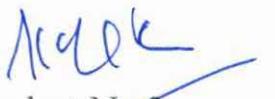


9.	Sanction of funds conveyed to ENC, HP PWD dated 08.01.2025	Annexure R-8	25
10.	Letter to PCCF(HoFF) dated 08.01.2025	Annexure R-9	26-27
11.	Clarification from PCCF(HoFF) dated 08.01.2025	Annexure R-10	28
12.	Letter from Nodal Officer-cum- PCCF(HoFF) to Govt. of India dated 08.01.2025	Annexure R-11	29-30


Respondent No.2.
r. Secretary (PWD)
to the Govt. of H.P.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

MA NO. 113 OF 2024

IN

ORIGINAL APPLICATION No. 173 OF 2022

RAM SINGH

...APPLICANT

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

....RESPONDENTS

ACTION TAKEN REPORT ON BEHALF OF
RESPONDENT NO 2 IN COMPLIANCE TO THE
DIRECTIONS DATED 03.01.2023, 27.11.2024 and
23.12.2024 PASSED BY THE HON'BLE TRIBUNAL
IN THE ABOVE TITLED ORIGINAL
APPLICATION.

MAY IT PLEASE YOUR LORDSHIPS:

I, Abhishek Jain s/o Sh. Vimal Kumar Jain aged about 46 years, presently working as Secretary, HP Public Works. Department, Government of H.P. Shimla-2, the deponent herein, do hereby solemnly affirm and state on oath as under:-

1. That the Deponent/respondent no.2 humbly submits that he is a law abiding citizen and has the utmost respect for this Hon'ble Tribunal and the other Courts in India as also the orders and judgments passed by this Hon'ble Tribunal. The Deponent being a responsible public servant understands that it is his duty both as a Citizen of India as well as on account of his being a

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r. Secretary (PWD)
to the Govt. of H.P.

ATTESTED
Executive Magistrate
H.P. Sectt., Shimla

public servant to abide by and implement the orders, directions and judgments passed by this Hon'ble Tribunal. The replying Deponent/respondent No.2 tenders his unconditional and unqualified apology for any act of omission or commission on his part which has caused inconvenience to this Hon'ble Tribunal and given the impression that the replying respondent has disobeyed orders passed by this Hon'ble Tribunal.

2. That the above titled MA was listed before the Hon'ble Tribunal on 23.12.2024, when the Hon'ble Tribunal was pleased to pass the directions, the relevant operative part of which is reproduced herein as under:-

"14. Accordingly, State of Himachal Pradesh and its instrumentalities are directed to file affidavits of concerned officers containing an undertaking specifying the period within which the compensatory afforestation will be carried out with all requisite details.

15. Mr. Surjeet Singh Rathore, Additional Secretary, PWD, Ms. Preeti Bhandari, Conservator of Forest South and Mr. Mandar Jeware, DFO, Spiti have appeared before this Tribunal through VC today in compliance of order dated 27.11.2024. We could not meaningfully interact with the officers who appeared through VC due to technical problems on their side.

In view of the facts and circumstances referred to above, we consider their presence before this Tribunal physically on the next date of hearing to be essential for assisting this Tribunal in taking proper steps for execution of the order passed by this Tribunal.

16. Affidavit of the concerned officers as directed above be filed at least one day before the date of hearing hereby fixed.

17. List on 15.01.2025 for further hearing."

3. That it is humbly submitted that pursuant to this Hon'ble Tribunal order dated 03.01.2023 and subsequent directions passed on 27.11.2024 and 23.12.2024 the Deponent/replying

Secretary (PWD)
to the Govt. of H.P.

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Executive Magistrate
H.P. Sectt., Shimla

respondent No.2 has been monitoring the progress of the matter on day to day basis within the Department as well as in coordination with the Forest Department as following up with further actions on a personal basis to ensure that the directions issued by this Hon'ble Tribunal are complied with in letter and spirit.

4. That consequent to directions of this Hon'ble Tribunal dated 27.11.2024, the Replying Respondent No.2 held a VC on 16.12.2024 with the officers of the Forest and Public Works Departments. Copy of the minutes of the VC at **Annexure R/1**. Another VC was held by the Respondent No 2 with the officers of above two Departments on 18.12.2024. In the said meetings strict directions were issued to the concerned officers to take immediate necessary steps to ensure compliance of the orders of this Hon'ble Tribunal without causing any further delay in the same.
5. That the processing of FCA proposal has been delayed considerably due to the reasons that the concerned Forest Rights Committee(FRC)(Mohal named 'Dhar Gangchhumic') did not issue NOC as required under the Forest Rights Act, 2006 and as such in the absence of FRC being issued, the case could not proceed further. The Deponent/respondent No.2 again took up the matter with the Deputy Commissioner, Lahaul & Spiti, Himachal Pradesh vide letter dated 30th December, 2024(**Annexure-R/2**) with the directions to convene a special meeting of Gram Sabha of concerned Revenue village Poh ('Dhar Gangchhumic') to consider the matter of issuance of certificate containing that the rights recognition process under the FRA is complete in the area being proposed for diversion.

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 Secretary (PWD)
 to the Govt. of H.P.

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 Executive Magistrate
 H.P. Sect., Shimla

6. That as a result of above directions issued by the respondent No. 2, the matter was considered in the special Gram Sabha and finally the concerned Gram Sabha/Forest Rights Committee of Poh Mohal('Dhar Gangchhumic') issued the No Objection Certificate (NOC) on 31.12.2024. Further, after approval of the District Level Committee(DLC) constituted under Forest Rights Act, 2006, the Deputy Commissioner, District Lahaul & Spiti, Himachal Pradesh, issued the requisite certificate under Forest Rights Act, 2006 on 04.01.2025. (**Annexure R/3**).
7. That in order to ensure compliance of the orders of this Hon'ble Tribunal and for speedy approval of the FCA proposal, the Deponent/respondent No.2 convened a meeting on 03.01.2025 in which officers of the Public Works Department, Forest Department, Deputy Commissioner, Lahaul & Spiti and Sub-Divisional Magistrate (Kaza) participated. Minutes of the meeting dated 03.01.2025 have been annexed as **Annexure-R/4**. In the meeting the representatives of the Forest Department intimated that as per measurements carried out by the Joint Committee constituted under the directions of Hon'ble Tribunal in the subject matter case, the concerned violations were not recorded, but after approval of the FCA proposal by the Project Screening Committee-I(PSC-I), it was forwarded to the DFO Kaza for site inspection.
8. During the site inspection, the area under FCA violations were measured again and the extent of violation was found to be about 6.8379 hectares which is more than what had been earlier reported to this Hon'ble tribunal. Further, the Executive Engineer, HP PWD (B&R Division), Kaza vide his letter addressed to DFO, Wildlife Spiti dated 30.12.2024 (**Annexure-R/5**) has submitted that additional area required for diversion

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Secretary (PWD)
to the Govt. of H.P.

