



**HIMACHAL PRADESH FOREST DEPARTMENT
OFFICE OF CONSERVATOR OF FORESTS,
FOREST CIRCLE (T) DHARAMSHALA**

E-mail: head-forcirdha-hp@hp.gov.in PH. No. 01892-228029.

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

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 your office letter No. Ft. 48-5102/2022(FCA) dated 21.06.2023 on the subject cited above.

2. The point wise reply of the observation submitted by DFO Dharamshala is furnished 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. | 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. 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 DFO Dharamshala Office Letter No. 6443 (Photo copy enclosed). |
|--|--|---|

It is therefore, requested that the necessary approval for the diversion of 1.7029 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.

Encl: As above.

Signed by

Basu Kaushal

Date: 17-07-2025 13:11:02

Conservator of Forests,

Dharamshala Forest Circle, H.P.

Copy is forwarded to DFO Dharamshala with reference to his office memo.No.798 dated 30.05.2025 for information.

Dated D/Shala, the/ 02-01-23 /

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 Regional Officer, Integrated Regional Office, MoEF&CC, CGO Complex, Shivalik Khand, Longwood, Shimla 171001 vide Letter No. 8B/H.P./09/90/2021/F.C./408 dated 25.07.2022 on the subject cited above.

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

- i. As submitted by the User Agency, that as per Register of Municipal Work, site for dumping of solid waste is being used by the then Municipal Council, Dharamshala since April, 1996, when funds were provided for the development of dumping site under NORAD Project for up-gradation of garbage handling system in the Urban Local Bodies. The copies of the Register of Municipal Works has been uploaded with the reply against Additional Information Detail in Online Part - I.
- ii. As per record presented by the User Agency, the Dumping Site is being used by the then Municipal Council since April, 1996. The User Agency is in possession of 1.5717 Ha. area since April 1996.
 - a) The Forest Department on various occasions have stopped the Corporation from dumping the Solid Waste, but as there is no other place available with Municipal Corporation, the area is opened after intervention of District Administration. The Forest Department has detained the Municipal vehicles on various occasions but as the chaos rises, the area has to be reopened. Further as per the directions of the Hon'ble NGT Court, the Municipal Corporation of Dharamshala has applied for land diversion case. So no action has been taken against the violators.
 - b) No action has been taken against the concerned officials at the time of dumping of solid waste.
 - c) The calculation sheet of Penal NPV for 1.5717 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 and same is enclosed herewith as Annexure-II.
- iii. As submitted by the User Agency, NOC from the H.P. State Pollution Control Board has been uploaded against Additional Information Detail in Online Part I and same is enclosed herewith as Annexure III.

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.

Encl: as above

Divisional Forest Officer,
Dharamshala Forest Division,
Dharamshala.

DIVERSION OF 2.9696 HA. OF FOREST LAND FOR CONSTRUCTION OF SOLID WASTE MANAGEMENT PLANT AT DHARAMSHALA, DISTRICT KANGRA (H.P.)

FILE NO.


FP/HP/Others/48483/2020

DATE OF PROPOSAL

23-08-2020

PENAL NPV FOR 1.5717 HA AREA VIOLATED FOR CONSTRUCTION OF SOLID WASTE MANAGEMENT PLANT AT DHARAMSHALA, DISTRICT KANGRA (H.P.)

| | | |
|---|-------------------------------------|----------------|
| Penal NPV for 1.5717 ha | 1.5717 ha x Rs. 10,69,470/- | 1680886 |
| As per Notification of Govt. of India dated 29.01.2018 should be 5 times | Rs. 16,80,886/- x 5 Times | 8404430 |
| 12 % Simple Interest | Rs. 84,04,430 x 12% | 1008532 |
| Simple Interest for 29 Years since year 1996 | Rs. 10,08,532 x 29 years | 29247428 |
| Total Penal NPV and Interest | Rs. 84,04,430/- + Rs. 2,92,47,428/- | 37651858 |
| Incase Public Utility Project of the Govt. the Penalty shall be 20 % of the Penalty Imposed | Rs. 3,76,51,858 x 20 % | 7530372 |
| Total Penal NPV | | 7530372 |


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala