

Note No. #1

File no. 8B/HP/05/39/2020/FC

Online No.FP/HP/MIN/34095/2018

Diversion of 17.311 ha of forest land for extraction of Sand, Stone and Bajri from bed of River Yamuna Mining Project by Mohinder Singh & Company, Mauza and Mohal Devinagar, within the jurisdiction of Paonta Forest Division, District Sirmaur, H.P.

A proposal was received from Govt. of Himachal Pradesh vide their letter no. Ft.48-3752/2018 (FCA) dated [18-05-2020](#), seeking diversion of 17.311 ha of forest land in favour of Mohinder Singh & Company, Mauza and Mohal Devinagar, for extraction of Sand, Stone and Bajri from bed of River Yamuna Mining Project within the jurisdiction of Paonta Forest Division, District Sirmaur, H.P.

The details of the proposal are as under:

1. Location

- | | |
|---------------|------------------|
| (i) State | Himachal Pradesh |
| (ii) District | Sirmaur |

2. Particulars of Forest

- | | |
|---|---|
| (i) Name of Forest Division | Paonta Forest Division |
| (ii) Forest area involved (ha) & Legal Status | 17.311 ha, Gair mumkin dariya under the ownership of HP Govt. and possession of the Forest Department |

3. Total number of trees to be felled

NIL

4. Violation of Forest (Conservation) Act, 1980

SIR attached at pg. 48/p

5. Compensatory Afforestation

- | | |
|---------------------------------------|---|
| (i) Plantation Site | Attached at pg. 52/p
Majri & Rajpur Block/RF Bhadana C-4, Kandela C-4&5 & RF Giri C-3. |
| (ii) Area/No. of Plants to be planted | 35 ha |

6. Project Specific Detail

- | | |
|---|--|
| (i) Component wise breakup of total land required | Safety Zone =3.68
For extraction of sands, stone and bajri=13.631
Total=17.311 |
| (ii) Mining Plan and Allotment letter | |

7. FRA, 2006 certificate of District

Attached at pg. 35-47/p

8. Chief Secretary's certificate with regard to Non-Attached at pg. 29/p availability of suitable Non-forest Land for raising Compensatory Afforestation in the prescribed format given by MoEF & CC.

9. **Geo-referenced digital map of forest land proposed for diversion** Attached at pg. 16/p
- 10 **Geo-referenced digital map of forest land proposed for CA** Attached at pg. 50 &138/p

The said proposal was discussed in the Regional Empowered Committee (REC) meeting of Regional Office held on 13th August 2021 wherein Committee noticed that no tree felling is involved in the project. It was also noticed that the forest land proposed for diversion is located within 10 km of the Asan Barrage Conservation Reserve in the state of Uttarakhand. The REC was apprised that the comments of CWLW have been submitted and there is no adverse impact envisaged of the project on the concerned conservation reserve. DFO Paonta also clarified to the committee that the Eco- Sensitive Zone for the Sherjung National Park has been notified by the MoEF&CC, New Delhi and the area proposed in the project is outside from the boundary of notified ESZ. The committee was apprised that no violation of FCA has been reported by the State Government in this case and Environment clearance under the Provision of EIA, 2006 has also been taken. He further explained that the Mining Department has already provided the certificate that the proposed mining conforms the DSR and SSMG-2016 & 2020 issued by the MoEF & CC. The DFO, Paonta has also elaborate that EIA study comes out with clear recommendation as how such mining is useful in maintaining the natural flow of the river and health of adjoining area. It was also told by the DFO to the committee that the area proposed for CA is found suitable for raising plantation @ 1000 trees per hectare. The report in this regard is enclosed.

After detailed discussion on various aspects of the proposal, the committee decided to recommend the proposal to Govt. of India, MoEF & CC, New Delhi for approval subject to fulfillment of following conditions:

1. State Government may be requested to submit a copy of notification by which ESZ of Sherjung National Park is declared and a certificate mentioning that the area is outside the eco sensitive Zone.

The observations raised by the REC on this proposal in its meeting held on 13/08/2021 have been fulfilled by HP State Government letter dated 28/09/2021.

In view of the above, the proposal can be recommended & submitted for consideration for grant of In-principle approval by the Competant Authority in the MoEF &CC, Govt. of India for diversion of 17.311 ha of forest land in favour of Mohinder Singh &

Company, Mauza and Mohal Devinagar, for extraction of Sand, Stone and Bajri from bed of River Yamuna Mining Project within the jurisdiction of Paonta Forest Division, District Sirmaur, H.P.on following terms and conditions as under:-

A: Conditions which need to be complied prior to submission of proposal for Stage-II approval:

1. Compensatory Afforestation:
 - a. Compensatory Afforestation shall be taken up by the Forest Department over 35 ha degraded forest land identified in Sirmaur District of Himachal Pradesh in Majri & Rajpur Block/RF Bhadana C-4, Kandela C-4 &5 and RF Giri C-3 at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with state forest Department in the account of CAMPA of the concerned state through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
2. The State Government shall ensure that the KML files of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details before submitting compliance report for seeking Stage-II approval.
3. The State Government shall certify that no plantation/afforestation under any scheme/plan/program has been undertaken in the past ten years over the degraded forest land identified and accepted for carrying out compensatory afforestation.
4. Net Present Value (NPV):
 - a. The user Agency shall transfer the funds for the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 through online portal of CAMPA account of the State Concerned;
 - b. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
6. The repatriation of land has been presently banned under FCA in IA No. 3840 in WP (C) No. 202/1995 by Hon'ble Supreme Court, New Delhi. Therefore, only after taking the decision by the Hon'ble Supreme Court, New Delhi, the State Government will issue sanction orders for the restoration of forest lands as its level accordingly;
7. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking

shall be submitted prior to Stage-II approval:

8. Legal status of the diverted forest land shall remain unchanged;
9. The forest land will be handed over only after required non-forest land for the project is handed over by User Agency.
10. State Govt. shall ensure that extraction of minor mineral (sand, stone and bajri) from the riverbed is carried out manually without use of heavy machinery;
11. Extraction of minor minerals shall be carried out manually. Further, the State Government shall ensure that there is no erosion and change in river course due to extraction/collection of sand, stone and bajri from the riverbed. All Guidelines of Ministry of Environment, Forest and Climate Change issued in respect of extraction/collection of sand, stone, and bajri from the riverbed shall also be followed.
12. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched;
13. Bamboo plantation shall be raised between the mining area in the river bed and the nearby agriculture fields on the river bank to avoid erosion of agriculture field at the project cost;
14. Period of diversion of the said forest land under this approval shall be for a period of 15 years and co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the rules framed there under;
15. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
16. No labour camp shall be established on the forestland and The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
17. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates under the supervision of concerned Divisional Forest Officer;
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
19. No damage to the flora and fauna of the adjoining area shall be caused;
20. The layout plan of the mining plan/proposal shall not be changed without the prior approval of the Central Government;
21. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area;
22. The user agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
23. The User Agency shall comply all the provisions of the all Acts, Rules, Regulation, Guidelines, Hon'ble Court Order (s) and NGT Order (s) Pertaining to this project, if any, for the time being in force, as applicable to the project;
24. Any other condition that the concerned Regional Office of this Ministry may stipulate, with the approval of competent authority in the interest of conservation, protection and development of forest & wildlife;
25. Compliance report will be uploaded on e-portal (<https://parivesh.nic.in>)

 **Mohinder Singh & Company Notesheet.pdf**

21/10/2021 5:33 PM

AJAY KUMAR
(SENIOR TECHNICAL ASSISTANT)**Note No. #2**

May refer the above Note#1 pls. In view of the above, the proposal is recommended for consideration of **Stage-I** approval of the competent authority.

