

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 208 OF 2022**

(With I.A.No. 60/2022)

PREM MOHAN GAUR

...**APPLICANT**

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA & ORS.

...**RESPONDENTS**

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Place:- Gurugram

Dated:- 12-09-2022



(Rajeev Tejyan)

Divisional Forest Officer, Gurugram.
On behalf of Respondent No.6

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 208 OF 2022
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Status Report of Rajeev Tejyan on behalf of Respondent No.6 in Compliance of Order dt. 23.03.2022 passed by Hon'ble NGT.

1. That this case is fixed for 23.08.2022 before this Hon'ble Tribunal.
2. That earlier the case was fixed before this Hon'ble Tribunal on 23.03.2022 and this Hon'ble Tribunal pleased to pass order dt. 23.03.2022. The operative part of the order is reproduced as under:-

"..... Considering the above, we direct Respondents No. 1,3,4,5 and 6 – NHAI, State of Haryana, MOEF&CC, Deputy Commissioner, Gurugram and PCCF(HoFF), Haryana to file their respective responses in the matter within one month by email which may indicate status of follow up action in respect of the report dated 02.09.2021, submitted on 09.09.2021...."

3. That in compliance of the order dt. 23.03.2022, the respondent No. 6 seeks leave of this Hon'ble Tribunal to file the present status report.
4. That in reference to matter cited above, the applicant Prem Mohan Gaur & Ors in their application has submitted before the Hon'ble NGT that their grievance is against alleged illegal and unauthorized excavation, demolition of bundh and construction over the submergence area of Ghamroj Bandh by NHAI to built rest area/parking bay for the trucks bus and to built Toll plaza on NH 248-A, Sohna Road at Gurugram without mandatory approvals for the diversion of protected forest for said purpose.

The applicant had previously filed an Original Application No. 259/2020 in the same matter which was decided by Hon'ble Tribunal vide order dated 09.11.2020. In compliance of the Hon'ble Tribunal's orders, a joint committee of Deputy Commissioner Gurugram, Haryana State Pollution Control Board, and Divisional Forest Officer Gurugram was

constituted. A team of officials on behalf of joint committee inspected the Ghamroj Bundh Site on 07.12.2020 and submitted its report. In the report it was submitted that in the subject matter a Proposal No. FP/HR/ROAD/33587/2018 dated 14.05.2018 regarding diversion of Ghamroj Bund has been submitted by NHAI for which approval has been taken from Ministry of Environment, Forest and Climate Change, Govt of India vide letter no. 9-HRB-204/2018-CHA dated 22.10.2019 under the provision of Forest Conservation Act,1980. The Committee also concluded in its report that the Ghamroj Bundh where it was damaged by the NHAI has been restored and there was no violation on Ghamroj Bund.

Subsequently, taking cognizance on the grievance raised by Sh. Sarvdaman Singh Oberoi, the site was visited by Sh. Ravinder Singh, Technical Officer (Forestry), Grade –I on 18.08.2021 to verify the veracity of grievance. The inspecting officer in his report dated 02-09-2021 observed that two project proposals have been approved under FCA, 1980 for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (Design chainage kms 22.000) whereas on the ground, Ghamroj Bund protected forest area is being utilized by the user agency for the purpose of construction of proposed Rest Area which violates the condition number vi) i.e., “ *the forest land will not be used for any other purpose then date mentioned in the proposal*” and condition number (viii) i.e., “ *the forest land will not be used for any other purpose than that mentioned in the proposal*” of the Government of India, Ministry of Environment, Forest and Climate Change’s approval order No. 9-HRB144/2017-CHA dated 9th August 2018 and number No. 9-HRB204/2018-CHA dated 22nd November 2019, respectively. Hence, user agency violates the provisions of FCA, 1980 in this case. **In the report it was recommended that State Government of Haryana through DFO concerned may retrieve the diverted forest land remaining unutilized after upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (Design chainage kms 22.000) and save and restore protected forest area of Ghamroj Bund.**

5. NHAI applied for the diversion of 51.126 Ha of protected forest land for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (Design chainage kms 22.000) vide

FP./HR/ROAD/27190/2017 dated 18.07.2017. The proposal was examined by REC as per FCA guidelines and rules and Stage –I forest clearance was accorded vide Letter No. 9-HRB144/2017-CHA dated 30-05-2018 and stage 2 approval for the diversion of forest land was accorded vide letter No. 9-HRB144/2017-CHA dated 09-08-2018 (**Annexure 1A and 1B**).

6. Thereafter, NHA I submitted another proposal (FP/HR/ROAD/33587/2018) for diversion of 1.866 hectares of protected forest land of 3 bunds (Jharsa, Fazilpur and Ghamroj). The purpose and project title of this proposal for diversion of 1.866 ha of forest land and was same as the earlier proposal for diversion of 51.126 of forest land i.e., up-gradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (Design chainage kms 22.000).

However, Project Note in the Proposal (**Annexure 2**) had given reference to the earlier diversion proposal and stated that these 3 Bunds are outside the existing ROW and due to change in proposed ROW due to change in design during the course of the study, they are now coming within the proposed ROW. The excerpt from the Project Note is as under-

“.....Forest clearance proposal of 51.1260ha. of Protected Forest on NH land is already applied vide F.P/HR/ROAD/27190/2017 for this project road. In principle approval is awaited.

There are three bunds located within the PROW of the project road which are declared as Protected Forest land. These bunds are outside the existing ROW and due to change in proposed ROW due to change in design during the course of the study, they are now coming within the proposed ROW. As the change in the design happened after the forest clearance proposal no. F.P/HR/ROAD/27190/2017 was submitted, hence the same was not included in the said proposal.”

7. The initial proposal for diversion of 51.1260 ha was for up-gradation and strengthening of NH-248A and the Toll Plaza and Rest Area to be constructed were not shown on the forest land in the layout plan submitted along with the proposal. (**Annexure 3A**). The supplementary proposal for diversion of 1.866 ha. of protected forest land of three bunds was also for up-gradation and strengthening of NH-248-A. In this proposal, the Rest Areas and Toll Plaza were shown on the Forest land of Ghamroj Bundh in the drawings/layout plans submitted along the proposal. (**Annexure 3B**) submitted alongside the diversion Proposal. The proposal for diversion of

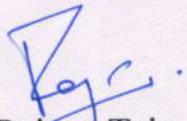
- 1.866 ha. of protected forest land was examined by REC as per FCA guidelines and rules and Stage –I forest clearance was accorded vide Letter No. 9-HRB204/2018-CHA dated 31-05-2019 (**Annexure 3C**) and stage 2 approval for the diversion of forest land was accorded vide letter No. 9-HRB204/2018-CHA dated 22-10-2019 (**Annexure 3D**). It is humbly submitted that no facts were hidden rather full proposal along with related drawings/layouts was with REC to deliberate and decide upon the grant of Forest Clearance to the proposals.
8. A representation from the applicant along with report of Sh. Ravinder Singh, Technical Officer (Forestry), Grade –I was received in the Office of DFO, Gurugram on 06-12-2021 (**Annexure 4**) wherein It was directed that the diverted forest land remaining unutilized after upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (Design chainage kms 22.000) to be retrieved and protected forest area of Ghamroj Bund to be restored.
 9. Notices was issued to NHAI by Range Forest Officer, Sohna vide letter no. 1738-S dated 13-01-2022 and letter no 1876-S dated 29-03-2022 (**Annexure 5A & 5B**) that the toll plaza and rest areas are not permitted to be constructed in Ghamroj Bund area and therefore NHAI is required to return the diverted forest land (Ghamroj Bund) to Forest Department restored in pre-existing condition. NHAI, vide letter no. PIU/EC/NH-248A/06/01/2022-23/30 dated 07-04-2022 (**Annexure 5C**) has contested that they are not in any violation of FCA, 1980 and has submitted that NHAI has not carried out any work of rest areas on Ghamroj Bund and the work of rest areas is being done on the private land acquired by NHAI.
 10. The action taken on the report submitted by Sh. Ravinder Singh, Technical Officer (Forestry), Grade –I was duly informed by the DFO, Gurugram vide letter no. 598G dated 30.05.2022 and letter no 553-c dated 09-08-2022.
 11. However, from the KML file and satellite imagery on Google Earth, it is very much clear that entire protected forest land of Ghamroj Bund had not been fully restored by NHAI. Forest Area of Bundh had been utilized partially for the construction of Rest Area and utilized fully for the construction of Toll plaza (**Annexure-6A**). In this regard, NHAI was again instructed by DFO office vide letter no. 3013 dated 01-07-2022 (**Annexure-6B**) to vacate the Ghamroj Bund Area and return it to the Forest Department.

12. NHAI in their letter no. PIU/EC/NH-248A/06/01/2022-23/613 dated 18-07-2022 (**Annexure 7**) has again reiterated that for the purpose of construction of Rest Area, NHAI has acquired private land and is constructing the same on said private land. Further, NHAI has submitted that the issue is already pending adjudication at Hon'ble National Green Tribunal and therefore no coercive action may be taken by forest department with regard to sub-judice matter and status quo is to be maintained.

At Present, partial width of Ghamroj bund has been utilized for the Rest Area construction and the entire width of the Ghamroj bund had been utilized for the construction of Toll Plaza. Forest Department had issued notices to NHAI to vacate the forest land and return it to the forest land in the preexisting condition. The direction passed by this Hon'ble Tribunal shall be complied with by the Forest Department.

Place:- Gurugram

Dated:-13/09/2022


(Rajeev Tejyan)

Divisional Forest Officer, Gurugram.

On behalf of Respondent No.6



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

उत्तर क्षेत्रीय कार्यालय, चंडीगढ़ / Northern Regional Office, Chandigarh



मिसिल संख्या :- 9-HRB144/2017-CHA

दिनांक: 09-08-2018

सेवा में,

अतिरिक्त मुख्य सचिव (वन),
हरियाणा सरकार,
हरियाणा मिनिस्ट्रियल मन्चिवानय,
चण्डीगढ़ - 160001

विषय:- Diversion of 51.126 ha of forest land in favour of Manager (Tech) NHAI, PIU, Gurugram for upgradation and strengthening of NH 248-A from km. 2+740 (Design chainage 0+340) to km. 24.400 (Design chainage km. 22+000), under forest division and District Gurugram, Haryana.

