HC panel inspects Malana hydel site

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After taking a suo motto cognizance of a report published in these columns, a two-member commission of the Himachal Pradesh High Court, represented by two lawyers — Rajiv Jivan and Romesh Verma — today inspected the project site and assessed the scale of violations and damage done to the 100 MW Malana-II power project being executed by Everest Power Private Limited (EPPL) in the Malana valley.

The commission will submit its report to the High Court on Monday when the case comes up for hearing.

The two-member panel, appointed by the High Court, inspected the surge shaft site, power house and dam sites located in the upstream of the Malana catchments. The team also assessed the ecological damage along the 15-km-long project road constructed by the EPPL along the Malana river, sources revealed.

The team also inspected the large number of dry or dead trees hanging precariously along the project road site, the sources added. It also inspected the transmission line, ropeway and labour tent sites and damage done to the forests in violations of the Forest Conservation Act.

The High Court took the suo motto cognizance of the story, “Forest dept role under scanner”, (dated November 25), that highlighted how the company damaged or dried up a large number of deodar trees and destroyed over “115 bighas of forest areas and unaccountable number of trees”.

The Forest Department’s role came under the court scanner as the department had put damage report of 364 trees and 115 bighas of land for which the company had no permission for felling from the Ministry of Environment and Forests (MoEF).

The company has destroyed 115 bighas of forest area in the valley, dumping muck and debris in the forest area, violating the Forest Conservation Act. The project road had dumped muck and road debris along the Malana river side, burying alive thousands of unaccounted smaller species of plants and local herbs.

The High Court rejected the report submitted to the court by the Kullu DC last Monday and appointed the two-member commission to inspect the site to assess the damage done to the Malana valley as villagers suspected that thousands of trees were destroyed in the project. But the Forest Department, in an alleged connivance with the company, under-reported the damage and no FIR was lodged in the case.

The department claimed that the company had paid Rs 1.15 crore as penalty for 364 trees and 115 bighas of forest land destroyed by it.

Rajiv Javan, member of the commission, confirmed to The Tribune that a High Court penal inspected the site today and would submit the report on Monday.

ILLEGAL FELLING OF TREES HC summons chief forest conservator
Correspondent : Legal Correspondent
Shimla, July 15 2010

Taking serious note of illegal felling of trees near 100 MW Malana-II power project in Kullu district, the HP High Court has summoned the principal chief conservator of forest and member secretary of the State Pollution Control Board on August 6 and also directed him to file an affidavit explaining what action had been taken by the board to protect the environment.

While passing this order, a Division Bench comprising Justice Deepak Gupta and Justice Sanjay Karol further directed the additional chief secretary (forest) of the state to file an affidavit explaining what action was taken by the department against persons and who had caused

the damage.

This matter had come to notice of the court through a news item published in these columns.

The news item reported that the Forest Department had not lodged an FIR against Everest Power Private Limited (EPPL) that axed 364 trees and destroyed 115 bighas of forest area in the lush green Malana valley. The court observed that such large scale devastation could not have taken place without active support of forest officials.

SOURCE : http://www.tribuneindia.com/2010/20100716/himachal.htm#6