22/10/2021 1:23 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)**Note No. #3**

Please examine.

22/10/2021 2:37 PM

SOUMITRA DASGUPTA
(ADDITIONAL DIRECTOR GENERAL OF FORESTS)**Note No. #4**

25/10/2021 4:17 PM

RAMESH KUMAR PANDEY
(INSPECTOR GENERAL OF FORESTS)**Note No. #5**

27/10/2021 4:08 PM

CHARAN JEET SINGH
(SCIENTIST D)**Note No. #6**

In view of the OM dt.21.10.2021 this is ensured that the facts and figures provided in the proposals are correct under the provisions of FCA 1980 and has already been discussed in the REC prior recommendation. This is submitted for further necessary action please.

02/11/2021 11:19 AM

TAPISH CHANDRA NAUTIYAL
(DIGF(C))

Note No. #7

Please refer above note #6. Submitted again for necessary action, please.

02/11/2021 3:39 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #8

The following points are mentioned for consideration.

1. The mining area is within the default ESZ .
2. In previous cases in SC NBWL the Sand mining policy of the MOEF CC , 2020 was insisted upon.

03/11/2021 11:10 AM

SOUMITRA DASGUPTA
(ADDITIONAL DIRECTOR GENERALS OF FORESTS)

Note No. #9

may pl clarify the observations of ADG(FC)

05/11/2021 8:34 PM

DGF&SS
(DGF&SS)

Note No. #10

Please refer the Note#8 & #9, do the needful accordingly.

08/11/2021 1:48 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #11

kindly refer note #8 above by which clarification on two points has been sought from this office by MoEF&CC. Regarding above points this is to submit that the similar case was dealt by FAC in its meeting on 21.09.2020 and the case was recommended with standard terms and conditions. On similar line the above case was discussed in REC. Regarding aerial distance of 4.0 km from the Assan Conservation Reserve of Uttarakhand State, the comments of CWLW has been obtained . The CWLW has informed that there is no adverse impact of the proposed mining activity on Assan Conservation Reserve. Further the state mining department has also reported that the proposal conforms to the DSR (as

per EMSMG 2020 and SSMG 2016 issued by MoEF&CC, New Delhi) of the concerned district. However regarding prior approval of SC NBWL this is already added as an additional condition number-23 which states that " *The User Agency shall comply all the provisions of the all Acts, Rules, Regulation, Guidelines, Hon'ble Court Order (s) and NGT Order (s) Pertaining to this project, if any, for the time being in force, as applicable to the project;*

further, it is submitted that regarding special concern to the prior approval of SC NBWL the following condition may also be incorporated:

The User Agency shall obtain the prior approval of SC NBWL as per the provisions of the Wildlife (Protection) Act, 1972, if required;

02/12/2021 12:31 PM

TAPISH CHANDRA NAUTIYAL
(DIGF(C))

Note No. #12

Please refer the Note#8 to Note#11. Submitted for consideration, please.

02/12/2021 1:11 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #13

03/12/2021 10:46 AM

SOUMITRA DASGUPTA
(ADDITIONAL DIRECTOR GENERALS OF FORESTS)

Note No. #14

03/12/2021 3:22 PM

RAMESH KUMAR PANDEY
(INSPECTOR GENERALS OF FORESTS)

Note No. #15

Please examine

03/12/2021 5:04 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #16

Sub: Diversion of 17.311 ha of forest land for extraction of Sand, Stone and Bajri from bed of River Yamuna Mining Project by Mohinder Singh & Company, Mauza and Mohal Devinagar, within the jurisdiction of Paonta Forest Division, District Sirmaur, H.P. (Online No.FP/HP/MIN/34095/2018)

Government of Himachal Pradesh vide letter dated 18.05.2020 (p. [103-104/c](#)) submitted the above mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.

2. The gist of proposal is mentioned at [Note #1](#) is given below:

Name of forest division	Paonta Forest Division
Forest area involved	17.311 ha
Legal Status	17.311 ha, Gair mumkin dariya under the ownership of HP Govt. and possession of the Forest Department
Number of trees to be felled	Nil (p. 2/c)
Violation	No violation is reported (p. 49/c)
Compensatory Afforestation	Details at p. 53-55/c
i. Plantation Site	Majri & Rajpur Block/RF Bhadana C-4, Kandela C-4&5 & RF Giri C-3 (p. 54-55/c).
ii. Area/No. of plants to be planted	35 ha
Project specific details	
i. Component wise breakup of total land required	
ii. Mining area (Collection of Sand, Bajri and stone)	17.311 ha

iii. Safety zone area iv. Mining Plan and Allotment letter v. Purpose-wise breakup of total forest land	13.631 ha 3.68 ha Details at p. 73-74 , 120-121/c Details at p. 22-27/c .
District Collector Certificate regarding FRA, 2006	Details at p. 42-43/c .
Chief Secretary's certificate with regard to Non-availability of suitable Non-forest Land for raising Compensatory Afforestation in the prescribed format given by MoEF &CC	Details at p. 30/c .
Geo-referenced digital map of forest land proposed for diversion	Details at p. 118 , 17/c .
Geo-referenced digital map of forest land proposed for CA	Details at p. 153 , 51/c .
DSS Analysis report	Details available at p. 101-102/c

3. The Regional Empowered Committee discussed the proposal in the meeting held on 13.08.2021 (p. [162/c](#)). After detailed discussion on various aspects of the proposal, the REC decided to recommend the proposal to the MoEF&CC, Govt. of India for approval. Regional Officer, Integrated Regional Office, Shimla has recommended the proposal for consideration of Stage-I vide note dated 22.10.2021 at [Note #2](#).

5. The matter was examined in the Ministry and ADG (FC) vide [Note #8](#) mentioned the following points for re-consideration of the proposal:

- i. The mining area is within the default ESZ.
- ii. In previous cases in SCNBWL the Sand mining policy of the MOEF&CC, 2020 was insisted upon.

6. DIGF, IRO Shimla vide [Note #11](#) submitted that the similar case was dealt by FAC in its meeting on 21.09.2020 and the case was recommended with standard terms and conditions. On similar line the above case was discussed in REC. Regarding aerial distance of 4.0 km from the Assan Conservation Reserve of Uttarakhand State, the comments of CWLW has been obtained (p. [155/c](#)). The CWLW has informed that there is no adverse impact of the proposed mining activity on Assan Conservation

Reserve. Further, the state mining department has also reported that the proposal conforms to the DSR (as per EMSMG 2020 and SSMG 2016 issued by MoEF&CC, New Delhi) of the concerned district ([p. 129/c](#)). However, regarding prior approval of SC-NBWL this is already added as an additional condition number-23 which states that "*The User Agency shall comply all the provisions of the all Acts, Rules, Regulation, Guidelines, Hon'ble Court Order (s) and NGT Order (s) Pertaining to this project, if any, for the time being in force, as applicable to the project;*

Further, it is submitted that regarding special concern to the prior approval of SC-NBWL the following condition may also be incorporated:

The User Agency shall obtain the prior approval of SC-NBWL as per the provisions of the Wildlife (Protection) Act, 1972, if required;

7. Sustainable Sand Mining Management Guidelines 2016 ([p. 299-399/c](#)) and Enforcement & Monitoring Guidelines for Sand Mining, 2020 ([p. 216-298/c](#)) is attached in ToC.

