

AWARD NO: 7/201/N/2001-2002.

NAME OF VILLAGE/AREA : CIVIL STATION/MALL ROAD
(CIVIL LINES AREA)

NATURE OF AWARD : PERMANENT

PURPOSE OF ACQUISITION : MASS RAPID TRANSIT SYSTEM

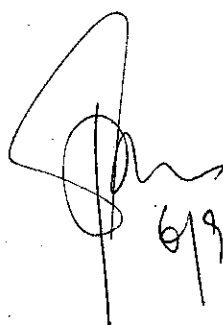
A notification for acquisition of Land at Cavalary Lane & Chhatra Marg, on Mall Road of Civil Lines area was notified U/s 4 of the Land Acquisition Act, 1894 vide Notification No. F.7(26)/2000/L&B/LA/13537 dt. 15.12.2000 for construction of Mass Rapid Transit System. The declaration Under Section 6 of the Land Acquisition Act, 1894 was issued vide Notification No.F.7(26)/2000/L&B/LA/MRTS/16126 dated 14.2.2001.

The specifications of Land notified for acquisition are as under:-

SPECIFICATIONS

Village	Khasra No.	MCD No./Property No.	Total Area (Sq.Metre)
Civil Station	203 Min	Covering: A. Bunglow No.4, Chhatra Marg, Mall Road, Delhi	18421.00
	810/205/2 Min	B. Bunglow No.1, Cavalary Lane Mall Road, Delhi	11331.16
		C. Bunglow No.3, Cavalary Lane, Mall Road, Delhi	760.00
		Total :	30512.16

Wide publicity of the declaration under section 6, LA Act was given through major dailies in Delhi in English & Hindi languages. Declaration u/s 6 of the LA Act was published in the Hindustan Times(English) on 7.3.2001 and in the Nav Bharat Times (Hindi) on 7.3.2001. Notification u/s 17 of the Land Acquisition Act, 1894 was issued vide Notification No. F.7(26)/200/L&B/LA/MRTS/16127 dt. 14.2.2001.



The Land being nazul Land (Defence Land) was leased out as follows:-

1. Bungalow No.1 (Old No.3 of Kingsway Camp) now Cavalary Lane, Mall Road, was leased out to Sh. Wazir Chand Mehra, Sh. Pramod Mehra and Sh. Chaman Lal Mehra on Form 'B' Cantonment Code, 1899. It was further intimated by the lessor i.e. Delhi Cantonment that Sh. Wazir Chand Mehra sold his portion out of his leased property Bungalow No.1 to Sh. S.K. Malik, V.K. Malik, A.K. Malik & Smt. Kanta Khanna, Arti Khanna and Sh. Sanjay Khanna.
2. Bungalow No.3, Cavalary Lane, leased out to M/s Basti Sugul Mill through Dr. Devraj Narang on Shedule - X on perpetuity, by the Delhi Cantonment as lessor.
3. Bungalow No.4, 30 Chhatra Marg, leased out to Sh. Ved Prakash Gupta. R. C. Khanna & Sanjay Khanna on Form 'B' Cantonment Code, 1899.

Since the notification was issued u/s 17 of the LA Act, which is the urgency clause, the provision of Section 5A of the Land Acquisition Act for inviting objections and making report to the Government, was dispensed with.

Notices u/s 9 & 10 of the LA Act were issued and served on the interested persons as per the record. The claims from the interested persons were received and considered while making this award u/s 11 of the Act. The details of the claims received are discussed under the heading 'Claims & Evidences'.

This acquisition involves land and structures appurtenant there-to. The structures were got evaluated by Govt. approved valuers and were vetted by the Public Works Department of Govt. of NCT of Delhi and submitted by Delhi Metro Rail Corporation. The Mass Rapid Transit System Project, for which the land is being acquired is being executed by Delhi Metro Rail Corporation.

