

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03,

Dated: 16th February, 2022

To

The Addl. Chief Secretary (Forests),
Department of Environment and Forests,
Government of Himachal Pradesh.
Shimla.

Sub: Proposal for diversion of 61.4083 hectare of forest land in favour of M/s. JSW Energy Ltd. For the Construction 240 MW Kuther Hydro Electric Project Within the jurisdiction of Bharmour Forest Division Chamba, Himachal Pradesh. **Regarding change in the name of one user agency to another user agency i.e. M/s. JSW Energy Limited to M/s. JSW Energy (Kuther) Limited**

Madam/Sir,

I am directed to refer to the Government of Himachal Pradesh's letter No. Ft.48-2084/2010 (FCA) dated 06.01.2022 on the above mentioned subject wherein approval for change in the name of the User Agency from M/s. JSW Energy Private Limited to M/s. JSW Energy (Kuther) Private Limited, has been sought. In this regard the State Govt is requested to submit the following documents/information:

- i. It has been observed that 3.1715 ha area out of total 61.4083 was transferred to another User Agency namely M/s Himachal Pradesh Power Transmission Company Limited (HPPTCL) on 10.11.2015. In this situation how 61.4083 hectare land can be transferred to a new User Agency in the instant case by way of name transfer?
- ii. The communication of the State Government does not elaborate or endorse the status of the project provided by the User Agency. It is the responsibility of the State Government to ensure the compliance of the conditions laid down and also to provide status in such cases. Therefore the detailed Status Report of the project shall be given by the State Government.
- iii. As per condition no 5 of the approval letter dated 11.06.2013, a cumulative study was to be carried out by the State Government on behest of all project proponents on Ravi River to assess the impact on landscape in general, and wildlife and ecological aspects

in particular. However, even after 10 years, the State Government has not completed the said cumulative study. The non-compliance of the stipulated conditions is a violation of the provisions under FCA,1980 which calls for invoking of penal provisions. Therefore, the State Govt. shall give the reasons/justification for non compliance of the stipulated condition.

- iv. It is mentioned that Rupees 27.56 crores have been utilized out of Rupees 45 crores for implementing CAT plan which can only be appreciated after knowing the works done and their impact on the ecological functions. Therefore details of the works done as per CAT plan may be submitted.
- v. The complete KML files and DGPS maps of diverted forest land shall be submitted.
- vi. The KML files and DGPS maps of areas where Compensatory Afforestation has been carried out along with the detail of expenditure and the present status of the CA plantation including its survival percentage shall be submitted.
- vii. The lay out plan provided with the proposal is a photocopy of the folded map which does not give any idea of the actual lay out. The layout plan of the project shall therefore be submitted.
- viii. As per condition no 10 of the approval letter dated 11.06.2013, the reservoir area was required to be notified as Reserve Forest. The action taken report in this regard shall be submitted.
- ix. As per the compliance report of the condition no. 6, it has been observed that the implementation of R&R plan is very slow/delayed. The reasons for delay in implementing the R&R plan may be provided.
- x. As per the documents provided by the State Government, the SPV was created in the year in 2013 and the proposal for change in the name of user agency has been submitted to the Central Government in the year 2022 which implies that the new UA was implementing the proposal without having permission to do so which is also in violations of the provisions and stipulated conditions. Reasons for delay along with justification in this regard shall be submitted by the State Govt.

In view of the above, the State Government is requested to submit the information, as indicated above, to this Ministry at the earliest.

Yours sincerely,

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to: -

1. The PCCF (HoFF), Government of Himachal Pradesh, Shimla.
2. The Regional Officer, MoEF&CC's Integrated Regional Office, Shimla.
3. The APCCF-cum-Nodal Officer (FCA), Forest Department, Government of Himachal

Pradesh, Shimla.

4. User Agency.

5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.