

Award No. : 1/2006-07 (North - East)
 Name of village : Jhilmil Tahirpur
 Nature of acquisition: Permanent
 Purpose of acquisition: Construction of Grade Separator Cum Road over Bridge at G.T. Road Shahdara.

These are the proceedings for the determination of compensation u/s 11 of the L.A. Act 1894. The Land under acquisition for a public purpose namely construction of Grade Separator Cum Road over Bridge at G.T.Road Shahdara from Shyam Lal College to Telephone Exchange situated in village Jhilmil Tahirpur was notified by Land & Building Department u/s 4 of LA Act 1894 vide Notification No.F.7(32)/91/L&B/LA/19261 dated 09.02.2005. After considering report on objections U/s 5-A, a declaration u/s 6 was made vide Notification No. F.7(32)/91/L&B/LA/8057 dated 27.09.2005 in r/o an area measuring 06 Bigha 14 Biswa. The substance of the said notification was given due publicity in the leading news papers & by pasting at the various points in the notified area. Notices u/s 9(1) & 10(1) of the Land Acquisition Act were issued, inviting claims from the owners/ occupants/interested person. The claims from the interested persons were received which are detailed & discussed under the headings "Claims & Evidences".

True & Correct Area:

The Land was demarcated and measured on the spot by the staff of DDA & MCD with the help of LAC (NE) staff on 08.09.2004. The details of the area under present acquisition & also available at the spot is as under:-

S.No.	Kh. No.	Area	
		(Bigha & Biswa)	Sq. Mtrs.
1.	444/394/65/1	0 - 03	125.90

2.	444/394/66/1	0	-	02	84.00
3.	393/267/22/1	0	-	05	209.84
4.	393/267/15/1	0	-	01	42.00
5.	384/299-301/1	0	-	03	125.90
6.	384/299-301/2	0	-	08	335.74
7.	383/299-301/1	0	-	05	209.84
8.	383/299-301/2	0	-	03	125.90
9.	381/302-299/3/1	0	-	03	125.90
10.	381/302-299/2/1	0	-	03	125.90
11.	381/302-299/1/1	0	-	02	84.00
12.	380/300-302/1	0	-	08	335.74
13.	379/303-299/1	0	-	08	335.74
14.	378/303-299/1	0	-	08	335.74
15.	377/303	0	-	01	42.00
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Total		3	-	03	2644.14

There is a difference of area measuring 03 Bigha 11 Biswa of land in between declaration U/s 6 and the area under Heading "True & Correct Area". The Khasra Nos. as mentioned below were also notified under the aforesaid notification but the land has already been handed over to Delhi Metro Rail Corporation Ltd. for DMRC Project Phase II. Therefore the area of these Khasra Nos have not been shown in the Heading "True & Correct Area":

372/39-51/2/1 (1-04), 334/29 to 35, 310 to 313/1 (0-12), 321/312/31/1 (0-04), 307/21 to 27, 28,30,31/2 - 37 min/1 (0-04), 1183/20/1/1 (0-07), 1185/20/1 (1-00). = Total 03 Bigha 11 Biswa.

COMPENSATION & CLAIMS

The following owners/occupants/interested persons have filed their claims in response to notices u/s 9(1) & 10 (1) which are discussed as under :-

<u>S. No.</u>	<u>Name & Address of the claimant</u>	<u>Kh. No. & Area</u>	<u>Claim</u>
1.	Sh. Ram Dhari Goel, M/s Simran Steel, 520, G.T. Road Shahdara, Delhi.	380	Compensation & alternative land
2.	Sh. Ravinder Kumar, Shop No.36, Plot No.17-18, Damodar Park, G.T. Road, Shahdara, Delhi.	393 Tenant	Alternative shop in commercial area & compensation.
3.	Sh. Bal Kishan S/o Sh. Bhola Ram, Shop No.3, Behl Complex, G.T. Road, Shahdara, Delhi.	444/394/65/ 1	Compensation @ Rs.35,000/- per Sq. Yds. & Alternative shop -do-
4.	Rajvaidh Shital Prasad & Sons, Ho. No.285, G.T. Road, Shahdara, Delhi.	385/301 386 285, G.T. Road	
5.	Sh. Kailash, M/s Kailash General Store, H. & Shop No.520/13/3, G.T. Road, Shahdara, Delhi.	316/17	Compensation @ Rs.30,000/- per Sq. Yds. & alternative plot
6.	Sh. Sushil Jain M/s Ganpati Rolling, 9/104, Shastri Gali, Viswas Nagar, Shahdara, Delhi.	378 520-A, G.T. Road, Shahdara.	Compensation etc.
7.	Sh. Shatrujeet Singh S/o Late Sh. Bhagwan Singh, R/o 520/b/5, Vill. Khera, G.T. Road, Shahdara, Delhi.	316/17	Compensation Rs.25,00,000/-
8.	Sh. Harish Motwani & Ors. Sons/o Sh. Thakur Dass, B-283, Ramprashtha Colony, Ghaziabad, U.P.	381/302- 299/3	
9.	Sh. Chandra Shekhar B-221, Karan Vihar Market -III, Nangloi, Delhi.	444/394/65	Compensation & Alternative site.

