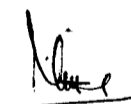


AWARD NO.: 11/DC (W)/2006-07

Name of Village : Madipur (Bharati Vidyapeeth, Paschim Vihar)  
Nature of Acquisition : Permanent  
Purpose of Acquisition : Traffic integration of Inderlok-Mundka  
Corridor of Delhi MRTS Project, Phase-II.

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 traffic integration of Inderlok-Mundka Corridor of Delhi MRTS Project, Phase-II**. The notification for acquisition of land measuring **545.26 sqmts.** was issued by the Land & Building Department on **31/05/2006** u/s 4 of Land Acquisition Act, 1894 vide Notification No. **F.7(11)/2005/L&B/LA/MRTS(W)/2872**. It was also mentioned in this notification that provisions of the sub-sections (1) and (4) of the Section 17 of the said Act were made applicable to this land and all the provision of Section 5A shall not apply. The declaration u/s 6 of Land Acquisition Act, 1894 was issued vide Notification No. **F.7(11)/2005/L&B/LA/MRTS (W)/5325** dated 05/07/2006. The land was also notified u/s 17(1) of the said Act vide Notification No. **F.7(11)/2005/L&B/LA/MRTS(W)/5326** dated 05/07/2006 directing the Land Acquisition Collector (West) to take possession of the said land on expiry of 15 days from publication of the notice u/s 9(1) of the said Act.

Wide publicity to the notifications for acquisition was given through important daily newspapers both in English and Hindi having large circulation in Delhi, for the knowledge of interested persons.



The Notice u/s 9 & 10 of the said Act were issued inviting claims from the owners/occupants/interested persons of the property. In response to this, interested persons have filed their claims, which is detailed under the heading 'Claims & Evidence'.

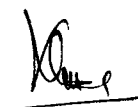
### **MEASUREMENT AND TRUE AREA**

The details of area notified u/s 4 & 6 of the Land Acquisition Act, 1894, are as under:-

<b>S. NO.</b>	<b>PROPERTY NO.</b>	<b>AREA IN SQ METER</b>
1.	Madipur (Bharati Vidyapeeth)	545.26
		<b>545.26</b>

On physical survey conducted by team of the officials of LAC (West), Land & Building Department, Transport Department and Delhi Metro Rail Corporation, the total area was found to be the same i.e. 545.26 sqm.

This entire area required for MRTS projects have been covered in the notification and declaration & there is no discrepancy on this account. **The possession of this 545.26 sqm. of land was taken over and handed over to Delhi Metro Rail Corporation through Land & Building Department and Transport Department on 02/12/2006.**



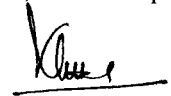
## CLAIMS & EVIDENCES

In response to the notice issued U/s 9(1) of the Land Acquisition Act, 1894 to the owners/occupants/interested persons, the interested person namely, Bharati Vidyapeeth's Institute of Management & Research, New Delhi has filed its claim through the Director which is as follows:-

S. No.	Name of Claimant	Claims
1.	Bharati Vidyapeeth's Institute of Management & Research	Rs. 2,30,000/- per sq. mtr. for land Rs. 2800/- per sq. ft. for construction and reduction in value of land.

The interested person was also heard personally and it was informed that the land was given by HRD Ministry on lease hold basis and they have enclosed a valuation report for the land @ Rs. 3 lakh per sqm. and others and making total claim of Rupees Sixty Eight Crores Fifty Three Lacs and Sixty One Thousand and Three Hundred Only. As per the other documents given by the interested person, it was found that the land was allotted by Delhi Development Authority on lease hold basis. Total Four acre of land was allotted, out of which 1.8 acre is for construction of buildings and 1.8 acre for play field and balance 0.4 acre for residential purposes. The premium paid was Rs. 45 lacs per acre for 2.2 acres of land while premium of 1.8 acres of land allotted for play field was paid @ Rs. 5000/- per acre.

Then a notice u/s 9 & 10 was also issued to the lessor i.e. Delhi Development Authority through the Director (Land Management) & Deputy



c/103

Director (Institutional Land). It was informed by Deputy Director, (Institutional Land) that this particular land was allotted by DDA to Bharatiya Vidyapeeth. As far as DDA is concerned, the land was allotted on perpetual lease hold basis and DDA holds title and the society holds the land as a lessee only. Accordingly, the compensation be passed on to the title holder i.e. lessor.

