

Dated D/Shala, the/ 09-08-23 /

From: D.F.O. Dharamshala. To: C.C.F. (T) Dharamshala.

Subject: Diversion of 2.9696 Ha. of forest land in favour of Municipal Corporation Dharamshala, District Kangra for the construction of Solid Waste Management Plant in Up Mohal Dharamshala, within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, H.P.


Memo :

Kindly refer to the EDS raised by Nodal Officer cum Addl. Pr. CCF (FCA) O/o Pr. CCF, H.P. Shimla -1 vide Letter No. Ft. 48-5102/2022(FCA) dated 21.06.2023 on the subject cited above.

2. The point wise reply to the observations furnish as under :-

Sr. No.	Observation	Reply
1.	From the perusal of the reply to EDS as submitted vide under reference, it reveals that the reply has submitted without comments of CCF and DFO concerned, which does not serve the purpose. Further, the reply as submitted by your office Memo No. 7204 dated 4-7-2023 and the reply as submitted by user agency in additional information detail regarding possession of land in question are contradictory. As per your memo under reference the said land is in possession of MC Dharamshala since April, 1996 whereas as per the reply submitted by user agency and certificate issued by user agency, the said land is in his possession prior to 1980. In this regard you are once again requested to send the revised point wise reply to the observations of Gol alongwith your comments so that further action could be taken accordingly.	<p>As submitted by the User Agency, initially the project has been started in 1977 and evidences in this regard have been uploaded in online Part I. As the work has been done before the inception of FCA 1980. The possession over this land has been with MC since the year 1977, and continues till now. The proposal is being submitted for diversion of 2.9696 hect. of forest land as per Hon'ble NGT Court orders wherein it is mentioned that there is need to set up Municipal Solid Waste Processing Plant. In the earlier reply the record till 1996 was submitted regarding use of this land. As the Dharamshala Municipal Corporation is very old and it was established as Council in the year of 1867. The record of the year 1977 regarding possession was found after great difficulty and as such the copy of the proceeding of general house of the Municipal Council has been uploaded with the reply in Online Part I</p> <p>However, all the documentary evidences submitted by User Agency were forwarded to Nodal Officer for consideration by Divisional Forest Officer Dharamshala. It is not possible to ascertain at this point, whether the same site was used as Solid Waste Dumping Site or not before the year 1980. Therefore it is recommended that keeping in view the urgent need of the Municipal Corporation Dharamshala. This proposal may kindly be considered invoking the penal provision on the User Agency. The bill for Penal NPV has already been submitted on dated 02.01.2023 vide this Office Letter No. 6443.</p>

It is therefore, requested that the necessary approval for the diversion of 2.9696 ha of forest land for the construction of above mentioned project may kindly be obtained from the Govt. of India under Forest (Conservation) Act, 1980 and conveyed to this office.


Divisional Forest Officer,
Dharamshala Forest Division,
Dharamshala.