MEASUREMENT & TRUE AREA

According to the notification u/s 4 and declaration u/s 6 of the Land Acquisition Act, 1894 there was no dispute between the land notified as 30512.16 Sq.Mtr. and the area as measured and available on site. The areas of Bungalow No.1, Cavalary Lane & Bungalow No.4, Chhatra Marg have been under possession of several persons and the details have been summarised as under in Table No.1:



TABLE NO. 1

Bungalow No.	Name of the lessee/Occupants	Area under possession (Sq.Mtr.)	Total area (Sq.Mtr.)
1, Cavalary Lane, Mall Road	a) Promod Mehra b) Chaman Lal Mehra c) S.K.Malik, V.K. Malik A.K. Malik d) Kanta Khanna, Arti Khanna, Sanjay Khanna	3851.00 3575.40 386.00 3518.76	11331.16
3, Cavalary Lane, Mall Road	a) M/s Basti Sugar Mill	760.00	760.00
4, Chhatra Marg, Mall Road	a) Ved Prakash Gupta b) R.C. Khanna & Sanjay Khanna	8913.06 9507.94 in equal share	18421.00

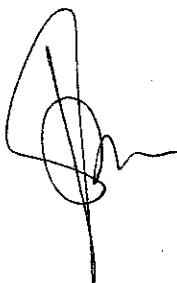
CLAIMS & EVIDENCES

In response to the notices u/s 9 & 10 of the LA Act, 9 interested persons have filed their claims as detailed below:-

TABLE NO: 2

S.No	Property No.	Name of the Claimant	Details of the claims and Evidences
1.	1, Cavalary Lane	Promod Mehra Through Sh. Krishan Lal Kapoor as special attorney.	<ol style="list-style-type: none"> 1. Market value of land @ Rs.1,00,000/- per sq. m. 2. Rs. 1,50,000/- per month towards hiring alternative place of business. 3. Rs. 2,50,000/- for trees. 4. Rs. 45,00,000/- for structures. 5. Copy of lease-deed from lessor i.e. Delhi Cantonment. 6. Copy of perpetual lease by DDA for 133.78 Sq. m. of Plot in Kingsway Camp. 7. Copy of Sale deed No.283 Book No.1 on pages 132-154 dt. 25.2.99

S.No	Property No.	Name of the Claimant	Details of the claims and Evidences
2.	1, Cavalary Lane	Chaman Lal Mehra	<ol style="list-style-type: none"> 1. Market value of land @ 1,00,000/- per Sq. metre. 2. Rs. 1,50,000/- per month towards hiring alternative Place of business. 3. Rs. 1,00,000/- for the trees. 4. Rs. 60,00,000/- for structures. 5. Copy of lease deed from lessor i.e. Delhi Cantonment. 6. Copy of perpetual lease by DDA for 133.78 Sq.m. of Plot in Kingsway Camp. 7. Copy of Sale deed No.283 Book No.1 on pages 132-154, dt. 25.2.99.
3.	1, Cavalary Lane	Kanta Khanna Arti Khanna Sanjay Khanna	<ol style="list-style-type: none"> 1. Market value of land @ Rs. 1,00,000/- per Sq. metre. 2. Copy of perpetual lease deed by DDA for 133.78 Sq. metres in Kingsway Camp Area. 3. Copy of Sale Deed No.282 Book No.1, Volume No.39, on page 113-131, dt. 25.2.1999. 4. Valuation Report for structure for compensation upto Rs. 37,85,05,000/- 5. Extracts from Military Land Register.
	1, Cavalary Lane	V.K. Malik, S.K. Malik, A.K. Malik	<ol style="list-style-type: none"> 1. Market value of land @ Rs. 1,00,000/- per sq. m. 2. Rs. 1,50,000/- per month towards hiring alternative place of business. 3. Rs. 2,50,000/- for trees. 4. Rs. 45,00,000/- for structures. 5. Copy of lease-deed from lessor i.e. Delhi Cantonment. 6. Copy of perpetual lease by DDA for 133.78 Sq. m. of Plot in Kingsway Camp. 7. Copy of Sale Deed No.283, Book No.1, on pages 132-154, dt. 25.2.99.



