

MUNICIPAL CORPORATION SHIMLA

No. MCS/PD/AMRUT/2022 — /4/

Dated: 19.04.2022

From,

Commissioner  
Municipal Corporation Shimla

To,

The Divisional Forest Officer (U)  
Forest Department, Khalini, Shimla  
Himachal Pradesh

Subject: Diversion of 0.0112 ha of forest land in favour of commissioner of MC Shimla for the construction of Ambulance road from fire brigade road for the building in Daizy Bank Estate lower Jakhu Shimla Ward no. 16 (Kms. 0/0 to 0/45) within the jurisdiction of Shimla (U) Forest Division Distt. Shimla, Himachal Pradesh (online no. FP/HP/Road/74345/2020)

Sir,

This is with reference to the subject cited above online observation has been received from your office. In this context, observations have been attended and the replies of same are as under:-

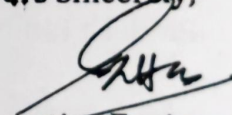
1. In regard of observation, it is submitted that as per the order of Hon'ble NGT Dated 16/11/2017 in the matter of Yogindra Mohan Sengupta V/s Union of India and others vide which in Para 112 (ii) which is reproduced as under "We hereby prohibit new construction of any kind, i.e. residential, institutional and commercial to be permitted henceforth in any part of the Core and Green/Forest area as defined under the various Notifications issued under the Interim Development Plan as well, by the State Government" Further as per Para 112 (xx) which is reproduced as under "The Committee shall also deal with the recommendations in relation to zoning policy and would keep in mind the factor of vulnerability risk assessment. The Committee may also make recommendations for permitting construction of buildings of exceptional nature like hospital, fire-brigade or public utility services but strictly in consonance with the laws in force."

In view of above, the case can be considered as Public Utility Services and may be pursued ahead for approval and same will be represented to High Powered Expert committee i.e. Supervisory Committee and Implementation Committee constituted by the Hon'ble NGT vide Para (xvii) as per I.D.P regulations and MC building Bye Laws. In this regard, it

is intimated that the copy of judgment passed by Hon'ble NGT dated 16/11/2017 is available in the online site.

2. The view of Town & CP Department is not required because this area fall in Municipal Corporation Shimla boundary,
3. MC Shimla has examine the provision of FCA, 1980 and Rules 2003 and instruction issued by the GOI as well as orders/judgments of Hon'ble Courts and it is pertinent to mentioned that there is no ambulance road for the vulnerable population of the area at present due to which ambulance facility during medical treatment cannot reach at emergency. The road is important evacuating the population residing in the area in event of any disaster. In this regard, the case can be considered as Public Utility Services and may be pursued ahead for approval and same will be represented to High Powered Expert committee i.e. Supervisory Committee and Implementation Committee constituted by the Hon'ble NGT vide Para (xvii) as per I.D.P regulations and MC building Bye Laws

Yours Sincerely,

  
Executive Engineer  
Road & Building Department  
Municipal Corporation Shimla