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AWARD NO. 03/LAC/N/06-07

Name of Area /Locality: DELHI Patti
(Pul Bangash Area)

Nature of Award : Permanent

Purpose : Mass Rapid Transit System
(Extension of Pul Bangash Station)

These are the proceedings under the LAND ACQUISITION ACT 1894 (called The Act hereinafter) for acquisition of land out of Khasra no. 388 min in village Delhi Patti .A notification for acquisition of land at Pul Bangash Roshan Ara Road area forming part of village Delhi Patti was notified u/s 4 of THE LAND ACQUISITION ACT 1894 vide Notification no. F 7(19)/2000/L&B/LA/MRTS (PB)/7262 dated 27/7/2004 for extension of PUL Bangash Station of MRTS . The declaration u/s 6 of Land acquisition Act 1894 was issued vide Notification no. F 7(19)/2000/L&B/LA/MRTS (PB)/20154 dated 17/2/2005. The specifications of land under acquisition are as under:-

Locality/Area	Khasra no.	Area
Delhi Patti (Pul Bangash)	388 Min	425 sq. meters

Due publicity of the notification regarding declaration of the land for acquisition was given through important newspapers both in English and in Hindi languages. Since the notification u/s 17 of The LA Act was also issued, which is emergency clause for acquisition, the proceedings u/s 5A of the LA Act for inviting objections from the interested person were dispensed with.

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However the above area of 425 sq. meters was comprising of property no. 8748 & 8949 partly, 8713 Partly & 8707/17 partly . A proposal regarding the acquisition of property no. 8748 partly & property no.8749 partly was sent by the owner of the property stating that the property no. 8749 should be left out and area equal to area which was to be taken out of property no.8749 should be taken out of property no.8748. The proposal was sent to DMRC for appraisal and on their consent property no.8749 was left out and an equal area is now taken out of property no.8748.

MEASUREMENT AND TRUE AREA

As per the notification land measuring 425 sq. meters. were notified for acquisition, on which the properties bearing municipal numbers 8707/17, 8713 & 8748 are located. The area as described in the notification was measured and was found available on site during physical survey. Similarly all the notified properties are located within the notified area. Hence the entire area required for the current acquisition has been covered in the notification has been covered in the notification and there is no discrepancy on this account. The area occupied by each of the property was measured which are indicated in Table no.2. The built up area on which the structures are standing were measured and same were cross checked with the evaluation report. There is no discrepancy on this account. The evaluation of structures in such cases was arrived at accordingly.

The total area under the possession of private persons as per the surveys comes to 425 sq. meters. Hence the compensation is assessed for land of 425 sq. meters.



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Possession: Possession of the Area measuring 425 sq. mtr. Had been taken over on 27.06.2006. All the area was found under possession of Pvt. persons.

Claims and Evidences

In response to the notices issued u/s 9 & 10 of the Act as many as 3 claims were received from the interested persons. The list of claims and evidences has been listed in table no. 1 furnishing the relevant details. In claims no documentary evidence was furnished in support of the market price for land claimed except the report submitted by Shri Rakesh Kumar Gupta as prepared by a Registered Government approved valuer which is based on the lease amount per sq. meters for the property let out at Pul Bangash Station of DMRC, assuming the property no. 8713 as similar to property let out as shops at Pul Bangash Station. The report although credible but can't be accepted as no documentary evidence is given towards the lease rent charged at Pul Bangash Station and the terms of the lease. Hence rejected due to lack of supportive evidence. Similarly no evaluation report towards structures is submitted by any claimant. So the properties were got evaluated through the Public Works Department on a uniform basis and accepted for value of structures.

All other unsubstantial claims are not accepted.