10.	Sh. Anil Arora M/s Arora Hardware, 520-A, G.T. Road, Shahdara, Delhi.	379	Alternative Shop
11.	Sh. Prem Syal, Prop., Transport Dharam Kanta, 520-A, G.T. Road, Shahdara, Delhi.	380	Compensation @ Rs.50,000/- per Sq. Yds. and 15 Laes for construction & Machinery etc.
12.	Sh. Dalip Khera Shop No.7 & 37, Plot No.17- 18, Damodar Park, G.T. Road, Shahdara, Delhi.	393	Alternative land & suitable compensation.
13.	Sh. Narinder Batra Shop No.25, Plot No.17-18, Damodar Park, G.T. Road, Shahdara, Delhi.	393	Tenant — Alternative land & suitable compensation.
14.	Sh. Jamshed Ali, Shop No.1 & 9, Plot No.17 & 18, Damodar Park, G.T. Road, Shahdara, Delhi.	393	- do -
15.	Sh. Suresh Gupta, Shop No.2 & 26, Plot No.17 & 18, Damodar Park, G.T. Road, Shahdara, Delhi.	393	- do -
16.	Sh. Raj Kumar Luthra S/o Sh. Sunder Dass, 520-D/1-A, Village- Khera, G.T. Road, Shahdara, Delhi.	316/317	Rs. 18,00,000/- & alternative land
17.	Sh. Rajinder Kumar Sharma W-22, Navin Shahdara, Delhi.	386/301	Rs.25,000/- per Sq. Yds compensation.
18.	Sh. Ram Babu Sharma 1/4349, Ram Nagar Extn., Shahdara, Delhi.	386/301	- do -
19.	Sh. Virender Aggarwal 1/3150, Ram Nagar Extn., Shahdara, Delhi.	386/301	- do -
20.	Smt. Neera Sharma, R/o 42/5, Gali No.13, Balbir Nagar, Delhi.	386/301	- do -
21.	Smt. Kusum Lata Ohri, R/o- 1/2111, Ram Nagar, Shahdara, Delhi	386/301	- do -

22.	Smt..Safinder Kaur,C-199,Nirman Vihar,Delhi-92.	386/301	- do -
23.	Smt. Amarjeet Kaur,C-199,Nirman Viahir, Delhi.	386/301	- do -
24.	Sh.Mukesh Kumar Ohri,& Smt. Shashi Ohri,1/2110,East Ram Nagar,Delhi.	386/301	- do -
25.	Sh.Rakesh Kumar S/o Late Sh.Krishan Lal Arora, B-283,Damodar Park,G.T.Road, Shahdara, Delhi.	381/1	Compensation @ Rs.30,000/-Per Sq.Yards.& Alternative Land.
26.	M/s.Sat Prakash Manoj Kumar,C-2/43,Ashok Vihar, Phase-II Delhi.	393	Compensation Rs.2,76,58,000/-

Market Value:-

Land :

To arrive at a fair market value, the locality of the site, the situation of the area, the quality, potentiality and use of land was kept in mind. The properties under acquisition are situated adjacent to Shahdara Flyover and have residential as well as commercial activities in the vicinity. The properties are under use of both for Commercial as well as Residential. However, the land use of the properties under acquisition is "Residential". Therefore question of assessing the market value on commercial rates does not arise. Hence the same are being assessed on residential rates.