Executive Magistrate
H.P. Sectt., Shimla

will be 0.7 hectares, bringing the total area of diversion to 7.5479 hectares.

9. That as a result of the same, the total CA area has now been revised to 28.7516 hectares from previous 20.8 hectares. Now, the FCA case has been processed as per the revised measurement of violation of Forest Land and all the requisite documents have been re-uploaded by the Deponent/respondent No.2 on PARIVESH portal on dated 09.01.2025 after attending to the queries raised by the Project Screening Committee-II(PSC-II).
10. That the Forest Authorities have worked out the Compensatory Afforestation(CA) cost amounting to Rs. 1,35,24,160/-. The Deponent/replying respondent No.2 vide letter dated 03.01.2025 (Annexure-R/6) took up the matter with the Commissioner-cum-ACS(Tribal Development) to the Government of Himachal Pradesh for providing the requisite funds. The proposal for allocation of funds was taken up with the Planning & Finance Department. The Respondent No. 2 proactively pursued the matter with these Departments due to which the funds were sanctioned within a short period. The Commissioner(TD) vide his letter dated 7th January, 2025 (Annexure-R/7) has conveyed the sanction of Rs. 1,35,24,000/- (rupees One Crore Thirty Five Lakh Twenty Four Thousand) only.
11. That the Administrative approval/Expenditure Sanction of Rs. 1,35,24,000/- (rupees One Crore Thirty Five Lakh Twenty Four Thousand) only has been conveyed by the replying respondent to the Engineer-in-Chief, Himachal Pradesh Public Works Department vide letter dated 08.01.2025 (Annexure-R/8).

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 Secretary (PWD)
 to the Govt. of H.P.

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 Executive Magistrate
 H.P. Sectt., Shimla

12. That the replying Respondent No. 2 vide letter dated 08.01.2025 (**Annexure-R/9**) wrote to the Principal Conservator of Forest (HOFF), Forest Department, Himachal Pradesh to apprise the Department of Public Works about the process required to be followed to deposit the cost of Compensatory Afforestation (CA) amount of Rs. 135.24 lakh as the funds have been sanctioned by the Finance Department, enabling the Respondent No. 2 to ensure compliance of the Hon'ble NGT orders.
13. That in response to the above letter, the Forest Department vide letter dated 08th January, 2025 (**Annexure-R/10**) has intimated that in normal course the Penal CA amount is to be deposited in Compensatory Afforestation Management and Planning Authority (CAMPA) account after stage-I clearance, but the instant proposal has not received stage-I/in principle approval yet and the amount cannot be deposited on the Portal. Hence, the matter has been taken up by the HP Forest Department with the Ministry of Environment & Climate Change, Government of India to allow the State Government to deposit the Penal CA amount on the PARIVESH portal before state-I approval to ensure compliance of the Hon'ble NGT orders (**copy of letter at Annexure-R/11**).
14. That the replying respondent would like to summarize that in compliance to the directions of the Hon'ble Tribunal vide order dated 03.01.2023 and orders issued in subsequent hearings of this matter, the FRA certificate of one leftover Mohal 'Dhar Gangchhumic' has been obtained, the FCA case is also in an advanced stage of approval and the CA amount of Rs. 1,35,24000/- also stands sanctioned to be disbursed to the Forest Department, however since there is no Stage-I approval,


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 Joint Secretary (PWD)
 to the Govt. of H.P.

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 Executive Magistrate
 H.P. Secy. Shimla

the same cannot be deposited in the CAMPA account for further process on CA, which can only be further done after receiving Stage-I approval.

15. That the replying respondent has been making all out efforts to implement the orders of this Hon'ble Tribunal and the deponent assures that the orders of the Hon'ble Tribunal will be implemented in letter and spirit. The Deponent/replying respondent No.2 again tenders his unconditional and unqualified apology for the lapse/delay in implementation of the orders of this Hon'ble Tribunal. The replying respondent has sought explanation from the concerned Executive Engineers of HPPWD for delay caused in the process. The replying respondent has also issued directions to the officers of the Department that the orders and judgments passed by all the Hon'ble Courts, in which compliance is required from the office of the replying respondent should be placed before him without furnishing any further comments regarding the manner of implementation of the same, to avoid any lapse in future.
16. That in view of the averments made hereinabove; the unqualified and unconditional apology tendered by the deponent/replying respondent may kindly be accepted and the Action taken report may kindly be taken on record and appropriate orders as deemed fit and proper in the facts and circumstances of the case may kindly be passed, in the interest of justice.

ATTESTED
Executive Registrar
H.P. Sect., Shimla


Deponent.
r. Secretary (PWD)
to the Govt. of H.P.

Verification:

I, the above named deponent do hereby verify that the contents of above action taken report in Paras 1-16 are true and correct to the best of my knowledge and information derived from the official records. No part of it is wrong and nothing has been concealed.

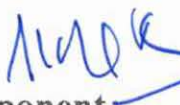
Verified at Shimla on this day 13th January, 2025


ATTESTED

 Executive Magistrate
 H.P. Sectt., Shimla

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Declared before me on 13 day of January
 2025 on oath (Solemnly Affixation)
 by Shri Abhishek Jain, Secretary (PW)
 who is personally known to me or who
 has been identified by Sh. Pushpendra Kumar
 who is personally known to me.


Deponent
 .r. Secretary (PWD)
 to the Govt. of H.P.


 Executive Magistrate
 H.P. Sectt., Shimla

PROCEEDINGS OF VIDEO CONFERENCE HELD UNDER THE CHAIRMANSHIP OF SECRETARY(PW), GOVT. OF H.P. ON DATED 16.12.2024 AT 04.00 P.M. TO DISCUSS THE MATTER RELATED TO COMPLIANCE OF NATIONAL GREEN TRIBUNAL ORDER DATED 03.01.2023

The following were present in the meeting:-

1. Dr. Abhishek Jain, Secretary (Public Works) to the Govt. of HP.
2. Sh. Sanjay Sood, APCCF (FCA) Forest Department of HP.
3. Sh. Rahul Kumar (DC), Lahaul & Spiti.
4. Sh. Surjeet Singh Rathore, Addl. Secretary (Public Works) to the Govt. of HP.
5. Sh. Surender Jagota, CE (SZ) HPPWD.
6. Sh. Mandar Umesh Jeware, DFO, Kaza
7. Sh. Jitesh Sharma, Executive Engineer, HPPWD, Kaza

At the outset the Chairman took serious cognisance for extraordinary delay in compliance of Hon'ble National Green Tribunal order dated 03.01.2023. The Chairman thereafter sought latest status of processing of FCA/FRA case for diversion of forest land.

