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Award No. : 02 / 2004- 2005

Nature of acquisition: Permanent

Name of village/locality: Barakhamba Road, Connaught Place, New Delhi.

Purpose of acquisition: For station facility of MRTS project on Connaught Place- Dwarka Corridor of DMRC Ltd.

These proceedings relate to acquisition of land under section 11 of the Land Acquisition Act, 1894 out of property No. 18 Kanchanjanga Building, Barakhamba Road, Connaught Place, New Delhi.

Sl.No.	Name of the property & Municipal No.	Area in square metre
1.	Kanchanjanga Building, 18, Barakhamba Road, New Delhi.	592 sq. mtrs.

That land was notified u/s 4 & Section 17(1) of the L.A. Act, 1894 vide notification No.F.7 (9)/2004//L&B/ LA/MRTS/ New Delhi/1897 dated 27.04.2004 for a public purpose namely for station facilities of Barakhamba Road- Connaught Place -Dwarka MRTC Corridor. The land also stands notified u/s 6 of the L.A. Act, 1894 vide notification No.F.7 (9)/2004//L&B/ LA/MRTS/ New Delhi/ 4304 dated 09-06-2004. Since the provisions of Section 17(1) of the L.A.Act have been invoked, the provisions of Section 5A of the L.A. Act are not applicable to the land under acquisition. Notices u/s 9 & 10 of L.A. Act, 1894 were issued and claims filed by the interested persons are discussed hereinafter under the heading claims. The land is leased out by the Land & Development Office, government of India, Ministry of Urban Development & Poverty alleviation and the ownership records were also obtained from that office.

Measurement and true area.

The land acquisition field staff carried out the necessary measurement of the land at the site along with the staff of DMRC, Transport Deptt. Land & Building Deptt and Land & Development Office Govt. of India. Possession of land was taken over on 06- 07- 2004 and handed over to Transport Deptt, which in turn handed over the possession to DMRC Ltd vide Kabza Karvai report dated 06- 07- 2004. The description of the properties under acquisition are given below:

Sl.No.	Name of the property & Municipal No.	Area in sqr. mtr.notified	Area acquired	Area taken into possession
1.	Kanchanjanga Building No. 18, Barakhamba Road.	592 sq. mtrs.	592 sq. mtrs.	592 sq. mtrs.
	Total:	592 sq. mtrs.	592 sq. mtrs.	592 sq. mtrs.

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CLAIMS

The under mentioned persons. / Firms/ Depptt. have filed their claims, the details of which are as under:

No. 1 Claims by private persons			
Sl.No.	Name of claimant/owner	Area in sqr.mtr.	Details of claims.
I.	1 L & D. O.Govt. of India.	592 sq. mtrs.	1 Full compensation
	2 Sh. B.S.Gidwani r/o 703 Som Vihar Appts., New Delhi.		2 Rs. 1500/- per month
	3 Sh. J.M.Kimmi r/o 29,Paschmi Marg, Vasant Vihar, N.D. 57		3 Rs. 2156/- per month
	4 Sh. H.L.Sood, r/o W-26, Greater Kailash-II, N.D. 48		4 Rs. 2750/- per month.
	5 Mrs. Pappu Chablani r/o B-703, Som Vihar, N.D.		5 Rs. 1500/- PM
	6 Mrs. Janki Kimmi r/o 29, Paschmi Marg Vasant Vihar N.D.		6 Rs. 2100/-PM
	7 Sh. Ram Saran Dass r/o 207, BF, Kailash Hills, East of Kailash, N.D. 48		7 Rs. 3600/- PM till the ramp is reconstructed by DMRC Lt. For parking.
	8 Sh. Pawan Chaudhary r/o S 272, Panchsheel Park, N.D. 17		8 Rs. 10,00,000/-
	9 Mrs. Mohoni Chaudhary r/o S 272, Panchsheel Park, N.D.17		9 Rs. 50,00,000/-
	10 Sh. Subash Khatri r/o C 44, Neeti Bagh, N.D. 49		10 Rs. 1800/- PM
	11 Sh. Madan Mohan Kshatriya r/o C 44, Neeti Bagh, N.D. 49		11 Rs. 1800/-PM
	12 Mrs. Reva Kapoor r/o 73, Khan Market, FF, N.D. 3		12 Rs. 1800/- PM
	13 Sh. Arvind Kishore, r/o 86, Golf Link, N.D. 3		13 Rs. 2000/- PM
	14 Sh. Ashok Gupta r/o 25, Kailash Appts., Greater Kailash- I, N.D.		14 Rs. 1,85,49,900/-
	15 M/s Kailashnath & Associates, 18, Barakhamba Road, N.D		15 Rs. 17,76,00,000/- + 40,14,000/- for car parking space + 1,28,00,000/- for basement
	16 Ms. Sheetal Khanna Nee Sheetal Kapoor, r/o 5 Shri Ram Road N.D		16 Rs. 38,40,000/- + solatium + interest 12 %

