AGENDA ITEM NO. 4

SUB: Change of name of user agency from Power Grid Corporation of India Ltd to M/s Parbati Koldam Transmission Company Limited in respect of diversion of 231.347 ha of forest land for laying of 2x400 KV transmission line from Parbati-II of NHPC to Koldam HEP of NTPC in favour of Power Grid Corporation of India Ltd. in Kullu, Mandi and Bilaspur districts of Himachal Pradesh

File No.8-149 / 2006 - FC

1. This relates to diversion of 231.347 ha of forest land for laying of 2x400 KV transmission line from Parbati-II of NHPC to Koldam HEP of NTPC in favour of Power Grid Corporation of India Ltd. in Kullu. Mandi and Bilaspur districts of Himachal Pradesh.

2. The proposal has been accorded Stage-I approval on 30.11.2012 subject to certain conditions prescribed therein (Pg 6-8/N).

3. The State Government of Himachal Pradesh forwarded the compliance vide letter nos. Ft.48-1148/2005(FCA) dated nil (signed on 22.03.2012) (pg 149-151/c) and 06.09.2012 (pg 206-490/c) on the conditions stipulated in the Stage-I approval dated 30.11.2012. Though it was not complete as there are no undertakings attached and that the compliance to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was not in order.

4. Subsequently, vide second letter above, the State Govt. submitted compliance to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The certificates submitted by the State Govt. include certificates by Dy. Commissioners, Kullu, Mandi and Bilaspur and resolutions from Gram Sabhas. They are in accordance with the guidelines issued by the Ministry in this regard.

5. However, soon after the submission of compliance report as indicated above, M/s Parbati Koldam Transmission Company Limited vide their letter No. PKTLCL/PK-18/Forests/13 dated 30.06.2011 (p 170/c) has requested this Ministry to accord Stage-II approval to the proposal. However, examination of the compliance report and representation of M/s Parbati Koldam Transmission Company Limited revealed that compliance report was not complete in certain respects and further it has been observed that compliance report is expected from the original user agency in whose name the stage-I clearance has been given i.e. M/s Power Grid Corporation of India Ltd. This has been conveyed to the State Government vide this Ministry’s letter of even number dated 8.11.2011 (Pg 179/c).

6. The decision on grant of Stage-II was not taken in view of the fact that the undertakings submitted were in the name of Parbati Koldam Transmission Company Ltd. and not the user agency. Now the user agency has submitted the required undertakings directly to the Ministry in accordance with the Stage-I approval granted on 05.12.2007.

7. Subsequently, the State Government in response submitted the documents as prescribed for transfer of lease under the Guidelines issued under the Forest (Conservation), Act, 1980. The State Government has informed that M/s Parbati Koldam Transmission Company Limited (a joint venture between reliance infrastructure limited and Power Grid Corporation of India Ltd has requested to change of name of user agency from Power Grid Corporation of India Ltd to M/s Parbati Koldam Transmission Company Limited. Necessary documents have been submitted by the both the companies.

   a. The documents submitted by the State Government have been examined in light of relevant guidelines and details is as under:
b. The original user agency has submitted NOC for transferring Stage-I approval of the proposal in favour of M/s Parbati Koldam Transmission Company Limited (pg 182/c).

c. New user agency has submitted undertaking to abide by all the liabilities committed by the Power Grid Corporation of India Limited (Pg 181/c).

d. A copy of implementation agreement between the two companies is also enclosed. (pg 184/c).

e. The new user agency has submitted undertaking to pay the lease transfer charges (Pg 186/c).

f. The State Government has no objection to the above lease transfer (pg 187/c).

8. It may be worth mentioning that that while perusing a lease transfer case (F. No. 9-HPC671/2007-CHA) pertaining to the State Government of Himachal Pradesh, the then ADG (FC) has proposed to revise the guidelines for transfer of lease from one user agency to another.

9. The relevant guidelines pertaining to lease transfer issued under the Forest (Conservation) Act, 1980 are given as under:

   2.8. **Transfer of Lease**

   Where transfer of lease on forestland, from one user agency to another for the same purpose for which the forestland was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government / State Government in future.

10. In addition to above, the MoEF vide its Guidelines dated 3.05.2010 has added further provisions of levying 10% of NPV or Rs. 1,00,000/- whichever is less, as transfer fee, in view of various representation received from the State Governments/project proponents/individuals seeking directions/guidelines regarding transfer of lease particularly mining leases, with respect to area limit, cases of death or inheritance of individual incumbent, liquidation of companies, etc. analyzed the guidelines and noted that any diversion of forest land is for a specific purpose for a specific applicant/user, however, transfer can be considered for the same purpose and under the same condition.

11. Further, it is also noteworthy to mention that in order to minimize the tendency of transfer of lease among the project proponents, specially from public undertaking companies to private companies, this Ministry vide its Guidelines dated 3.05.2013 has added following para to the Para 2.8 of the Guidelines relating to transfer of lease:

   “Provided that in case of transfer of lease is from Central Government/Central Government undertaking to a user agency other than the Central Government/Central Government undertaking, the proposal seeking prior approval under the Act will be examined by the Central Government afresh. The Central Government after examination of the said proposal and the conditions stipulated in the approval accorded under the Act, shall modify the conditions stipulated in the approval accorded in favour of the Central Government/Central Government undertaking, and/or shall stipulate additional conditions so as to ensure that the special concessions admissible to the Central Government/Central Government undertakings are not extended to the user agency to whom the lease is proposed to be transferred.”
12. Now the project proponent vide their letter dated 8.01.2014 again requested this Ministry to take further view on their application for change of name.

13. In the instant case approval for change of name has been sought in favor of M/s Parbati Koldam Transmission Company Limited which is a joint venture company of Power Grid Corporation of India Limited and Reliance infrastructure Limited. The Guidelines dated 3.05.2013 have been formulated with a view to minimize the tendency of transfer of lease among the project proponents, specially from public undertaking companies to private companies and in the instant case also transfer of lease has taken place from a Central PSU to a Private sector undertaking and hence the provision of the Guidelines dated 3.05.2013 shall be applicable.

In view of the above, if approved, the proposal may be placed before the FAC for its consideration in its forthcoming meeting.

Fact sheet of the proposal is also enclosed.
# FACT SHEET

1. Name of the Proposal: Diversion of 231.347 ha of forest land for laying of 2x400 KV transmission line from Parbati-II of NHPC to Koldam HEP of NTPC in favour of Power Grid Corporation of India Ltd. in Kullu, Mandi and Bilaspur districts of Himachal Pradesh.

2. Location:
   - i) State: Himachal Pradesh
   - ii) District: Kullu, Mandi and Bilaspur

3. Particulars of Forests:
   a) Name of Forest Division: Seraj, Mandi, Sundernagar, Nachan and Bilaspur
   b) Forest area involved: 231.347 ha
   c) Legal Status/Sy. No:
      - Un-demarcated PF - 103.426 ha
      - Demarcated PF - 127.921 ha
      - Total - 231.347 ha
   d) Map: Enclosed

4. Topography of the area:
   - Not important from wildlife point of view.

5. (xi) Vegetation: Chil, Kail, Deodar, Oak, Khair, Jamun, Rubinia, Simbal etc.
   (xii) No. of trees which will be affected: Total trees to be filled = 12,594 including 4,869 saplings of different species.
   (xiii) Density: Vegetation density may be taken as 0.0-0.9 in different forest divisions.

6. Compensatory Afforestation: Compensatory Afforestation has been proposed over 463.75 ha of degraded forest land spread over 34 patches – all the patches are compact except 6 in Sundernagar Forest Division totaling 22 ha, which may be reduced to one or two patches. The total financial outlay for the purpose is Rs.2,49,54,546/-.

7. Catchment Area Treatment:
   - Not important from wildlife point of view.

8. Rehabilitation of Oustees:
   - Not important from wildlife point of view.

9. Recommendation:
   - i. DFO
   - ii. PCCF
   - iii. State Government
   - Recommended the proposal for approval.
   - p-10/c

**Other Remarks:**

The proposed diversion 231.347 ha of forest land falls in five forest divisions of Himachal Pradesh as detailed below:

<table>
<thead>
<tr>
<th>S. no</th>
<th>Forest Division</th>
<th>Length of Tr. line (in km)</th>
<th>Area of Forest land</th>
<th>Density of vegetation</th>
<th>Tree s (in no)</th>
<th>No of Towers</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Forest Division</th>
<th>Area of Forest land (in ha)</th>
<th>CA area (in ha)</th>
<th>CA amount</th>
<th>Collector / CS certificate</th>
<th>Undertaking for CA</th>
<th>Undertaking for NPV</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Seraj</td>
<td>14.655 (27.66)</td>
<td>75.996</td>
<td>0.3</td>
<td>1.585</td>
<td>33 (70)*</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Mandi</td>
<td>11.80 (34.80)</td>
<td>61.360</td>
<td>0.6 – 0.9</td>
<td>4.505</td>
<td>30 (86)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Sundernagar</td>
<td>9.597 (47.81)</td>
<td>48.863</td>
<td>0.3 – 0.35</td>
<td>3.107</td>
<td>27 (115)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Nachan</td>
<td>7.79 (37.25)</td>
<td>40.508</td>
<td>0.3 – 0.4</td>
<td>3.397</td>
<td>24 (72)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Bilaspur</td>
<td>1.004 (2.229)</td>
<td>4.620</td>
<td>0.0</td>
<td>-</td>
<td>3 (8)</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>44.846 (149.757)</strong></td>
<td><strong>231.347</strong></td>
<td><strong>-</strong></td>
<td><strong>12,594</strong></td>
<td><strong>117 (351)</strong></td>
<td></td>
</tr>
</tbody>
</table>

* forest area (total)

2. The total cost of the project is about 322.57 cores.

3. The user agency has given an undertaking to deposit the NPV for the proposed forest land of 231.347 ha (page-30, 14, 28, 29 and 28/c of concerned forest divisions).

4. The certificate from the Chief Secretary for non availability of suitable non-forest land for CA is attached at p-3/c.

5. The User Agency has proposed Compensatory Afforestation in degraded forest area in the five Forest Divisions as per details given below:

6. The State Government has recommended the proposal.

**SITE INSPECTION REPORT**

- The site inspection has been done by the Regional Office, Chandigarh.
• The proposal is for diversion of 231.347 ha of forest land for right of way of the transmission line that passes through forests.

• The legal status of the forest land involved in laying of 2x400 KV transmission line passing through five forest divisions is as below-

<table>
<thead>
<tr>
<th>Forest Classification</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Un-demarcated Protected Forest</td>
<td>103.426</td>
</tr>
<tr>
<td>Demarcated Protected Forest</td>
<td>127.921</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>231.347</strong></td>
</tr>
</tbody>
</table>

• Important species found along the identified route in these five divisions are Chil, Kail, Deodar, Oak, Khair, Jamun, Rubinia, Simbal etc. About 12,594 numbers of trees are required to be felled.

<table>
<thead>
<tr>
<th>Girth Classification</th>
<th>Numbers of Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above 60 cm</td>
<td>5,691</td>
</tr>
<tr>
<td>Below 60 cm</td>
<td>6,903</td>
</tr>
</tbody>
</table>

• The nearest Protected Area is Bandali Wildlife Sanctuary, which is about 2-3 km from Bhuwana, Jaral, Phagla, Patyoda, Bhanwar and Bagain forest areas.

• The User Agency has proposed Compensatory Afforestation over forest land double to extent of forest land proposed for diversion i.e. over 463.75 ha of degraded forest land. The proposed Compensatory Afforestation areas are spread over 34 patches – all the patches are compact except 6 in Sundernagar Forest Division totaling 22 ha, which may be reduced to one or two patches. The total financial outlay for the purpose is Rs.2,44,22,126/-.

• No violation of Forest (Conservation) Act, 1980 was noticed.

• During site inspection, it was observed that almost throughout the length of proposed alignment, two transmission lines are already in existence belonging to Larji and Malana HEPs. After laying the present double circuit lines, there will be four lines along the same route. The multiplicity of transmission lines will mar the beauty of the forest areas. The State Government may plan the evacuation of power through minimum number of transmission lines on pooled basis so that beautiful Himalayan Forests are saved from haphazard and zigzag network of transmission lines.

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