

**Award No.** : 03/2010-11 (Distt. North-East, Delhi)

**Name of village** : Mandoli

**Nature of Acquisition** : Permanent

**Purpose of Acquisition** : Establishment of 400 x 220 KV Grid Station in village Mandoli by Delhi Transco Limited.

**Notification u/s 4 of L.A. Act** : F.8(11)/08/L&B/LA/8900 dated 13.10.2009

**Notification u/s 6 of L.A. Act** : F.8(11)/08/L&B/LA/10042 dated 09.11.2009

**Notification u/s 17(1) of L.A. Act** : F.8(11)/08/L&B/LA/10043 dated 09.11.2009

**Date of Possession** : 08.12.2009

**Area under present Award** : 59 Bigha 12 Biswa or 50246.82 Sq. Mtrs.

These are the proceedings for acquisition of land u/s 11 of the Land Acquisition Act, 1894 initiated for the public purpose, namely for establishment of 400 x 220 KV Grid Station by Delhi Transco Limited in village Mandoli, Delhi.

The Land under acquisition was notified by Land & Building Department, Government of NCT of Delhi u/s 4 of Land Acquisition Act, 1894 vide Notification No.F.8(11)/08/L&B/LA/8900 dated 13.10.2009 followed by a declaration u/s 6 of the said Act vide Notification No.F.8(11)/08/L&B/LA/10042 dated 09.11.2009 in respect of an area admeasuring 80 Bigha 15 Biswa or 68077.70 Sq. Mtrs. of village Mandoli, Delhi. A Notification u/s 17(1) of the said Act was also issued vide No. F.8(11)/08/L&B/LA/10043 dated 09.11.2009 directing the Land Acquisition Collector to take possession of the specified land on expiry of 15 days from the 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 heading "Claims & Evidence".

The present Award is being announced only for the land area admeasuring 59 Bigha 12 Biswa or 50246.82 Sq. Mtrs. in village Mandoli. On the rest of the land, area admeasuring 21 Bigha 03 Biswa or 17830.88 Sq. Mtrs., the Supreme Court of India vide order in a hearing on dated 01.02.2011 was pleased to pass an order to maintain status quo in a SLP (Civil) No.2921 of 2011 titled as Darshan Lal Nagpal & Ors. vs. Government of NCT of Delhi & Ors. The land under said litigation includes Khasra No.5//22/2 (01-09), 5//23 (04-14), 6//21 (02-14), 6//22 (03-12), 6//23/1 min (01-16), 8//2/2 (02-02) and 8//12 (04-16). The matter is still sub-judice and hence the award of the land under litigation may be announced in due course of time as supplementary award only after the further orders of the Supreme Court of India. The brief facts of the matter is that Sh. Darshan Lal Nagpal & Ors. filed a Civil Writ Petition No.13376/2009 titled as Sh. Darshan Lal Nagpal & Ors. Vs. Government of NCT of Delhi & Ors. seeking the quashing of the notification dated 13.10.2009 issued u/s 4(1) of L.A. Act, 1894 and the consequent notifications dated 09.11.2009 issued u/s



6 & 17(1) of L.A. Act, 1894 for the lands belonging to the petitioners as mentioned above. Delhi High Court vide order dated 15.12.2009 restrained the respondents i.e. Government of NCT of Delhi from taking possession of the said land. Further Delhi High Court vide final order dated 14.01.2011 dismissed the said Writ Petition with cost of Rs.25,000/-. Accordingly, the possession of the said land admeasuring 21 Bigha 03 Biswa was taken over and handed over to Delhi Transco Ltd. on 20.01.2011. Thereafter, Sh. Darshan Lal Nagpal & Ors. filed a Special Leave Petition (SLP) in the Supreme Court of India, as mentioned above, against the judgement and final order dated 14.01.2011 passed by Delhi High Court, wherein the Supreme Court of India passed status quo order as mentioned above.