A notice u/s 50 of the aforesaid Act was also issued to DMRC Ltd. but none appeared.

## 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 land should be kept in mind. The property under acquisition is an institutional land situated in Madipur, Paschim Vihar having residential as well as commercial activities in the vicinity. 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 Land Acquisition Act, 1894, which in this case is 31/05/2006.

As per the reply given by Dy. Director (Institutional Land), the land was allotted to Bharati Vidyapeeth on perpetual lease basis. No copy of perpetual lease was provided by Bharati Vidyapeeth to the Land Acquisition Collector. A standard format of perpetual lease for institutional land was obtained from DDA and proviso to Clause 5 A reads as follows:-



Provided further that, in the event of the consent being given the Lessor may impose such terms and conditions as he thinks fit and the **lessor shall be entitled to claim and recover the whole or a portion (as the lessor may in his absolute discretion determine) of the unearned increase in the value (i.e. the difference between the premium paid and the market value) of the said land at the time of sale, transfer, assignment, or parting with the possession and the decision of the lessor in the respect of the market value, shall be final and binding.**

The interested person namely Bharati Vidyapeeth's Institute of Management & Research has taken this land on perpetual lease from the Delhi Development Authority @ Rs. 45 lacs per acre for institutional purpose for construction of buildings and @ Rs. 5000/- per acre for play field etc.

Further, DDA has informed that DDA holds the title and the society holds the land as a lessee only. Accordingly, the compensation be passed on to the title holder i.e. lessor.

After going through the standard perpetual lease form for institutional land and the reply given by DDA, it is clear that the land was allotted to Bharati Vidyapeeth i.e. lessee at the controlled rate for allotment of institutional land and DDA/lessor has powers to claim and recover the whole or a portion of the unearned increase in the market value. Also, DDA has informed that the compensation be passed on to them. So, accordingly, I am of the view that the lessee Bharati Vidyapeeth be given compensation at the rate at which premium was paid by them for allotment of land and any unearned increase be given to the lessor i.e. DDA as per terms and conditions of standard perpetual lease format and the reply given by DDA. Thus, I assess the market value for acquisition of lease



hold rights of Bharati Vidyapeeth Institute of Management and Research @ Rs. 45 lakhs per acre or Rs. 1112/- per sqm.

The compensation is assessed only in the favour of lessee i.e. M/s Bharati Vidyapeeth's Institute of Management & Research for acquisition of lease hold rights over the land measuring 545.26 sqms. and no compensation is assessed in favour of the lessor i.e. Delhi Development Authority as there is no question of Government acquiring what is its own. Further, Delhi Metro Rail Corporation Ltd. may like to take up the matter with Delhi Development Authority for obtaining ownership rights.

**B. STRUCTURES**

The valuation of the structures on the land under acquisition was carried out by Government registered valuers and the same was valued by PWD, Division-VI (GNCTD) as per which the valuation of the structures is Rs. 24,16,851/- (Rupees Twenty Four Lacs Sixteen Thousand Eight Hundred and Fifty One Only).

**C. SOLATIUM**

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



**D. 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 (1A) of the Land Acquisition Act, 1894 from the date of notification U/s 4 till the date of possession i.e. from 31/05/2006 to 02/12/2006.

**E. INTEREST U/S 34**

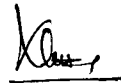
The interest at the rate of 9% p.a. will also be paid to the interested persons from the date of possession till the date of award i.e. from 03/12/2006 to 30/04/2007.

**F. APPORTIONMENT**

The compensation assessed against this acquisition will be given to the rightful owners/interested persons.

The compensation is assessed only in the favour of lessee i.e. Bharati Vidyapeeth's Institute of Management & Research for acquisition of lease hold rights over the land measuring 545.26 sqms. and no compensation is assessed in favour of the lessor i.e. Delhi Development Authority as there is no question of Government acquiring what is its own. Further, Delhi Metro Rail Corporation Ltd. may take up the matter with Delhi Development Authority for taking ownership rights.

