

Award No. : 04/2004-05 (North-East)
 Name of village : Jhilmil Tahirpur
 Nature of acquisition : Permanent
 Purpose of acquisition: Construction of Grade Separator Cum Road over Bridge at G.T. Road Shahdara.

These are the proceedings for the determination of compensation u/s 11 of the L.A. Act 1894. The Land under acquisition for the purpose of construction of Grade Separator Cum Road over Bridge at G.T. Road Shahdara situated in village Jhilmil Tahirpur was notified by Land & Bldg. Deptt. u/s 4 of LA Act 1894 vide notification No.F.7(32)/91/L&B/LA/17039 dated 17/1/2003, u/s 6 vide notification No. F.7(32)/91/L&B/LA/2495 dated 19/5/2003 & u/s 17(1) vide notification No. F.7(32)/91/L&B/LA/2496 dated 19/5/2003 in r/o an area measuring 01 Bigha 02 Biswa. The substance of the said notification was given due publicity in the leading news papers & by pasting at the various points in the notified area. Notices u/s 9(1) & 10(1) of the Land Acquisition Act were issued, inviting claims from the owners/ occupants/interested persons. The claims from the interested persons were received which are detailed & discussed under the headings "Claims & Evidences".

True & Correct Area:

The Land was demarcated and measured on the spot by the staff of DDA & MCD with the help of LAC (NE) staff on 13.11.2002. The details of the area under present acquisition & also available at the spot is as under:-

S.No.	Kh. No.	Area	
		(Bigha & Biswa)	Sq. Mtrs.
1.	372 39 to 51 1	0-03	117
2.	1080 389 1	0-04	184
3.	390 267-13 1	0-04	184
4.	392 13-267 7-8 1	0-05	192

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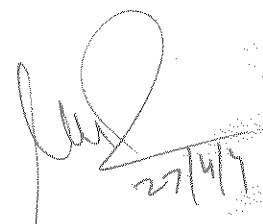
5.	<u>392-393</u> <u>267-13</u> <u>14</u> <u>1</u>	0-06	256
	Total	1-02	933

The following owners/occupants/interested persons have filed their claims in response to notices u/s 9(1) & 10 (1) are as under :-

<u>S.No.</u>	<u>Name of the claimant</u>	<u>Claimant</u>
1.	Sh.Virender Singh S/o Iqbal Singh	Compensation & alternative land
2.	Smt. Krishna Gupta w/o Late Sh.Jagdish Prasad for Sh.Jagdish Prasad S/o Sh.Umrao Singh	Alternative plot & one shop in commercial area
3.	Sh. Ravinder Kumar S/o Late Sh.Radhey Shyam for Sh.Radhey Shyam S/o Umrao Singh	Alternative shop
4.	Sh. Om Prakash S/o Sh.Umrao Singh	-do-
5.	Sh.Kishan Chand S/o Sh.Umrao Singh	Alternative plot & one shop in commercial area
6.	Sh. Sri Niwas S/o Sh.Umrao	-do-

The following owners/occupants/interested persons have not filed their claims in response to notices u/s 9(1) & 10(1) :-

<u>S.No.</u>	<u>Name of the claimant</u>
1.	Smt.Rekha Gupta w/o Sh.Narender Gupta
2.	Sanjeev setia s/o Sh.Rajender Kumar Setia
3.	Sh.Karan Malhotra S/o Sh. K.K.Malhotra
4.	Smt.Tarawati w/o Sh.Damodar Das
5.	Smt.Goldy Setia w/o Sh. Rajeev Setia
6.	Smt.Shila w/o Sh. Mehar Chand
7.	Indian Sulphide Inds. Ltd etc.
8.	Smt.Rani Aggarwal w/o Sh. Satish Kumar
9.	Smt.Charu Mittal w/o Sh. Sanjay Mittal
10.	Sh.Pawan Kumar Jindal S/o Sh.O.P.Jindal
11.	Smt.Mithlesh Gupta w/o Sh.Prem Kumar
12.	Smt. Sheela Rani w/o Sh.Surender Mohan



The following occupants/interested persons who have not been issued notices u/s 9(1) & 10(1) but filed their claims:-