संदर्भ 1. नोडल अफिसर एवं वन संरक्षक, हरियाणा के पत्र संख्या प्रशा डी तीन 8114/2136 दिनांक 24.10.2017

महोदय,

कृपया उपर्युक्त विषय से संदर्भित पत्र एवं ऑनलाइन प्रपोजल नंबर FP/HIR/Road/27190/2017 का अवलोकन करें जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा-2 के अधीन अनुमति मांगी गई है। प्रस्ताव में इस कार्यालय के सम संख्यक पत्र संख्या दिनांक 30.05.2018 द्वारा सैधान्तिक स्वीकृति प्रदान की गई थी, जिस की अनुपालना नोडल अफिसर एवं वन संरक्षक के पत्र संख्या प्रशा-डी-तीन-8114/1637 दिनांक 01.08.2018 द्वारा प्राप्त होने के उपरान्त केंद्र सरकार उपर्युक्त विषय हेतु 51.126 हेक्टेयर वन भूमि के उपयोग के लिए स्वीकृति निम्नलिखित शर्तों को पूरी करने पर प्रदान करती है।

- i. वन भूमि की विधिक परिस्थिति बदली नहीं जाएगी।
- ii. कम से कम वृक्ष / पौधे काटे जायेंगे। काटे जाने वाले पेड़ों की संख्या 9650 और पौधों की संख्या 6234 से अधिक नहीं होगी।
- iii. प्रतिपूर्ति पौधारोपण प्रस्ताव के अनुसार Nangal Mubarik Pur Section 4&5, Reegarh Section 4&5, Agaon Section 4&5, Mahu Section 4&5, Jhimrawat Section 4&5 & Jhir Section 4 &5 in Mewat District and Bhoj Panta in Morni-Pinjore Forest Division में प्रयोक्ता एजेंसी से प्राप्त 6,28,36,698/- रुपये (Rs. Six crore twenty eight lakh thirty six thousand six hundred ninty eight only) की राशि से 102.252 हेक्टेयर वन क्षेत्र में पौधे लगाकर किया जायेगा।
- iv. अतिरिक्त प्रतिपूर्ति पौधारोपण प्रस्ताव के अनुसार Nangal Mubarik Pur Section 4&5, Reegarh Section 4&5, Agaon Section 4&5, Mahu Section 4&5, Jhimrawat Section 4&5 and Jhir Section 4 &5 in Mewat District and Bhoj Panta in Morni-Pinjore Forest Division में प्रयोक्ता एजेंसी से प्राप्त 76,61,933/- रुपये (Rs. Seventy six lakh sixty one thousand nine hundred thirty three only) की राशि से 12.468 हेक्टेयर वन क्षेत्र में पौधे लगाकर किया जायेगा।
- v. प्रतिपूर्ति पौधारोपण इस पत्र के जारी होने की तिथि से एक वर्ष के अन्दर हो जाना चाहिए। Normally 1000 saplings will be planted per ha. In case these saplings can not be planted in the DFL identified for CA, the balance seedlings will be planted in any RF/PI as per prescription of working plan. The State Government will intimate names of the RFs/PIs in which the balance seedlings will be planted.
- vi. वन भूमि का प्रयोग प्रस्ताव में दर्शाये गये उद्देश्य के अलावा किसी अन्य उद्देश्य के लिए नहीं किया जायेगा।
- vii. जब कभी भी NPV की राशी बढ़ाई जायेगी तो उस बढ़ी हुई NPV की राशि को जमा करने के लिए प्रयोक्ता एजेंसी बाध्य होगी।
- viii. साथ लगते वन और वन भूमि को किसी तरह का कोई नुकसान नहीं पहुंचाया जायेगा और साथ लगते हुए वन और वन भूमि को बचाने के लिये सभी प्रयत्न किये जायेंगे।

बेज नं. 24-25, सेक्टर-31ए, चंडीगढ़-160030 / Bays No. 24-25, Sector-31 A, Chandigarh-160030

दूरभाष/Tel No : 0172-2638061 Fax No : 0172-2638135 Email : ronz.chd-mcf@nic.in

- ix. स्थानान्तरण के लिए प्रस्तावित वन भूमि को केंद्रीय सरकार की पूर्व अनुमति के बिना किसी भी परिस्थिति में किसी अन्य एजेंसी, विभाग या व्यक्ति विशेष को हस्तांतरित नहीं किया जायेगा।
- x. केन्द्रीय सरकार की अनुमति के बिना प्रस्ताव की ले आउट प्लान को बदला नहीं जायेगा।
- xi. वन भूमि पर किसी भी प्रकार का कोई श्रमिक शिविर नहीं लगाया जायेगा।
- xii. प्रयोक्ता एजेंसी द्वारा बांछित भूमि संरक्षण पैमाने उपयोग किये जायेंगे, जिसके लिए प्रयोक्ता एजेंसी द्वारा वर्तमान दरों पर धनराशि उपलब्ध करायी जायेगी।
- xiii. प्रयोक्ता एजेंसी द्वारा श्रमिकों तथा कार्यस्थल पर कार्यरत स्टाफ को अधिमानतः वैकल्पिक उधन उपलब्ध करायेगी, ताकि साथ लगे वन क्षेत्र को किसी प्रकार के नुकसान तथा दबाव से बचाया जा सके।
- xiv. यदि आवश्यक हो तो प्रयोक्ता एजेंसी पर्यावरण (सुरक्षा) अधिनियम 1986, के अनुसार पर्यावरण अनुमति प्राप्त करेगी।
- xv. स्थानान्तरित वन भूमि की सीमायें प्रयोक्ता एजेंसी के खर्च पर 4 फीट ऊँचे सीमेंट के खम्बों द्वारा चिह्नित की जाएगी। प्रत्येक खम्बे पर क्रम संख्या, डी०जी०पी०एम० निर्देशांक तथा एक खम्बे से दूसरे खम्बे की दूरी आगे तथा पीछे लिखी जायेगी।
- xvi. कूड़ा कर्कट निपटान वन विभाग द्वारा जारी योजना के अनुसार किया जायेगा।
- xvii. अन्य कोई भी शर्त इस क्षेत्रीय कार्यालय द्वारा वन तथा वन्य जीव का संरक्षण, सुरक्षा तथा विकास के लिए समय - समय पर लगाई जा सकती है।
- xviii. यदि कोई अन्य संबंधित अधिनियम/अनुच्छेद/नियम/न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना प्रयोक्ता एजेंसी व राज्य सरकार की जिम्मेवारी होगी।

3. मंत्रालय इस स्वीकृति को स्थगित/रद्द कर सकता है यदि उपरोक्त शर्तों में से किसी भी शर्त का कार्यान्वयन सन्तोषप्रद नहीं है। राज्य सरकार वन विभाग के माध्यम से इन शर्तों का पालन सुनिश्चित करेगी।

भवदीय



(सी० डी० सिंह)

अ० प्र० मु० वन संरक्षक (केन्द्रीय)

प्रतिलिपि:-

1. अपर वन महानिदेशक (वन), पर्यावरण वन एवं जलवायु परिवर्तन, मंत्रालय, इन्द्रा पर्यावरण भवन, जोर बासा, अलीगंज, नई दिल्ली।
2. The Pr. Chief Conservator of Forests, Haryana Forest Department, Van Bhawan, Sector-6, Panchkula, Haryana.
3. Nodal Officer-cum-CF (FC), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009
4. The Divisional Forest Officer, Forest Division and District Gurugram, Mewat Nuh and Morni Pinjore District Panchkula, Haryana.
5. The Manager (Tech) NHAI, PIU, Gurugram



सत्यमेव जयते

- 10 -

ANNEXURE - I B

भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
उत्तर क्षेत्रीय कार्यालय, चंडीगढ़ / Northern Regional Office, Chandigarh



F.No.: 9-HRC144/2017-CHA

Dated: 30.05.2018

To

The Principal Secretary (Forests),
Government of Haryana,
Department of Forests,
Haryana Civil Secretariat, Chandigarh

Sub: Diversion of 51.126 ha of forest land in favour of Manager (Tech) NHAI, PHU, Gurugram for upgradation and strengthening of NH 248-A from Km. 2+740 (Design Chainage 0+340) to Km. 24.400 (Design Chainage Km. 22+000), under forest division and district Gurugram, Haryana.

- Ref: (i) Nodal Officer Haryana letters no. Admn-D-3-8114/2136 dated 24.10.2017 and Admn-D-3-8114/487 dated 10.05.2018.
(ii) Minutes of the REC meeting held on 07.12.2017.

Sir,

Please refer to the above cited letter and online proposal no. FP/HR/Road/27190/2017 seeking prior approval of the Central Government for diversion of forest land for non-forestry purpose in accordance with section 2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government and approval of the REC, "**in-principle**" approval is hereby conveyed for diversion of 51.126 hectares of forest land for the above mentioned project subject to the following conditions:

- i) Cost of compensatory afforestation and Addl. CA as per CA scheme may be realized from the user agency;
 - ii) Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letters No. 5-3/2007-FC dated 5th February 2009 and Hon'ble Supreme Court of India's Order dated 30th October 2002, 28th March, 2008, 24th April, 2008 and 9th May 2008;
 - iii) As per the orders of the Government of India vide letter No. 5-2/2010-CAMPA 24.06.2011, the Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change <http://forestclearance.nic.in> or <http://efclearance.nic.in>.
 - iv) The User Agency shall ensure that no other proposal in the division, for which Stage-I has already been granted in the past, is still pending for compliance of conditions of Stage-I approval. An Undertaking to this effect that "**no such proposal for compliance of conditions of Stage-I approval is pending with this division**" be submitted. Compliance of the same will be mandatory for the final clearance of this proposal by this office
3. The following conditions shall also be complied with after the final approval is accorded:
- i) Legal status of the forest land will remain unchanged;
 - ii) Efforts should be made to fell minimum number of trees and in any case, not more than 9650 trees and 6234 will be removed.
 - iii) The trees should be felled under strict supervision of the State Forest Department;
 - iv) The CA and Addl. CA will be carried out over 114.72 ha forest land as per the CA scheme and addl. CA scheme and the funds will be provided by the user agency. The plantation will be done within one year from the date of issue of this letter.
 - v) The forest land will not be used for any other purpose than that mentioned in the proposal;
 - vi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Central Government;
 - vii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

