



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 U60232DL2006GO1155068 Web:

www.dfccil.gov.in

No. 2018/HQ/Admin/RTI-182

New Delhi: 03.05.2018

Smt. Shanti Devi
Sunder Nagar
Near Railway Line ke Pass
HMT Colony Ke Samne
Byawar Road Ajmer
Mobile-9829085321

Subject: Providing information w.r.t. Original Application received under the RTI Act.2005.

Reference: RTI Application dated 10.04.18 received on 01.05.18 through CPM/Ajmer's office from Smt. Shanti Devi.

You have submitted your above RTI application at CPM/ Ajmer's office, The CPM/ Ajmer's office, here the deemed CPIO, has forwarded the same along with their reply to this office which is attached.

Hope the above information is complete and satisfactory. If not, then you can appeal within 30 days of receipt of the letter to the 1st Appellate Authority whose name and address is as under;

Shri Satish Kothari, GGM/ Administration DFCCIL,
5th Floor, Pragati Maidan Metro Station Building, New Delhi-110001.

(S.K.PANDA)

Dy. G.M/Admn.(PIO)

E-mail: skpanda@dfcc.co.in

9717636811

Copy to:

Chief Project Manager, DFCCIL
A-1, Circular Road,
Near SP, GRPF Office,
Ajmer-305001

For information & Record only

to do and both the State of Kerala and Kerala Water Authority shall have the liberty to cross such witnesses who are now examining and propose to do. [*Abdul Rasak and others v. Kerala Water Authority*, 2002 SC 817 : JT 2002 (1) SC 652 : 2002 (1) Scale 479 : (2002) 3 SCC 228 : 2002 (1) Supreme 442 : 2002 (1) SC 479.]

2. Public purpose.—No adequate answer could be given. All that was submitted was that the appellants were aware of the acquisition and had held meetings with the Government and the Collector. That was not sufficient. What is required by Section 50 of the Land Acquisition Act is that the body for whom the property is being acquired is given an opportunity to appear and adduce evidence for the purpose of determining the quantum of compensation. Nothing could be shown to the Court that had done so. At this point the matter requires to be sent back to the Special Land Acquisition Officer for refusing compensation payable. The matter remitted back to the Special Land Acquisition Officer for re-fixing the compensation payable after giving an opportunity to the appellant. [*Agra Development Authority v. Special Land Acquisition Officer*, AIR 2001 SC 992 : 2001 (III) AD (SC) 135 : JT 2001 (2) SC 489 : 2001 (2) SC 679 : (2001) 2 SCC 646.]

3. Service of notice.—It is not correct to contend that by reason of the service of notice the respondent was not prejudiced. The exception carried by the Court in the matter of service notice to the local authority is not only confined to its knowledge about the pendency of the acquisition proceedings before the Collector or the Reference Court but also any prejudice on account thereof. The said two conditions are to be read conjunctively and not disjunctively. [*Kanchari and another v. U.P. Avam Evam Vikas Parishad and others*, 2003 (7) Scale 157 : 2003 (5) SLT 532.]

96. Exemption from income-tax stamp duty and fees.—No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under Section 46 and no

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person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

97. Acceptance of certified copy as evidence.—In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908), including a copy given under Section 57 of that Act, may be certified copy accepted as evidence of the transaction recorded in such document.

SYNOPSIS

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1. Sale deed—Certified copy of.—Registered document in terms of Section 51-A of Act—Presumption of its genuineness—Carries therewith presumption of genuineness—Such presumption rebuttable—Raising presumption only shifts burden—Not amounts to proof. [*Cement Corpn. of India v. Purya*, 2004 (7) Supreme 711 : (2004) 8 SCC 270.]

2. Secondary evidence.—The provisions of the Indian Evidence Act postulate that secondary evidence can be led by the parties in the event primary evidence is not available. In a case of this nature, however, the claimant respondents may be aware of the transactions. Indisputably, they did not raise any objection as regard admissibility of the said deeds of sale. The xerox copy of the deeds of sale were marked exhibits without any objection having been taken by the respondents herein. Such an objection cannot, therefore, be taken for the first time before the Court. What would be their evidentiary value may ultimately fall for consideration by the Court but the said deeds of sale cannot be rejected only on the ground that only Xerox copies thereof had been brought on records. The onus to prove the market value as obtaining on the date of notification was on the claimants. It was for them to adduce evidence to prove their claims by bringing sufficient and cogent materials on record so as to enable the Court to determine the market value of the acquired land as on the date of issuance of notification under Section 4 of the Land Acquisition Act. If the claimants themselves filed xerox copies of the deeds of sale or failed to examine any witness to prove the relevant factors for determining the market value of the land acquired with reference to the said sale instances, they cannot now be permitted to resile therefrom and contend that the said documents should be totally ignored. [*Ranvir Singh and another v. Union of India*, 2005 (9) SRJ 33 : JT 2005 (8) SC 253 : 2005 (9) Supreme 9.]

98. Notice in case of suits for anything done in pursuance of Act.—No suit or other proceeding shall be commenced against any

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