S.No	Property No.	Name of the Claimant	Details of the claims and Evidences
5.	3, Cavalary Lane	Basti Sugar Mills, through its Secretary Sh. Mohinder Paul	<ol style="list-style-type: none"> 1. Copy of lease deed on Schedule X (perpetuity) 2. Market Value of land @ Rs.60,000/- per sq.mtr. 3. Cost of structure at Rs. 4,71,48,000/- 4. Evaluation Report.
6.	4, Chhatra Marg	Ved Prakash Gupta	<ol style="list-style-type: none"> 1. Market Value of Land @ 1,00,000/- per Sq.metre. 2. Compensation @ Rs. 1,50,000/- per month towards hiring. Alternative Place for business. 3. Rs. 80,00,000/- towards super-structure. 4. Rs.2,25,000/- towards trees. 5. Copies of lease-deeds. 6. Copy of Valuation Report.
7.	4, Chhatra Marg	R.C. Khanna through Sh. Purushottam Dhir as P.O.A.	<ol style="list-style-type: none"> 1. Claim for 51179.5 Sq.ft. @ Rs.1,00,000/- per Sq.Mtr. 2. Cost of land & building – Rs.47,78,06,445/-. 3. Add potential market value towards Commercial potential – Rs.47,56,50,000/- 4. Discomfort & dispossession factor @ 20% Rs.19,06,91,289/-.
8.	- do -	Sanjay Khanna	<ol style="list-style-type: none"> 1. Claim for 51179.5 Sq.ft. @ Rs.1,00,000/- per Sq.Mtr. 2. Cost of land and buildings Rs. 48,27,42,520/- 3. Add potential market value towards Commercial potential – Rs.47,56,45,000/- 4. Discomfort & dispossession factor – Rs.19,16,77,504/-. 5. Valuation Report. 6. Expense Vouchers spent on renovation.



S.No	Property No.	Name of the Claimant	Details of the claims and Evidences
9.	1 & 3, Cavalary Lane & 4 Chhatra Marg	Delhi Contenment through Defence Estate Officer	<ol style="list-style-type: none"> 1. Copies of lease deed in respect of Bunglow No.1, 3 & 4 2. Copies of Military Land Register showing Mutations regarding transfer of lease-hold rights. 3. Rs. 7623/- per Sq.Metre for residential use and Rs. 15,930/- per Sq.Metre for Commercial Land use.

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 a rate of Rs.1,00,000/- per Sq.Metre. But the claimants 1 to 8 have not furnished any documentary evidence like registered Sale deeds of similar lands anywhere nearer to the claimed market value. It is further observed that the claims are not only exorbitantly high, but also not supported with facts. Such claims are held to be unfounded, hence rejected. But the claimants have filed copies of registered sale deeds of sales of similar lands which have been taken into account after verification and considered while arriving at the correct market value of land.

Similarly, the claim towards cost of structures have been very high and not supported by reliable evidence. These were not evaluated by credible Govt. approved valuers, hence were not accepted to be the basis for arriving at the compensation towards structures. The claims towards other items like; hiring cost of alternative Place of business furnished by the claimants are not supported by documentary evidences. Similarly, the claim towards discomfort and dispossession factors are not supported by any scientific basis on which such calculations were deduced.

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 Land Acquisition Act, 1894 which is 15.12.2000 in this case. For determination of the Market Value of the land under acquisition, its current



land-use, potentiality of future land-use, proximity of the land to the nearby developed areas and existing facilities, have been taken into consideration as required u/s 23(1) of the LA Act.

Current Land-use and existing facilities:- At present on the land under acquisition, huge bungalows have been constructed, which have been put mainly for residential proposes. These bungalows have huge lawns and trees, open spaces and parking areas around the structures and are served by well connected roads. The Bungalows are located right on the side of Mall Road, the main arterial road of North-Delhi.

Proximity to nearby developed areas and facilities :- The land under the present acquisition is surrounded by huge, well developed residential bungalows on all sides. The Bungalows under acquisition are in the immediate vicinity of the Prestigious Delhi University. The locality has been developed and urbanised over a long period. Further, the land is also in close- proximity to the tree-lined, posh Civil Lines Area. The Delhi Vidhan Sabha is only 500 metres away. The Raj Niwas, other offices Govt. of Delhi and Tis Hazari Courts are also within a few kilometres from the land. Commercial centres like; Kamala Nagar Market, Kingsway Camp, Model Town Market, Kashmere Gate and Old-Delhi Markets are also near-by. The Inter State Bus Terminus of Delhi situated close to the area in the hub of transport facilities for the entire National Capital Region and other neighbouring states. The area is very close to the Northern Part of the Ridge in Delhi, which provides adequate greenery to the locality.

