

AWARD NO. : 3/2003-04

Name of Village : 1, 2, 3, T-5139 & T-5135, Pusa Road,
New Delhi.
Nature of Acquisition : Permanent
Purpose for Acquisition : M.R.T.S. Project

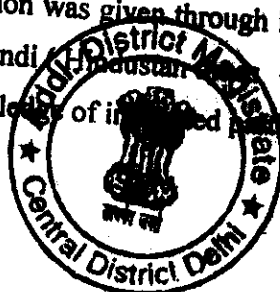
These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 initiated for the purpose of Mass Rapid Transit System Project. The notification for land measuring 221.22 Sq. meter was issued by the Land & Building Department on 24-09-2003 u/s 4 vide notification No. F.7(17)/2003/LA/L&B/MRTS(Central)/10613 of the Land Acquisition Act. The declaration u/s 6 of Land Acquisition Act was issued vide Notification No. F.7(17)/2003/LA/L&B/MRTS(Central)/18770 dated 6-11-2003. Since the land was also notified u/s 17(i) of the L.A. Act too vide Notification No. F.7(17)/2003/LA/L&B/MRTS(Central)/18771 dated 6-11-2003, 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
1.	1	Pusa Road, New Delhi.	67.85
2.	2	- do -	43.46
3.	3	- do -	19.46
4.	T-5139 (A)	- do -	17.74
5.	T-5139 (B)	- do -	16.20
6.	T-5139 (C)	- do -	20.88
7.	T-5135	- do -	35.63
Total :-			221.22

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

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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 221.22 sqm. was notified for acquisition. On physical survey conducted by a team of the staff of LAC (Central), Land & Building Department, Transport Department and DMRC, the total area was found to be the same i.e. 221.22 sqm. The entire area required for MRTS project have been covered in the notification and declaration and 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.	1, Pusa Road	Mr. K.L. Bagga	Rs. 2 lacs per sqm. for land and other compensation.
2.	2, Pusa Road	Mr. Prem Bagga & Mr. Praveen Kumar Bagga	- do -
3.	3, Pusa Road	Mr. B.K. Gupta & others	No specific claim
4.	T-5139	Mr. Daljeet Singh	Rs. 25 lacs
5.	T-5139	Mr. Pradeep Talwar	Rs. 39,88,000/- for land & structure.
6.	T-5139	Mr. Paramjeet Singh & others.	No specific claim
7.	T-5135	Mr. Bihar Lal	No specific claim
8.	DDA		No claim

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On perusal of the claims filed by the interested persons, it is noted that none of the interested persons have 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 lacks supportive evidences.

Similarly, the claim 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 for 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 calculations were deduced.

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 are to be kept in the mind. The properties under acquisition situated on Pusa Road have residential as well as commercial activities in the vicinities. These properties are situated in the very very close proximity of main commercial center Karol Bagh, Rajindra Place etc. They also have hitech and reputed hospitals like Sir Ganga Ram Hospital, Kolmet Hospital, Appollo Millennium and CT Scant center and others & best and modern educational centers like Bal Bharti Public School, Springdales School, Salwan Public School, Indian Agricultural Research Centre and Pusa Institute of Catering & Nutrition in the vicinity. These properties are also in the proximity of posh residential areas like Old & New Rajinder Nagar, East Patel Nagar, Prasad Nagar, WEA Karol Bagh. The Green area like Budha Jayanti Park, Radha Krishna Park and Pusa Hill Forest are also in very close proximity of these properties. All these properties are situated on main Pusa Road which is well connected to various parts of Delhi including Railway stations, Bus-stops etc. possess great commercial as well as residential potentialities.

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



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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 the nearby area was given at Rs.11,550/- per sqm. for residential use as no rate for Pusa Road has been given. 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 Pusa Road, Shankar Road, Karol Bagh were collected to estimate the fair market value. The details of sales transactions have been summarized as under :-

Sl. No.	Identification of Sales Deeds	Locality	Area in sqm.	Total transaction value	Rate per sqm.
1.	1/240-1/9009 20.12.95	B-8, Rajindra Park, Pusa Road	1049.18	Rs.3,05,00,000/-	Rs.29,070/-
2.	1710/216 26.7.95	No. 3, Panchkuniya Road	2925.43	Rs.6,80,00,000/-	Rs.23,244/-
3.	8873/1 23.8.95	1/5-B, NEA Karol Bagh	2200 sq.yards or 1837 sqm.	Rs.3,90,00,000/-	Rs.21,230/-
4.	2138-2141 9.5.2002	Plot No. 43, Block No. 6-A, WEA Karol Bagh	80.73 sq.yards or 67.4 sqm.	Rs.1,50,000/-	Rs.2,226/-
5.	2076/1 14.5.2002	13/31, WEA Naiwala, Karol Bagh	112 sq.feet	Rs.3,50,000/-	Rs.33,686/-
6.	5099/1 25.7.2003	7886/XV, Ram Nagar, Arakashan Nagar, Paharganj	236.6 sqm. or 283.40 sq.yards.	Rs.22,00,000/-	Rs.9298/-
7.	509/1 25.7.2003	Plot No. 95, Site I, New Rajinder Nagar	100 sq.yards or 83.5	Rs.6,00,000/-	Rs.7186/-

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16

Most of these transactions constituted land and old structures appurtenant thereto. The average sale price of these transactions comes to Rs.17,991/- per sqm. But as the price includes the cost of structure which are old, average of 30% to 35% for these structures are discounted from the average sale price. Thus the market value of land component only was arrived at Rs.12,600/- 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. Further by evaluating the two methods as above, the market value has arrived at Rs.12,127/- per sq. meter for residential properties.

