

**MINUTES OF 15<sup>th</sup> MEETING OF REGIONAL EMPOWERED COMMITTEE OF  
INTEGRATED REGIONAL OFFICE, SHIMLA**

**HELD ON 19<sup>th</sup> JANUARY, 2023**

The 15<sup>th</sup> meeting of the Regional Empowered Committee (REC) of the Integrated Regional Office Shimla was held on 19<sup>th</sup> January, 2023 under the Chairmanship of Shri Satya Prakash Negi, IFS, Regional Officer, Integrated Regional Office, Shimla to discuss FCA proposals pertaining to Himachal Pradesh State.

Following official/non-official members and technical team of IRO, Shimla were present in the meeting either in person or through video conferencing.

| S. no. | Name                                                                                | Designation                          |
|--------|-------------------------------------------------------------------------------------|--------------------------------------|
| 1.     | Shri Satya Prakash Negi, IFS, Regional Officer, Integrated Regional Office, Shimla. | Chairman                             |
| 2.     | Dr. R. S. Bisht, IFS (Retd.)                                                        | Non-official Member                  |
| 3.     | Prof. S. D. Bhardwaj                                                                | Non-official Member                  |
| 4.     | Shri Anil Thakur, IFS                                                               | Nodal Officer-cum-APCCF(FCA)<br>HPFD |
| 5.     | Dr. Yogesh Gairola, Special Invitee                                                 | Technical Officer, IRO, Dehradun     |
| 6.     | Dr. Anup Kumar Das, Integrated Regional Office, Shimla                              | Scientist 'B'                        |
| 7.     | Sh. Joginder Kumar, Integrated Regional Office, Shimla                              | Technical Officer (i/c)              |
| 8.     | Sh. Ajay Kumar, Integrated Regional Office, Shimla                                  | Technical Officer (i/c)              |
| 9.     | Dr. Aman Kumar, Integrated Regional Office, Shimla                                  | Technical Officer (Contract)         |
| 10.    | Sh. Paranjay Singh, Integrated Regional Office, Shimla                              | Research Officer (Contract)          |
| 11.    | Representatives of the User Agencies and State Forest Department Officials          | ---                                  |

At the outset, the Chairman of the Committee welcomed all the members and other officials present in the meeting or connected through Video-Conference. Following proposal



seeking diversion of forest land for non-forestry purpose pertaining to the state of Himachal Pradesh were discussed in detail and the decision taken by REC is as under: -

**Agenda item no. 1:- Diversion of 0.8738 ha of forest land in favour of Suket Hydro 75/11 Tarna Hill Mandi, HP for the construction of Suket Small Hydro Project on Suketi Khad (1.00 MW), within the jurisdiction of Mandi Forest Division, District Mandi, Himachal Pradesh. (Online Proposal No. FP/HP/HYD/40895/2019).**

Regional Empowered Committee discussed the proposal seeking diversion of **0.8738 ha of forest land in favour of Suket Hydro 75/11 Tarna Hill Mandi, HP for the construction of Suket Small Hydro Project on Suketi Khad (1.00 MW)**. The Committee noted that no trees are to be affected in the project. It is apprised to the Committee that the forest land proposed for diversion is a Demarcated Protected Forest and is not a part of any Protected Area, and no rare and endangered species of flora and fauna have been reported in the area proposed for diversion. The aerial distance from nearest Bandli WLS is 15 km and is falling outside from its ESZ. Further, no violation of FCA has been reported by the State Government. Committee apprised that IA and TEC is not provided with the documents which needs to be submitted by State Government. Further, additional condition to ensure the adherence to stipulated e-flow as recommended by the State of Himachal Pradesh & other regulatory authority for the conservation & development of aquatic flora and fauna shall be ensured. DFO, Mandi and representative of User Agency were present in the meeting through online mode.

The discussion on following points were carried out:

1. Regarding Beas River Basin Study, Committee apprised that the extant project is a run of river project and falls under green energy category. Nodal Officer (FCA), HPFD informed that Beas River Basin Study has been carried out but the report is not available with State Government and same is available with IA Division of MoEF&CC.
2. Committee observed that there is error in area figure of dumping sites. User Agency in this regard submitted that total area of dumping sites is 0.0615 ha and same is distributed in 09 dumping sites, and User Agency informed that the name of component "Muck Dumping" mentioned at Sr. no. 18 in component wise beak-up shall be replaced with "Muck Dumping site-9".
3. Committee apprised that project is allotted to Mohan Singh Thakur. However, proposal is submitted in favor of M/s Suket Hydro. User Agency in this regard, submitted that firm in the name of M/s Suket Hydro has been registered and concerned documents will

