

Award No.	: 02/2010-11 (District North-East, Delhi)
Name of Village	: Jhilmil Tahirpur
Nature of Acquisition	: Permanent
Purpose of Acquisition	: Construction of RUB on Road No.58 & 64 at G.T. Road, Delhi (RUB Phase-I).
Notification u/s 4 of LA Act	: F.7(13)/02/L&B/LA/Vol-II/15718 dated 09.03.2010
Notification u/s 6 of LA Act	: F.7(13)/02/L&B/LA/Vol-II/16805 dated 30.03.2010
Notification u/s 17 (1) of LA Act	: F.7(13)/02/L&B/LA/Vol-II/16806 dated 30.03.2010
Date of Possession	: 12.05.2010

These are the proceedings for acquisition of land u/s 11 of Land Acquisition Act, 1894 initiated for the public purpose, namely for construction of RUB on Road No.58 & 64 at G.T. Road, Shahdara, Delhi (RUB Phase-I) in village Jhilmil Tahirpur by Public Works Department (PWD), Delhi.

The land under acquisition was notified by Land & Building Department, Govt. of NCT of Delhi u/s 4 of Land Acquisition Act, 1894 vide Notification No. F.7(13)/02/L&B/LA/Vol-II/15718 dated 09.03.2010 followed by a declaration u/s 6 of the said Act vide Notification No.F.7(13)/02/L&B/LA/Vol-II/16805 dated 30.03.2010 in respect of an area admeasuring 02 Biswa-12 Biswansi or 94.73 Sq. Mtrs. of village Jhilmil Tahirpur. A Notification u/s 17(1) of the said Act was also issued vide No.F.7(13)/02/L&B/LA/Vol-II/16806 dated 30.03.10 directing the Land Acquisition Collector 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.



The substance of the said Notifications was given wide publicity through leading newspapers, both in English and Hindi, having large circulation in Delhi as well as by pasting at the various points in the notified area for the knowledge of interested persons.

The Notices u/s 9 (1) & 10 (1) of the Land Acquisition Act, 1894 were issued inviting claims from the owners/occupants/interested persons of the land. A public notice u/s 9(1) and 10(1) of the said Act was also pasted at the site for the information of the interested persons. In response to this, the claims from the interested persons were received, which is discussed under the headings "Claims & Evidence".

MEASUREMENT & TRUE AREA

The land was demarcated and measured on the spot through joint survey by the officials of Land & Building Department, Public Works Department (PWD), Delhi Development Authority (DDA) and Revenue staff of S.D.M. (Seemapuri) Office with the assistance of the officials of Land Acquisition Branch of District North-East, Delhi. The details of the area under present acquisition as available at the spot is as under :-

Khasra No.	Total Area (Biswa-Biswansi)	Total Area (Sq. Mtrs.)	Property No.	Area (Sq. Mtr)
1185/20/2 min	02-12	94.73	08	33.03
			8A	16.83
			09	19.64
			9A(i)	25.23
			Total	94.73



CLAIMS & EVIDENCE

The following owners/occupants/interested persons have filed their claims in response to the notices issued u/s 9(1) & 10 (1) of L.A. Act, 1894, which are discussed as under:-

S. No.	Name & Address of Claimant	Khasra No. & Area	Claim
1	Smt. Beena Jain w/o Sh Sunil Kumar Jain R/o 1/2221, Durga Mandir Marg, Ram Nagar, Delhi.	1185/20/2/3 (19.64 Sq Yds)	Market value @ Rs.1,20,000 per Sq. Yard, Rs.13 lacs as cost of structures, Rs.10 lacs per year towards loss of income, Rs.50,000/- for sanctioning building plan and Architect fees, alternative plot, solatium @ 50%, Rs.15 lacs for loss of livelihood, besides other statutory benefits as per Law.
2	Smt. Seema Jain w/o Sh. Jinesh Jain R/o C-4/26, Yamuna Vihar Delhi.	1185/20/2 (33.03 & 16.83 Sq. Yds.)	Market value @ Rs.1,20,000 per Sq. Yard, Rs.25 lacs as cost of structures, Rs.10 lacs per year towards loss of income, Rs.50,000/- for sanctioning building plan and Architect fees, alternative plot, solatium @ 50%, Rs.15 lacs for loss of livelihood, besides other statutory benefits as per Law.

