

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

Indira Paryavaran Bhawan,
 Jor Bag Road, Aliganj,
 New Delhi - 110003.

Dated: 5th July, 2023

To,

The Principal Secretary (Forests),
 Department of Forest and Environment,
 Government of Himachal Pradesh,
 Shimla.


Subject: Proposal for diversion of additional 3.7904 ha of forest land in favour of JSW Energy Limited, Kuther HEP (240 MW) village Machhettar, P.O. Channouta, Tehsil Bharmour, Distt. Chamba, for the construction of LILO from 400 KV double Circuit Transmission Line Lahal to Rejera at Tower No. 8 to Pot Head Yard for evacuation of Power of JSW Energy (Kuther) Ltd. Kuther HEP 3*80 MW village Machhettar, P.O. Channouta within the jurisdiction of Bharmour Forest Division, District Chamba, Himachal Pradesh –regarding.

Madam/Sir,

I am directed to refer to the Government of Himachal Pradesh's Letter No. Ft. 48-5321/2021 (FCA) dated 03.01.2022 on the subject mentioned above for seeking prior approval of the Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendation of Advisory Committee (AC), and its acceptance by the competent authority in this Ministry, ***In-principle/Stage-I approval*** of the Central Government is hereby accorded for diversion of additional 3.7904 ha of forest land under the Forest (Conservation) Act, 1980 in favour of JSW Energy Limited, Kuther HEP (240 MW) village Machhettar, P.O. Channouta, Tehsil Bharmour, Distt. Chamba, for the construction of LILO from 400 KV double Circuit Transmission Line Lahal to Rejera at Tower No. 8 to Pot Head Yard for evacuation of Power of JSW Energy (Kuther) Ltd. Kuther HEP 3*80 MW village Machhettar, P.O. Channouta within the jurisdiction of Bharmour Forest Division, District Chamba, Himachal Pradesh, subject to the fulfillment of the following conditions:

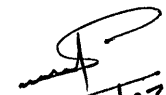
- i. Legal status of the forest land shall remain unchanged;
- ii. *State Government shall provide a clarification whether the transmission line on the land (3.1715 ha out of 61.4083 ha) transferred from Kuther project to M/s. HPPTCL has already been constructed and being utilized for evacuating of power with details of the source of power for this HPPTCL 220 KV transmission line;*
- iii. *State Government shall improve the Compensatory Afforestation plantation in respect of 4 patches, for which the survival is low, done against the diverted forest land for the construction of Kuther Hydroelectric Project (240 MW) and maintain remaining patches*


 05/07/23

as per prescription of working plan. Further, the State Govt. and the user agency shall comply with the conditions stipulated in earlier approvals under Forest (Conservation) Act, 1980 for Kuther Hydroelectric Project;

iv. Compensatory afforestation:

- a. Compensatory afforestation shall be taken up by the Forest Department over 7.59 ha degraded forest land (4.57 Ha in Ratten DPF and 3.02 Ha. Jarola DPF) within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The CA will be maintained for 10 years;
 - b. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance by the user agency. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for work scheduled for subsequent years; and
 - c. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval;
- v. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 22.03.2022;
 - vi. The State Forest Department shall execute the work of creation and maintenance of plantation of dwarf species (preferably medicinal plants) in the right of way under the transmission line, at the cost of the User Agency;
 - vii. The maximum width of right of way for the proposed transmission line on the forest land shall not be more than 46 mtrs;
 - viii. The user agency at its cost shall provide bird deflectors, which are to be fixed on the upper conductor of the transmission line at suitable intervals to avoid bird hits;
 - ix. The User agency shall comply with the guidelines for laying transmission lines through forest areas issued by the Ministry.
 - x. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xi. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other modes will not be accepted as compliance of the Stage-I clearance;
 - xii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
 - xiii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
 - xiv. At the time of payment of the Net Present Value (NPV) at the present rate, the user

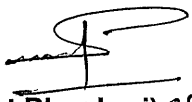

05/07/23

agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- xv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xvi. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xix. No damage to the flora and fauna of the adjoining area shall be caused;
- xx. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxi. Any other condition that the concerned Regional Office of this Ministry may stipulate, with prior approval of competent authority, in the interest of conservation, protection and development of forests & wildlife;
- xxii. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxiii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

3. After the receipt of the compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2(ii) of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government.

Yours faithfully,


(Suneet Bhardwaj) 05/07/23

Assistant Inspector General of Forests

Copy to:

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1. The Principal Chief Conservation of Forests, Government of Himachal Pradesh, Shimla.
2. The Dy. Director General of Forests (C), Regional Office, Chandigarh.
3. Sub- Regional Office of MoEF&CC, Shimla.
4. The Nodal Officer, O/o the PCCF, Government of Himachal Pradesh, Shimla.
5. User Agency.
6. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
7. Guard File.