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13/DC(10)/04-05

AWARD NO. : /2004

Name of Village : 2A, DLF Area industrial Area ,Kirti Nagar,Najafgardh Road New Delhi.
Nature of Acquisition : Permanent
Purpose for Acquisition : M.R.T.S. Project

These are the proceedings for acquisition of land U/s 1 of Land Acquisition Act, 1894 initiated for the purpose of Mass Rapid Transit System Project. The notification for land measuring 3440. Sq. meter was issued by the Land & Building Department on 10.02.2003 u/s 4 vide notification No. F.7(60)/2001/L&B/LA/MRTS/18294 of the Land Acquisition Act. The declaration u/s 6 of Land Acquisition Act was issued vide Notification No. F.7(60)/2001/L&B/LA/MRTS/925 dated 25.04.2003. Since the land was also notified u/s 17(i) of the L.A. Act too vide Notification No. F.7(60)/2001/L&B/LA/MRTS/926 dated 25.04.2003, the provisions of Section 5 (A) of the L.A. Act were dispensed off. The details of area under present acquisition is as under:-

S NO.	PROPERTY NO.	LOCALITY	AREA IN SQ METER
1.	2A,DLF Idustrial Area.	Kirti Nagar ,Najafgardh Road,New Delhi.	3440.00
		TOTAL	3440.00

Wide publicity of the notification was given through important .Dailies both in English and hindi having the very large circulation in Delhi ,for the knowledge of intereated parties persons.

The Notice u/s -9(1) & 10(1)of the L.A .Act were issued inviting claims from the owner/occupants /interested person of the properties . In response to this some interested person have filed their claims which are detailed under the hading 'claims & Evidence ' This acquisition involves land & structures appurtenant thereto.The structures were got evaluated by Govt approved vluers and vetted by PWD of GNCT of delhi and submitted by DMRC.

MEASUREMENT AND TRUE AREA

As per the notification, the total area of land measuring 3440.00 sqm. was notified for acquisition. On physical survey conducted by a team of the staff of LAC (WEST) Land & Building Department, Transport Department and DMRC, the total area was found to be the same i.e. 3440.00 sq. The entire area required for MRTS project has been covered in the notification and declaration & there is no discrepancy on this account.

CLAIMS & EVIDENCES

In response to the notice issued u/s 9(1) and 10(1) of the land acquisition Act 1894 to the owner/occupants/interested person, the following person filed their claims:-

<u>S no.</u>	<u>PROPERTY NO.</u>	<u>Name of the claimant</u>	<u>Claims</u>
<u>1</u>	<u>2 A, DLF Industrial Area Kirti Nagar.</u>	<u>M/S shourie Brother (sh. Vijay shourie)</u>	<u>Rs.1 lack/sqm. for land. Rs.50.lack for structure. Rs.1.25 crore for benefits and salaries of employees Rs.20 lack for damage interest as per law.</u>

On perusal of the claims filed by the interested persons, it is noted that most of the interested persons have claimed market value of land at Rs, 1,00,000/=lacs per sqm. approximately. But none of them have furnished any documentary evidence like registered sale deeds of similar land anywhere nearer to the claimed market value. It is further observed that the claims are not only exorbitantly high but also lack supportive evidences. Further to arrive on justified market value the claimants were asked to provide supportive evidence in support of their claims. Later on the claimants produced some sale deeds & auction certificates. On perusal of these records it has revealed that these sale deeds are linked with residential and commercial properties. Nothing in support of sale transaction industrial properties was produced by them.

Similarly, the claims towards cost of structures have been very high and not supported by reliable evidences. Most of them were not evaluated by credible Govt. approved valuers, hence were not accepted to be the basis of arriving at the compensation towards structures. The claims towards other items like defacement of

properties, discomfort, loss of business, cost of shifting and transportation are not supported by documentary evidences and posses no scientific base on which such calculation were deducted.

MARKET VALUE

A. LAND

To arrive at fair market value, the locality of the site, situation of the area and finally the quality, potentiality and use of area and finally the quality, potentiality and use of land should be kept in mind. The property under acquisition are situated in Kirti Nagar have residential as well as commercial activities in the vicinities. The market value of the land under acquisition is to be determined with reference to the date of publication of notification u/s 4 of the L.A. Act 1894, which in this case is 10.02.2003, so that adequate compensation on prevailing market value could be awarded.