Keeping the above facts in mind, two methods of valuation of land under acquisition were followed. In one method, the schedule of rates circulated by Department of Urban Development, Ministry of Urban Affairs & Employment vide letter No.J-22011/4/95-LD dt. 16.4.99, was referred. It was noted that indicative prices of land for such area was given at Rs.6930/- per Sq. metre for residential use and Rs. 13,860/- per Sq. metre for commercial use, but these rates are applicable till March 2000. These indicative schedule of market rates have not been revised, for post March 2000 period, 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 sales of similar lands in the adjacent areas of Civil Lines and Kingsway Camp were got collected to estimate the market value, the requirement being always to arrive as near as possible to the correct market value. The details of sales transactions of similar lands have been summarised as under:-

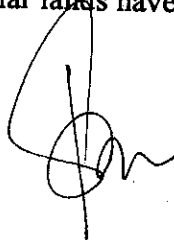


Table No.- 3

S.No.	Identification of Regd. Sale Deed or other document	Locality	Area	Total Transaction Value in Rs.	Rate in Rs.
1.	No.11719, Addl. Book No.1 Volume No.7257 Page No.165 to 200 Dated 15.12.95	Civil Lines, Rajpur Road	899.70 Sq. Metre	1,01,00,000/-	11225/- per Sq. mtr.
2.	No.6856 Addl. Book No.1 Volume No.6906 Page No. 1 to 79 Dated 8.8.95	Civil Lines, Attaur- Rehman Lane	500Sq.Yards (418 Sq. Metres)	81,00,000/-	19378/- per Sq. mtr.
3.	No.283 Book No.1 Volume No.39 Page No. 132 – 154 Dated 25.2.99	Civil Lines,	370Sq.Yards (309.32 Sq.metre)	40,60,000/-	13126/- per Sq. mtr.
4.	No. 282 Book No.1 Volume No.39 Page No.113 – 131 Dated 25.2.99	Civil Lines	375.7 Sq. Yards (314Sq.mtr.)	41,00,000/-	13057/- per Sq. mtr.
5.	No. 8703 Book No.1 Vol. No.455 on page 44-48 dt. 15.10.1997	Kingsway Camp	133.78 Sq.m.	33,90,000/-	25,340/- Per Sq.m.
6.	No.590 Book No.1, Vol. No.275 On page 147-164 dt. 15.2.2001	Civil Lines	825 Sq Yards (689.7 Sq.m)	33,33,500/-	4833/- per Sq.m.

Most of these sales transaction except that at Sr.No.5, constituted land and old structures appurtenant there-to. The average sales price of there sales transactions comes to Rs.11967/- per Sq.mtr. But as the price includes the cost of structure along with land and the bungalows in these Sale instances are old, average of 20% to 15% (i.e.17.5%)



reduction was loaded on the average sales prices arrived as above to find the average transaction price of land component. Thus discounting the average sales prices of Rs.11967/- per Sq. metre by 17.5%; the market value of land component only was arrived at Rs.9900/- per Sq.metre.

By comparing the above two methods of valuation and in view of the factors discussed under the headings, current land use, existing facilities and proximity to nearby developed areas; the market value arrived at on the basis of bonafide transactions of similar lands over a 5 year period was found more appropriate, which is in the interest of affected persons, whose lands/interests are being compulsorily acquired. Hence the market value of the land component only is awarded as Rs. 9900/- per Sq.metre.