Keeping the above facts in mind, two methods of valuation of land under acquisition were examined. In the first method, the schedule of rates circulated by Ministry of Urban Affairs & Employment, Deptt. of Urban Development(Land Division) vide No.J-22011/4/95-LD dated 16.04.99 for the period from 01.04.98 to 31.03.2000 was referred which are re-produced below:-.

Zone-V East Delhi			
S.No.	Name of the locality	Residential (Rs.per Sq.Mtrs)	Commercial (Rs.per Sq.Mtrs)
1.	Jheel Khuranja	2550/-	5100/-
2.	Geeta Colony	2550/-	5100/-
3.	Narefa & Other outlying Colonies	1800/-	3600/-

The area at Sl. No.3 falls in District North West and is located far off from location of the land under acquisition. The areas at Sl. No.1 & 2 though not in immediate proximity of the land under acquisition, are the nearest in terms of distance. Accordingly, the rates in respect of Jheel Khurenja and Geeta Colony for residential land are being considered. The schedule of market rate of land in Delhi/New Delhi were originally notified for the period 1.04.1991 to 31.03.1992, as per Ministry of Urban Development (Lands Division) Order No.J-22011/1/91-LD dated 24.01.1992 and were later extended upto 31.03.1994 vide Order No.J-22011/1/91-LD dated 03.03.1993, further extended upto 31.03.1996 vide Ministry of Urban Development Order No.J-22011/2/93-LD dated 11.11.1994 and still further extended upto 31.03.1998 vide Ministry of Urban Affairs & Employment Deptt. of Urban Development (Lands Division) No.J-22011/1/4/95-LD dated 16.04.1999. The rates in respect of residential land in Jheel Khurenja and Geeta Colony are Rs. 2550/- per Sq. Mtr.

Notification under section 4 was issued on 09.02.2005. It has been pleaded that since L & DO rates have not been revised w.e.f. 01.04.1998 and escalation @ 10% per year be allowed w.e.f. 01.04.1998 till the date of notification under section 4. I do not find any basis in this argument. The land rates effective we.f. 01.04.1991 were continued till 31.03.1998 when they were revised vide letter dated 16.04.1999 since the rates prevailing till 31.03.1998 were brought into force way back in 01.04.991. The escalation of 10% in the

rates announced w.e.f. 01.04.1991 to 31.03.1998 has to be calculated over the rates effective on 01.04.1991. Hence I do not find any justification in allowing escalation of 10%.

In the second method for assessing fair market value, Sale Deeds for the residential properties registered with the Sub-Registrar during the last one year preceding the date of notification U/S 4 i.e. 08.02.2004 to 08.02.2005 for the said village ie. JhilmilTahirpur have been obtained. The Sub-Registrar has provided photo copies of 33 Sale Deeds. Out of the 33 Sale Deeds, 26 Sale Deeds are for Built up properties and 7 Sale Deeds are for residential plots. On perusal of Sale Deeds, it reveals that in the Sale Deeds for Built up properties, there is no separate consideration amount for structures, therefore, these can not be considered for arriving at fair market value of land. The remaining 7 Sale Deeds registered with the Sub-Registrar are for plots and as per their consideration amount, the amount per Sq. Mtr. has been calculated as under:-

Sl.No.	Details of documents	Details of property	Total area	Area in Sq. Mtr.	Total consideration	Rate per Sq. Yds.	Rate per Sq. Mtr.
1.	Regn. No.543 Vol. No.3569 dt. 13.02.04.	Property No.1/536-D/1, Kh. No.334/35-32-29, Friends Colony, Jhilmil Tahirpur	65 Sq. Yds.	54.34	1,50,000/-	2307/-	2760/-
2.	Regn. No.2565 Vol.No.3631 dt. 15.07.04	Property No.1/536-B-1, Kh. No.334/35-32-29, 313-311-310, Friends Colony, Jhilmil Tahirpur	60 Sq. Yds.	50.16	1,20,000/-	2000/-	2393/-
3.	Regn. No.2714 Vol.No.3635 dt.22.07.04	Property No.520-A, Kh.No.378/299/303 379/299/303 Jhilmil Tahirpur	100 Sq. Yds.	83.60	3,00,000/-	3000/-	3588/-

