

Locality Ballimaran Bazar, Delhi.

Purpose of acquisition: For Government School

Nature of acquisition: Permanent.

INTRODUCTION

The land measuring $550\frac{1}{9}$ sq.yds situated in Ballimaran Bazar, Delhi is needed by the government at public expense for a public purpose namely for government school and was notified u/s 4 of the Land Acquisition Act, 1894 vide notification No.F.15(80)/68-L&H dated 11th December, 1968. The substance of the notification was given due publicity and objections were invited. No objection was received within the prescribed time limit of 30 days. A report u/s 5-A was accordingly sent to the Administration. Final declaration u/s 6 of the L.A. Act was made vide notification No. F.15(80)/68-L&H dated 24th April, 1969. Notice u/s 9(1) of the Land Acquisition Act was given due publicity and notices u/s 9(3) & 10(1) of the Land Acquisition Act were issued to the interested persons most of whom responded to the notices by filing claims.

MEASUREMENT

From verification by the field staff u/s 8 of the Land Acquisition Act the area of land notified u/s 6 is found $550\frac{1}{9}$ sq.yds which is held to be correct. The property bears House Nos. 2376 to 2382, 2395 to 2402.

CLAIMANTS.

Sr.No.	Name of the claimant	Property No.	Amount of compensation claimed.
1.	Sheikh Mohd. Ahmed s/o Late Haji Mohd. Ismail (tenant)	-	Rs. 100000/- for the shop Rs. 2000/- for improvements.

Sr. No.	Name of the claimant.	Property No.	Amount of compensation claimed.
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2(i)	Thaker Hari Singh S/O Sh. Thaker Mahant Ram,	2395/1 & 2397 to 2400 Chashman Bldg.	Loss injuriously effecting the business. Rs.16,45,000.00
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(ii)	Shori Lal Jain &		Loss of goodwill. Rs. 2,00,000.00
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(iii)	Shukal Chand Jain S/O Sh. Lal Chaju Ram Jain.		Loss of business. Rs. 5,40,000.00 Loss of electric installation. Rs. 1,000.00
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Expenses of shifting. Rs. 2,000.00

Loss of furniture. Rs. 30,000.00

Loss of stationery. Rs. 2,000.00

Conveyance expenses. Rs. 24,000.00

Additional Remuneration to the paid to the staff for 20 years. Rs. 50,000.00

Advertisement expenses. Rs. 1,500.00

Telephone shifting. Rs. 50.00

Excess rent to be paid for 20 years. Rs. 1,20,000.00

Loss of stock in transit. Rs. 3,000.00

Total:- Rs. 26,18,550.00

15% Solatium and alternative accommodation.

3.	Mohd. Yunus and Mohd. Yamin s/o Mohd. Yakooob	2402 Chasma Bldg.	Loss injuriously effecting the business Rs.1,44,000.00
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Loss of goodwill Rs. 40,000.00

Excess rent to be paid for 20 yrs. Rs. 24,000.00

Loss of business Rs. 48,000.00

Loss of electric installation Rs. 100.00

Extra conveyance charges for 20 yrs Rs. 12,000.00

Extra Cartage expenses for 20 years. Rs. 48,000.00

TOTAL: Rs. 316,100.00

4. Sh. Magan Lal s/o 2377
Sh. Amrit Lal

15 % solatium & alternative accommodation.

Loss injuriously affecting the business : Rs. 3,33,600.00

Loss of furniture: Rs. 6,000.00

Loss of business: Rs. 1,11,200.00

expenses for shifting of goods: Rs. 1,000.00

Loss of good-will:- Rs. 40,000.00

Loss of stationary:- Rs. 1,000.00

Loss of electric installation Rs. 400.00

Advertisement expenses Rs. 1000.00

Telephone & shifting charges Rs. 50.00

Excess rent to be paid for 20 years. Rs. 24,000.00

Extra convenience: Rs. 24,000.00

Loss of stock in transit Rs. 2,000.00

TOTAL:- Rs. 5,44,250.00

15 % solatium & alternative accommodation.

5. Ram Lal Kawatra s/o 2377/
Sh. Hari Chand 3 & 4

Loss injuriously effecting the business : Rs. 6,50,260.00

Loss of good-will: Rs. 90,000.00

Excess rent to be paid for 20 yrs: Rs. 48,000.00

Cartage charges:- Rs. 96,000.00

Loss of stationary: Rs. 600.00

Advertisement expenses: Rs. 2,500.00

Loss of furniture: Rs. 700.00

Loss of business:- Rs. 2,20,000.00

Telephone shifting charges:- 50.00

Loss of electrical installation Rs. 100.00

Loss of conveyance Rs. 2400.00

TOTAL Rs. 11,32,210.00

15 % solatium & alternative accommodation.