बेज नं. 24-25, सेक्टर-31ए, चंडीगढ़-160030 / Bays No. 24-25, Sector-31 A, Chandigarh-160030

- vii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- viii) The user agency shall raise strip plantation on both sides and central verge of the road at the project cost as per IRC specifications with maintenance of seven to ten years;
- ix) No damage will be done to the adjoining forest land;
- x) No labour camp shall be established on the forest land;
- xi) The user agency shall pay additional amount of NPV as and when increased on the order of Hon'ble Supreme Court;
- xii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and should be taken up as per the scheme approved by the Forest Department;
- xiii) The required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works;
- xiv) The User Agency shall provide firewood 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;
- xv) The boundary of the forest land being diverted shall be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, GPS coordinates, forward and backward bearings and distance from pillar to pillar etc.;
- xvi) The User Agency shall ensure that because of this project, no damage is caused to the flora and the wildlife available in the area;
- xvii) The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
- xviii) Any other condition that this Regional Office may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xix) 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;
- xx) It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal;

4. After receipt of the compliance report on fulfillment of the conditions under para-2 above, the proposal shall be considered for the final approval under Section-2 of the Forest (Conservation) Act, 1980. **The use of forest land will not be allowed till final approval is accorded and environmental clearance, if any applicable, is obtained.**

Yours faithfully,

(C.P. Singh)

30/05/2018
Addl. Pr. Chief Conservator of Forests (Central)

Copy to:-

1. The ADGF (FC), Ministry of Environment, Forests and Climate Change, Paryavaran Bhawan, New Delhi.
2. The Pr. Chief Conservator of Forests, Haryana Forest Department, Van Bhawan, Sector-6, Panchkula, Haryana.
3. Nodal Officer-cum CF (FC), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009
4. The Divisional Forest Officer, Forest Division and District Gurugram, Haryana
5. The Manager (Tech) NHAI, PIU, Gurugram

PROJECT NOTES

ANNEXURE - 2

The project road section starts from PWD R.D. 2+400 at Rajiv Chowk, Gurgaon which is a 4 legged - grade separated junction at km. 32+650 of NH-8 and ends at PWD R.D. 96+290 of NH-248A at Rajasthan border. The project road passes through 2 districts of Haryana, viz. Gurgaon and Mewat. The section from km 2+400 to 2+740 is under the improvement proposal of Rajiv chowk being carried out separately by NHAI. Hence the section between km 2+400 to km 2+740 is not included in the scope of this work.

For ease of construction NHAI has decided divide the road in in three construction packages viz.

Package wise distribution of project road

Package	Existing Chainage / PWD RD		Length (Km)	Remarks
	From	To		
I	2+740	11+682	8.942	Rajiv Chowk to Start of Bhondsi
II	11+682	24+400	12.718	Start of Bhondsi to Start of Sohna
III	24+400	95+985	71.585	Start of Sohna to Rajasthan Border

Appreciating the urban nature of the first 21.66 km of the project road section and it being within Delhi NCR, NHAI has decided to upgrade this section from km 2+740 (Design chainage 0+340) to km 24+400 (Design Chainage 22+000) of road into 6-lane configuration with grade separated facility at major built-up locations, like Subhash Chowk, Fazilpur and Badshahpur, Bhondsi, Alipur, Ghamroj and University area (Sohana) and provision of both sides 3-lane service road.

NHAI has proposed to upgrade the section from PWD R.D. /Existing Ch. 2+740 (Design Ch. 0+340) to PWD R.D./Existing Ch. 24+400 (Design Ch. 22+000) in Hybrid Annuity mode.

Forest clearance proposal of 51.1260ha. of Protected Forest on NH land is already applied vide F.P/HR/ROAD/27190/2017 for this project road. In principle approval is awaited.

There are three bunds located within the PROW of the project road which are declared as Protected Forest land. These bunds are outside the existing ROW and due to change in proposed ROW due to change in design during the course of the study, they are now coming within the proposed ROW. As the change in the design happened after the forest clearance proposal no. F.P/HR/ROAD/27190/2017 was submitted, hence the same was not included in the said proposal. Now with this submission, diversion of forest land in these three bund locations as detailed below are being sought.

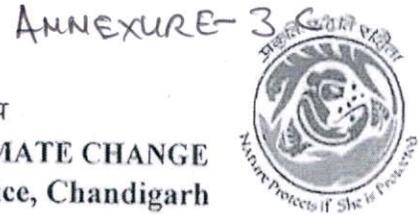
Location of proposed diversion of PF land to be diverted

From design km	To Design km	Length (m)	Name of Bund	PF land to be diverted
0.340	0.708	368	Jharsa Bund(Near Rajiv Chowk)	1790 sq.m
4.030	4.292	262	Jharsa bund (Near Fazilpur)	848sq.m
12.636	13.353	717	Ghamroj Bund	8171 sq.m
13.500	13.946	446	Ghamroj Bund	7851sq.m
			Total	18660sq.m
				Or 1.8660 ha.

2 **Project Cost-** Total cost of the project is 1689.01 crore. *dfs*

[Signature]
Divisional Forest Officer
Gurgaon

[Signature]
B. B. JINDAL
Manager (Tech)
National Highway Authority of India
Project Implementation Unit



मिसिल संख्या -: 9-HRB204/2018-CHA

दिनांक: 21-05-2019

सेवा में ,

अतिरिक्त मुख्य सचिव (वन),
हरियाणा सरकार,
हरियाणा सिविल सचिवालय,
चण्डीगढ़ -160001

विषय:- Diversion of 1.866 ha of forest land in favour of Manager (Tech)., NHAI, PIU, Gurugram for upgradation and strengthening of road from Rajasthan border-Nuh-Gurugram, section of NH 248 A, km, 2.740 (Design Ch. Km. 0.3400) to km. 24.400 (Design Ch. Km. 22.000) in the State of Haryana, under Forest Division and District Gurugram, Haryana (online proposal no. FP/HR/Road /33587/2018)

- संदर्भ: i). प्र०मु०वन संरक्षक, हरियाणा के पत्र संख्या प्रशा डी तीन 8566/3132 दिनांक 28.11.2018
ii) नोडल आफिसर (एफ सी) के पत्र संख्या प्रशा डी तीन 8566ए/737 दिनांक 23.05.2019

महोदय,

कृपया उपर्युक्त विषय से संदर्भांकित पत्र का अवलोकन करें जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा-2 के अधीन अनुमति मांगी गई है।

2. राज्य सरकार के प्रस्ताव का ध्यानपूर्वक अध्ययन करने के पश्चात उपर्युक्त विषय हेतु 1.866 हेक्टेयर वन भूमि के उपयोग के लिए सैधांतिक स्वीकृति निम्नलिखित शर्तों को पूरी करने पर प्रदान की जाती है।

- प्रयोक्ता एजेंसी से CA स्कीम के अनुसार प्रतिपूर्ति पौधारोपण और अतिरिक्त प्रतिपूर्ति पौधारोपण की राशि जमा करवाई जाये।
- वन मण्डल अधिकारी यह लिखित आश्वासन (undertaking) देंगे कि इस कार्यालय द्वारा स्वीकृत प्रतिपूर्ति पौधारोपण और अतिरिक्त प्रतिपूर्ति पौधारोपण के स्थलों को बिना सक्षम अधिकारी के अनुमोदन के स्वेच्छानुसार नहीं बदलेगें।
- नोडल अधिकारी (State CAMPA) यह लिखित आश्वासन (undertaking) देंगे कि इस कार्यालय द्वारा स्वीकृत प्रतिपूर्ति पौधारोपण और अतिरिक्त प्रतिपूर्ति पौधारोपण स्कीम के अनुसार बजट वन मण्डल अधिकारी को उपलब्ध करवायेगें।
- माननीय उच्चतम न्यायालय के आदेश दिनांक 30.10.2002, 28.03.2008, 24.04.2008 एवं 09.05.2008 तथा पर्यावरण एवं वन मंत्रालय, भारत सरकार, नई दिल्ली के निर्देश संख्या 5-3/2007-FC दिनांक 05.02.2009 के अनुसार प्रयोक्ता एजेंसी से प्रस्तावित वन भूमि की नैट प्रजैट वैल्यु जमा करवाई जाये।
- प्रयोक्ता एजेंसी भुगतान राशि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की वेबसाइट <http://forestsclearance.nic.in> या <http://efclearance.nic.in> पर केवल ऑनलाइन माध्यम से जमा करवाएगी।
- User agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- User Agency shall ensure that no other proposal in the division, for which Stage-I has already been granted in the past, is still pending for compliance of conditions of Stage-I approval. An Undertaking

to this effect that "no such proposal for compliance of conditions of Stage-I approval is pending with this division" be submitted. Compliance of the same will be mandatory for the final clearance of this proposal by this office.

viii. The State Govt. shall not issue temporary working permission until the entire compensatory levies are deposited by User Agency and confirmed online on Ministry's web-portal. The User agency will obtain Stage-II within six months from the date of issue of such permission.

