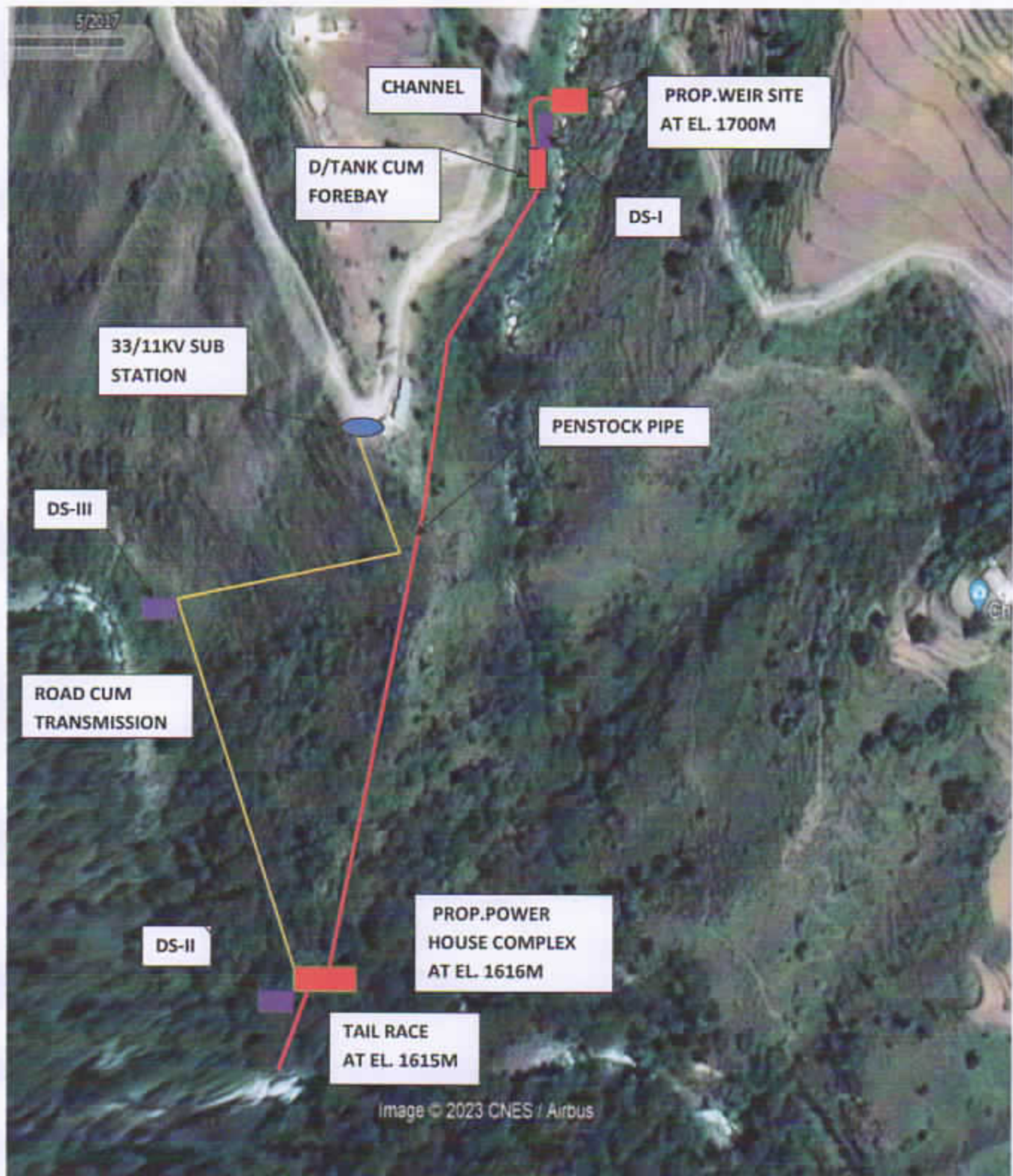
Dated : 25/03/2023

For New Hydro Power  
New Hydro Power  
Authorized Signatory  
Authorized Signatory

Deputy Conservator of Forests  
Chamba Forest Division  
Chamba-176310



# LAYOUT PLAN OF BANUALA BAROOND-II SHEP 0.80 MW



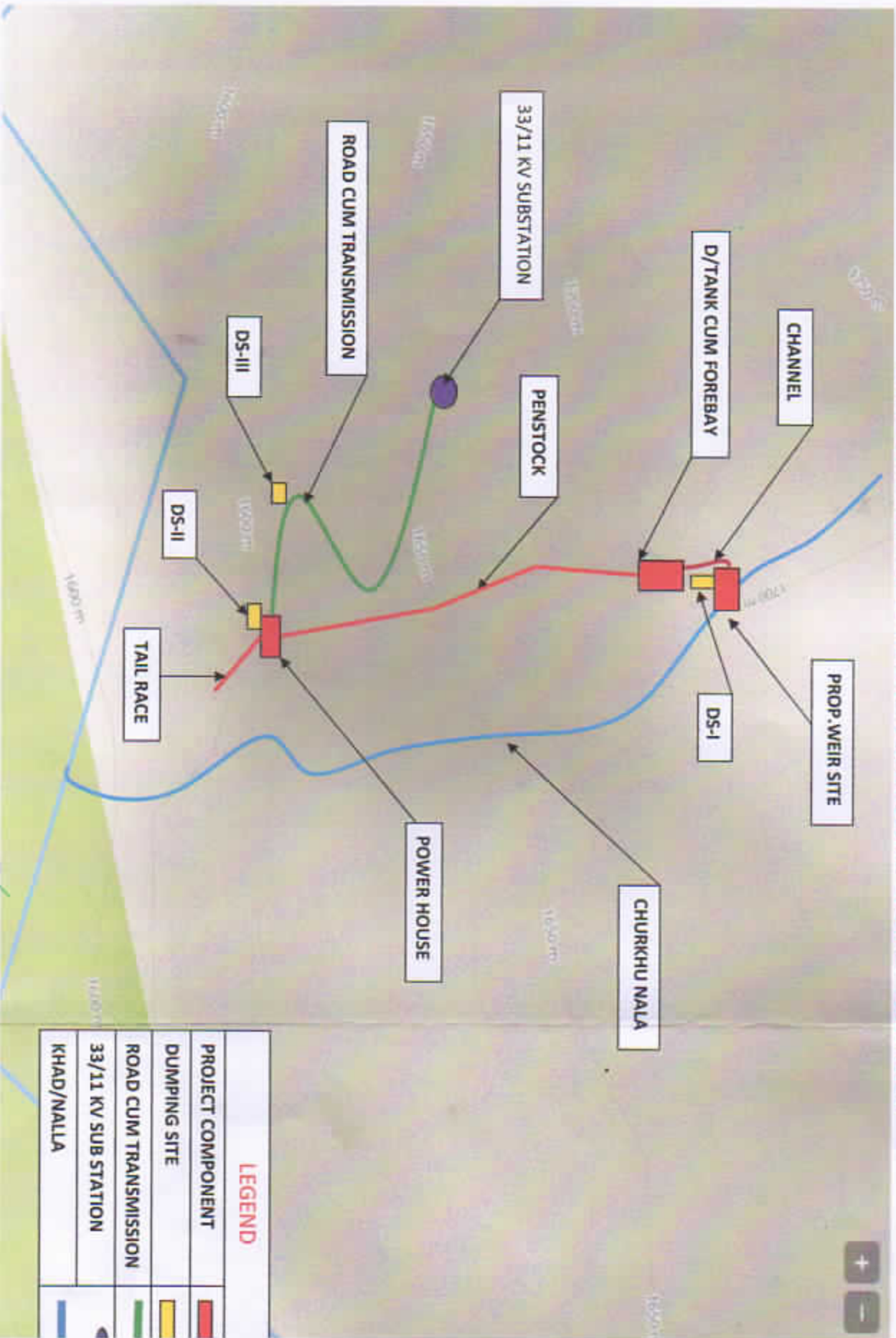
PROJECT COMPONENT	
DUMPING SITE	
ROAD CUM TRANSMISSION	

Deputy Conservator of Forests  
Chamba Forest Division  
Chamba-176310

New Hydel Power  
Authorised Signatory



# LAYOUT PLAN OF BANUALA BAROOND-II STEP 0.80 MW

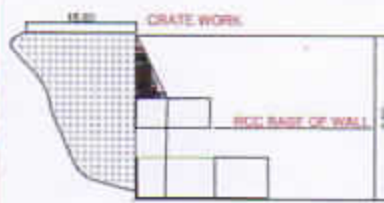
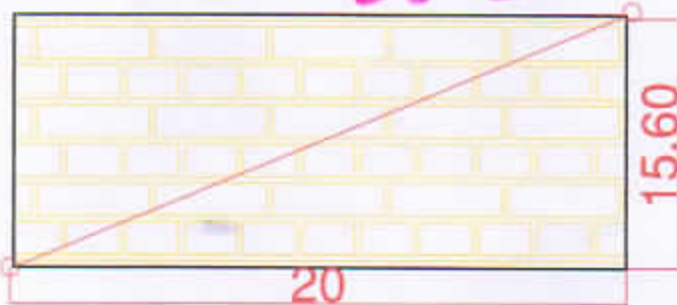


  
 New Hydel Power  
 Authorized Signatory

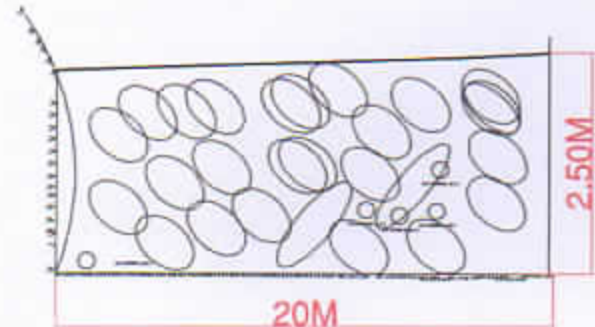
Deputy Commissioner of T & E  
 District Forest Division  
 Chitradurga-576110



# MUCK MANAGEMENT PLAN DS-I



SECTION-B

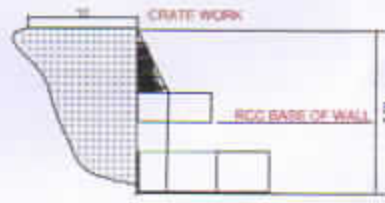
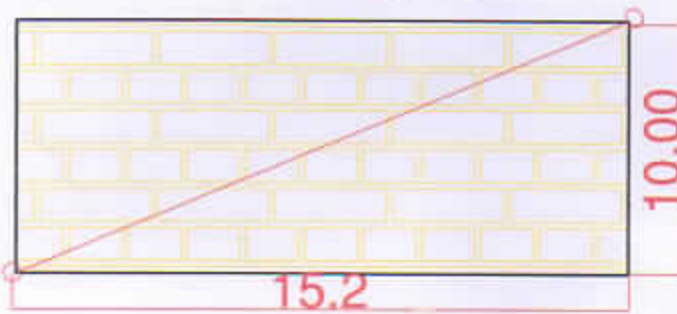


SECTION-A

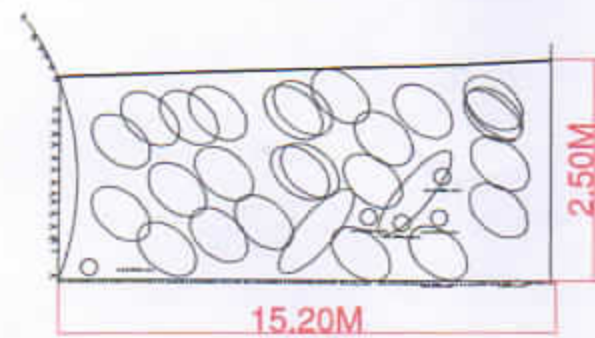
AREA- 20mX15.60M  
=312M<sup>2</sup>  
H- 2.50 M  
QTY- 780M<sup>3</sup>

