

(209)

**AWARD NO. : 3/2002**

Name of Village : Gali Hakim Baqqa, Chawri Bazar, Delhi  
Nature of Acquisition : Permanent  
Purpose for Acquisition : Mass Rapid Transit System

These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 notified for the purpose of Mass Rapid Transit System Project. The notification for land measuring 162.88 was issued by the Land & Building Department on 21.03.2000 u/s 4 vide notification No. F.7(35)/95-L&B/LA/IX/18574 of the Land Acquisition Act. The declaration u/s 6 of Land Acquisition Act was issued vide Notification No. F.7(35)/95/L&B/IX/2498 dated 29.5.2000. Since the land was also notified u/s 17(i) of Land vide No. F.7(35)/95/95/L&B/IX/2494 dated 29.5.2001 of the Land Acquisition Act 1894, the provisions of Section 5A of the Land Act were dispensed off. The details of area under present acquisition is as under:-

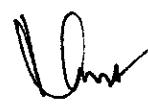
Sl.No.	Property No.	Locality/village	Area in Sqm.
1.	3429, 3426 & 3430 with their sub- numbers	Gali Hakim Baqqa, Chawri Bazar, Delhi	162.88

Due publicity of the notification was given through important Dailies both in English and Hindi having the largest circulation in Delhi, for the knowledge of interested persons.

**MEASUREMENT AND TRUE AREA**

According to the notification U/s 4 & u/s 6 of the Land Acquisition Act, 1894, there were properties bearing No. 3429, with its appurtenment structures having No. 3426 & 3430 with sub-numbers. As per the measurement of the properties as notified by the Land & Building Department vide notification dated 28.7.97 u/s 6 of the Land Acquisition Act, there was no discrepancy between the land notified and those measured available on site. In this way, it is quite apparent that the area notified is true in measurement and is readily available for the acquisition of the project, measuring 162.88

However, a number of civil writ petitions have been filed in the High Court by the owners of these properties. But the Hon'ble High Court has not stayed the acquisition proceedings.



27/1/02

### CLAIMS & EVIDENCES

In response to the notices issued u/s 9(1) and 10(1) of the Land Acquisition Act by the undersigned in the capacity of Land Acquisition Collector, the following owners/interested persons have filed their claims:-

S.No	Property No.	Name of the claimant	Claims
1.	3429, 3426, 3430	Ikshwaku Lohiya, owner	a. Rs. 1 lac. Per Sqm. for land b. Rs.5000 per Sqm. for super structure of three storeyed buildings. c. Alternative plot d. 30% solatium e. 12% interest on market value from the date of notification of award. f. Rs. 6 crores as damages.
2.	3429	Shree Mahavira Enterprises, Ravinder Jain, tenant	Alternative site
3.	3430	Vijay Laxmi Hardwares, Bhaskin Sharma	Alternative shop/property
4.	3429	Ram Prakash Gupta	Alternative site
5.	3429-X	Bharat Bhushan Khanna Hero Trading Corpn. (Ind.)	Alternative site
6.	3429-Z	Pawan Kr. Bihani Bihani Safety Products	Alternative site
7.	3429-L	Mahavir Prashad Gupta Bharat Welding Store	Suitable alternative shop/ property
8.	3426-29	Yash Gulati K. S. Enterprises	Suitable alternative shop/ property
9.	3426/1	Parvesh Gupta Pipe Linkers	Suitable alternative shop/ property
10.	3429	Mahesh Kr. Dua Dua Brothers	Suitable alternative shop/ property
11.	3430	Kamlesh Jain W/o Sh. Ved Prakash Jain	Suitable alternative shop/ property
12.	3429-V	Rukmani Devi D. R. Sales Corpn.	Suitable alternative shop/ property
13.	3430	Vijay Laxmi R. V. Sales	a) Suitable accommodation. b) Rs. 20 Lacs for goodwill. c) Market value at the rate of Rs. 1 lac per Sq. m. for land. d) Rs. 10 lacs as damages for change of business premises.
14.	3430	Rajinder Kumar Nagpal Kumar & Co. Pvt. Ltd.	Alternative shop/property.