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TABLE NO.1

S.NO	PROPERTY NO.	CLAIMANT	CLAIMS	DOCUMENTS SUBMITTED IN SUPPORT OF THE CLAIMS
1.	8707/17	M/S H.S HYDE & CO.	1. MARKET VALUE Rs. 250000 PER SQ.METERS. 2. ALTERNATE SITE.	1. RENT RECIEPT FROM 30/5/49 2. C/O DELHI DEVELOPMENT ACT SECTION 14 3. C/O SALES TAX REGISTRATION CERTIFICATE FROM 1961 4. C/O MASTER PLAN 1962 SHOWING ROSHAN ARA ROAD AREA SA FLATTED FACTORIES AREA. 5. LIST OF LOCAL COMMERCIAL AREAS SHOWING ROSHAN ARA ROADS AND PUL BANGASH AS LOCAL COMMERCIAL AREA (CERTIFIED).
2.	8713	SHRI. RAKESH KUMAR GUPTA for MARUTI ELECTRICALS & MOON LIGHT ENTERPRISES	1. Rs.250000 PER SQ. METER FOR LAND AND STRUCTURE. 2. Rs.7500000 AS LOSS OF EARNINGS AND SHIFTING CHARGES FOR MARUTI ELECTRICALS. 3. ALTERNATE SITE. 4. Rs. 6000000 FOR LOSS OF EARNINGS AND SHIFTING CHARGES FOR MOONLIGHT ENTERPRISES. SEVERENCE ALLOWANCE Rs.1 Crore	1. HOUSE TAX (COMMERCIAL). 2. INCOME TAX RETURNS AND CHALLANS (COMMERCIAL). 3. WATER CONNECTION BILL (COMMERCIAL). 4. C/O SALES TAX REGISTRATION CERTIFICATE. 5. CHARTERED ACCOUNTANT REPORT REGARDING LOSS OF EARNINGS FOR MARUTI ELECTRICALS 6. VALUATION REPORT FROM A GOVERNMENT APPROVED VALUER TOWARDS MARKET VALUE OF LAND AND STRUCTURE. 7. CERTIFIED LIST OF LOCAL COMMERCIAL AREAS. 8. REPLY FROM DDO (MCD) UNDER RIGHT TO INFORMATION ACT SHOWING ROSHAN ARA ROAD AND PUL BANGASH AS LOCAL COMMERCIAL AREAS. 9. C/O MASTER PLAN 1962. 10 C/O ZONA PLAN FOR ZONE C. 11. C/O DELHI DEVELOPMENT ACT SECTION 14.
3.	8748	JOGINDER KAUR	1. Rs.231200 PER SQ. METERS. 2. Rs.1500000 FOR STRUCTURE. 3. Rs.2000000 FOR SEVERENCE ALLOWANCE. 4. Rs.150000 FOR SHIFTING CHARGES.	

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TABLE NO. 2

S. No.	PROPERTY No.	PLOT AREA UNDER THE PROPERTY	VALUE OF STRUCTURE AS PER REPORTS	ACCEPTED LAND USED
1.	8707/17	6.85 Sq. Mtrs.	6530.00	Commercial
2.	8713	335.08 Sq. Mtrs.	826854.00	Commercial
3.	8748	83.07 Sq. Mtrs.	202026.00	Residential

Total Land Under Residential Land use = 83.07 Sq. Mtrs.

Total Land Under Commercial Land use = 341.93 Sq. Mtrs.

Total Land = 425.00 Sq. Mtrs.

Market Value

The market value of the land under acquisition is to be determined with reference to the date of notification u/s 4 of the LA Act 1894 which is 27/7/2004 in this case for 425 sq. meters.

For determination of market value of the land under acquisition its current land use, potentially of future land use, the proximity of the land to the nearby developed areas are to be taken into consideration as required under The LA Act.

Land Use

To ascertain the land use of the land under present acquisition a joint survey was conducted by the officials of Land Acquisition Collector; Land and Building Department of the Govt. of INDIA & Delhi Metro Railway Corporation on 23/8/05. As per the report submitted the land use of property no.8713&8707/17 was found to be commercial and that of property no.8748 was found to be residential. Papers submitted by the claimant regarding property no.8713 also clearly shows that this is a freehold property and was originally purchased from Government Of India in open auction as commercial property. The evaluation report as submitted by D.M.R.C and vetted by P.W.D div XV regarding the above properties also confirms the above land use status. The land use of property no.8713 was again get checked and confirmed through Assistant Assessor & Collector MCD Delhi. As per the report the confirmed land use of property no. 8713 is found commercial.

On the basis of the above reports & different documents submitted by claimants it is evident that the land use of property no. 8713 & 8707/17 is accepted as commercial while land use of property no.8748 is accepted as to be residential, Moreover property no. 8713 & 8707 are covered by commercial units on two sides and Pul Bangash Station at one side and the land of these two properties is very similar to the land of shops at Pul Bangash Station. Further Roshan Ara Road & Pul Bangash Areas are local commercial areas. As per ID No. 97/DC/SPZ dt. 20.2.2006.