8. Regional Officer, Integrated Regional Office, Shimla has submitted the proposal vide note dated 02.12.2021 at [Note #12](#).

Submitted please.

28/12/2021 4:36 PM

MANOJ KUMAR KHANDELWAL
(TECHNICAL OFFICER FORESTRY)

Note No. #17

Facts of the case may kindly be perused at [Note # 16](#) and [Note # 1](#) above. Proposal has been examined by the IRO, Shimla and REC at IRO Shimla has also examined the proposal and recommended the same for the approval of competent authority to grant Stage-I approval.

Submitted for kind consideration and further orders on the proposal as proposed by IRO at [Note # 2](#) above.

06/01/2022 4:00 PM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #18

Please examine and submit with comments.

07/01/2022 12:34 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #19

07/01/2022 1:17 PM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #20

The undersigned has already submitted his comments in [Note #16](#) above. Moreover, the case was re-submitted on the observations raised by ADGF (FC) in [Note #8](#) above.

Submitted please.

07/01/2022 3:32 PM

MANOJ KUMAR KHANDELWAL
(TECHNICAL OFFICER FORESTRY)

Note No. #21

Note above refers:

1. Extant proposal relates to extraction of minor minerals (RBM) over an area of 17.311 ha of Gairmumkin Dariya (deemed forest) from the riverbasin of Yamuna River in Paonta Sahib Forest Division of District Sirmour (Himachal Pradesh). After examination of the proposal, the following is observed:
 - i. Density of vegetation of open forest category has been reported with no tree felling involved. Compensatory afforestation has been proposed over degraded forest land, double in extent to the forest land being diverted ([Pg 53-54/c](#)).
 - ii. Project is expected to generate 10 permanent and 50 temporary employment ([Pg 9/c](#)).
 - iii. Area is located at a distance of 8.5 km from the Col. Sher Jung National Park, Simbalbara. Though the State Government has mentioned that proposal falls outside the proposed eco-sensitive zone ([Pg 127/c](#)), the notification of eco-

sentivie zone is yet to be done by the MoEF&CC. Status of initiation of process for obtaining approval of the Standing Committee of the NBWL has not been indicated in the proposal. Further, the proposal also seems to be located within 10 km of radius from the Asan Conservation reserve in the State of Uttarakhand. IRO has sought comments from the State to inform about the comments of Govt of Uttarakhand. IRO has recommended to stipulate additional condition to obtain approval of NBWL as per provisions of NBWL.

- iv. No violation of Forest (Conservation) Act, 1980 have been reported.
- v. Based on a joint survey of the locality proposed for mining of RBM, the area has been recommended for auction for mining operations. A copy of the joint survey report is at page 67-69/c. It is recommended in the joint survey that no mining should be carried out upto a distance of 200 meters upstream and 300 meters downstream from the NH-72.
- vi. Department of Jal Shakti, Government of Himachal Pradesh has granted NoC to the project. Compliance of FRA, 2006 has been submitted.
- vii. Authorities in the State Government and State Forest Department have recommended the proposal for diversion of forest land.
- viii. Proposal was considered and recommended by the REC in its meeting held on 13.08.2021 ([Pg 162/c](#)).
- ix. Diversion of forest land has been sought for a period of 15 years ([Pg 31/c](#)). Mining Plan has been approved by the concerned Department of Government of Himachal Pradesh on 1.03.2018 ([Pg 73/c](#)). *A copy of approved Mining Plan has not been submitted along with the proposal. The same needs to be submitted.*
- x. Purpose wise breakup forest land has not been submitted. It is submitted that entire area will be used for mining ([Pg 9/c](#)). *Detailed breakup of land such as approach road, infrastructure area, temporary use, etc. has not been submitted.* Further, the site is located at a distance of 2.0 km ([Pg 58/c](#)) from the Paonta Rampurghat road, measures proposed by the user agency to approach their lease area has not been submitted along with the proposal.
- xi. The IRO after scrutiny of the proposal observed certain shortcomings such uploading of incorrect documents by the user agency in Part-I and accordingly, the State Government was requested to direct the user agency to rectify the same. State Government in their reply dated 4.03.2021 though has mentioned that rectification have been made in the online portal. *However, random check of the same revealed that the same has not been rectified i.e. online detail has not been updated. IRO may accordingly verify the correctness of submission of the State Government specially with regards to Approved Mining Plan.*
- xii. With regards to justification of the project, it is mentioned by the user agency that land is under the possession of Forest Department ([Pg 9/c](#)). Justification furnished by the user agency is not valid and cogent. It is also indicated in the proposal that project will provide construction material to local population of 3,306 of surrounding 10 villages. *Supporting documents indicating a situational review of demand and supply analysis, if any, available to establish the rationale of the project may be intimated by the IRO.*
- xiii. District Mining Officer ([Pg 129/c](#)) has mentioned that proposed mining is per the District Survey Report and is accordingly recommended as a part of District Survey Report. *Specific recommendation with regards to ecologically sustainable extractable quantity of RBM from the riverbasin of Yamuna river in the district vis-à-vis local requirement of RMB material may be provided*

- to comprehend the situation in a more conspicuous manner. Detail of mining leases auctioned/proposed to be auctioned in the district for collection of RMB materials from the Yamuna and its tributaries may also be provided.*
- xiv. *Environment clearance to the project has been granted by the SEAC on 17.11.2018 (Pg 60/c). Grant of environment clearance by SEAC without ensuring prior approval under the Forest (Conservation) Act, 1980 is in contravention to the order of Hon'ble Supreme Court dated 6.07.2011 which provided that project requiring environment and forest clearance should obtain approval under the FC Act first to avoid fait accompli situations. A clarification/justification on the same needs to be obtain from the IRO.*
- xv. *Further, as per record of discussion of REC, the REC desired to submit the reply along with findings of EIA study regarding impact of such mining in upstream and downstream (Pg 144/c). The Study shall come out with clear recommendation as how such mining is useful in maintaining the natural flow of river and health of adjoining forest area. Outcome of the said study were subsequently elaborated by the DFO (Pg 161/c). However, no supporting documents substantiating the submission of DFO as per REC observations and adequacy of proposed measures is available in the proposal, supporting documents, if any available with the IRO may be intimated along with facts agreed by the REC.*
- xvi. *Cost benefit analysis of the project has not been performed citing the unconconvincing justification. The same needs to be submitted after accounting for all the parameters using appropriate economic tools.*

Submitted please.

11/01/2022 6:04 PM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #22

Prepare letter to IRO for necessary clarification.

11/01/2022 6:09 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #23

Draft Letter is put up for kind perusal and approval pl.

DFA/88929

13/01/2022 12:39 PM

MANOJ KUMAR KHANDELWAL

(TECHNICAL OFFICER FORESTRY)

Note No. #24

14/01/2022 3:46 PM

CHARAN JEET SINGH
(SCIENTIST D)**Note No. #25**

As per observations of ADG/FC in note#8, the IRO has submitted the clarification in note#11. The same may be put up for perusal of ADG(FC).