DETAIL OF MUCK DUMPING  
SITE-I NEAR WEIR& CHANNEL  
D/TANK CUM FOREBAY  
PENSTOCK PIPE

## DS-II



SECTION-B



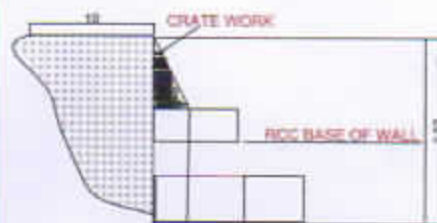
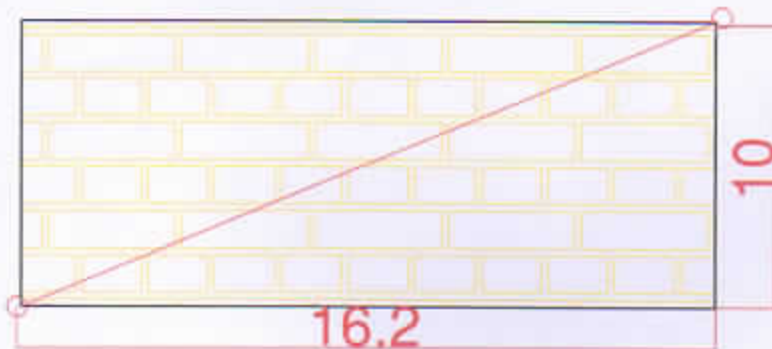
SECTION-A