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<p>17 Legal heirs of Sh. Kesho Ram, Mrs. Mohini Ram (wife) Mrs Babbal Goel (daughter) Mrs Neena Khanna (daughter) all r/o A-7, Greater Kailash - I, N.D. and Mrs Kumkum K Singh (daughter) r/o 75-A, Friends Colony, N.D.</p> <p>18 Legal heirs of Sh. Ganga Ram, Sh Ashok Gupta (son), Miss Manju Rani (daughter), Mrs Annu Jain (daughter) all r/o C-25, Kailash Appts. Greater Kailash - I, N.D.</p> <p>19 Legal heirs of Sh. Rishi Ram, Mrs. Asha Gupta (wife), Sh. Anil Ram (son), Mrs. Geeta Ram (daughter) all r/o A-3, Dewan Shree Appts. 30, Ferozshah Road, N.D.</p> <p>20 Flat owner's Society 18, Kanchanjanga Bldg. Barakhamba Road N.D.</p> <p>21 Sh. M.L.wadera, Rohit Wadera, Amit Wadera R/o Triveni Garden, Gadaipur Jaunapur, Mahraully, New Delhi.</p> <p>22 M/s Kapoor Enterprises, Gadaipur, Jaunapur, Mahraully, New Delhi.</p> <p>23 Sh. D.M. Punwani R/o 503, Nigara Road, Near Colaba, Mumbai, 400005</p>		<p>17 Rs. 7,87,36,000/- for land, Rs.1,09,20,000/- for basement and Rs. 52,00,000/- for car parking (total claims by all the persons at sl. No. 17,18 & 19</p> <p>20 Rs. 50,00,000/-.</p> <p>21 Rs, 42,40,000/- + 30 % Solatium, 12 % interest.</p> <p>22 Rs. 7,68,000/- + 30 % Solatium + 12 % interest.</p> <p>23 Rs. 3000/ per month for car parking space.</p>
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2. L& D. O. Govt. of India has claimed full compensation in respect of this re-entered property.

As per land record received from L&D.O lease in respect of this property has been determined and the property vest in The President of India as intimated vide letter No. LI-8/205 (6)/2004/272 dated 16- 7- 2004.

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MARKET VALUE

1. The lands under acquisition is located in the Connaught Place area, which is well-developed urban locale for a long period. This area is dotted with beautiful constructed commercial buildings, Shopping complexes and private accommodation etc. The piece of land under acquisition is commercial in nature. These points were kept in mind while arriving at the market values of land under acquisition and are determined with reference to the date of notification u/s 4 of the Land Acquisition Act, 1894 that is 27.04.2004 in the instant case.

2. None of the interested persons filing the claim have submitted any documentary proof in support of their claim of market value of the property and have filed claims up to Rs.17,76,00,000/- for 592 sq. mtr. Piece of land which comes to Rs.3,00,000/- per sq. mtr. which is unrealistic, unreasonable and speculative in nature and as such cannot be accepted.

3. Similarly, the claim towards cost of structures have been very high and not supported by reliable estimates and documentary evidence. Most of them were not evaluated by credible Govt. approved valuer, hence are not accepted to be the basis for arriving at the compensation towards structures. Similarly claim for car parking space at the rate of Rs.3600/- per month whereas parking rates for cars in the NDMC lot is Rs. 10/- per day, which comes to Rs. 300/- per month. 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 lacks scientific basis on which such calculations have been made.

For determining the market value, the sale consideration of the vicinity of the area under acquisition were considered and their sale consideration registered in the office of sub registrar (New Delhi) over a period of 2-3 years were considered and the details are as under:

S.No.	Registration & Volume No.	Year	Description of property	Amount per Sqr.Mtr.
1	4456/811	9/2002	Shop situated on ground floor measuring 59.06 Sq. Mtr., B-45-47, State Entry Road, Connaught Place	50795.80/-
2	4380,4381 & 4382/808,809,810 respectively	8/2002	Shop with super area 98.164 Sqr. Mtr. situated on upper ground floor mezzanine floor with proportionate terrace right bearing No. M-11, Gokul Nowas, Connaught Circus, New Delhi	52259.48/- by three different sale deeds of Rs. 17,10,000/- each
3	9914./902	3/2003	No. 6 Central Lane, Babar Road, Bangali Mkt., New Delhi on plot No.-64, Block No. 205 B Measuring 275.92 Sqr. Mtr.	1,25,00,000/- @ 45,303/- per sq. mtr.

