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: 13/2001-02

: PERMANENT

NOTIFICATION

: For making Traffic Integration
And Intake shaft for under ground
Metro at Patel Chowk MRTS
Station.

These proceedings relate to the acquisition of land under section 11 of L.A. Act., acquisition of land measuring 10800 Sq. meters in respect of the property Plot No. 2 Block No. 125 known as 8, Jantar Mantar, New Delhi. The land was under Section 4 of the L.A. Act, 1894 vide notification No. /L&B/LA/vol.XI/18814 dated 31.3.2000 for a public purpose namely for Traffic and Intake Shaft for underground Metro at Patel Chowk, MRTS Station. The lands notified under Section 6 & 17(1) of L.A. Act. 1894 vide notification No. /L&B/LA/vol.XI/2198 dated 23.5.2000. As provision of Section 17(1) of the 1894 is applicable to this case, therefore provision of section 5-A has not been made. Notices U/S 9 & 10 of L.A. Act, 1894 were issued and the claims filed by the person therein are discussed herein under the heading "claims". Since the land is taken out by the Land and Development Office, Govt. of India, Ministry of Urban Development, Nirman Bhawan, New Delhi, the ownership record was also obtained from

MEASUREMENT AND TRUE AREA

Measurement and Acquisition Field Staff carried out the necessary measurement of the land at Jantar Mantar alongwith the staff of DMRC and Land & Building Deptt. The description of the land under present acquisition is given below:

Locality Place/City	Total Area	Plot No.	Boundaries
Jantar	1.08 hectare or 10800 Sq. Mts.	Plot No. 2 Block No. 125 Known as	North-Jantar Mantar Road East- Plot No6A
	or 2.67 Acre	8, Jantar- Mantar New Delhi.	West-Lane South-Jeevan Deep (5 Storey Building) & 4, Jeevan Vihar (6 Storey Building)

(Signature)
27/02/2002
(H.K. REMTHANG)
L.A.C./A.D.M. (NEW DELHI)

It up structure within the area are as under :

DESCRIPTION
Main Building No. 1 (Doctor's Residence)
Main Building No. 2
Office Building
Misc Building
Outer Boundary wall and gates

There were 55 big and 38 medium trees.

CLAIMS AND EVIDENCE

The under mentioned person have filed their claims and the details which are as under:

NAME OF THE CLAIMANT/STATUS SHARE	DETAILS OF THE CLAIM
Development Officer, L & D.O., An Bhawan, New Delhi	Claimed 25% of the total compensation of the land @ Rs. Rs. 18480/- per sq. mtr (The Scheduled Rate declared by Min.Of Urban Development)
Adil Singh S/o Sh. Hardev Singh, Share - 1/2 of the total share Including the share of the L. & D.O.	Claimed Rs. 1,29,372/- per sq. mtr.on the basis of comparative chart of market price for various land in the vicinity & Rs. 1,93,372/- per sq. mtr. on the basis of potential value of the land and Rs. 5000/- per tree for 225 trees.
Haripal Singh S/o Sh. Sarabjit Share, Lessee-1/8 of total share Including the share of the L & D.O.	Same as at S.No. 2
Dilsher Singh S/o Sh. Sarabjit Share Lessee-1/8 of total share Including the share of the L & D.O.	-do-
Tripat Kaur W/o Sh. I.S.Mann Share-1/8 of total share Including the share of the L & D.O.	Claimed Rs. 1,70,968/- per Sq. Mtr. on the basis of potential Sale price of land and Rs. 1,06,172/- per sq. mtr.on the basis of market price determination and Rs. 6000/- per tree for 225 trees.
Master Alok Singh S/o Sh. Pushpender Share Lessee-1/16 of total share Including the share of the L & D.O.	-do-
Namrita Kaur D/o Sh. Pushpender Share Lessee-1/16 of total share Including the share of the L & D.O.	-do-
Arish Kumar S/o Late Sh. Ram Nath, Sharement	He made agreement with the lessees and requested the L.A.C. for withdrawal of his claim

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Setting claim of intrested person mentioned from S.No. 2 to 7

On the basis of price arrived at is on properties which are not similar to land under acquisition and the 15% escalation on the average price on each year from 1996/97 to 2000 is also not reliable. Hence, the claims filed by the claimants are not only exorbitant, but also not based on reliable evidence; hence rejected.

MARKET VALUE

The land under acquisition is located in the Connaught Place area which has been developed urban/locale over a long period. This is dotted with beautifully constructed Govt. Accommodation, private accommodation, buildings etc. and the land under acquisition is residential in nature as well. These were kept in mind while arriving at the market value of the land under acquisition in reference to the date of notification under section 4 of LA Act, 1894 which is 31.3.2000.