AREA- 15.20mX10M  
=152M<sup>2</sup>  
H- 2.50 M  
QTY- 380M<sup>3</sup>

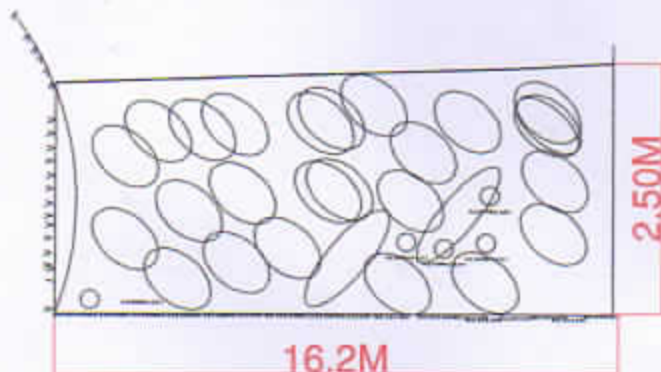
DETAIL OF MUCK DUMPING  
SITE-II NEAR POWER HOUSE  
SWITCHYARD TAIL RACE

# MUCK MANAGEMENT PLAN

DS-III



SECTION-B



SECTION-A

AREA- 16.2mX10M  
=162M<sup>2</sup>  
H- 2.50 M  
QTY- 405M<sup>3</sup>

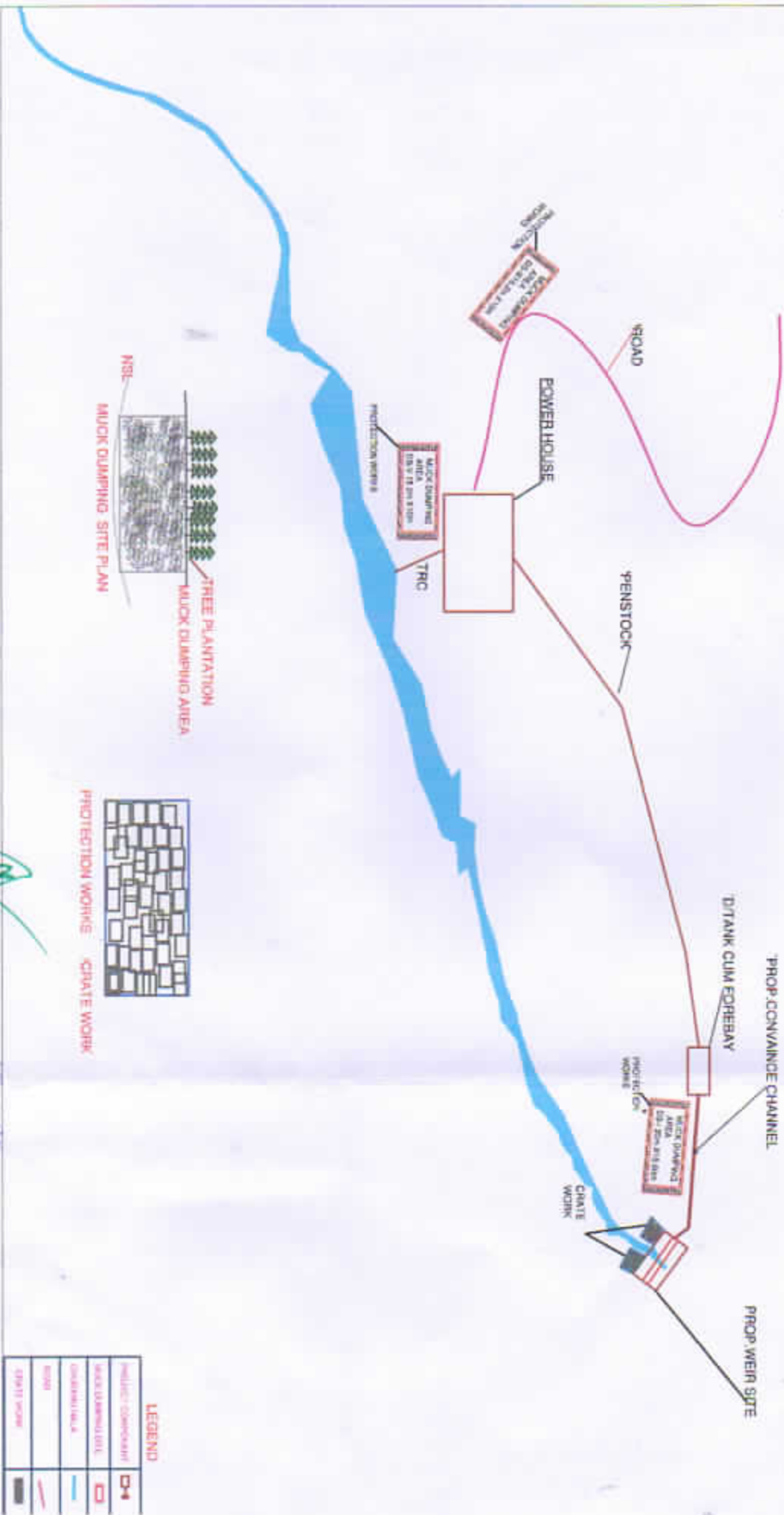
DETAIL OF MUCK DUMPING  
SITE-III ROAD

New Hydel Power  
Authorised Signatory

Deputy Conservator of Forests  
Chamba Forest Division  
Chamba-176310



# MUCK PLAN OF BANUALA BAROOND-II SHEP 0.80 MW



Conservator of Forests  
 Chambal Forest Division  
 Chambal-170310  
 New Hydel Power  
 Authorised Signatory

## SOIL AND MOISTURE CONSERVATION PLAN

1. Name of Project **Banula Baroond-II hydel Project (0.8MW)**
2. State **Himachal Pradesh**
3. District **Chamba**
4. Forest division **Chamba**
5. Project cost of diversion of Forest land
  - a) Forest land proposed for diversion **0.6030 hac**
  - b) Cost of NPV **Rs 6,44,890**
  - c) Cost of CA (1327 plants) **Rs 3,82,176**
  - d) Cost of trees **Rs 2,25,645**
  - e) Total Project cost of diversion **Rs 12,52,711**
6. Provision for soil and moisture conservation **0.5% of (e)**
7. Cost of soil and moisture conservation **Rs 62636/-**

**Or say Rs 63,000/-**

### 8. Soil and Moisture Conservation Plan

Sr No	Particular of work	Qty/ No	Unit	Rate	Amount
1	Preparation of Gradonial Trenches size 100cm x 30cm x 30cm including adjustment of dug up soil on downhill side i/c dressing to form a patch in CA area DPF Kathwad	250	Rmt	27	6750
2.	Fixing of single vegetative spurs in CA area and in small gullies along water channel	125	Rmt	101.8	12725
3	Fixing of double vegetative spurs in CA area and in small	130	Rmt	135.7	17641



	gullies along water channel				
4.	Construction of percolation ponds 3mtrx3mtrx1mtr in 1/2 pick & 1/2 jumper work in the catchment/ recharge zone of CA area and in flat area along alignment areas	4	No	3000	12000
5.	Construction of puddle core wall for percolation ponds	8	Cum	364	2912
6.	Construction of contour trenches of size 1mtx.5mtx.3mt	120	No	45	5400
7.	Construction of dry-stone check dams/ check walls along small nullahs/gullies falling along water channel i/c carriage up to 300 mtr	8	cum	725	5800
	GRAND TOTAL				63228

Or say 63,000/

( Rs. Sixty three thousand Only)

9. Implementing agency Forest Department

The User agency will bear the cost

Prepared by

Sanjay Sen (Rtd HPFS) MD

Geo Environment Origin Pvt. Ltd.

9418079955, 8219636836

Director

New Hydel Power

Authorised Signatory

Deputy Commissioner of Forests  
Chamba Forest Division  
Chamba-176310

(14)

2X-

No. STE-F (1)2/2017  
Government of Himachal Pradesh  
Department of Env. Science & Tech.

\*\*\*\*\*

From

The Addl. Chief Secretary (Env. Science & Tech.) to the  
Government of Himachal Pradesh

To

1. The Director,  
Environment, Science & Technology,  
Paryavaran Bhawan, Near US Club, Shimla  
Himachal Pradesh-171001
2. The Member Secretary,  
HP State Pollution Control Board,  
Him Parivesh, Phase-III, New Shimla, Himachal Pradesh 171009

Dated: Shimla-171002, the

14<sup>th</sup> June, 2017

Subject: - Issues pertain to hydro power projects up to 25 MW in the State.

Madam/Sir,

I am directed to refer to the subject captioned above and to say that the matter with regard to consent to operate for the projects up to 25 MW was engaging the attention of the Government for some time past since the hydel projects up to 25 MW have been declared as white category project by the GoI, hence there is no need for such HEP (up to 25 MW) to undergo consent mechanism under Water/Air Act and also to obtain Environmental Clearance from SEIA-A.

Further, no Environmental Management Plan (EMP) cost be levied on HEP (up to 25 MW) as these are not required to undergo EIA mechanism.

You are, therefore requested to take further necessary action in the matter under intimation to this department.

Yours faithfully,



(Hans Raj Sharma)

Spl. Secy. (Env. Science & Tech.) to the  
Government of Himachal Pradesh  
+91-177-2624899

Contd...P/2-



8476  
14/12/21

DIRECTORATE OF ENERGY  
GOVERNMENT OF HIMACHAL PRADESH

SHANTI BHAWAN PHASE-III SECTOR-6 NEW SHIMLA -9

TEL NO: 0177-2673551, FAX NO: 2673553, Email: dir.doehp@nic.in, ceenergy09@gmail.com  
No. - HPDoE/CE (Energy)/CEIA (Ravi Basin)/2021- 8218-19  
Dated: 12/01/2022

To

The Nodal Officer-cum-APCCF (FCA),  
Forest Department, Tolland, Shimla,  
Himachal Pradesh.