3. अन्तिम स्वीकृति के उपरांत निम्नलिखित शर्तों का पालन भी किया जायेगा।

- i. वन भूमि की विधिक परिस्थिति बदली नहीं जाएगी।
- ii. प्रस्ताव के अनुसार कम से कम वृक्ष काटे जायेंगे। प्रस्ताव के अनुसार काटे जाने वाले वृक्षों की संख्या 303 और पौधों की संख्या 584 से अधिक नहीं होगी।
- iii. वन भूमि का प्रयोग प्रस्ताव में दर्शाये गये उद्देश्य के अलावा किसी अन्य उद्देश्य के लिये नहीं किया जायेगा।
- iv. साथ लगते वन और वन भूमि को किसी तरह का कोई नुकसान नहीं पहुंचाया जायेगा और साथ लगते हुए वन और वन भूमि को बचाने के लिये सभी प्रयत्न किये जायेंगे।
- v. जब कभी भी NPV की राशी बढ़ाई जायेगी तो उस बढ़ी हुई NPV की राशि को जमा करने के लिए प्रयोक्ता एजेंसी बाध्य होगी।
- vi. स्थानान्तरण के लिए प्रस्तावित वन भूमि को केंद्रीय सरकार की पूर्व अनुमति के बिना किसी भी परिस्थिति में किसी अन्य एजेंसी, विभाग या व्यक्ति विशेष को हस्तांतरित नहीं किया जायेगा।
- vii. केंद्रीय सरकार की अनुमति के बिना प्रस्ताव की ले आउट प्लान को बदला नहीं जायेगा।
- viii. वन भूमि पर किसी भी प्रकार का कोई श्रमिक शिविर नहीं लगाया जायेगा।
- ix. प्रयोक्ता एजेंसी द्वारा वांछित भूमि संरक्षण पैमाने उपयोग किये जायेंगे, जिसके लिए प्रयोक्ता एजेंसी द्वारा वर्तमान दरों पर धनराशि उपलब्ध करायी जायेगी।
- x. प्रयोक्ता एजेंसी द्वारा श्रमिकों तथा कार्यस्थल पर कार्यरत स्टाफ को अधिमानतः वैकल्पिक इंधन उपलब्ध करायेगी, ताकि साथ लगते वन क्षेत्र को किसी प्रकार के नुकसान तथा दबाव से बचाया जा सके।
- xi. यदि आवश्यक हो तो प्रयोक्ता एजेंसी पर्यावरण (सुरक्षा) अधिनियम 1980, के अनुसार पर्यावरण अनुमति प्राप्त करेगी।
- xii. कूड़ा कर्कट निपटान वन विभाग द्वारा जारी योजना के अनुसार किया जायेगा।
- xiii. अन्य कोई भी शर्त इस क्षेत्रीय कार्यालय द्वारा वन तथा वन्य जीवों के संरक्षण, सुरक्षा तथा विकास हेतु समय-समय पर लगाई जा सकती है।
- xiv. यदि कोई अन्य सम्बंधित अधिनियम/अनुच्छेद/नियम/न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना राज्य सरकार की जिम्मेवारी होगी।

4. उपरोक्त पैरा-2 के अधीन शर्तों की अनुपालना रिपोर्ट प्राप्त होने के उपरान्त वन संरक्षण अधिनियम, 1980 की धारा-2 के अधीन अन्तिम स्वीकृति के लिये प्रस्ताव पर विचार किया जायेगा। केंद्रीय सरकार की अन्तिम अनुमति दिये जाने तक वन भूमि का उपयोग नहीं किया जायेगा।

भवदीय,

(सी० डी० सिंह)

अपर वन महानिदेशक (केंद्रीय)

प्रतिलिपि:-

1. अपर वन महानिदेशक (वन), पर्यावरण वन एवं जलवायु परिवर्तन, मंत्रालय, इन्द्रा पर्यावरण भवन, जोर बाग, अलीगंज, नई दिल्ली।
2. The Principal Chief Conservator of Forests, Haryana Forest Department, Van Bhiawan, Sector-6, Panchkula, Haryana.
3. Addl. PCCF (FCA) & CAMPA, Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009.
4. The Divisional Forest Officer, Forest Division and District Gurugram, Haryana.
5. The Manager (Tech), NHAI, PIU, Gurugram



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
उत्तर क्षेत्रीय कार्यालय, चंडीगढ़ / Northern Regional Office, Chandigarh



मिसिल संख्या :- 9-HRB204/2018-CHA

दिनांक: 22-10-2019

सेवा में,

अतिरिक्त मुख्य सचिव (वन),
हरियाणा सरकार,
हरियाणा सिविल सचिवालय,
चण्डीगढ़ -160001

विषय:- Diversion of 1.866 ha of forest land in favour of Manager (Tech), NHAI, PIU, Gurugram for upgradation and strengthening of road from Rahasthan border-Nuh-Gurugram, section of NH 248 A, km. 2.740 (Design Ch. Km. 0.3400) to km. 24.400 (Design Ch. Km. 22.000) in the State of Haryana, under Forest Division and District Gurugram, Haryana. (online Proposal No. FP/HR/Road/33587/2018)

संदर्भ 1. प्रधान मुख्य वन संरक्षक, हरियाणा के पत्र संख्या प्रशा डी तीन 8566/3132 दिनांक 28.11.2018

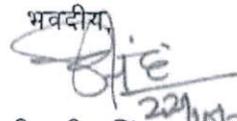
महोदय,

कृपया उपर्युक्त विषय से संदर्भित पत्र का अवलोकन करें जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा-2 के अधीन अनुमति मांगी गई है। प्रस्ताव में इस कार्यालय के सम संख्यक पत्र संख्या दिनांक 31.05.2019 द्वारा सैधानिक स्वीकृति प्रदान की गई थी, जिस की अनुपालना नोडल आफिसर एवं वन संरक्षक के पत्र संख्या प्रशा-डी-तीन-8566ए/1904 दिनांक 19.08.2019 और प्रशा-डी-तीन-8566ए/2674 दिनांक 04.10.2019 द्वारा प्राप्त होने के उपरांत केंद्र सरकार उपर्युक्त विषय हेतु 1.866 हेक्टेयर वन भूमि के उपयोग के लिए स्वीकृति निम्नलिखित शर्तों को पूरी करने पर प्रदान करती है।

- i. वन भूमि की विधिक परिस्थिति बदली नहीं जाएगी।
- ii. कम से कम वृक्ष / पौधे काटे जायेंगे। काटे जाने वाले पौधों की संख्या 303 और पौधों की संख्या 584 से अधिक नहीं होगी।
- iii. प्रतिपूर्ति पौधारोपण प्रस्ताव के अनुसार Raisina Section 4 & 5 of PLPA 1900 में प्रयोक्ता एजेंसी से प्राप्त 23,33,992/- रूपये (Rs. Twenty three lakh thirty three thousand nine hundred ninety two only) की राशि से 3732 पौधें लगाकर किया जायेगा।
- iv. अतिरिक्त प्रतिपूर्ति पौधारोपण प्रस्ताव के अनुसार Raisina Section 4 & 5 of PLPA 1900 में प्रयोक्ता एजेंसी से प्राप्त 7,30,467/- रूपये (Rs. seven lakh thirty thousand four hundred sixty seven only) की राशि से 1168 पौधें लगाकर किया जायेगा।
- v. प्रतिपूर्ति पौधारोपण द्वारा पत्र के जारी होने की तिथि से एक वर्ष के अन्दर हो जाना चाहिए।
- vi. वन मण्डल अधिकारी यह सुनिश्चित करे कि इस कार्यालय द्वारा स्वीकृत प्रतिपूर्ति पौधारोपण के स्थलों को बिना सक्षम अधिकारी के अनुमोदन के स्वेच्छानुसार नहीं बदलेगें।
- vii. नोडल अधिकारी (State CAMPA) यह सुनिश्चित करे कि इस कार्यालय द्वारा स्वीकृत प्रतिपूर्ति पौधारोपण स्कीम के अनुसार बजट वन मण्डल अधिकारी को उपलब्ध करवायेगें।
- viii. वन भूमि का प्रयोग प्रस्ताव में दर्शाये गये उद्देश्य के अलावा किसी अन्य उद्देश्य के लिए नहीं किया जायेगा।
- ix. जब कभी भी NPV की राशि बढ़ाई जायेगी तो उस बढ़ी हुई NPV की राशि को जमा करने के लिए प्रयोक्ता एजेंसी बाध्य होगी। और
- x. साथ लगते वन और वन भूमि को किसी तरह का कोई नुकसान नहीं पहुंचाया जायेगा और साथ लगते हुए वन और वन भूमि को बचाने के लिये सभी प्रयत्न किये जायेंगे।
- xi. स्थानान्तरण के लिए प्रस्तावित वन भूमि को केंद्रीय सरकार की पूर्व अनुमति के बिना किसी भी परिस्थिति में किसी अन्य एजेंसी, विभाग या व्यक्ति विशेष को हस्तांतरित नहीं किया जायेगा।

- xii. केन्द्रीय सरकार की अनुमति के बिना प्रस्ताव की ले आउट प्लान को बदला नहीं जायेगा।
- xiii. वन भूमि पर किसी भी प्रकार का कोई श्रमिक शिविर नहीं लगाया जायेगा।
- xiv. प्रयोक्ता एजेंसी द्वारा बांछित भूमि संरक्षण पैमाने उपयोग किये जायेंगे, जिसके लिए प्रयोक्ता एजेंसी द्वारा वर्तमान दरों पर धनराशि उपलब्ध करायी जायेगी।
- xv. प्रयोक्ता एजेंसी द्वारा श्रमिकों तथा कार्यस्थल पर कार्यरत स्टाफ को अधिमानतः वैकल्पिक इंधन उपलब्ध करायेगी, ताकि साथ लगते वन क्षेत्र को किसी प्रकार के नुकसान तथा दबाव से बचाया जा सके।
- xvi. यदि आवश्यक हो तो प्रयोक्ता एजेंसी पर्यावरण (सुरक्षा) अधिनियम 1986, के अनुसार पर्यावरण अनुमति प्राप्त करेगी।
- xvii. कूड़ा कर्कट निपटान जारी योजना के अनुसार किया जायेगा।
- xviii. अन्य कोई भी शर्त इस क्षेत्रीय कार्यालय द्वारा वन तथा वन्य जीव का संरक्षण, सुरक्षा तथा विकास के लिए समय - समय पर लगाई जा सकती है।
- xix. यदि कोई अन्य संबंधित अधिनियम/अनुच्छेद/नियम/न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना प्रयोक्ता एजेंसी व राज्य सरकार की जिम्मेवारी होगी।

3. मंत्रालय इस स्वीकृति को स्थगित/रद्द कर सकता है यदि उपरोक्त शर्तों में से किसी भी शर्त का कार्यान्वयन सन्तोषप्रद नहीं है। राज्य सरकार वन विभाग के माध्यम से इन शर्तों का पालन सुनिश्चित करेगी।

भवदीय,

(सी० डी० सिंह) 22/10/2017
उप वन महानिदेशक (केन्द्रीय)

प्रतिलिपि:-

1. अपर वन महानिदेशक (वन), पर्यावरण परिवर्तन जलवायु एवं वन, मंत्रालय, इन्द्रा पर्यावरण भवन, जोर बाग, अलीगंज, नई दिल्ली।
2. The Pr. Chief Conservator of Forests, Haryana Forest Department, Van Bhawan, Sector-6, Panchkula, Haryana.
3. The Nodal Officer-cum-CF (FC), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009
4. The Nodal Officer (CAMPA), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009.
5. The Divisional Forest Officer, Forest Division and District Gurugram, Haryana
6. The Manager (Tech), NHAI, PIU, Gurugram

C

Dated: 6/12/21

The D.F.O. Gurugram,
Forest Department Gurugram

Subject: Application for stay and necessary action on work in Contempt to NGT and violation of MoEF&CC order.