15.	3430	Paul & Co., Rajinder Nagpal	Suitable alternative shop/property.
16.	3429-A	Ashok Kumar Ashok Traders	No claim
17.	3429	Anil Kumar	Alternative commercial premises.
18.	3430-N	Rakesh Kakkar Mill Linkers	a) Equivalent place of same value in a commercial complex in the same are. b) Rs. 20 lacs for goodwill c) Rs. 1 Lac for wood work. d) Rs. 2 lacs for change of place.
19.	3439-M & N	Charanjeet Thukral	Alternative commercial premises. Area falls outside the acquisition
20.	3429-P 3426	B. S. Gupta B. S. Industries	Alternative commercial premises Area falls outside the acquisition.
21.	3429-B	Jugal Kishore Kailash Traders	Alternative shop/property. //
22.	3430	Atul Kr. Jain Atul Agencies	a. Suitable compensation b. Suitable accommodation c. Rs. 20 lacs for goodwill d. Rs. 1 lakh per sq. yard for area under his possession. e. Rs. 10 lac for damages for change of business premises.
23.	3430	Mahinder Kr. Bihani Bihani Associates.	a. Alternative site. b. Rs. 20 lacs for goodwill. c. Rs. 1 lac per sq. yard for land. d. Rs. 10 lacs for damages for change of business premises.
24.	3426	Duro Industries M.S. Chudhery (Property falls outside the acquisition)	a. Alternative site b. Rs. 20 lakhs for goodwill. c. Rs. 1 lakh per Sq. yard for land. d. Rs. 10 lakhs for damages for change of business premises
25.	3426	Gian Parkash Garg Garg Tools & Machinery Stores	Suitable alternative site/property Area falls outside the acquisition.
26.	3429	Sant Kumar Balwani Project Engineering	Suitable alternative site/property
27.	3429	Mulakh Raj Khullar	Allotment of alternative site
28.	Basement	Bihari Lal & Sons	No claim

A perusal of all the claims reveals that none of the claimants have filed any evidence in support of their claims, which were exorbitantly high. These claims were considered on merits and rejected since these are not supported by any documentary evidence and do not bear the true worth.

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**MARKET VALUE**

**A. LAND**

A portion of the property No. 3429 measuring 32.00 Sqm. At Gali Hakim Baqa, Hauz Qazi, Delhi was acquired vide award No. 07/1999-2000, and the other portion measuring 162.88 is under present acquisition.

The possession of the entire property under acquisition i.e. acquired vide award No. 01/1999-2000 and the rest of the property under present acquisition measuring 32.00 sqm. & 162.88 sqm. respectively was taken over on 7.9.2001.

The rate of bare land assessed at Rs.12,600/- per Sqm. As per award under reference. Since there is no upward trend in the market rates of land/property for the last few years and the market value of the land is assessed at Rs.12,600/- per Sqm. At par in accordance with the award 01/1999-2000.

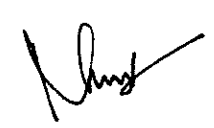
The value of bare land calculated is as under:-

Sr.No.	Area of land	Rate per Sq. Mtr.	Amount
1.	162.88 Sqm.	Rs. 12,600/-	Rs.20,52,288/-

**B. STRUCTURES**

Value of structures of Property No. 3429, 3426 & 3430 at Gali Hakim Baqa, Chawri Bazar, Delhi (property-wise) as per the valuation report submitted by Delhi Metro Corporation Limited, duly vetted by Public Works Department of Govt. of NCT of Delhi have been taken as the market value of the structures.

It is pertinent to mention that out of total value of structures built-up on 98.91 Sqm. of land owned by S/Sh. Ikshwaku Lohiya, Daksh Lohiya, Balendu Lohiya and Smt. Tusti Lohiya has been valued at Rs.4,77,653/-. The value of built-up structure on 32 Sqm. of land has already been valued to Rs. 1,94,213/- vide award No. 01/1999-2000 which is also owned by them. The value of structures built-up on 32 Sqm. of land acquired vide Award under reference has been deducted from the total value of structure has been valued at Rs. 4, 77, 653 - 2,83,440 = 1, 94, 213/-. Hence the net amount of built-up structure on 66.91 Sqm. comes out to be Rs. 1,94,213/- as per details given below:-



S.No.	Property No.	Name of owner	Area in Sqm.	Amount of Structures
1.	3429, Gali Hakim Baqqa, Hauz Qazi, Delhi	Sh. Ikshwaku Lohiya Sh. Daksh Lohiya Sh. Balendu Lohiya All sons of Sh. Harish Chand Lohiya Smt. Tusti Lohiya, W/o Kanti Swaroop  Already valuated vide award 01/1999-2000. (-) <b><u>Net Value of structures under current acquisition.</u></b>	75.88 23.83 98.91   32.00 66.91	4,77,000/-     2,83,440/- 1,94,213/-
2.	3429, 3426, 3430	M/s Kala Traders @ Kailash Traders	51.80	61,183/-
3.	3429, 3426, 3430	M/s K.S. Enterprises	37.55	72,632/-
4.	3429, 3426, 3430	M/s Bihani Safety Products	6.62	16,191/-
5.	3429(Part)	M/s Kumar & Co., 2 <sup>nd</sup> Floor		58,100/-
		<b>Total</b>	<b>162.88</b>	<b>4,02,319/-</b>

### **OTHER BENEFITS**

#### **C. SOLATIUM**

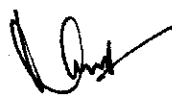
The owners/interested persons are entitled to get 30% over and above the compensation amount decided on the basis of market rates as Solatium.