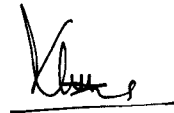
If there is any dispute, the matter will be referred to the Civil Court U/s 30/31 of the Land Acquisition Act, 1894.



### SUMMARY OF AWARDS

S.No.	ITEM	AMOUNT (IN RUPEES)
1	Compensation for the Land measuring 545.26 sqm @ Rs. 1112/- Per sqm i.e. Rs. 45 Lacs per acre	Rs. 6,06,329/-
2	Solatium @ 30%	Rs. 1,81,899/-
3	Value of structures	Rs. 24,16,851/-
4	Addl. Benefits u/s 23 (1A) on item 1 @ 12% per annum from the date of notification to the date of possession i.e. 31/05/2006 to 02/12/2006 (186 days)	Rs. 1,84,870/-
5	80% amount tendered before possession	Rs. 6,30,582/-
6	Balance amount after tendering 80% compensation	Rs. 27,59,367/-
7	Interest on balance compensation u/s 34 @ 9% per annum from the date of possession to the date of award i.e. 03/12/2006 to 30/04/2007 (149 days)	Rs. 1,01,378/-
	<b>Total Balance</b>	<b>Rs. 28,60,745/-</b>
	<b>Grand Total</b>	<b>Rs. 34,91,327/-</b>

(Rupees Thirty Four Lacs Ninety One Thousand Three Hundred and Twenty Seven Only)



(SANJEEV MITTAL)


Land Acquisition Collector

West District : Delhi



Divisional Commissioner/ Pr. Secretary (Revenue)

Announced in the open Court

  
03/11/2007

कलजा कार्यवाही भारतीय विदापीठ परिषद् विहाय (545.26) की मीट

C/72 दिनांक 02-12-2006

मुताबिक कार्यक्रम आज दिनांक आदेशावृत्त LAC(W), संख्या

2778-2783 दिनांक 04-11-06 के अद्वितीय उपयोग के अर्थ में  
कलजा लेने/देने हेतु महकमा अधिकृत अधिकारी, परिवहन D.M.R.C.  
के सुमांदा हाजिर है। सभी हाजिर की मौजूदगी में उपयोग के  
वैधता अधिकारी को महकमा D.M.R.C. द्वारा लाये गये विद्यमान वस्तु  
द्वारा तोड़कर खाली कराया गया तथा खाली अधिकारी (545.26) की मीट  
का कलजा वापस दायर है हासिल करके श्री दीपक सूरि, परिवहन अधिकारी  
के हवाले किया जिन्होंने यह कलजा ज्योका लो मोके पर श्री कमयोगी  
L.D.C. परिवहन के हवाले किया तथा श्री कमयोगी ने यह कलजा  
श्री जे.पी. वशिष्ठ Ex.En. D.M.R.C. के हवाले किया व्यवस्था कलजा  
कार्यवाही कोई मजहमत पेश नहीं आई। कलजा कार्यवाही की  
एक प्रति रिकॉर्ड नाल में दस्तावेज हेतु संबंधित दस्तावेज परवाही  
को भेज दी जाएगी। कलजा कार्यवाही पूरी हुई।

Handwritten Signature  
02/12/06.  
(J.P. Vashisht)  
EX.En. D.M.R.C.

Handwritten Signature  
2/12/06  
(Karamyogi)  
L.D.C./Transport

Handwritten Signature  
2/12/06  
(Deepak Sura)  
Patwari / L&B

Handwritten Signature  
2/12  
(S.V. Singh)  
N.T./C.A.

Handwritten Signature  
2/12/06  
Lalit Kumar  
Pat / CA

c/18.

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT : VIKAS BHAWAN : NEW DELHI

No F. 7(11)/2005/L&B/LA/MRTS(W) 2872

Dated :- 31/05/2006

NOTIFICATION

Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government at the public expense for a public purpose namely for traffic integration of Indirok-Mundka Corridor of Delhi MRTS Project, Phase-II. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made, under the provisions of Sub-section 1 of Section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor, Delhi is pleased to authorize the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

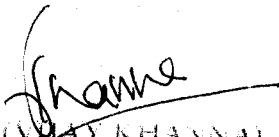
The Lt. Governor, Delhi is satisfied also that provisions of sub-section (1) of the section 17 of the said Act are applicable to this land and is further pleased under sub-section (4) of the said section to direct that all the provisions of Section 5(A) shall not apply.

