

14/DC(W)/04-05

AWARD NO. : /2004

Name of Village : Vivek Cinema, Patel Nagar, New Delhi
Nature of Acquisition : Permanent
Purpose for Acquisition : M.R.T.S. Project

These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 initiated for the purpose of Mass Rapid Transit System Project. The notification for land measuring 2325.24 sqm. was issued by the Land & Building Department on 04.03.2003 u/s 4 vide notification No. F.7(60)/2001/LA/L&B/MRTS/19308 of the Land Acquisition Act. The declaration u/s 6 of Land Acquisition Act was issued vide Notification No. F.7(60)/2001/LA/L&B/MRTS/2074 dated 08.05.2003. Since the land was also noted u/s 17(i) of the L.A. Act too vide Notification No. F.7(60)/2001/LA/L&B/MRTS/2075, dated 08.05.2003, 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
I.	Vivek Cinema	Patel Nagar, New Delhi	2325.24
		Total	2325.24

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

The Notices u/s-9(1) & 10(1) of the L.A. Act were issued inviting claims from the owners/occupants/interested persons of the properties. In response to this, some

interested persons have filed their claims which are detailed under the heading 'Claims & Evidences'. This acquisition involves land & structures appurtenant thereto. The structures were got evaluated by Govt. approved valuers 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 2325.24 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. 2325.24 sqm. The entire area required for MRTS project have been covered in the notification and declaration & there is no discrepancy on this account.

CLAIMS & EVIDENCES

In response to the notices issued u/s 9(1) and 10(1) of the Land Acquisition Act, 1894 to the owners/occupants/interested persons, the following persons filed their claims:-

S.No	Property No.	Name of the claimant	Claims
1.	Vivek Cinema	Sh. Anil Kumar Sh. Hans Raj Sh. A.K. Dhingra Sh. H.R. Dhingra	<ul style="list-style-type: none">- Rs. 2 lacs per/sqm for land- Rs. 8 lacs per month for alternative place for business- Rs. 2 crore for structure- Rs. 1.25 crore for benefits and salaries of employees- Rs. crore for goodwill- Alternative site

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. 2.00 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 lacks supportive evidences.

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 possess 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 Moti 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 04.03.2003, 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 Patel Nagar area was given at Rs. 11,550/- per sqm. for residential purpose and Rs. 24,150/- for commercial purpose. But 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 and 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.	1333- 6.02.2001	33,75,000/-	333.00	W-5, West Patel Nagar	Rs. 10,150/-
2.	119- 7.4.2003	5,35,00,000/-	6019.20	Patel Road	Rs. 8,888/-

On calculation, the average sale price of these transactions comes to Rs. 9,318/- 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. 31,395/- 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.	Vivek Cinema	Sh. Anil Kumar, A.K. Dhingra and Others	Rs. 76,85,144/-
		Total :-	Rs. 76,85,144/-

OTHER COMPENSATIONS

C. 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.

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(i)(ii)(a) of the Land Acquisition Act from the date of notification u/s 4 till the date of possession i.e. from 04.03.2003 to 14.08.2003.

E. INTEREST U/s 34

The interest at the rate of 9% and 15% p.a. will also be paid to the interested persons from date of possession till the date of award i.e. from 15.08.2003 to 05.03.2005.

F. 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 is as under :-

S.No.	Property No.	Name of the Recorded Owner	Status of Land	Amount (Rs.)
1.	Vivek Cinema	1. Vivek Pvt. Ltd. 2. Anil Kumar 3. Hans Raj 4. A.K. Dhingra 5. M.R. Dhingra	Lease Hold	Rs.11,53,74,028/-

Since, 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.	Market Value of the land measuring 2325.24 sqm. @Rs. 31,395/- per sqm.	Rs. 7,30,00,909/-
2.	Solatium @ 30%	Rs. 2,19,00,273/-
3.	Value of structures as assessed by Regd. Valuer & vetted by PWD	Rs. 76,85,144/-
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. 04.03.2003 to 14.08.2003 (164 days)	Rs. 43,50,415/-
5.	80% compensation tendered before possession	Rs. 5,84,00,728/-
6.	Interest on compensation u/s 34 from the date of possession to the date of award i.e. 15.08.2003 to 05.03.2005 (569 days)	Rs. 43,68,241/- Rs. 40,69,046/- Rs. 84,37,287/-
	TOTAL :-	Rs. 5,69,73,300/-
	GRAND TOTAL :-	Rs. 11,53,74,028/-

(Rupees Eleven Crore Fifty Three Lacs Seventy Four Thousand Twenty Eight Only).

