

No.Ft. 48-5426/2021 (FCA)
H.P. Forest Department.

From: Nodal Officer-cum-APCCF (FCA)
O/o Pr.CCF, H.P, Shimla-1

To: Integrated Regional Office, Ministry of Environment,
Forest and Climate Change, CGO Complex,
Shivalik Khand, Longwood, Shimla, H.P.

Dated Shimla-1, the **20 MAY 2023**

Subject: **Diversion of 0.6345 ha of forest land in favour of HPPWD for the construction of link road to village Dhundni Mata in Tehsil & Distt. Kangra, within the jurisdiction of Dharamshala Forest Divisions, Distt. Kangra, Himachal Pradesh (Online Proposal No. FP/HP/ Road/ 144478/2021).**

Sir,

Kindly refer to your office letter No. FC/HPB/06/21/2022 dated -04-2022 on the subject cited above.

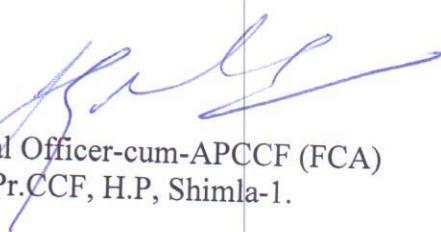
2. The point wise reply to the observations is submitted as below:-
 1. In this regard CCF Dharamshala has reported that no action has been taken against the violators at the time of construction of ~~this~~ road. The Kacha path has been constructed by the local people during the year 2004.

The calculation sheet of Penal NPV for 0.6345 ha. of forest land being used without prior approval of Central Govt. under FCA, 1980, has been uploaded against additional information detail of Part-II.
 2. With reference to this user agency has submitted following:-
 - i) The complete list of 2183 cases has been uploaded against additional information detail. The extant proposal is listed at Sr. No. 30, part No. 192 under proposal pertaining to Kangra Zone at Dharamshala.
 - ii) The copies of the order of the Hon'ble High court of HP has been uploaded against additional information detail.
 3. The user agency has submitted that the FRA certificate is in process and undertaking to submit the FRA certificate before Stage-II as submitted by user agency has been uploaded against additional information detail.
 4. The revised NPV/ Penal NPV calculation sheet as per revised NPV rates by MoEF&CC dated 6-1-2022 has been uploaded against additional information detail of Part-II.
 5. As submitted by the user agency, the project approval letter is enclosed herewith.

6. 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 at Sr. No. 1 against additional information detail of Part-II.
7. 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 of both sides.
8. All the documents has been authenticated and uploaded online Part-I.
9. The revised undertaking of CA has been uploaded against additional information detail of Part-I.

Yours faithfully,

Encls. As above.



Nodal Officer-cum-APCCF (FCA)
O/o Pr.CCF, H.P, Shimla-1.



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. 9

COPC No. 56 of 2009

COFC NO. 36 of 2009

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 principal, 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

-: 3 :-

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
(rajin / pt)

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.
 DATE OF PROPOSAL

FP/HP/ROAD/144478/2021

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/ 16935-40

Dated:-

20/10/18

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. Dharmsala.
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.

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

SKP
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 : 02/05/2023

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.

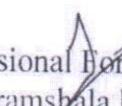
Place : Kangra

Dated: 28/05/2022


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


Executive Engineer
Kangra Division,
HPPWD Kangra (HP)

Countersigned by :


Divisional Forest Officer
Dharamshala Forest Division
Dharamshala