

OFFICE OF THE LAND ACQUISITION COLLECTOR (CENTRAL DISTRICT)
14, DARYA GANJ, NEW DELHI - 110002

AWARD NO. 1 / 2008 - 2009

Name of Area / Village	--	Kh. No. 402/29, Property No. 16/874, East Park Road, Karol Bagh, New Delhi
Nature of Acquisition	--	Permanent
Purpose for Acquisition	--	Expansion of Dr. N.C. Joshi Memorial Hospital, Joshi Road, Karol Bagh, New Delhi

I. These are the proceedings for acquisition of land u/s 11 of Land Acquisition Act, 1894 initiated at the instance of Dr. N.C. Joshi Memorial Hospital, Joshi Road, Karol Bagh, Delhi. The notification u/s 4 of the Land Acquisition Act, 1894 for land measuring 275 sq. yards was issued by the Land & Building Department on 29-01-2007 u/s 4 vide notification No. F.10(31)/06/L&B/LA/16047. Report u/s 5(A) of the Land Acquisition Act was sent to Land & Building Department along with the original objections. The declaration u/s 6 of Land Acquisition Act was issued vide notification No. F.10(31)/06/L&B/LA/14989 dated 24-01-2008.

II. Wide publicity of the notification was given through important dailies both in English (The Times of India) and Hindi (Hindustan) having very large circulation in Delhi for the knowledge of interested parties / persons.

III. Notices u/s 9 and 10 of the Land Acquisition Act were issued inviting claims from the owners / occupants / interested persons of the property. The claims from the interested persons were received which are detailed under the heading 'Claims & evidence'.

The acquisition involves only land.

IV. **MEASUREMENT AND TRUE AREA**

As per the notification, the total area of land measuring 275 sq. yards was notified for acquisition. On physical survey conducted by a team of the officials of O/o

LAC (Central), Land & Building Department and Dr. N.C. Joshi Memorial Hospital. the total area was found to be the same i.e. 275 sq. yards. The entire area required for Dr. N.C. Joshi Memorial Hospital has been covered in the notification u/s 4 and declaration u/s 6 of Land Acquisition Act, 1894 and there is no discrepancy on this account.

V. **CLAIMS AND EVIDENCE**

In response to the notices issued u/s 9 and 10 of the Land Acquisition Act, 1894, only the following person filed his claim:

<u>Sl. No.</u>	<u>Property No.</u>	<u>Name of the Claimant</u>
1.	Kh. No. 402/29, Property No. 16/874,	Thakar Rachin Singh

In proof of the land under acquisition being commercial, the claimant has submitted following evidence:

1. Notification No. F.13/46/2006-UD/16071 dated 15-09-2006 issued by the Urban Development Department, Govt. of NCT of Delhi, whereby New Rohtak Road from Zero Point Zakhira to Crossing Joshi Road has been declared as 'street for commercial use'.
2. As per Master Plan of Delhi - 2021, Karol Bagh apart from the Walled City and its extension has been designated as "Special Area" for the purpose of development. Further, Special Area has been defined as 'an area with special characteristic designated as such in the Plan for development / re-development.

The following compensation has been claimed:

The claimant has claimed compensation @ Rs. 10 lacs per sq. yard. For the unauthorized occupation of the land under acquisition for the last 19 years, the claimant has claimed damages @ Rs. 3000/- per sq. feet along with the interest @

24 % per annum on the said amount. In proof of the claimed amount following evidences have been submitted:

- a. The claimant has filed reserve price fixed by the DDA and the bid amount in respect of different plots in Delhi which have been auctioned during the year 2006. While 5 plots are located in different localities in Delhi, one plot is in District Central at Rajendra Place. The details of auction in respect of this plot are as under:

Plot No. / Locality	Date of Auction	Area in Sq. mtr.	Reserve price in Cr.	Bid Amount in Cr.	Address
District Centre, Rajindra Place	29-08-2006	668.90	27.64	46.25	M/s Basant Projects Ltd., B-4, 34/1, Vikas Apptt. East Punjabi Bagh, Delhi

From the aforesaid, reserve price per sq. yard is Rs. 3.44 lacs per sq. yard and the bid amount was Rs. 5.76 lacs per sq. yard. However, this example quoted by the interested person is flawed since District Centre, Rajindra Place is a purely commercial place and secondly the auction rates cannot form the basis for arriving at the correct and fair market value of land. Furthermore, Rajindra Place is at a considerable distance from the impugned land and the land rates at Rajindra Place cannot be compared with the land rates around the impugned land.