All these above transactions constituted value of land and structures. The average sale price of these transactions comes to Rs. 49453/-per sq. Mtrs.Since this price includes the

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cost of structures which are very old, average of 30% of total value is discounted for these structures from the average sale price. Thus the average value for land component only comes to Rs.34617/- per sq.mtrs.

Also, the schedule of market price for land in Delhi issued by Ministry of Urban Development Govt. of India vide letter No. J. 22011/4/95-LD dated 16.4.99 was also referred for determining the market value of land under acquisition. The prevailing rates during the corresponding period is Rs. 57960/- per sq. mtr. for commercial area. There has not been any appreciation in the market price of the land in the locality and land prices are almost stable since the rate fixed by the L&D.O in the year 1999. This is evident from the sale instances quoted along with sale consideration herein above. This appears to be due to the fact that many domestic as well as MNCs have shifted their offices from Connaught Place area because of Traffic congestion and overcrowding to the up coming satellite townships of Gurgaon and Noida . Before determining the amount of compensation, a notice u/s 50 (2) of the Land Acquisition Act was given to D.M.R.C.Ltd.for which land was acquired.

After considering all the above aspects and keeping in view the level of development, locality, situation of the area and in the interest of justice I am of the view that market value of the land acquired is considered to be at Rs. 57960/- per sq. mtrs. as just and reasonable.

VALUATION OF THE STRUCTURE.

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.	Valuation No.	Vetted Amount
1	Kanchanjanga Building No. 18, Barakhamba Road New Delhi.	904	Rs. 31,45,603/-

Solatium

30% solatium is payable over and above the market value of land as per amended L.A.Act.

Additional Compensation

Additional Compensation 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 27-04-2004 to the date of physical possession of the land which in the case is 06-07-2004..

Interest u/s 34

Interest u/s 34 is payable from the date of possession till the date of award on one year i.e from 06-07-2004 to 31-8-2004..

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Portionment

The compensation will be paid to the rightful owners/interested persons on the basis of latest records. % of the estimated compensation was offered at the time of possession but no rightful owner came forward to receive the same as such claimant are not entitled to any interest on this amount. In case of any dispute between the parties which is not settled that case would be referred to the Court of A.D.J. Act, u/s 30-31 of the L.A.Act.,1894. The details of recorded lessees of the land under acquisition were obtained from the Land & Development Office, Govt. of India, Nirman Bhawan, New Delhi. The property details are as under:-

No.	Property No.	Name of lessee/occupant	Status of Land	Remarks
	Kanchanjanga Building, 18, Barakhamba Road, New Delhi.	S/Sh. Ganga Ram, Kesho Ram C/o Sh. P. Ram, r/o 4-Tughlak Road, New Delhi.	Lease hold lease stated to have been determined.	Re-entered vide L&D.O. letter no. L1-9/205(6)/73 Dt. 29-03=1973

In respect of re-entered properties in which lease has been determined and properties vested in the President of India. Land and Development Office, Govt. of India, the persons in possession of the properties and persons claiming to be lessors of the properties have filed the claims. The L&D.O claiming the entire compensation to be awarded in respect of this re-entered property. The circumstances even the ratio of portionment between lessor & lessee is held at 20: 80 i.e 20 % to owner i.e L&D.O. & 80% to the lease holders. Lessee shall be entitled to full compensation for damage to structure.

SUMMARY OF AWARD

Market value of the land for 592 Sqr. Mtr. @ 57960/- per Sqr. Mtrs.	Rs. 3,43,12,320/-
Compensation for structure	Rs 31,45,063/-
Solatium 30% on A+B	Rs. 1,02,93,696/-
Additional benefits 12% U/s 23 (1A) on A+B for 70days (i.e. from date of notification to date of possession)	Rs 8,62,033/-
Interest 9% on Compensation from date of possession to date of award. (94 days) Up to 08.10.2004	Rs 2,79,673/-
Total compensation:	Rs. 4,88,92,785/-

Approved

Secretary (Revenue)

[Signature]
4/10/2004

[Signature]
(Subhash Chandra)
Land Acquisition Collector
New Delhi Distt.

Announced in open court at 1600 hrs on 08.10.2004.

[Signature]
08/10/2004