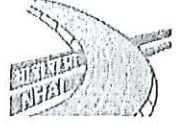




भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(राष्ट्रक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road Transport and Highways, Govt. of India)

NHAI PIU - Shimla, House No. 1, Rishikesh Sadan, Shanti Kutia, Chakkar Shimla-171005, H.P.  
Email: pdpiushimla@nhai.org; pdpiushimla@gmail.com | Phone: 0177-2633318



11008/3/2012/Forest/S-K/PIU-SML/2896

25<sup>th</sup> February, 2022

To,

High Court Matter

Deputy Commissioner,  
Distt. Solan (HP).

**Sub:** Diversion of Forest Land measuring 2.4589 hectare in village Kathali for four laning of Solan to Kaithlighat section from R/D 127/450 to 128/250 in the state of Himachal Pradesh. (Proposal No. FP/HP/ROAD/120302/2021) reg. issuance of FRA certificate.

**Ref:** (i) High Court judgement dated 08.12.2020, in the matter of CWP No. 5537 of 2020.  
(ii) This office letter no. 2582 dated 18.01.2021.  
(iii) Asst. Inspector General of Forest letter no. F.No.11-9/98-FC (pt.) dated 05.02.2013

Sir,

It is apprised that the work of four lanning of Solan-Kaithlighat Section of NH-22 (Now NH-05) from Km. 106.139 to Km. 129.050, under NHDP Phase-III on EPC basis in the state of Himachal Pradesh was awarded to M/s AIREF Engineers (P) Ltd. Subsequently the appointed date for the project was fixed as 09.11.2018.

2. However, NHAI was unable to hand over the disputed land of 800m length from Km. 127/450 to Ch. 128/250 in village Kathali to EPC Contractor in view of the civil suit titled as "State of HP through Additional Chief Secretary (Forest), Govt. of HP & others vs Pankaj Kumar S/o Sh. Rudra Dutt & others". Subsequently leading to delay in the execution of the four-laning work and also attracting heavy penalty on NHAI for not handing over encumbrance free land to EPC Contractor within stipulated time frame.

3. Accordingly, NHAI filed a petition in High Court Shimla vide CWP 5537 of 2020 titled as NHAI v/s State of HP & others wherein Hon'ble High Court via judgment dated 08.12.2020 (Copy Enclosed) has directed the Forest Department to provide the entire records pertaining to enumeration of trees. Thereafter necessary permission has to be sought form the Regional Office, Ministry of Environment, Dehradun.

4. After receiving the requisite documents such as enumeration list, Non Availability of Non Forest Land Certificate & Jamabandi from the Forest Department & Revenue Department, Solan, NHAI has uploaded the subject cited FCA case measuring 2.4589 hectare in village Kathali on e-praivesh portal. Currently the case is pending with Nodal Officer, Shimla for Stage-I approval.

5. Further this office vide letter under ref (ii) requested your goodself to provide the Non Availability of Non Forest Land Certificate & FRA certificate regarding the



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subject cited FCA case. Accordingly, you have provided the Non Availability of Non Forest Land Certificate, however FRA certificate for the subjected FCA case is awaited till date.

6. It is pertinent to mention that the four laning work of Solan-Kaithlighat is a linear project and Asst. Inspector General of Forest vide letter under ref (iii) has clarified that *"where linear diversion of use of forest land in several villages are involved, unless recognized rights of PTG/PAC are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s)"*.

7. Hence in view of the above clarification vide letter ref (iii) and since Hon'ble High Court, Shimla is also monitoring the said case, it is again requested to kindly issue the FRA certificate for village Kathali measuring 2.4589 Ha. from Km. 127+450 to Km. 128+250 at the earliest to NHAI PIU Shimla so that the direction of Hon'ble High Court is complied with.


With Regards,

Encl: As Above

  
(Suresh Kumar Sharma)  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

Copy for information to:

- (i) Sub Divisional Magistrate, Tehsil Kandaghat, Distt. Solan (HP).
- (ii) Divisional Forest Officer, Distt. Solan (HP).

  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

## **UNDERTAKING TO PROVIDE FOREST RIGHT ACT (FRA) CERTIFICATE**

I/Project Director of National Highway Authority of India at PIU Shimla H.P. here by undertake to provide the FRA Certificate at the time of submission of hard Copies of Proposed **C/O Proposal for Diversion of forest land measuring 2.4589 ha. in Village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaitlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050, under NHDP Phase -III in EPC basis in the state of Himachal Pradesh.**

*C/s K.T.*  
Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

*S.K. Sharma*  
S.K. Sharma  
GM-cum-Project Director  
NHAI, PIU-Shimla