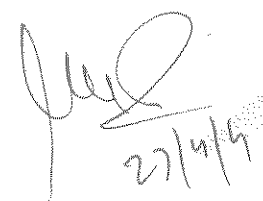
<u>S.No</u>	<u>Name of the Claimants</u>	<u>Claims</u>
1.	Sh. Savran Lal	Alternative shop
2.	Sh. Gian Chand	-do-
3.	Sh. Ajay Gupta Partner Metal Linkers	Alternative Land & inclusion his name for further reference
4.	Sh. Harish Sharma, Prop. Modern Tech. Works	Alternative land
5.	Sh. Om Prakash Chaurasia (Banarsi Chaurasia Pan Bhandar)	Place
6.	Smt. Charan Jeet Kaur (Amrik Engg. Works	Place
7.	Sh. Jogender Singh (Doaba Electrical Works)	Place
8.	Smt. Santosh Rani	Compensation
9.	Sh. Anil Kumar Mittal (Paper Sales Corpn.)	For information regarding action taken
10.	Sh. Sohan Lal	Copensation
11.	Sh. Dhani Ram	Alternative land /place for piayo & shop

Market Value:-

Land :

To arrive at a fair market value, the locality of the site, the situation of the area, the quality, potentiality and use of land was kept in mind. The properties under acquisition are situated adjacent to Shahdara Flyover and have residential as well as commercial activities in the vicinity. The properties are under use of both for Commercial as well as Residential. However, the land use of the properties under acquisition is "Residential". Therefore question of assessing the market value on commercial rates does not arise. Hence the same are being assessed on residential rates.

Keeping the above facts in mind, two methods of valuation of land under acquisition were examined. In the first method, the schedule of rates circulated by



L & DO, Ministry of Urban Affairs and Employment vide letter dated 15.04.99 for the period from 01.04.98 to 31.03.2000 was referred which are re-produced below:-

2-5 East Delhi

S.No.	Name of the locality	Residential (Rs.per Sq.Mtrs)	Commercial (Rs.per Sq.Mtrs)
1.	Jheel Khuranja	2805/-	5865/-
2.	Geeta Colony	2805/-	5665/-
3.	Narela & Ors. outlying Colonies	1980/-	4140/-

From the above table it was noted that the indicative price of the land in the nearby area of Jheel Khuranja which was notified at the rate of Rs.2805/- per Sq. mtr. for Residential Use. However, Jheel Khuranja is atleast 4 Km. away from the lands under acquisition. Therefore, it can not be considered to be in proximity and similarly situated. Therefore, the above method is found to be inherently deficient.

In the other method of valuation, the price paid within the reasonable time frame in the bonafide transactions of purchase of similar lands possessing similar advantages have been followed. So, the Certified Registered Sale Deeds of the similar lands of the properties in proximity in the Village Jhilmil Tahirpur, were collected from the Sub-Registrar IV, Seelampur, Delhi to estimate the fair market value. These transactions have taken place around the time of notification and are the true reflection of trends and prevailing rates in the market value of the land. The details of the sale transactions that have been noted are as under:-

Sl.No.	Identification of Sale Deed	Locality	Area in Sq. Yards	Transaction Value	Rate per Sq.Yds.
1.	Property No.458-466, Kh. No.372/39 to 51	Village- Jhilmil Tahirpur	102.95 Sq. Yds.	1,50,000/-	1457/- per Sq. Yds.
2.	Property no.1/536-A/7, Kh. No.334/35-37-29-313,311,310	Village Jhilmil Tahirpur	120 Sq.Yds.	2,30,000/-	1916.66 per Sq. Yds.

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3.	Property no.A-106, Kh. No.1076/5/2/115	Village Jhilmil Tahirpur Dilsad Extn. No.1	450 Sq. Yads.	2,35,000/-	522.22 per Sq. Yds.
4.	Property No.418 Kh. No.334/35-32-29,313,311-310	Village Jhilmil Tahirpur	1420 Sq. yds.	Rs.2,00,000/-	Rs.140.85 per Sq. Yds.
5.	Property No.18 & 19, Kh. No.399/267 & 400/267	Village Jhilmil Tahirpur	92.22 Sq. Yds.	1,50,000/-	1626.55 per Sq. yds.
6.	Property No.1/421, Kh. No.307/21-28, 30, 31/2	Village Jhilmil Tahirpur Friends Colony	52 Sq. yds.	1,00,000/-	1923.07/- per Sq. Yds.
7.	Property No.1/421, Kh. No.307/21-28, 30, 31/2	Village Jhilmil Tahirpur Friends Colony	70 Sq. Yds.	60,000/-	857.14 per Sq. Yds.
8.	Property No.1/421, Kh. No.307/21-28, 30, 31/2	Village Jhilmil Tahirpur Friends Colony	53 Sq. Yds.	40,000/-	754.72 per Sq. Yds.
9.	Property No.520 A, Kh. No.378/299/303 & 379/299/303	Village Jhilmil Tahirpur	156 Sq. yds.	3,00,000/-	1923.60

The price of property at sl.No.4 is very low as compared to other properties and hence has not been taken into account while working out average sale price of land. The average sale price of all these transactions comes to Rs.1372.62/- per Sq. Yds. And thus the market value of the land component is arrived at Rs.1372.62/- per Sq. yds. So the market value of the land component per Sq. Mtr. Is worked out at Rs. 1641.69 say Rs. 1642 / - per sq. Mtr. (1 Sq. Yd. = 0.8361 Sq. Mtr.).

