

हिमाचल प्रदेश सरकार
वन विभाग

No:- FFE-B-F002/16/2023

Dated Shimla-171002, the

23-04-2025

ORDER

Subject:- Diversion of 0.1944 ha of forest land in favour of HPSEB, for the C/o 33/11 KV Sub-Station Gushaini at Village Nagladi The Banjar District Kullu (H.P.), within the jurisdiction of GHNP Shamshi, Distt. Kullu, Himachal Pradesh. (Online proposal No. FP/HP/Sub Station/429028/2023)

भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, चंडीगढ़, उप-कार्यालय शिमला द्वारा वन (संरक्षण एवं संवर्धन) अधिनियम, 1980 की धारा-2 के अन्तर्गत जारी स्वीकृति पत्र संख्या दिनांक 05/04/2025 के परिणामस्वरूप, राज्यपाल, हिमाचल प्रदेश उपरोक्त विषय में दर्शित 0.1944 है0 वन भूमि के गैर-वानिकी उपयोग के लिए विधिवत् स्वीकृति (Final Approval) निम्नलिखित शर्तों पर प्रदान करते हैं:-

1.General Conditions:-

S. No.	Conditions
1.1	<ol style="list-style-type: none"> 1. Legal status of the forest land shall remain unchanged. 2. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State Forest Department. 3. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in 0.388 ha, Survey/Compartment No-53E/2, Village-Gushaini 44 Pekhari Dhar (Nohanda-III) Tehsil-Banjar district-Kullu at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided. 4. The Divisional Forest Officer shall ensure that the approved CA will not be changed without the approval of Competent Authority. 5. The Nodal Officer (State CAMPA) Authority shall ensure that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme. 6. The State Forest Department shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency.

	<p>7. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.</p> <p>8. The forest land shall not be used for any purpose other than that specified in the proposal.</p> <p>9. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Forest Department will ensure that the increased amount is deposited.</p> <p>10. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land.</p> <p>11. 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.</p> <p>12. The layout plan of the proposal shall not be changed without prior approval of Central Government.</p> <p>13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.</p> <p>14. The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved.</p> <p>15. Any other condition may be stipulated by the regional office from time to time, in the interest of conservation, protection and development of forests & wildlife.</p> <p>16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.</p> <p>17. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as per para 1.16 of the consolidated guidelines and clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023, MoEF&CC.</p> <p>18. It will be the responsibility of the State Forest Department/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.</p>
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2. Standard conditions:-

S. No.	Conditions
2.1	<p>2.1 The User Agency/Forest Department shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted in accordance with the relevant guidelines issued by the MoEF.</p> <p>2.2 Any other condition that the concerned Ministry of Environment, Forest & Climate Change/State Government may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.</p>

	<p>2.3 The User Agency and the State Forest Department shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.</p> <p>2.4 The cost of compensatory afforestation as per CA Scheme shall be deposited by the User Agency.</p> <p>2.5 The State Forest Department shall charge the Net Present Value (NPV) for the 0.1944 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 28-03-2008, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-3/2011-FC(Vol-I) dated 06-01-2022 in this regard.</p> <p>2.6 State Forest Department shall ensure the compliance of the orders dated 08-02-2023 in WP (C) No. 202/1995 passed by the Hon'ble Supreme Court of India.</p> <p>2.7 The non-forest 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 the date of issue of Stage-II approval, if applicable.</p>
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3. Specific conditions:-

S. No.	Conditions
3.1	<p>1. The Ministry may suspend/cancel this approval if the implementation of any of the above conditions is not satisfactory. The State Forest Department will ensure compliance of these conditions.</p> <p>2. This final approval is subject to the final outcome wrt Hon'ble Supreme Court Orders in the CWP (C) No. 1164/2023 –titled as Ashok Kumar Sharma, IFS (Retired) and others Vs. Union of India and another dated 03-02-2025 & 4.3.2025.</p>

***NOTE :-** State Forest Department wherever appearing Supra means PCCF(HoFF), H.P., State Nodal Officer (FCA) in supervisory and CF and DFO concerned in regulating, monitoring and implementing capacity.

आदेशानुसार,

कमलेश कुमार पंत, भा0प्र0से0
अतिरिक्त मुख्य सचिव (वन)
हिमाचल प्रदेश सरकार

Endst. No. As above Dated, Shimla – 171002**23-04-2025****Copy is forwarded for information and necessary action to: -**

1. The Inspector General of Forests (ROHQ.), Ministry of Environment, Forest and Climate Change (Forest Conservation Division), Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi – 110003.
2. The Deputy Inspector General of Forests, IRO, Ministry of Environment, Forest and Climate Change, Sub-Office, Shimla (Regional Office Chandigarh), C.G.O. Complex, Shivalik Khand, Longwood, Shimla-171001 Himachal Pradesh.
3. The Pr. CCF (HoFF) with the request to ensure compliance of all conditions contained in the above order.
4. The Nodal Officer-cum- PCCF(FCA) O/o HPFD HQ, Talland, Shimla-1 for similar necessary action.
5. The CEO, H.P. State CAMPA, O/o Pr. CCF (HoFF), H.P., Shimla-1
6. The Deputy Commissioner, Kullu, Distt. Kullu, Himachal Pradesh.
7. The Divisional Forest Officer, GHNP Division, Distt. Kullu, H.P.
8. The Managing Director, Himachal Pradesh State Electricity Board Ltd. Shimla, Distt. Shimla, Himachal Pradesh.
9. Guard file.



(Vijay Kumar, IAS)
Special Secretary (Forest) to the
Government of Himachal Pradesh