			Rs.	Ps
6. Mohd. Naqi Chandana	2396	Loss injuriously effecting the business	72,000.00	
s/o Sh. Mohd. Din Chandana		Loss of good-will:	2,000.00	
		Loss of business:	10,000.00	
		Excess rent to be paid:	7,200.00	
		Extra conveyance expenses:	12,000.00	
		Loss of furniture:	200.00	
		Total:	1,03,400.00	
		15 % solatium and alternative accommodation.		
7. Fariduddin s/o	2401	Loss injuriously effecting the business:	1,44,000.00	
Sh. Kamaluddin		-will		
		Good/of shop:	40,000.00	
		Different of rent to be paid for 20 yrs.	24,000.00	
		Loss of stationary:	300.00	
		Advertisement expenses:	1,000.00	
		Loss of furniture:	10,000.00	
		Loss of electric installation:	300.00	
		Loss of business:	48,000.00	
		Extra conveyance expenses:	24,000.00	
		Cost of shifting:	300.00	
		Total	2,91,900.00	
		15 % solatium and alternative accommodation.		
8. Sh. Jayanti Lal s/o	2377/2	Loss injuriously effecting the business:	2,00000.00	
Durlabji		Loss of good-will	40000.00	
		Loss of business:	66600.00	
		Loss of furniture:	4000.00	
		Loss of stationary:	400.00	
		Loss of electric installation	600.00	

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Rs. Ps

Loss of advertisement 1000.00

Excess rent to be paid for 20 years: 24000.00

Extra conveyance for 20 years: 24000.00

Shifting charges: 500.00

Total : 3,61,100.00

15 % solatium and alternative accommodation.

9. M/s Ramesh Kumar 2382/2
Mahesh Kumar s/o
Sh.Nand Lal

Loss injuriously effecting the business for 20 years 96,000.00

Loss of good-will 20,000.00

Extra rent to be paid 12,000.00

Stationery spoiled 200.00

Advertisement 400.00

Furniture & electric installation:- 1000.00

Loss of business:- 32000.00

Shifting expenses:- 200.00

Conveyance charges:- 12000.00

Total 1,73,800.00

15 % solatium and alternative accommodation.

10. Sh.Bhag Chand Jain 2395/2
s/o Sh.Dhanna Lal Jain

Loss injuriously effecting the business 15,36,000.00

2.Smt.Sushila Devi Jain
w/o Dan Kumar Jain

Loss of bank facility 55,000.00

Loss of furniture & electric shifting 10,000.00

Additional remuneration 15,000.00

Extra rent to be paid 56,000.00

Telephone shifting charges 50.00

Loss of good-will 40,000.00

Loss of stationery: 3,500.00

Advertisement 2,000.00

Cartage & conveyance charges Rs. 60,000.00

Interest Rs. 1,09,000.00

Loss of business Rs. 5,09,200.00

Bad Debts Rs. 3,000.00

Loss of stock in transit Rs. 2,000.00

Total: Rs. 24,00,750.00

15 % solatium and alternative accommodation.

11. Amina Khanam w/o 2377/1 Sh. Mohd Ahmed. Loss injuriously effecting the business Rs. 96,000.00

Loss of good-will Rs. 40,000.00

Difference of rent to be paid:- Rs. 24,000.00

Advertisement Rs. 1,000.00

Loss of furniture Rs. 5,000.00

Loss of electric installation: Rs. 100.00

Loss of business: Rs. 32,000.00

Conveyance expenses Rs. 24,000.00

Cost of shifting:- Rs. 100.00

Total:- Rs. 2,22,201.00

15% solatium and alternative accommodation.

12. Lakshmi Commercial Bank Ltd. 2377 to 2388 Rs. 2,00,000/- as loss for a period of 20 years.

2395 to 2402

15% solatium & alternative accommodation.