- The Executive Engineer, HP PWD Division Kaza intimated that the delay in up-loading of FCA case occurred because of refusal of NOC by Forest Rights Committee of Poh Mohal. He further apprised that his office repeatedly wrote to Forest Rights Committee for issuing of NOC, but no response was received from their end. He further stated that the Additional PCCF (FCA) H.P. Forest Department has now clarified that the case for diversion of forest land under FCA, 1980 can be up-loaded without FRA certificate. That after this clarification the case for diversion of forest land under FCA was expeditiously up-loaded on Parivesh Portal on dated 11.12.2024.
- The Additional PCCF (FCA) informed that after examination of the FCA proposal up-loaded by HP PWD, it was found that the proposal is incomplete for want of some additional documents, which are required to be up-loaded on the Portal.
- Additional PCCF (FCA) stated that he has scheduled a meeting on 18.12.2024 for consideration of this case for approval in case all requisite documents are up-loaded.
- The Chairman directed the Executive Engineer, HP PWD Division Kaza to get the details of additional documents required to be up-loaded from the Forest Department and ensure to up-load the same by 11:00 A.M. on 17.12.2024 positively. Failure to do so will invite disciplinary action against him.
- The Chairman directed the Chief Engineer, Shimla Zone to follow-up the matter personally at different levels till the same is approved.
- Deputy Commissioner, Lahaul & Spiti also assured that the Non-availability of Forest Land (NAFL) certificate will be issued by him on 16.12.2024 itself. The Chairman also requested Deputy Commissioner, Lahaul & Spiti to process the FRA case with regard to Poh Mandal submitted to his office by Executive Engineer, HP PWD Division Kaza, expeditiously.

Section Officer (PW-C)
H.P. Sectt., Shimla

- The Chairman also pointed out that the matter for construction of road from Poh Maidan to Dhankar Helipad km 0/00 to 12/460 in violation of FCA/FRA needs to be inquired into and he directed Chief Engineer, Shimla Zone to carry out fact finding inquiry into the matter and submit enquiry report within one week.

Approved by

(Dr. Abhishek Jain)
Secretary (PW) to the
Government of Himachal Pradesh.

Endst: No. (E-126370) Dated: Shimla-2, December, 2024

Copy to:

- All the participants for information and necessary action.
- The Engineer-in-Chief, HPPWD, Nirman Bhawan, Shimla-2 with the request to follow-up the matter.

Signed by

Surjeet Singh Rathore

Date: 17-12-2024 15:20:03

(Surjeet Singh Rathore)
Additional Secretary(PW) to the
Govt. of Himachal Pradesh.


Section Officer (PW-C)
H.P. Sectt., Shimla

NGT MATTER
MOST URGENT

No.PWD-C-E0(3)/47/2024(E-248698)-2108965
Government of Himachal Pradesh
Public Works Department

From

The Secretary (Public Works) to the
Government of Himachal Pradesh

To

The Deputy Commissioner
Lahaul & Spiti
Himachal Pradesh .

Dated Shimla-2 the 30 December, 2024.

Subject:

Issuance of certificate under FRA 2006 for processing of case under FCA, 1980 for compliance of Hon'ble NGT order dated 03.01.2023 in OA No 173/2022

Sir,

As you are aware that Hon'ble NGT in its order dated 03.01.2023 has directed the Respondents to take appropriate steps for obtaining approval of the competent authority under the Forest (Conservation) Act, 1980 and Forest Rights Act, 2006 as required and providing land for Compensatory Afforestation in lieu of forest land diverted for non-forest purpose.

In this context, as per the report submitted to the Hon'ble Tribunal by the Joint Inspection Committee on 25.06.2022, out of total 05 Revenue Mohals, 04 have accorded approval required under the Forest Rights Act, 2006 whereas one of the Revenue Mohals named Poh (Dhar Gangchhumic) is yet to furnish the requisite certificate. After the aforesaid orders of the Hon'ble Tribunal, the user agency Public Works Department has time and again requested the said Gram Sabha/FRC to provide the required certificate but the Gram Sabha/FRC has not responded to its requests.

This matter was listed before the Hon'ble Tribunal on 23rd December 2024. During the course of hearing, the Hon'ble Tribunal took a serious view of non-compliance of its orders dated 03.01.2023 and has directed the Respondents to file a compliance affidavit within a short time.

As per the information available on the website of Ministry of Tribal Affairs, GoI, before forests in its area can be diverted for any other development purpose, the Gram Sabha has to consider this at a specially convened meeting, and after carefully considering all factors, take a decision on the proposed diversion, after certifying that the rights recognition process is complete. This is the law of the land subsequent to the three judges decision of the Hon'ble Supreme Court of India in the Orissa Mining Corporation case. For minimum compliance with the FRA prior to diversion of forest land under the Forest (Conservation) Act, 1980, following is required:



Section Officer (PW-C)
H.P. Sectt., Shimla

- i. The concerned Gram Sabha certifies that the rights recognition process under the FRA is complete in the area being proposed for diversion.
- ii. The decision of the Gram Sabha in support of diversion of forest land for the stated non-forest purposes, by way of a resolution. This should be at a meeting convened for the purpose, and having a quorum of 50%.

From the aforesaid facts it is evident that the instant proposal is required to be placed for the consideration of the Gram Sabha of the said Revenue Village Poh (Dhar Gangchhmic) and the said Gram Sabha with a quorum of 50 % is required to pass a resolution and furnish certificate to the effect that the Forest Rights recognition process under the FRA is complete in the area being proposed for diversion.

In view of above, you are requested to convene a special meeting of the Gram Sabha of Revenue Village Poh (Dhar Gangchhmic) within a week to consider the matter of issuance of certificate that the rights recognition process under the FRA is complete in the area being proposed for diversion. The resolution passed by the said Gram Sabha may be conveyed to this office also so that same may be incorporated in the affidavit to be filed by the Govt. before the Hon'ble NGT. To ensure quorum, wide publicity of the meeting may be made amongst the inhabitants of the Revenue Village in advance. As the instant matter pertains to violation of Forest (Conservation) Act, 1980 and already under adjudication at the Hon'ble NGT, hence, the said Gram Sabha may be sensitized about the gravity of the matter so that it doesn't treat it as a routine case.

This may be treated as most urgent.

