

MONGRA HYDRO CONSTRUCTION PRIVATE LIMITED

WARD No. 3, POST OFFICE YOL JHARER, TEHSIL SHAHPUR, DISTRICT KANGRA (H.P.)

CIN: U40100HP2017PTC006812; EMAIL: loweriku1@gmail.com

Ref No. MHCPL/2022-2023/04

Dated 10.06.2022

To,

The Divisional Forest Officer,
Dharamshala Forest Division.
Dharamshala, District Kangra (H.P.)

Subject : Diversion of 0.5151 hectare of forest land in favour of Mongra Hydro Construction Private Limited Ward No. 3, Post Office Yol Jharer, Tehsil Shahpur, District Kangra, HP for the construction of Lower Iku - I Small Hydro Electric Project (1 MW), within the jurisdiction of Dharamshala Forest Division, District Kangra H.P. **(Online Proposal No. FP/HP/HYD/41533/2019)**

Dear Sir,

Kindly refer to the EDS raised by Nodal Officer-cum-APCCF(FCA), O/o Pr.CC, H.P. Shimla – I vide letter No. Ft.48-3976/2019(FCA) dated 24.08.2022 on the subject cited above. In this regard we hereby submit our point wise reply against the observations raised as under :

1. The Comments and correspondence w.r.t. mitigate measures to address the Projects upto 25 MW as received in similar case of Suil IV SHEP from the Directorate of Energy GoHP Shimla which states that “Hydel Projects upto 25 MW does not fall in purview of Environment Impact Assessment Notification, 2006 and its subsequent amendments”. The letter in this regard issued by Directorate of Eneergy, GoHP, Shimla addressed to The Nodal Officer-cum-APCCF (FCA), Shimla, alongwith its enclosures is enclosed herewith for necessary action please.

Therefore we request you to kindly reconsider our proposal for 1st Stage Clearance for diversion of 0.5151 Ha. forest land for the construction of the above cited project.

Thanking You,

Yours faithfully,

For Mongra Hydro Construction (P) Ltd.

Mongra Hydro Construction
Pvt. Ltd.
For :-
Authorised Signatory



**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- 848-19

Dated: 14/11/2021

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 adverted 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

Copy to the Project Director-cum-Chief Executive Officer, HIMURJA, Urja Bhawan, Kasumpti
Shimla-09 for kind information w.r.t. letter referred above please.

~~XXXXXXXXXX~~
Chief Engineer,
Directorate of Energy,
GoHP Shimla-09

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 Girij 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

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, Satluj, 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 E&S system should be developed.
1.2 (c) Explicit assessment of potentially induced, cumulative, and transboundary impacts	At present no such system exists		
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	ESMP need to prepared for all identified activities for

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 Hydro 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			

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.			