13. Zohra Bi d/o Mumtazuddin 2395 to 2402

Claim Rs. 3,10,000/- towards compensation on account of acquisition of the property.

ii) Nazma Khatoon d/o Mumtazuddin

15 % solatium

iii) Must. Kifyatunnissa d/o Shamshul Haq &

Rs. 1099.00 as loss of rent realised

iv) Mohammed Saeed s/o Shamshul, Haq

14. Latifur Rehman 2376 to 2382

ii) Sheikh Jamilur Rehman & others 2376 to 2382 &

Rs. 3,15,000/- as compensation

15. Taslim Ahmed

2376

Loss injuriously effecting the
business:- Rs. 1,44,500.00Loss of good- Rs. 40,000.00
will:-Excess rent to Rs. 20,000.00
be paidLoss of busi- Rs. 52,000.00
nessLoss of elec- Rs. 100.00
tric installa-
tion:-Extra conveyanceRs. 13,400 .00
chargesExtra Cartage Rs. 45,000 .00
expenses:-

Total:- Rs.31,50,000.00

15 % solatium and alternative
accommodation.16. Sabeehulhasan Akhtar
Hashmi

2380

Loss ~~ex~~ injuriously Rs. 96,000.00
effecting the
business for 20 yrs.

Loss of business: Rs.25,000.00

expenses for Rs. 3,000.00
shifting the
machineryLoss of good Rs.25,000.00
will

Loss of stationery Rs. 1,000.00

Loss of electric Rs. 1,000-00
installationAdvertisement Rs. 500.00
expensesExcess rent to be Rs 15,840.00
paid for 20 yrs.
@ Rs. 66/- per
monthExtra conveyance Rs.10,000-00
for 20 years

Total Rs.1,77,340.00

15 % solatium and alternative
accommodation.

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EVIDENCE

Sheikh Mohd. Ahmed has filed rent receipt dated

1.6.71 .

2.

Sh. Jamilur Rehman & others have filed the following documents:-

- i) House tax bill dated 15.10.68 issued by the M.C.D., Delhi for property No. 2376-2382.
- ii) House tax bill dated 24.10.68 for property No. 2395-2402 issued by the M.C.D.
- iii) House tax bill dated 7.8.1971 issued by the M.C.D., Delhi for property No. 2395 to 2402.

3.

Shri Ram Lal Chamre Wale has filed the following documents:-

- i) Certificate from Shri Inder Sain Jain, Advocate as authorised representative of M/s V.K. Trading Co., 2377/4, Chasma Building, regarding return of income in the Income Tax Department for the year 1969-70, 1970-71 & 1971-72.
- ii) Original rent receipt No. 39 dated 1.8.71.
- iii) Profit & Loss account period 1.4.70 to 31.3.71.
- iv) Balance sheet as on 1.4.70 to 31.3.71.

4.

M/s Jain Optical Industries have filed the following documents:-

- i) Certificate from Sh. P.D. Mathur, Chartered Accountant as authorised representative of M/s Jain Optical Industries, Chasma Building, Delhi regarding return of income in the Income Tax Department for the year 1969-70, 1970-71 & 1971-72.
- ii) Original rent receipt No. 10 dated 12.7.71 for Rs. 137.50
- iii) Original rent receipt No. 9 dated 12.7.71 for Rs. 27.50
- iv) Balance sheet as on 31.12.70.
- v) Profit & Loss account as on 31.12.70.

5. Mohd. Yunus Mohd. Yamin have filed original rent receipt No. 8 dated 5.7.71 for Rs. 30/-
6. Mohd. Naqi s/o Sh. Mohd. Din has filed original rent receipt No. 11 dated 28.7.71 for Rs. 15/- in favour of Shri Mohd. Naqi Din.
7. Smt. Smna Khanam w/o Sh. Mohd. Ahmed has filed original rent receipt No. 16 dated 25.2.71 for Rs. 44/- per month.
8. M/s Ajaya Brothers have filed the following documents:-
 - i) Original certificate dated 26.8.71 from Sh. Parkash Gupta, Advocate regarding return of income for the year 1971-72.
 - ii) Original rent receipt No. 13 dated 26.7.71 for Rs. 25/-
 - iii) Profit & loss account as on 31.7.1970.
 - iv) Balance sheet (1969-70).
 - v) I.T.O. assessment Order dated 19.10.70 for the period 1970-71.
9. Shri Jainti Lal has filed original rent receipt No. 37 dated 1.8.71 for Rs. 44/- per month.
10. Sh. Magan Lal has filed the following documents:-
 - i) Certificate dated 26.8.71 from M/s R.N. Sawhney, Advocate, regarding return of income in Income Tax department for the year 1969-70, 1970-71 & 1971-72.
 - ii) Original rent receipt No. 33 dated 16.7.71 for Rs. 44/-
 - iii) Income Tax Assessment Order for the year 1970-71.
 - iv) Profit & Loss account as on the year 1970-71.
 - v) Balance sheet as on 9.11.69.
10. Mufti Farid-ul-Din s/o Mufti Kamal-ul-Din has filed rent receipt No. 7 dated 5.7.71