Subject: Diversion of 8.0678 hectare of forest land in favour of M/s Friends Him  
Energies, C/o near Happy Sr. Secondary School, Jail Road, Gurdaspur-143521,  
for the construction of Suil-IV SHEP within the jurisdiction of Churah Forest  
Division, Distt. Chamba, Himachal Pradesh (On line no. FP/HP/HYD/3537/2018)

Ref: - Your Office letter no Ft. 48-3785/2018(FCA) dated 24.07.2021.

Sir,

Please refer to above letter addressed to CEO, HIMURJA and subsequently in receipt  
of HIMURJA letter no Himurja/SHP-IA/Suil-V-6200 dated 02.12.2021(copy enclosed) from Project  
Director Cum Dy. CEO, HIMURJA on the subject cited matter where in it has been informed that  
MoEF & CC, GoI has observed following:

*"The concern of the State to provide for mitigating measures of individual projects in  
the EMP does not seem to be tenable as it is devoid of factual basis. The hydel projects up to 25 MW  
are not covered under the EIA notifications and hence may not involve preparation of EMPs and  
also cannot be apprised by the SEAC as advertised by the state. The state Govt. may provide their  
comments in this regard."*

In this context, it is submitted that Deptt. of Environment, Science & Technology,  
GoHP is appropriate Deptt. to offer comments on the above observation. The matter in a similar case  
(for SHEP Upper Makkan-II - 5 MW; Distt.- Chamba) was taken up with Environment, Science &  
Technology Deptt. and Deptt. of Environment Science and Technology vide letter no.  
Env.S&T/SEIAA (061)/2009-Miscellaneous-2660 dated 09.12.2021 has stated that "the hydel  
project up to 25 MW does not fall in purview of Environment Impact Assessment Notification, 2006  
and its subsequent amendments". Further the comments and correspondence w.r.t. mitigative  
measures to address the projects up to 25 MW as received from Env. Scie, & Tech. Deptt., GoHP are  
attached herewith at Annexure-I for your kind information and further necessary action in the  
matter please.

Yours faithfully,

DA: As above

(Er.Khem Singh Thakur)  
Chief Engineer,  
Directorate of Energy,  
GoHP Shimla-09

Authorized Signatory

Copy to the Project Director, Chief Executive Officer, HIMURJA, Urja Bhawan, Katumpti  
Shimla-09 for kind information & it is referred above please

K. S. Sharma,  
Chief Engineer,  
Directorate of Energy,  
Govt of Himachal Pradesh,  
Shimla-09

New Hydel Power  
Authorised Signatory



Run-of-River schemes are the schemes either having pondage sufficient to meet diurnal variation of power demand or no upstream pondage (i.e. all the incoming water is fed into the turbine at the same time). Hence it is clean and autonomous in its nature. Power Potential studies are carried out for assessment of available Power Potential of a basin based on a set of inflows and available head conditions under various operating policies as a part of DPR and prior commissioning of the project. Optimum installed capacity is selected after carrying out incremental analysis for the most attractive alternative and also considering the system load factor (LF). The DPRs of Hydro Electric Projects are prepared as per the guidelines issued by Government of India, Ministry of Irrigation (now MOWR) in 1980 and "Guidelines for formulation of Project Reports for Power Projects" issued by CEA in October, 2002. These RoR also aims to ensure to meet the good environmental and social practices which have been developed by the industry in recent years and these RoR projects have also been registered by the Executive Board for the Clean Development Mechanism of the Kyoto Protocol (CDM). Studies shows that together, these projects are accepted to contribute to an emission reduction of greenhouse gases of 127 M tones CO<sub>2</sub>-eq.

Further it is also pertinent to be mentioned here that the proposed project is concerning to the catchment of Ravi Basin, for which independent Cumulative Impact Assessment and Carrying Capacity study (CIA & CCS) is carried out as a integral part of the previous projects of the State of HP with German collaboration and identified the potential of Ravi Basin to generate power as 3237.12 MW. The Hydel Projects up to 25 MW does not cover under the provisions of EIA notification, 2006 hence may not involved preparation of EMPs. However it is incorporated as an additional condition that the State Government/User Agency shall ensure adherence to stipulated E-flow, as recommended by the Govt. of Himachal Pradesh, NGT, MoEF & CC, GoI and may other regulatory authority, for the conservation and development of aquatic flora and fauna.

New Hydel Power  
Authorised Signatory



**DIRECTORATE OF ENERGY  
GOVERNMENT OF HIMACHAL PRADESH  
SHANTI BHAWAN PHASE-III SECTOR-6 NEW SHIMLA -9  
TEL. NO: 0177-2673551, Email: [dir.dochp@nic.in](mailto:dir.dochp@nic.in), [ceenergy09@gmail.com](mailto:ceenergy09@gmail.com)**

No. HPPDoE/CE (Energy)/Forest Issue/2022- 7504-05

Dated: 21/11/2022

From

Director (Energy),  
GoHP, Shimla.

To

Chief Conservator of Forests,  
Chamba Forest Circle, Chamba


**Subject: Diversion of 61,408.3 hectares of forest land in favor of M/s JSW Energy Ltd. for the construction of 240 MW Kuthar Hydro Electric Project within the Jurisdiction of Bharmour Forest Division Chamba, Himachal Pradesh.**

Sir,


In reference your office letter no. D-V 18/G/4605 H.P. Forest Department, Chamba dated 12/09/2022 on the subject cited matter it is intimated that initially GoHP has decided to undertake the Cumulative Impact Assessment & Carrying Capacity Study (CIA & CCS) of Ravi Basin. Accordingly, draft Term of Reference (ToR) was prepare and submitted to MoEF, CC, GoI in the year 2015. However in the year 2015, Ministry of Environment and Forest (MoEF), CC, GoI took in principle decision that henceforth all the CIA and CCS study in all River basin will be conducted by MoEF, CC, GoI itself (**Copy enclosed**). Accordingly, all the studies undergoing in the State of Himachal Pradesh were handed over to MoEF, CC, GoI on as and when basis alongwith all the original files and record available with this office.

