

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

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Indira Paryavaran Bhawan  
Jorbagh Road. Aliganj  
New Delhi – 110 003  
Dated: 23<sup>rd</sup> August, 2022

To

The Principal Secretary (Forests)  
Government of Himachal Pradesh  
Shimla

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 397.8863 ha forest land in favour of SJVN Ltd for the construction of Sunni Dam Hydroelectric Project (382 MW) within the jurisdiction of Shimla, Kotgarh and Karsog Forest Divisions, in District Shimla and Mandi, Himachal Pradesh (ONLINE PROPOSAL NO. FP/HP/HYD/31019/2017)-regarding**


Madam/Sir,

I am directed to refer to the Government of Himachal Pradesh's online proposal no. FP/HP/HYD/31019/2017 dated 24.02.2021, Letter No. No.Ft.48-3705/2017 (FCA) dated 06<sup>th</sup> July, 2021 and letter No. Ft. 48-3705/2017 (FCA) dated 26.10.2021 seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980 on the above mentioned subject. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval to the proposal under the said Act, was granted vide this Ministry's letter of even number dated 22.12.2021 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.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. F 5-53/2016/10-2 dated 10.02.2022, E-mail dated 02.03.2022, vide letter dated 09.06.2022 and 13.07.2022, the '*final-approval*' of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 397.8863 ha forest land in favour of SJVN Ltd. for the construction of Sunni Dam Hydro Electric Project (382 MW) within the jurisdiction of Shimla, Kotgarh and Karsog Forest Divisions, in District Shimla and Mandi, Himachal Pradesh, subject to following conditions:

**A. Conditions which need to be complied with before handing over of forest land to the user agency by the State Forest Department:**

- 1 The State Govt. shall ensure the complete compliance of 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;

  
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- 2 The User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF & CC along with indicators for monitoring and expected observable milestones.
- 3 The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required
- 4 The proposed forest land shall be handed over to the User Agency only when the User Agency has acquired the required non-forest land, if any, for the project;


**B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department:**

- 1 Legal status of the diverted forest land shall remain unchanged;
- 2 The State Government shall ensure that compensatory afforestation over degraded-forest Govt. 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 and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency; and;
- 3 The trees of girth more than 60 cm should not be felled and their enumeration list should be submitted to the IRO Shimla and to local forest officials.
- 4 The State Government shall ensure that Soil and Moisture Conservation (SMC) activities in the CA land shall be implemented along with the CA schemes from the funds already deposited by the user agency;
- 5 The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- 6 Compensatory levies for this project, if any, to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- 7 Provisions of Catchment Area Treatment Plan, as approved by competent authority of the State, shall be implemented by user agency/Forest Department at project cost;
- 8 The State Government shall ensure that the safety measures, engineering structures and instrumentation, as suggested by IIT (ISM) Dhanbad, should be strictly followed;
- 9 The State Government shall ensure that the user agency should preserve the top soil of the excavated area so that proper reclamation of the site could be achieved;
- 10 The State Government shall ensure that the bio-reclamation of the area should be done with suitable species of grasses, shrubs and trees, in close coordination with the forest department;
- 11 Water from the reservoir shall be provided free of cost to the Forest Department for raising and maintenance of plantations, and nurseries around the site wherever required;
- 11 The user agency shall undertake afforestation along the periphery of reservoir and canals, as applicable;
- 12 The user agency shall carry out muck/silt disposal at designated sites in such a manner so as to avoid its rolling down;

  
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- 13 The dumping area of muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the user agency at project cost under the supervisions the State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the Forest Department in a time bound manner;
- 14 The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- 15 The State Government and user agency shall ensure that trees available between full reservoir level (FRL) level and FRL-4 meters are not felled;
- 16 The User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- 17 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 in a phase wise manner and under the strict supervision of the State Forest Department;
- 18 The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- 19 The State Government shall ensure that no additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- 20 The State Government and the User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow';
- 21 The State Govt. shall ensure that 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;
- 22 The State Government shall ensure that the user agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of Eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 23 The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 24 The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- 25 The State Government 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, forward and back bearing and distance from pillar to pillar;
- 26 The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- 27 The State Govt. and the user agency shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or

  
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person without prior approval of the Central Government;

- 28 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;
- 29 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;
- 30 Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- 31 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;
- 32 The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- 33 The State Govt. shall ensure that 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 this Ministry by the end of March every year;

Yours sincerely,

  
23/08/2022  
(Suneet Bhardwaj)

Asst. Inspector General of Forests (FC)

**Copy to: -**

1. The PCCF (HoFF), Government of Himachal Pradesh, Shimla.
2. The Regional Officer, Integrated Regional Office, Shimla.
3. The Addl. PCCF cum Nodal Officer (FCA), Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.