

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

MA NO. 113 OF 2024

IN

ORIGINAL APPLICATION No. 173 OF 2022

RAM SINGHAPPLICANT.

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

....RESPONDENTS

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Through

Madh
Respondent No.2
(P.W.D.)
to the Govt. of H.P.

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
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**ADDITIONAL COMPLIANCE REPORT ON
BEHALF OF RESPONDENT NO. 2 IN
COMPLIANCE TO THE ORDERS DATED
18.03.2025 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, 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

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

ATTESTED

**Executive Magistrate
H.P. Sectt., Shimla**

both as a Citizen of India as well as on account of his being a public servant, to abide by and implement the orders, directions and judgments passed by this Hon'ble Tribunal.

2. That the above titled MA was listed before the Hon'ble Tribunal on 18.03.2025, when the Hon'ble Tribunal was pleased to pass the directions, the relevant operative part of which is reproduced herein as under:-

“3.Learned Counsel for respondents no 1 and 2 seeks time for filing additional compliance reports.

4.Additional compliance reports may be filed at least one week before the date of hearing fixed.

5. List on 16.07.2025 for further consideration.”

3. That pursuant to the passing of the order dated 18.03.2025, it is humbly submitted that the Respondent herein is making every possible attempt to ensure the compliance of the order of the Hon'ble Tribunal in letter and spirit. That it is submitted that the FCA proposal was uploaded by the Deponent/respondent No.2 on PARIVESH portal 2.0 on 11.12.2024 which was scrutinized by Project Screening Committee-I and subsequently by the Project Screening Committee-II of Forest Department on 09.01.2025. Thereafter the proposal was accepted by the Nodal Officer and forwarded to the Ministry of Environment, Forest and Climate Change (MOEF&CC), Government of India.

4. That the FCA case was further scrutinized by the Technical Officer, Ministry of Environment, Forest and Climate Change (MOEF&CC), Government of India, who raised certain queries. Out of the queries so raised, 04 no. of observations


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were forwarded by the Deputy Conservator of Forest, Spiti (H.P.) to the user agency i.e. Public Works Department on 28.02.2025 for uploading the replies. The replying Respondent No. 2 uploaded the replies to the observations promptly on 10.03.2025.

5. That it is humbly brought to the attention of this Hon'ble Tribunal, that for getting the Stage-I/In-principle approval, with the combined efforts of the Respondents, a team from the Ministry of Environment, Forest and Climate Change (MOEF&CC), Government of India visited the spot in Kaza and more particularly the site in question, between the period of 02.06.2025 to 05.06.2025 and also raised certain queries. The Deputy Conservator of Forest, Spiti (H.P.) forwarded the queries to the user agency i.e. Public Works Department in June, 2025 for uploading the replies to the queries so raised by the team of MoEF& CC. The replying Respondent No. 2 has attended to the queries and uploaded the replies to the observations on PARIVESH portal on 26.06.2025 and 30.06.2025 respectively.
6. That as per the latest status of FCA case provided to the replying respondent by the Forest Department on 05.07.2025, it has been informed that the proposal is under active consideration at the final level of the Technical Officer, Forests, Ministry of Environment, Forest and Climate Change, Government of India (Head quarter) New Delhi, since 02.07.2025 for issuance of Stage-I (In-Principle) approval **(Annexure R/1)**.
7. That with regard to the Compensatory Afforestation, the funds amounting to Rs. 1,35,24,160/- have already been made

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available to the Executive Engineer, HP Public Works Department Kaza Division by the replying respondent No.2. The Executive Engineer, Kaza took-up the issue of payment of Compensatory Afforestation (CA) cost of Rs. 1,35,24,160/-with the Forest Department on various occasions including on dated 27.02.2025 and it has been informed by the authorities of the Forest Department that the online portal for CAMPA does not permit payment of CA cost before stage-I approval, hence, the funds cannot be utilised before Stage-I in-principle approval. The Forest Department, i.e. Respondent No. 1 has taken-up the matter with Inspector General of Forests, Government of India (MoEF&CC), for granting relaxation treating this as an exceptional case being NGT matter and their approval is awaited .

8. That the departmental disciplinary proceedings have been initiated against the Officers/Officials responsible for the FCA violation and Non-compliance of orders of Hon'ble Tribunal, the detail is annexed as **Annexure R/2**.
9. 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 at the earliest and without any delay.
10. That in view of the averments made hereinabove, the Compliance report may kindly be taken on record and appropriate orders as deemed fit and proper in the facts and


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circumstances of the case may kindly be passed, in the interest of justice.

Abhishek Jain

Deponent.

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 1-9 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 10th July, 2025

ATTESTED

A
Executive Magistrate
H.P. Sectt., Shimla

Abhishek Jain

Deponent

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

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Declared before me on 10th day of July
2025 on oath (Solemnly Affixation)
by Shri Abhishek Jain, Secy (PWD)
who is personally known to the or who
has been identified by Sh Rushpendar Kumar
who is personally known to me. Chak (PWD)

A
Executive Magistrate
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 05 JUL 2025

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

Sir,

Kindly refer to your letter No. PWD-C (E-254643)-2520787 dated 02-07-2025 on the subject cited above.

This is to apprise you that the proposal for diversion of forest land for construction of the road from Poh Maidan to Dankhar Helipad (Km 0/00 to 12/460) was submitted to the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, through the PARIVESH portal.

The Ministry had raised certain observations on the proposal, which have since been duly addressed by the user agency. Presently, the proposal is pending consideration at the level of the Technical Officer, MoEF&CC (HQ), New Delhi, since 02.07.2025, for issuance of Stage-I (In-Principle) approval.

A copy of the current status of the proposal, as available on the PARIVESH portal, is enclosed herewith for your ready reference.

Yours faithfully,

Encls. As above.

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

Attested


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

Annexure R-2

Details of Officers/Officials against whom the departmental disciplinary proceedings have been initiated for FCA violation and non-compliance of Orders of Hon'ble National Green Tribunal in O.A. No. 173/2022- Ram Singh Vs. State of Himachal Pradesh & Others.

Sr. No.	Name & Designation	HPPWD Division / Sub-Division	Charge	Remarks
1.	Sh. Rajnish Behal, Executive Engineer (Retired).	Division Kaza	Non-compliance of NGT order dated 03.01.2023 for construction of road at Kaza.	Sh. Suresh Kapoor, Chief Engineer (SZ) appointed as IO and Sh. Mahinder Superintendent Grade-II as PO on 01.05.2025.
2.	Sh. Jitesh Kumar Executive Engineer (Retired).	---do---	---do---	
3.	Sh. Rajnish Behal, Executive Engineer (Retired).	---do---	Alleged violation of FCA/FRA	Sh. Suresh Kapoor, Chief Engineer (SZ) appointed as IO and Sh. Satish Kumar Superintendent as PO on 16.06.2025
4.	Sh. Tashi Gaimcho, Assistant Engineer.	Sub-Division Sichling		
5.	Sh. Parminder Singh, Assistant Engineer.	---do---		
6.	Sh. Tenzin Sherab, Junior Engineer (Now Assistant Engineer).	Section Sichling		

Attested


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