In view of the above, it is amply clear that the mandate of such study is now with MoEF, CC, GoI, hence the matter may be taken up accordingly. This is for your information and necessary action in the matter please.

Yours faithfully,

  
Chief Engineer (Energy),  
Directorate of Energy,  
GoHP, Shimla (9)

Copy to the M/s JSW Energy (Kuthar) Limited for information with to their office letter no JSWEL/Kuthar HEP/DOE/FC/52/22-23/5066 dated 20/07/2022 please

  
Chief Engineer (Energy),  
Directorate of Energy,  
GoHP, Shimla (9)





**DIRECTORATE OF ENERGY**  
**GOVERNMENT OF HIMACHAL PRADESH**  
**SHANTI BHAWAN PHASE-III SECTOR-6 NEW SHIMLA -9**  
**TEL NO: 0177-2673551, FAX NO: 2673553, Email: dir.doehp@nic.in**

**HPDoE/ CE(ENERGY) / CEIA Ravi Basin/2020- 11/ 74 - 79** Dated: 20/03/2020

From

The Director,  
Directorate of Energy.

To

The Nodal Officer -cum-Principal Chief Conservator of Forest (FCA),  
Himachal Pradesh, Forest Department,  
Tolland, Shimla - 171001.

**Subject: Diversion of 8.067 ha of forest land in favour of M/S Friends Him Energies C/o Near Happy Sr. Sec. School, Jail Road, Gurdaspur- 143521 for the construction of Sui-IV SHEP. Within the jurisdiction of Churah Forest Division, Distt. Chamba HP. (Online Proposal No. FP/HP/HYD/35437/2018)**

Sir,

This is with reference to M/S Friends Him Energies office letter No.- FHE/SHP/Sui-IV- 0055 vide which they have enclosed the copy of Ministry of Environment, Forest & Climate Change, letter dated 12/12/2019 and have requested to provide the information regarding point no. 8 of the river basin study.

In this context, I am directed to inform that the river basin study of Ravi Basin in Himachal Pradesh is with MoEF & CC, GoI and draft term of reference with respect to Ravi Basin studies have been submitted by GoHP to MoEF & CC, GoI. The study have not been completed till date, however the current status of the study can be obtained from IA division of Ministry of Environment, Forest & Climate Change, GoI, New Delhi.

This is for kind information and necessary action please.

Yours faithfully,

- s.d -

(Er. Deepak Jasrotia)  
Superintending Engineer,  
Directorate of Energy, GoHP.

Copy to the Manager M/S Friends Him Energies C/o Near Happy Sr. Sec. School, Jail Road, Gurdaspur- 143521 for information and further necessary action please.

Superintending Engineer,  
Directorate of Energy, GoHP.

Authorised Signatory

HIMURJA  
(HP Energy Development Agency)  
Urja Bhawan, Kasumpti, Shimla-171009.

No. HIMURJA/SHP/Siul-IV (309)/2015-10000

Dated: 23/01/2021

To :

M's Friends Him Energies,  
Near Happy Sen. Sec. School,  
Jail Road Gurdaspur-143521

Subject:-

Clarification sought by the MOEF regarding river basin study of  
the Ravi River.

Sir,

With reference to your letter No. Siul-IV/SHEP/FCA/2021/01  
dated 11.01.2021 on the subject cited matter. It is to inform you that no Cumulative  
Impact Assessment & Carrying Capacity Study (CIA & CCS) has been executed by  
Himurja for Ravi Basin.

The effect on environment with the construction of the project  
under reference will be assessed through the EIA study of individual project and  
shall be subjected to Environment Clearance from MOEF & CC, Govt or from State  
Environment Committee as the case may be, as per capacity of project. Such  
clearances are necessarily required to be obtained for each individual project.

Yours faithfully



(Er. K.L. Thakur)

Director,

Himurja, Shimla-171009





**DIRECTORATE OF ENRGY**  
**GOVERNMENT OF HIMACHAL PRADESH**  
**SHANTI BHAWAN PHASE-III SECTOR-6 NEW SHIMLA -9**  
**TEL NO: 0177-2673551, FAX NO: 2673553, Email: dir.doehp@nic.in**

No. - HPDoE/CE (Energy)/CEIA (Ravi Basin)/2021- 1630-31

Dated: 19/06/2021

From

Director (Energy),  
Directorate of Energy,

To

The Chief Engineer (PCA),  
HPSEBL, Kumar House Shimla-04.

**Subject:** Clarification sought by MoEF & CC regarding River Basin study for Ravi Basin: FCA approval for Hail HEP.

**Ref.:** Your office letter no. HPSEBL/CE (PCA)/S & I Expenditure/2020-1292 dated 09/06/2021.


Sir,

On the subject cited matter, I am directed to intimate that at present no independent study is being carried out to assess the total potential of Ravi Basin/ Catchment to generate power. However, a Digitized Basin wise Plan for Ravi Basin study was carried out through Lahmeyer International (India) Pvt. Ltd. in the year 2012 and as per the report the Hydro Power Potential of Ravi Basin has been identified as 3237.12 MW. Further the detail with regard to potential harnessed so far and projects in pipeline in Ravi Basin is attached herewith at Annexure-I.

This is for your kind information please.


Yours faithfully,

DA: As above

  
Superintending Engineer,  
Directorate of Energy, Shimla-09.

Copy to the Superintending Engineer, Planning Circle (Civil), HPSEB Ltd., Mandi, H.P for information please.

DA: As above

  
Superintending Engineer,  
Directorate of Energy, Shimla-09.