For arriving at the market value, firstly the properties sold in the area and their details registered in the office of sub-registrar (New Delhi) during the year of notification are referred to and the details have been furnished as under:

REG. NO.	YEAR	NAME OF PROPERTY	AMOUNT PER SQ. METRE
9231/Vol.553	2000	Parking space No P-8 in basement Phase -B constructed on plot No. 13 to 29 Block E Harsh Bhavan, Circus -D, Connaught place	Rs. 3478/-
9230/Vol.553	2000	Flat No. 4 in basement of phase A in Harsh Bhavan	Rs. 10549/-
15498/Vol.381	2000	Residential space No. 6 on ground floor at 42-B, Hanuman Lane N.Delhi.	Rs. 14286/-
15499/Vol.381	2000	Residential space No. 5 on ground floor at 42-B, Hanuman Lane N.Delhi.	Rs. 14,444/-

Secondly, the schedule of market price for land in Delhi issued by the Ministry of Urban Development Govt. of India vide letter No. J.22011/4/ 95/LD dated 14.1.1999 was also referred to for determining the market value of land under acquisition. The prevailing rate during the corresponding period is Rs. 18480/- for residential area for the locality of land under acquisition.

above references regarding market rates were examined . It was noticed that there variation among the rates mentioned in the registered sale deeds between the sales in the same neighbourhood and in the same year. Hence the rates in the registered sale deeds were not relied upon while deciding the standard market rate for the land under acquisition.

The claims of the claimants have been considered and rejected under the heading of law and evidence.

The lease of the land under acquisition was executed in 1920 where Land and Revenue Department Office of Govt. of India is the lessor . Apart from already standing structure, nothing has come to notice that would made to infer that the lessees had any intention of developing any building thereupon the vacant land. The Lessees have claimed a rate of more than Rs.1 lakh per Sq.Mtr. which is unrealistic and unreasonable and is speculative in nature. The Lessor has realistic approach and has claimed Rs.18480/- per sq.mts., the rate which is fixed by Ministry of Urban Development, Nirman Bhavan for the locality in which the land under acquisition falls.

Keeping in view the level of the development, Locality, situation of the area & in the interest of justice, I am of the view that the appropriate market value of the land under acquisition is Rs.18480/- per sq.mtr.

STRUCTURE

The revaluation of structure standing at 8, Jantar- Mantar were done twice. Firstly before taking the possession and after taking possession. The details of revaluation done is given below:

DESCRIPTION	AMOUNT
Main Building No. 1 (Doctor's Residence)	Rs. 2,44,555.25
Main Building No. 2	Rs. 6,61,683.70
Office Building	Rs. 9,30,751.45
Misc Building	Rs. 3,17,018.30
Extra Work	
(i) For Office Bldg.	Rs. 1,03,009.60
(ii) Main Bldg. No.1	Rs. 41,899.70
(iii) Main Bldg. No.2	Rs. 1,20,926.15
(iv) Misc. Bldg.	Rs. 31,160.15
Outer Boundary wall and gates	Rs. 38,342.90

Total:- Rs. 24,89,347.20

(Signature)
23/02/2002
(H.K. REMTHANG)

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of structure standing at 8 Jantar-Mantar, which was done prior to taking for Rs.44,65,600/-. However, the Lessees had removed some fittings and giving physical possession.

VALUATION OF TREES.

Inventory of trees standing on the land under present acquisition was conducted by staff of LAC. As per the survey report, 55 Big trees and 38 medium trees were therein taking an average weight of a large tree to be three tonnes and a small tree to be half tonnes, and the market value of fire wood to be Rs.1600/- per; tonne, compensation assessed per large tree is Rs.4800/- and per medium tree is Rs.2400/-.

Amount is payable over the market value of land as per amended L.A. Act.

ADDITIONAL BENEFITS

Additional benefits U/s.23(1-A) @ 12% p.a. on the market value of the land be paid from the date of notification U/s. 4 of L.A. Act. I.e. 31.3.2000 to the date of physical possession and which is in this case is 03.10.2000.

PHYSICAL POSSESSION

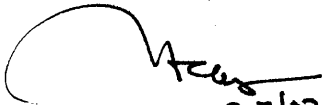
Physical possession of the land measuring 10800 Sq. Mt. along with structure and trees thereupon has been taken from the claimants by the revenue staff of the Land Acquisition Collector (New Delhi) of on 3.10.2000 in the presence of the following persons:

- 1. D.N. Khattar, Overseer, L&DO, Nirman Bhawan, New Delhi.
- 2. Chandan Lal, Statistical Assistant, Tpt. Deptt. Govt. of Delhi.
- 3. H.K. Premi, Tehsildar, L& Building, Vikas Bhavan New Delhi.
- 4. A.S. Salunkhey, A.E., DMRC.

5. K. Tiwari, Tehsildar, Sh. Ajit Kumar, Naib Tehsildar and Sh. Sanjay kumar, Bailiff present from the office of the Land Acquisition Collector (New Delhi)

The possession of the land has been handed over to Sh. H.K. Premi, Tehsildar, L& Building who has further been handed over to DMRC on the same date i.e. 03.10.2000.

