

I/349748/2024

No.Ft.48-5321/2021 (FCA),
H.P. Forest Department.

From: Nodal Officer-cum-Addl.Pr.CCF (FCA)
O/o Pr.CCF, HP Shimla-1.

To: The Assistant Inspector General of Forests
Govt. of India, Ministry of Environment, Forests & Climate Change,
(Forest Conservation Division),
Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road,
New Delhi: 110003.

Subject: Dated Shimla-1, the
Kutehr Hydro Electric Project (240 MW) – 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.

Sir,

Kindly refer to your office letter No. 8-47 /2011-FC(Pt.) dated 5.7.2023 on the subject cited above.

2. The point wise reply to the observation as raised by the Govt. of India vide above referred letter is submitted as below:-

Sl. No.	Condition	Status
i	Legal status of the forest land shall remain unchanged.	Will be complied with
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.	HPPTCL confirmed that the 220 kV S/C Transmission Line of HP Power Transmission Corp. Ltd. from Lahal to Budhil, Distt Chamba has been constructed on 3.1715 Ha land diverted from 61.4083 Ha. and the system is being utilised for evacuating 151 MW (31 MW-HPSEBL & 120 MW M/s GMR) of power (Copy of utilization certificate from HPPTCL vide reference no. HPPTCL/ Proj/F-54/2023-

		243816dated21.07.2023 enclosed as Annexure - 1)
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 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.	It is ensured that State Government will 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 as per prescription of working plan. It is also submitted that 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	<p>Compensatory afforestation:</p> <p>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.</p> <p>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,</p>	<p>a. Compensatory afforestation will 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 shall be avoided. The CA will be maintained for 10 years.</p> <p>b. As per the Demand Note issued by DFO, Bharmour, an amount of Rs.</p>

	<p>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.</p> <p>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.</p>	<p>69,14,402/-(i.e., Rs. 28,60,683/- against CA and Rs. 40,53,719/- against NPV has been deposited in the Adhoc CAMPA Account vide UTR No. SBIN123216026887 dtd 04.08.2023 (Copy of Challan enclosed for ready reference)</p> <p>c. KML files of diverted area and the CA areas have been uploaded on the e-Green watch portal.</p>
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.	As per the Demand Note issued by DFO, Bharmour, an amount of Rs. 69,14,402/-(i.e., Rs. 28,60,683/- against CA and Rs. 40,53,719/- against NPV has been deposited in the Adhoc CAMPA Account vide UTR No. SBIN123216026887 dtd 04.08.2023 (Copy of Challan enclosed for ready reference)
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.	The State Forest Department will 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.	Undertaking in this regard, as received from user agency is uploaded with the compliance report of user agency as Annexure -2.
viii	The user agency at its cost shall provide bird deflectors, which are	Undertaking in this regard, as received from user agency is

	to be fixed on the upper conductor of the transmission line at suitable intervals to avoid bird hits.	uploaded with the compliance report of user agency as Annexure -3.
ix	The User agency shall comply with the guidelines for laying transmission lines through forest areas issued by the Ministry.	Will be complied with.
x	The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	An amount of Rs 15,53,270/- (i.e., Rs. 10,52,650/- against Cost of trees plus Rs 5,00,620/- against Departmental Charges on CA) has been deposited with DFO, Bharmour vide Bankers Cheque bearing no. 074181 dtd 05.08.2023 (Bankers Cheque Enclosed)
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.	All the funds received from the user agency under the project has been transferred/deposited in CAMPA account only through e-portal (https://parivesh.nic.in/).
xii	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	certificate shall be provided by the concerned District Collector.
xiii	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/);	The compliance report has been 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 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.	Undertaking in this regard, as received from user agency is uploaded with the compliance report of user agency as Annexure -4.
xv	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if	Not required.

	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 sites as to avoid any damage and pressure on the nearby forest areas.	The user agency agreed to comply with this condition.
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.	Undertaking in this regard, as received from user agency is uploaded with the compliance report of user agency as Annexure -5.
xvii i	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.	Undertaking in this regard, as received from user agency is uploaded with the compliance report of user agency as Annexure -6.
xix	No damage to the flora and fauna of the adjoining area shall be caused.	Will be complied accordingly.
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.	The user agency has agreed to 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.	Undertaking in this regard, as received from user agency is uploaded with the compliance report of user agency as Annexure -7.
xxii	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines,	Undertaking in this regard, as received from user agency is uploaded with the compliance report

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	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.	of user agency as Annexure -8.
xxii i	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.	Noted please..

Yours faithfully,

Addl. Chief Conservator of Forests (FCA)
O/o Pr.CCF(HoFF) H.P.