

No. 169  
H.P. Forest Department

Dated Una, the 5/4/2024

From:

The Deputy Conservator of Forests,  
Una Forest Division, Una (H.P.).

To

The Consultant (Judicial),  
Hon'ble National Green Tribunal,  
Faridkot House,  
Copernicus Marg, Near India Gate, New Delhi,  
Delhi-110001.

Sub: - Original Application No. 646/2023 titled as Manoj  
Kumar Kaushal versus State of H.P. & ors.

Sir,

Kindly refer to your office email message dated 06.02.2024 whereby the copy of order dated 08.01.2024 passed by the Hon'ble National Green Tribunal in aforesaid Original Application has been supplied to this office for further necessary action.

In this connection, it is submitted that the Hon'ble National Green Tribunal vide order dated 08.01.2024 has impleaded

the State of Himachal Pradesh through Chief Secretary Government of Himachal Pradesh, Department of Personnel, H.P. Secretariat, Principal Secretary (Industries) Govt. of Himachal Pradesh, District Magistrate Una. Mini Secretariat, Una, Himachal Pradesh, Divisional Forest officer, Una and Himachal Pradesh Pollution Control Board through its Member Secretary, Him Parivesh, Phase-III, New Shimla-171009 as respondents No.1 to 5 and directed them to file their response/reply to the averments made in the application within two months at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) .

**1. Response/reply to the averments made in the Application**

It is submitted that Sh. Manoj Kumar Kaushal, resident of Kotla Kalan Lower, Takka Road, Una Himachal Pradesh has alleged in the present letter petition addressed to Hon'ble National Green Tribunal with regard to violation of environmental norms in setting up of Industrial area in village Pandoga, Tehsil Haroli, Distt. Una, Himachal Pradesh.

It is submitted that on receipt of a proposal with regard to establishment of State of Art Industrial Area in village Pandoga from Industry Department. The status of land proposed in this case was 'Banjar Kadim' and 'Gair Mumkin Choi' in the revenue record, but as per Hon'ble Supreme Court of India's orders dated 12.12.1996, the proposed land was treated as 'Forest Land' and accordingly the case was forwarded to the Competent Authority for necessary approval under the provisions of Forest (Conservation) Act, 1980.

It is further submitted that Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-

91/2014-FC dated 19 March 2015 had conveyed in-principal approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una HP for the establishment of State of Art Industrial Area in village Pandoga Uperla, District Una in which 9930 trees/saplings were involved with various conditions copy of which is enclosed herewith.

In view of conditions imposed in the in-principal approval, User agency has deposited required amount as per detail given below:

1. For compensatory afforestation	=	Rs. 77,40,900/-
2. Net Present Value	=	Rs. 5,09,46,740/-
3. Contingencies@ 5% on C.A.	=	Rs. 3,87,045/-
4. Departmental charges @17.5%	=	Rs. 13,54,658/-
5. Cost of 9930 trees/saplings	=	Rs. 1,93,83,399/-
6. VAT	=	Rs. 26,65,217/-
<b>Total:</b>	=	<b>Rs.8,24,77,959/-</b>

It is further submitted that on compliance of the conditions laid down in in-principal approval, Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-91/2014-FC dated 21 July, 2015 had conveyed final approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una HP for the establishment of State of Art Industrial Area in village Pandoga Uperla, District Una.

Out of 9930 trees of various species and classes involved in the current diversion case, 7781 trees of various species and classes were marked and handed over to HPSFDC Ltd. for exploitation during the year 2015-16 and 2016-17.

It is further submitted that as per condition of approval, necessary compensatory afforestation has also been carried out in following areas under Una Forest Division, Una:

Year of plantation	Name of area	Area (Ha)	No. of plants planted
2016-17	R.F. Badhera	5.03	5500
-do-	R.F. Polian Beet (Tibbian)	5.00	5544
-do-	R.F. Bhadsali (Jungle Bhadsali)	15.00	16500
-do-	R.F. Ispur (Ispur Uperla)	12.00	13200
-do-	R.F. Lam	9.00	9900
-do-	R.F. Behdala (Chokhyal)	4.66	5126
--do-	R.F. Basal (Thakurdwara)	10.3	11330
	<b>Total:</b>	<b>60.99</b>	<b>67100</b>

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted.

Yours faithfully,

  
Sushil Kumar,

Divisional Forest Officer,

Una Forest Division, Una (HP).

Ph. No. 01975-223636.

File No. 8-91/2014-FC  
 Government of India  
 Ministry of Environment, Forests and Climate Change  
 (Forest Conservation Division)

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Indira Paryavaran Bhawan,  
 Aliganj, Jorbagh Road,  
 New Delhi - 110003.  
 Dated: 21<sup>st</sup> July 2015

To

The Principal Secretary (Forests),  
 Government of Himachal Pradesh,  
 Shimla.