The details of the property can be seen in Naksa Mutzamin.


27/12/2002
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U/S 34 is payable from the date of possession i.e. 3.10.2000 till the date of award i.e. 27.2.2002 at a rate of 9% per annum for 1st year and 15 % per annum for the remaining period on the remaining 20% of the compensation amount.

APPORTIONMENT

Compensation is being paid on the basis of the land record forwarded by the Revenue Officer, New Delhi. However, the dispute on 25% of share among the Lessor & Lessees could not be settled amicably and the amount of Rs. 9,840/- has been referred to the court of ADJ, U/s. 30 & 31 of L.A. for adjudication.

Subsequently, Hon'ble ADJ vide judgement dated 29.5.2001 in the case of LAC No. 96/2000 clarified and held that " Since, perpetual lease- deed is for a limited period, the rent is fixed in perpetuity and the lessees are entitled to use or transfer the premises without the prior approval of the lessor, the lessor is entitled to the grant of capitalised value of his rent. Admittedly, the rent, as per award, is Rs. 48/- per annum and, if the capitalised value is assessed for 20 years, at the aforesaid rate, it would come to Rs. 960/-. The lessor i.e.L&DO, thus, is entitled to compensation to that extent. The rest of the compensation would go to the lessees, who are IPS No. 1 to 6".

Thus, question of apportionment has already been settled by the Hon'ble ADJ, besides till date no stay whatsoever against the said order has been received in this office.

SUMMARY OF THE AWARD

Compensation on the basis of market value of land measuring 10800 Sq. mtrs @ Rs.18,480/- per sq. mtr.	Rs. 19,95,84,000/-
30 % Solatium on total market value of land	Rs. 5,98,75,200/-
Additional compensation U/S 34(1A) @ 12% per annum from 3.10.2000 to 2.10.2002 including the period of stay (i.e. from 16.6.2000 to 15.7.2000) for 365 days on the market value of land i.e. Rs. 19,95,84,000/-	Rs. 1,02,36,199/-

<p>Interest U/s 34 from 3.10.2000 to 31.10.2001 @ 9 % P.A. for that year on 20% balance market value of land i.e. Rs. 3,99,16,800/- And 15% P.A. for subsequent years i.e. from 3.10.2001 to 31.12.2002 for 148 days on 20% balance market value of land i.e. Rs. 3,99,16,800/-</p>	<p>i) Rs. 35,92,512/- ii)Rs. 24,27,816/-</p>
<p>Total cost of structure standing at the Land under acquisition</p>	<p>Rs. 24,89,347/-</p>
<p>Cost of trees</p>	<p>Rs. 3,55,200/-</p>
<p>Grand Total:</p>	<p>Rs. 27,85,60,274/-</p>
<p>Rs. Twenty seven crore eighty five Lac sixty thousand two hundred seventy four only)</p>	

The amount received from DMRC in this office vide cheque No. 37000 dated 7.9.2000 is Rs. 21,22,11,584/-.
 Rs. Two hundred has been paid towards cheque book charges to the bank.

The compensation which has been disbursed till date is as under:

5% share of land having amount of Rs. 15,56,75,520/- from 80% compensation has already been disbursed among lessees as per their shares vide order dated 3.10.2000


25% share of land having amount of Rs. 5,18,91,840/- has been rendered in the court of ADJ, Delhi being disputed for adjudication U/s 30 & 31 of LA Act, 1894 vide letter No. ND/LAC/2000/294-95 dated 13.12.2000 and ADJ, Delhi vide order dated 29.5.2001 in the case bearing LAC No. 96/2000 has sorted out the matter. The ADJ has ordered that the lessor is entitled to get the capitalised value of his rent i.e. @ Rs. 48/- for the 20 years which would come out to Rs 960/- and the rest of compensation would go to the lessees.

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100 % compensation for the structure including 30 %
sum for Rs. 32,36,151/- has already been disbursed among
es vide order dated 11.10.2000 and 6.11.2000. Since 30%
sum on the structure i.e Rs. 7,46,804/- has been paid excess
advertently which has been adjusted in the final award.

The balance amount required from DMRC : Rs. 6,63,48,890/-
Six crore sixty three lac forty eight thousand eight hundred
ty only).

This award has been made under section 11 of L.A. Act, 1894.

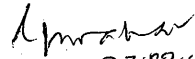

27/02/2002

(H.K. REMTHANG)
LAND ACQUISITION COLLECTOR
DISTRICT : NEW DELHI

proved by:-

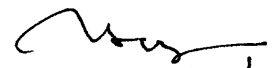
SECRETARY (REVENUE)/DIVISIONAL COMMISSIONER: DELHI

Approved


27.02.2002

Announced in the open court on
05th March 2002 at 5.30 P.M.

Issue notice u/s 12(2) of LA Act 1894


05/03/2002