

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

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Indira Paryavaran Bhawan  
Aliganj, Jor bagh Road  
New Delhi – 1100 03  
**Dated: March, 2024**

To

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

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Shongtong Karchham Hydro Electric Project, HPPCL under the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh, for non-forestry use of 7.3722 ha. of forest land as additional forest land requirement in already approved diversion, in the State of Himachal Pradesh (Online Proposal No. FP/HP/HYD/40611/2019).**

Sir/Madam,

I am directed to refer to online proposal No. FP/HP/HYD/40611/2019 uploaded on portal on 21.02.2023 by Government of Himachal Pradesh on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 7.3722 ha. of forest land as additional forest land requirement in already approved diversion, in the State of Himachal Pradesh, subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- iii. The penalty for violation shall be equal to five (5) times the NPV for the violated land area plus 12 percent simple interest from the date of raising of such demand till the deposit is made;
- iv. Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- v. Additional/penal CA on degraded forest land equal to the area being

- diverted (7.3722 ha.) shall also be carried out at the cost of User Agency; shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- vi. 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 with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years, into the account of National Authority, CAMPA managed by the State Govt.;
  - vii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
  - viii. 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;
  - ix. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 22.03.2022;
  - x. 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
  - xi. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
  - xii. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
  - xiii. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
  - xiv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
  - xv. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
  - xvi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
  - xvii. User agency shall undertake afforestation along the periphery of the reservoir;
  - xviii. User agency shall provide free water for forestry related activities/projects;
  - xix. 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;
- xx. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
  - xxi. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;
  - xxii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
  - xxiii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
  - xxiv. The forest land shall not be used for any purpose other than that specified in the project proposal;
  - xxv. 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;
  - xxvi. No damage to the flora and fauna of the adjoining area shall be caused;
  - xxvii. 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;
  - xxviii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
  - xxix. 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.
  - xxx. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Handbook of comprehensive guidelines of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

Sd/-  
(S. Sundar)

Assistant Inspector General of Forests

**Copy to: -**

1. The Principal Chief Conservator of Forests & HoFF, Government of Himachal Pradesh, Shimla.
2. The DDGF (C), Regional Office, Chandigarh of MoEFCC.
3. The Nodal Officer (VSESA), Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.