Two methods of valuation of land were followed to arrive at the true market value on the specified date.



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In the first method, attempts were made to look for evidences of sales transaction of similar lands in the vicinity as a measure of market value. But neither the claimants have submitted any evidence of similar sales transactions nor such comparable sales could be noticed. Hence the method of comparable sales was not found suitable.

In the second method, the schedule of market rates of land in various localities of Delhi intimated/circulated by the Deptt. of Urban Development, Ministry of Urban Affair and employment vide no. J-22011/4/95-LD dated 16/04/99 was considered. As these rates have been arrived at by an impartial Government body, it can be considered and accepted as the basis for arriving at the true market value of the land covered under this Award. The indicative prices of land for Residential purposes in the Roshanara Road has been given as Rs. 6930 per sq. meters and for commercial use as Rs. 14490 per sq. meters which has been accepted as the true market value of the land.

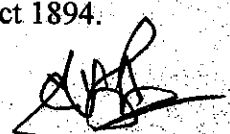
OTHER BENEFITS: -

ADDITIONAL BENEFIT

Besides the market value as fixed, the rightful claimants are also entitled to have additional benefits @ 12% per annum on the market value of land u/s 23 (1A) of the Land Acquisition Act, from the date of notification i.e. 27/07/2004 till the date of possession i.e. 27th June, 2006 (for a period of 700 days).

SOLATIUM: -

Besides the market value fixed as above the rightful claimants are also certified to 30% solatium over and above the compensation on the basis of market value of land component as specified u/s 23(2) of the Land Acquisition Act 1894.



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COMPENSATION FOR SUPER STRUCTURE:-

The structure appurtenant to the land under acquisition were get evaluated by D.M.R.C., and then sent for vetting to P.W.D. Government of N.C.T. of Delhi and after their reply those reports have been scrutinized and accepted and the amount assessed in reports for each property is allowed to the rightful claimants against each and every property according to the report regarding each property respectively. The report as submitted by DMRC for property No. 8748 is assessed for full structure. However a part only of this structure in an area of 83.07 sq. mtrs. is acquired. So that amount of structure value is averaged for 83.07 sq. mtrs.

INTEREST:-

Interest U/s 34 of the LA Act is allowed from the date of possession i.e. 27.06.2006 till the date of payment. However the date of payment can not be ascertained currently. So it is calculated from the date of possession i.e. 27.06.2006 till the date of award i.e. 26.07.2006 for 29 days @ 9% per annum on full amount of composition as required by the LA Act.

APPORTIONMENT:-

There is no revenue record regarding / possession over the land under the present acquisition. Hence the documents available with the interested persons and the present occupants, together with the report of Assistant Assessor & Collector M.C.D. (S.P. Zone), have been taken into consideration for arriving at the apportionment for each part of the property. The details of the land under possession of different persons were

of the property. The details of the land under possession of different persons were derived from the survey reports conducted at the time of evaluation and by the land acquisition officials. During enquiry it is observed that some of the properties are in the possession of owners were as some of the properties are in the possession of the tenants / occupants without title. All the occupants and owners are enjoying long term rights. The rights of all the interested persons are examined in details and notices u/s 9 & 10 of the Act were issued to them indicating their area and share. Claims of all the interested persons were received and examined in detail. It is decided that owners who are also in possession be given the entire compensation amount determined for the land structure, but in case where the tenancy rights are being enjoyed over a long period by the persons who are in possession of the property then by following settled principals the compensation is apportioned in the ration of 25:75 i.e. 25% to the owners are 75% to the tenants enjoying long term tenancy and possession of the property. Each property and the basis of apportionment among claimants are described as under:-

1. The property at serial no. 1 of table no. 2 bearing municipal no. 8707/17 was found to be under physical possession of H.S. Hyde & Co. Only H.S. Hyde & Co. has filed the claim towards the compensation for this property. It was found that the said firm is not the owner of the property, but the submitted documents reveal that the company is occupying the property as a tenant over a long period. Hence the amount of compensation assessed against the property is apportioned between the owner as 25% and H.S. Hyde & Co. as 75%.



