

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

Date:- 30/06/2020

AWARD

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

AWARD No.	:	3/2020/SW
Name of Village	:	DHOOL SIRAS
Area under acquisition	:	1.7028 Hectare (4.2076 Acre)
Purpose of acquisition	:	Development of 100 Mtrs. of Road NH 344 (M) for MORTH.
Nature of acquisition	:	Permanent
Notification u/s 3A of NH Act 1956	:	S.O. 5889 (E) dated 29.11.2018
Notification u/s 3D of NH Act 1956	:	S.O. 2713 (E) dated 29.07.2019

INTRODUCTION:

The Central Government has notified the land measuring 1.7028 Hectares of land (4.2076 Acres) in the revenue estate of Dhool Siras for building (widening/four laning etc.) maintenance, management and operation of proposed NH-344 M in the stretch of land from K.M. 26 to K.M. 39 (old Terminal Tax Building, Kapashera, New Delhi) in the District South-West in the state of Delhi, vide notification no S.O. 5889 (E) dated 29.11.2018 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- Times of India and Navbharat Times on 08.12.2018 and the declaration u/s 3D of NH Act, 1956 was notified on 29.07.2019 vide notification no S.O. 2713 (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 National Highway No. 344 (M). The undersigned has been authorized as the Competent Authority (land acquisition)/CALA in case of Village Dhool Siras, Dichaon Kalan, Chhawla, Tajpur Khurd etc. vide notification S.O. 1947(E) of Ministry of Road Transport & Highways, Government of India, dated 16.05.2018 and to exercise the power of Competent Authority

and perform the functions of Competent Authority for acquisition of land for the Construction/Development of National Highway No. 344 (M).

This award is passed u/s 3G of National Highways Act, 1956 for acquisition of land for the Development of 100 Mtrs. ROW under NH Project for land pertaining to Village Dhool Siras.

AREA AND MEASUREMENT OF LAND UNDER ACQUISITION:

As such this award covers 1.7028 Hectares 4.2076 (Acres) of land, the details of this land bearing Field Nos./Survey Nos./ Khasra Nos. along with area are as under:-

TABLE- I

Field No./ Survey No./Khasra No	Owners	Nature of Land	Area(Hectare)	Area in Acre
19//21/1min	Govt./Pvt.	Agri.	0.0042	0.0104
19//21/2 min	Govt./Pvt.	Agri.	0.0042	0.0104
22//14 min	Govt./Pvt.	Agri.	0.3709	0.9165
22//15/1 min	Govt./Pvt.	Agri.	0.3035	0.7499
22//15/2 min	Pvt.	Agri.	0.0295	0.0729
22//16 min	Pvt.	Agri.	0.2824	0.6978
22//17 min	Govt.	Agri.	0.0548	0.1354
22//2 min	Govt./Pvt.	Agri.	0.0042	0.0104
22//3/1 min	Govt./Pvt.	Agri.	0.0042	0.0104
22//3/2 min	Pvt.	Agri.	0.0717	0.1771
22//4 min	Pvt.	Agri.	0.0169	0.0418
22//6 min	Pvt.	Agri.	0.0843	0.2083
22//7/1 min	Pvt.	Agri.	0.1306	0.3227
22//7/2 min	Pvt.	Agri.	0.0632	0.1562
23//11 min	Govt./Pvt.	Agri.	0.0843	0.2083
23//20 min	Govt./Pvt.	Agri.	0.1939	0.4791
Total			1.7028	4.2076

Clarification was sought vide office letter No. ADM/LAC/SW/2020-21/22564 dated 30.06.2020 in respect of 3A & 3D. As per NHAI letter No. NHAI/PIU/UER-II/01/03/3D/1189 dated 30.06.2020 in respect of Kh. No. 22//18/1min of Village Dhool Siras is not falling within the RoW (Right of Way) for development of NH-344M. Therefore the same was dropped in the subsequent notification u/s 3D of NH Act, 1956.

HEARING OF OBJECTIONS

Gazette Notification No. S.O. 5889 (E) u/s 3A of NH Act 1956 was issued by Ministry of Road Transport & Highways, Government of India on 29.11.2018 and was published in Newspapers- Times of India and Navbharat Times on 08.12.2018.

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 all persons 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, only 01 objection has been received from land owner/interested person against the notification u/s 3A dated 29.11.2018 within 21 days for the date of publication of the said notification.

Public hearing on objections received on time (01 in number) was conducted on 22.02.2019.

The objection has already been disallowed on 06.06.2019 due to no valid reason/ground in the objection.

DECLARATION

Thereafter, notification u/s 3D of National Highway Act 1956 in the official gazette vide Gazette of India Notification S.O. 2713(E) of Ministry of Road Transport & Highways Government of India, was issued on 29.07.2019 and was published in two local Newspapers- Times of India and Navbharat Times on 17.08.2019.

CLAIMS

A Public Notice u/s 3G(3 & 4) was also published in two local newspapers, Times of India and Navbharat Times on 17.08.2019 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 29.08.2019 & 30.08.2019.

In this context one Sh. Ratan Singh S/O Late Chandgi R/O Dhool Siras has filed a claim and sought compensation @ four times of the circle rates as the village has been urbanised in view of section 507 of DMC Act.

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 01/01/2014 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 has to follow same guidelines while passing any award for Land Acquisition under National Highways Act, 1956 after coming into force of RFCTLARR Act, 2013 w.e.f 01/01/2014 :-

- i. **Applicability of the 'RFCTLARR Act 2013' to the enactment 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, with effect from 01/01/2014.

- 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 commences from 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 Pondicherry), 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. 5889 (E) u/s 3A of NH Act 1956 issued by Ministry of Road, Transport & Highways, Government of India on 29.11.2018.

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.

In this regard, CALA has received the sale deeds of Village Dhool Siras for the last three years prior to the date of publication of notification under section 3A of the national Highways Act 1956 i.e. 29.11.2018. These sale deeds are hereby rejected as these sale deed transactions have been transacted at an exorbitant values and they do not reflect the average market value of sale transaction of the area. The land use is Agricultural as per Revenue Record filed by SDM (Dwarka). Further the land owners whose lands are being acquired will benefit in future from the 100 Mtr. ROW under NH Project for the remaining land if un-acquired since the all-round development of the area will take place once the National Highway is laid down.

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 was referred.

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 BUILDINGS, TREES, WELLS, TUBE WELLS AND OTHER STRUCTURES ETC.

In those particular Khasra/Survey No. wherever there were existing structures/trees etc. on the date on which the notification under section 3A of National Highways Act, 1956 is published, the valuation of such structures & trees was done by the approved valuer of NHAI M/s Unique Design Consultant Govt approved valuator. As per letter of Award of NHAI, vide NHAI/PIU/UER-II/30/01/170 dated 13.09.2019, NHAI had entrusted the task to their approved agency, M/s Unique Design Consultant. The valuation Report of the structures/trees submitted on 24.12.2019 by M/s Unique Design Consultant and same was sent to Executive Engineer (PWD) and Dy. Director (Horticulture), GNCTD for verification and vetting on 23.01.2020 and the valuation of structure was received duly verified from Executive Engineer PWD, GNCTD vide letter स. 23(Misc.)/लो.नि.वि./द.प.रोड़-2/2019-20/97 dated 23.01.2020 of Rs. 60,157/- and the valuation of trees was received duly verified from Dy. Director

(Horticulture) PWD, GNCTD vide letter no. पत्र संख्या 54(works)/उ.म.दक्षिण/लो.नि.वि./213 dated 17.06.2020 of Rs. 19,850/-. Based on the verification of the Valuation report by PWD, GNCTD, the undersigned as CALA accepts the valuation verified by the PWD and determine the compensation for valuation of structures and trees as Rs. 80,007/- as per section 29 of RFCLARR Act 2013. The valuation report is enlisted in the Annexure 'A'. The Annexure 'A' may be read as part of the Award.

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

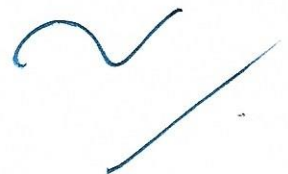
The interested persons are entitled to additional amount @ 12% interest on the market value of the land as per sub-section 3 of section 30 of the RFCTLARR Act, 2013 from the date of publication of notification under section 3A of the NH Act, 1956 i.e. 29.11.2018 till the announcement of award under section 3G or taking possession of land, whichever is earlier.

POSSESSION OF LAND

Possession of the acquired land will be taken after tendering the compensation to the interested persons within 60 days of the notice after announcement of the award (As per NH Act, 1956).

MODE OF PAYMENT OF COMPENSATION

The amount of compensation of land under acquisition, 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.



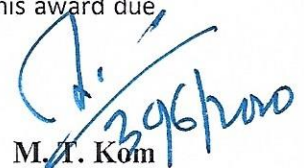
SUMMARY OF AWARD

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 4.2076 Acres @ Rs. 53,00,000.00 per Acre	Rs. 2,23,00,280.00
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. 2,23,00,280/-	Rs. 4,46,00,560.00
3.	Value of assets (structures + Trees) attached to the land under acquisition in terms of section 29 of the RFCTLARR Act, 2013;	Rs. 60,157.00 Rs. 19,850.00 Total- 80,007.00
4.	Total (2+3)	Rs. 4,46,80,567.00
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. 8,93,61,134.00
6.	Addl. 12% Interest amt. U/s 3 of section 30 of the RFCTLARR Act, 2013 wef. 29/11/2018 to 30/06/2020 (580 Days) on Market Value of Land	Rs. 42,52,327.00
7.	Total Compensation Amount (5 + 6)	Rs. 9,36,13,461.00

Total Compensation Amount is Rupees Nine Crore Thirty Six Lakhs Thirteen Thousand Four Hundred and Sixty One only.

Note:

1. The compensation amount in respect of kh. Nos. 19//21/1 min, 19//21/2 min, 22//14 min, 22//15/1 min, 22//2 min, 23//11 min and 23//20 min is being considered in this award due to lack of clarity whether Govt. or private in revenue records.


M. T. Kom

**Competent Authority (Land Acquisition)/CALA
Under NH Act, 1956**