Yours faithfully,

Signed by

Surjeet Singh Rathore

Date: 30-12-2024 10:43:23

(Surjeet Singh Rathore)

Additional Secretary (PW) to the
Government of Himachal Pradesh

Endst. No. above Dated Shimla-2 the

30 December, 2024.

Copy to the following for information and necessary action:

1. Additional Deputy Commissioner Kaza, district Lahaul & Spiti. He is requested to liaise with the concerned Gram Sabha/FRC to ensure that the needful is done in a time bound manner in view of Hon'ble NGT orders dated 03.01.2023.
2. Sub-Divisional Officer (Civil) Kaza, District Lahaul & Spiti for similar necessary action.
3. Superintending Engineer, 11th Circle Rampur with the request to co-ordinate with the local administration/Gram Sabha & FRC for needful action.
4. Executive Engineer, HP PWD Division Kaza, District Lahaul & Spiti to follow up the matter for needful action.

Additional Secretary (PW) to the
Government of Himachal Pradesh


Section Officer (PW-C)
H.P. Sectt., Shimla

**OFFICE OF THE DEPUTY COMMISSIONER,
DISTRICT, LAHAUL & SPITI.**

Form-III

(For projects other than linear projects and plantations)
(Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date)
Government of Himachal Pradesh.

No.

9 /FRA

Dated 04.01.2025

TO WHOM SO EVER IT MAY CONCERN

In compliance of the Rule 6(3) (e) of the Forest (Conservation) Rules, 2003(amended vide the Forest (Conservation) Amendments Rules 2016), it is certified that **07-54-79 Hectare** of forest land proposed to be diverted in favour of the **Public Works Department, Government of Himachal Pradesh** for the construction of the Road from **Poh Maidan to Dhankhar and Dumping Sites** at Mohal Dhar Gangchumik, Dhar Nipti, Neupur, Dhankhar (purpose for diversion of forest land) in Lahaul & Spiti District falls within jurisdiction of Gram Sabha Dhankhar and Poh in Sub Division Spiti, Tehsil Spiti Distt. Lahaul & Spiti. It is further certified that:-

- a) The complete process for identification and settlement of rights under the FRA, 2006 has been carried out for the entire **07-54-79 Hectare** of forest land proposed for diversion. A copy of records of all consultation and meeting of the Forest Rights Committee(s), Gram Sabha(s), Sub Division level Committee(s) and District level Committee are enclosed as annexure I to V.
- b) The proposal for such diversion (with full details of the project and its implications, in vernacular/local language) has been placed before each concerned Gram Sabha of forest- dwellers, who are eligible under the FRA, 2006.
- c) The each of concerned Gram Sabha(s), has certified that all formalities / processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and compensation and ameliorative measures, if any having understood the purpose and detail of proposed diversion. A copy of certificate issued by the Gram Sabha Dhankharand Poh village is enclosed as attachment I to V.
- d) The discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present.
- e) The diversion of forest land for facilities managed by Government as required under section 3(2) of FRA have been completed and the Gram Sabhas have given consent to it.
- f) The rights of Primitive tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3(1) of the FRA, 2006.

Encl:- As above

(Rahul Kumar, IAS)
Deputy Commissioner-cum-Chairman, DLC,
Lahaul & Spiti District.


Section Officer (PW-C)
H.P. Sectt., Shimla

OFFICE OF THE DEPUTY COMMISSIONER
DISTRICT LAHAUL & SPITI. (HP).

Proceedings of the meeting of District Level Committee constituted under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006.

A meeting of the District Level Committee Lahaul at Keylong, constituted under FRA, 2006 was held on 4th January, 2025 under the Chairmanship of Sh. Rahul Kumar (IAS), Deputy Commissioner, District Lahaul & Spiti at 12:30 PM at Keylong in which the application(s) for diversion of forest land under the jurisdiction of Gram Sabhas namely; Poh and Dhankhar detailed as under-

Name of Gram Sabha	Name of Mohal	Khasra number	Area	Land Proposed for
Poh	Dhar Gangchumik	4/1	03-06-01 hectare	C/o of road
		4/2	00-04-00 hectare	C/o Dumping Site
		4/3	00-04-00 hectare	C/o Dumping Site
Dhankhar	Dhar Nipti	1/1	02-75-51 hectare	C/o of road
		1/2	00-04-00 hectare	C/o Dumping Site
		1/3	00-04-00 hectare	C/o Dumping Site
		1/4	01-39-44 hectare	C/o of road
	Neupur	1/1	00-08-31 hectare	C/o of road
	Dhankhar	323/1	00-09-52 hectare	C/o of road
G-Total		Kita-9	07-54-79 hectare	C/o of road and Dumping Site

Total area measuring area 07-54-79 hectare of Forest Land being diverted under FCA, 1980 for construction of Road from Poh Maidan to Dhankhar at Mohal Dhar Gangchumik, Dhar Nipti, Neupur, Dhankhar in favour of the Public Works Department, Government of Himachal Pradesh, duly processed and recommend by the Sub Division Level Committee Spiti, were discussed to consider the same for admission by the District Level Committee.



Section Officer (PW-C)
H.P. Sectt., Shimla

After scrutiny of the documents and detailed discussions, the claim of following applicant(s) was found to be in order and hence admitted:

S. No.	Name of Applicant	Name of Forest	Detail of Forest Right	
	Public Works Department GoHP	Dhar Gangchumik, Dhar Nipti, Neupur, Dhankhar	Committee Poh, Dhankhar	1.

Claims of following applicants were not found in order and hence rejected:


S.No.	Name of Applicant	Name of Forest	Detail of Forest Right
1.	Nil	Nil	Nil

OR

As informed by Chairman Sub Division Level Forest Rights Committee Spiti, no application was received claiming rights in the above mentioned forest area of Dhar Gangchumik, Dhar Nipti, Neupur, Dhankhar, proposed to be diverted under FCA, 1980 for the construction of the **Road from Poh Maidan to Dhankhar at Mohal Dhar Gangchumik, Dhar Nipti, Neupur, Dhankhar and Dumping Sites** in favour of the **Public Works Department Government of Himachal Pradesh.**

Place: Keylong

Date: 04.01.2025


 Deputy Commissioner-cum-Chairman
 District Level Committee Lahaul,
 District Lahaul & Spiti, Himachal Pradesh.


 Section Officer (PW-C)
 H.P. Sectt., Shimla

PROCEEDINGS OF THE MEETING HELD UNDER THE CHAIRMANSHIP OF SECRETARY (PW), GOVT. OF H.P. ON DATED 03.01.2025 AT 12.00 Noon TO DISCUSS THE MATTER RELATED TO COMPLIANCE OF HON'BLE NGT ORDERS DATED 03.01.2023

The following were present in the meeting:-

1. Dr. Abhishek Jain, Secretary (Public Works) to the Govt. of HP.
2. Sr. Sameer Rastogi, PCCF (HOFF)
3. Sh. Sanjay Sood, APCCF (FCA) Forest Department of HP.
4. Ms. Preeti Bhandari, CF WL (S) Shimla
5. Sh. Surjeet Singh Rathore, Addl. Secretary (Public Works) to the Govt. of HP.
6. Sh. Surender Jagota, CE (SZ) HPPWD.
7. Ms. Richa Banchta, DFO(FCA) HPFD
Through VC
8. Sh. Rahul Kumar (DC), Lahaul & Spiti.
9. Sh. Mandar Umesh Jeware, DFO, Kaza
10. Sh. Pasang Negi, SE HPPWD Rampur Circle
11. Ms. Shikha SDM(Kaza)
12. Sh. Jitesh Sharma, Executive Engineer, HPPWD, Kaza

The issues discussed in the meeting and decision arrived were as follows:

1. NOC from the Forest Rights Committee-

The Deputy Commissioner, Lahaul & Spiti apprised the Chairman that the concerned Forest Rights Committee of Poh Mohal has furnished the requisite NOC and now the matter will be placed before the District Level Committee (DLC) constituted under FRA, 2006 and efforts will be made to issue the certificate under Forest Rights Act, 2006 by tomorrow i.e. on 4th January, 2025. Executive Engineer HPPWD Kaza was directed to upload the said certificate on the Parivesh portal on priority.

2. Status of FCA case :

The Chairman sought the latest status of the processing/uploading of the FCA case. The representative of the Forest Department present in the meeting apprised the Chairman that as per the measurement done by the Joint Committee constituted by the Hon'ble National Green Tribunal, violation recorded was 3.25 hectares. However, after approval of the FCA case by the Project Screening Committee-1 (PSC-1), it was forwarded to DFO Kaza for site inspection. During the said inspection the area under FCA violation was measured again and the extent of violation was found as 6.8 hectares. It was apprised that the FCA case will be processed as per the latest measurement wherein area of violation is



Section Officer (PW-C)
H.P. Sectt., Shimla

6.8 hectares. The DFO Kaza assured that he will upload the case today itself for further consideration of the Project Screening Committee-II (PSC-II) on Parivesh portal.

3. Compensatory Afforestation(CA):

The Chairman was apprised that in normal course the CA cost is deposited on the basis of demand note issued by the Forest Authorities after stage-I approval of the FCA case. But the instant matter being a case of FCA violation and in view of serious cognizance taken by the Hon'ble NGT, the Forest Authorities have worked out the compensatory Afforestation (CA) cost amounting to Rs. 1,35,24,160/- in the initial stage itself. The Chairman apprised that the Public Works Department has taken up the matter with the Tribal Development Department for allocation of funds. The Chairman directed that the matter be perused on priority basis with the Tribal Development Department so that the funds are released immediately.

In the end, the Chairman requested all concerned to expedite the FCA clearance case to ensure compliance of the Hon'ble NGT orders dated 03.01.2023

Approved by

(Dr. Abhishek Jain)
Secretary (PW) to the
Government of Himachal Pradesh.

Endst: No. (E-248698) Dated: Shimla-2, January, 2025

Copy to:

1. All the participants for information and necessary action.
2. The Engineer-in-Chief, HPPWD, Nirman Bhawan, Shimla-2 with the request to follow-up the matter.

Signed by

Surjeet Singh Rathore

Date: 04-01-2025 10:55:00

(Surjeet Singh Rathore)
Additional Secretary(PW) to the
Govt. of Himachal Pradesh.


Section Officer (PW-C)
H.P. Sectt., Shimla

No. PW/SD/WA (FCA) Poh Maidan to Dhankhar/2024-25 11030-33 Dated:- 30/12/24
To

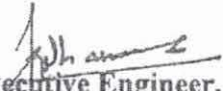
The Deputy Conservator of Forest,
Spiti Wildlife Division at Kaza.

Subject: - Regarding additional land required for diversion in respect of
Poh Maidan to Dhankhar Road KM 0/00 to 12/460.

Reference:- Your office letter No. 3280 dated 24/12/2024.

This is with reference to your office letter mentioned above on the subject cited matter. In this regard, it is intimated that a detailed measurement exercise was undertaken jointly with your field staff on 26/12/2025 and 27/12/2025 to accurately calculate area already broken in respect of subject cited road, so that there is no ambiguity in processing the FCA proposal. The area already broken as per detailed measurement stands at 6.8379 Hec. Besides the area already broken; additional area of 0.71 Hac., is required for improvement of narrow reaches on this road as well as for resultant muck dumping. Thus the total area required for diversion now stands at 7.5479Hac., (The details are enclosed as Proforma-'A'). It is therefore requested that further action for processing the FCA proposal may kindly be taken in the light of the facts as mentioned above.

D.A.:- As above.


Executive Engineer,
Spiti B&R Division,
HP. PWD., Kaza.

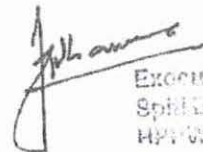
Copy forwarded to the following:

1. The Chief Engineer (SZ) HP.PWD., Nirman Bhawan, Nigam Vihar, Shimla for information, please.
2. The Superintending Engineer, 11th Circle HP.PWD., Rampur for information, please.
3. Assistant Engineer, Sichling B&R Sub-Division Sichling for information and necessary action.

Executive Engineer,
Spiti B&R Division,
HP. PWD., Kaza.


Section Officer (PW-C)
H.P. Sectt., Shimla

Sr. No.	Name of road	Area as Measured during inspection			Proforma-A Area required for FGA Proposal			
		Length	Average Width	Area	Area as per detailed measurement/ Already broken	Additional Area Required	Dumping Site	Total Area
1	2	3	4	5	6	7	8	9
1	Poh Maidan to Soman RD. 0/00 to 1/700	1.70	5.75	9775 m ²	9176 m ²	800 m ²	400 m ²	10376 m ²
2	Nipti to Takchen RD. 1/700 to 3/400	1.70	6.00	10200 m ²	10187 m ²	Nil	Nil	10187 m ²
3	Soman to Nuwpur RD. 3/400 to 6/400	3.00	6.5	19500 m ²	15691 m ²	2000 m ²	400 m ²	18091 m ²
4	Newpur to Gecha RD. 6/400 to 9/400	3.00	7	21000 m ²	16315 m ²	1500 m ²	400 m ²	18215 m ²
5	Gecha to Helipad RD. 9/400 to 12/460	3.06	5.00	15300 m ²	17010 m ²	1200 m ²	400 m ²	18610 m ²
	Total:-			75775 m ²	68379 m ²	5500 m ²	1600 m ²	75479 m ² Say 7.5479 hectare


Executive Engineer
SPH/SHR Division
HPWD Kaza


Section Officer (PW-C)
H.P. Sectt., Shimla

NGT Matter

No. PWD-C-E0(3)/47/2024(E-248698)-2136015
Government of Himachal Pradesh
Public Works Department

From

Secretary (PW) to the
Government of Himachal Pradesh

To

The Commissioner-cum- ACS(TD) to the,
Government of Himachal Pradesh.