Other Benefits:-

- (A) Additional benefits u/s 23(1A) of the Land Acquisition Act :- Over and above the compensation as market value, the rightful claims are entitled to additional benefits @ 12% per annum for a period from date of notification u/s 4 i.e. 15.12.2000 till the date of making the award i.e. 6.9.2001 (for 265 days).
- (B) Solatium :- The rightful claimants are also entitled to solatium of 30% over the compensation for land arrived on market value u/s 23(2) of the Land Acquisition Act.
- (C) Compensation towards structure:- A number of Bungalows have been constructed after the leases which have become quite old. Recently some new constructions have also come up particularly in the portions under the occupation of Sh. Sajay Khanna and Sh. A.K. Malik, Sh. S.K. Malik and Sh. V.K. Malik in Property No.1, Cavalry Lane and by Sanjay Khanna in 4, Chhatra Marg. All the structures existing on the land being acquired have been evaluated by Govt. approved valuer. The valuation reports were vetted by the Public Works Department of Govt. of N.C.T. of Delhi and submitted by Delhi Metro Rail Corporation for consideration. It was intimated by the Delhi Cantonment as the lessor that the lessee have carried out unauthorised constructions without getting those approved from the Defence Estate Officer. It was further intimated that Defence Estate Officer of Delhi Cantonment has issued notices during 1994 and 1999 regarding unauthorised constructions carried out by the lessees. It was also intimated by Delhi Metro Rail Corporation that the requisite no objection certificate regarding the constructions carried out in 1999 have not been issued by the D.M.R.C. On the other hand the occupants/lessees have stated that they have carried out these constructions after obtaining due approval. By looking at the documents on record it is noted that the constructions carried out in 1994 and 1999 are unauthorised. Hence, no compensation is awarded against these constructions. The evaluation reports were scrutinized and it was found that all the constructions



whether old and new have been evaluated by the valuer. In the valuation reports the estimation of the old and new constructions have been segregated and different depreciation rates have been applied to arrived at present market value of the structures. As the new constructions are unauthorised, the corresponding values as arrived in the valuation reports are not awarded. Whereas against old constructions, which have been evaluated separately, the corresponding values as arrived in the valuation reports are allowed to the rightful claimants for authorised structures only. The summary of the values awarded and not allowed under the occupation of each claimant have summarized as under in Table No.4.

TABLE NO.4

Sl.No	Bungalow No.	Name of the Occupant/claimant	Value of structure under occupation as per report in Rs.	Value of structure (authorised) Awarded/Allowed in Rs.
1.	1, Cavalry Lane	Chaman Lal Mehra	7,42,348	7,42,348
2.	1, Cavalry Lane	Pramod Mehra	6,17,800	6,17,800
3.	1, Cavalry Lane	Sanjay Khanna Kanta Khanna Arti Khanna	Old Construction : 4,51,569 New Construction : 41,01,834	4,51,569 NIL
4.	1, Cavalry Lane	A.K. Malik S.K. Malik V.K. Malik	New Construction : 16,72,693	NIL
5.	3, Cavalry Lane	Basti Sugar Mills	646,984	3,30,319
6.	4, Chhatra Marg	Ved Prakash Gupta	12,75,700	12,75,700
7.	4, Chhatra Marg	R.C. Khanna	2,21,300	2,21,300
8.	4, Chhatra Marg	Sanjay Khanna	13,29,100	11,92,726
TOTAL:			1,10,59,328	48,31,762

- (D) Compensation towards trees:- The trees standing on the land under acquisition were counted. These trees can be used for fire-wood purpose only. The small trees are taken at 2.5 quintals & big trees at 5 quintals weight approximately. The average market price of fire-wood is assessed as Rs.200/- per Quintal. Thus the compensation are assessed at Rs.500/- per small tree for 50 small trees and at Rs.1000/- per big tree for 174 big



trees. The details of trees standing on the land under possession of respective interested person/claimant is given as under Table No.5.

TABLE No.5

Sl.No.	Property No.	Name of the Occupants	No.of trees on land under possession		
			Big	small	Total
1.	1, Cavalary Lane	Sanjay Khanna Arti Khanna Kanta Khanna	12	2	14
2.	1, Cavalary Lane	C.L. Mehra	42	14	56
3.	1, Cavalary Lane	Pramod Mehra	15	4	19
4.	1, Cavalary Lane	S.K. Malik V.K. Malik A.K. Malik	0	0	0
5.	3, Cavalary Lane	Basti Sugar Mills	7	5	12
6.	4, Chhatra Marg	R.C. Khanna	41	9	50
7.	4, Chhatra Marg	Sanjay Khanna	39	6	45
8.	4, Chhatra Marg	Ved Prakash Gupta	18	10	28
Total			174	50	224

- (E) Interest:- As the possession of the land has not been taken over yet, no interest on this account is allowed.