New Model Power  
Authorised Signatory

**DETAIL OF PROJECTS IN RAVI BASIN (EXCULDING HIMURJA)**

Sr. No	Project Name	Capacity in MW	District	River/ Basin	Executing Agency
<b>A) Already harnessed Potential in Ravi Basin</b>					
1	Sural	0.01	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
2	Bhuri Singh PH	0.45	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
3	Sach	0.9	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
4	Sal-II	2	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
5	Holi	3	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
6	Salun	9	Chamba	Ravi	Swadeshi Distributors Private Limited
7	Upper Joiner	12	Chamba	Ravi	Tejas Sarnika Hydro Energies Private Limited
8	Kuwarnsi	15	Chamba	Ravi	Jagdambey Hydro Project Limited
9	Chanju-I	36	Chamba	Ravi	IA Hydro Energy Private Limited
10	Budhil	70	Chamba	Ravi	Greenko Budhil Hydro Private Limited
11	Baira Suil	180	Chamba	Ravi	National Hydro Power Corporation Limited (NHPCL)
12	Chamera-III	231	Chamba	Ravi	National Hydro Power Corporation Limited (NHPCL)
13	Chamera-II	300	Chamba	Ravi	National Hydro Power Corporation Limited (NHPCL)
14	Chamera-I	540	Chamba	Ravi	National Hydro Power Corporation Limited (NHPCL)
<b>Total (A)</b>		<b>1399.36</b>	<b>MW</b>		
<b>B) Projects in Pipeline</b>					
1	Holi-II	7	Chamba	Ravi	Om Energy Generation Private Limited
2	Chanju-II	19.8	Chamba	Ravi	Cosmos Hydro Power Private Limited
3	Bajoli Holi	180	Chamba	Ravi	GMR Energy Limited
4	Kutehr	240	Chamba	Ravi	JSW Energy Limited
5	Devi Kothi	16	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)

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Directorate of Energy  
New Shimla, Phase-3, Shimla

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*[Handwritten signature and stamp]*




6	Sai kothi-II	16.5	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
7	Sai kothi-I	15	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
8	Hail	18	Chamba	Ravi	Himachal Pradesh State Electricity Board Limited (HPSEBL)
9	Kurhed-II	7.5	Chamba	Ravi	Meridian Hydro Power Consultants
10	Kalah Khol	11	Chamba	Ravi	Pariyal Power
11	Sundrali	11	Chamba	Ravi	Saiurja Hydel Projects Pvt. Ltd.,
12	Chirchind-II	12.9	Chamba	Ravi	Shivalik Energy Private Limited
13	Choned	15	Chamba	Ravi	Kundan Energy LLP
14	Tundan	15	Chamba	Ravi	Gee Cee Hydro Power (P) Limited
15	Chatte Ka Nallah	9	Chamba	Ravi	Jagdambey Hydro Project Limited
16	Toral Kundli	18	Chamba	Ravi	Jagdambey Hydro Project Limited
17	Dunali-I & II	17	Chamba	Ravi	Saiurja Hydel Projects Pvt. Ltd.,
18	Tundah-II	18	Chamba	Ravi	Sai Engineering Foundation,
19	Harsar Stage-III	19	Chamba	Ravi	Harsar Hydro Projects Private Limited
20	Bharmour Stage-II	21	Chamba	Ravi	Bharmour Hydro Projects Private Limited
21	Harsar Stage-II	22.5	Chamba	Ravi	Harsar Hydro Projects Private Limited
22	Bharmour Stage-I	24	Chamba	Ravi	Bharmour Hydro Projects Private Limited
23	Jai Banni Mata	24	Chamba	Ravi	K.S. Energy (JBM) Private Limited
24	Harsar Stage-I	28.5	Chamba	Ravi	Harsar Hydro Projects Private Limited
25	Bara Bangahal Stage-I	92	Chamba	Ravi	Malana Power Company Limited
26	Bara Bangahal Stage-II	108	Chamba	Ravi	Malana Power Company Limited
27	Deothal Chanju	30	Chamba	Ravi	Himachal Pradesh Power Corporation Limited (HPPCL)
28	Surgani Sundla	48	Chamba	Ravi	Himachal Pradesh Power Corporation Limited (HPPCL)
29	Chanju-III	48	Chamba	Ravi	Himachal Pradesh Power Corporation Limited (HPPCL)
30	Sal-I	6.5	Chamba	Ravi	Yet to be allotted
31	Suil	10	Chamba	Ravi	Yet to be allotted

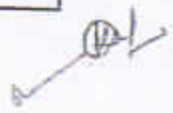
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32	Chobia-I	14	Chamba	Ravi	Yet to be allotted
33	Dhancho	18	Chamba	Ravi	Yet to be allotted
Total(B)		1160.2	MW		
Grand Total (A+B)		2559.56	MW		

  
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 Directorate of Energy  
 New Shimla, Phase-3, Shimla

  
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## ASSESSMENT OF ENVIRONMENTAL MANAGEMENT SYSTEMS AND IMPLEMENTATION CAPACITY

HIMURJA is in operation since 1989 and entrusted to promote renewable energy program for the State of Himachal Pradesh. HIMURJA is also responsible for allotment and development of hydro projects below 5MW capacity. Many initiatives were taken by HIMURJA since its inception for promotion of small hydro which includes implementation of UNDP-GEF assisted projects in the far flung areas of the State. HIMURJA is responsible to execute renewable energy projects in collaboration of Ministry of New and Renewable Energy (MNRE) and State Government.

**Policies:** HIMURJA strive to create a sustainable development in generating renewable energy throughout Himachal Pradesh. HIMURJA stated that it aims to implementing eco-friendly measures in its operation. The allotment of small hydel projects is governed through the hydel power policy framed in 2006 and its amendments till date. Similarly allotment of the Solar Projects is governed through the Solar Power Policy of HP framed during 2014 and amended in 2016.

