

Affected Citizens of Teesta (Dawa Lepcha, Secretary) v. MoEF

The Applicant seek urgent attention of the CEC in the matter of the 280 MW Panan Hydroelectric Project in North Sikkim, being developed by Himagiri Hydro Energy Pvt. Ltd., as the Catchment Area Treatment (CAT) for the project involves carrying out works inside the Khangchendzonga National Park.

The project envisages the construction of a 56 m high dam across the river *Ramyaang Chhu* near Linigaza village in Mangan subdivision, North Sikkim District. Total land required for this project is 56.835 hectare, out of which 23.629 ha is forestland. The total cost of the project is an estimated Rs. 137566/- Lakhs. Accordingly an agreement was entered into between the Government of Sikkim and M/S Himagiri Hydro Energy Pvt. Ltd. on the 5th of December 2005.

The project proponent was accorded environmental clearance on the 2nd of January 2007 by the Ministry of Environment and Forest (MoEF) on the basis the Environmental Management Plan submitted by the Himagiri Hydro Energy Pvt. Ltd.

For the purpose of the Catchment Area Treatment (CAT) plan the Hydroelectric Project (280 MW, the upstream catchment area has been identified, which includes the following seven Sub – watersheds.

1. Rg 1 (Umram Chhu)
2. Rg 2 (Passaram Chhu)
3. Rg 3 (Tolung Chhu Left Bank)
4. Rg 4 (Tolung Chhu Right Bank)
5. Rg 5 (Pokhram Chhu)
6. Rg 6 (Ringpi Chhu)
7. Rg 7 (Ringyong Chhu)

The hitch was that that the proposed water sheds identified as Rg.1, Rg.2, Rg.3, Rg.4, Rg.7 and some parts of Rg.6, are the inner and richest parts of Khangchendzonga National Park or the Core Zone – 1 of the Khangchendzonga Biosphere Reserve.

With the permission being granted for the implementation of the work in the Khangchendzonga National Park and some parts of the Buffer Zones- III and IV of the Khangchendzonga Biosphere Reserve as part of CAT plan for the Panan Hydroelectric Project. Accordingly the following work were suppose to be carried out:-

1. 170 Nos of brushwood check dams.
2. DRSM check dams in 977 ha,
3. Crate wire check dams in 516 ha,
4. Bench Terracing in 1,348 ha,
5. Afforestation creation in 835 ha,
6. Assisted Natural regeneration in 259 ha,
7. Non Timber Forest Produce Regeneration in 70ha.

The proposed items of construction will be carried out in 2442.5 ha of Core Zone- 1 (Khangchendzonga NP) and 1562.5 ha in the Buffer Zones – III and IV of the Khangchendzonga Biosphere Reserve, whereby not only depleting the forest cover in the Biosphere reserve but also endangering the other species of birds animals etc.

The Sikkim Government vide notification No. 1/ KNP (WL)/ F/27 dated 19-05-1997 declared and constituted the Khangchendzonga (High altitude) National Park for the purpose of protecting, propagating or developing the Wild Life in Sikkim by reasons of its ecological, faunal, floral, geometrical and zoological significance.

Accordingly the environmental clearance for the proposed project in question is in direct conflict with the provisions of the above-mentioned notification. Furthermore the Activities being conducted are also in direct contravention of the Supreme Courts order in the Case of T.N. Godavarman v. Union of India WP (C) 202 of 1995.

Thus the petitioner with the legal support of LIFE has filed an Application before the Central Empowered Committee.