#### **MEASUREMENT AND TRUE AREA**

The Land was demarcated and measured on the spot through joint survey by the officials of Land & Building Department, DDA, Delhi Transco Limited (DTL) & 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 :-

<b>Sr. No.</b>	<b>Khasra No.</b>	<b>Area (Bigha-Biswa)</b>	<b>Area * (Sq. Mtrs.)</b>
1	4//25	04-14	3962.41
2	5//21	04-16	4046.73
3	5//22/1	02-07	1981.20
4	5//24	04-16	4046.73
5	5//25	03-10	2950.73
6	6//23/2 min	01-16	1517.52
7	6//24 min	01-07	1138.14



Sr. No.	Khasra No.	Area (Bigha-Biswa)	Area * (Sq. Mtrs.)
8	8//1/1	02-12	2191.97
9	8//1/2	02-04	1854.74
10	8//2/1	02-14	2276.28
11	8//9/1	02-06	1939.06
12	8//9/2	02-10	2107.67
13	8//10	04-16	4046.73
14	8//11	04-16	4046.73
15	9//5/1	01-04	1011.68
16	9//5/2	03-12	3035.04
17	9//6	04-16	4046.73
18	9//15	04-16	4046.73
	<b>TOTAL</b>	<b>59-12</b>	<b>50246.82</b>

\* 1 Biswa = 42.153375 Sq. Mtrs.

### CLAIMS AND 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 Number	Area (Bigha-Biswa)	Claim
1	Ms. Amrit Kaur, adopted daughter of Smt. Roop Kaur & Late Sh. Jagmer Singh, R/o. A-11/16, Vasant Vihar, New Delhi.	1/2 10 11 23/2 24 6 5/2 24 25	01-16 04-16 04-16 02-03 01-19 04-16 03-12 04-16 03-10	Market value @ Rs.5,000/- per Sq. Yard, besides other statutory benefits.

2	Smt. Laxmi Devi, w/o. Late Ch. Zile Singh, R/o. H. No. 79/2, Mukesh Nagar, Ch. Zile Singh Marg, (Circular Road), Near Bari Ram Lila Ground, Shahdara, Dehli-32	8/1/1 8/2/1 8/9/2 5/21 5/22/1	02-12 02-14 02-10 04-16 02-07	Market value @ Rs.20,000/- per Sq. Yard, Rs. 10 lacs as cost of structures and tube well, 30% solatium, 12% p.a. additional amount, interest u/s 34, allotment of alternative plot, besides other statutory benefits.
3	Ms. Anshi Lakra d/o Late Ch. Zile Singh, R/o. H. No. 79/2, Mukesh Nagar, Ch. Zile Singh Marg, (Circular Road), Near Bari Ram Lila Ground, Shahdara, Dehli-32	4/25 9/5/1	04-14 0-16	Market value @ Rs.20,000/- per Sq. Yard, Rs. 10 lacs as cost of structures and tube well, 30% solatium, 12% p.a. additional amount, interest u/s 34, allotment of alternative plot, besides other statutory benefits.

The Claimants have not filed any documentary evidences in support of their claim.

### **MARKET VALUE OF LAND**

Section 23(1) of L.A. Act, 1894 provides that the market value of land at the date of the publication of the notification u/s 4 (1) shall be taken into consideration in determining the amount of compensation to be awarded for land acquired under the said act.





In order to determine the market value of land as on the date of Notification u/s 4 of L.A. Act, 1894 (13.10.2009 in this case) several factors are taken into consideration such as location and quality of land, use of land, claims filed by the interested persons, awards announced in the recent past of the same or adjoining villages, price policy of the Government regarding acquisition of land etc.

From perusal of claims filed by claimants in response to the notices issued u/s 9(1) & 10(1) of L.A. Act, 1894, it is seen that the claimants have claimed market value at the rate ranging from Rs.5,000/- to Rs.20,000/- per Sq. Yard alongwith other compensations and damages on account of cost of structures etc. However, the claimants have not filed and submitted any documentary evidences in support of their claims.

Further, before determining the amount of compensation, a notice u/s 50 (2) of L.A. Act, 1894 was given to Delhi Transco Limited, for which the land is being acquired, to adduce evidences for the purpose of determining the amount of compensation. In response, Delhi Transco Limited submitted that the proposed land under award is basically agriculture land and was been used as agriculture as well as bhatta purpose. The land which is being used for bhatta purpose is having ghaddas upto 5-7 feet from which soil has been taken out for making bricks. This also includes 'bhatta garand' and hence the purpose of accessing the value of land confairly has to be considered in two blocks. Accordingly the value of bhatta garand land should be considered at lower side than the level land under cultivation by considering that the Delhi Transco Limited is an undertaking of GNCTD and if the land rates are considered on higher side then indirectly the same will be borne by



the public in large. Delhi Transco Limited in support of its claim has submitted the copies of two awards announced by different Land Acquisition Collectors in the past wherein LACs has considered the two categories of land value for accessing the compensation. These awards referred to are Award No.12/94-95 of village Holumbi Khurd, North-West Delhi and Award No.2/DCW/2004-05 of village Tikri Kalan, West Delhi.

From perusal of the claims submitted by claimants as well as the evidences produced by Delhi Transco Limited, it is clear that the land under acquisition is apparently agricultural and is located in village Mandoli which is a rural village of Delhi. Further, 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 claimants do not serve the purpose to arrive at the appropriate market value of land under acquisition around 13.10.2009 i.e. the date of notification u/s 4 of L.A. Act, 1894. I, therefore, can not rely upon and hence reject the exaggerated claims submitted by interested persons.

The land under acquisition is located in village Mandoli which is a rural village of Delhi. The land located in village Mandoli is apparently agricultural. However in the instant case, the land under acquisition was being used for agriculture as well as bhatta purpose as is being evident from the joint survey report dated 12.01.2009. The land which is being used for bhatta purpose is having ghaddas upto 5-7 feet from which soil has been taken out for making bricks. This also includes 'bhatta garand'. Therefore unlevelled/ghadda/uncultivated land can not

be placed at par with the levelled/agricultural land. Therefore, the total land under this Award is being categorised in two blocks :-

	Category	Nature of land	Area (Bigha-Biswa)
i	Block-A	levelled/agricultural land	57-16
ii	Block-B	unlevelled/ghadda/uncultivated land	01-16
		<b>Total</b>	<b>59-12</b>

The details of Block-A land is as follows :-

Sr. No.	Khasra No.	Area (Bigha-Biswa)
1	4//25	04-14
2	5//21	04-16
3	5//22/1	02-07
4	5//24	04-16
5	5//25	03-10
6	6//24 min	01-07
7	8//1/1	02-12
8	8//1/2	02-04
9	8//2/1	02-14
10	8//9/1	02-06
11	8//9/2	02-10
12	8//10	04-16
13	8//11	04-16
14	9//5/1	01-04
15	9//5/2	03-12
16	9//6	04-16
17	9//15	04-16
	<b>TOTAL</b>	<b>57-16</b>



The details of Block-B land is as follows :-

Sr. No.	Khasra No.	Area (Bigha-Biswa)
1	6//23/2 min	01-16
	<b>TOTAL</b>	<b>01-16</b>

As a policy matter, the Government of NCT of Delhi has fixed the minimum indicative rates for all agricultural land for the purpose of acquisition of the land under L.A. Act, 1894 in Delhi. The rate applicable at the date of publication of the notification u/s 4 (1) of L.A. Act, 1894 i.e. 13.10.2009 in this case, is Rs.53 Lacs per acre vide Govt. of NCT of Delhi order No. F.9(20)/80/L&B/LA/15065 dated 24.01.2008. The equivalent price of land comes to Rs.1,309.70 per Sq. Meter.

(1 Acre = 4046.72 Sq. Meters).

Accordingly, I, assess the market value of Block-A land (as specified in above table) at the rate of Rs.53 lacs per acre or Rs.1,309.70 per Sq. Meter.

In respect of the matter of determining market value for Block-B land is concerned, it has to be taken into consideration that the value of unlevelled/ghadda land in any case can not be equal to the value of levelled agricultural land on account of various factors. The land of which soil has been taken out has now become of inferior quality. From this land, soil has been taken out for making bricks and thus the land owners have already got consideration/compensation for their land by manufacturing and sale of bricks. Further the acquiring agency i.e. Delhi

Transco Limited would have to spend considerable amount of money in earth filling to make this land fit for the execution of the proposed project. Therefore, the cost likely to be incurred for levelling up the entire Block-B land is required to be deducted from the market value of Block-A land. This, in my opinion, is the most justifiable and appropriate course of action in the instant case.

It is found that no award has been announced in the recent past in District North-East, Delhi wherein ghadda/unlevelled/uncultivated land was involved. Therefore, both the awards submitted by Delhi Transco Limited are referred to and more enquiries are made to find out the estimated cost of filling up of land and to arrive at the fair value of Block-B land. In Award No.12/94-95 of village Holumbi Khurd, the fair market value of this category of land was assessed around 35% below to the fair market value of agricultural land. In Award No.2/DCW/2004-05 of village Tikri Kalan, the fair market value of this category of land was assessed around 10% below to the fair market value of agricultural land. However in the above referred awards, the depth of the pits might have been different, besides some other grounds upon which Land Acquisition Collectors might have relied upon before determining the fair market value. Further, during the enquiry, it came to my notice that the estimated cost of filling of land having ghaddas upto 5-7 feet depth, is Rs.2-2.25 lacs per Bigha i.e. around Rs. 9 lacs per acre.

Accordingly, I, assess the market value of Block-B land (as specified in above table) at the rate of Rs.44 lacs per acre or Rs.1,087.30 per Sq. Meter.





## **STRUCTURES**

Since the assessment of value of structures is a technical matter, the structures were got evaluated from Delhi Transco Limited. There was no big and pacca structure on the land except one tubewell room without any motor/machine on Khasra No.4//25. I, accordingly, assess the value of said structure at Rs.25,000/- on the basis of evaluation done by Delhi Transco Limited.

## **CROPS AND TREES**

There was no crop standing at the time of joint survey as well as on taking possession of the land. There were some trees on the land under acquisition at the time of joint survey. Since the assessment of value of trees is a technical matter, the same was got evaluated from Delhi Transco Limited. The cost of trees is being assessed as per the evaluation report submitted by Delhi Transco Limited. The summary of the cost of trees awarded is being given below :-

<b>Khasra No.</b>	<b>Kind of Tree (Quantity)</b>	<b>Cost of Trees (In Rs.)</b>
5//25	70 Safeda	31500
	<b>Total</b>	<b>31500</b>

## **POSSESSION**

The possession of the land under acquisition has been taken over and handed over to the Land & Building Department, GNCTD on 08.12.2009 and simultaneously handed over to Delhi Transco Limited on the same day.



### **SOLATIUM**

On the market value so determined by the LAC, the owner/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 (13.10.2009 in this case) till the date of possession (08.12.2009 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 will be paid to the rightful owners/interested persons on the basis of the latest entries in the revenue records. In 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 (03/2010-11 Distt. North-East, Delhi)


1.	(a) Market value of land of Block-A measuring 57 Bigha 16 Biswa or 48729.30 Sq. Mtrs. @ Rs.53 lacs per acre or Rs.1,309.70 per Sq. Meter	Rs.	6,38,20,764.21
	(b) Market value of land of Block-B measuring 01 Bigha 16 Biswa or 1517.52 Sq. Mtrs. @ Rs.44 lacs per acre or Rs.1,087.30 per Sq. Meter	Rs.	16,49,999.49
	<b>Total market value (a+b)</b>	=	<b>Rs. 6,54,70,763.70</b>
2.	Solatium @ 30% of market value u/s 23(2) of L.A. Act, 1894	Rs	1,96,41,229.11
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 13.10.2009 (Date of notification u/s 4) to 08.12.2009 (Date of possession) for 57 days	Rs.	12,26,904.17
4.	Cost of structures	Rs.	25,000.00
5.	Crops & Trees	Rs.	31,500.00
	<b>Total (1+2+3+4+5)</b>	=	<b>Rs. 8,63,95,396.98</b>
6.	Interest u/s 34 of L.A. Act, 1894		
	(a) @ 9% p.a. from 09.12.2009 to 08.12.2010 for 365 days on Rs.8,63,95,396.98	Rs.	77,75,585.73
	(b) @ 15% p.a. from 09.12.2010 to 30.03.2011 for 111 days on Rs.8,63,95,396.98	Rs.	39,41,050.30
	<b>Grand Total (1 to 6)</b>	=	<b>Rs. 9,81,12,033.01</b>
	Say	=	Rs. 9,81,12,033.00

(Rs. Nine Crores Eighty One Lacs Twelve Thousand Thirty Three 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 30.3.2011.

  
Principal Secretary (Revenue)/  
Divisional Commissioner, GNCTD

Award announced on 30.3.2011 at 12:00 noon.  
  
13/3/2011