SPECIFICATION

<u>NAME OF THE VILLAGE</u>	<u>TOTAL AREA</u> (In Sq. Mtrs.)	<u>AREA</u> (In Sq. Mtrs.)
Madipur (Bharti - Vidya Peeth)	545.26 Sq. Mtrs	545.26 Sq. Mtrs.

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

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05/06/06  
1st  
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Lalit

  
(VIKAS KHANNA)  
DY. SECRETARY (LA)

c/17

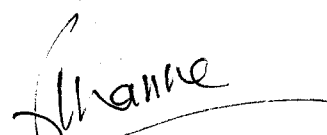
No F. 7(11)/2005/L&B/LA/MRTS(W) 2875-2890

Dated :- 31/05/2006

Copy forwarded to :-

1. Secretary to the Govt. of India, M/o Urban Affairs & Employment, Nirman Bhawan, New Delhi.
2. Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
3. Commissioner (LM), DDA, Vikas Sadan, INA, New Delhi.
4. Commissioner, M.C.D. Town Hall, Delhi.
5. Dy. Commissioner (West), Old Middle School Building, Rampura, Delhi.
6. Dy. Commissioner (MRTS), Transport Deptt., 5/9, Under Hill Road, Delhi-54.
7. ADM/LAC (West), Old Middle School Building, Rampura, Delhi.
8. ADM (HO/Notification), Geeta Colony, Delhi.
9. Chief Engineer (G), DMRC, NBCC Place, Bhishma Pitamah Marg, New Delhi.
10. Dy. Director (NL), DDA, Vikas Sadan, INA, New Delhi.
11. Secretary to the Legislative Assembly, Old Sectt., Delhi.
12. Sr. Accounts Officer (Fin.), L&B Deptt., Vikas Bhawan, New Delhi.
13. Tehsildar(L&B) (in duplicate), Vikas Bhawan, New Delhi.
14. Sub-Registrar, Shahdara, Kashmere Gate 1 -II, Pitampura, Asaf Ali Road, New Delhi, Janakpuri.
15. Central Record Room, L&B Deptt., Vikas Bhawan, New Delhi.
16. Writ Cell, L&B Deptt., Vikas Bhawan, New Delhi.

765/LAC  
9-6-06

  
(JAY KHANNA)  
DY. SECRETARY(LA)

c/22

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT, VIKAS BHAWAN, NEW DELHI

No F. 7(11)/2005/L&B/LA/MRTS(W)/ 5325

Dated :- 05/07/2006

NOTIFICATION

Whereas the Lt. Governor, Delhi is satisfied that land is required to be taken by Government at the public expense for a public purpose namely for construction of traffic integration of Inderlok-Mundka Corridor of Delhi MRTS Project, Phase-II. It is hereby notified that the land in the locality described below is acquired for the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, in respect of the land notified U/s 4 of L.A. Act, 1894 vide Notification No. F.7(11)/2005/L&B/LA/MRTS(W)/ 2872 dated 31/5/06 to all whom it may concern. Under the provisions of Section 7, of the said Act, the Land Acquisition Collector(West), Delhi is hereby directed to take orders for the acquisition of the said land.

A plan of the land may be inspected at the office of the Land Acquisition Collector (West) Delhi.

SPECIFICATION

<u>NAME OF THE VILLAGE</u>	<u>TOTAL AREA</u> (In Sq. Mtrs.)	<u>AREA</u> (In Sq. Mtrs.)
Madipur (Bhartiya Vidya Peeth)	545.26 Sq. Mtrs	545.26 Sq. Mtrs.

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

  
(VIJAY KHANNA)  
DY. SECRETARY (LA)

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार  
भूमि व भवन विभाग  
विकास भवन, नई दिल्ली

संख्या:-एफ.7(11)/2005/भू व भ/ भूअ/एम.आर.टी.एस(प0)/ 5325 दिनांक: 05/07/06

अधिसूचना

जबकि दिल्ली के उपराज्यपाल को यह प्रतीत होता है कि सार्वजनिक प्रयोजन एवं सार्वजनिक व्यय पर सरकार द्वारा दिल्ली एम.आर.टी.एस परियोजना फेस-2 के अंतर्गत मुंडका इन्द्रलोक कारिडोर में ट्रैफिक इन्टीग्रेशन हेतु भूमि प्राप्त किया जाना है ! अतः इसके द्वारा यह अधिसूचित किया जाता है कि निम्नलिखित इलाके में भूमि का उक्त प्रयोजन के लिए अधिग्रहण किया जाना संभावित है ।

यह घोषणा भूमि अधिग्रहण अधिनियम 1894 की धारा 8 के उपबंधों के अधीन सर्वसंबंधित के लिए प्रचालित की जाती है, जिसके लिए भूमि अधिग्रहण अधिनियम 1894 की धारा 4 के अंतर्गत अधिसूचना संख्या एफ 7(11)/2005/भू व भ/भू अ/एम.आर.टी.एस(प0)/2872 दिनांक 31/5/2006 के द्वारा की जा चुकी है और उक्त अधिनियम की धारा 7 के उपबंधों के अधीन दिल्ली के भूमि अधिग्रहण कलेक्टर (पश्चिम) को उक्त भूमि का अधिग्रहण के लिए आदेश लेने के लिए इसके द्वारा निर्देश दिया जाता है ।

भूमि के नक्शे का अवलोकन दिल्ली के भूमि अधिग्रहण कलेक्टर (पश्चिम) के कार्यालय में किया जा सकता है ।

विशिष्ट विवरण

गांव का नाम	कुल क्षेत्र (वर्ग मी0 में)	क्षेत्र (वर्ग मी0 में)
मादीपुर (भारती विद्यापीठ)	545. 26 वर्ग मी0	545. 26 वर्ग मी0

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल के आदेश तथा नाम पर

*(विजय खन्ना)*

(विजय खन्ना)

उप-सचिव (भू.अ.)

c/20

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT : VIKAS BHAWAN : NEW DELHI

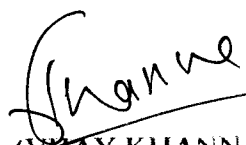
No F. 7(11)/2005/L&B/LA/MRTS(W)/ 5326

Dated :- 05/07/2006

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 17 of the Land Acquisition Act, 1894, the Lt. Governor, Delhi is pleased to direct the Land Acquisition Collector (West), Delhi to take possession of land the specification of which is given in this notification U/s 4 No. F.7(11)/2005/L&B/LA/MRTS(W)/ 2872 dated 05/07/06 and U/s 6 dated 5/07/06 on expiration of 15 days from publication of the notice under sub-section (i) of Section 9 of the said Act.

BY ORDER AND IN THE NAME OF LT. GOVERNOR OF DELHI.

  
(VIJAY KHANNA)  
DY. SECRETARY (LA)

c/19

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार  
भूमि व भवन विभाग  
विकास भवन, नई दिल्ली

संख्या:-एफ.7(11)/2005/भू. व. भ./ भू.अ./एम.आर.टी.एस.(प0)/ 5326

दिनांक: 05/07/2006

अधिसूचना

भूमि अधिग्रहण अधिनियम 1894 की धारा 17 की उपधारा 1 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली के उपराज्यपाल दिल्ली के भूमि अधिग्रहण कलेक्टर (पश्चिम) दिल्ली को सहर्ष निर्देश देते हैं कि वे उक्त अधिनियम की धारा 9 की उपधारा 1 के अधीन इस सूचना के प्रकाशन के 15 दिन की समाप्ति पर ऐसी भूमि पर कब्जा कर लें जिसका विशिष्ट विवरण धारा 4 अधिसूचना संख्या एफ 7(11)/2005/भू. व. भ./भू.अ./एम.आर.टी.एस.(प0)/2872 दिनांक 31/5/2006 और धारा 8 दिनांक .. 05/7/06 में दिया हुआ है !

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल के आदेश तथा नाम पर

वि. खन्ना

(विजय खन्ना)

उप-सचिव (भू.अ.)