Dated Shimla-2 the 03-01-2025
December, 2024.

Subject:- Regarding requirement of funds on account of Penal C.A. cost and departmental charges in respect of Poh Maidan to Dhankar Helipad Road (NGT Cases).

Sir,

I am directed to refer to your letter NoTBD.F (TDM)3-2/2024 dated 02-01-2025 on the subject cited above and to say that Poh Maidan to Dhankar Helipad road having total length of Rs.12.460 Km was constructed in different stretches between the year 2018 to 2022 after obtaining sanctions under FRA-2006 as per the name of Scheme appearing in budget book of relevant year. However, in the year 2022, a complaint was made to the Hon'ble National Green Tribunal alleging violation of provisions of FCA 1980. The Hon'ble National Green Tribunal took cognizance of the matter and constituted a Joint committee to inspect and to submit the factual report. After submission of inspection report by Joint committee, various hearings were conducted by the Hon'ble National Green Tribunal. In its order dated 03.01.2023, the Hon'ble National Green Tribunal observed that being a linear project, this road was constructed in contravention of FCA 1980 and FRA 2006. The Tribunal further directed that appropriate steps be taken for obtaining approval under FCA 1980 and for compensatory afforestation in lieu of forest land diverted. Accordingly the FCA proposal for this road has been uploaded on Parivesh Portal.

The Hon'ble National Green Tribunal during the last hearing on 23.12.2024, which was attended by departmental representatives through VC; was enquiring and insisting on payment of C.A. cost by State PWD. In normal course the C.A. Cost is deposited on the basis of demand note raised by concerned Deputy Conservator of Forest after Stage-I approval of the FCA proposal. But in view of the National Green Tribunal observations, the matter was discussed with forest authorities and the compensatory afforestation Cost worked out tentatively amounting to Rs.1,45,46,148/- and accordingly the fund requirement was raised.

However, thereafter the forest area actually already broken for construction of this road was measured accurately at each 10 meter interval jointly with field staff of Forest Department. On the basis of such measurement the cost of compensatory afforestation now stands calculated to Rs.1,35,24,160/- as detailed below:-


Section Officer (PW-C)
H.P. Sectt., Shimla

Total area to be diverted= area already broken+ Additional land required=6.8379+0.71=7.5479 hac.		
(A)	Cost of Penal C.A. over 27.3516 hac. (i.e. Area already broken X 4=6.8379 Hac. X4=27.3516 Hac.)=Rs.1,28,56,686=00	1,28,56,686/-
(B)	Cost of C.A. over 1.42 Hac. (i.e. Additional area required X 2=0.71 hac. X 2- 1.42 Hac.=6,67,474/-	6,67,474/-
	Total	Rs.1,35,24,160/-

The calculation sheet for C.A. cost is also enclosed herewith.

Keeping in view of the facts & circumstances mentioned above, it is requested that **administrative approval & Expenditure Sanction alongwith funds to the tune of Rs.135.24 Lakh instead of Rs.145.46 Lakh** under Head of Account 5054-04-796-04-Expenditure on Land Compensation including Net Present Value 29-Compensation during the current financial year 2024-25 may kindly be provided, so that orders passed by the Hon'ble NGT may be complied with in time.

This may be treated as Most Urgent.

Yours faithfully,

Signed by

Surjeet Singh Rathore

Date: 03-01-2025 13:04:10

(Surjeet Singh Rathore)
Additional Secretary (PW) to the
Government of Himachal Pradesh
Tel. No. 0177-2620159


Section Officer (PW-C)
H.P. Sectt., Shimla

COST OF COMPENSATORY AFFORESTATION OVER 1.42 HECTARE IN LIEU OF DIVERSION OF 0.71 Ha OF FOREST AREA IN FAVOUR OF HPPWD KAZA FOR CONSTRUCTION OF ROAD FROM POH MAIDAN TO DANKHAR IN SPITI WILDLIFE DIVISION AT KAZA DISTT. LAHAUL & SPITI H.P.

Norms of plantation and maintenance of old plantation for Non - Tribal for the year 2024-25 applicable vide Pr.CCF (HoFF) H.P. Shimla memo. No. Ft. State CAMPA/2010/Norms/Vol.III dated 05.07.2024

Particulars of work	Area (in Hect.)	Plantation Norm per Hect.	Plantation cost	Plants to be planted per hec.	Total no of plants to be planted	Nursery cost per plant	Total Nursery Cost	Total Plantation cost+Total nursery cost (Col. 4+8)	Year of Execution of Works	Add 10% Escalation for undertaking works in subsequent year	Total Amount (Col. 9+11)
1	2	3	4	5	6	7	8	9	10	11	12
A. Initial cost for raising compensatory afforestation over an area of 1.42 Hectare :-											
0 Year/new plantation	1.4200	124000	176080	1100	1562	28.79	44970	221050	2024-25	22105	243155
											60789
											soil & Moisture Coservation Work @25 % of Planting Cost
											Total -A
											303944
B. Maintenance Cost for raising Compensatory Afforestation :-											
1st year maintenance	1.4200	15200	21584	330	469	28.79	13491	35075	2024-25	7015	42090
2nd year maintenance	1.4200	10200	14484	220	312	28.79	8994	23478	2024-25	7043	30521
3rd year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	4809	16832
4th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	6011	18034
5th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	7214	19237
6th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	8416	20439
7th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	9618	21641
8th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	10821	22844
9th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	12023	24046
10th year maintenance	1.4200	5300	7526	110	156	28.79	4497	12023	2024-25	13225	25248
										Total-B	240933
										Total -A+B	544877
										Total	544877
										Add Contigencies Charges @5%	27244
										Total	572121
										Add Departmental Charges of Supervision @17.5%	95353
										Grand Total	667474

