



डेडीकेटेड फ्रेट कोरीडोर

Dedicated Freight Corridor Corporation of India Ltd.

(A Government of India Enterprises)

5th Floor, Pragati Maidan, Metro Station Building Complex, New Delhi- 110001

Corporate Identity Number U60232DL2006GOI155068 Web:

www.dfccil.gov.in

No.2017/HQ/Admin/RTI-69

New Delhi: 12.06.2017

Smt. Yashika Gupta
50/12/5, Lohiya Marg,
Near IAAS Officers Colony,
Civil Lines,
U.P-211001
Mobile # 9339-531-546

to be emailed to : yashika.yashika@gmail.com

Dear Applicant,

Sub: सूचना के अधिकार अधिनियम 2005 के अंतर्गत सूचना सुलभ कराना।
Providing information under the RTI Act 2005

Ref: Original application dt. 25.04.2015 received through Railway Board
on 27.03.2017 from Smt. Yashika Gupta R/o U.P

The Information received from the concerned office is as under:

प्राप्त उत्तर/received reply:

S.No.	Information required	DFCCIL serialized answer
1	Item (i)	No acquisition of land is done in Iradatganj yard. However land plan is attached.
2	Item (ii)	Only UP side land is being acquired not both side.
3	Item (iIi)	Attached.
4	Item (iV)	Attached.
5	Item (V)	Compensation award is not made by this office. Information be sought from the competent Authority i.e. SLAO/Allahabad.

अपीलीय प्राधिकारी का नाम एवं पता है: श्री सतीश कोठारी, ग्रुप महाप्रबंधक/प्रशासन, डी एफ सी सी आई एल, नई दिल्ली-110001.

संलग्नक : यशिका गुप्ता

12/06/17

(तेजपाल चावला)

(Tejpal Chawla)

उप महाप्रबंधक/प्रशासन/आर टी आई

DGM/Admin/RTI

CPM/Allahabad (E)

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रजिस्ट्रेशन सं. डी. एल.—(एन)04/0007/2003—08

REGISTERED No. DL—(N)04/0007/2003—08


भारत का राजपत्र
The Gazette of India

EXTRAORDINARY
 PART II—Section 3
 PUBLISHED BY AUTHORITY

No. 171

NEW DELHI, FRIDAY, MARCH 28, 2008 / CHAITRA 1, 1930

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th March, 2008/Chaitra 1, 1930 (Date)

The following Act of Parliament received the assent of the President on the 28th March, 2008 and is hereby published for general information:—

THE RAILWAYS (AMENDMENT) ACT, 2008

No. 11 of 2008

[28th March, 2008.]

An Act further to amend the Railways Act, 1989.

Enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2008.
- (2) It shall be deemed to have come into force on the 31st day of January, 2008.
2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act),—

Short title and commencement.

Amendment of section 2.

(a) after clause (7), the following clause shall be inserted, namely:—

“(7A) “competent authority” means any person authorised by the Central Government, by notification, to perform the functions of the competent authority for such area as may be specified in the notification;”

(b) after clause (29), the following clause shall be inserted, namely:—

“(29A) “person interested” includes,—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) tribals and other traditional forest dwellers, who have lost any

34 of 1989.

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Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

25 of 1961.

Explanation.—For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (f) of sub-section (7) of section 2 of the Advocates Act, 1961.

(1) Any order made by the competent authority under sub-section (2) shall be final.

206. (1) Where no objection under sub-section (1) of section 205 has been made to the competent authority within the period specified therein or where the competent authority has dismissed the objections under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government, and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purposes mentioned in sub-section (1) of section 20A.

Declaration of acquisition.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 20A for an acquisition, but no declaration under sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect.

Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 20A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

207. (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

Determination of amount payable as compensation.

(2) The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse.

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided further that where an award is made within the extended period, the entitled person or persons, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.

(3) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

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(4) Before proceeding to determine the amount under sub-section (1) or sub-section (2), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 20D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.

26 of 1996

(8) The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (2), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 20A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incurred (to such change).

(9) In addition to the market value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of fifty per centum on such market value, in consideration of the compulsory nature of the acquisition.

Criterion for determination of market value of land.

20C (1) The competent authority shall adopt the following criteria in assessing and determining the market value of the land,—

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899, for the registration of sale deeds in the area, where the land is situated; or

2 of 1899.

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years, where higher price has been paid,

whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that—

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of sub-section (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

2 of 1899.

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the concerned State Government shall specify the floor price per unit area of the said land based on the average highest prices paid for similar type of land situated in the adjoining areas or vicinities, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years whose highest price has been paid, and the competent authority may calculate the value of the land accordingly.

(3) The competent authority shall, before assessing and determining the market-value of the land being acquired under this Act,—

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinities,

for the purpose of determination of the market-value of the land being acquired.

(4) In determining the market-value of the building and other immovable property or assets attached to the land or building which are to be acquired, the competent authority may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the competent authority.

(5) The competent authority may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the competent authority may utilise the services of experienced persons in the field of agriculture as he considers necessary.

20H. (1) The amount determined under section 20F shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority before taking possession of the land.

Deposit and payment of amount.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in his opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 20F by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 20-I till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

20-I. (1) Where any land has vested in the Central Government under sub-section (2) of section 20E, and the amount determined by the competent authority under section 20F with respect to such land has been deposited under sub-section (1) of section 20H with the competent authority by the Central Government, the competent

Power to take possession.