174/c

APPORTIONMENT:

The land under reference belongs to the Delhi Cantonment, Ministry of Defence, Govt. of India, which has communicated the NOC for acquisition in respect of Bungalows No.1, 3 and 4 Mall Road, Delhi for MRTS Project vide letter No.13015/2/V(Lands)/2000 dt. 2.5.2000.

The occupants/claimants are the lessees of the Delhi Cantonment. The occupiers of Bungalow No.3 are governed by the Perpetual lease as indicated in the Schedule X Rule 31(1), Building lease in perpetuity and those of Bungalows No.1, Cavalary Lane & 4 Chhatra Marg, lease on Form B, Section 259 of cantonment Code 1899 is applicable.

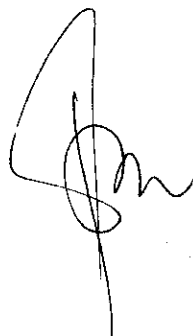
For the properties under acquisition, the lessees enjoy the right to hold the land for ever and they are also authorized to sale, gift, transfer, mortgage or exchange of interest in respect of the property they are lessee with. These conditions in the lease document, as supplied by Ministry of Defence are reproduced as below:-

Condition No. XXV

Condition XXV says "so long as the lessee, his heirs, executors, administrators, representatives or assigns shall (duly pay the said land of Rs.12/- and) observe the conditions herein before specified and or his or their part to be observed, he or they may subject to condition XXVII, hold the land forever without interruption by the Secretary of State, his successors and assigns.

Condition No. IV

- (i) Whenever the lessee intends to transfer by Sale, gift, mortgage or exchange his interest in the land or in the building erected on the land or in any part of the land or building, he or the intended transferee shall give cantonment magistrate one month notice in writing before the transfer has been completed.
- (ii) The General officer of the command shall have power within the said property of one month and with the concurrence of the local Govt., to impose by order in writing his veto or any such transfer if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it should report the case to such General Officer without delay.
- (iii) If, notice of any such transfer has not given as aforesaid or if any such transfer is made after the same have been veto, the transfer shall be void.



173/C

The status of lessee with regard to each property is as follows:-

Bungalow No.1, Cavalary Lane:

On 20th day of May 1906, the Secretary of State Govt. of India in Council (Secretary of State) executed lease on behalf of the Govt. under the Cantonment Code 1899 with the lessee Mr. J.C. Robert. The lease was regd. in the S.R. Office, Delhi on 2nd May 1906. Through condition No.IV (1) of the lease which allows lessee to go for transfer, gift, mortgage or exchange his interest etc., the property exchanged hands through Registered Sale Deeds and current lessees, as per the Defence records are Promod Mehra, Chaman Lal Mehra and Wazir Chand Mehra. Wazir Chand has further sold his rights through regd. Sale deed in respect of Mr. Sanjay Khanna, Smt. Kanta Khanna & Smt. Arti Khanna, & S.K. Malik, V.K. Malik, & A.K. Malik and their case for mutation is in process with Defence, as per the document furnished by Ministry of Defence. As Mr. Wazir Chand Mehra has not claimed to be the lessee, his entire rights by virtue of Sale deeds stand transferred in favour of Mr. Sanjay Khanna, Smt. Kanta Khana, Smt. Arti Khanna & Sh. V.K. Malik, S.K. Malik & A.K. Malik.

Bungalow No.3, Calavary Lane:

Sh. J.C. Robert lessee has sold all his rights title and interest in respect of the property to M/s Basti Sugar Mills through its Director Sh. Dev Raj Narang, Sale deed executed on 10.5.48. Doc. Regd. No.902 in Book No.1, Vol. - 2256 on page - 363-372 dt. 12.5.48

Bungalow No.4, Chhatra Marg:

Sh. J.C. Robert lessee has sold all his rights, title and interest in respect of the property to Sh. Ved Prakash Gupta S/o late Sh. Sunder Dass and Smt. Shanti Devi Khanna W/o late Sh. Rattan Chand Khanna, co-lessee vide Sale Deed executed on 3.5.46. Consequent upon demise of Smt. Shanti Devi Khanna and due to inheritance the rights & titles of lease transferred to the current lessee who are Sh. R.C. Khanna and Sh. Sanjay Khanna, as per the Defence record.