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for Rs. 44/-

11. Shri Ramesh Kumar Mahesh Kumar have filed rent receipt No. 38 dated 1.8.71 for Rs. 18/-
12. Jamilur Rehman has filed the following documents:-
 - i) Certified copy of death certificate from Municipal Corporation of Delhi for Latifur-Rehman.
 - ii) True copy of succession certificate dated 3.5.60.
13. Smt. Kifyetunissa has filed certified copy of death certificate of Mariam Bi issued by the M.C.D.

The Lakshmi Commercial Bank has examined 2 witnesses Sh. Piare Lal s/o Amir Chand & Sh. Pindi Bass s/o Sh. Sohan Lal. Sh. Piare Lal stated that he has seen the bank's godown and that there was no other place available for the godown. Shri Pindi Bass has corroborated his statement. Mohd. Anand s/o Mohd. Iqbal is the tenant in shop No. 2382 in Chasma Building under acquisition. He has examined himself and has stated that his monthly income is Rs. 350/- per month and that he would suffer loss of business and would not be able to obtain any premises on rent in Billimaran area. He has invested about Rs. 2000/- in furnishing his shop & in case of acquisition he will suffer loss of about Rs. one lakh.

MARKET VALUE

The property under acquisition is situated in Billimaran Bazar, Delhi. The market value of this property is to be assessed on the date of notification u/s 4 i.e. 11.12.68. Sale transactions

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in the year 1968 in respect of property similarly situated in the vicinity of property under acquisition have to be looked into. The following sale transactions have taken place in the year 1968 in Ballimaran, Delhi:-

Sr. No.	Sale deed registration No. with date	Property No.	Area	Consideration money
1.	285/18.1.68	H.No.3019	182 sq.yds	Rs. 18000/-
2.	3527/5.6.68	H.No.2370	400 sq.yds	Rs. 16000/-

The purchase price in these transactions includes the cost of land as well as structures. It is not possible to separate the value of land from the value of structures in these cases. Property No. 3019 is about 500 sq.yds away from the property under acquisition and is not in as good condition as property under acquisition is. Property involved in the sale transaction at Sr.No. 2 above relates to only top portion of the building. Both these sale transactions cannot offer any assistance in assessing the market value of the property in question.

The following two awards relate to property situated in Billimaran, Delhi:-

Award No.	No.& date of notification u/s 4	Rate awarded by the L.A.C.
1140	F.15(91)/60-LSG 27.9.60	Rs. 74/- per sq.yd.
1893	F.15(24)/62-LSG 7.4.63	Rs. 80/- per sq.yd.

One reference petition u/s 18 was filed against award No. 1140 and it has since been decided. In L.A. Case No. 237/61 against award No. 1140 decided on 19.10.62, the A.D.J. ,Delhi has enhanced the market value of land from Rs. 74/- per sq.yd to Rs. 150/- per sq.yd. The government did not file appeal against this decision. The property acquired in award No. 1140 is

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situated behind the property under acquisition but since the market value in award No. 1140 was fixed as on 27.9.60, about 8 years prior to the present notification, ^{it} cannot be of much help in assessing the market value in the year 1968.

14 references u/s 18 were filed against award No. 1893. Out of them 4 cases have since been decided and the A.D.J., Delhi enhanced the market value of land from Rs. 80/- per sq.yd to Rs. 140/- per sq.yd. The acquiring department, M.C.D. has filed appeal in all these 4 cases. Award No. 1893 in which market value is assessed on 7.4.63, about 5½ years prior to the date of present notification cannot form a reasonable basis for assessing the market value of the property in 1968 which is much better situated and is in better shape.

The claimants have not led any evidence in support of the value of the property in question except house tax bills dated 15.10.68, and 24.10.68 for property No 2376 to 2382 and property No. 2395 to 2402 respectively, filed by the owners of the property. These bills indicate the rateable value of the property as well as the taxes payable by the owners of the property. Information regarding the rateable value and the taxes payable by the owners of the property was sought from the Assistant Assessor & Collector City Zone, M.C.D. who has reported on 15.6.72 as follows:-

<u>Property No.</u>	<u>Rateable value</u>	<u>Total taxes</u>
2376 to 2382/VI	Rs. 12,150/-	Rs. 2027.95
2395 to 2402/VI	Rs. 11,610/-	Rs. 1625.40

The total rateable value is Rs. 23760/-.