#### **D. 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(i)(ii)(a) of the Land Acquisition Act from the date of notification u/s 4 till the date of possession i.e. from 21.8.2000 to 7.9.2001.

#### **E. INTEREST U/s 34**

The interest at the rate of 9% will also be paid to the interested persons from date of possession till the date of award i.e. from 8.9.2001 to 20.4.2002.



## F. APPORTIONMENT

The compensation will be paid to the rightful owners/interested persons on the basis of latest records. In case of any dispute between the parties which is not settled that matter will be referred to the Court of Additional District Judge, Delhi, under Section 30-31 of the Land Acquisition Act, 1894.

The recorded owners are :-

S.No.	Property No.	Name of owner	Area in Sqm.
1.	3429, Gali Hakim Baqqa, Hauz Qazi, Delhi	Sh. Ikshwaku Lohia Sh. Daksh Lohiya Sh. Balendu Lohiya All sons of Sh. Harish Chand Lohiya Smt. Tusti Lohiya	66.91
2.	3429, 3426, 3430	M/s Kala Traders @Kailash Traders	51.80
3.	3429, 3426, 3430	M/s K.S. Enterprises	37.55
4.	3429, 3426, 3430	M/s Bihani Safety Products	6.62
5.	3429	M/s Kumar & Co. 2 <sup>nd</sup> floor	
		<b>Total</b>	<b>162.88</b>

The details of apportionment between the owners and various types of tenants/occupants are as under:-

### i) Tenants on Simple Rent with no additional rights :

The claimants who are occupying the premises on payment of monthly rent to the owner but these claimants have not been conferred any rights. Neither they have produced any Lease Deed/tenancy agreement in their favour. In these cases, the ratio of apportionment is held at 80 : 20, owners to receive 80% and tenants 20%.

Tenants who produced Rent Receipts are as under:

S.No.	Shop No.	Name of Firm/Prop.
1.	3429-Y	M/s Mahavir Enterprises - Ravinder Jain
2.	3429-W	M/s Sachin & Co. - Ram Parkash Gupta
3.	3429-X	M/s Hero Trading Co. - Bharat Bhushan Khanna
4.	3429-V	M/s D.R. Sales - Rukmani Devi
5.	3430	M/s R.V. Sales - Vijay Laxmi
6.	3429-A	M/s Ashoka Traders - Ashok Kumar
7.	3429-Z	M/s Bihani Associates - Mahender Kr. Bihani
8.	3429-R, 3429-S, 3429-T, 3429-U and space between 3429-R, 3429-S and 3430-U and Basement.	M/s Bihari Lal & Sons Mulakh Raj Khullar

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The recorded owners are :-

S.No.	Property No.	Name of owner	Area in Sqm.
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3.	3429, 3426, 3430	M/s K.S. Enterprises	37.55
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7.	3429-Z	M/s Bihani Associates - Mahender Kr. Bihani
8.	3429-R, 3429-S, 3429-T, 3429-U and space between 3429-R, 3429-S and 3430-U and Basement.	M/s Bihari Lal & Sons Mulakh Raj Khullar

- ii) Tenants/occupants who have not filed any documents in support of their claim as Tenants/occupants :-

The following tenants/occupants/claimants have not filed any documentary evidence in support of their level of their claims regarding compensation inspite of sufficient time ~~was~~ afforded to them nor they have submitted any documents in support of their level of interest. However, it was found that they are physically occupying the premises. Though there is no supporting documentary evidence regarding their level of interest, even then, their share of compensation only for land is fixed at 20% due to physical possession only. The owners share is held at 80%.

S.No.	Shop No.	Name of Firm/Prop.
1.	3429-Z	M/s Bharat Welding Stores – Mahavir Pd. Gupta
2.	3426-L	M/s Pipe Linkers – Parvesh Gupta
3.	3430	M/s Pipe Linkers – Parvesh Gupta
4.	3430	M/s Pipe Linkers – Parvesh Gupta
5.	3429	M/s Dua Brothers – Mahesh Kr. Dua
6.	3430	Kamlesh Jain W/o Sh. V.P. Jain
7.	3430	Kamlesh Jain W/o Sh. V.P. Jain
8.	3430	Kamlesh Jain W/o Sh. V.P. Jain
9.	3430	M/s Paul and Company, Rajinder Nagpal
10.	3426	Anil Kumar
11.	3430	M/s Atul Agencies – Atul Kr. Jain
12.	3426	M/s Rajasthan Traders
13.	3429-K	M/s Project Engineering Traders – Sant Kumar Balwani
14.	3430	M/s Vijay Laxmi Hardware – Bhaskin Sharma
15.	3430	M/s Perfect Screw & Bolt – Tarveen Monga