Sir/ Ma'am,

With due respect, I would like to bring your kind attention towards the matter of GhamrojBundh and under construction Toll Plaza along with the two rest areas at it's site.

In a judgement dated 09/11/2020 in OA No. 259/2020, the NGT had ordered to carry out work at site as per law along with a direction to the team of DC Gurugram, HSPCB and Forest Department to investigate the matter. The joint report dated 10/12/2020 of the team has been found to be in contrast to the investigation report submitted to Under Secretary at Regional Office Headquarters of MoEF&CC dated 09/09/2021 post an enquiry by MoEF&CC. Also, the MoEF&CC has directed PCCF Haryana to retrieve the diverted Forest Land remaining unutilized after upgradation and strengthening of NH-248-A at the site.

The compensatory afforestation which was to take place within 1 year of In-principle approval is still pending. The petitioner has even suggested a site for compensatory afforestation in the vicinity of the project and there has been no response about it.

I have attached all the relevant documents for your kind perusal.

Request you to take necessary action along with staying any further construction at the site as on one side of the road the Forest Land is being used for accessing the Rest Area and on the other, the Rest Area stands still in it. Also, the construction at Toll Plaza is still continuing.

Thanks & Regards,
Prem Mohan Gaur
Mob: 7838492947

Pm Gaur

6/12/21

*Urgent
Patwar*

7/12

1247-G
09/12/21



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, चंडीगढ़ /Integrated Regional Office,
Chandigarh



Report of the site inspection undertaken by Shri Ravinder Singh, Technical Officer (Forestry) Grade-I, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Chandigarh on 18th August, 2021 against the grievance received from Shri Sarvadaman Singh Oberoi, Gurugram, Haryana regarding non-compliance of NGT judgement and grievance against alleged illegal and unauthorized excavation, demolition of a bundh and construction over the submergence area of Ghamroj Bundh by NHAI in Gurugram: reg.

The Union Ministry of Environment, Forests and Climate Change, New Delhi forwarded a grievance received from Shri Sarvadaman Singh Oberoi, Gurugram, Haryana regarding non-compliance of National Green Tribunal (NGT) judgment and grievance against alleged illegal and unauthorized excavation, demolition of a bundh and construction over the submergence area of Ghamroj Bundh by NHAI in Gurugram vide letter No.5-2/2020-ROHQ dated 22nd July, 2021 directing this office to look into the grievance and take necessary action with regards to the rules/guidelines framed under Forest (Conservation) Act, 1980 and submit a status report to the Union Ministry at the earliest.

2. It is pertinent to mention here that OA No.259 of 2020 was filed before the Hon'ble National Green Tribunal titled "Prem Manohar Gaur versus NHAI and Others" regarding grievance against alleged illegal and unauthorized excavation, demolition of a bundh and construction over the submergence area of Ghamroj Bundh by NHAI in Gurugram, Haryana and after detailed deliberation, Hon'ble "Tribunal" disposed of the application vide its order dated 9th November, 2020 stating that "let the Joint Committee of Deputy Commissioner Gurgaon, Haryana State PCB, Divisional Forest Officer, Gurgaon to look into grievance and take appropriate decision in accordance with law within one month from today. The State PCB will be nodal agency for compliance".

3. Consequently, committee of Executive Engineer, Irrigation Department, NHAI, T&CP Department and DFO Gurugram was constituted by Additional Deputy Commissioner, Gurugram to visit the site under question. Accordingly "Committee" visited the site on 7th December, 2020 and detailed Joint Inspection Report on Ghamroj Bundh dated 9th December, 2020 was submitted by the Regional Officer, Haryana State Pollution Control Board, Gurugram Region (S) to the Hon'ble Supreme Court

बैज नं. 24-25, सेक्टर-31ए, चंडीगढ़-160030 / Bays No. 24-25, Sector-31 A, Chandigarh-160030
दूरभाष/Tel No : 0172-2638061 Fax No : 0172-2638135 Email : ronz.chd-mef@nic.in

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of India vide letter No. HSPCB/GRS/2020/6017-6025 dated 10th December, 2020 (copy enclosed) with the conclusion that **the Ghamroj Bundh was damaged earlier by NHAI Authorities has been restored and there is no violation on Ghamroj Bundh as on today.**

4. In the above mentioned OA, the applicant also alleged that the construction of road will result in demolition of Bundh affecting a water body and this will also affect the forest area in violation of FCA, 1980 as conditions of MoEF&CC's letter dated 9th August, 2018 are not being followed.

5. In view of above allegations of the applicant(s), records in IRO Chandigarh was searched and the following information was gathered:

- (i) The State Government of Haryana vide their letter No. Admin-D-III-8114/2136 dated 24th October 2017 had recommended a project proposal for seeking prior approval of Central Government under Forest (Conservation) Act, 1980 for diversion of 51.126 hectares of forest land in favour of Manager (Tech) NHAI, PIU Gurugram for upgradation and strengthening of NH 248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram.
- (ii) After detailed examination of the project proposal of the State Government, the instant project was discussed in the Regional Empowered Committee (REC) meeting held on 7th December, 2017 under Agenda Item No.5 (Haryana) and after detailed deliberation, "Committee" considered the instant project for approval under Section-2 of Forest (Conservation) Act, 1980.
- (iii) Based on the recommendations of the REC dated 7th December, 2017, competent authority agreed to accord "in-principle" approval under Section-2 of Forest (Conservation) Act, 1980 vide letter No. No.9-HRB144/2017-CHA dated 30th May, 2018 with usual terms and conditions including realization of CA levies from the user agency and after compliance of the conditions of "in-principle" approval, project was accorded Stage-II approval under Section 2 of FCA, 1980 vide this office letter No.9-HRB144/2017-CHA dated 9th August, 2018 with usual terms and conditions.
- (iv) After a gap of more than one year, the State Government of Haryana vide their letter No. Admin-D-III-8566/3132 dated 28th November 2018 recommended another project proposal for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980 **on the same subject for the same purpose i.e. diversion of 1.866 hectares of forest land in favour**

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of Manager (Tech) NHAI, PIU Gurugram for upgradation and strengthening of road from Rajasthan border-Nuh-Gurugram Section of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram.

- (v) After detailed examination of the project proposal of the State Government, the instant project was considered for "in-principle" approval under Section-2 of Forest (Conservation) Act, 1980 vide letter No.9-HRB204/2018-CHA dated 31st May, 2019 with usual terms and conditions including realization of CA levies from the user agency and after compliance of the conditions of "in-principle" approval, project was accorded Stage-II approval under Section 2 of FCA,1980 vide letter No.9-HRB204/2018-CHA dated 22nd November, 2019 with usual terms and conditions.
- (vi) It is pertinent to mention here that the above referred 51.126 hectares project was for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) in which Toll Plaza and two Rest Areas have been proposed on both side of the proposed road over the non-forest land. No requirement of any type of forest land for proposed Rest Areas was made by the user agency through State Government as per approved layout plan. The project note submitted by the user agency also did not mention about any proposed Rest Areas in this proposal. Accordingly, neither any NOC from the land owing agencies/Irrigation Department/etc., for use of land for construction of Rest Areas has been provided by the user agency inspite of involvement of Bund area in this case.
- (vii) As per Chapter-11, para 11.2 of Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act,1980, any proposal for linear projects such as roads, railway lines, transmission lines, etc., **need to be processed in their entirety** for comprehensive assessment of requirement of forest land. **But in the present case User Agency while submitting the supplementary project proposal for diversion of 1.866 hectares of forest land on the same subject for the same purpose, did not mentioned any details of the earlier approved 51.126 hectares of forest land on the same subject under Section-2 of FCA,1980, vide letter No.9-HRB144/2017-CHA dated 9th August, 2018. Hence, the question for submitting any cogent and convincing reasons/justification of not including this supplementary portion of forest land at the inception stage of the main**

already approved project proposal by the user agency does not arise.

- 6. Keeping in view the directions of Union Ministry, the grievance of the applicant(s) on above mentioned matter was examined in this office in details and Regional Officer, IRO- Chandigarh directed the undersigned to inspect the site under question and submit a detailed report.
- 7. Pursuant to the instructions of the Regional Officer, IRO-Chandigarh given at p. 7/ante, undersigned reached the DFO Office at Gurugram on 18th August, 2021 at 11.00 A.M. at the outset, undersigned explained about the purpose of the proposed site visit and discussed other facts on the project in detail with DFO, Gurugram Forest Division and his office staff, User Agency and the complainant (s).
- 8. To know the facts, team proceeded to the site and reached there at 12.30 PM. Now, Team comprises the following members:

Ravinder Singh	:	Technical Officer (Forestry) Grade-I, Representative of Integrated Regional Office, MoEF&CC, Chandigarh.
Rajeev Tejyan	:	Division Forest Officer, Gurugram.
Vikas Mittal	:	Manager (Tech), PIU Rewari, NHAI.
Sunil Kumar	:	Team Leader, IE
Kuldip Rajvanshi	:	Representative of concessionaire M/s GSHPL
Col. Sarvadaman Oberoi (retd.)	:	Complainant/applicant
Prem Manohar Gaur	:	Complainant

GRIEVANCE OF THE COMPLAINANT(S)

9. On the site, undersigned requested both applicants/complainants viz. Col. (Retd.) Sarvadaman Oberoi and Shri Prem Manohar Gaur to explain their grievance and accordingly they submitted as under:

- (i) That they are shocked and distressed by blatant destruction of environment by illegal unauthorized excavation, demolition of Ghamroj Bundh and construction over the submergence area of Ghamroj Bundh by National Highways Authority of India (NHAI) to build rest area/ parking bay for the trucks and buses for Toll Plaza on NH-248A, Sohna Road, that too in the absence of mandatory approvals from Irrigation department under the canal and drainage

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act and in violation of Ministry of Road Transport and Highways (MoRTH) guidelines.

