

भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
एकीकृत क्षेत्रीय कार्यालय,  
प्रथम एवं द्वितीय तल, सी०जी०ओ० परिसर,  
लांगवुड, शिमला-171001  
वर्तमान पता: एकीकृत क्षेत्रीय कार्यालय, 25 शुभाष रोड,  
देहरादून-248001  
दूरभाष: 0135-2650809  
फैक्स-0135-2653010  
ईमेल - [moef.ddn@gov.in](mailto:moef.ddn@gov.in)



सत्यमेव जयते

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE  
CHANGE  
INTEGRATED REGIONAL OFFICE, SHIMLA  
FIRST & SECOND FLOOR, C.G.O COMPLEX  
LONGWOOD, SHIMLA-171001  
PRESENT ADDRESS: INTEGRATED REGIONAL OFFICE,  
25 SUBASH ROAD, DEHRADUN-248001  
PHONE- 0135-2650809  
FAX- 0135-2653010  
Email- [moef.ddn@gov.in](mailto:moef.ddn@gov.in)

पत्र सं० 8बी/एच.पी./01/129/2019/एफ.सी. 113

दिनांक: 29/12/2020

सेवा में,

नोडल अधिकारी एवं मुख्य वन संरक्षक (एफ.सी.ए.)  
हिमाचल प्रदेश सरकार,  
वन विभाग, टालैंड, शिमला।

विषय : Diversion of 11.9813 ha of forest land in favour of HPSEB Ltd. for the construction of Sai Kothi-II Hydel Electric Project (16.5 MW), within the jurisdiction of Churah Forest Division, Distt. Chamba, H.P.(online no. FP/HP/HYD/23837/2017)

सन्दर्भ : नोडल अधिकारी एवं अपर प्रमुख मुख्य वन संरक्षक (एफ.सी.ए.), हि०प्र० के पत्रांक एफ.टी. 48-3637/2017 (एफ.सी.ए.) दिनांक 01.10.2020

महोदय,

उपरोक्त विषयान्तर्गत सन्दर्भित पत्र का आशय ग्रहण करते हुए मुझे आपको यह सूचित करने का निर्देश हुआ है कि प्रस्ताव को स्वीकृति हेतु e-office के माध्यम से भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन, नई दिल्ली को भेजा गया था। जहां पर प्रस्ताव पर ध्यानपूर्वक विचार करने के उपरांत निम्नलिखित कमियां पाई गयी हैं:

- 1- State Govt. may submit the following detail with regard to the CAT Plan.
  - a) In the case the Comprehensive CAT Plan is already in place with the Forest Department. its current status of implementation providing details of area treated and funds utilized, in general and with respect of proposals earlier approved by the Central Government in particular.
  - b) Maps, if any available, indicating the catchment area of the extant project vis-à-vis area of the Comprehensive CAT Plan.
  - c) Rationale for charging 2.5% or 1.5% of the total cost of the project.
2. Transmission line is an indispensable component of the hydel project and given the fact that implementing agency for both hydel as well as transmission line is same i.e. HSEBL, breaking proposal into two parts does not seem to be justified which is also in contravention of the relevant guidelines of the MoEF & CC which provides for submission of proposal in its entirety and not in piecemeals. Therefore, comments in this regard need to be furnished by the state govt. justifying non-inclusion of area of transmission line in the extant proposal.
4. Cost benefits does not seem to be certified by concerned officials of the Forest Department. Detailed analysis has not been provided. Further, all parameters specified in the relevant guidelines of the MoEF & CC have not been accounted for into the analysis. Parameters specified in the relevant guidelines need to be accounted for appropriately using suitable techno-economic tools and detailed analysis needs to be submitted to the MoEF& CC instead of submitting simple arithmetic calculations.

उपरोक्त सूचनाएं/दस्तावेज प्राप्त होने के उपरान्त ही अग्रिम कार्यवाही की जा सकेगी।

भवदीय,

(शशि शर्मा)

सहायक महानिरीक्षक (वन)  
एकीकृत क्षेत्रीय कार्यालय, देहरादून

ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

24. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls/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 State Forest Department in a time bound manner as per plan. The area for the project to be handed over to forest department is 2.6159 ha identified for muck dumping. Tree felling is not permitted in the muck disposal area and State Govt. will submit the list of trees separately, in muck disposal area.

25. The funds received from the user agency under the project will be transferred / deposited only through the e-portal (<https://parivesh.nic.in/>) to the Compensatory Afforestation Fund Management and Planning Authority.

26. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC/Guidelines File No. 11-42 / 2017-FC dated 29.01.2018.

27. Compliance report will be uploaded on e-portal (<https://parivesh.nic.in/>).

Sai Kothi II Notesheet.pdf

10/11/2020 11:59 AM

PANKAJ AGRAWAL  
(DDGF(C))

Note No. #2

Please examine and put up.

10/11/2020 5:49 PM

SISIR KUMAR RATHO  
(ADDITIONAL DIRECTOR GENERAL OF FORESTS)

Note No. #3

10/11/2020 6:36 PM

SHRAWAN KUMAR VERMA  
(DY INSPECTOR GENERAL OF FOREST)

Note No. #4

11/11/2020 10:15 AM

CHARAN JEET SINGH

(SCIENTIST D)

Note No. #5

File No. 8B/HP/01/129/2019/FC

Sub: Diversion of 11.9813 ha of forest land in favour of HPSEB Ltd. for the construction of Sai Kothi-II HEP (16.5 MW) within the jurisdiction of Churah Forest Division, District Chamba, Himachal Pradesh.

Government of Himachal Pradesh vide letter dated 19.09.2019 (p. 190/c) submitted a proposal to obtain permission under Forest (Conservation) Act, 1980 for diversion of 11.9813 ha of forest land in favour of HPSEB Ltd. for the construction of Sai Kothi-II HEP (16.5 MW) within the jurisdiction of Churah Forest Division, District Chamba, Himachal Pradesh.

2. The gist of proposal is mentioned at Note #1 is given below:

Name of forest division	Churah Forest Division
Forest area involved	11.9813 ha
Legal Status	Protected Forst
Number of trees to be felled	878 trees (p. 61/c)
Violation	No violation is reported
Compensatory Afforestation	Details at p. 224-225/c.
i. Plantation Site	UPF Matun, UPF Talai, UPF, Kilor
ii. Area/No. of plants to be planted	24.00 ha
Project specific details	
i. Component-wise breakup of total forest land	Details at p. 102/c.
ii. Techno-economic clearance	Details at p. 103-105/c.
iii. Implementation agreement	Undertaking is at p. 187/c.
iv. Reclamation Plan & Muck disposal plan	Details at p. 120, 124-125, 179/c
v. CAT Plan	It is part of comprehensive CAT Plan already been approved for Ravi basin Attached at p. 119/c
District Collector Certificate regarding FRA, 2006	Details at p. 30/c.

Geo-referenced digital map of forest land proposed for diversion	Details at p. 201/c.
Geo-referenced digital map of forest land proposed for CA	Details at p. 228/c.

3. The Regional Empowered Committee (REC) discussed the proposal in the meeting held on 29.01.2020 (p. 214-215/c). After detailed discussion on various aspects of the proposal, the REC decided to recommend the proposal to the MoEF&CC, Govt. of India for approval subject to the submission of following documents:
- The State Govt. may clarify whether any river basin study has been done regarding carrying capacity to generate power from the river and its tributary? If yes, provide details in this regard to this office and if not yet done, the planning to do so in near future may be submitted.
  - The State Government may submit CA in view of guideline para 2.3 and 2.4 of the handbook of Forest Conservation Act, 1980.
  - The State Government may ensure that the User Agency will hand over 2.6159 ha of forest land to the forest department after the completion of project work and reclamation of muck disposal sites, free from all encumbrances.
  - State Govt. may submit the power evacuation plan mentioning capacity of transmission line and mode of transmission.
  - State Government may submit the findings of ESIA study conducted by the agency to meet the international standards.
  - State Government may inform the exact status of the proposal seeking diversion of forest land for Saikothi-I HEP.
4. The observations/documents requested by the REC in its meeting held on 29.01.2020 have been submitted by HP State Govt. letter dated 18.07.2020 (p. 221/c), 15.09.2020 (p. 241/c) and 01.10.2020 (p. 306/c).
5. Deputy DGF (Central), Integrated Regional Office, Dehradun has also recommended the proposal for consideration of in-principle approval on usual terms and conditions vide notes dated 10.11.2020 at Note #1.

Submitted please.

01/12/2020 2:10 PM

MANOJ KUMAR KHANDELWAL  
(TECHNICAL OFFICER FORESTRY )

Note No. #6

**Sub: Proposal for the diversion of 11.9813 ha of forest land in favour of M/S HPSEB Ltd. for the construction of Sai-Kothi (16.5 MW) Small Hydel Project in Churah Forest Division, Dist. Chamba (Himachal Pradesh)-reg.**

1. The State Govt. of Himachal Pradesh vide their letter no. Ft.48-3637/2017 (FCA) dated 19.09.2019 submitted the above-mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. Summary of the fact are listed below:

i. Proposal envisages construction of small HEP, generating 74.66 million Units of electricity. Project has been proposed in Baira Nallah rivulet, a tributary of Suil River and sub-tributary of Ravi River in Tehsil Churah, Chamba.

ii. Legal status of land proposed for diversion is D.P.F. Shalli, Kardew, and Khakhri. Density of vegetation has been reported to be 0.12 (Eco class V) with affecting 878 trees (Pg 61/c). Component-wise breakup of project areas is given below:

S. no.	Particulars	Forest land (ha)	Non-forest land (ha)
1.	Head Race Tunnel	1.5418	0
2.	Power House Components viz. (Pressure shaft, TRT etc)	0.2852	0
3.	Dumping Sites	2.6159	0
4.	Magazine and Workshop cum Store	2.5423	0
5.	Intake components (Balancing Reservoir etc)	0.2678	0
6.	Switchyard, Surge Shaft, Store, Workshop cum Work	1.3822	0
7.	Proposed Project Road	3.346	0.3112
	<b>Total</b>	<b>11.99812</b>	<b>0.3112</b>

iii. It is reported that project will not impact wildlife and other flora and fauna of the area. Proposed area does not form the part of any National Park/Wildlife Sanctuaries (Pg 135/c). Joint inspection report of the State officials may kindly be perused at page 131-134/c). Further, DCF in his inspection report dated 26.04.2018 (Pg 85/c) mentioned no rare/endangered/unique species of flora/fauna in the area.

iv. Compensatory Afforestation has been proposed over degraded forest land double in extent to the area being diverted under the project. Legal status of the land is UPF. Exact status of the land proposed for CA cannot be ascertained from the proposal i.e. whether the land is under the management and administrative control of the State Forest Department, the same needs to be intimated by the IRO vis-à-vis requirement of certificate from the Chief Secretary of the State certifying non-availability of the non-forest area. The Plantation Scheme, involving Financial Provision of Rs. 27,59,190/-.

v. Project is expected to generate muck of 133073 cum and at swelling factor of

45% the volume of muck 192956 cum. Out of the total muck generated, 77183 cum will be used locally in various construction work while the balance quantity of 115774 cum will be deposited at the designated sites having cumulative capacity of 116168 cum. (Pg 120/c).

- vi. Techno-Economic Clearance to the project was granted by the Directorate of Energy, Government of Himachal Pradesh vide Order No. DoE/CE/TEC-Sai-Kothi/2013-84-93 dated 02.04.2014 (Pg 103-105/c) for setting up 16.5 MW SHEP.
- vii. Catchment Area Treatment Plan (CATP) for the treatment of the catchment area of the proposed project has not been submitted along with the proposal as per the provisions of the guidelines given under para 9.2 of Chapter 9 of the Handbook of the Forest (Conservation) Act, 1980. It has been proposed that an amount of ranging between 1-2.5% of the Project cost for the preparation of CAT Plan will be deposited into CAMPA account (Pg 119/c). It is certified by the DFO concerned that CAT Plan for the extant project is in consonance with the comprehensive CAT Plan of Ravi Basin which is already in place with HP Forest Department and the User Agency would deposit 2.5% or 1.5% (whichever is applicable) of the total project cost and other charges, if any.
- viii. With regards to the power evacuation Plan of project, it has been informed by the State that power will be evacuated through 33 kV D/C line with approximate length of 2 km (Pg 207/c). It is mentioned that proposal for transmission line will be submitted by the Himachal Pradesh State Electricity Board Limited (Pg 188/c). Transmission line is an indispensable component of the hydel project and given the fact that implementing agency for both hydel as well as transmission line is same i.e. HPSEBL, breaking proposal into two parts does not seem to be justified which is also in contravention of the relevant guidelines of the MoEF&CC which provides for submission of proposal in its entirety and not in piece meals. No comments of IRO and REC in this regard are available. Therefore, comments in this regard need to be furnished by IRO justifying non-inclusion of area of transmission line in the extant proposal while as per extant guidelines such proposal is to be examined and evaluated in their entirety.
- ix. Cost benefits analysis may kindly be perused at page 126-129/c same does not seem to be certified by concerned officials of the Forest Department and Integrated Regional Office. Detailed analysis has not been provided. Further, all parameters specified in the relevant guidelines of the MoEF&CC have not been accounted for into the analysis. Parameters specified in the relevant guidelines needs to be accounted for appropriately using suitable techno-economic tools and detailed analysis needs to be submitted to the MoEF&CC instead of submitting simple arithmetic calculations.
- x. Compliance of FRA, 2006 has been submitted along with supporting documentary evidences (Pg 30/c).
- xi. No violation of the Forest Conservation) Act, 1980 have been reported. Authorities in the State Forest Department and State Government have

recommended the proposal for non-forestry use under the Act.

xii. The Regional Empowered Committee (REC) of the MoEF&CC at IRO Dehradun considered and recommended the proposal in its meeting held on 29<sup>th</sup> January, 2020 subject to following information:

- a. The State Govt. may clarify whether any river basin study has been done regarding carrying capacity to generate power from the river and its tributary? If yes, provide details in this regard to this office and if not yet done, the planning to do so in near future may be submitted.
- b. The State Government may submit CA in view of guideline para 2.3 and 2.4 of the handbook of Forest Conservation Act, 1980.
- c. The State Government may ensure that the User Agency will hand over 2.6159 ha of forest land to the forest department after the completion of project work and reclamation of muck disposal sites, free from all encumbrances.
- d. State Govt. may submit the power evacuation plan mentioning capacity of transmission line and mode of transmission.
- e. State Government may submit the findings of ESIA study conducted by the agency to meet the international standards.
- f. State Government may inform the exact status of the proposal seeking diversion of forest land for Saikothi-I HEP.

xiii. Regional Office, after receipt of above information from the State forwarded the proposal to MoEF&CC for grant of Stage-I approval. Merits of information submitted by the State was neither examined by the IRO nor by the REC. Further, points of information as mentioned under para (xii) may kindly be perused. Said information viz. power evacuation plan, river basin study, CA details, ESIA study, status of Saikothi-I HEP project (which might have been asked to have a holistic assessment of area) is crucial which certainly has bearing on the recommendation of the proposal. Such crucial information needs to be deliberated by the REC. It may not be an ideal situation for Ministry to decide the proposal in its present form without analysing the crucial details. Further, as per the relevant rules, the REC is delegated the power to examine the proposal and to make appropriate recommendation after considering the detail on its merits. In the instant case, the crucial detail has not been examined by the REC and IRO has also forwarded the same without analyzing the legitimacy of the detail furnished by the State.

2. In view of the above, it is proposed that before taking further view in the matter information on the following may be requested from the IRO:

- i. Exact status of the land proposed for CA cannot be ascertained from the proposal i.e. whether the land is under the management and administrative control of the State Forest Department, the same needs to be intimated by the IRO vis-à-vis requirement of certificate from the Chief Secretary of the State certifying non-availability of the non-forest area.

ii. Following detail with regard to the CAT Plan:

- a. In case the Comprehensive CAT Plan is already in place with the Forest Department, its current status of implementation providing details of area treated and funds utilized, in general and with respect of proposals earlier

- approved by the Central Government in particular.
- b. Maps, if any available, indicating the catchment area of the extant project vis-à-vis area of the Comprehensive CAT Plan.
  - c. Rationale for charging 2.5% or 1.5% of the total cost of the project.
  - d. Comments of the Integrated Regional Office/REC on the comprehensive CAT Plan.
  - ✓ ii. Transmission line is an indispensable component of the hydel project and given the fact that implementing agency for both hydel as well as transmission line is same i.e. HSEBL, breaking proposal into two parts does not seem to be justified which is also in contravention of the relevant guidelines of the MoEF&CC which provides for submission of proposal in its entirety and not in piecemeals. Therefore, comments in this regard need to be furnished by IRO justifying non-inclusion of area of transmission line in the extant proposal.
  - ✓ iv. Cost benefits does not seem to be certified neither by concerned officials of the Forest Department nor by Integrated Regional Office. Detailed analysis has not been provided. Further, all parameters specified in the relevant guidelines of the MoEF&CC have not been accounted for into the analysis. Parameters specified in the relevant guidelines needs to be accounted for appropriately using suitable techno-economic tools and detailed analysis needs to be submitted to the MoEF&CC instead of submitting simple arithmetic calculations.
  - ✓ v. Recommendation of REC on the additional information submitted by the State
3. Submitted for kind perusal and approval please.

13/12/2020 7:36 PM

CHARAN JEET SINGH  
(SCIENTIST D)

**Note No. #7**

Submitted for approval to seek information from IRO Shimla as at para 2 in Note#6 pl.

14/12/2020 10:13 AM

SHRAWAN KUMAR VERMA  
(DY INSPECTOR GENERAL OF FOREST)

**Note No. #8**

14/12/2020 6:46 PM

SISIR KUMAR RATHO  
(ADDITIONAL DIRECTOR GENERAL OF FORESTS)

Note No. #9

21/12/2020 9:52 AM

PANKAJ AGRAWAL  
(DDGF(C))

From previous page, <sup>except</sup> para 2 (i), 2 (ii) d and 2 (c)  
on rest of the points may ask to clarify from  
the state Govt.

AG

22/12/20

O/o APCCF (NCZ)  
Dy. No. 112/1  
Date: 28/12/20

22-12-2020

AG

अथवा प्रस्तावित

T.O. (Y.G.)

प्रमाण अनुमोदनाय प्रस्तुत है

22/12/20

28/12/20

O/o APCCF (NCZ)  
Dy. No. 112/1  
Date: 28/12/2020

AG  
प्रमाण अनुमोदनाय प्रस्तुत है  
28/12/20

APCCF  
Shankar

28/12/20

देखे जाते हैं कि प्रस्तावित है

28/12/20

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TO

AG  
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28/12/20