4.	Regn. No.2713 Vol.No.3635 dt.22.07.04	Property No.520-A, Kh.No.378/299/303 379/299/303 Jhilmil Tahirpur	170 Sq. Yds.	142.12	4,80,000/-	2823/-	3377/-
5.	Regn. No.3741, Vol.No.3667 dt. 17.09.04.	Property No.1/536-B-1, Kh. No.334/35-32-29, 313-311-310, Friends Colony, Jhilmil Tahirpur	80 Sq. Yds.	66.88	1,60,000/-	2000/-	2392/-
6.	Regn. No.3999 Vol.No.3674 dt.28.09.04	Property No.520-A, Kh.No.378/299/303 379/299/303 Jhilmil Tahirpur	50 Sq. Yds.	41.80	1,50,000/-	3000/-	3588/-
7.	Regn. No.4460 Vol.No.3688 dt.27.10.04	Property No.520-A, Kh.No.378/299/303 379/299/303 Jhilmil Tahirpur	110 Sq. Yds.	91.96	3,00,000/-	2727/-	3262/-

As per the above table, the aggregate amount on the basis of Sale consideration comes to Rs. 3051/-. The said amount is lesser than the amount of market value notified by the Ministry of Urban Affairs & Employment, Department of Urban Development i.e. Rs.2550/- per Sq. Mtr. It appears that these rates are lesser due to the reason that none of the area notified by the Ministry is nearer to the colony under acquisition. In view of the above discussion, I am of the opinion that Rs.2550/- per Sq. Mtr. for the entire land is fair and reasonable market value of the land and award the same accordingly.

Structures;

This Acquisition in values 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, gate if any and other fittings would be given as per the evaluation report submitted by the PWD, Govt. Of NCT of Delhi. The summary of the values awarded are given as under:-

<u>S.No.</u>	<u>Property No.</u>	<u>Name of Property Holder at spot</u>	<u>Amount</u>
1.	Shop No.1 Tenant	Delhi Wakf Board Sh. Hasmat	Rs.9,000/-
2.	Shop No.2 Tenant	Delhi Wakf Board Sh. Anis Malik	Rs.22,450/-
3.	Shop No.3 Tenant	Delhi Wakf Board Sh. Noor Mohd.	Rs.22,500/-
4.	Kabari Shop Tenant	Delhi Wakf Board Sh. Siddique Beg	Rs.16,500/-
5.	Shop No.5 Tenant	Delhi Wakf Board Mohd. Shahid Zamal	Rs.16500/-
6.	Masjid Entry	Delhi Wakf Board	Rs.98,300/-
7.	Shop Tenant	Sh. Bhure Khan (Owner) Tahzibul	Rs.67,800/-
8.	Shop Tenant	Sh. Bhure Khan Sh. Nooruddin	Rs.39,600/-
9.	Shop	Sh. Bhure Khan	Rs.44,500/-
10.	Shop in Opposite side of Masjid	Sh. Bhure Khan (Owner) Tenant – Sh. Sirafat	Rs.15,300/-
11.	Ground Floor Residence	Sh. Budhiraja	Rs.81,500/-
12.	Ground Floor Shop & Residence	Luchar S/o Akhtar Ali	Rs.69,700/-
13.	Singh Computers	Sh. S.P. Gupta	Rs.1,33,000/-
14.	Dikson Sales Corp'n.	Sh. S.P. Gupta	Rs.51,150/-

15.	Shop & Entrance	Sh. S.P. Gupta	Rs.1,70,400/-
16.	Paint Shop	Sh. S.P. Gupta	Rs.89,800/-
17.	Jaipur Golden Tpt.	Sh. S.P. Gupta	Rs. 71,000/-
18.	R.V. Arts	Sh. S.P. Gupta	Rs.20,200/-
19.	Lubricants Shop	Sh. S.P. Gupta	Rs.61,800/-
20.	Shop Tenant	Sh. S.P. Gupta (Owner) Sh. Pawan Gupta	Rs. 52,200/-
21.	Shop Tenant	Sh. S.P. Gupta (Owner) Dalip Singh	Rs.50,445/-
22.	Shop Tenant	Sh. S.P. Gupta (Owner) Sh. Suresh Gupta	Rs.61,350/-
23.	Shop Tenant	Sh. S.P. Gupta (Owner) Sh. Jamshed Ali	Rs. 1,07,200/-
24.	Punjabi Dhaba	Sh. S.P. Gupta (Owner)	Rs.57,000/-
25.	PWD Plot	Vacant	Rs.1,98,000/-
26.		Rajvaid Sheetal Prasad & Sons	Rs.1,56,100/-
27.	Sansar Fac. Ltd.	. Inder Singh Singhal, Ravi Mittal & Kesar Mittal	Rs.12,800/-
28.	Electric Transformer		Rs.28,200/-
29.	Vinayak Steel		Rs.1,25,550/-
30.	Simran Steel	Sh. Ram Dhari Goel Ram Vilas Goel, Phool Chand Goel	Rs.51,100/-
31.	Ganpati Rolling Mills Pvt. Ltd.	Sh. Sushi Jain	Rs.1,05,400/-