- be provided. Committee is of the view that project allotment letter is also required to be revised in the name of M/s Suket Hydro before submitting the proposal to the Ministry.
4. Committee observed that road has been proposed upto Power House and Water Channel System. User agency submitted that due to heavy flow of water and handling of bulky Pipe lines of Water Channel presently and in future also for repairing of Water Channel System, this road is required upto Water Channel System

*After detailed discussion on various aspects of the proposal, the Committee decided to recommend the proposal for In-principle approval by competent authority in MoEF&CC, subject to submission of documents/ clarification/ information on following points to IRO, Shimla before recommending/forwarding the proposal to Ministry:*

- i. State Government shall provide IA and TEC before stage-II (final) approval.
- ii. Documentary proof of registration of User Agency in the name of M/s Suket Hydro shall be submitted by State Government along with fresh Letter of Intent in the name of M/s Suket Hydro.
- iii. All the components of project as mentioned in Layout Plan are required to be updated in component wise-break up in para B.2.4 of Part-I and shall ensure to be marked in KML file, Geo-referenced map and Toposheet in visible form and same are required to be uploaded in respective column of Part-I.
- iv. User Agency shall ensure that the name of component "Muck Dumping" mentioned at Sr. no. 18 in component wise beak-up shall be replaced with "Muck Dumping site-9".
- v. An undertaking to the effect that temporary component "job facility area" shall be handed over to forest department after completion of work shall be submitted by User Agency duly authenticated by DFO concerned.

**Agenda item no. 2:- Diversion of 1.7282 ha of forest land in favour of Transport Department of HP, Directorate of Transport of Himachal Pradesh, for the construction of Transport Nagar at Ghurshalli Shimla, Tehsil and Dist. Shimla, H.P. within the jurisdiction of Shimla Forest Division Himachal Pradesh (Online Proposal No. FP/HP/OTHERS/156733/2022).**

The Regional Empowered Committee discussed the proposal seeking diversion of 1.7282 ha. of forest land in favour of Transport Department of HP, Directorate of Transport of Himachal Pradesh, for the construction of Transport Nagar at Ghurshalli Shimla, Tehsil and Distt. Shimla, H.P. within the jurisdiction of Shimla Forest Division Himachal Pradesh.



The Committee has been apprised that although the proposal is less than 5 ha., and as per Para 1.15 of Handbook of Forest (Conservation) Act (FCA) Guidelines and as well as in the light of recent directions from Ministry of Environment, Forest and Climate Change (MoEF&CC) vide its letter dated 24.01.2022 , the proposal cannot be considered to accord approval under FCA, however, the observations recorded in order dated 26.12.2022 by the Hon'ble High Court of H.P. in COPC No. 111 of 2019 has necessitated the proposal to be put up before REC for further discussion.

That the Hon'ble High Court of H.P. in Contempt Petition (COPC No. 111 of 2019) against the State Authorities had directed the State Government to construct the Transport Nagar, and Hon'ble Court vide its order dated 29.07.2022 has impleaded the Ministry of Environment, Forest and Climate Change as party respondent in this case. Hon'ble High Court of Himachal Pradesh vide its order dated 26.12.2022 has observed that *"Now, that the respondents have resubmitted the case for forest clearance after attending to all the objections, this Court hope & trust that the Ministry of Environment, Forest and Climate Change would promptly accord approval in accordance with law without insisting upon the respondents to identify an alternate site, which prayer has outrightly been rejected by this Court vide its order dated 29th July, 2022.*

*The Court expects the Ministry to take a decision as expeditiously as possible and preferably before the next date of hearing".*

Now, the case is further listed for hearing on 03.03.2023 vide order dated 13.01.2023.

**Discussion in REC on following points were carried out:**

1. The Committee was apprised that the extant project is a non-site specific project proposed in newly Demarcated Protected Forest. The DFO Shimla informed to the Committee that this proposed land was earlier a *Shamlat* land and is recently notified as Demarcated Protected Forest. DFO further stressed that it is rare that *Shamlat* land is notified as Demarcated Protected Forests (DPF) in Himachal Pradesh, therefore such DPF needs to be protected. DFO further informed that the site was selected by the Joint Inspection Team of State Authorities and as per the Joint Inspection report the proposed site is adjacent to the Shimla Town, and no other suitable Forest land is available in the vicinity of the town for the extant project. DFO also informed that after preliminary scrutiny of the proposal by the DFO office, requirement of alternate sites was asked from the User Agency (UA). However, in the meantime
2. High Court of HP vide its order dated 29<sup>th</sup> July 2022 has directed that **"there is no question of respondents identifying an alternate land as site for the construction of Transport Nagar"**. Therefore, alternate sites were neither submitted/explored by the User Agency nor insisted by DFO.