Keeping the above facts in mind, two methods of valuation of land under acquisition were followed. In the first method, the schedule of rates circulated by Deptt. of Urban Development, Ministry of Urban Affairs & Employment vide letter No. J-22011/4/95-LD dated 16.4.1999 was referred. It was noted that indicative price of land in Kirti Nagar area was given at Rs.6,930/- per sqm. for residential purpose and Rs. 14,490/- for commercial purpose. However no industrial rate was fixed by LND, more over these rates were applicable till March, 2000 and not revised yet, thus making the method inherently deficient.

In another method of valuation, the price paid within a reasonable time-frame in bonafide transactions of purchase of similar lands possessing similar advantages has been followed. So the certified registered sale deeds of rates of similar lands in the adjacent areas of West Patel Nagar & New Rajinder Nagar, were collected to estimate the fair market value. The details of sales transactions have been summarized as under :-

Sl. No.	Registration No. & date	Amount (in Rs.)	Area in sqm.	Name of colony & revenue state	Average Rate (per sqm.)
1.	119-7.42003	5,35,00,000/-	6019.20	Patel Nagar	Rs.8,888/-
2.	1333-06.02.2001	33,75,000/-	333.00	W-5, West Patel Nagar.	Rs.10,105/-

On calculation, the average sale price of these transactions comes to Rs. 9497 per sqm.

Beside these, the rate of conversion issued by DDA was also taken in to account. The indicative rate for industrial properties in West district is Rs.17,870/per sqm.

By evaluating the above methods and keeping the locational advantage of being situated on main road in mind, the market value has been assessed at Rs. 19,657/- per sqm

Before determining the amount of compensation, a notice u/s 50(i) was given to the D.M.R.C. Limited, a company for which the land was acquired.

B. STRUCTURES

The value of structures including permanent structure, boundary wall, gate and any other things should be given to the interested persons as per the valuation report submitted by DMRC Ltd., duly vetted by PWD. The summary of the values awarded is summarized as under :-

S.No	Property No.	Name of interested person	Cost of Structure
1.	2A, DLF industrial Area.	M/s Shourie Brother	RS.11,23,532/=
		TOTAL	RS.11,23,532/=

OTHER COMPENASTION

A . 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 the provisions of L.A. Act.

C. ADDITIONAL BENEFITS

The interested persons are also entitled to have additional benefits @ 12% per annum on the market value of the land and solatium 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 10.02.2003 to 08.09.2003

D. INTEREST U/s 34

The interest at the rate of 9%&15% p.a will also be paid to the interested persons from date of possession till the date of award i.e. from 09.09.2003 to 31.12.2004.

E. APPORTIONMENT

The compensation will be paid to the rightful owners/interested persons on the basis of latest records. The details of recorded owners of land under acquisition were collected from the revenue record which is as under :

S.NO	PROPERTYNo.	Name of the interested Person	Status of Land	Amount
1.	2A,DLF industrial Area Kirti Nagar.	M/S Shourie Brother.	Leasehold	9,95,57,667/=

The interested person in the said property has executed lease-deeds of permanent Nature which conferred the right of transfer, addition and alteration to the lease holders. Under these circumstances, the ratio of apportionment between lessor & lessee is held At 20:80 i.e 20% to owner and 80% to lessee is held.

SUMMARY OF AWARD

S.No.	ITEM	AMOUNT (Rs.)
1.	Compensation for the land measuring 3440 sqm, @Rs,19,657/-per sqm	RS.6,76,20,080/=
2.	Solatium @ 30%	Rs.2,02,86,024/=
3.	Value of structures as assessed by Regd. Valuer & vetted by PWD	Rs.11,23,532/=
4.	Addl. Benefits u/s 23 (IA) on item 1 & 3 @ 12% per annum from the date of notification to the date of possession i.e. 10.02.2003 to 08.09.2003(211)days	Rs.47,68,735/=
5.	80% amount tendered before possession	Rs.5,18,39,424/=
6.	Interest on balance compensation u/s 34@9%per annum for 365 days from the date of award i.e 09.09.2003 to 31.12.2004(480)days)	37,76,305/= 19,82,991/= ----- 57,59,296/=
	TOTAL :-Balance	Rs.4,77,18,243/=
	GRAND TOTAL (5+7)	Rs.9,95,57,667/=

(Rupees Nine Crore Nintey Five Lack Fifty Seven Thousand Six Hundred & sixty Seven Only)

Approved

Secretary (Revenue)

25/11/2005

(BINAY BHUSHAN)
LAND ACQUISITION COLLECTOR
WEST DISTRICT: DELHI

The award is drawn with the approval of Secretary (Revenue), GNCT of Delhi & announced accordingly.

Announced in open court

Bmf
28/11/05