



No.D-IV-1(S)/ 959

Dated: Dharamshala, the 09/5/23

From: - CCF Dharamshala

To: Nodal Officer-Cum-APCCF(FCA)
O/o Pr. CCF (HoFF) HP. Shimla.

Subject: - Diversion of 0.6345 Ha. of forest land in favour of HPPWD for the construction of Link Road to Village Dhundni Mata (Rd 0/0 to 1/003 Km), within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, H.P. (Online Proposal No. FP/HP/Road/144478/2021).

Memo :-

* Kindly refer to the Observations raised by Regional Officer, Integrated Regional Office, Ministry of Environment, Forest and Climate Change, CGO Complex, Shivalik Khand, Longwood, Shimla 171001 vide letter No. FC/HPB/06/21/2022 dated 25.04.2022 on the subject cited above.

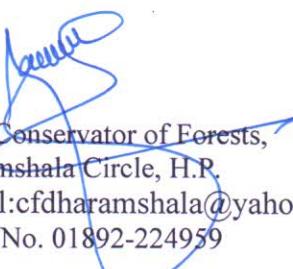
2. The point wise reply of the observations submitted by DFO Dharamshala is furnished as under:-

Sr. No.	EDS / Observation	Reply to EDS
1.	<p>The Site Inspection Report and the Joint Inspection Report revealed that violation has been carried out. Therefore, in view of above, following clarification/justification may be provided</p> <p>i. The Action Taken Report against the violators as per Para 1.21 (1) and/ or (ii) of FCA Guidelines may submitted/ uploaded in the portal.</p> <p>ii. Action taken by the State Government 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.</p>	<p>No action has been taken against the violators at the time of construction of this road. The Kacha path has been constructed by the local people during the year 2004.</p> <p>The calculation sheet of Penal NPV for 0.6345 ha. of forest land being used without prior approval of Central Govt. under FCA, 1980, as per para 1.21 of FCA guidelines has been uploaded against Additional Information Part II Online.</p>
2.	<p>The clarification/documents regarding the following may also be provided:</p> <p>i. Complete List of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sl. No. and name of the road of the extant proposal.</p> <p>ii. Copies of the Orders of the Hon'ble High Court of HP. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.</p>	<p>As submitted by the User Agency :-</p> <p>i. The complete list of 2183 cases has been uploaded against Additional Information Detail. The extant proposal is listed at Sr. No. 30, Page No. 192 under proposals pertaining to Kangra Zone at Dharamshala.</p> <p>ii. The Copies of the order of the Hon'ble High Court of Himachal Pradesh has been uploaded against Additional Information Detail.</p>

3.	FRA Certificate along with all prescribed annexures including records of all consultations and meetings with Gram Sabha(s) and FRC(s) of all the concerned villages needs to be submitted.	As submitted by the User Agency, the FRA Certificate is in Process and Undertaking to submit the FRA Certificate before Stage II has been uploaded against Additional Information Detail.
4.	The revised NPV/Penal NPV calculations sheet/bills as per revised NPV rates by MOEF & CC dated 06.01.2022 may be provided	The Revised NPV / Penal NPV calculation Sheet / bill as per revised NPV rates by MoEF & CC dated 06.01.2022 has been uploaded against additional Information in Part II online.
5.	Project approval document issued by Competent Authority may be uploaded	As submitted by the User Agency, the Project Approval letter has been uploaded against additional Information Detail in online Part I.
6.	The State Government submitted that the aerial distance from Pong Dam Lake Bird Sanctuary is about 11.3 km and from Dhauladhar WLS is 70 KMs. However, draft notification of the ESZ of Pong Dam Lake Bird Sanctuary has already notified by Central Government. Therefore, exact aerial distance of the proposed site from nearest PA and its draft notified ESZ may be submitted along with comments of CWLW, if required.	The Proposed road is at an aerial distance of 8.8 KM from the ESZ of Pong Dam Lake Bird Sanctuary. The Certificate in this regard has been uploaded against additional Information in Part II. The Comments of the CWLW are to be obtained at Nodal Office Level.
7.	In component wise breakup and in length and width detail of proposed road, a component "Turning Point has been mentioned. The same may be clarified and justified in detail.	As submitted by the User Agency, the proposed road is dead end road and there is no area for the turning of the heavy vehicles, so area for turning of heavy vehicles has been proposed. This area is necessarily required as the road is narrow with construction on both sides of road
8.	Most of the documents in the proposal are not authenticated by DFO concerned. This may be ensured that all the documents are authenticated by DFO concerned.	All the documents have been authenticated and uploaded online in Part I
9.	It has been mentioned in the Undertaking for payment of cost of CA, that entire amount will be paid at the time of undertaking of plantation activities. However, the payment of CA is required to be deposited before final (Stage-11) approval. Therefore, same may be reviewed and revised be submitted to this office.	As submitted by the User Agency, the revised Undertaking of CA has been uploaded against additional Information, Detail in Online Part I

It is therefore, requested that necessary approval for diversion of above mentioned proposal may kindly be obtained from the Govt. of India under Forest Conservation Act, 1980 and conveyed to this office at the earliest please.