As per direction of higher authorities proposal was examined in the Division and observations are given in note#21 which need further clarification.

It is submitted that file may be returned to IRO for further necessary action.

14/01/2022 4:13 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)**Note No. #26**

14/01/2022 7:36 PM

RAMESH KUMAR PANDEY
(INSPECTOR GENERALS OF FORESTS)**Note No. #27**

16/01/2022 8:09 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)**Note No. #28**

17/01/2022 9:50 AM

**CHARAN JEET SINGH
(SCIENTIST D)**

Note No. #29

17/01/2022 10:45 AM

**MANOJ KUMAR KHANDELWAL
(TECHNICAL OFFICER FORESTRY)**

Note No. #30

The Ministry has desired further clarifications. Please refer the Note#21 and #25 for the same.

17/01/2022 2:59 PM

**SATYA PRAKASH NEGI
(REGIONAL OFFICER)**

Note No. #31

kindly refer your note#21 by which the proposal was re-examined in the concerned division. This brings to your kind consideration that as per the powers delegated to IROs under the provisions of F (C)Rules, 2003, the proposals are scrutinized/examined with responsibility to ensure correctness of the facts and figures before recommending the proposals for approval to the competent authority in view of OM dated 21st October, 2021.

In this instant case the reference has also been taken of the procedure followed and decision taken by the FAC in the proposal number-FP/HP/MIN/34137/2018 in the same forest division of State of HP. Regarding uploading of correct documents (point-xi of note #21) specially mining plan at designated place in online part I and II, the State Govt. has communicated during the meeting of REC that due to some technical error this could not be done and the requisite documents are uploaded as an additional document in the online portal. The Mining Plan is available at serial number 18 in online Part I as an additional document. The same is also uploaded as a local reference for your review. The mining plan also contains the details on approach (point x of note #21) to the concerned site at Para 2.5 of the approved Mining Plan.

Regarding the matter of de-linking of the various clearances (point xiv of note#21) it is to bring to your kind notice that in view of the previous guideline dated 20.08.2014 and the Para 7.2 of the Handbook, it is clear that to avoid undue delay, all required clearances can be obtained separately but must be obtained before execution of project. The fact is being kept in mind while recommending the case for approval of the competent authority.

Regarding point xiii and xv of note #21 the REC was satisfied with the facts elaborated by the concerned DFO in the meeting. Since the Environment Clearance has already been granted, this can be assumed that under the provisions of EIA it has been predicted that the effect of this activity on environment and concerning mitigative measures, have been examined thoroughly . Further, the concerned Mining Department has ensured that the proposed mining conforms to the DSR and other provisions as per EMSMG-2020 & SSMMG-2016 issued by the MoEF&CC. The remaining check could be made by the concerned State Govt at the time of execution of the project and during regular monitoring done by the concerned IROs. Any additional condition in this regard if suggested by the MoEF&CC will be incorporated in the approval letter.

Regarding cost benefit analysis (point xvi) it brings to your kind notice that the revised cost benefit analysis was asked from the State Govt twice prior recommending the case to the competent authority. The present estimation shows the benefit-cost ratio as 20.58 on which the REC was satisfied. Further this estimation was also done in line with the analysis done in above mentioned proposal dealt by the FAC of the same Forest Division.

In view of the above the proposal is re-submitted for approval please.

21/01/2022 5:18 PM

**TAPISH CHANDRA NAUTIYAL
(DIGF(C))**

Note No. #32

Please refer the detail Note#31 above. Re-submitted for consideration and approval, please.

21/01/2022 6:49 PM

**SATYA PRAKASH NEGI
(REGIONAL OFFICER)**

Note No. #33

22/01/2022 11:16 AM

**S. P. YADAV
(ADDITIONAL DIRECTOR GENERALS OF FORESTS)**

Note No. #34

24/01/2022 11:25 AM

**RAMESH KUMAR PANDEY
(INSPECTOR GENERALS OF FORESTS)**

Note No. #35

24/01/2022 12:05 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)**Note No. #36**

Note above refers:

1. Summarized facts of the case may kindly be seen at [Note # 16](#) above. Observation of the Ministry on the proposal may be seen at [Note # 21](#) above.
2. Ministry, after examination of the proposal desired additional information on the proposal from the IRO, as under:
 - i. A copy of approved Mining Plan has not been submitted along with the proposal. The same needs to be submitted.
 - ii. Purpose wise breakup forest land has not been submitted. It is submitted that entire area will be used for mining. Detailed breakup of land such as approach road, infrastructure area, temporary use, etc. has not been submitted. Further, the site is located at a distance of 2.0 km from the Paonta Rampurghat road, measures proposed by the user agency to approach their lease area has not been submitted along with the proposal.
 - iii. The IRO after scrutiny of the proposal observed certain shortcomings such as uploading of incorrect documents by the user agency in Part-I and accordingly, the State Government was requested to direct the user agency to rectify the same. State Government in their reply dated 4.03.2021 though has mentioned that rectification have been made in the online portal. However, random check of the same revealed that the same has not been rectified i.e. online detail has not been updated. IRO may accordingly verify the correctness of submission of the State Government specially with regards to Approved Mining Plan.
 - iv. With regards to justification of the project, it is mentioned by the user agency that land is under the possession of Forest Department. Justification furnished by the user agency is not valid and cogent. It is also indicated in the proposal that project will provide construction material to local population of 3,306 of surrounding 10 villages. Supporting documents indicating a situational review of demand and supply analysis, if any, available to establish the rationale of the project may be intimated by the IRO.
 - v. District Mining Officer has mentioned that proposed mining is per the District Survey Report and is accordingly recommended as a part of District Survey Report. Specific recommendation with regards to ecologically sustainable extractable quantity of RBM from the riverbasin of Yamuna river in the district vis-à-vis local requirement of RMB material may be provided to comprehend the situation in a more conspicuous manner. Detail of mining leases

auctioned/proposed to be auctioned in the district for collection of RMB materials from the Yamuna and its tributaries may also be provided.

- vi. Environment clearance to the project has been granted by the SEAC on 17.11.2018. Grant of environment clearance by SEAC without ensuring prior approval under the Forest (Conservation) Act, 1980 is in contravention to the order of Hon'ble Supreme Court dated 6.07.2011 which provided that project requiring environment and forest clearance should obtain approval under the FC Act first to avoid fait accompli situations. A clarification/justification on the same needs to be obtained from the IRO.
 - vii. Further, as per record of discussion of REC, the REC desired to submit the reply along with findings of EIA study regarding impact of such mining in upstream and downstream. The Study shall come out with clear recommendation as how such mining is useful in maintaining the natural flow of river and health of adjoining forest area. Outcome of the said study were subsequently elaborated by the DFO. However, no supporting documents substantiating the submission of DFO as per REC observations and adequacy of proposed measures is available in the proposal, supporting documents, if any available with the IRO may be intimated along with facts agreed by the REC.
 - viii. Cost benefit analysis of the project has not been performed citing the unconconvincing justification. The same needs to be submitted after accounting for all the parameters using appropriate economic tools.
3. IRO vide their [Note # 31](#) above submitted their comments/information in respect of observation of the MoEF&CC. Summary of the information provided by the IRO is as under;
- i. Mining Plan has been submitted online. IRO informed that due to technical user agency uploaded it at a place not designated for the same and the same is available in the online proposal. From the perusal of Mining plan (enclosed at local reference by IRO), following is revealed:
 - ii. Purpose wise/component wise break or land use of the area auctioned for sand mining has not been mentioned in the Mining Plan. Only total area of lease is indicated as 17.311 (**Pg 4 of Mining Plan** enclosed under local reference). Land use detail of surrounding area has been submitted. No land use detail of lease area approved for mining is indicated in the Mining Plan (Pg 35 of Mining plan attached at local reference). No comments on the same are made by IRO i.e. detail of components for mining, safety zone, infrastructure area, etc. has not been
 - iii. As per detail provided in Mining Plan, site is approachable from village Kunja, located at a distance of 3.0 km from site (Pg 5 of Mining Plan attached at local reference). However, detail of forest land, if any involved, in the said approach road, could not be ascertained from the Mining Plan, as well as from the details available in the proposal.
 - iv. No comments on the a situational review of demand and supply analysis, if any, available and ecologically sustainable extractable quantity of RMB from the riverbasin of Yamuna river in the district vis-à-vis local requirement of RMB and detail of mining leases auctioned/proposed to be auctioned in the district for collection of RMB materials from the Yamuna and its tributaries, as requested, were provided by the IRO. However, IRO in their Note # 31 has

- mentioned that proposed mining is in conformity with the DSR and other provisions of the EMSMG-202 and SSMMG-2016 of MoEF&CC.
- v. With regards to supporting documents substantiating the submission of DFO as per REC observations and adequacy of proposed measures, with regards to EIA Studies, the IRO mentioned that since the environment Clearance has already been granted, this can be assumed that under the provisions of EIA it has been predicted that the effect of this activity on environment and concerning mitigative measures, have been examined thoroughly. Grant of approval under the Forest (Conservation) Act, 1980 is independent of approval granted under the EP Act, 1986, however, in terms of Supreme Court order dated 6.07.2011, grant of approval under FC Act, 1980 should precede to grant of approval under the EP Act, 1980. SEAC should take this fact into consideration before granting EC. As the EC has been granted prior to FC which amounts to contraventions of orders of Hon'ble Supreme Court. Moreover, extant case is located within 10 Km from the boundary of Protected Area i.e. located in the Ecosensitive Zone, therefore, as per EIA Notification, 2006 CC Category 'B' Projects located in the Eco sensitive Zone will become Category 'A' project. All category 'A' Project are appraised by the EAC at MoEF&CC, New Delhi and not by SEAA. It would be appropriate to bring the fact to the notice of IA Division for their needful and considered opinion in the matter.
- vi. With regards to cost benefit analysis, the IRO has mentioned that revised cost benefit analysis has been requested twice from the State and as per present estimation Cost benefit analysis is 1: 20.58 ([Pg 149-151/c](#)).
4. From the perusal of information submitted by the IRO, it is to conclude that following issues needs further deliberation before taking decision on the proposal:
- i. Details of component proposed in the proposal viz. mining, safety zone/green belt area, infrastructure area, etc.
 - ii. Detail of forest land, if any, involved in the approach road of 3.0 km length and in case the forest land is involved justification for not including the same into the extant proposal.
 - iii. Details of provisions with regards to level of ecologically sustainable mining material which can be harvested from the river bed as per estimates provided in the DSR report stated to be prepared as per guidelines issued by the MoEF&CC in 2016 and 2020 on the same.
 - iv. Comments of the IA Division (Non coal) on consideration of the proposal by the SEAA in contravention of order of Hon'ble Supreme Court and provisions of General conditions mentioned in the EIA Notification, 2006 for such projects.
5. Submitted for kind consideration and further orders please.

28/01/2022 9:59 AM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #37

Please prepare following details also so that if required related queries may be included in the same EDS letter-

1. DSS of the area and CA area, with special reference to distance of PA boundary.
2. ESZ notification of the PA.

01/02/2022 2:09 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #38

1. DSS analysis of the project area has been varied out by the DSS team and report on the same may be seen at page 400/c. Observations, as contained in the DSS report are given as under:
 - i. Calculated area of Shape file/ KML file of Forest land proposed for diversion is found 17.2679 ha (GIS software calculated).
 - ii. Asan Wetland Wildlife Sanctuary is located at a distance of 260 meter, Simbalbara Wildlife Sanctuary is located at a distance of 10.35 Km and Kalesar Wildlife sanctuary is located a distance of 7.49 Km from the instant Project site.
 - iii. As per Decision Rule I, the proposal falls in the High Conservation Value Zone area (Asan Wetland WLS is at a distance of 260 meter) and not in High Conservation Vaue Zone area as per Decision Rule II.
 - iv. KML file of 3.68 ha forest land proposed for Safety zone is not uploaded on PARIVESH.
 - v. Out of total 18 ha (as per DSS) of forest area, 1 ha is under water and 17 ha is Non-forest/ Non-wooded in terms of forest classes (as per the ISFR 2019).
 - vi. Compensatory afforestation (CA) has been proposed over degraded forest land over an area of 35.378 ha in three patches in Distrcet Sirmaur of the State.
 - vii. CA patch proposed in compartment no C-4 & C-5 RF Kandela does not seem to be fit due to Dense tree cover.
 - viii. Built-up area is visible inside the CA patch namely Compartment No C-3, Giri RF.
 - ix. KML file of proposed CA for safety zone is not uploaded on PARIVESH.
 - x. Out of total 35 ha (as per DSS calculation) proposed for CA, 6 ha is characterized with MDF, 1 ha under water and 28 ha as Non Forest (Non-wooded) in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017-2018.
2. Further with regards to notifications of PA, the following is submitted:
 - i. Eco-sensitive Zone of Kaleswar National Park and Kaleswar Wildlife Sanctuary has been notified on 22.04.2016 declaring area located between 0 to 1900 meters from the boundary of Kaleswar National Park and Kaleswar Wildlife Sanctuary as Eco-sensitive Zone (Pg 405/c).
 - ii. Eco-sensitive Zone of Col Sher Jung National Park (Earlier Known as Simbal Bara National Park) has been notified on 13.01.2022 declaring and extent of zero to 8.064 kilometres around the boundary of Col. Sher Jung National Park (Pg 424/c). Zero extent of Eco-sensitive Zone is due to contiguous border with Kalesar Wildlife Sanctuary and Kalesar National Park of Haryana on north-western, southern and south-eastern sides.
 - iii. As per detail available on the website of MoEF&CC, eco-sensitive Zone of Asan

Wetland Wildlife Sanctuary has not been notified yet.

Submitted for kind consideration and further orders please.

08/02/2022 11:04 AM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #39

Please discuss

14/02/2022 3:27 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #40

Matter discussed with the DIGF(RoHQ) and it was deliberated that complete information desired by the Ministry has not been submitted. Further, DSS analysis also revealed 6 ha as MDF area which may not be fit for afforestation. Accordingly, it was desired that complete information may be requested from the IRO, including suitable land for raising CA as given under:

- i. Details of component proposed in the proposal viz. mining, safety zone/green belt area, infrastructure area, etc.
- ii. Detail of forest land, if any, involved in the approach road of 3.0 km length and in case the forest land is involved justification for not including the same into the extant proposal.
- iii. Details of provisions with regards to level of ecologically sustainable mining material which can be harvested from the river bed as per estimates provided in the DSR report stated to be prepared as per guidelines issued by the MoEF&CC in 2016 and 2020 on the same.
- iv. suitability of 6 ha of MDF forest land may be re-visited by the IRO.
- v. Comments of the IA Division (Non coal) on consideration of the proposal by the SEAA in contravention of order of Hon'ble Supreme Court and provisions of General conditions mentioned in the EIA Notification, 2006 for such projects.

A view may also be taken on obtaining the comments of IA Division before sending the file to IRO.

28/02/2022 12:27 PM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #41

1. This pertains to the prior approval of Central Govt. for non-forestry use of forest land of 17.311 ha for extraction of Sand, Stone and Bajri from bed of River Yamuna Mining Project by Mohinder Singh & Company, Mauza and Mohal Devinagar, within the jurisdiction of Paonta Forest Division, District Sirmaur, H.P. (Online No.FP/HP/MIN/34095/2018).
2. After examination of the proposal and DSS analysis it was observed that complete information has not been submitted. We may seek the same from IRO and IA Division as proposed in note#40

Submitted please.

28/02/2022 2:53 PM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #42

May please proceed as proposed in the note ante.

28/02/2022 8:23 PM

RAMESH KUMAR PANDEY
(INSPECTOR GENERALS OF FORESTS)

Note No. #43

03/03/2022 11:42 AM

DHARMDEO RAI
(DY INSPECTOR GENERAL OF FOREST)

Note No. #44

05/03/2022 2:28 PM

CHARAN JEET SINGH
(SCIENTIST D)

Note No. #45

07/03/2022 10:51 AM

MANOJ KUMAR KHANDELWAL
(TECHNICAL OFFICER FORESTRY)

Note No. #46

Ministry has desired further clarification in the matter. Please see and do the needful, at the earliest.

08/03/2022 11:36 AM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #47

Kindly refer [note #40](#) above, the point wise reply on point no. (i) to (iv) may be obtained from the State Govt for submitting reply to the Ministry.

17/03/2022 12:19 PM

TAPISH CHANDRA NAUTIYAL
(DIGF(C))

Note No. #48

As discussed, draft letter pls.

17/03/2022 2:04 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #49

Please refer Note#40 wherein it has ben mentioned in Sr. no. iii, that 6 ha area is falling in MDF category out of 35 ha CA area. To certain the patch no. in which area in falling in MDF category, DSS analysis is required to be done.

If agreed, file can be send to DSS analyst for DSS analysis.

24/03/2022 1:53 PM

AJAY KUMAR
(SENIOR TECHINCAL ASSISTANT)

Note No. #50

As proposed DSS analysis may be done.

24/03/2022 2:05 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #51

Please do DSS analysis for DA and CA area

24/03/2022 2:31 PM

AJAY KUMAR
(SENIOR TECHNICAL ASSISTANT)

Note No. #52

As per DSS analysis, the proposed area for diversion is found **inviolated** due to **Protected Area Info layer** in **Decision Rule-I**.

The proposed CA area of patch no.1 and 3 are covering 1 ha and 5 ha area of **Moderate Dense Forest** rather than this, all result for CA area is found satisfactory. DSS report is attached on [P. 455-460/C](#) . File is being put up for your perusal and necessary action, please.

24/03/2022 5:43 PM

ANJNA KUMARI
(SENIOR TECHNICAL ASSOCIATE)

Note No. #53

DSS done by DSS analyst and as per DSS analysis, following facts are revealed:

- i. Proposed DA is found inviolated as is touching the Asan Barrage Wetland and aerial distance from the same is 230 meters. The comments of CWLW (Uttarakhand State) in this regard are already available in the proposal and are available at [P.155/C](#) .
- ii. Proposed DA site is found inviolated since it touches the Major River-Yamuna. **Comments in this regard may be asked from Nodal Officer(FCA)**
- iii. 01 ha CA land of patch 1 out of 25 ha and complete 05 ha CA land of patch 3 is falling in MDF category. The land suitability certificate for 25 ha (Patch-1) is already given by DFO and is placed at [P.148/C](#) . **For 05 ha (Patch-3) area in MDF category, comments can be sought from DFO concerned.**

Therefore, in view of above EDS can be raised with observations highlighted by MoEF & CC in Note#40 along with observations mentioned in sr. no. ii and iii above.

25/03/2022 12:35 PM

AJAY KUMAR
(SENIOR TECHNICAL ASSISTANT)

Note No. #54

As per Note#52, DSS analysis has revealed that the proposed diversion area is

found inviolate as it touches the boundary of Protected Area (Asan Wetland) in Uttarakhand, therefore, comments in this regard is also required to be obtained. Additionally, ESZ of Col. Sher Jung National Park has finally been notified recently, therefore, exact aerial distance of the proposed diversion site from ESZ of Col. Sher Jung National Park needs to be obtained. Rest approved as proposed. Accordingly, draft letter.

25/03/2022 3:18 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #55

As per directions, EDS letter is put up for approval and e-sign please.

25/03/2022 5:36 PM

AJAY KUMAR
(SENIOR TECHNICAL ASSISTANT)

Note No. #56

Approved and e-signed. Please dispatch and upload on the web-portal. Send by e-mail as well.

25/03/2022 5:47 PM

SATYA PRAKASH NEGI
(REGIONAL OFFICER)

Note No. #1

Attachment: Mohinder Singh & Company Notesheet.pdf
 Ministry Of Environment, Forests & Climate Change
 Govt. Of India, Regional Office

FILE NUMBER 8B/HP/05/39/2020/FC

MINISTRY FILE NUMBER 7-UTC039/2020-LUC

FORM C**1) Details in case of old mines**

a) Mining lease No.	N.A.		
b) (i) Date of Sanction :	N.A.	(ii) Period (in years) :	0
		(iii) Area (in Ha) :	0
c) (i) Date of Renewal :	N.A.	(ii) Period (in years) :	0
		(iii) Area (in Ha) :	0
d) (i) Date of 2nd Renewal :	N.A.	(ii) Period (in years) :	0
		(iii) Area (in Ha) :	0

2) Details Regarding Mining

a) Area Demanded Forest (hec.)	17.311	Non Forest	0
b) Period of Mining Leased (in years)	0		
c) Land use Details (hec.)		Area already broken	Area further required
			Total Area
i) Mining		0	0
ii) Dumping of overburden		0	0
iii) Storing tools and machinery		0	0
v) Construction of building		0	0
vi) Township/Housing colony		0	0
vii) Construction of roads		0	0
viii) Any other activity		0	0
		0	0
Total		0	0

3) Estimated Reserve of mineral:

	Estimated	Annual production
a) Forest area(Tn.)	0	0
b) Non Forest area(Tn.)	0	0

4) Nature of mining operation	Open Cast	5) Mining Plan Approved by IBM	Yes
6) Cost of Project	0	7) Environmental clearance Under EIA.	Not Required

8) Details of safety zone

a) Area(hec.)	0
b) Map Submitted	Yes
c) C.A. scheme over 1.5 times of safety zone	Yes