32.	Kanwar Engg. Store Tenant	Sh. Sushil Kumar (Owner) Sh. Harbeer Singh	Rs.42,700/-
33.	Dharam Kanta	Sh. Prem Syal	Rs.17,400/-
34.	Nirmala Engg. Works – Tenant	Sh. Sushil Jain (Owner) Sh. Pran Nath	Rs. 8,350/-
35.	Arora Harware Tenant	Sh. Sushil Jain (Owner) Sh. Anil Arora	Rs.55,300/-
36.	N/R	Sushil Jain	Rs.1,72,900/-
37.	Sharma Welding (Tenant)	Sh. Sushil Jain (Owner) Prem Chand Sharma	Rs. 56,900/-
38.	Selai Kendra	Slum Deptt.	Rs.1,37,100/-
39.	Kailash General Store	Sh. Kailash	Nil
40.		Sh. Raj Kumar Luthra	Rs.6,800/-
41.	Shop (520/13-4)	Sh. Raj Kumar Luthra	Rs.67,050/-
42.	Doctor Shop	Mrs. Chandra Gupta	Rs.40,600/-
43.	Vivek Medical Store (520/13/15)	Shatrujeet Singh	Rs.2,07,400/-

WALLS : Included in the Structures.

BOUNDARY: As above.

TREES : Nil

Handing over taking over possession:-

The owners/occupant/interested persons in r/o the land under acquisition will be given sufficient time as per provisions of Land Acquisition Act, 1894 to vacate the land & to remove their moveable properties from the buildings & hand over the vacant possession to LAC.

Subsequently the physical possession of the land including built up property in toto acquisition will be handed over to M.C.D. through staff of I. & B Deptt in the presence of the staff of DDA.

The interested persons shall also be tendered 80% of the estimated compensation amount which could be claimed after producing the original documents in r/o the properties under acquisition.

Solatum:-

On the market value so determined, the owners/interested persons are entitled to get 30% extra compensation as solatium as per the provision of the Land Acquisition Act.

Additional Amount:-

The interested persons are also entitled to have an additional benefit @ 12% per annum on the market value of the land U/s 23 (1-A) of the Land Acquisition Act from the date of notification U/s 4 till the date of Award.

Apportionment

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

Summary of the Award

1.	Rate of 1 Sq. Meter (Residential)	Rs.2550/-
2.	Market value of the land measuring 03 Bigha 03 Biswa i.e. 2644.14 Sq.Mtr.	Rs.67,42,557/-
3.	Solutium @ 30% of market value	Rs. 20,22,767/-
4.	Additional amount @ 12% of market value w.e.f. 09.02.2005 (Date of Not. U/s 4) to 31.01..2007 (Date of Award) (1 year 357 days i.e. 722 days)	Rs.16,00,480/-
5.	Cost of Structures	Rs. 29,18,845/-
6.	Total	Rs.1,32,84,649/-

Rubees one crore thirty two daes eighty four thousand
six hundred forty nine only).

P. Halish
(KARTAR SINGH)
LAND ACQUISITION COLLECTOR/
A.D.M. (NORTH EAST)

The award is drawn with the approval of Secretary (Revenue), Govt. of NCT
of Delhi and announced accordingly.

Dy. Commissioner (North East) 12/2/07

Hanif Hussain
Principal Secretary (Revenue)

Award announced in the open court today (28²/₀₇).
Issue notices to the interested persons U/s 12(2) of
the L.A. Act 1894. 12 Halish
28/2/07