Encl: as above.


 Chief Conservator of Forests,
 Dharamshala Circle, H.R.
 E-mail: cfdharamshala@yahoo.in
 Phone No. 01892-224959



CWP No. 5600 of 2012 a/w CWP No. 9797 of 2012 & COPC No. 56 of 2009

05.09.2013 Present: **CWP No. 5600 of 2012**
Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 4 & 6 to 8.

Mr. C.N. Singh, Advocate, for respondent No. 9.

Mr. Arvind Sharma, Advocate, for respondent No. 10.

CWP No. 9797 of 2012
Mr. Bipin C. Negi, Advocate, for the petitioners.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 6.

Mr. Rajnish Maniktala, Advocate, for respondent No. 8.

COPC No. 56 of 2009
None for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for Union of India.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents-State.

Heard counsel for the parties.

2. We have perused the minutes of the proceedings of the joint meeting held on 19th August, 2013, attended by all the concerned duty holders noted in our order dated 8th August, 2013. Since, in principle, agreement has been reached for regularization of 841 roads subject to certain compliances to be made by the State Government and

that process is likely to take some time, we have no hesitation in deferring the hearing of this matter for the time being till **30th December, 2013**, for reporting of further action taken by the concerned duty holders.

3. Learned Assistant Solicitor General of India submitted that the MoEF is of the opinion that in addition to 841 roads, referred to in the order dated 8th August, 2013, by this Court, it is possible that there are other roads, which are not included in the list of 841 roads. That figure may jump to around 1500. In other words, there are more than 660 roads, which have not been brought to the notice of the MoEF as of today.

4. The learned Advocate General appearing for the State submits that this apprehension will be duly examined at the highest level by the State Government and the information that would be collated during such enquiry, the Principal Secretary (PWD) to the Government of Himachal Pradesh shall submit that information to the MoEF not later than two months from today. The State Government, through learned Advocate General, undertakes to abide by all the conditions specified in the minutes of the joint meeting held on 19th August, 2013, even with regard to the unlisted roads of which information will be furnished by the State Government in due course.

5. In view of this assurance given by the State Government, we do not deem it necessary to issue any direction on that issue as of now.

6. Learned Assistant Solicitor General of India then invited

our attention to Clause (x) of the minutes and pointed out that the State Government be directed to submit the list of officers responsible for violation.

7. In our opinion, insistence of this compliance will be counter productive at this stage. In our order, dated 8th August, 2013, we have already kept the order dated 28th August, 2009, in abeyance. Necessity of furnishing list of officers of the State Government responsible for violation would arise only if the said order was to be revived and the abeyance order is recalled.

8. In the circumstances, we hope that the officials of MoEF or any other department of the Government of India shall not insist for compliance of furnishing the names, designations and complete addresses of the officers of the State Government responsible for past violations.

9. Accordingly, this matter be notified on **30th December, 2013**. The arrangement directed in terms of order dated 8th August, 2013, to continue till further directions.

Copy **dasti**.

(A.M. Khanwilkar)
Chief Justice

(Kuldip Singh)
Judge

September 5, 2013
(rajni / vi)

DIVERSION OF 0.6345 HA. OF FOREST LAND FOR CONSTRUCTION OF LINK ROAD TO VILLAGE
DHUNDNI MATA IN TEHSIL KANGRA, DISTRICT KANGRA (H.P.)
FILE NO. FP/HP/ROAD/144478/2021
DATE OF PROPOSAL

BILL FOR NET PRESENT VALUE

Eco-Value Class	Area in Hectare	Rate(per Hectare)	Total Amount (Rs.)
Class V Open Class Dense Forest	0.6345	1005210.00	637806.00
TOTAL AMOUNT			637806.00


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala

DIVERSION OF 0.6345 HA. OF FOREST LAND FOR CONSTRUCTION OF LINK ROAD TO VILLAGE DHUNDNI MATA IN TEHSIL KANGRA, DISTRICT KANGRA (H.P.)

FILE NO.

FP/HP/ROAD/144478/2021

DATE OF PROPOSAL

PENAL NPV FOR 0.6345 HA AREA VIOLATED FOR CONSTRUCTION OF LINK ROAD TO VILLAGE DHUNDNI MATA IN TEHSIL KANGRA, DISTRICT KANGRA (H.P.)