**Sub:** Diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh - regarding.

Sir,

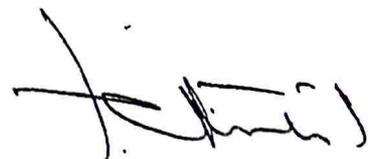
I am directed to refer to the State Government of Himachal Pradesh's letter no. No. Ft. 48-2797/2014 (FCA) dated 18.09.2014 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 19.03.2015 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the 'in-principle' approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Nodal Officer - cum- Addl. PCCF (FCA), Government of Himachal Pradesh vide his letter no. Ft. 48-2797/2014(FCA) dated 7<sup>th</sup> July, 2015, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over 60.9599 ha of Shamlat land transferred and mutated in favour of the State Forest Department and notified by the State Government as RF under Section-20 of the Indian Forest Act, 1927 vide Government of Himachal Pradesh notification No. FFE-B-G (8)-3/2004-Pt-II dated 30<sup>th</sup> June 2015 shall be raised and

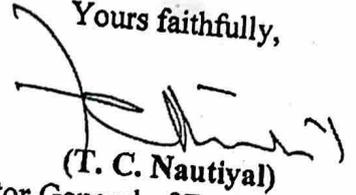
maintained by the State Government as per approved CA Scheme from the funds already provided by the user agency.

- (iii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (iv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (v) No labour camp shall be established on the forest land;
- (vi) 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;
- (vii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (viii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (ix) The forest land shall not be used for any purpose other than that specified in the proposal;
- (x) 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;
- (xi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xiii) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.
- (xiv) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.
- (xv) Only built up area should be fenced so that other areas are available for free movement of animals.
- (xvi) Along the arterial roads, natural forests should be maintained.
- (xvii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.
- (xviii) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xix) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.



(xx) The User Agency and the State Government shall ensure strict compliance to provisions of all the conditions stipulated in the Stage-I approval for which undertakings have been obtained from the project proponent and also compliance of Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

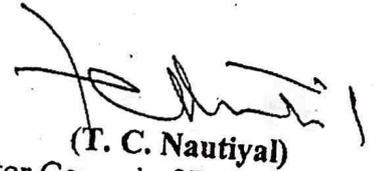
Yours faithfully,



Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office, Dehradun.
3. The Nodal Officer (FCA), O/o the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency (General Manager, District Industries Center, Una (HP).
5. Monitoring cell, FC Division, MoEF&CC, New Delhi.
6. Guard File.



Sr. Assistant Inspector General of Forests

F. No. 8-91/2014 - FC  
 Government of India  
 Ministry of Environment, Forests and Climate Change  
 (Forest Conservation Division)

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Indira Paryayaran Bhawan,  
 Aliganj, Jorbagh Road  
 New Delhi - 110003  
 Date: 19<sup>th</sup> March, 2015

To

The Principal Secretary (Forests),  
 Government of Himachal Pradesh,  
 Shimla.

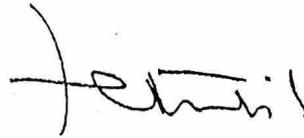
Sub: Diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh.

Sir,

I am directed to refer to the State Government's letter No. Ft. 48-2797/2014 (FCA) dated 18.09.2014 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and subsequent letter No. Ft. 48-2797/2014 (FCA) dated 02.01.2015, forwarding information/documents, as sought by the Ministry. Proposal of the State Government, along with the subsequent information/documents furnished by the State Government was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980.

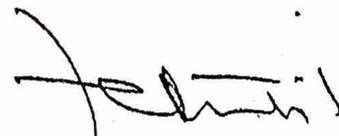
After careful examination of the proposal of the State Government and on the basis of the recommendation of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the equivalent Shamlat land (community land) shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- (iv) The Shamlat land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (v) The Shamlat land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927



latest within a period of six months from ~~144~~ the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The State Government shall charge 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 in this regard;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) 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;
- (xiii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) 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;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xix) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.



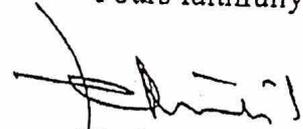
- (xx) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.
- (xxi) Only built up area should be fenced so that other areas are available for free movement of animals.
- (xxii) Along the arterial roads, natural forests should be maintained.
- (xxiii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.
- (xxiv) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.

Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on the fulfilment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully

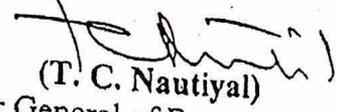


(T. C. Nautiyal)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office, Chandigarh.
3. The Nodal Officer (FCA), Office of the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency (General Manager, Distt Industries Centre, Una, Himachal Pradesh).
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(T. C. Nautiyal)

Assistant Inspector General of Forests

9225  
23/3/15

Enclt no: Ind/Dev/IA/Pandoga/FCA - 692 dated: -20/3/2015  
 Forwarded to:  
 Deputy Commissioner, Una for information please.  
 DFC Una, for information & n/a please. He is also requested  
 convey the amount to be deposited for CA.  
 RK  
 20/3/15