Approved by

[Signature]
Secretary (Revenue)



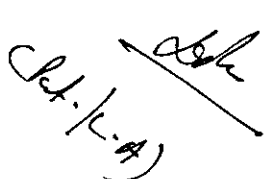
4/3/2005

[Signature]
(BINAY BHUSHAN)
LAND ACQUISITION COLLECTOR
WEST DISTRICT: DELHI

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

[Signature]
7/3/05

Naksha Muntjamine - Of Virek Cinema, Patel Nagar

1	2	3	4	5	6	7	8	9	10	11	12
S.No.	Property No.	Area (in Sqm)	Market Value @	Solution @ 30%	Value of Structure	Addl. Amount @ 12% p.a. from	Amount Taxed before Possession	Balance Amount	Interest on Bal. Amount	Total Balance (9+10)	Grand Total (8+11)
1-	Vinek Cinema	2325.24	73000909/-	21900273/-	7685144/-	4350415/-	58400720/-	48536013/-	84,37,207/-	56973300/-	115374028/2
<p style="text-align: right;">  (J. H. D. D.) </p> <p style="text-align: right;">  (J. H. T. C. A.) </p> <p style="text-align: right;">  (J. H. T. C. A.) </p>											

Dt - 14/8/03

दिनांक 14/8/03 कारवाइ कावला विवरण दिनांक (होम) 42 म नगर

आज प्रवासी प्रमाण आदवाइका E.A.C.C.W) वरदा लगे व्यवस्था
माल पर पड़े इस property का गति 1 मय 2003 VLS 4 of LA Act

No F7(60)/2001/LAB/LA/MATS/19308 दिनांक 4-3-03 के VLS
6 No F7(60)/2001/LAB/LA/MATS/2075 दिनांक 8/5/03 तथा 17(1)

है उकाई जिहम तहत कारवाइ कावला की गई माल पर D.M.R.C की
जानव है जो रोडो विंग्ड मंड A.E. की विशाल रहलोजी J.E. व मंडका

Transport Depot की जाव है श्री शरी मंडका S.A. व श्री प्रकाश
वरदाजी मंडका का L.A. तथा मंडका L4B की जाव है श्री करारादि

कावला माल पर होजल है। उपराल की होजरी है सामान विवरण दिनांक
परेम रोड की वजाइया प्रतीता प्रवासी गति 1 मय 2003 चौरा तहत की प्रकाश

की गई तथा निशागत रका लगे दिग्गय जिहम रका 2325-24 का
मोटर है जिहम हंडर देखा उरल माल रोड की माल रोड देखा

लोवक रोड मोटर माल रोड है। किना का देखा Built up
है। सामान विमाइया कावला मंडका LAB की वरदा देखा हंडर

विमाइया लवकर देखा कारवाइ किनी रका की प्रजाइत पर नही
आइ इस उरल की प्रजाइती प्रजाइती माल पर देखा है गई कारवाइ

प्रमाण है अन्वी है

14/8/03
(Rajhendra Dhatt)
D.M.R.C. A.E.

14/8/03
(Rajhendra Dhatt)
D.M.R.C. A.E.

14/8/03
(Laxmi Chandra)

14/8/03
(Laxmi Chandra)

14/8/03
(Vishal Rastogi)
D.M.P.E. J.E.

14/8/03
(Rohansingh)

14/8/03
(Satis Kumar S.A.)
Transport Depot

Handing over / Taking Over Note - DT-14.8.03

Property namely Vivek Cinema, Patel Road measuring 2325.24 sqm has been handed over to L&B Dept along with structures on as is where is basis on 14.8.03 at site.

Handed over by

Taken over by

~~14/8/03~~
(Lakshminarayanan)
Kgo/L&B Dept

~~14/8/03~~
(Karan Singh)
Kgo/L&B Dept

Simultaneously above property is handed over to Transport Dept along with structures.

Handed over by

Taken over by

~~14/8/03~~
(Karan Singh)
Kgo/L&B Dept

~~14/8/03~~
(Satish Kumar)
S.A./Trpt Dept

Simultaneously above property is handed over to DMRC along with the structures.