3. The UA submitted before the Committee that the proposal is being regularly monitored by the Hon'ble High Court of Himachal Pradesh and has passed directions to the UA from time to time. The UA further submitted that the Hon'ble High Court has restrained them from identifying an alternate sites vide its order dated 29.07.2022. The Committee was apprised that 776 trees are to be affected in the project. In this regard, UA has submitted that the site could not be proposed in other location, however UA ensured that atleast 150-200 number of trees can be saved from felling during the actual execution of the work, if approval is granted by the Ministry on the proposed site.
4. The Nodal Officer (FCA), Himachal Pradesh Forest Department informed that the other lands adjacent to the proposed site is private land, and no non-forest land/other Government Land/Deemed Forest land/Wastelands is available for the proposed project in the vicinity. Further, Nodal Officer submitted that such newly Demarcated Protected Forest that too in the periphery of Shimla town is very much required to be protected for environmental benefits. He stressed that due to the directions of the Hon'ble High Court, other alternate sites in non-forest land/other government land/wastelands/ deemed forest lands etc. couldn't be explored. However, he assured to the Committee that the UA shall reduce the number of trees to be felled during actual execution of the work, and requested to the Committee that matter may further be referred to the Ministry for relaxation of the norms related to non-site specific activities in forest land (Demarcated Protected Forest) in the extant proposal keeping in view of the directions of the Hon'ble Court.
5. The Committee was apprised that as per DSS analysis, the proposed diversion area is outside the boundary of Shimla Water Catchment Wildlife Sanctuary (WLS) and Chail WLS. State Government also submitted that the proposed diversion area is outside the boundary of notified ESZ of Shimla Water Catchment Wildlife Sanctuary. However, the distance of the proposed site from Chail WLS and its notified ESZ is yet not submitted by the State Govt.
6. The Committee was apprised that as per the Muck Management Plan, the entire muck to be generated including the soil swell factor will be utilized in the diversion area itself. However, in component-wise breakup in Part I Para B.2.4, component muck dumping sites are mentioned. Therefore, dumping sites as components of the diversion area are required to be updated in component wise breakup in Part I Para B.2.4 as shown in the Layout Plan.
7. The Scientific/Botanical names of 23 Broad leaf species are not mentioned in Part-II, Para-4(ii). Needful is required to be done
8. The vegetation density of diversion area is required to be reviewed and rectified in view of large number of trees species involved.


9. Finally, the Committee was also apprised that proposed project is a non-site specific project proposed in forest land i.e. Demarcated Protected Forest (as per the notification dated 14.07.2020). As per Para 1.15 of Handbook of Forest (Conservation) Act (FCA) Guidelines and as well as in the light of recent directions from Ministry of Environment, Forest and Climate Change (MoEF&CC) vide its letter dated 24.01.2022, Ministry has categorically instructed that non-site specific activities cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considering approval under the FCA 1980.

**Keeping in view the recent directions of the Ministry vide its letter dated 24.01.2022, the Committee is of the opinion that this non-site specific proposal in the present format proposed in the Demarcated Protected Forest land cannot be considered for approval under FCA, 1980.**

*After detailed deliberations and discussion, the REC has observed that the State Govt. and User Agency couldn't explore alternate sites (in non-forest land/other government land/wastelands/ deemed forest lands etc.) due to restrictions imposed by the Hon'ble High Court vide its order dated 29.07.2022 and 26.12.2022. Since the proposed project is a non-site specific activity and cannot be considered on notified forest land (DPF land in this case) as per Ministry's direction dated 24.01.2022, as such the proposal is fit for rejection unless Government of India relaxes the guideline for this particular proposal. Therefore, keeping in view the directions/observations of the Hon'ble High Court of H.P. in COPC No. 111 of 2019 and on the request of User Agency and State Government/State Forest Department, the REC unanimously decided to forward the extant proposal to the Ministry for taking appropriate decision by the competent authority at MoEF&CC level. Further, if Government of India decides to relax the guideline and accord approval for this non-site specific activity in proposed DPF land, then other minor shortcomings in the proposal mentioned at Para 5, 6,7 and 8 above are required to be complied by the State Government before In-principle approval.*

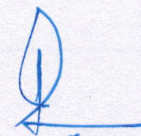
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The meeting ended with thanks to the members and other participants by the Chair.

  
(S.P.Negi)  
Chaiman, REC

**Distribution:**

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5. The APCCF-cum-Nodal Officer (FCA), Forest Department, Govt. of Himachal Pradesh, Talland, Shimla, H.P. for information. (Email:nodalcahp@yahoo.com).



(S.P.Negi)

24/1/2023

Chaiman, REC