The Claimants have not filed and submitted any documentary evidences in support of their claims.



MARKET VALUE OF LAND

In order to determine the market value of land as on the date of Notification u/s 4 of L.A. Act, 1894 (09.03.2010 in this case) several factors are taken into consideration such as location of land, use of land, land use as per Master/Zonal Development Plan, claims filed by the interested persons, awards announced in the recent past of the same or adjoining villages, registered Sale deeds, price policy of the Government regarding acquisition of land etc.

It is seen that the Claimants have claimed Market Value @ Rs.1,20,000/- per Sq. Yard alongwith other compensations and damages on account of loss of income, cost of structure, loss of livelihood etc., however the Claimants have not filed and submitted any documentary evidences in support of their claims. The claims of the Claimants appears to be highly exaggerated. Thus the claims of compensation which are received from two Claimants do not serve the purpose to arrive at the appropriate market value of land under acquisition around 09.03.2010. I, therefore, can not rely upon and hence reject the exaggerated claims submitted by interested persons.

The land under acquisition falls in village Jhilmil Tahirpur which is Urbanised Village. Government of Delhi has not fixed any minimum/indicative rates for acquisition of land in urbanised village.

The land under acquisition is a part of Friends Colony Industrial Area within the boundaries of revenue estate of village Jhilmil Tahirpur. Both the Claimants have also stated in their claims the said land as Industrial Plots under the Master Plan of Delhi.



Accordingly, Delhi Development Authority was asked to clarify the status of the land under acquisition as to whether it was residential, commercial, industrial or any other use. The D.D.A. in its reply dated 28.02.2011 has stated that the land use of the site under reference is INDUSTRIAL as per the MPD-2021 and approved Zonal Development Plan of Zone 'E'. Hence the land use of the land under acquisition is being taken to be Industrial.

The Notification u/s 4 was issued on 09.03.2010 and Government of Delhi notified the circle rates before this date and matters arising before the date of notification u/s 4 are relevant for deciding the market value.

So, the price within a reasonable time frame of bonafide transactions of purchase of similar lands possessing similar advantage has been considered. The detail of registered sale deeds of properties in the adjacent area of the land under acquisition were collected to estimate the fair market value, which are detailed below :-

S. No	Registered Sale Deed No.	Date	Property No./ Khasra No.	Value	Sq. Mtr.	Rate per Meter
1	125	14.01.2010	340/2/12-A, Friends Colony Industrial Area, G.T. Road, Shahdara, Delhi Khasra No. (1185/20/1/2)	23,83,800/-	87 Sqm	27,400/-*



S. No	Registered Sale Deed No.	Date	Property No./ Khasra No.	Value	Sq. Mtr.	Rate per Meter
2	243	22.01.2010	1/536-F/9, Gali No.4, Friends Colony Industrial Area Shahdara, Delhi Khasra No. (334/35-32-29, 313-311-310)	24,05,446/-	87.79 Sqm	27,400/-*
3	882 (Gift Deed)	15.03.2010	1/342/K-1, Gali No.1, Friends Colony Industrial Area, Shahdara, Delhi Khasra No. (1185/20/2)	22,90,914/-	83.61 Sqm	27,400/-*

* Land rate as mentioned in the Annexure to sale deed.

On the basis of above sale deeds, it is seen that the rate at which the sale transactions have taken place is Rs 27,400/- per Sqm. The circle rates have been notified by the Government of NCT of Delhi on 18.07.2007 vide Notification No.F.2(12)/Fin(E-I)Part File/Vol-I (ii)/3548 dated 18.07.2007.

The most reasonable and appropriate course that can be taken as criteria to determine the market value of the land under acquisition is the circle rates notified by the Government of NCT of Delhi. The area of Friends Colony

Industrial Area falls in 'G' category of the circle rates. According to the aforesaid Notification dated 18.07.2007, the circle rate for 'G' category is Rs.13,700/- per Sqm for residential use and for industrial use multiplicative factor is 2 and therefore circle rate for industrial use in 'G' category comes to Rs.27,400/- per Sqm. The circle rates have been implemented w.e.f. 18.07.2007 and Notification under section 4 was issued on 09.03.2010, therefore the circle rates notified before the date of Notification u/s 4 is very much relevant to arrive at the fair market value of land.