2. The property at serial no. two of the table no. 2 bears municipal no. 8713 Shri. Rakesh Kumar Gupta only has filed the claims for land structure and loss of earnings etc. it was found that he was running his business in the name and style of M/s MARUTI ELECTRICALS and M/s MOON LIGHT ENTERPRISES in the same premises. The report of Assistant Assessor and Collector M.C.D confirms that he is the recorded owner of 428 meters of area and that the said area was being and is of confirmed commercial land use. During physical survey of the site it was also revealed that Shri. Rakesh Kumar Gupta is in physical possession of an area of 427.44 meters for more then 25 years. In view of the above and on the basis of documents submitted by Shri. Rakesh Kumar Gupta the entire amount of compensation awarded against property no. 8713 is awarded to Shri. Rakesh Kumar Gupta for 335.08 Sq. Mtrs. in this award.

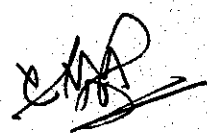
3. The property at serial no. 3 of the table no.2 bears municipal no. 8748 Smt. Joginder Kaur only has filed the claims against this property for 83.07 meters area. She has submitted documents that reveal that she is the owner of the property and there is no other claimant .so the entire amount of compensation is awarded to Smt. Joginder Kaur.



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TABLE OF APPORTIONMENT

S. No.	Owner	Area	Compensation for Land	30% Solatium	12% Addl. Benefit	Structure as per Evaluation report	9% Interest U/s 34 of the LA Act	Total (in Rs.)
1.	Ashok Pratap Singh - 25% Share	6.85 sq. mtr. Comm	99256/-	29777/-	22842/-	6530/-	1132/-	159537/- 25% = 39884/-
2.	M/s H.S. Hyde & Co. (Tenant) 8707/17, R.A.R. Delhi-7. 75% Share	-do-					---	75% = 119653/-
3.	Rakesh Kumar Gupta (Owner) 8713, R.A.R. Delhi-7.	335.08 sq. mtrs. Comm	4855309/-	1456593/-	1117386/-	826854/-	59037/-	8315179/-
4.	Smt. Joginder Kaur (Owner) 8748, R.A.R. Delhi	83.07 sq. mtr. Resi.	575675/-	172702/-	132484/-	202026/-	7744/-	1090631/-
TOTAL:		425 sq. mtr.	5530240/-	1659072/-	1272712/-	1035410/-	67913/-	9565347/-



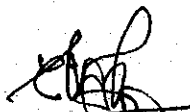
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SUMMARY OF AWARD

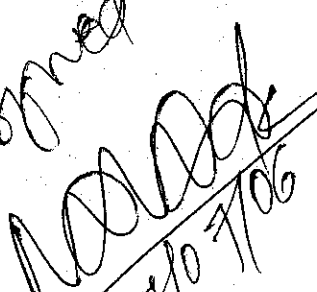
S No.	Items	Amount (in Rs.)
1.	Compensation for land measuring 341.93 Sq. Meters @14490 per sq.meter 83.07 Sq. Meters @ 6930 per sq. meter	49,54,565.00 5,75,675.00
	(A) Total Market Value :	55,30,240.00
2.	Compensation towards structures as per the evaluation reports (B)	10,35,410.00
3.	Additional benefits @ 12% per annum For a period of 700 days u/s 23 (1A) Of the ACT from 27.7.2004 i.e. Date of Notification U/s 4 to 27th June, 2006 on market value of land only i.e. (A) (C)	12,72,712.00
4.	Solatium @ 30% u/s 23 (2) of the ACT On market value of land i.e. (A) (D)	16,59,072.00
	TOTAL AMOUNT OF CONSIDERATION : (E)	94,97,434.00
6.	Interest U/s 34 of the LA Act from the date of taking of possession till the date of award i.e. 27.6.2006 to 26.7.2006 for a period of 29 days on total amount of consideration i.e. (E)	67,913.00
	GRAND TOTAL :	95,65,347.00

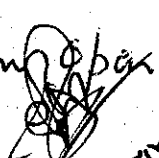
(Rupees Ninety Five Lacs Sixty Five Thousand Three Hundred & Forty Seven only)

This award is made U/s 11 of Land Acquisition Act, 1894.


(C.M. Singh)

Land Acquisition Collector /
Additional District Magistrate (North)

Counter signed

27/07/06

Announced in open court and filed u/s 12
of LA Act. 
Ref: 27/07/06 *Sunder Kumar*