

06.07.2018 Present: Ms. Shreya Chauhan, Advocate, as Amicus Curiae.

Mr. Ashok Sharma, Advocate General with Mr. Ajay Vaidya, Sr. Additional Advocate General and M/s. J.K. Verma, Ritta Goswami, Adarsh Kumar Sharma and Nand Lal Thakur, Additional Advocate General for respondents/State.

Ms. Poonam Gehlot, Advocate for respondent No. 5.

Mr. Hemant Kumar Sharma, Advocate for respondent No. 6.

Mr. Surinder Saklani, Advocate for respondents No. 7 and 10.

Mr. Rajesh Sharma, ASGI, for respondent No. 8.

Mr. Vijay Chaudhary, Advocate for respondent No. 9.

Affidavit of Additional Chief Secretary (Public Works), to the Government of Himachal Pradesh, pertaining to the construction of 'Slapper-Tattapani' road primarily deals with four core issues i.e. (i) Status of DPR; (ii) Status of Land Acquisition; (iii) Status of Forest clearances under the provisions of the Forest Conservation Act, 1980; and (iv) Issuance of tender(s) and commencement of work.

In so far as the first issue is concerned, i.e. (i) Status of DPR, Mr. J.K. Verma, learned Additional Advocate General invites our attention to communication dated 04.04.2018, whereby Chief Engineer (MZ) HPPWD

has accorded technical sanction amounting to ₹1,84,34,64,931/-. We notice that the Central Government had accorded approval for a sum of ₹ 219.43 Crore. There is no explanation with regard to shortfall. Let this aspect be clarified.

In so as Issue No. (ii) i.e. Status of Land Acquisition is concerned, from the affidavit, it is evident that revenue papers pertaining to 21 revenue villages stand scrutinized and steps for issuance of notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Re-habilitation and Resettlement Act, 2013, stand taken. Let status report with regard thereto be filed within a period of three weeks.

With regard to 12 remaining villages, the process of preparation of papers is in progress. We direct Land Acquisition Officer (HPPWD), Mandi, to forthwith expedite the process, which positively be completed within a period of four weeks from today. Mr. Verma, undertakes to communicate the order.

In so far as Issue No. (iii) i.e. Forest clearances under the provisions of the Forest Conservation Act, 1980 is concerned, it stands averred that Non-availability Certificate (NAC) and No Objection Certificate (NOC) from

various FRA Committees are being collected and the proposal for forest clearance is likely to be processed and forwarded to the appropriate authorities at the earliest. We direct the Executive Engineer (HPPWD), Sunder Nagar, to expedite the process and ensure that the proposal, complete in all respects, is forwarded to the appropriate authority(s) positively within a period of eight weeks from today. Mr. Verma, undertakes to communicate the order.

In so far as Issue No. (iv) i.e. Issuance of Tender is concerned, it stands averred that the same would commence after necessary approvals are accorded by the authorities. Let an affidavit with regard to first three issues positively be filed within the period mentioned herein above.

List on 17.07.2018, on which date, learned Amicus Curiae shall point out the directions, if any, which are required to be issued qua the road being constructed on the left bank.

(Sanjay Karol)
Acting Chief Justice

(Ajay Mohan Goel)
Judge

July 06, 2018.
(narender/brb)