In view of the facts discussed above, the undersigned assesses the market value of the land @ Rs.27,400/-per Sq. Mtr. which is the circle rate for areas falling under category 'G' for industrial land use as per circle rate notified in July 2007.

Before determining the amount of compensation, a notice u/s 50(2) was given to PWD, the department/agency for which the land is being acquired. In response, PWD informed that it has no objection on the rates of the land under acquisition.

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 land specified in the table under the heading "Measurement & True Area" at the rate of Rs.27,400/- per Sq. Mtr.



STRUCTURES

This acquisition includes value of land & structures appurtenant thereto. The structures were got evaluated by the PWD, Govt. of NCT of Delhi.

The value of the structures including permanent structures, boundary walls, trees and other fittings is being given as per the evaluation report dated 24.11.2009 submitted by the PWD, Govt. of NCT of Delhi. The summary of the values of structures awarded is given as under :-

S. No.	Property No.	Area	Storeyed	Amount (in Rs.)
1	8	33.03 Sqm	Three Storeyed	80,736
2	8A	16.83 Sqm	Double Storeyed	44,806
3	9	19.64 Sqm	Four Storeyed	1,06,088
4	9A(i)	25.23 Sqm	Three Storeyed	93,113
			Total	3,24,743

POSSESSION

The physical possession of the land has been taken over and handed over to the Land & Building Department, GNCTD on 12.05.2010 and simultaneously handed over to Public Works Department (PWD), GNCTD by L&B Department on the same date.



SOLATIUM

On the market value so determined by the LAC, the owners/interested persons are entitled to get 30% extra compensation as solatium as per Section 23(2) of the Land Acquisition Act, 1894.

ADDITIONAL AMOUNT

The interested persons are also entitled to have an additional amount @ 12% per annum on the market value of the land as per section 23 (1A) of the Land Acquisition Act, 1894 from the date of Notification u/s 4 (09.03.2010 in this case) till the date of possession (12.05.2010 in this case).

INTEREST

The interested persons are entitled for interest u/s 34 of the L.A. Act, 1894 @ 9% p.a. from the date of taking possession for one year period and @ 15% p.a. after one year.

APPORTIONMENT

The compensation shall be paid to the rightful owners/interested persons on the basis of latest entries in the Revenue records. In the case of any dispute on the issue of ownership or apportionment between the parties which is not settled, the matter will be referred to the competent court u/s 30 & 31 of Land Acquisition Act, 1894.



SUMMARY OF THE AWARD (02/2010-11 Distt. North-East, Delhi)

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|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. | Market Value of the land
measuring 02 Biswa-12 Biswansi
or 94.73 Sq. Mtrs.
@ Rs.27,400/- per Sq. Mtr. | Rs. 25,95,602.00 |
| 2. | Solatum @ 30% of market value
u/s 23(2) of L.A. Act, 1894 | Rs. 7,78,680.60 |
| 3. | Additional Amount u/s 23(1A) of
L.A. Act, 1894 @ 12% p.a. on market
value of land (Item No.1 above) from
09.03.2010 (Date of Notification u/s 4)
to 12.05.2010 (Date of possession)
for 64 days. | Rs. 54,614.31 |
| 4. | Cost of Structures | Rs. 3,24,743.00 |
| Total (1+2+3+4) = | | Rs. 37,53,639.91 |
| 5. | Interest u/s 34 of L.A. Act, 1894
@ 9% p.a. from 13.05.2010
to 15.03.2011 for 307 days on
Rs. 37,53,639.91 | Rs. 2,84,145.40 |

Grand Total (1+2+3+4+5) = Rs. 40,37,785.31
Say = Rs. 40,37,785/-

(Rupees Forty lacs Thirty Seven Thousands Seven Hundred and Eighty Five only)


(RAJESH GOYAL)
LAND ACQUISITION COLLECTOR
DISTRICT NORTH-EAST, DELHI

The Award is drawn with the prior approval of Principal Secretary (Revenue), Government of NCT of Delhi and announced accordingly in the open Court on 15.3.2011.


Principal Secretary (Revenue)/
Divisional Commissioner, GNCTD

Award announced in open court on 15.3.2011



ADM/LAC (NE)