- b. In respect of all the damages, the claimant has claimed that vide Award No. 7 of 1986-87, while the major portion of Kh. No. 402/29 was acquired for Dr. N.C. Joshi Memorial Hospital, the possession was taken over by the Hospital Authorities in excess of the acquired land by 275 sq. yards. The Hospital continues to be in unauthorized occupation of 275 sq. yards from the year 1988 till today. In the year 1998, Suit No. 53/98 (new No. 309/2002) was filed in the Court of Senior Civil Judge, Delhi for claiming possession of the land and also mesne profits and injunction. When the notification under section 4 of Land Acquisition Act was issued on 29-01-

2007, the said Suit was dismissed by the Court vide order dated 06-02-2007 'as having become infructuous'. The claimant states that prior to this dismissal of the Suit, the matter was referred to the Lok Adalat by the Ld. Court where during the proceedings on 20-03-2006, it was admitted by the Medical Superintendent of Dr. N.C. Joshi Memorial Hospital that "land measuring 275 sq. yards in excess of the acquired land, which belongs to the plaintiff, is under the occupation of the Hospital". On the basis of these arguments the claimant has pressed for damages on account of unauthorized use and occupation of the land by the Hospital for the last 19 years. However, the interested person has not given any rational basis for arriving at the claim for damages, so the damages are not considered.

The claimant has also relied upon the sale deed registered on 10-01-2006 with the following particulars:

Regn. No. and Date	Name and Address of seller	Name and address of purchaser	Details of land / property	Total Consideration	Area of land	Value (per sq. yard)
271 dt. 10-01-2006	Sh. Mahabir Parshad Gupta s/o Sh. Sri Ram r/o A-2/9, Model Town-I, Delhi-110009	M/s Naqash / Arts at S.R. Ganj. Sheikh Mohalla, Srinagar Kashmir	6/54, Western Extension Area, Karol Bagh, New Delhi.	Rs. 25,00,000/-	39 sq. yard	Rs. 64,102

The property of the above sale deed is built-up up to 3rd floor and the sale consideration includes the value of the structure. Unless this value of structure is deducted from the total sale consideration, the correct market value of the land involved cannot be determined. In any case, the area where the above property is located is at a considerable distance from the land under acquisition and the sale consideration mentioned above cannot form the basis for determining the true and correct market value of the land under acquisition.

VI. 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 i.e. 29-01-2007.

To arrive at a fair market value of the land under acquisition, the locality of the site, its current land use the, situation of the area and finally the quality and potentiality of future land use are to be taken into consideration. The land under acquisition is situated on East Park Road, Karol Bagh and has residential as well as commercial activities in the vicinity. The properties in vicinity have houses on the first and second floors while commercial activities are being run from the ground floor portion of a few of the properties in the neighbourhood. This is not sufficient to categorize the impugned land as commercial in nature. The claimant has relied upon Notification No. F.13/46/2006-UD/16071 dated 15-09-2006 issued by the Urban Development Department for making modifications in Delhi Master Plan 2001, New Rohtak Road from 'Zero Point Zakhira to Crossing Joshi Road' is a commercial street (Annexure A4 of the Notification). However, New Rohtak Road is at a distance of approximately 100 metres from the land under acquisition and this notification can by no stretch of imagination be construed to infer that the land under acquisition has been declared as commercial. Also, when the land measuring 2178 sq. yards out of the same Khasra No. i.e. 402/29 was acquired vide Award No. 7 of 1986-87, the then Land Acquisition Collector had awarded the compensation for residential land only. In view of the facts stated above, I find that the land under acquisition should be considered as residential for the purpose of determining the compensation.

Keeping the above facts in mind, following methods of valuation of land under acquisition were followed. In the first method, the schedule of rates circulated vide Notification No. F.2(12)/Fin.(E.1)/Part File/Vol.I(ii)/3548 dated 18-07-2007 of Revenue Department, Govt. of NCT of Delhi relating to circle rates (minimum rates) for valuation of land and properties u/s 27 and section 47A of the Indian Stamp Act, 1899 (2 of 1899) was consulted. As per this schedule, minimum rate for valuation of land for residential use in Karol Bagh (Category 'D') is Rs. 21.800/- per sq. mtr. i.e Rs. 18,226/- per sq. yard. However, these rates became effective w.e.f. 18-07-2007 whereas Notification u/s 4 was issued on 29-01-2007. If a discount of 12% per annum is allowed for a period of six months

prior to the date when the circle rates came into effect, the rate for the land under acquisition comes to Rs. 17,133/- per sq. yard.

In the second method, the market value of the land under acquisition was examined with reference to the schedule of rates circulated by Ministry of Urban Affairs and Employment, Department of Urban Development (Land Division) vide No. J-22011/4/95-LD dated 16-04-1999 which were made valid for a period of two years i.e. from 01-04-1998 to 31-03-2000. However, these rates were not revised after 31-03-2000 and therefore cannot be considered as a true indicator of the fair market value after a period of 8 years.

In another method of valuation, price paid within six months prior to Notification u/s 4 in bonafide transactions of purchase of similar lands possessing similar advantages was sought to be taken. However, it was seen that all the sale deeds pertain to built up properties and most of them did not involve the sale of land. Hence, fair price of land could not be found by this method.

Considering all the above facts, I assess Rs. 17,133/- per sq. yard as the fair and reasonable market value for the land under acquisition. In addition to the market value, the interested persons will be entitled to other benefits under the provisions of the Act.

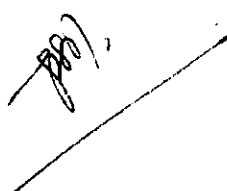
VII. OTHER COMPENSATION -

A. Solatum u/s 23 (2)

On the market value so determined by the Land Acquisition Collector the owners/ interested persons are entitled to get 30% extra compensation as solatium as per the provisions of section 23(2) of the Land Acquisition Act, 1894.

B. Additional Benefit u/s 23 (1-A)

The interested persons are also entitled to get 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 i.e. from 29-1-2007 to the date of Award.

- C. **Value of the Structure** – As stated above, the land under acquisition is already in the possession of Dr. N.C. Joshi Memorial Hospital. Hence, valuation of the structures existing upon the land under acquisition was not got done, so no compensation is payable to the owner.

VIII. APPORTIONMENT -

The compensation will be paid to the rightful owners / interested persons on the basis of latest records.

The land under acquisition is on lease under Delhi Improvement Trust / Delhi Development Authority. The lease hold rights were sold to Sh. Kuldeep Singh s/o Sh. Jaswant Singh, Sh. Harbans Singh s/o Sh. Kanwar Singh, Smt. Har Kaur w/o Sh. Jai Kishan and Smt. Nanki Devi w/o Sh. Harbans Singh on 23-01-1961 vide certificate issued by O/o Regional Settlement Commissioner (M-Wing), Jamnagar House, New Delhi. It is mentioned in this document titled "Appendix-XXIII" that "the terms and conditions on which the site will be held are given in the original lease deed executed by the evacuee owner on 20-06-1944 pertaining to Khasra No. 402/29, Block -E, Karol Bagh, Delhi". Another document with Appendix- XXIII gives the term of the lease as 90 years. The lease deed dated 20-06-1944 executed between the Delhi Improvement Trust (lessor) and Sh. Shafiq Ahmed (lessee) provides the terms and conditions of the lease according to which the lessee is not allowed to part with the land without the written consent of the lessor. Since the claimants are lease holders of DDA / Delhi Improvement Trust and the Government is the recorded owner of the land under acquisition, the issue of apportionment is referred to the Court of Ld. ADJ, Delhi for proper adjudication u/s 30 / 31 of the Land Acquisition Act, 1894. The amount of compensation awarded shall be sent to the Court of Ld. ADJ.

IX. SUMMARY OF AWARD

Sl. No.	Item	Rupees
1	Compensation for the land measuring 275 sq. yards @ Rs. 17,133/- per sq. yard	47,11,575/-
2	Solatium 30%	14,13,472/-
3	Addl. Benefits @ 12% u/s 23(1A) from the date of notification i.e. 29-01-2007 to date of Award i.e. 31-08-2008 (580 days)	8,98,426/-
Total		70,23,473/-

(Total value of Award Rs. Seventy Laes Twenty Three Thousand Four Hundred Seventy Three Only)

[Signature]
14/8/08
(G.P. SINGH)

Land Acquisition Collector
Central District, Delhi

[Signature]
Secretary (Revenue)

Announced today i.e. 29-8-08 (for
in the open Court.

[Signature]
29/8