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2. Structures;

This Acquisition in values land & structures appurtenant thereto. The structures were got evaluated by the PWD, Govt. of NCT of Delhi.

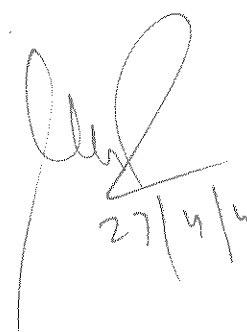
The Value of the structures including permanent structures, boundary walls, gate if any and other fittings would be given as per the evaluation report submitted by the PWD, Govt. Of NCT of Delhi. The summary of the values awarded are given as under:-

<u>S.No.</u>	<u>Property No.</u>	<u>Name of Property Holder at spot</u>	<u>Year of Construction</u>	<u>Amount</u>
1.	1	Anil Mittal Indian Sulfied Industries Ltd.	1980	4,06,970/-
2.	2	Nikesh Gupta Goldy Saitea etc.	1990	3,65,437
3.	3	Rakesh Gupta Sheela w/o Mehar chand	1980	1,49,959/-
4.	4	Jagdish Parsad Kishan Chand etc.	1980	5,03,226/-
5.	5	Sardar Virender Singh s/o Sardar Iqbal Singh	1980	3,00,130/-

WALLS : Including in the Structures.

BOUNDARY: As above.

TREES : Nil



Handing over & taking over possession:-

The owners/occupant/interested persons in r/o the land under acquisition were given sufficient time to vacate the land & to remove their moveable properties from the buildings & hand over the vacant possession to LAC by intimating well in advance vide notice no. PA/ADM/NE/2002/56 date 22.1.2004.

Subsequently the physical possession of the land including built up property in toto acquisition was handed over to Sh. Kishan Lal,(Patwari) of L & B Deptt in the presence of the staff of LAC, DDA, MCD on 3.2.2004 in r/o Kh.No.

372	(0-03)	1080	((0-04)	390	(0-04)	392	(0-05)	&	392-393	(0-06)
39-51		389		267-13		13-267			267-13	
1		1		1		7-8			14	
						1			1	

They were also tendered 80% of the estimated compensation amount which could be claimed after producing the original documents in r/o the above said properties.

Solatum:-

On the market value so determined, the owners/interested persons are entitled to get 30% extra compensation as solatum as per the provision of the Land Acquisition Act.

Additional Amount:-

The interested persons are also entitled to have an 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 date of Award.

Apportionment

The compensation will be paid to the right owners/interested persons on the basis of the latest entries in the Revenue records. In the case of any dispute between the parties which is not settled, the matter will be referred to the court of ADJ u/s 30 & 31 of Land Acquisition Act, 1894.

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Summary of the Award

1.	Rate of 1 Sq. Meter (Residential)	Rs.1642/-
1.	Market value of the land measuring 1 Bigha 2 Biswa or 933 Sq. Mtr.	Rs. 15,31,986/-
3.	Solatium @ 30% of market value	Rs.4,59,596/-
4.	Additional amount @ 12% of market value w.e.f. 17.01.03 to 03.02.2004 (1 year 18 days i.e. 383 days)	Rs.1,92,904/-
5.	Interest U/s 34 w.e.f. 03.02.04 to 31.05.2004 (119 days) @ 9% per annum	Rs.64,098/-
6.	Cost of Structures	Rs.17,25,722/-
8.	Total	Rs.39,74,306/-

(Rupees Thirty nine lacs Seventy four thousand three hundred & six only).

(C.R. GARG)
LAND ACQUISITION COLLECTOR
A.D.M. (NORTH EAST)

The award is drawn with the approval of Secretary (Revenue), Govt. of NCT of
Delhi and announced accordingly.

Dy. Commissioner (North East)

Principal Secretary (Revenue)

Award announced in
open court on 31/5/2004
Issue notice 07/5/2004

NT (LA)

31/5/4