The Delhi Cantonment, lessor has pointed out certain unauthorised constructions carried out by the lessees in 1994 & 1999 but thereafter no action seems to have been taken under the condition/clause of the lease agreement as the lessees still hold the land rights, as per the record of the Defence Estate.



The documents available reveal that lessees are enjoying lease-hold rights in perpetuity and the occupants/lessees continue to hold the lease-hold rights over long periods.

It is well settled that where the land leased on perpetuity on a fixed rent is acquired under the Land Acquisition Act, the proportion of compensation is determined on the basis of value of interest between the lessor and lessee. In the present case the lessees are holding the Perpetual lease rights on a fixed rent of Rs.12/- annum by virtue of Schedule X Rule 31(1), Building lease in perpetuity in the case of Bunglows No.3 & by From B, Section 259 of Cantonment Code for Bunglow No.1 & 4.

The claimants/lessees have given references about the judgement of Bombay High Court-AIR 1979-Bombay, Kachru Lal Vs. Gurudwara Boad wherein it was held that in the dispute between owner and permanent licencees/tenants regarding apportionment, the lessor's interest is to the extent of capitalization of rent for the last 20 years. The following judgements of Delhi High Court and Supreme Court on deciding the proportion of interests between the lessor and lessee in case of perpetual leases were referred :

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|----|------------------------|-------------------------------------|
| 1. | (1994) 5 SCC 239 | - Inder Parshad Vs. Union of India. |
| 2. | AIR 1987 Delhi 151 | - Union of India Vs. Ajit Singh |
| 3. | (1996) 85CC 664 | - Mangat Ram Vs. State of Haryana |
| 4. | (1994) 4 SCC 523 | - Col. SIR Harinder Singh Brar |
| | | Vs. Bihari Lal |
| 5. | AIR - 1997 - SC - 2669 | Ajit Singh Vs. U.O.I. |
| | | U.O.I vs. Ajit Singh |

As decided in the above judgements, the apportionment between the lessor and the lessee have been determined in the ratios of 25:75, 20:80 and 40:60 between the lessor and lessee depending on the terms and condition of the lease-hold agreements. As there is some variation between these apportionments on case to case basis, reliance is placed on the latest judgement of the Hon'ble Supreme Court, reported in AIR - 1997 - SC - 2669; in which the amount of compensation has been apportioned between the lessor and the lessee in the 40:60 ratio. Hence accordingly, the amount of compensation arrived at on the basis of market value of land, component only, be apportioned between the lessor and lessee in the ratio of 40:60. As per the records the structures have been built by the lessees on vacant land leased out by the lessor. So the lessees are entitled to the entire compensation amount assessed against the authorised structures under their respective possession. Similarly, the lessees are also entitled to the entire compensation allowed towards trees.



SUMMARY OF THE AWARD

<u>Items</u>	<u>Amount in Rs.</u>
1 Compensation towards market value of land measuring 30512.16 sq. metres @ 9900/- per sq. metre u/s 23(1) of the Act	30,20,70,384/-
2 Additional benefits @ 12% per annum for a period of 265 days over the market value of land u/s 23(1A) of the Act	2,63,17,364/-
3 Solatium @ 30% over the compensation for land u/s 23(2) of the Act	9,06,21,115/-
4 Compensation towards structures.	48,31,762/-
5 Compensation towards 50 small trees @ 500/- and 174 big trees @ Rs. 1000/-	1,99,000/-

Total

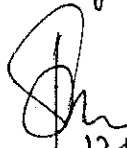
42,40,39,625/-

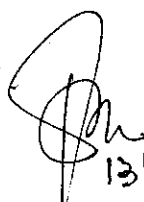
(Rupees Forty two crores, forty lakhs thirty nine thousand and six hundred and twenty five only.)

This award is made u/s 11 of the Land Acquisition Act.

(SUDHIR MAHAJAN)
LAND ACQUISITION COLLECTOR/ADM
DISTT: NORTH

Award approved
by Secy. (Land), Govt. of Delhi
on 11/9/01.


12/9/01.

Award announced in the open court - 
13/9/01.
(3 pm)