Out of this rateable value the owners have to pay

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house tax & other charges for the property. After deducting the total charges amounting to Rs. 3653.35 the net income of the owner comes to Rs. 20,106.65. If this value is capitalised for 20 years the value of the property in question works out to Rs. 40,21,33/- . This capitalized value includes the value of land as well as value of super structure. The Assistant Engineer(Valuation) has evaluated the super structure at Rs.2,90,000/- vide his letter No. AE(V)/285/71 dated 23.8.71. The value assessed by the Assistant Engineer (Valuation) for the structures is included in the capitalized value of the property i.e. Rs. 4,02,133/-. I, therefore, assess the market value of the land and the super structures thereon under acquisition at Rs. 4,02,133/-

OTHER COMPENSATION

Some of the claimants have claimed damages under clause fourthly of section 23(i) by reason of acquisition injuriously affecting their business and for loss of good-will, loss of business, difference of rent to be paid for 20 years etc. Though they have claimed under these separate items, all of them fall under the category of damages sustained by the interested persons at the time of Collector's taking possession of land by reason of acquisition injuriously affecting their earnings. The loss of earnings depends on availability of other place in the neighbourhood, comparative rate of such place and the nature of tenure. No evidence has been led on these points. Further these claimants are admittedly tenants of the shops in the property under acquisition. None of them has filed any lease deed to show if there is any unexpired period of lease. In these circumstances no loss of earnings can be assessed.

These tenants/claimants have also claimed damages

under clause fifthly of section 23(i) as reasonable expenses incurred on changing the place of business.

I, consider the following amounts, reasonable as removal charges and award the same.

Sr. No.	Name of the claimant	Property No.	Removal charges
1.	Sheikh Mohd. Ahmed	-	Rs. 25/-
2.	Thaker Hari Singh & Shori Lal Jain etc. (Jain Optical Industries)	2395/1 & 2397 to 2400 Chasma Bldg.	Rs. 300/-
3.	Mohd. Yunus & Mohd. Yamin.	2402	Rs. 25/-
4.	Sh. Magan Lal M/s Mahavir Optical Company	2377	Rs. 100/-
5.	Ram Lal Kawatra M/s V.K. Trading Co.	2377/3 & 4	Rs. 100/-
6.	Mond. Naqi Chandana	2396	Rs. 50/-
7.	Fariduddin New Marina Radios	2401	Rs. 50/-
8.	Sh. Jayanti Lal M/s Saurashtra Optical Company.	2377/2	Rs. 50/-
9.	M/s Ramesh Kumar Mahesh Kumar M/s Ramesh Optical Co.	2382/2	Rs. 50/-
10.	Sh. Bhag Chand Jain M/s Ajay Brothers	2395/2	Rs. 100/-
11.	Amina Khanam	2377/1	Rs. 50/-
12.	Laxmi Commercial Bank	-	Rs. 100/-
13.	Sabeehul Hasan Akhtar Hashmi Seema Printers	2380	Rs. 100/-
14.	Taslim Ahmed	2376	Rs. 25/-
15.	% SOLATIUM	Total:-	Rs. 1125/-

A sum of Rs. 15 % on the market value will be paid on account of compulsory nature of acquisition as provided u/s 23(2) Land Acquisition Act.

APPORTIONMENT.

The compensation will be paid to the owners on furnishing proof of ownership. In case of dispute which is not amicably settled within a reasonable time, the compensation will be sent to the court of A.D.J. Delhi for adjudication U/S 30/31 of Land Acquisition Act.

SUMMARY OF THE AWARD.

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|--|-----------------|
| 1. Market value of land measuring 550 $\frac{1}{2}$ Sq.Yds. including structures existing thereon. | Rs. 4,02,133.00 |
| 2. 15% solatium on market value for compulsory acquisition. | Rs. 60,319.96 |
| 3. Damages under clause fifthly of section 23(1). | Rs. 1,125.00 |

Grand Total:- Rs. 4,63,577.95

(B.M.L. GAUMAT)
LAND ACQUISITION COLLECTOR(DS)DELHI.

Answered & filed to the
18/1/1972
18/1/72

24/1/73.

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