HIMURJA has no clear Environment Policy or Framework in place to screen, manage and mitigate environmental concerns, nor any clear mention of regulations or institutional responsibilities on safeguard issues are there in place.

**Procedures and Practices:** There are guidelines available for developing small hydros in the state. Any Private Investor whether Himachali or outsiders such as Private Ltd. Company / Public Ltd. Company / Partnership concern/Sole Proprietary and Cooperative Societies/Voluntary societies/trusts comprising wholly of Bonafide Himachalis is eligible to apply for the allotment of these Small Hydro Electric Projects. The applications for the identified Projects / Self Identified Projects shall be received after advertisements issued by Government / HIMURJA in Gini raj and in leading Newspapers. Applications shall be scrutinized by HIMURJA and approved by the Government. As the potential sites have been identified on the basis of preliminary reconnaissance only, the interested Project Developers should, in their own interest, visit the sites for verifying various Project related parameters viz. discharge, head, water availability, habitation etc. It is clearly mentioned that HIMURJA shall not be responsible for any kind of variation. Project Developers shall also ensure that the Project components do not fall in the wild life sanctuaries, national parks, eco protection zones etc. and also do not interfere / overlap with the existing and proposed Hydro Projects of State, SPSUs / CPSUs HIMURJA, Joint CPSUs and Private Project Developers, before submitting their offers on the prescribed format.

The application shall include the information regarding name of the stream / nallah, estimated capacity, assessed head and assessed design discharge, layout sketch of the Project which should show the elevations of the main components of the Project, names of the Projects already allotted upstream/downstream of the proposed site, if any etc. The Joint Inspection in case of Self Identified Projects shall be carried out by HIMURJA / Committee comprising of officials of all concerned departments like HIMURJA, Revenue, Jal Shakti, PWD, Forest, Fisheries etc. including upstream / downstream Project representatives as notified by Government of Himachal Pradesh to ascertain the interference, if any, with the existing Projects along with the elevation / horizontal distance as prescribed and other aspects of concerned departments related to development of Project. The Project Officer, HIMURJA of

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concerned area will be Member Secretary of the Committee and he will ensure the joint inspection of the site and report thereof.

There are no laid out procedures and practices was found regarding environmental management or mitigation.

**Capacity:** HIMURJA does not have a specialized Environment and Social Cell for addressing environmental issues.

**Training:** Training if any need to be obtained from HIMURJA

**Monitoring and Reporting:** At present there are no system available for monitoring and reporting of environmental compliances or non-compliances.

Thus it can be concluded that HIMURJA at its present capacity does not have an adequate institutional and regulatory framework to guide environmental and social impact assessment and the management of environmental and social effects. It also lacks in institutional capacity to effectively implement the requirements of the system.

#### Core Principle 1: Environmental and Social Management

Core Principle 1: Environmental and social management procedures and processes are designed to (a) avoid, minimize, or mitigate adverse impacts; (b) promote environmental and social sustainability in program design; and (c) promote informed decision-making relating to a program's environmental and social effects.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
Program procedures will: 1.1 Bank program procedures are backed by an adequate legal framework and regulatory authority to guide environmental and social impact assessments at the programmatic level.	The allotment of small hydel projects is governed through the Hydro Power Policy framed in 2006 and its amendments till date. Similarly allotment of the Solar Projects is governed through the Solar Power Policy of HP framed during 2014 and amended in 2016.	At present it is guided by application formats developed based on Hydro Power Policy, 2006 and Solar Power Policy, 2014 and respective amendments till date.	Clear articulation of legal and regulatory framework with respect to environmental risks, impacts and management need to be formulated.
1.2. Incorporate recognized elements of environmental and social assessment good practice, including the following: 1.2 (a) Early screening of potential effects	In the application format it is stated that Project Developers shall also ensure that the Project components do not fall in the wild life sanctuaries, national parks, eco protection zones etc. and also do not interfere / overlap with the existing and proposed Hydro Projects	No formal screening system exists	Environmental Screening need to be made part of the overall ESMF
1.2 (b) Consideration of strategic, technical, and site alternatives (including the 'no-action' alternative)	It is taken as policy that no small hydro should come up in the major river basins of Ravi, Sutluj, Chenab or Yamuna wherein minimum e-flow regulations are applicable.	N/A	There is a need to make the strategic, technical, and site alternatives consideration and an EAS system should be developed.
1.2 (c) Explicit assessment of potential induced, cumulative, and transboundary impacts	At present no explicit assessment is done		
1.2 (d) Identification of measures to mitigate	It is made part of project application that in case any	In case of dispute these issues were brought to notice and	ESMF need to be prepared for all identified activities for

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Core Principle 2: Environmental and social management procedures and processes are designed to avoid, minimize, and mitigate adverse effects on natural habitats and physical cultural resources resulting from the program.			
Key Planning Elements	System Requirements	Key Findings	Recommendations
2 (b) Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities.	proposed Hydel Projects A Policy covering most important messages from the Forest (Conservation) Act, 1980, India Forest Act, 1927, Wildlife (Protection) Act, 1972 etc need to be brought into place	There is no policy of framework available to avoid, protect or conserve critical natural habitats	A policy framework stating the clear mandates on protection, conservation and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities.
2 (c) Takes into account potential adverse impacts on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.	The program is unlikely to have adverse impact on critical natural habitat and physical cultural heritage	No policy that takes account on impacts on physical cultural properties are available.	

### Core Principal 3:

The nature of activities under the Bank's Program is that there is no exposure to toxic chemicals, hazardous wastes and dangerous materials.

Core Principle 3: Program procedures ensure adequate measures to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program and (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
3 (a) Promotes community, individual, and worker safety through the safe design, construction, and O&M of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as			

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**Core Principle 3: Program procedures ensure adequate measures to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program and (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials.**

Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
needed.			
3 (b) Promotes the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; promotes the use of IPM practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.			
3 (c) Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.			

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