9) Reclamation of mined area

a) Comprehensive Scheme	Submitted
b) Map	Submitted

10) Violation of FC Act committed

a) Whether fresh mining lease granted/renewed in forest land after 25/10/80 without prior approval of G.O.I	Yes
b) Reason	Ignorance
c) Justification of Condonation	Given and acceptable
d) Fresh Area broken after 25/10/80 without prior approval of G.O.I.(ha.)	
e) Penal C.A. (Hec.)	0

11) Whether mining lease escapable or not

If yes details thereof	N.A
------------------------	-----

12) Proposed mining lease escapable or not

a) D.F.O.	Yes
b) P.C.C.F.	Yes
c) Govt.	Yes
d) Aam Sabha	Yes

13) Others Details if any

N.A

FILE NUMBER 8B/HP/05/39/2020/FC

MINISTRY FILE NUMBER 7-UTC039/2020-LUC

Filing

1.Name of the Proposal : SAND STONE AND BAJRI MINING PROJECT

2.Category Mining

3.State Govt. Letter Number FP/HP/MIN/34095/2018

4.Date of application 18032020 5.Date of receipt 18/03/2020

6.District SIRMOUR AT NAHAN

7.State HP

8.Regional Office Letter Number 8B/HP/05/39/2020/FC

9.Regional Office Letter number(old)

10.Ministry File Number 7-UTC039/2020-LUC

11.Year 2020

Processing**1. LOCATION**

- a) Village
- b) Location

2. PARTICULAR OF FOREST

a) Name of Forest Div. Paonta

b) Forest Area Involved in ha. 17.311 c) Map Yes

d) Legal Status :- I)RF: 0 II) PF: 0 III) Van Panchyat : 0

IV) Civil Swyam : 0 V) PF for Management Purpose : 0 VI) Others : 17.311

3. IN CASE OF ROAD/ CANAL/ RAILWAY LINE/ TRANSMISSION LINE

a) Total Length(in Kms.) 0 b) Total Width(in Mtrs.) 0

c) Total Area(in Ha.)

4. VEGETATION DENSITY 0

5. NUMBER OF TREES TO BE FELLED 0

6. WHETHER ANY RARE/ENDANGERED/UNIQUE SPECIES OF FLORA & FAUNA FOUND IN THE AREA.

No If so details thereof Yes

7. WHETHER THE AREA IS W/L SANCTUARY OR NATIONAL PARK

No If yes consent of IBWL Yes

8. ALTERNATIVE EXAMINED

Yes

9. COMPENSATORY AFFORESTATION

a) Particulars of forest land DFL b) Map Yes

c) Comprehensive Scheme Submitted d) Area in ha. 34.622

e) Planting Trees f) Land Suitability Certificate

10. VIOLATION IF ANY.. No

a) If yes justification of condonation

b) Penal CA

i) Particulars of forest land

ii) Map

iii) Comprehensive Scheme

iv) Area in ha.

v) Tree Planting 0

Proposal No. FP/HP/MIN/34095/2018

Govt. of India
Ministry of Environment, Forest and Climate Change
Regional Office, Dehradun

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaur, Himachal Pradesh.

A proposal on the above-mentioned subject has been received on 18.05.2020 from Nodal Officer-cum- APCCF (FCA), Govt. of Himachal Pradesh Examining the proposal with main documents submitted P. and online observations thereon:-

S.no	Name of the Document (s)	Page no.	Online upload	Observations
1	Diversion area			
	KML file	--	yes	
	Toposheet	--	yes	
	Digital map	--	yes	
	Land schedule & area calculation	--	yes	Gair mumkin Dariya under the ownership of HP Govt. and possession of the Forest Department.- 17.311
2	CA details			
	KML file	--	yes	
	Toposheet	--	yes	
	Digital map	--	yes	
	CA scheme	--	--	
	Site Suitability certificate	--	--	
3.	Bar Chart of the project site.	--	--	
4.	Justification for locating the project in forest area C/s by DFO	--	yes	
5.	Tree enumeration	--	--	Nil
6.	NPV	--	yes	
7.	FRA	--	yes	
8	NoC of villages	--	--	
9	DFO's SIR	--	yes	
10.	CF's SIR	--	--	

2

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaur, Himachal Pradesh.

11.	Muck Disposal Plan	--	--	
12.	C/B analysis (if more than 5 ha)	--	yes	
13.	Administrative details	--	--	
14.	Violation details	--	--	
15.	Distance from wildlife area/sanctuary	--	--	

(DEO)

DSS Cell

DSS report is placed in file. DSS analysis of diversion area shows it touches 'Asan Wetland - and CA' which may be reviewed. DSS analysis of CA area shows 2ha MDF in patch -1 which is not satisfactory.

T.O (J.G.)

21/05/2020

The proposal examined through online portal and following observations are found: -

- (1) The state Govt to confirm that the proposed mining conforms to the DSR (as per EmSMG-2020 & SSMMG-2016 issued by MOEF&CL) of the concerned district.
- (2) The state Govt to confirm that issue of conservation of riverine wildlife biodiversity will be fully addressed during the proposed mining as per direction given by CWI&W.
- (3) on analysis of CA area through DSS it is observed that 2 ha area shows MDF which is not suitable for CA for Patch No. 1 of 25.049. The state Govt may assure that the area proposed for CA should have density less than 0.4.

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaut, Himachal Pradesh.

F.P.I

- (4) The area touches boundary of "Asan Barge Conservation Reserve" in Uttarakhand state therefore it would have adverse impact on such conservation area. Specific comments of state Govt in this regard shall be submitted.
- (5) The undertaking of mining lease holder is required that after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- (6) The details of safety zone area is not furnished which should be part of ^{area of} mining lease in component wise breakup at para B2-4 neither marked on map (Kml & georeferenced map) in entire portal alignment details of ^{road to be used for} transportation of material & other ancillary activities.
- (7) The CA scheme for area in lieu of safety zone area is also not provided in the proposal.
- (8) employment details at para E (III) need to be in terms of mandays.
- (9) brief profile of lease & Comments of state Govt also required as per the guideline para 7.8 (i).
- (10) The C/A analysis not properly quantified in monetary terms.
- (11) The letter of Intent was expired in 2018, the form LOI is required to furnish.

Consent

22/5/20

① In the componentwise breakup of forest land proposed at para- B-2-4 of Part-I, the forest land required for Safety Zone, Actual Collection of Minor Minerals

4
Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaur, Himachal Pradesh.

etc has not been provided separately

- (2) It is seen from KML file uploaded on para-C of Part-I that the proposed site of diversion is very close upstream of a major bridge on Yamuna River. Hence, the Stn-Cont. should intimate the distance of bridge from the proposed mining area and also submit comments on any risk to the bridge, if any, as a result of mining and change in course of river because the mining is proposed towards right bank of river only.
- (3) On perusal of geo-ref map uploaded on para-C(1) of Part-I, it is seen that the geo-coordinates of 14 points only are provided. Stn-Cont. should provide more geo-coordinates covering all turning points along the polygon.
- (4) Justification & locating the project in forest land uploaded on para-D (1) of Part-I is not appropriate because one affidavit is found hp-lead-cc.
- (5) It is mentioned in para-H (1) of Part-I that the application for EC is yet to be submitted. UA should submit the application for EC immediately and report status.
- (6) Under FRA, proceedings of GLL meeting duly signed by sub-divisional officer has not been found uploaded on para-K of Part-I. Moreover, it is mentioned in para-B-2-3 that the forest land is situated within the jurisdiction of Devinagar village but the proceedings of VLL is provided/uploaded for Kunya village. Hence, proceedings of VLL of Devinagar vld are reqd. to be uploaded.
- (7) Copy of "letter of intent" has been uploaded on para-M-2 (iii) instead of approval letter of mining plan.