Deputy Conservator of Forests
Spiti Wildlife Division at Kaza


Section Officer (PW-C)
H.P. Sectt., Shimla

-22-

COST OF COMPENSATORY AFFORESTATION OVER 27.3516 Ha VIOLATED AREA IN LIEU OF VIOLATION OF 6.8379 Ha OF FOREST AREA IN FAVOUR OF HPPWD KAZA FOR CONSTRUCTION OF ROAD FROM POH MAIDAN TO DANKHAR IN SPITI WILDLIFE DIVISION AT KAZA DISTT. LAHAUL & SPITI H.P.											
Norms of plantation and maintenance of old plantation for Non - Tribal for the year 2024-25 applicable vide Pr.CCF (HoFF) H.P. Shimla memo. No. Ft. State CAMPA/2010/Norms/Vol.III dated 05.07.2024											
Particulars of work	Area (in Hect.)	Plantation Norm per Hect.	Plantation cost	Plants to be planted per hec.	Total no of plants to be planted	Nursery cost per plant	Total Nursery Cost	Total Plantation cost+Total nursery cost (Col. 4+8)	Year of Execution of Works	Add10% Escalation for undertaking works in subsequent year	Total Amount (Col. 9+11)
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
A. Initial cost for raising compensatory afforestation over an area of 27.3516 Hectare :-											
0 Year/new plantation	27.3516	124000	3391598	1100	30087	28.79	866198	4257796	2024-25	425780	4683576
soil & Moisture Coservation Work @25 % of Planting Cost											1170894
Total -A											5854470
B. Maintenance Cost for raising Compensatory Afforestation :-											
1st year maintenance	27.3516	15200	415744	330	9026	28.79	259859	675604	2024-25	135121	810724
2nd year maintenance	27.3516	10200	278986	220	6017	28.79	173240	452226	2024-25	135668	587894
3rd year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	92633	324217
4th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	115792	347375
5th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	138950	370533
6th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	162108	393692
7th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	185267	416850
8th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	208425	440008
9th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	231583	463167
10th year maintenance	27.3516	5300	144963	110	3009	28.79	86620	231583	2024-25	254742	486325
Total-B											4640784
Total -A+B											10495254
Total											10495254
Add Contingencies Charges @5%											524763
Total											11020016
Add Departmental Charges of Supervision @17.5%											1836669
Grand Total											12856686

Deputy Conservator of Forests
Spiti Wildlife Division at Kaza


Section Officer (PW-C)
H.P. Sectt., Shimla

No. TBD.F (TDM) 3-2/2024
Tribal Development Department
Himachal Pradesh, Shimla

From

Commissioner (TD),
Himachal Pradesh, Shimla-2.

To

The Secretary (PW) to the
Government of Himachal Pradesh,
Shimla-171002.

Dated Shimla-171002 7th January 2025.

Subject: - Regarding requirement of funds on account of Penal CA cost and departmental charges in respect of Poh Maidan to Dhankar Helipad Road (NGT Cases).

Sir,

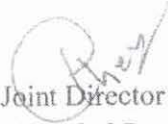
I am directed to refer your letter number PWD-C-E0(3)/ 47/ 2044 (E-248698)-2136015 dated 3rd January 2025 on the subject cited above and to say that the matter has been taken up with Planning Department for providing of funds and Planning Department vide letter number PLG (PI) 1-39/2024 dated 7th January 2025 (copy enclosed) has provided additionality of ₹ 135.24 lakh under MH 5054-04-796-04-S00N. Matter has further been taken up with Finance Department and FD has advised as under:

“Examined. Finance (Budget) Department agrees to provide additional amount of ₹ 135.24 lakh (rupees One Crore Thirty Five lakh Twenty Four Thousand) only under Head of account 5054-04-796-04-S00N in the SOE “Compensations) subject to the condition that AD will ensure to get this amount regularized through Supplementary Demand for Grants for the financial year 2024-25.”

It is, therefore, requested to kindly take further necessary action in the matter accordingly please.


Yours faithfully,

Encls: As above.


Joint Director (TD),
Himachal Pradesh, Shimla-2.
☎ 0177-2621997.

Endst No. & date: As above.

Copy forwarded to the Engineer-in-Chief, HPPWD, Shimla-2 for similar necessary action please.


Joint Director (TD),
Himachal Pradesh, Shimla-2.
☎ 0177-2621997.


Section Officer (PW-C)
H.P. Sectt., Shimla

No. PWD-C-E0(3)/47/2024 (E-248698)-2152322
Government of Himachal Pradesh
Public Works Department

From

Secretary (PW) to the
Government of Himachal Pradesh

To

The Engineer-in-Chief,
HP PWD, Shimla-2.

Dated Shimla-2, the 8 January, 2024.

Subject:-

Regarding requirement of funds on account of Penal C.A. cost and departmental charges in respect of Poh Maidan to Dhankar Helipad Road (NGT Case).

Sir,

I am directed to refer to your letter No. PBW-C(H)-(7)-TADP (R&B) 2024-25-6608-12 dated 02-01-2025 on the subject cited above and to convey the A/A & E/S of the Government for an additionality of **Rs.135.24 lakh (Rupees one crore thirty five lakh twenty four thousand)** only under Head of Account 5054-04-796-04-S00N in SOE "Compensations" subject to the condition that the Department will ensure to get this amount regularized through supplementary demand for grants for the financial year 2024-25.

This issues with prior approval of the Finance Department obtained vide their U.O. No. Fin-G-C002/15/2024-2148732 (212549) dated 07-01-2025.

You are requested to take immediate necessary action in the matter under information to this Department.

Yours faithfully,

Signed by

Surjeet Singh Rathore

Date: 08-01-2025 15:28:36

(Surjeet Singh Rathore)
Additional Secretary (PW) to the
Government of Himachal Pradesh
☎0177-2620159

Endst. No. above Dated Shimla-2, the January, 2025.

Copy for information to:-

1. The Pr. Accountant General, H.P., Shimla-3.
2. The Sr. Dy. Accountant General (A&E), H.P., Shimla-3.
3. The Treasury Officer, Capital Treasury, Shimla-2.

Additional Secretary (PW) to the
Government of Himachal Pradesh


Section Officer (PW-C)
H.P. Sectt., Shimla

NGT Matter
Time Bound

No. PWD-C-E0(3)/47/2024(E-248698)-2152322
Government of Himachal Pradesh
Public Works Department

From

Secretary (PW) to the
Government of Himachal Pradesh

To

The Pr. Chief Conservation of Forests (HoFF),
Himachal Pradesh Forest Department,
Talland, Shimla-171001.

Dated Shimla-2 the 8 January, 2025.

Subject:- M.A. No. 113/2024 in Original Application No. 173/2022-reg.

Sir,

I am directed to refer the subject cited above and to say that in compliance to the Orders of the Hon'ble NGT dated 03.01.2023 this Department had uploaded FCA proposal No. PF/HP/Road/ 514215/2024 in respect of construction of road from Poh Maidan to Dankhar Helipad km 0/00 to 12/460 on Parivesh Portal on dated 17.12.2024 after attending to all the queries raised by the Project Screening Committee during its meeting held at Shimla on 13.12.2024.

The matter was listed before the Hon'ble NGT on 23.12.2024 and the Hon'ble Court has directed this Department to file affidavit stating therein timeline for completion of the FCA process along with formalities related to Compensatory Afforestation (CA). An affidavit is to be filed before the next date of hearing fixed for 15.01.2024.

It is also apprised that in this matter the Gram Sabha/FRC of Poh (Mohal named 'Dhar Gangchhmic') has also furnished the requisite certificate and accordingly the Deputy Commissioner Lahaul & Spiti has also issued the certificate under Forest Rights Act, 2006.

Therefore, you are requested to apprise this Department the process to deposit the cost of Compensatory Afforestation (CA) amount of Rs. 135.24 lakh immediately as the said funds have been provided by the Finance Department, enabling this Department to ensure timely compliance of the orders of Hon'ble NGT.

This may be treated as Most Urgent.

Yours faithfully,

Signed by

Surjeet Singh Rathore


Date: 08-01-2025 15:28:00

(Surjeet Singh Rathore)

Additional Secretary (PW) to the

Government of Himachal Pradesh

Tel. No. 0177-2620159


Section Officer (PW-C)
H.P. Sectt., Shimla

Endst. No. above Dated Shimla-2 the January, 2025.

Copy for information and necessary action to:

1. The Addl. Pr. Chief Conservation of Forests, (Nodal Officer FCA), H.P. Forest Department, Talland, Shimla-171001.
2. The Engineer-in-Chief, HP PWD Shimla is requested to follow-up the matter on priority with the Forest Department.
3. The Conservation of Forests Wild Life (CF WL) (South),), H.P. Forest Department, Talland, Shimla-171001.

Additional Secretary (PW) to the
Government of Himachal Pradesh



Section Officer (PW-C)
H.P. Sectt., Shimla

No. Ft. 42-414/2022 (FCA)
H.P. Forest Department

From

Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh

To

The Secretary (PW) to the
to the Government of H.P.

Dated Shimla-1, the 08 JAN 2025

Subject:- MA. No. 113/2024 in O.A. No. 173/2022-reg.

Sir,

Please refer to your office letter No. PWD-C-E0(3)/47/2024(E-248698-2152322 dated 08.01.2025 on the subject cited above.

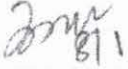
On the subject cited above it is informed that communication under reference, the Penal CA amounts are to be deposited into the Compensatory Afforestation Management and Planning Authority (CAMPA) Account. However, the proposal uploaded on PARIVESH Portal 2.0 bearing Online No. FP/HP/ROAD/514215/2024, for seeking ex-post facto approval for the diversion of forest land under the provisions of The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, has not received Stage-I/ In-principle approval yet, and in light of the orders from the Hon'ble National Green Tribunal (NGT), it is imperative that the Penal CA amount are to be deposited by the PWD without further delay.

Accordingly, as per the Van (Sanrakshan Evam Samvardhan) Rules 2023, amount of Compensatory Levies (Net Present Value, Compensatory afforestation etc.) are to be realised after Stage-I / In-principle approval. Matter has been taken up with Ministry of Environment, Forest and Climate Change, Government of India (copy of letter is enclosed). Further course of action shall be initiated to you shortly.

Yours faithfully,

Encls. As above.


Section Officer (PW-C)
H.P. Sectt., Shimla


Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh.

No. Ft. 42-414/2022 (FCA)
H.P. Forest Department

From

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

To

The Inspector General of Forests,
Govt. of India, Ministry of Environment & Climate Change,
(Forest Conservation Division), Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road, New Delhi-110003.

e.

Dated Shimla-1, the 08 JAN 2025

Subject:

Request to Enable the User Agency to Deposit the Amount of Penal Compensatory Afforestation (CA) on PARIVESH Portal Before Stage-I Approval in Compliance with Directions of Hon'ble National Green Tribunal.

Sir,

I am writing to bring to your kind attention the matter concerning the compliance with the directions issued by the Hon'ble National Green Tribunal (NGT) in MA No. 113 of 2024 in OA No. 173/2022, dated 23-12-2024. The said directions emphasize the need for compliance with Penal Compensatory Afforestation (PCA) requirements and their timely execution (within three months) by the Government of Himachal Pradesh.

The User Agency, namely the Himachal Pradesh Public Works Department (HPPWD), has uploaded a proposal for the diversion of forest land under the provisions of The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, through the PARIVESH Portal 2.0. The proposal, bearing Online Proposal No. FP/HP/ROAD/514215/2024, seeks ex-post facto approval from the Government of India for the diversion of forest land is currently approved from the Project Screening Committee and to be recommended by State Government. In the proposal, the penal compensatory afforestation (PCA) amount is required to be deposited as per the directions/orders of the Hon'ble NGT.

In this regard, the Hon'ble NGT has directed the State Government of Himachal Pradesh to ensure that no tree cutting for any project undertaken by HPPWD should commence without simultaneously initiating the process of compensatory afforestation (CA) and the CA activities must be completed within a period of three months from the cutting of trees (copy enclosed).

Additionally, the Hon'ble NGT has directed the State Government to file an affidavit containing an undertaking specifying the time frame within which the CA activities


Section Officer (PW-C)
H.P. Sectt., Shimla

will be carried out. In light of these directions, the State Government is committed to adhering to the directives of the Hon'ble Tribunal by carrying out the PCA works within three months.

However, to ensure compliance, it is imperative that the User Agency has to deposit the amount for Penal CA under the proposal FP/HP/ROAD/514215/2024 at the earliest. This would facilitate the execution of compensatory afforestation measures and allow the State Government to comply with the stipulated timelines set forth by the Hon'ble NGT.

In view of the above facts and circumstances, It is therefore, requested to your good office to take the necessary steps to enable the State Government to deposit of the Penal CA amount on the PARIVESH Portal before Stage-I approval. This will ensure compliance with the Hon'ble NGT's orders

An early action in this regard will be highly appreciated.

Yours faithfully,

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

Endst. No. No. Ft. 42-414/2022 (FCA)

Dated Shimla, the 7

Copy is forwarded to CF (WL) South for information and necessary. She is requested to pursue the matter with Gol at the earliest.

Divisional Forest Officer (FCA),
O/o Pr.CCF, H.P, Shimla-1.

Section Officer (PW-C)
H.P. Sectt., Shimla