

M/S BUSHAHR LAGHU UDYOG

(Stone Crushing and Screening plant)

Mfg. All type Aggregate, Sand and Building Material

Works:- Pashada Khad, PO Khaneri, Tehsil Rampur Bsr, Shimla (H.P)

HO:- Sh. Ninja Ram Building, VPO Jhakri, Tehsil Rampur Bsr, Shimla (H.P)

MOB:-9418608409, 9418206311, 01782275239

E-Mail: cheshwer1979@gmail.com

09th Aug, 2018

To,

Nodal Officer-cum-APCCF (FCA)
Himachal Pradesh Forest Department
Shimla, HP

Subject:-Clarification regarding Compensatory Afforestation land for diversion of forest land for mining purpose

Dear Sir

With reference of EDS raised on dated 11/07/2018, I would like to take your kind attention on following points;

1. I have submitted certificate of non-availability of forest land for Compensatory Afforestation from District Collector, Shimla. There is also mentioned that raising of compensatory afforestation in lieu of diversion of 4.3064 ha forest land.
2. I herewith enclosed DFO, Rampur letter no. 3199 dated 15/09/2017, where UF Shandal land has been allotted for CA.
3. In the trailing EDS reply, I have referred GoI Guidelines regarding CA land. There was not mentioned that degraded forest land shall not be allotted as CA land
4. I quote MoEF & CC letter No. 11-146/2015-FC dated 22th June 2015 on non-availability of forest land for CA to deal with such peculiar situation and to avoid hardship to the concern user agency, such proposal shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the state in which the forest land to be proposed to be diverted is located. In such cases, in case Central Government agrees in-principle to divert forest land for non-forest purpose, it shall be subject to a condition that amount realised from the user agency for creation of compensatory afforestation shall be transferred to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realised from the concerned user agency. All other realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located”.
5. In point no. 2 of MoEF & CC letter 11-438/15-FC(Pt) dated 17th April 2018 has mentioned that the state has very low non forest land as well as state fulfill the criteria of forest land being more than 33% of geographical area and falls under the preview of GoI guidelines issued by MoEF & CC.

Conts- 2

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6. GoI guidelines stated in the letter 11-423/2011-FC dated 8/11/2017 that "The issue of identification of suitable land for Compensatory afforestation and land bank consisting of both Degraded Forest Land (DFL) and Non Forest Land (NFL) to be made available to user agencies for compensatory afforestation has been considered in the Ministry.

In same letter point no. iv of amendment of 3.2. (i), if the compensatory afforestation has to be done on degraded forest land (DFL) identified for CA for as provided in para 3.2. (vi), 3.2 (vii) and 3.2 (ix) then normally, 1000 saplings will be planted per ha of the diverted land. In case 1000 saplings cannot be accommodated per ha in the DFL identified for CA, the balance seedlings will be planted in any RF/PF as per prescription of working plan. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted. The user agency will deposit the cost of plantation of the same.

There is also mentioned as in para 3.2 (ix) in sub para (g), the States and UTs shall create land bank for compensatory afforestation for speedy disposal of the FC proposals under FC Act 1980.

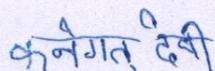
7. I herewith referred some forest clearance cases which has been approved. In such cases, CA land has been allotted from land bank and/or forest land under FCA 1980.

- i. FP/HP/MIN/11411/2015, accorded by the Regional Office date 18/08/2017.
- ii. FP/HP/QRY/13601/2015 approved dated 27/11/2015

8. The degraded forest land (UF-Shandal) has been sanctioned for the CA land in favour of M/s Buushahr Laghu Udyog. With considering of points no. 4, 5 and 6. The proposed CA land is suitable for plantation. In recent GoI letter dated 17/04/2018, there is not mentioned that degraded forest shall not be provided for CA in mining cases. The point no. 7, I have referred in support of same matter. The GoI has not specified in any notification (upto my knowledge) that degraded forest land cannot be provided for CA in mining proposal. In clarification of your raised EDS has been fulfill by point 4 and 6 in this letter.

Therefore, you are requested to kindly consider allotted CA land (UF Shandal) for CA. If it is not considerable, kindly intimate me related notification.

Thanking You



(Kanegtu Devi)

M/s. Bushahr Laghu Udyog
Head Office :- V.P.O Jhakri
Teh. Rampur Bsr., Shimla (H.P.)

Enclosed:

1. DFO letter

No. 3199
HP Forest department,

Dated Rampur, the 15-9-17

To

Collector,
Shimla, Distt. Shimla

Subject:-

Diversion of 2-15-32 ha. of forest land for construction of established stone crusher and quarry at Pashada within jurisdiction of Rampur Forest Division, Distt. Shimla H.P:- **issuance of non-availability of non-forest land for Compensatory Afforestation.**

Sir,

In this context, it is to inform you Govt. of India, Ministry of Environment and Forests, Pravaran Bhawan CGO Complex, Lodhi Road, New Delhi letter No. 11-423/2011-FC dated 13/2/2012 has issued the direction to the effect that where non forest land are not available or non forest land is available in less extent to the forest area being diverted for compensatory Afforestation, certificate of Collector and Divisional Forest Officer concerned is required.

Therefore undersigned propose UF-Shandal for compensatory against the above proposed diversion. The Aks Shazra tatima of the UF Shandal was sent to your office vide this office letter No. 4694 dated 12-12-2014.

Keeping in view the above direction, the requisite certificate may kindly be issued to this office at the earliest for further transmission to the quarter concerned.

Encl:- As above.

Sincerely yours,

13-9-17
Ashok Negi, HPFS
Divisional Forest Officer
Rampur Forest Division
Rampur Bushahr
D.S.

Endst. No. 3200

Dated Rampur, the

Copy is forwarded to Kanegtu Devi, Prop:- M/S Bushahr Laghu Udyog, VPO Jhakri, Rampur Bushahr, Distt. Shimla H.P. for information. He is requested to collect the above certificate from the office concerned for further necessary action.

(enc)
Received
by with encloses
3 copies

13-9-17
Divisional Forest Officer
Rampur Forest Division
Rampur Bushahr
A.S.