Note No. #1

Attachment: Moh

could not find

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaur, Himachal Pradesh.

- (8) Instead of copy of approved mining plan, approval letter of mining plan found uploaded on para-M-2 (iv)
- (9) Copy of detail land use plan is 1:4000, scale & prepared by using cells in total station not found uploaded on para-M-2(v) instead digitized map showing different existing land use in the area and its vicinity was been uploaded.
- (10) It is mentioned in ~~para 7~~ para-M-7 that 3 minerals are proposed to be collected but the mineral-wise detail has not been provided.
- (11) It is seen from the map uploaded on para-M-7(ii) that one crusher site and two unmetalled roads i.e. Quarry site to crusher site and crusher site to connect metalled road is shown in the map but nothing is mentioned anywhere in the proposal about these crusher units and unmetalled roads. Hence, State Govt. may give its clarification in the matter. State Govt. should upload plan of transport routes in this para.
- (12) It is seen from the details uploaded on para-13 (i) of Part-II that the 35 ha of CA is proposed in 3 patches measuring 25 ha, 5 ha and 5 ha each. but patchwise CA estimates have not been uploaded on para-13 (ii) instead one estimate for entire 35 ha is found uploaded.
- (13) In para-8 (i) of Part-2, Rabbit, White Bear, Jackal, Crow and Squirrel are stated to be found in the area but 'yes' is mentioned in para-8 (v) which is contradictory. State Govt. may review the comments.
- (14) It is mentioned in para-4 of SIQ of DFO uploaded on para-15 of Part-II that the aquatic winter migratory birds like Ruddy Shelduck, Cormorant, Little Grebe etc visit the area but nothing is mentioned about the adverse impacts of mining.

Note No. #1

Attachment: Moh

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co in Distt. Sirmaur, Himachal Pradesh.

of mining on the wintering habitat of those migratory birds, if any and the mitigative measures. Stale lead. may review the matter on submit comments.

(15) It is seen from date given in para-14 of para-II that the progress of CA (875.38/ha) is 47% only of the CA stipulated (1880.115ha) which is very poor. Stale lead. may intimate the action taken to clear the backlog of CA.

Rest as proposed by T.O.

Note No. #1

Attachment: Moh

ADCF

उपरोक्तानुसार EDS हेतु प्राथम प्रस्तुत है।

26/5

T.O. (Y/G.)

प्राथम अनुमोदनार्थ प्रस्तुत है।

26/5/20

ADCF

Shalini

स्वास्थ्य प्रति हस्ताक्षर हेतु प्रस्तुत है।

28/5/20

T.O. (CF)

28/5/20

पत्र संख्या 202 से भिन्न किया

28/5/20

28/5/2020

uploaded

O/O APCCF (NCZ)
Dy. No. 7752
Date: 28/5/20

O/O APCCF (NCZ)
Dy. No. 7752
Date: 28/5/20

17/3/21

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co. in Distt.Sirmaur, Himachal Pradesh.

F.P.L

vide letter dt. 4/3/2021 the state Govt conveyed reply over the observations raised vide letter dt. 28-5-2020. after exami the matter the following shortcomings are still remained :-

- (1) Regarding point-4 the comments of experts, Uttarakhand is under process.
- (2) Regarding point-6 the CA scheme over degraded forest land of one and half of the ^{sq} area (i.e. 3.68 ha), is needed to be submit.
- (3) Regarding point-9 the C/B analysis is not properly quantified and explained.
- (4) Regarding point-15 the EC is required to be taken under the Category B project for which exemption is in public hearing only.

with these points the proposal can be discussed in next REL.

[Signature]
17/3/21

Algorithm

App/ef

अगामी REL में सम्मिलित करें। साथ ही EDS च. 3 के संदर्भ में च. नं. 30 का निरीक्षण रिपोर्ट प्रस्तुत करने से 3 परिसरों की-द्वारा पर रिपोर्ट स्पष्ट करने का कार्य लेकर करें।

T.O. (P.G.)

प्रभु अग्रवाल

[Signature]
17/3/21

App/ef

[Signature]
17/3/21

Shalini

स्वच्छ प्रातः हस्ताक्षर हेतु प्रस्तुत है।

[Signature]
17/3/21

[Signature]
17/3/21

Note No. #1

Attachment: Moh

O/o APCCF (NCZ)
Dy. No. 11833
Date 16/3/2021

O/o APCCF (NCZ)
Dy. No. 11833
Date 17/3/2021

8

Proposal No. FP/HP/MIN/34095/2018

Sub: Diversion of 17.311 ha of forest land in favour of Mohinder Singh And Company Mining Project for the Construction of Sand Stone and Bajri Mining Project by Mohinder Singh & Co. in Distt.Sirmaur, Himachal Pradesh.

~~To (H)~~

[Signature]
18/3/21

पत्र संख्या 217 के निमित्त किया

[Signature]
18/03/2021

uploaded

Note No. #1

Attachment: Moh

Fact sheet is put up for approval. as the case will be discussed in REC on 25/3/21. [Signature]
22/3/21

~~AG~~

[Signature]
24/3/21

To (YF)

प्रस्ताव पर इस कार्यालय में दिनांक 25/3/21 को REC की बैठक में चर्चा की गयी थी। राज्य सरकार को इस कार्यालय के पत्र दि. 18/3/20 का जवाब तथा EIA study के बाबत जवाब प्रस्तुत करने को सहित दुर्घट case को Defer किया गया था।

राज्य सरकार के पत्र दि. 6/7/21

काप CWPP, उन्नाखण्ड के comments प्रस्तुत किए गए हैं, साथ ही safety zone area के against degraded forest land पर 5.52 हेक्टर के लिए CA scheme उन्नाखण्ड की गयी है तथा CA analysis भी प्रस्तुत कर दिया गया है। साथ ही राज्य सरकार काप प्रेषित किया गया है कि प्रस्ताव में EIA study मत्वानत EC खर्च में ही लिया जा चुका है। अतः प्रस्ताव पर आगामी बैठक में चर्चा की जा सकती है।

[Signature]
RO

[Signature]
31/3/21

देखा | संपन्न

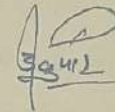
[Signature]

Sub Division of 17.311 ha forest land in favour of Mahinder Singh and Company Mining Project for the Sand, Stone and Bajri Project within the Jurisdiction of Paonta Forest Division, Distt- Simons, H.P.

FDP - contiguous border with Kalesor Wildlife Sanctuary and Kalesor NP of Haryana. - P.182/C

ii) As per SFO certificate, the proposed site is outside the ESZ of Col. Shri Jung National Park. - P.147/C.

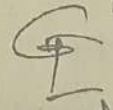
Therefore, in view of above the condition laid out by REC has been fulfilled by State Govt., so proposal can be recommended/forwarded for approval by MoEFCC. Accordingly detailed note preparation and scanning of file can be executed.



05.10.2021

क्षेत्रीय अधिकारी

अधीनस्थ अधिकारी | अधिकारी | अधिकारी


5/10/2021

Note No. #1

Attachment: Moh