- (ii) That the Ghamroj Bundh is a historical earthwork since many centuries on western side of Sohna and was also declared as Protected Forest in Year 2017. It is an important bund and a water body, which plays critical and important role in ecological balance of the area, is a natural recharge zone for ground water and has special importance of checking the runoff from Aravalis' which is surrounding the city on three sides, thus preventing flooding in the area and consequent collateral damages.
- (iii) That the Ghamroj bund is 2000 metre long protected forest, a 454 meter section of the Bundh on Sohna road has been demolished. On the rear side there is a low lying area where water collects in the rainy season and also acts as a critical recharge zone. Demolition of bundh will cause massive flooding of adjoining city area.
- (iv) That they further stated that State of Haryana which is responsible for ensuring development that does not harm environment in any manner. It cannot give permission for cutting of thousands of trees and demolition of P.F. Bunds in this manner, which are specifically protected under many orders /judgment's of the Hon'ble Supreme Court and without any formal permission under any of the Statutes, Section 27 of NCRPB Act, 1985, Sections 2, 18 & 24 of the Haryana Canal & Irrigation Act, 1985 read with the Forest (Conservation) Act, 1980, Indian Forests Act, 1927 and the Environment Protection Act, 1986.
- (v) That according to the Sohna Master Plan, 2031, the bundh has to be retained in its current state. An explanatory note issued in this regard by the town and country planning department on November 15, 2012, mentions, "Sohna Town is surrounded by Aravalli Ranges on eastern & western side. In the rainy season, run-off from these ranges passes through proposed urbanization through barsati Nallahs namely Mehandwara Nadi. Three bundhs namely Sohna bundh, Mohmmadpur bundh and Ghamroj bundh exist on the western side of the town to check the run-off and for recharging the underground water level.
- (vi) That the demolition of bundh and construction of rest area/parking area is also in complete violation of law laid down by Hon'ble Supreme Court in the matter of Hinch Lal Tiwari v. Kamla Devi (2001) 6 13 SCC 496 provides that no part of any water body


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like pond, tanks, canals and water pathways, could have been allotted for any abadi sites and there is need to protect all water bodies, channels and drains.

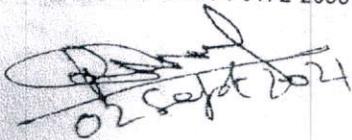
- (vii) On the spot, complainant(s) submitted bunch of papers/documents/photographs w.r.t. the Rest Area Project. Some photographs are also annexed with the report.

STAND OF THE USER AGENCY ON THE PROPOSED PROJECT

10. Thereafter, on the request of undersigned, Shri Vikash Mittal, Manager (Tech), NHAI, PIU Rewari (user agency) explained the project in details and stated that **the construction of the proposed Rest Area Project is being done over the private land purchased/acquired from the owner(s) of the said land and also over the Ghamroj Bund area adjoining to the proposed Rest Area project for which approval has already been accorded by the Government of India under Section-2 of the Forest (Conservation) Act, 1980 vide letter No.9-HRB204/2018-CHA dated 22nd November, 2019.** On applicant (s) allegation regarding demolition of Ghamroj Bund, he categorically denied the same.

HISTORY AND HISTORICAL IMPORTANCE OF BUNDS IN HARYANA

11. A bund is an embankment or wall of brick, stone, concrete or other impervious material, which **forms the perimeter and floor of a compound and provides a barrier to retain liquid.** Since the bund is the main part of a spill containment system, the whole system (or banded area) is colloquially referred to as the 'bund'. They are sometimes called ridges, dykes or levees. The height of bunds is determined by the irrigation depth and the freeboard. The freeboard is the height above the irrigation depth to be sure that water will not overtop the bund.
12. The Ghamroj Bundh is a historical earthwork since many centuries on western side of Sohna and was also declared as Protected Forest in Year 2017. It is an important bund and a water body, which plays critical and important role in ecological balance of the area, is a natural recharge zone for ground water and has special importance of checking the runoff from Aravalis' which is surrounding the city on three sides, thus preventing flooding in the area and consequent collateral damages.
13. According to the Sohna Master Plan, 2031, the bundh has to be retained in its current state. An explanatory note issued in this regard by the town and country planning department on November 15, 2012, mentions, "Sohna Town is surrounded by Aravalli Ranges on eastern & western side. In the rainy season, run-off from these ranges passes through proposed urbanization through barsati Nallahs namely MehandwaraNadi.



Three bundhs namely Sohna bundh, Mohmmadpur bundh and Ghamroj bundh exist on the western side of the town to check the run-off and for recharging the underground water level.

14. As per news story published in the times of India dated 12th October, 2020 stated that:

- (i) That the Gurgaon (Gurugran now) city has been losing its water bodies because of development projects over several decades. According to forest department records, there were nearly 118 bunds in Gurugram and nearby areas before 1958, but only around 30 of them have survived to the present day.
- (ii) In 2017, the district administration conducted a survey, which revealed that 63 bunds were constructed during the British era in Gurugram, out of which only four exist now. While there are still many natural bunds in the city, most of them are in prime locations and are being targeted by the local land mafia.
- (iii) Some parts of natural bunds in Ghata, Wazirabad and Chakkarpur have been encroached upon, while others have been taken over by the government for development projects. For instance, Jharsa bund, which was once the biggest bund in the city, was carved out for a hospital and roads. A CRPF camp came up on Kadipur bund. Nathupur bund, which was located near Ambience Mall, was destroyed as a residential project and the mall were built on it six years ago. The foothills where Ghata bund lay were encroached on by high-rise buildings.
- (iv). Behrampur bund, which was a 2.00 km-long bund near Ghata, was destroyed due to the development of housing projects and roads in the area. Manesar bund, once spread across 7.00 km, is no more, with the town of Manesar built on it.
- (v). With bunds being encroached on over the years and storm water channels being concretized, rainwater has no place to go, resulting in flooding every monsoon. "Each bund has a small water body attached to it, which recharges the groundwater table. As water channels get choked up because of development projects, water fails to flow into the bund, and thus the water body becomes redundant and dries up, or is choked with sewage. The surface hydrology is disturbed. Gurugram gets flooded in the rainy season because it is losing its bunds rapidly," the official added.
- (vi). Environmental activists alleged that apart from natural bunds, several water bodies in the city are at risk and no action has been taken to save them either. "Natural bunds like those in Ghata, Wazirabad and

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Ghamroj are gifts to the city. But, they have been destroyed in the name of development projects," Vivek Kamboj, a city-based environmentalist, told TOI.

- (viii) According to a report submitted by the administration to the National Green Tribunal, there are 826 water bodies in Gurugram. As many as 20% of these are at risk due to discharge of untreated sewage, industrial effluents or water, environmentalists said.

ACTUAL POSITION ON THE GROUND

15. The user agency i.e. NHAI has already completed the construction work of upgradation and strengthening of road from Rajasthan border-Nuh-Gurugram Section of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram after taking forest clearance under FCA, 1980 vide letter No.9-HRB144/2017-CHA dated 9th August, 2018 and No.9-HRB204/2018-CHA dated 22nd November, 2019.

16. The construction work for establishment of proposed Rest Area at Design Chainage 13.600 to 13.800 is **under progress over the private area as per user agency and confirmed the same by DFO on the spot**. The submergence area of the pond/bund is being leveled by using heavy machineries/JCBs etc. on the site. By cutting the Bund area, User Agency has also completed the work for laying of underground drainage pipeline from the proposed Rest Area. Passage to the proposed Rest Area is being used by the user agency along the existing local village road by cutting of about 7.5 meters wide area of Ghamroj Bund. The Joint Site Inspection dated 7th December, 2020 of the Gharoj Bundh site, has also **confirmed that the Gharoj Bundh was damaged earlier by NHAI Authorities which has now been restored**.

VIOLATION OF FOREST (CONSERVATION) ACT, 1980

17. It is pertinent to mention here that on the recommendations of the State Government of Haryana, following two project proposals were accorded final approval under Section-2 of Forest (Conservation) Act, 1980:

- (i) Diversion of 51.126 hectares of forest land in favour of Manager (Tech) NHAI, PIU Gurugram for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram. (Approved vide letter No.9-HRB144/2017-CHA dated 9th August, 2018).

[Handwritten signature and date]
02/08/2021

- (ii) Diversion of 1.866 hectares of forest land in favour of Manager (Tech) NHAI, PIU Gurugram for upgradation and strengthening of road from Rajasthan border-Nuh-Gurugram Section of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram (approved vide letter No.9-HRB204/2018-CHA dated 22nd November, 2019).
- (iii) Both above mentioned project proposals have been approved for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) **whereas on the ground, Ghamroj Bund protected forest area is being utilized by the user agency for the purpose of construction of proposed Rest Area which violates the condition No. (vi) i.e., "The forest land will not be used for any other purpose than that mentioned in the proposal" and condition No. (viii) i.e., "The forest land will not be used for any other purpose than that mentioned in the proposal" of the Government of India, Ministry of Environment, Forests and Climate Change's approval order No.9-HRB144/2017-CHA dated 9th August, 2018 and No.9-HRB204/2018-CHA dated 22nd November, 2019, respectively. Hence, user agency violates the provisions of FCA 1980 in this case.**

FINDING IN THE INQUIRY

18. It is evident from the site visit that:

- (i) User Agency as well as the State Government hid the facts while submitting both above referred project proposals for diversion of 51.126 hectares and supplementary proposal of 1.86 hectares of forest land in favour of Manager (Tech) NHAI, PIU Gurugram for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram seeking prior approval under Section-2 of FCA, 1980 that the instant road project proposals also involves the construction of Rest Area over the protected area i.e. Ghamroj Band.
- (ii) As per records available in this office, neither any project proposal for diversion of forest land for construction Rest Area at Ghamroj Bund on Rajasthan border-Nuh-Gurugram Section of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) under Forest Division and District Gurugram has been received in this office nor any approval under Section-2 of FCA, 1980 has been accorded for the same till date.