B. STRUCTURES

The value of structures including permanent structure, boundary wall, gate and any other things should be given 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 Firm/Owner/Occupant	Cost of Structure
1.	1, Pusa Road	Mr. K.L. Bagga	Rs.35,412/-
2.	2, Pusa Road	Mr. Prem Bagga & Praveen Bagga	Rs. 28,803/-
3.	3, Pusa Road	Mr. B.K. Gupta, A.K. Gupta & others	Rs.32,104/-
4.	T-5139	Harmeet Hora	Rs.42,900/-
5.	T-5139	Pradeep Talwar	Rs.551/-
6.	T-5139	Mr. Paramjeet Singh	Rs. 550/-
7.	T-5135	Mr. Bihari Lal	Rs.28,418/-
Total :-			Rs.1,68,738/-

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OTHER COMPENSATIONS

A. SOLATIUUM

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.



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B. 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 24.09.2003 to 09.02.2004.

C. INTEREST U/s 34

The interest at the rate of 9% will also be paid to the interested persons from date of possession till the date of award i.e. from 09.02.2004 to 21.06.2004.

D. COMPENSATION FOR TREES

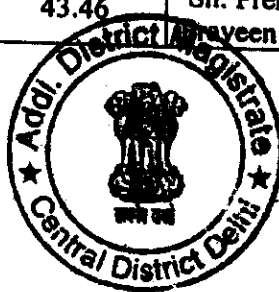
On survey of the land under acquisition, few trees were found on some site. These trees can be used for fire wood purpose only. Taking the size of each tree, the compensation is assessed at Rs.3,000/- for large tree, Rs.2,000/- for medium tree & Rs.1,000/- for small tree. The details of property wise compensation for trees are as under:-

S.No.	Property No.	Size of tree	Compensation
1.	1, Pusa Road	Four medium & five small	Rs.13,000/-
2.	2, Pusa Road	Three big, two medium & four small	Rs.17,000/-
3.	3, Pusa Road	Two big	Rs. 6,000/-
TOTAL :-			Rs. 36,000/-

E. 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 were collected from the revenue record which is as under :

S.No	Property No.	Area in Sq. meter	Name of the Recorded owner	Amount
1.	1, Pusa Road	67.85	Sh. Manbir Singh S/o Sh. Mahender Singh Sh. Krishna Lal S/o Sai Datta Mal	Rs. 11,95,247/-
2.	2, Pusa Road	43.46	Sh. Prem Bagga & Sh. Araveen Bagga	Rs. 7,81,159/-



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3.	3, Pusa Road	19.46	Sh. Bal Kishan Das S/o Sh. Gurudev Lal	Rs. 3,68,856/-
4.	T-5135 (A)	17.74	Smt. Kulwant Hora	Rs. 3,45,330/-
5.	T-5135 (B)	16.20	Sh. Pradeep Talwar	Rs. 2,73,637/-
6.	T-5135 (C)	20.88	Sh. Paramjeet Singh Sh. Gurmeet Singh	Rs. 3,52,517/-
7.	T-5139	35.63	Sh. Bihari Lal	Rs. 6,31,215/-

The property No. 1, 2 & 3, Pusa Road are leasehold properties. The rights conferred on these permanent leaseholders are right to transfer, addition & alteration. Under these circumstances, the ratio of apportionment between lessor & lessee is held at 20 : 80 i.e. 20% to owners and 80% to lease holders. In case of property Nos T-5135 & T-5139, Pusa Road, the total compensation assessed in the name of owners.

SUMMARY OF AWARD

S.No.	ITEM	AMOUNT (Rs.)
1.	Compensation for the land measuring 221.22 sq.m. @ 12,127/- per sq. meter.	Rs. 26,82,734/-
2.	Solatium @ 30%	Rs. 8,04,821/-
3.	Value of structures as assessed by Regd. Valuer & vetted by PWD	Rs. 1,68,738/-
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. 24.09.2003 to 09.02.2004 (139 days)	Rs. 1,30,308/-
5.	Interest on compensation u/s 34 @ 9% per annum from the date of possession to the date of award i.e. 10.02.2004 to 21.06.2004 (133 days)	Rs. 1,25,360/-
6.	Compensation for trees	Rs. 36,000/-
	TOTAL :-	Rs. 39,47,961/-

(Rupees Thirty nine lacs, forty seven thousand nine hundred sixty one only).

Approved
Secretary (Revenue)



(KRISHAN KUMAR)
LAND ACQUISITION COLLECTOR
CENTRAL DISTRICT: DELHI

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

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announced today in open court

ATTESTED ON 27/07/2004
PREPARED ON