Handed over by

Taken over by

~~14/8/03~~
(Satish Kumar)
S.A./Trpt Dept

~~14/8/03~~
(Raghavendra Bhat)
AEN/DMRC

No. F. 7(60)/2001/L&B/LA/MRTS/ 19308

Dated :- 4/3/03

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 MRTS Station etc. 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 authorise 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

Property No. & Name of Locality	Measurement & Total Area (in Sq. Mtr.)	Property No. of Boundaries
Vivek Cinema on Patel Road (Whole)	$(62.70+62.65)m \times 37.10m = 2325.24 \text{ sq.m.}$ 2	N- Patel Road S- Service Road E- Service Road W- Service Road

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

(H.D. MAHI)
DY. SECRETARY (LA)

संख्या. एफ.7(60)/2001/भू. व भ/भू.अ./एमआरटीएस/ 19308

दिनांक: 4/9/03

अधिसूचना

जबकि दिल्ली के उपराज्यपाल को यह प्रतीत होता है कि सार्वजनिक प्रयोजन एवं सार्वजनिक व्यय पर एम. आर.टी.एस स्टेशन स्थापित हेतु सरकार द्वारा भूमि का प्राप्ति किया जाना है । अतः इसके द्वारा यह अधिसूचित किया जाता है कि निम्नलिखित इलाके में उक्त प्रयोजन के लिए भूमि अधिग्रहण किया जाना संभावित है ।

यह अधिसूचना भूमि अधिग्रहण अधिनियम 1954 की धारा 4 के उप-धारा (1) के उपबन्धों के अधीन सर्वसंबंधित के लिए प्रकाशित की जाती है ।

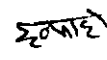
पूर्वोक्त धारा में प्रवृत्त शक्तियों का प्रयोग करते हुए दिल्ली के उपराज्यपाल तात्सम्य कार्यरत अधिकारियों की उनके कर्मचारियों और कामगारों सहित इलाके में किसी भी भूमि में प्रवेश करने व सर्वेक्षण करने और उक्त धारा द्वारा अपेक्षित या अनुमति प्राप्त सभी अन्य कार्य करने के लिए सख्त प्राधिकृत करते हैं ।

उपराज्यपाल इससे भी संतुष्ट हैं कि उक्त अधिनियम की धारा 99 (1) के उपबन्ध इस भूमि पर लागू हैं, उक्त धारा की उपधारा (4) के अधीन सख्त यह भी निर्देश है कि धारा -4 क के उपबन्ध लागू नहीं होंगे ।

विशिष्ट विवरण

सम्पत्ति संख्या एवं स्थान का नाम	माप एवं कुल क्षेत्र (वर्ग मी.में)	सीमाओं की सम्पत्ति संख्या
पटेल रोड पर विवेक सिनेमा (सम्पूर्ण)	$(62.70+62.65) \text{ मी.} \times 37.10 \text{ मी.} = 2325.24 \text{ वर्गमी.}$ 2	उ-पटेल रोड ब-सर्विस रोड पू-सर्विस रोड प-सर्विस रोड

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल के आदेश तथा नाम पर


(एच.डी.भाड़ी)
उप-सचिव(भू.अ.)

No. F. 7(60)/2001/L&B/LA/MRTS/ 2674

Dated :- 8/5/03

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 MRTS Station etc. 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(60)/2001/L&B/LA/MRTS/19308 dated 4.03.20003 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

Property No. & Name of Locality	Measurement & Total Area (in Sq. Mtr.)	Property No. of Boundaries
Vivek Cinema on Patel Road (Whole)	$(62.70+62.65)m \times 37.10m = 2325.24 \text{ sq.m.}$ 2	N- Patel Road S- Service Road E- Service Road W- Service Road

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


(H.D. MAHI)
DY. SECRETARY (LA)

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

No. F. 7(60)/2001/L&B/LA/MRTS/ 8075

Dated :- 8/5/03

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section of 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 his notification u/s 4 No. F . 7(60)/2001/L&B/LA/MRTS/19308 dated 4.03.20003 and U/s 6 dated 8-5-03 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
the Lt. Governor of NCT of Delhi.



(H.D. MAHI)
DY. SECRETARY (LA)