[Handwritten signature]
02 Sept 2021

- (iii) As per layout plan submitted by the user agency with above mentioned diversion proposals, two rest areas have been proposed on both side of the proposed road over the non-forest land. No requirement of any type of forest land for the construction of proposed Rest Areas was made by the user agency through State Government.
- (iv) The project note on the above mentioned project proposals submitted by the user agency also does not mention about construction of proposed Rest Areas.
- (v) Neither any NOC from the land owing agencies/Irrigation Department/etc., for use of land for construction of Rest Areas has been provided by the user agency inspite of involvement of Bund area in this case.
- (vi) So far as the construction of the proposed Rest Area by NHAI over submergence area or pond area of Ghamroj Bund is concerned, only land owing agencies/authorities of the State Government viz. Irrigation Department/etc., can better reply on this subject. It is the prime responsibility of the Irrigation Department to save and preserve the natural/public water sources.
- (vii) The Ministry of Environment, Forests and Climate Change diverted the protected forest areas of Ghamroj Bund for the widening of road under question but never permitted the user agency to demolish the Ghamroj Bund and construct the proposed Rest Area over it. It is the prime responsibility of the local government to protect and restore the Ghamroj Bund area in its original form.
- (viii) I agreed with the applicant (s) that Hon'ble Supreme Court vide its order dated 25th July, 2001 in Appeal (Civil) No. 4787 of 2001 in the matter of "Hinch Lal Tiwari v. Kamla Devi and Others" stated that no part of any water body like pond, tanks, canals and water pathways could have been allotted for any abadi sites and there is need to protect all water bodies, channels and drains. As the construction of Rest Area is being done over private land (not forest land), it is the prime responsibility of the concerned department of the State Government to comply the Hon'ble Supreme Court's above order in letter and spirit.
- (ix) The Sohna Master Plan, 2031 also advocated that the bundh has to be retained in its current state. An explanatory note issued in this regard by the town and country planning department on November 15, 2012, mentions, "Sohna Town is surrounded by Aravalli Ranges on eastern and western side. In the rainy season,

[Handwritten signature and date]
02.08.2021

22

run-off from these ranges passes through proposed urbanization through barsati Nallahs namely MehandwaraNadi. Three bundhs namely Sohna bundh, Mohmmadpur bundh and Ghamroj bundh exist on the western side of the town to check the run-off and for recharging the underground water level.

(iv) Both above mentioned project proposals have been approved for upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) whereas on the ground, Ghamroj Bund protected forest area is being utilized by the user agency for the purpose of construction of proposed Rest Area which violates the condition No. (vi) i.e., "The forest land will not be used for any other purpose than that mentioned in the proposal" and condition No.(viii) i.e., "The forest land will not be used for any other purpose than that mentioned in the proposal", of the Government of India, Ministry of Environment, Forests and Climate Change's forest clearance under Section-2 of FCA,1980 vide approval order No.9-HRB144/2017-CHA dated 9th August, 2018 and No.9-HRB204/2018-CHA dated 22nd November, 2019, respectively. **Hence, user agency violates the provisions of FCA 1980 in this case.**

(x) The State Government through DFO concerned may kindly be directed to **retrieve the diverted forest land remaining unutilized after upgradation and strengthening of NH-248-A from Kms 2.740 (Design chainage 0.340) to Kms 24.400 (design chainage kms 22.000) and save and restore protected forest area of Ghamroj Band.**

(Signature)
02 Sept 2021

(Ravinder Singh)
Technical Officer (Forestry), Grade-I,
Ministry of Environment, Forests and Climate Change,
Northern Regional Office, Chandigarh
Dated: Thursday, September 02, 2021

Encls: as above

वन विभाग, हरियाणा सरकार
कार्यालय वन राजिक अधिकारी, क्षेत्रीय, सोहना,
नजदीक इन्दिरा गांधी आई हॉस्पिटल, रायपुर, सोहना-गुरुग्राम

क्रमांक:-1738-S

दिनांक:-13-01-2022

सेवा में,

Project Director (CMU, Mathura)
National Highways Authority of India
(Ministry of Road Transport & Highways, Govt. of India)
Corridor Management Unit-Mathura (At Faridabad)
Plot No.-8, Near Sarai Toll Plaza Building, Mathura Road Faridabad-121003.

विषय:- घामडौज बन्ध वापिस करने बारे।

उपरोक्त विषय के संबंध में श्री रविन्द्र कुमार Technicail officer (Forestry) Grade 1, MOEFCC Chandigarh द्वारा किए गए निरीक्षण रिपोर्ट के बिन्दु 6 पर दिए गए विवरण अनुसार आप द्वारा टोल प्लाजा व 2 विश्राम क्षेत्रों के लिए किसी भी तरह की वन भूमि का इस्तेमाल न हान/ करने बारे FCA-1980 में दायर प्रस्ताव में स्पष्ट रूप से अंकित किया है। रिपोर्ट अनुसार आप द्वारा इस वन भूमि का गलत इस्तेमाल किया गया है। उप वन संरक्षक गुरुग्राम द्वारा दी गई हिदायत अनुसार NH-248A को upgrade करने पश्चात् बची हुई घामडौज बन्ध की वन भूमि जिसके लिए डाइवर्शन दिया गया था, को प्रयोक्ता एजेन्सी/आप से वापस लेने बारे निर्देश प्राप्त हुए है। अतः आपको निर्देश दिए जाते है कि घामडौज बन्ध के बचे हुए क्षेत्र को दस कार्य दिवस क भातर वन विभाग को वापिस करे। अन्यथा आपके विरुद्ध नियमानुसार आगामी कार्यवाही अमल में ला दी जायेगी। इसे अति आवश्यक समझा जाये।

- E.


वन राजिक अधिकारी,
सोहना।

प०क्रमांक:-1739-S

दिनांक:-13-01-2022

एक प्रति उप वन संरक्षक गुरुग्राम को सूचनार्थ प्रेषित है।


वन राजिक अधिकारी,
सोहना।

वन विभाग, हरियाणा सरकार
कार्यालय वन राजिक अधिकारी, क्षेत्रीय, सोहना,
नजदीक इन्दिरा गांधी आई हॉस्पिटल, रायपुर, सोहना-गुरुग्राम

क्रमांक:- 1876-5

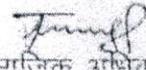
दिनांक:- 29-03-2022

सेवा में,

Manager (Tech.),
PIU, Rewari, NHAI, Plot No.20,
Sec-32, Institutional area, Gurugram.

विषय:- Demolition of Ghamroj Bundh by NHAI. (O.A. No.259/2020)

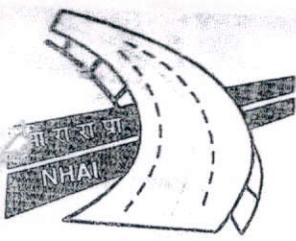
उपरोक्त विषय के संबंध में आप द्वारा NH-248A, Km. 2 740 (design ch.km.0.3400) to km 24.400 (design ch. Km.22.000) को upgradation and strengthening करने हेतु प्रस्ताव (FP/HR/ROAD/33587/2018) लगाया गया था। जिसकी अनुमति पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के पत्र क्रमांक 9-HRB204/2018-CHA दिनांक 22.10.2021 द्वारा दी जा चुकी है। जिसके बारे में प्रेम मोहन गौड़ द्वारा शिकायत दी गई थी। जिसकी जांच Technical officer Shri Ravinder kumar, MOEF Chandigarh द्वारा की गई थी। इसके अतिरिक्त आप द्वारा टोल प्लाजा व 2 विश्राम क्षेत्रों के लिए किसी भी तरह की वन भूमि का इस्तेमाल न होने/करने बारे FCA-1980 में दायर प्रस्ताव में स्पष्ट रूप से अंकित किया है। जबकि निरीक्षण के दौरान पाया गया कि घामडौज बन्ध के वन क्षेत्र में टोल प्लाजा का कुछ क्षेत्र व विश्राम क्षेत्र का कुछ भाग बनाया गया है। जोकि FCA-1980 के तहत दी गई अनुमति का स्पष्ट उल्लंघन है। ऐसी स्थिति में नियमानुसार घामडौज बन्ध को उसकी पुरानी स्थिति में बहाल किया जाना बनता है। जिसके लिए इसके लिए आप द्वारा यह कार्य करवाकर देना बनता है। इसलिए आपको सूचित किया जाता है कि घामडौज बन्ध को उसकी पूर्व स्थिति में बहाल करते हुए वन विभाग को वापिस देने का कष्ट करें। अन्यथा आपके खिलाफ नियमानुसार आगामी आवश्यक कार्यवाही अमल में ला दी जायेगी।


वन राजिक अधिकारी,
सोहना।

प्रोक्रमांक:- दिनांक:-
एक प्रति उप वन संरक्षक, गुरुग्राम को सूचनार्थ प्रेषित है।


वन राजिक अधिकारी,
सोहना।

Sl. No. 12345678-123 0122018
R. D. 12345678910
Control No. 12345678
FOR OFFICE USE ONLY
GURUGRAM H.A. P.O. 12345678
FOREST OFFICE SOHNA
Haryana
Date: 29/03/2022 15:59
Printed on 29/03/2022 15:59



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

परियोजना कार्यान्वयन इकाई - रेवाड़ी
(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

Project Implementation Unit-Rewari
(Ministry of Road Transport and Highways)

पकाई-रेवाड़ी : प्लॉट नं-20, सेक्टर 32, इन्स्टीट्यूशनल एरिया
गुडगाँव-122003 (हरियाणा)
PIU - Rewari, Plot No.20, Sector-32, Institutional Area
Gurgaon-122003 (Haryana)

- 33 -

ई-मेल / E-mail : piurewari@nhai.org
वेबसाइट / Web : www.nhai.org
फोन / Ph : +91 124 2970077

ANNEXURE - 5C

PIU/EC /NH-248A/06/01/2022-23/30

Dated: 07.04.2022

To,

The Forest Range Officer,
Sohna,
Near Indira Gandhi Eye Hospital, Raipur,
Sohna- Gurugram.

Sub.: Regarding Demolition of Ghamroj Bundh by NHAI. (O.A. No.259/2020).

Re: Your letter No. 1876-5 dated 29.03.2022.

Sir,

Please refer to your letter No. 1876-5 dated 29.03.2022 vide which you have submitted that some part of the toll plaza & Rest areas has been constructed in the forest land of Ghamroj bund, which is in violation of permission granted under FCA- 1980.