Penal NPV for 0.6345 ha	0.6345 ha x Rs. 10,05,210/-	637806
As per Notification of Govt. of India dated 29.01.2018 should be 5 times	Rs. 6,37,806 x 5 Times	3189030
12 % Simple Interest	Rs. 31,89,030 x 12%	382684
Simple Interest for 19 Years since year 2004	Rs. 3,82,684 x 19 years	7270996
Total Penal NPV and Interest	Rs. 31,89,030/- + Rs. 72,70,996/-	10460026
Incase Public Utility Project of the Govt. the Penalty shall be 20 % of the Penalty Imposed	Rs. 1,04,60,026 x 20 %	2092005
Total Penal NPV		2092005


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala, District Kangra

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

OFFICE ORDER

Subject:-

Detailed estimate for the construction of Dhundni Bag to Ghatta G.P. Dhamer from km 0/000 to 1/505 under NABARD RIDF-XXIV in Distt. Kangra (HP) (SH:- Formation cutting, Passing places, R/wall, Cross drainage work, GSB, Tarring work, side drain and Parapets).

The estimate amounting to Rs. 1,06,97,338/- (Rs. One crore six lacs ninety seven thousand three hundred thirty eight) only for the above noted work is hereby approved technically subject to compliance of the attached technical note:

1.	Estimate	For the year 2018-19
2.	Major Head	5054 -04-337-19 (SOON) C/O road under NABARD 37 major works (Plan).
3.	Funds	To be funded under NABARD.
4.	Authority	A/A & E/S amounting to Rs. 117.83 lacs accorded by the Under Secy. (PW) to the Govt. of HP Shimla letter No. PBW(B)C(10) 3/2015 dated 6 th September 2018.

Superintending Engineer,
5th Circle, HP.PWD., Palampur

No. PW/SEV/WS-IV/ NABARD/2018/

16235-40

Dated:-

29/10/18

Copy is forwarded to the following for information and necessary action please:-

1. The Secretary(PW) to the Govt. of H.P. Shimla.
2. The Engineer-in-Chief, HP.PWD. Shimla.
3. The Chief Engineer (KZ), HP.PWD. Dharamshala.
4. The Executive Engineer, HP.PWD. Division Kangra a/w estimate w.r.to his letter No. 1174-75 dated 22.09.2018.
5. The Assistant Engineer (D) a/w a copy of estimate.
6. Budget Section in this office.

936
Superintending Engineer,
5th Circle, HP.PWD., Palampur

sho
Executive Engineer
Kangra Division
HP. PWD, Kangra

**DIVERSION OF 0.6345 HA. OF FOREST LAND FOR CONSTRUCTION OF LINK ROAD TO
VILLAGE DHUNDNI MATA IN DISTRICT KANGRA (H.P.)**

FILE NO. : FP/HP/ROAD/144478/2021

DATE OF PROPOSAL :

**CERTIFICATE REGARDING DISTANCE OF PROPOSED AREA FROM PROTECTED OR THEIR
ECO SENSITIVE ZONE IN RESPECT OF CONSTRUCTION OF LINK ROAD TO VILLAGE
DHUNDNI MATA, TEHSIL & DISTRICT KANGRA (H.P.)**

This is to certify that the area proposed for construction of Link Road to Village Dhundni Mata RD 0/0 to 1/003 KM, Mohal Ghatta, Tehsil & District Kangra does not fall in protected area or eco sensitive zone. Its aerial distance, from the Protected area of Pong Dam Lake Bird Sanctuary is 8.8 Km and 7.8 kms from Eco-Sensitive Zone of the Sanctuary.

Place : Dharamshala

Dated : 08/05/2023


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala

**DIVERSION OF 0.6345 HA. OF FOREST LAND FOR CONSTRUCTION OF LINK ROAD TO
VILLAGE DHUNDNI MATA IN DISTRICT KANGRA (H.P.)**

FILE NO. : FP/HP/ROAD/144478/2021

DATE OF PROPOSAL :

CHECK LIST SERIAL NUMBER – 11

**UNDERTAKING FOR PAYMENT OF COST OF
COMPENSATORY AFFORESTATION**

It is to certify that I, Executive Engineer, Kangra Division, HPPWD Kangra, District Kangra (HP) - 176001, have applied for diversion of 0.6345 ha of forest area for the purpose of construction of link road to Village Dhundni Mata RD 0/0 to 1/003 Km in Mohal Ghatta Tehsil & District Kangra (H.P.).

I, hereby undertake to pay the entire amount for compensatory afforestation in lieu of the forest area diverted for the above said purpose before Stage II Approval of the Proposal.

Place : Kangra

Dated: 08/05/2022


Assistant Engineer
Kangra Sub-Division
HPPWD, Kangra (HP)


Executive Engineer
Kangra Division,
HPPWD Kangra (HP)

Countersigned by :


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala