

No. RK/ACL/ 4353  
HP. Forest Department  
Dated Nalagarh, the 15-09-2021

From: DCF Nalagarh (HP)

To: CF. Solan (HP)

Subject:- Diversion of 1.61 hectare of forest land in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase-I, Jhar Majri, Baddi Distt. Solan, HP. for the up-gradation of road in front of ACL factory situated at Bir-Plassi Nalagarh, within the jurisdiction of Nalagarh Forest Division Distt. Solan, HP.

Memo:

Kindly refer to Nodal Officer-cum-Addl. Pr. CCF (FCA) O/O Pr. CCF.HP. Shimla letter No. Ft.3245/2015(FCA) dated 24/08/2021, on the above cited subject.

2. The point wise reply of observations is given as under:-

Point No.1 & 2 In this regard the detailed position is as under:-

- As is evident from the detailed report on the project submitted by the then DFO Nalagarh in the proposal folder, the local residents exercised their rights of way for their agricultural activities, but after the declaration of BBN as special Industrial Zone, the industrial units were set up and also the vehicular traffic started to use these paths as the terrain is plain and with time it converted into the Kacha road.
- That there was consistent demand of local people and the industrialists for construction of road. The then Hon'ble Industry Minister during his visit to Nalagarh on 18.06.2014 also desired that this road should be constructed on priority basis, hence the then DFO has requested SDM Nalagarh vide letter No. 4781 dated 25/08/2015 (copy enclosed herewith) to take up the matter with HP.PWD/BBNDA/Industry Department to prepare proposal under FCA 1980 for diversion of forest land for construction of this road for convenience of local people and to stop unauthorized use of forest land but no action was taken in this regard till 2018. During the year 2018 the BBNDA had submitted online FCA proposal No. FP/HP/Road/34897/2018 for diversion of land for construction of this road.
- During the inspection for this diversion case, it was found that the road in question is already constructed and hence violated the provision of FCA 1980. DFO Nalagarh vide letter No. 5585 dated 05.09.2019 requested the user agency to submit an undertaking to pay the penalty, if any imposed by the competent authority on account of violation of FCA 1980 & subsequently issued reminder vide letter No. 12622 dated 20.02.2020.

The user agency reported vide his office letter No. 1922-25 dated 17.03.2020 that Department of Industries has made the above referred road "Pacca" and they have refused to pay the penalty. DFO Nalagarh then requested Deputy Director Industries vide letter No. 14220 dated 19.03.2020 and subsequently vide letter No. 2211 dated 08.07.2020 requesting Deputy Director Industries to submit the documents related to the road construction but no response was received. DFO Nalagarh then directed ACF Nalagarh vide letter No. 2212 dated 08.07.2020 to enquire into the matter regarding construction of the said road and its year of construction on their own level. ACF Nalagarh enquired into the matter and it was revealed that this road was constructed in the year 2006-07 in PPP mode by HPSIDC, M/s Asian Cement Company, M/s AIMIL Pharmaceuticals, M/s Purna Pharmaceuticals, M/s Rupana Paper Mills. The relevant record was again sought from Dy. Director Industries, SWCA, Baddi. Dy. Director Industries vide letter No. 1621 dated 02/12/2020 had submitted record confirming that the road was constructed and completed in April, 2008. The record of divisional office as well as Range office Nalagarh was also traced to find out whether any correspondence was made regarding illegal construction of this road but no correspondence in this regard was found. The offenders were confirmed on 02/12/2020 and immediately directed Range Forest Officer, Nalagarh to file complaint under section 32 & 33 of IFA, 1927 for violation of provisions of ibid Act, before Ld. Court of Civil Judge, Senior Division Nalagarh on 22/03/2021 against the erring officers/officials and the same is under trial. From the above fact it is clear that the cognizance of offence has been taken immediately as and when the offence came to the notice of this office.

Point No.3

- The following staff was posted in Bir Plassi beat of Saini Majra Block of Nalagarh Range:-

Sr.No.	Year	Name of Officers/Officials	Remarks
1.	04/2006 to 05/2006	Shri Mahinder Singh Chandel, RFO	Transferred (Now retired)
2.	During 2006 to 30.11.2009	Shri Hem Raj, DR Block officer, Saini Majra	Retired on 30.11.2009 [Since deceased]
3.	During 2006 to 19.08.2009	Shri Gopal Chand, Fgd I/C Bir Plassi beat	Expired on 19.08.2009
4.	06/2006 to March 2009	Shri Jawahar Sarup Sharma, RFO	Retired on 30.11.2019

The higher authorities have been requested to issue show cause notice to the officer at Sr. No. 4

Point No.4

- The road will be beneficial for the local villagers as well as the various industrialists units established in the area and will benefit to people at large and not facilitating individual (s).

This is for favour of information please.

Encl: As above.

Deputy Conservator of forests,  
Nalagarh, Forest Division  
Nalagarh Distt. Solan, HP.

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