

From No.Ft.48-3053/2015 (FCA)  
H.P.Forest Department.

To Nodal Officer–cum-APCCF (FCA)  
O/o Pr.CCF (HoFF), H.P. Shimla..

The Regional Officer,  
Integrated Regional Office,  
Govt. of India, Ministry of Environment, Forest & Climate Change,  
CGO Complex, Shivalik Khad, Longwood, Shimla,  
Himachal Pradesh-171001.

Dated Shimla-1, the

Subject: Diversion of 0.8637 ha of forest land in favour of HPPWD for the construction of Link road Ogli to Summa Kms. 0/0 to 1/510, within the jurisdiction of Shimla Forest Division Distt. Shimla HP. (Online Proposal No. FP/HP/Road/8779/2014).

Sir,

Kindly refer to your letter no. File No. FC/HPB/06/105/2022 dated 09.09.2022 on the subject cited above.

2. The point wise reply to the observation as raised vide your above referred communication is submitted as below:-

1. i & ii. DFO Shimla has submitted that no action has been taken against the officials concerned for not being able to prevent the use of Forest land for non-forestry purpose without prior approval of Govt. of India as the link road Ogli to Summa is under the list of 2183 roads constructed in violation of forest (Conservation) Act, 1980 provided by the HPPWD to the Hon'ble High Court vide order in CWP No. 5600 of 2012 has given one time relaxation for the roads which have been constructed illegally on forest land, Copies of the Hon'ble High Court which clearly finds mention of regularization of 2183 roads already been constructed in violation of the provision of FCA, 1980 have been uploaded by the User Agency online in the Part-II under additional information details at Sr. No. 19 at Page No. 2-8.

iii. The construction work of road from Ogli to Suma was taken in hand by the Public Works Department during the year 2008 and only 240 meters of road length was constructed. The work was stopped for want of Forest Clearance under FCA, 1980. No construction activity done by the Department from the year 2008 to till date.

iv. The column/table in the online Part-II has been filled up accordingly,

- v. The list of 2183 roads provided by the HPPWD to the Hon'ble High Court of HP constructed in violation of FCA 1980 has been uploaded under Additional Information details in the online Part-I at Sr. No. 16 at Page No. 48.
- vi. Copies of the Hon'ble High Court which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provision of FCA, 1980 have been uploaded online in Part-I under additional information details at Sr. No. 18 at Point No. 2-8.
- vii. DFO Shimla has submitted that the Penal Net Present Value has been prepared and uploaded online Part-II at Sr. No.11 under additional information detail.
2. The User Agency has submitted undertaking to pay the entire amount on account of Soil & Moisture Conservation Plan (SMCP) and uploaded online Part-I under additional information details at Sr. No. 20, P.No.2.
  3. The consent of the Private land owners by way of Sale/Gift Deed/NoC has been uploaded online by user agency in the Additional Information details in online Part-I at Sr. No. 17.
  4. User Agency has intimated that an area of 0.0588 ha of forest land is required for dumping in respect of proposed road. Also, the User Agency has given undertaking that the possibility to shift the dumping site of area 0.0588 ha to private land from the Government land has been explored on the site and found that the Private land adjoining to the road alignment is cultivated agriculture land and no degraded private land is available, hence local people are not ready to gift the private land for dumping site as the local public is depending on the Agriculture to make their both end meet due to which private land. Further as per the reply submitted by the user agency, there are no trees standing in the proposed duping site. Copy of undertaking has also been uploaded in additional information details in Online Part-I at Sr. No. 17 in Page No. 12. Further that the jurisdiction for locating the dumping site in the Forest land has been uploaded in additional information details in Online Part-I at Sr. No. 17 in Page No. 12-19.
  5. All the dumping sites including dumping site No. 3 will be protected by construction the wire crate retaining walls downhill slide in such a manner that no debris will be rolled down in to the house hold of villagers for which the user agency has also submitted a certificate for Muck Dumping is also uploaded additional information in Part-I at Sr. No. 7.
  6. The beneficiary villages have been marked on the KML file.
  7. The layout plan showing all the components (Forest land/non-forest land/Violated part) with distinct colours duly authenticated by DFO has been uploaded the Additional Information details in online in Part-II at Sr. No.7.
  8. Layout plan showing chainage wise length and width of forest and Non-Forest land have been uploaded by the user agency online in the Part-I under additional information detail at Sr. No. 18.
  9. The Legal status of Forest land proposed for diversion has been corrected i.e.- Demarcated Protected Forest and other details i.e. UPF-13 Ogli Summa has been mentioned in other details in the online Part-II.
  10. User Agency has submitted that there are three(3) numbers of dumping sites proposed in the KML file and the same has now been included in the component wise breakup.
  11. The Muck Management Plan for dumping sites and as per the Muck Management Plan total quantity of Muck is 8382.00 m<sup>3</sup> which will be

generated during the construction of the said road out of which 20% serviceable material will be stacked at site in the form of Stone/Aggregate i.e. 1676.40 m<sup>3</sup>. Since after excavation of earth there will be some increase in volume of soil which is calculated @ 45% i.e. 9723.12m<sup>3</sup>. The 10% muck generated will be used in dry masonry & Edge Wall, nearly 15% muck generated will be used for leveling of road 40% muck will be used in filling behind the retaining walls, breast walls, wing walls & culverts etc. After increase in volume 3403.09 m<sup>3</sup> muck will have to be disposed off in the identified dumping sites as per reclamation plan.

12. A Fresh Joint Inspection has been carried out for the construction of link road from Ogli to Summa on 29<sup>th</sup> November, 2022 and found that the total length of road is 1.510 km out of which 0.240 km road has already been constructed in Forest land and furthermore the work has been stopped for want of Forest Clearance under Forest Conservation Act, 1980. Copy of the fresh Joint Inspection has been uploaded through online in the Part-II.

Yours faithfully,

Nodal Officer-cum-PCCF (FCA)  
O/o Pr.CCF (HoFF), H.P. Shimla.