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Adm/SW/22676/669

Dated - 24/4/18

710/C

PUBLIC NOTICE

Announcement of Award 02/2018/SW for Village Bamnoli for acquisition of land for construction of Dwarka Expressway for land owners/persons interested therein

Kind attention of all landowners/interested persons is invited to the Notification dated 15.05.2017 issued under section 3A of the NH Act, 1956 for acquisition of land for the building/construction of Dwarka Expressway and the Notification dated 20.11.2017 issued under Section 3D of the NH Act, 1956 and published in the following newspapers.

Sr. No.	Notification	Names of Newspapers in which published	Date of Newspaper
1.	Section 3A	Hindustan Times and Dainik Jagran	01.06.2017
2.	Section 3D	Hindustan Times Dainik Jagran	12.12.2017 13.12.2017

It is informed that the undersigned has announced the Award in respect of the said land under Section 3G of the NH Act, 1956 vide Award No. 02/2018/SW Dated 02/04/2018. The land acquiring agency NHAI, Ministry of Road Transport and Highways, Government of India has placed the requisite amount of compensation at the disposal of the undersigned. Notices have also been issued to the concerned landowners/interested persons as required under section 3E of the NH Act, 1956.

Accordingly, all the concerned landowners/interested persons are hereby informed/notified through this additional **Public Notice** that the claimants entitled to receive the compensation amount may collect their amount of compensation from the office of the undersigned on any working day between **11 AM to 4 PM** within a period of 60 days from date of Publication of this Notice and surrender or deliver the possession of the subject land to the undersigned, failing which the possession of subject land will be taken with police assistance on expiry of the period of 60 days from date of Publication of this Notice.

Sd/-

Competent Authority for Land Acquisition,
Old Terminal Tax Building, Kapashera,
New Delhi.

Enclosed: Award No 02/2018/SW (Page no 01 to 16)

Dated - 24/4/18

Adm/SW/669-671

709/k 710/k

To,

1. Subhash Chand HUF Karta Subhash Chand Kathuriya R/o B-55, Rama Road, Kirti Nagar, Delhi.
2. Vinod Kumar Kathuriya S/o Ramesh Chand Kathuriya R/o Rama Road, Kirti Nagar, Delhi.
3. Government (DDA).

OFFICE OF THE COMPETENT AUTHORITY (LAND ACQUISITION) UNDER
NH ACT 1956/ ADDITIONAL DISTT. MAGISTRATE DISTT SOUTH-WEST
OLD TAX BUILDING, KAPASHERA, NEW DELHI - 110037

Date: - 02/04/2018

AWARD

[(U/S 3G OF NATIONAL HIGHWAYS ACT, 1956)]

AWARD NO. : 02/2018/SW
Name of Village : BAMNOLI
Area under acquisition : 7.7219 Hectare
(19.081 Acre)
Purpose of acquisition : Development of Dwarka
Expressway for NHAI
Nature of acquisition : Permanent
Notification u/s 3A of NH Act 1956 : S.O. 1550 (E) dated 15.05.2017
Notification u/s 3D of NH Act 1956 : S.O. 3651 (E) dated 20.11.2017

INTRODUCTION:

The Central Government has notified the land measuring 7.7219 Hectare (19.081 Acre) in the revenue estate of Bamnoli for Development of Dwarka Expressway on the stretch of the land from Km. 1.500 to Km 9.900 in District South-West in the state of Delhi, vide notification no S.O. 1550 (E) dated 15.05.2017 of Ministry of Road Transport and Highways Government of India in The Gazette of India, Extraordinary Part II Sec 3, Sub Section (ii) u/s 3A of NH Act, 1956 (48 of 1956) published in Newspapers Hindustan Times and Dainik Jagran on 01.06.2017 and the declaration u/s 3D of NH Act 1956 was notified on 20.11.2017 vide notification no S.O. 3651 (E) of Ministry of Road Transport & Highways, Government of India in The Gazette of India Extraordinary Part II Sec 3, Sub Section (ii) for the public purpose namely for



Development of Dwarka Expressway declared. Additional District Magistrate, ADM (SW) has been authorized as the Competent Authority for land acquisition in case of Village Bijwasan, Bharthal, Pochanpur & Bamnoli vide notification S.O. 4122(E) of Ministry of Road Transport & Highways, Government of India, dated 22.12.2016 and to exercise the power of Competent Authority and perform the function of Competent Authority for acquisition of land for the Development of Dwarka Expressway and published in Newspapers, Hindustan Times (12.12.2017) and Dainik Jagran (13.12.2017) for public and for inviting claims from all interested persons.

This award is passed u/s 3G of National Highways Act, 1956 for acquisition of land for the Development of Dwarka Expressway for land pertaining to Bamnoli.

AREA AND MEASUREMENT OF LAND:

As such this award covers 7.7219 Hectare (19.081 Acre), the details of the land bearing Field No./Survey No./ Khasra No. was published as Declaration u/s 3D of NH Act 1956 on 20.11.2017 vide notification no S.O. 3651 (E) of Ministry of Road Transport & Highways, Government of India in The Gazette of India Extraordinary Part II Sec 3, Sub Section (ii) for the public purpose namely for Development of Dwarka Expressway along with area in Hectare and Acre is as under:-

TABLE I

Field No./ Survey No./Khasra No	Type	Nature of Land	Area(Hectare)	Area in Acre	Name of the Owners/Interested Persons
23//11/2/1	Govt.	Agri	0.3030	0.749	Government
23//11/2/2	Govt.	Agri.	0.2005	0.495	Government
23//19	Govt.	Agri.	0.1425	0.352	Government
23//20	Govt.	Agri.	0.3660	0.904	Government
23//21/1	Govt.	Agri.	0.1175	0.290	Government
23//21/2	Govt.	Agri.	0.0065	0.016	Government
22//6	Govt.	Agri.	0.0235	0.058	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria HUF Karta Subhash Chand Kathuria R/o B-55 Rama Road Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
22//15	Govt.	Agri	0.2345	0.579	Awarded vide award no.

					1/2007-08, Possession with Subhash Chand Kathuria HUF Karta Subhash Chand Kathuria R/o B-55 Rama Road Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
22//16	Govt.	Agri	0.4046	1.000	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria HUF Karta Subhash Chand Kathuria R/o B-55 Rama Road Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
22//17	Govt.	Agri	0.1000	0.247	Government
22//23	Govt.	Agri	0.0165	0.041	Government
22//24	Govt.	Agri.	0.3575	0.883	Government
22//25/1	Govt.	Agri.	0.3865	0.955	Government
22//25/2	Govt.	Agri.	0.0295	0.073	Government
25//3	Govt.	Agri.	0.2235	0.552	Government
25//4	Govt.	Agri.	0.4046	1.000	Government
25//5	Govt.	Agri.	0.2580	0.638	Government
25//6/2	Govt.	Agri.	0.0310	0.077	Government
25//7	Govt.	Agri.	0.3570	0.882	Government
25//8/1	Govt.	Agri.	0.3360	0.830	Government
25//8/2	Govt.	Agri.	0.0410	0.101	Government
25//9	Govt.	Agri.	0.0795	0.196	Government
25//11	Govt.	Agri.	0.0115	0.028	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
25//12/1	Govt.	Agri.	0.2065	0.510	Government
25//12/2	Govt.	Agri.	0.1230	0.304	Government
25//13/1	Govt.	Agri.	0.1190	0.294	Government

25//13/2	Govt.	Agri.	0.2895	0.715	Government
25//14/1	Govt.	Agri.	0.0275	0.068	Government
25//14/2	Govt.	Agri.	0.1250	0.309	Government
25//18	Govt.	Agri.	0.2905	0.718	Awarded vide award no. 1/2007-08, Possession with Vinod Kumar Kathuria S/o Ramesh Chand Kathuria R/o Rama Road, Kirti Nagar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
25//19	Govt.	Agri.	0.4046	1.000	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
25//20	Govt.	Agri.	0.2170	0.536	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
25//21	Govt.	Agri.	0.4046	1.000	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble

					Supreme Court.
25//22/1	Govt.	Agri.	0.3600	0.890	Awarded vide award no. 1/2007-08, Possession with Vinod Kumar Kathuria S/o Ramesh Chand Kathuria R/o Rama Road, Kirti Nagar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
25//22/2	Govt.	Agri.	0.0175	0.043	Government
25//23	Govt.	Agri.	0.0440	0.109	Awarded vide award no. 1/2007-08, Possession with Vinod Kumar Kathuria S/o Ramesh Chand Kathuria R/o Rama Road, Kirti Nagar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
26//25	Govt.	Agri.	0.0830	0.205	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
37//4	Govt.	Agri.	0.0025	0.006	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.

37//5	Govt.	Agri.	0.2720	0.672	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
37//6	Govt.	Agri.	0.0640	0.158	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
37//7	Govt.	Agri.	0.1230	0.304	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
38//1	Govt.	Agri.	0.0430	0.106	Awarded vide award no. 1/2007-08, Possession with Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi. Compensation not paid. Matter in SLP No. 2735/2017 Titled DDA Vs Subhash Kathuria & Ors Subjudice before Hon'ble Supreme Court.
38//2	Govt.	Agri.	0.0750	0.185	Awarded vide award no. 1/2007-08, Possession with

Sl. No.	Field No./ Survey No./Khasra No	Type & Nature of Land	Name of the Owners/Interested Persons
1.	22//6, 22//15, 22//16, 25//11, 25//19, 25//20, 25//21, 26//25, 37//4, 37//5, 37//6, 37//7, 38//1 & 38//2	Private, Agriculture	Subhash Chand Kathuria S/o Ramesh Chand Kathuria R/o 3 Poorvi Marg, Vasant Vihar, New Delhi.
2.	25//18, 25//22/1, 25//23	Private, Agriculture	Vinod Kumar Kathuria S/o Ramesh Chand Kathuria R/o Rama Road, Kirti Nagar, New Delhi.

HEARING OF OBJECTIONS

The publication of the Gazette Notification no S.O. 1550 (E) dated 15.05.2017 u/s 3A of NH Act 1956 was issued by Ministry of Road, Transport & Highways, Government of India on 15.05.2017 and was published in Newspapers, Hindustan Times and Dainik Jagran on 01.06.2017.

In the above said Gazette Notification, it was also notified that whereas Section 3C(1) provides that any person interested in the land may, within twenty-one days from the date of publication of the notification under Section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section. So, any person interested in the notified land were given opportunity to submit objections to the competent authority namely Additional District Magistrate (South West) in writing within 21 days of date of publication of the notification.

In this context, 4 objections in total for Bamnoli were received in respect of above said Gazette Notification, wherein these 04 objections were not received to this office within prescribed time (21 days) and 4 objections were found to be time barred.

Thereafter, order passed for all the 04 objections and copy given to all objectors. All the objections were disallowed in the public interest for the development of Dwarka Expressway.

DECLARATION

Thereafter, publication of declaration u/s 3D of National Highway Act 1956 in official Gazette vide Gazette of India Notification S.O. 3651(E) of Ministry of Road Transport & Highways, Government of India was issued on 20.11.2017 and was published in 2 local Newspapers, Hindustan Times on 12.12.2017 and Dainik Jagran on 13.12.2017.

Rux

CLAIMS

A Public Notice u/s 3G (3 & 4) was published in the two local news papers, Hindustan Times and Dainik Jagran on 12.12.2017 & 13.12.2017 respectively for inviting claims from all interested persons to appear in person or by agent or by legal practitioner referred to in sub-section (2) of section 3C, before the Competent Authority on 30.01.2018 & 31.01.2018 and thereafter, 03 claims received for compensation and same are tabulated as under:-.

TABLE II

Sl No	Name of Claimant (B)	Khasra No. (C)	Claims (D)	Supporting Documents (E)			Remarks (F)
				Sale Deed No.	Date	Amount (per Acre)	
1.	Anubhav Chand Kathuria S/o Subhash Chand Kathuria	25//12/2, 25//14/1, 25//22/2	70,000/- Per Sq.Mtr.	6699	03.06.2014	Rs.20,36,36,363.52/-	Photocopy of Sale Deeds submitted
2.	Anubhav Chand Kathuria S/o Subhash Chand Kathuria	38//2, 25//18, 25//22/1, 25//23	70,000/- Per Sq.Mtr.	As above			Photocopy of Sale Deeds submitted
3.	Subhash Chand Kathuria S/o Late Shri. R. C. Kathuria	22//16, 22//6, 25//19, 25//20, 25//21, 26//25, 37//4, 37//5, 37//6, 37//7, 38//1	70,000/- Per Sq.Mtr.	As above			Photocopy of Sale Deeds submitted

It is pertinent to mention that the Khasra Nos. 25//12/2, 25//14/1, 25//22/2 are Government Land as per Tehsil Records and has been published so in the respective 3A vide Gazette Notification no S.O. 1550 (E) dated 15.05.2017 and 3D vide Gazette of India Notification S.O. 3651(E) of Ministry of Road Transport & Highways, Government of India dated 20.11.2017.

The claimants have made claims Rs. 70,000/- per sq.mtr. The nature of the land as per Tehsil Record is agricultural as has been published in the said 3A and 3D above and therefore, the claim of the claimants that the land does not cease to be agricultural is not acceptable. They have submitted only one sale deed no. 6699 dated 03/06/2014 for village Bijwasan which is not related to Village Bamnoli, which has been selectively submitted by them as supporting documents for their claims since the sale deed transaction has been transacted at exorbitant value. Further, the Khasra nos. in the sale deed submitted by the claimants is of the area called Pushpanjali Farms which is an area adjoining the Delhi Airport, well connected by Roads

including National Highway and UER and with developed assets such as Electric Connections, elaborate and lofty Boundary Walls, entrance gates, Rooms, Structures, Crops, Trees, Groves, Other moveable attached with the land thereof. The location and the assets of the Khasra nos. mentioned in the above mentioned sale deed provide value addition to these Khasra nos. The Khasra/Survey Nos. as per declaration u/s 3D of National Highways Act, 1956 are about 4 to 5 Kilometers away from the Khasra Nos. mentioned in the above said sale deed and hence the above mentioned sale deed cannot be made the basis for arriving at the market value. Therefore, all the above sale deed is hereby rejected as the sale deed transaction has been transacted at exorbitant value and do not reflect the average market value of sale transaction of the area.

MARKET VALUE

It is pertinent to mention that certain provisions of the RFCTLARR Act, 2013 became applicable to the other related Acts mentioned in the Fourth Schedule, including the NH Act, 1956 with effect from 01/01/2015 in terms of Section 105(3) of the RFCTLARR Act, 2013. In this regard, comprehensive guidelines have been issued by Ministry of Road Transport & Highways, Govt. of India vide guidelines no. NH-11011/30/2015-LA Dated 28/12/2017. As per the guidelines, the CALA is to follow the guidelines as under while passing any award for Land Acquisition under National Highways Act, 1956 after coming into force of RFCTLARR Act, 2013 w.e.f 01/04/2014 :-

- i. **Applicability of the 'RFCTLARR Act 2013' to the enactments mentioned in the Fourth Schedule of the Act ibid** - The determination of compensation in accordance with the First Schedule, Rehabilitation and Resettlement in accordance with Second Schedule and infrastructure amenities in accordance with the third Schedule of RFCTLARR Act, 2013 have been made applicable to all cases of land acquisition under the NH Act, 1956, i.e. the enactment specified at Sr. No. 7 in the Fourth Schedule (NH Act, 1956) to the RFCTLARR Act, 2013 with effect from 01/01/2015.
- ii. **Non applicability of Section 24 of the RFCTLARR Act, 2013 to the NH Act, 1956** - Section 24 of RFCTLARR Act, 2013 is not applicable to the acquisitions under NH Act, 1956.
- iii. **Date of determination of market value of land** - The relevant date of determination of market value of land is the date on which notification under section 3A of the National Highways Act, 1956 is published.
- iv. **Payment of additional amount calculated @ 12% on the market value in terms of sub-section (3) of Section 30 of the RFCTLARR Act, 2013** - Provision for amount calculated @ 12% interest is under sub-section (3) of Section 30 of the

RFCTLARR Act, 2013 to which no reference has been made in the First Schedule. Further, section 30(3) stipulates that the additional amount calculated @ 12% is payable with effect from the date of publication of the notification of the Social Impact Assessment Study, which is not applicable to the land acquisition for National Highways. It is clarified in the guidelines that the 'amount' calculated @ 12% per annum, as prescribed under section 30 (3) of the RFCTLARR Act, 2013, though not specifically mentioned in the First Schedule, would be payable to the landowners and the payment of the additional amount at 12% per annum on the market value of the land would be applicable from the date of publication of Section 3A of the NH Act, 1956 till the announcement of award under section 3G or taking possession of land, whichever is earlier, is payable. It would be payable as a 'Stand-alone component' and shall not count for the purpose of Multiplication Factor and the Solatium.

- v. **Issue of Multiplication Factor (MF)** – The Department of Land Resources, Ministry of Rural Development, Government of India issued a Notification S. O No. 425 (E) dated 09/02/2016. In this behalf, which reads as under:

“In exercise of the powers conferred by Column No. 3 of serial No. 2 of the first Schedule read with sub-section (2) of section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the Central Government, hereby, notifies that in the case of rural areas, the factor by which the market value is to be multiplied shall be 2.00 (two).”

In other words, the Multiplication factor in the case of rural areas in the Union Territories (other than Puducherry), the Multiplication Factor shall be 2 (Two) in terms of the DoLR Notification NO. S. O 425 (E) dated 09/02/2016 till the same is reviewed by the Department of Land Resources.

The market value of the land under acquisition has to be determined with reference to Section 26 of the RFCTLARR Act, 2013 which provides the criteria to be adopted in assessing and determining the market value of the land and the date of such determination of market value shall be the date on which the notification under section 3A of National Highways Act, 1956 is published. In this case the notification under section 3A of National Highways Act, 1956 was published in the Gazette Notification no S.O. 1550 (E) u/s 3A of NH Act 1956 issued by Ministry of Road, Transport & Highways, Government of India on 15.05.2017.

As per the criteria provided in Section 26 (1) of the RFCTLARR Act, 2013, the Collector (CALA herein) shall adopt the following criteria in assessing and determining the market value of the land, namely:

- (a) The market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated, or
 - (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area, or
 - (c) consented amount of compensation as agreed upon under sub section (2) of section 2 of the RFCTLARR Act, 2013 in case of acquisition of lands for private companies or for public private partnership projects,
- whichever is higher.**

It is further explained that the average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made. Further while determining the market value under section 26 and the average sale price, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration. Further while determining the market value under section 26 and the average sale price, any price paid, which in the opinion of the Collector (CALA herein) is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value. As per section 26(2) of the RFCTLARR Act, 2013, the market value so calculated is to be multiplied by a factor to be specified in the First Schedule. Section 26(3) of the RFCTLARR Act, 2013 is not applicable in this acquisition. Section 27 of the RFCTLARR Act, 2013 provides that having arrived at the market value, the Collector (CALA herein) shall calculate the total amount of compensation to be paid to the land owner by including all assets attached to the land. Section 28 and 29 of the RFCTLARR Act, 2013 has provided for the parameters to be taken into consideration and determination of value of things attached to land or building. Section 29 of RFCTLARR Act, 2013 further clarifies that for purpose of determining the value of things/assets attached to the land or building and trees and plants attached to the land, use the services of a competent Engineer or any other specialist or experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him. Section 30 of the RFCTLARR Act, 2013 provides for award of solatium amount equivalent to one hundred percent (100%) of the compensation amount. In addition to the market value of land assessed under section 26, in every case, an amount calculated at the rate of twelve percent (12%) per annum on such market value is to be awarded for the period commencing on and from the date of publication of notification of social impact assessment (SIA) study under section 4(2) of the RFCTLARR Act, 2013 till the date of the award of the Collector or the date of taking possession of the land whichever is earlier. It is clarified in the above said guidelines that the payment of the additional amount at 12% per annum on the market value of the land would be applicable from the date of publication of Section 3A of the NH Act, 1956 till the announcement of award under section 3G or taking possession of land, whichever is earlier, is payable.

Thus, the CALA is duty bound to determine the market value keeping in view the average sale prices prevailing for last three years prior to the date of publication of Notification Under Section 3A of The National Highways Act 1956 i.e. 15/05/2014 to 15/05/2017.

In order to determine the market value of the land under acquisition, I have examined the claims filed by the claimants, which are exorbitantly high. Further, the sale deeds submitted by the claimants are of the area which are fully developed area having tube well, Electric Connection, Boundary Wall, entrance gate, Rooms, Structures, Crops, Trees, Groves, Other moveable attached with the land thereof. Therefore, the prices of the sale deeds submitted by the claimants as detailed at Table II cannot be considered for arriving at the market value of the land under acquisition. Therefore, these sale deeds are hereby rejected as these sale deed transactions have been transacted at a exorbitant values and they do not reflect the average market value of sale transaction of the area. Further the land owners whose lands are being acquired will benefit in future from the Dwarka Expressway Project for the remaining land if unacquired since the all round development of the area will take place once the National Highway is laid down and therefore, their grievance that they will be left with unviable chunks of land cannot be accepted.

In compliance of section 26(2) of RFCTLARR Act, 2013 which mandates that the average sale price of similar type of land situated in the nearest village or nearest vicinity area needs to be assessed, the sale deeds or the agreements to sale registered in village Bannoli during the period immediately preceding three years from the date of publication of Section 3A of the NH Act, 1956 were obtained from SR-IX Office. The sale deeds have been summarized in the Table III as below.

TABLE III

Sl. No.	Sale Deed	Date	Area (Bigha-Biswa)	Consideration Amount	Amount (Per Acre) Rupees
1	11741	07-10-2014	0-5	3,00,000/-	57,60,000/-
2	10741	15-10-2015	36-6	28,50,000/-	3,76,860/-
3	2264	23-03-2016	0-6	9,50,000/-	1,52,00,000

4	13010	26-10-2016	7-11	95,00,000/-	60,39,735/-
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As evident above, the only 04 sale deeds for agricultural land for village Bamnoli as above were submitted by SR-IX for the period of 15/05/2014 to 15/05/2017. It is most pertinent to mention here that in above mentioned 04 sale deed, sale deed at serial No. 02 is made by Sh. Subhash Chand Kathuria and was registered at Rs. 3,76,860/- per acre. Interestingly the claimants Subhash Chand Kathuria & Anubhav Kathuria are making exorbitant claim @ Rs. 70,000/- per Sq. Meter in their claim. The sale deeds as above are very less in number to arrived at an average value. Moreover, the amount per acre for these sale deeds ranged from Rs. 3,76,860/- to Rs. 1,52,00,000/- per acre and due to amplitude of the range, these sale deeds cannot reflect the market value and therefore, are not been considered for arriving at the market value.

Therefore, in my opinion it is appropriate that for determination of the market value of the land for acquisition purpose, the indicative price fixed by the GNCTD for agriculture land in Delhi @ Rs. 53,00,000 (Rs. 53 Lacs) per Acre for all agriculture land, as notified by Revenue Department, GNCTD vide Notification No. F.1(177)/Regn.Br./Div.com./07/254-279 Dated 14/03/2008 is the most representative and appropriate market value for the land under acquisition for village Bamnoli.

Therefore, I accordingly determine the market value of land acquisition at **Rs. 53,00,000 per acre (Rupees Fifty Three Lacs per acre)**.

OTHER BENEFITS

In addition to the market value of the land fixed above, the land owners will be entitled for other benefits as per the First Schedule & provisions of RFCTLARR Act, 2013.

THE COSTS OF THE BUILDING, TREES, WELLS, TUBE WILLS AND OTHER STRUCTURES ETC.

At the time of passing of the award, no valuation report was submitted by the valuer M/s A.K. Khanna Associate (appointed by NHAI) for structure, tree and tubewell etc. if any, and which is to be verified /endorsed/vetted by a Government Agency i.e. PWD (Horticulture/Civil), GNCTD. In the absence of valuation report it is difficult to decide the amount of compensation for these items. Therefore, the compensation in respect of these items will be determined in due course of time as a supplementary award if required.

SOLATIUM

As provided under section 30 of RFCTLARR Act, 2013 Solatium @ 100% shall be paid to the interested persons on the market value of the land.

ADDITIONAL AMOUNT

The interested persons are entitled to additional amount @ 12% on the market value of the land as per sub-section 3 of section 30 of the RFCTLARR Act, 2013 from the date of publication of notification under section 3A of the NH Act, 1956 i.e. 15/05/2017 till the announcement of award under section 3G or taking possession of land, whichever is earlier.

POSSESSION OF LAND

As regards possession of the acquired land, the possession is to be taken after the amount determined u/s 3G of NH Act, 1956 is deposited by the Central Government with the CALA after the announcement of award and after tendering the compensation to the interested persons.

MODE OF PAYMENT OF COMPENSATION

The amount of compensation of land under acquisition and the payment will be made to the land owners and interested persons according to their share and rights as entered in the ownership column of the latest Revenue records amended to the extent of mutations sanctioned thereafter. The interested persons are required to make an application to the Competent Authority for release of compensation amount.

SUMMARY OF AWARD

Sr. No.	Determination of Compensation	Amount
1.	Market Value of land in accordance with sub-section (1) of section 26, read with sub-section (3) of section 26 and Section 28 of the RFCTLARR Act, 2013; Market Value of Land measuring 19.081 Acre @ Rs. 53,00,000.00 per Acre	Rs. 10,11,29,300.00
2.	Multiplication Factor (for rural area) applicable to the market value amount determined as in Sr. No. 1 above in terms of sub-section (2) of Section 26 of the RFCTLARR Act, 2013; Multiplication Factor (2) X Rs. 10,11,29,300.00	Rs. 20,22,58,600.00
3.	Value of assets (structures) attached to the land under acquisition in terms of section 29 of the RFCTLARR Act, 2013;	Will be included in a Supplementary Award if required.
4.	Total (2+3)	Rs. 20,22,58,600.00
5.	100% solatium on the amount in accordance with section 30 of the RFCTLARR Act, 2013, arrived at Sr. no 4; (2+3) X 2	Rs. 40,45,17,200.00
6.	Amount of interest on market value @ 12% in terms of sub-section 3 of section 30 of the RFCTLARR Act, 2013; Rs. 10,11,29,300.00 X 12% w.e.f 15/05/2017 to 02/04/2018 (323 Days)	Rs. 1,07,39,100.00
7.	Total Compensation Amount (5 + 6)	Rs. 41,52,56,300.00

Total Compensation Amount Rupees Forty One Crore Fifty Two Lakhs Fifty Six Thousand Three Hundred Only

[Signature]
02.04.2018

Dr. Pranjal J Hazarika
Competent Authority (Land Acquisition)/CALA
under NH Act, 1956