2. In this regard, it is to submit that :-

i) Erstwhile, PIU-Gurugram vide letter No. PIU/GA06/07/2019-20/152 dated 26.04.2019 (copy enclosed) has submitted the drawings of the forest land to MOEF&CC while obtaining the permission.

ii) MOEF&CC vide letter No. 9-HRB204/2018-CHA dated 31.05.2019 had granted the permission for diversion of 1.866 Hect. of forest land from Rajasthan Border- NUH-Gurgaon, section of NH-248A, Km.2.740 to Km 24.400 based on the drawings submitted vide aforesaid letter. Location of toll plaza & rest areas was clearly shown in the drawings (Copy enclosed).

3. Therefore, your contention that NHAI has not informed about the location of toll plaza & rest areas while obtaining the forest land diversion permission is not correct.

4. Further, during the inspection also, no damage to the Ghamroj bund was found. NHAI has yet not carried out any work of rest areas on the Ghamroj bund. The work of rest areas is being done on private land acquired by NHAI.

Therefore, the question of violation of permission granted under FCA-1980 does not arise.

Encl.: As above.

P. Kaushik
10/5

Yours sincerely,

(P. K. Kaushik)
Project Director

Copy to:

DCF, Gurugram, Old Railway RD, Shanti Nagar, Shivaji Nagar, Sector 11, Gurugram.

240-6
11/05/22

P. Kaushik
7/4/22
(P. K. Kaushik)
Project Director

483
48

Google Earth

Image © 2022 Maxar Technologies

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M

Total 1605 Pages
Print 1586 Pages
Blank 19 Pages
Ver. 1080

28 20 0.38 77 04 2.28

Toll plaza

Legend

- 34 - ANNEXURE - 6A
- Division of PF on Ghamroj Bund
- LHS Division of PF on NH land vide FN 9HRB144 2017

200 m



4.03

Legend → 35-

-  Diversion of PF on Ghamroj Bund
-  LHS Diversion of PF on NH land vide FN 9HRB144 2017

Rest Area

 28 19 38 77 04 01



100 m



Google Earth

Image © 2022 Maxar Technologies

वन विभाग, हरियाणा सरकार
कार्यालय उप वन संरक्षक, क्षेत्रीय मण्डल, गुरुग्राम,
वन परिसर, सोहनारोड़, गुरुग्राम, दूरभाष-0124-2322057

क्रमांक:- 3013
प्रेषित,

दिनांक:- 1/7/2022

Project Director,
PIU, Rewari NHAI, Plot No. 20,
Sector-32, Institutional Area,
Gurugram-122003

विषय:- Demolition of Ghamroj Bundh by NHAI
सन्दर्भ:- आपके कार्यालय का पत्र क्रमांक PIU/EC/NH-248A/06/01/2022-23/30 दिनांक 07.04
2022

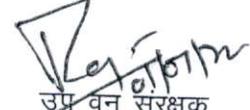
उपरोक्त विषय के सम्बन्ध में वन राजिक अधिकारी, सोहना द्वारा उनके पत्र क्रमांक 1876-
s दिनांक 2903.2022 द्वारा आपको सूचित किया गया था कि आप द्वारा घामड़ोज बन्ध की भूमि का
प्रयोग टोल प्लाजा और Rest Area के लिये किया जा रहा है, जो कि आपके द्वारा NH-248A की
upgrading and strengthening के लिये दिये गये प्रस्ताव FP/HR/ROAD/33587/2018 में पर्यावरण,
वन एवं जलवायु परिवर्तन परिवर्तन मंत्रालय, भारत सरकार द्वारा उनके पत्र 9-HRB204/2018CHA dt.
22.10.2019 द्वारा प्रदान की गई अनुमति की शर्तों की उल्लंघना है और आपको घामड़ोज बन्ध को
उसकी पूर्व स्थिति में बहाल कर वन विभाग को वापिस सौंपने के लिये कहा गया।

विषयांकित पत्र में आप द्वारा अंकित किया गया है कि पर्यावरण, वन एवं जलवायु
परिवर्तन परिवर्तन मंत्रालय, भारत सरकार द्वारा घामड़ोज बन्ध के गैर वानिकी उपयोग की अनुमति
प्रस्ताव में साथ लगाई गई ड्राईंग जिसमें टोल प्लाजा और Rest Area स्पष्ट रूप से दिखाये गये हैं, के
आधार पर दी गई थी और इस प्रकार एफ0सी0ए0 एक्ट 1980 की कोई उल्लंघना आप द्वारा नहीं की
गई। परंतु जैसा कि Sh. Ravinder Kumar, Technical Officer, Grade-I, MoEFCC ने अपनी रिपोर्ट में
इंगित किया है कि NHAI द्वारा उक्त प्रस्ताव NH-248A की upgrading and strengthening के लगाया
गया और प्रोजेक्ट नोट में भी विश्राम क्षेत्र व टोल प्लाजा का कोई उल्लेख नहीं था। अतः जिस उद्देश्य
के लिये घामड़ोज बन्ध (वनभूमि) के लिये वन संरक्षण अधिनियम, 1980 के तहत अनुमति प्राप्त की
उससे अलग उद्देश्य के लिये आपके द्वारा वनभूमि का उपयोग किया जाना वन संरक्षण अधिनियम, 1980
की उल्लंघना है।

इसके अतिरिक्त विषयांकित पत्र में आपके द्वारा यह भी अंकित किया गया है कि NHAI
द्वारा विश्राम क्षेत्र का कोई भी कार्य घामड़ोज बन्ध पर नहीं किया गया और रेस्ट एरिया का कार्य निजी
भूमि पर किया जा रहा है, परंतु एफ0सी0ए प्रस्ताव के साथ संलग्न के0एम0एल0 फाईल और गूगल अर्थ
ईमेज में स्पष्ट हो रहा है कि Rest Area का निर्माण आंशिक रूप से घामड़ोज बन्ध की भूमि पर किया
गया है (प्रति संलग्न)

अतः आपको इस बारे सूचित किया जाता है कि घामड़ोज बंध की वनभूमि जिसमें आप द्वारा Rest Area एवं Toll Plaza का निर्माण कार्य कर लिया गया है तथा वनभूमि की परिस्थिति बदल दी गई है उसे तंत्रत खाली करके वन विभाग को सौंपने बारे कार्यवाही अमल में लायें, अन्यथा वन संरक्षण अधिनियम के तहत कार्यवाही अमल में लाई जायेगी।

संलग्न/उपरोक्त।


उप वन संरक्षक,
गुरुग्राम। १०

पृ० क्रमांक/ 30/4-15

दिनांक/ 1/5/2022

इसकी एक प्रति निम्न को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतू प्रेषित है:-

1. अतिरिक्त प्रधान मुख्य वन संरक्षक, एफ०सी०ए० हरियाणा, पंचकूला को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतू प्रेषित है।
2. उन्न राजिक अधिकारी, सोहना।


उप वन संरक्षक,
गुरुग्राम। १०



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)
(परियोजना कार्यावन्तर्गत ईकाई-रेवाड़ी)
प्लॉट नं. 20, सेक्टर 32,
गुडगांव - 122001, (हरियाणा)

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ANNEXURE-7

National Highways Authority of India
(Ministry of Road Transport and Highways, Govt. of India)
(Project Implementation Unit-Rewari)
Plot No. 20, Sector 32, (Institutional Area),
Gurgaon-122003, (Haryana)



ई-मेल / E-mail: piurewari@nhai.org, वेब / web: www.nhai.gov.in, फोन/Ph.: +91 124 2970077

PIU/EC/NH-248A/06/01/2022-23/613

Dated: 18.07.2022

To,

The Deputy Conservator of Forest, Gurugram
Forest Department, Govt. of Haryana,
Forest Complex, Sohna Road, Near Dist. Court,
Gurugram - 2322057.
Email: dfogurgaon1@gmail.com

Sub.: Regarding Demolition of Ghamroj Bundh by NHAI.

- Re.: 1. Forest Officer, Sohna Letter no. 1876-s dated 29.03.2022.
2. NHAI letter ref. no. PIU/EC/NH-248A/06/01/2022-23/30 dated 07.04.2022.
3. Your letter no. 3013 dated 01.07.2022.

Sir,

With reference to the subject matter, following are the facts and circumstances :

1. It is reiterated that the Rest Area and Toll Plaza are integral part of the project and does not require separate permission or diversion of forest land for the same. Irrespective of the aforesaid, the proposal submitted by NHAI for diversion of 1.866 Ha of forest land dated 14.05.2018 clearly and unambiguously provided the drawings of the construction to be undertaken by the NHAI which clearly provided the construction of Toll Plaza and Rest Area, and after considering the said drawings along with the project note, in-principle approval was granted on 31.05.2019 and stage II approval was granted on 22.10.2019 to the NHAI by the MoEFC and only thereafter construction was done.
2. It is imperative to note that the issue of demolition of bundh has already been raised and decided by the Hon'ble National Green Tribunal in OA 259 of 2020 vide order dated 09.11.2020. In compliance of the said order, a committee was appointed by the District Commissioner, which inspected and visited the Ghamroj Bundh site on 07.12.2020 and submitted its report to the State PCB. The joint report clearly provided that the NHAI has not damaged the Ghamroj Bundh in any manner and even otherwise has maintained and repaired the said Bundh. Copy of the same is enclosed herewith.
3. It is reiterated that the NHAI for the purpose of the construction of the Rest Area has acquired private land and is constructing the same on the said private land. Thus, the question of construction on bundh land does not arises.

Sd/-
Rajeshwar

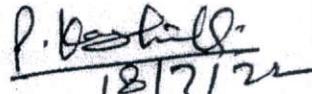
Cntd.....(2)

4. It is respectfully submitted that presently, the Hon'ble NGT in OA 208 of 2022 is already seized of the issue of alleged construction on the Ghamroj Bundh by the NHAI and the same is pending adjudication before the Hon'ble National Green Tribunal. Next dated of hearing is 23.08.2022.

In view of the aforementioned facts and circumstances, it is respectfully requested that as the OA 208 of 2022 before the National Green Tribunal is pending adjudication no coercive action may be taken with regard to a *sub-judice* matter and status quo shall be maintained.

Encl.: As above.

Yours sincerely,



(P. K. Kaushik)
Project Director

Copy to:

- (1) Conservator of Forest, South Circle, Gurugram, Email: cf.gurgaon@gmail.com - for information please.
- (2) The Range Forest officer, Sohna, Near Indira Gandhi I hospital, Raipur, Sohna-Gurugram, Email: sohnarangete@gmail.com - for information please.


(P.K. Kaushik)
Project Director