



भारत सरकार/GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
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Dated: 12.01.2023

सेवा में,

अतिरिक्त मुख्य सचिव (वन)
 हिमाचल प्रदेश सरकार,
 आर्म्सडेल बिल्डिंग, शिमला।

(Email:- forestsecy-hp@nic.in)

विषय: Diversion of 8.0678 ha of forest land in favour of M/s Friends Him Energies, C/o Near Happy Sr. Sec. School, Jail Road, Gurdaspur, for the construction of Suil-IV SHEP, within the jurisdiction of Churah Forest Division, Distt. Chamba, Himachal Pradesh (Online Proposal No. FP/HP/HYD/35437/2018).

संदर्भ: PCCF (HoFF), Himachal Pradesh Letter no. Ft. 48-3785/2018(FCA) dated 15.12.2022

महोदय,

उपरोक्त विषय पर संदर्भित पत्र का आशय ग्रहण करते हुए सूचित करना है कि प्रस्ताव में निम्नलिखित कमियां पाई गयी है। अतः राज्य सरकार निम्न बिन्दुओं पर आवश्यक सूचनाएं प्रेषित करने का कष्ट करें, ताकि अग्रिम कार्यवाही सुनिश्चित की जा सके:-

1. In reference to the observation No-1, the submission presented is not in consonance as per the Para 3 (1.5) OM issued by the MoEFCC dated 13.05.2022 which says that ***“the State Government should take appropriate action to resort the universally accepted the land measurement units”*** and accordingly the proposed RoW shall be calculated as per the universally accepted system.
2. A Document from the competent authority needs to be provided in respect approved capacity of the river/rivulet.
3. In reference to the observation No-6, Chief Wildlife Warden has submitted that ***“that most of the components fall inside the ESZ of Gamgul siyabebi WLS”***. Additionally, the DSS report also points out that about **5.9975 ha** of the proposed DA lies within the ESZ of Gamgul Siyabehi as per the updated boundary provided by HPFD. Since ESZ of **Gamgul siyabebi WLS** is finally notified. As per the OM issued by MoEF&CC (FC Div) vide letter no FC-11/119/2020-FC dated 17.05.2022, it is mentioned that ***“Project/activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ Notification. Accordingly, activities prohibited under the ESZ Notification shall not be undertaken. Whereas, regulated and other activities proposed within notified ESZ around National Park or Sanctuary shall require consideration by NBWL/ SCNBWL”***. Therefore the recommendation of the Standing Committee of the National Board of Wildlife for the use of forest land for non-forestry purpose is prerequisite.
4. As per the DSS report, About 13 ha out of 17 ha area, proposed for CA falls in MDF category, the area left for restocking is 4 ha. Further, the plantation model adopted is @1100/per ha, which makes an aggregate of **18,700** plants which seems difficult in the proposed CA site. Therefore, as per the as per p ara 2.4 (vii) of the Handbook Of FCA, 1980 and FC Rules, 2003 (Guidelines and Clarifications), MoEF&CC, 2019. State Govt. may look for additional/alternate CA sites and submit documentation regarding the suitability of land for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area being proposed for DA and/or contiguity with the existing forest area and also ensure the manageability as per the latest Guidelines of MoEF & CC vide letter No. 11-423/2011-FC dated 13.07.2022.

5. State Govt may review the KML of the instant proposal and rectify the same, additionally need to mark components mentioned under B. 2.4 Component wise breakup with different colours and upload the same on the portal.

Additionally, as per Part –II, Para -5, the Working Plan prescription for the part of forest land proposed for diversion is the ‘Protection Working Circle.’ Hon’ble Supreme Court in Writ Petition No 202/1995 T.N. Godavarman Thirumulpad Vs. Union of India and Others, in its Judgement, vide Interlocutory Application No. 3840 dated 11 March 2019, has ordered that ‘...*There shall be no diversion of the forest lands allotted to a Protection Working Circle in any Working Plan under FRA and FCA....*’ Therefore, State Govt. may review the same

यदि चाही गई सूचना पत्र जारी होने की तिथि के 60 दिनों के भीतर (अधिकतम 90 दिन) इस कार्यालय में प्राप्त नहीं हुई तो प्रस्ताव को निरस्त किया जा सकता है।

भवदीय,

हो/-

(सत्य प्रकाश नेगी)

क्षेत्रीय अधिकारी

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हिमाचल प्रदेश सरकार, वन विभाग, टालैंड, शिमला (E-mail: nodalcahp@yahoo.com).
2. वन मण्डल अधिकारी, चुराह वन मण्डल, जिला-चम्बा, हिमाचल प्रदेश (E-mail: dfochu-hp@nic.in).