The details of the compensation to be paid to the tenants/interested persons are as under:-

S.No.	Property No.	Name of Firm/Prop.		Amount (Rs.)
1.	3429, Basement	M/s Bihari Lal & Sons	Mulakh Raj	12,583.00
2.	3429, (1) GF	Ashoka Traders	Ashok Rawat	12,583.00
3.	3429 (9)	Dua Bros.	Mukesh Kr. Dua	12,583.00
4.	3429 (10)	Project Engg. Traders	Sant Kr. Balwani	12,583.00
5.	3429 (11)	Bharat Welding Stores	Bharat Welding Store	12,583.00
6.	3429 (13)	Shree Mahavira Enterprises	Devinder Jain	12,583.00
7.	3429 (14)	Hero Trading CO.	Bharat Bhushan Khanna	12,583.00
8.	3429 (15)	Sachin & Co.	Ram Prakash Gupta	12,583.00
9.	3429 (16)	D.R. Sales	Rukmani Devi	12,583.00

*[Handwritten Signature]*



11.	3430 (17) FF	Vijay Laxmi Hardware	Bhaskin Sharma	12,582.00
12.	3430 (18)	Mrs. Kamlesh Jain	Kamlesh Jain	12,582.00
13.	3430 (22)	Pipe Linkers	Parvesh Gupta	12,582.00
14.	3430 (24)	- do -	Parvesh Gupta	12,582.00
15.	3430 (25)	- do -	Parvesh Gupta	12,582.00
16.	3430 (26)	R.V. Sales	Vijay Laxmi/ Dharampal Sharma	12,582.00
17.	3430 (27)	R.V. Sales	Vijay Laxmi/ Dharampal Sharma	12,582.00
18.	3430 (28)	Perfect Screw Board Co.	Tarveen Monga	12,582.00
19.	3430 (29)	Kamlesh Jain	Kamlesh Jain/ Ved Parkash Jain	12,582.00
20.	3430 (30) SF	Bihani Associates	Mahinder Kumar	12,582.00
21.	3430 (33)	Jain Trading CO.	Kamlesh Jain/ Ved Prakash Jain	12,582.00
22.	3430 (34)	Atul Agencies	Atul Jain	12,582.00
23.	3426 (36)	Rajasthan Traders	Vijay Kumar/ Surinder Kumar/ Pardeep Kumar	12,582.00
			<b>Total:-</b>	<b>2,89,402.00</b>

**Full details of apportionment**

**(A) Owners**

Sl. No.	Particulars	Amount (Rs.)
A. Owners		
1.	Sh. Ikshwaku Lohiya, Sh. Daksh Lohiya Sh. Balendu Lohiya and Smt. Tusti Gupta	11,57,607.00
2.	M/s Kala Traders @ Kailash Traders	10,31,065.00
3.	M/s K.S. Enterprises	7,75,703.00
4.	M/s Bihani Safety Products	1,40,142.00
5.	M/s Kumar & CO.	58,100.00
	<b>Total:-</b>	<b>31,52,617.00</b>

**(B.)**

**Particulars of tenants/occupants**

**As per details given on page 8/N & 9/N**

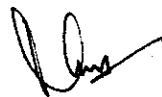
**S.No. 1 to 23**

**Amount (Rs.)**

**2,89,402.00**

**Grand total A + B:-**

**34,52,019.00**



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**SUMMARY OF THE AWARD**

1.	Market value of the bare land measuring 162.88 Sqm. @ Rs.12,600/- per Sqm.	20,52,288/-
2.	Value of the built-up structures	4,02,319/-
3.	30% solatium on the market value of the land	6,15,686/-
4.	Additional benefit U/s 23(1)(A) @ 12% from 21.8.2000 to 7.9.2001 (382 days)	2,57,745/-
5.	Interest u/s 34 from 8.9.2001 to 10.5.2002 at the rate of 9% per annum for 245 days	1,23,981/-
	<b>Total</b>	<b>34,52,019/-</b>

*Manpreet Singh* 24/5/02  
(MANPREET SINGH)  
LAND ACQUISITION COLLECTOR  
DISTRICT CENTRAL : DELHI

Div. Commr.

Approved

*Manpreet Singh*  
25/5/02

None Present. Award announced.

*Manpreet Singh*  
25/5/02