

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: March, 2024

To

The Additional Chief Secretary (Forests),
Department of Environment and Forests,
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 (Online Proposal No. FP/HP/TRANS/130156/2021). –regarding.

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 above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful consideration of the proposal by the Advisory Committee (AC) constituted by the Central Government under Section-3 of the said Act, **'in-principle'/Stage-I** approval to the proposal was granted vide this Ministry's letter of even number dated 05.07.2023 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Himachal Pradesh vide their letter No. Ft.48-5321/2021 (FCA) dated 21.02.2024, **final approval (Stage - 2)** of the Central Government is hereby granted under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 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, subject to fulfillment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;

- ii. The Compensatory Afforestation shall be raised over double the degraded forest land i.e. **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 and at least 1000 plants per hectare shall be planted over identified DFL;
- iii. The 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;
- iv. The maximum width of right of way for the proposed transmission line on the forest land shall not be more than 46 mtrs;
- v. The User agency shall comply with the guidelines for laying transmission lines through forest areas issued by the Ministry;
- vi. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- vii. No approach road shall be constructed in the forest area for transportation of steel and other material required for the transmission line. As far as possible the User Agency shall use the existing road and the proposed RoW for the transportation of the material and in the event of non-availability of such facilities, the User Agency shall transport material manually without construction of any path;
- viii. To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
 - a. Below each conductor, width clearance of 5 mts. would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - b. One outer strip may be left clear to permit maintenance of the transmission line;
 - c. In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 5.5 meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;
 - d. User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme to the State Forest

- Department; and
- e. In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
 - ix. The user agency will ensure that all the compensations, as per the norms and rules of the State Government to the affected persons shall be paid prior to handing over of forest land to the User agency;
 - x. User agency will ensure that forest area nearby shall not be encroached upon due to implementation of the project;
 - xi. The State Government shall ensure that the minimum number of trees/plants/poles in any case not more than mentioned in the applied forest area will be removed and the trees should be felled under strict supervision of the State Forest Department;
 - xii. The State Govt. shall ensure the complete compliance on FRA, 2006; It should also be ensured that the FRA certificate issued by District collector is complete with letter number, date, name, signature and official seal, as required in the certificate;
 - xiii. The State Govt. shall ensure that 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 co-ordinates;
 - xiv. The State Government shall upload the KML files of the area proposed for diversion and the accepted degraded forest land for raising compensatory afforestation in the E-Green Watch portal of FSI, **before handing over of forest land to the user agency;**
 - xv. The User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xvi. The State Govt. shall ensure the user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
 - xvii. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - xviii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
 - xix. No labour camps shall be set up inside the forest area. Labour management plan should be implement with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;
 - xx. The Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
 - xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - xxii. Period of diversion of the said forest land under this approval shall be co-

terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;

- xxiii. No damage to the flora and fauna of the area shall be caused;
- xxiv. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxv. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxvi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxvii. The State Govt. shall ensure that the Compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
- 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 State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval letter dated 05.07.2023 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project;
- xxx. The Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as per the para 1.16 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 29.12.2023.

Yours faithfully

Sd-

(S. Sundar)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests & HoFF, Department of Forest, Government of Himachal Pradesh, Shimla.
2. The DDGF (Central) Regional Office, Chandigarh of MoEF&CC.
3. The APCCF –cum-Nodal Officer, (FCA), Government of Himachal Pradesh, Shimla.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading