

Award

Award No. : 5/DC(W)/2011-12
Name of Locality/Village : Basai Darapur, Najafgarh Road.
Nature of Acquisition : Permanent
Purpose of Acquisition : Construction of Kirti Nagar-Ashok Park Corridor of Delhi MRTS Project, Ph-II.

These are the proceedings for acquisition of land u/s 11 of Land Acquisition Act, 1894 (hereinafter referred to as LA Act) initiated for the public purpose, namely Construction of Kirti Nagar-Ashok Park Corridor of Delhi MRTS Project, phase-II. by Delhi Metro Rail Corporation Limited (DMRC). A notification for land measuring 626 Sqms. was issued by the Land & Building Department u/s 4 of LA Act, 1894 vide Notification No. F.7(1)/07/L&B/LA/MRTS(W)/10164 dated 16/10/2007. The declaration u/s 6 of the said Act was issued vide Notification No. F.7(1)/07/L&B/LA/MRTS(W)/16116 dated 15/02/2008. The notification u/s 17 (1) of the said Act was also issued vide no. F.7(1)/07/L&B/LA/MRTS(W)/16117 dated 15/02/2008 directing the LAC to take possession of the specified land on expiry of 15 days from publication of the notice under sub-section (1) of Section 9 of the said Act.

A plan of the land was also kept in the office of Land Acquisition Collector (West) for inspection.

Wide publicity to the notification for acquisition was given through important dailies, both in English and Hindi, having large circulation in Delhi for the knowledge of the interested persons.

The notices u/s 9 & 10 of the said Act were issued inviting claims from the owners/occupants/interested persons of the land. A public notice u/s 9 was also pasted at the site for the information of the interested persons. In response to this, some persons have filed claims which are detailed under the heading 'Claims & Evidence'.

MEASUREMENT AND TRUE AREA

The area to be acquired as given in the notification under Section 4 and the declaration under Section 6 of Land Acquisition Act, 1894 is 626 Sq. Mtrs. On verification during the joint survey, the true area of land was found to be the same. Thus, the present award is confined to 626 sqm area the details whereof are as follows:-

S. No.	Property no.	Area (sq. mtrs.)
1.	62, Rama Road, Good Year Tyres	22.00
2.	62, Rama Road, Auto Vikas Body Shop Chevrolet	94.00
3.	63, Najafgarh Road, Kisan Metals Pvt. Ltd.	510.00
	Total area	626.00

CLAIMS & EVIDENCE

In pursuance of the notices issued under Section 9 & 10 of the Land Acquisition Act, 1894, the following persons have filed their claims:-

S. No	Name of Claimant	Area (sq. mtrs.)	Claim
1	Sh. Arun Mittal S/o Late Sh. Krishan Kumar and Smt. Meena Aggarwal Wd/o Ashish Aggarwal	116 in Property No. 62, Rama Road	Market value @ 1 lakh per sq. mtr., Rs. 6,24,000/- as loss to his permanent fittings, shifting charges, and total loss of income for about six months and a sum of Rs. 5,00,000/- as permanent loss of earnings & a sum of Rs. 6,24,300/- as compensation for structures.
2	M/s Auto Vikas Body Shop Chevrolet (being tenant)	94 in Property No. 62, Rama Road	Rs. 19,10,000/- for loss/shifting of machinery.
3	M/s Inspiration Engineers Pvt. Ltd. 63, Rama Road, Najafgarh Road	510 in Property No. 62, Rama Road	Market value @ 1 lakh per sq. mtr., Rs. 6,41,87,000/- for total valuation/ Assessment including building and land, Rs. 31,87,911/- for structures, Rs. 5,00,000/- as loss to his permanent fittings, shifting charges,
4	M/s Ashulok Properties Pvt. Ltd. 63, Rama Road, Najafgarh Road		
5	M.s Dependable Plastics Pvt. Ltd. 63, Rama Road, Najafgarh Road		

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6	M/s Samridhi Plaschem Pvt. Ltd. 63, Rama Road, Najafgarh Road		and total loss of income for about six months.
7	M/s High Image Plaschem Pvt. Ltd. 63, Rama Road, Najafgarh Road		
8	M/s Moon Light Electronics Pvt. Ltd. 63, Rama Road, Najafgarh Road		

MARKET VALUE

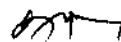
A. LAND

The land under acquisition falls at within the boundaries of revenue estate of village Basai Darapur which is an Urbanised Village. Government of Delhi has not fixed any minimum/indicative rates for acquisition of land in Urbanised villages. The present status of land is not Agriculture. Therefore, even the rates as circulated by GNCT of Delhi for acquisition of agricultural land can not be made applicable to the land under acquisition.

The notification u/s 4 was issued on 16/10/2007 and Government of Delhi notified the circle rates before this date. Thus, land matters arising before the date of notification u/s 4 are relevant for deciding the market value.

The circle rates have been notified by the Govt. of NCT of Delhi on 18/07/2007 vide notification No. F.2(12)/Fin.(E.1)Part File/Vol I.(ii)/3548 dated 18/07/2007.

The only course that can be taken as criterion to determine the market value of the land under acquisition is the circle rates notified by the Govt. of NCT of Delhi. The area of Kirti Nagar/Ashok Nagar (coming within the periphery of Revenue Estate of Basai Darapur) falls in 'G' category of the circle rates as has been notified at Sl. No. 222 of the list issued by the MCD under the Delhi Stamp (Prevention of Under-Valuation of Instruments) Rules, 2007. The circle rates have been implemented w.e.f. 18/07/2007 and the notification under section 4 was issued on 16/10/2007, therefore, the applicability of circle rates can be very well made to the properties under acquisition. As per the joint survey report at the time of issuance of notification U/s 4 of LA Act, there was no industrial/commercial activity on



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most of the land under acquisition. Therefore, actual land use of the land under acquisition can not be considered as industrial/commercial.

Therefore, in view of the facts discussed above, the undersigned assesses the market value of the land @ Rs.13,700/- per Sq. Mtr. which is the circle rate for areas falling under category 'G' for residential land use as per the circle rates notified in July 2007.

Before determining the amount of compensation, a notice u/s 50(2) was given to DMRC, the department for which the land is being acquired but none appeared.

I have carefully considered all the factors mentioned above for arriving at fair market value of the land. Accordingly, I assess the market value of the land specified in the table under the heading "Measurement and True Area" @ Rs. 13,700/- per Sq. Mtr.

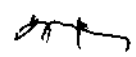
B. STRUCTURES

The land under acquisition is part of Kirti Nagar/Ashok Nagar. The valuation of the structures on the land under acquisition was carried out by DMRC through Government Registered Valuers and the same was vetted by PWD, Flyover Project Division F-133, Government of NCT of Delhi as per which the valuation of the structures is Rs. 2,17,789/- (Rupees Two Lakhs Seventeen Thousand Seven Hundred Eighty Nine Only). The property-wise details of valuation of structure are as follows: -

S. No.	Property No.	Owner/Occupant	Valuation (in Rupees)
1.	62, Rama Road	M/s Auto Vikas	26,382/-
2.	62, Rama Road	M/s Good Year Tyres	1,91,407/-
		Total	2,17,789/-

SOLATIUM

On the market-value so determined by the LAC, the owners/interested persons are entitled to get 30% extra compensation as solatium.



Awarded

POSSESSION

The possession of all the notified land/properties has been taken over by the Govt. on 31/03/2009.

ADDITIONAL BENEFITS

The interested persons are also entitled to have additional benefits @ 12% per annum on the market value of the land u/s 23 (1-A) of the Land Acquisition Act, 1894 from the date of notification u/s 4 till the date of possession i.e. 16/10/2007 to 31/03/2009 for land measuring 626 Sq. Mtrs.

INTEREST

The interested persons are entitled for interest U/s 34 of the Land Acquisition Act, 1894 @ 9% p.a. from the date of taking possession for one year period and @15% p.a. after one year till the announcement of the award.

APPORTIONMENT

The compensation will be paid to the rightful owners/tenants/interested persons on the basis of latest revenue records/sale-deeds/lease-deeds, as the case may be.

If there is any dispute on the issue of ownership or apportionment, the matter will be referred to the Civil Court u/s 30-31 of the Land Acquisition Act, 1894.

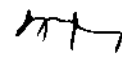
SUMMARY OF AWARD

S. No.	ITEM	AMOUNT (IN RUPEES)
1	Compensation for the land measuring 626 Sq. Mtr. @ Rs. 13700/- per Sq. Mtr.	85,76,200.00
2.	Valuation of structures as assessed by PWD for 626 Sq. Mtr.	2,17,789.00
3.	Total value of land (1+2)	87,93,989.00
4.	Solatium @ 30% U/s 23(2) on item No. 3	26,38,196.70
5.	i. Addl. Benefits u/s 23 (1-A) on item @ 12% per annum from the date of notification to the date of award i.e. 16/10/2007 to 31/03/2009 for 626	15,40,995.99

Awarded

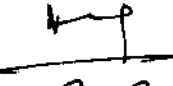
	Sq. Mtr. of land.	
6.	Total (3+4+5)	1,29,73,181.69
7.	80% estimated Compensation offered for land measuring 626 Sq. Mtr..	45,11,707
8.	i. Interest @ 9% p.a. U/s 34 of the Land Acquisition Act, 1894. from 01/04/2009 to 31/03/2010 days on 626 Sq. Mtr. on item no. (6 minus 7). i.e.84,61,474.69	7,61,532.72
	ii. Interest @ 15% p.a. U/s 34 of the Land Acquisition Act, 1894. from 01/04/2010 to 25/05/2012. on item no. (6 minus 7) i.e.84,61,474.69	27,33,172.23
	Grand Total (6+8)	Rs. 1,64,67,886.64

(Rs. One Crore Sixty Four Lac Sixty Seven Thousand Eight Hundred Eighty Six and Paise Sixty Four)


(ANIL BANKA)
 Land Acquisition Collector
 (Distt. West)


Divisional Commissioner/
Pr. Secretary (Revenue)

The award announced in open court
to days on 25/05/12


BISHAN CHANDER
 ADM/LAC Distt. West
 Old Middle School Building,
 Rampura, Lawrence Road,
 Delhi-110035

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**OFFICE OF THE LAND ACQUISITION COLLECTOR (WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA, DELHI-35**

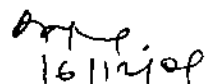
No. F.2 (15)/07/LAC(W)/5291

Dated: 16/12/2009

NOTICE U/S 50 OF THE LAND ACQUISITION ACT, 1894

Whereas the land measuring 626 sq. mtrs. situated at Rama Road, Najafgarh Road is about to be taken up for a public purpose, namely, **Construction of Kirti Nagar-Ashok Park corridor of Delhi MRTS Project, phase-II.** The land stands notified U/s 4 & 6 of Land Acquisition Act, 1894 vide notifications no. F.7(1)/07/L&B/LA/MRTS(W)/10164 dated 16/10/2007 and Notification no. F.7(1)/07/L&B/LA/MRTS(W)/16116 dated 15/02/2008.

So, now, you may like to appear before the undersigned to adduce evidence for the purpose of determining the amount of compensation on 23/12/2009 at 11:30 A.M.


16/12/09
(ANIL BANKA)
Land Acquisition Collector (WEST)

To,

The Dy. Chief Engineer,
Delhi Metro Rail Corporation Ltd.
N.B.C.C. Place, Bhishma Pitamah Marg,
Pragati Vihar, New Delhi-110003.

12574

OFFICE OF THE DEPUTY COMMISSIONER (WEST)
OLD MIDDLE SCHOOL BUILDING : RAMPURA : DELHI.

NO. F2(15)/07/LAC(W)/4277

Dated : 9.4.09

NOTICE

Whereas the under mentioned land/property is acquired for a public purpose, namely construction of Kirti Nagar- Ashok Park Corridor of DMRTS Project Phase-II. The land stand notified U/s 4 vide No. F.7(1)/07/L&B/LA/10164 dated 16/10/2007 notification u/s 6 F.7(1)/07/L&B/LA/16116 dated 15/02/2008 and notification u/s 17 F.7(1)/07/L&B/LA/16117 dated 15/02/2008.

The Possession of the land had taken over on 31/03/2009 and you were considered an interested person as per record and you may, accordingly, take the 80% estimated /tentative compensation from the office of undersigned by making an application on plain paper along with ownership documents and completion of other procedural formalities.

Name & Address	Locality	Property No.	Area
M/s Good Year Tyers. 62 Rama Road Najafgarh Road New Delhi.	Najafgarh Road (Basai Darapur)	62	22 Sqm.

B
(GEETIKA SHARMA)
LAC/ADM (WEST)

9/4

Notificacões v/s 17(1) — do 16/17 de 15/02/2008

31/3/04
Sachet Singh NRI

No: F.7(1)/07/L&B/LA/MRTS(W) 16116

Dated:- 15.2.2008

Whereas the Lt. Governor, Delhi is satisfied that land is required to be taken by Government at the public expense for a public purpose namely for construction of Kirti Nagar Ashok Park Corridor of Delhi MRTS Project Phase II. It is hereby notified that the land in the locality described below is required for the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, in respect of the land notified U/s 4 of L.A. Act, 1894 vide Notification No. F.7(1)/07/L&B/LA/MRTS(W)/10164 dated 16.10.2007 to all whom it may concern. Under the provisions of Section 7, of the said Act, the Land Acquisition Collector (West), Delhi is hereby directed to take orders for the acquisition of the said land.

A plan of the land may be inspected at the office of the Land Acquisition Collector (West) Delhi.

VILLAGE	TOTAL AREA (Sq. Mtrs.)	PROPERTY NO.	AREA (Sq. M.)
Basai Darapur (Najafgarh Road)	626 Sq.Mtrs.	62, Rama Road, Good Year Tyres	22.0
		62, Rama Road, Auto Vikas Body Shop Chevrolet	94.0
		63, Najafgarh Road, Kisan Metals Pvt. Ltd.	510.0

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

(T.C. NAKH)
ADDL. SECRETARY (L&B)

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**GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI
LAND & BUILDING DEPARTMENT : VIKAS BHAWAN : NEW DELHI**

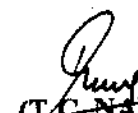
No. F.7(1)/07/L&B/LA/MRTS(W)/ 16117

Dated: 15.2.2008

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 17 of the Land Acquisition Act, 1894, the Lt. Governor, Delhi is pleased to direct the Land Acquisition Collector (West), Delhi to take possession of land the specification of which is given in the notification No. F.7(1)/07/L&B/LA/MRTS(W)/10164 dated 16.10.2007 under section 4 and No. F.7(1)/07/L&B/LA/MRTS(W)/16116 dated 15.2.2008, under section 6 of the said Act on expiry of 15 days from publication of the notice under sub-section (1) of Section 9 of the said Act.

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI


(L.C. NAKH)
ADDL. SECRETARY (L&B)