

Duly sworn on 28-7-2017.

Cross Examination by Advocate for Claimant

I joined the respondent No.2 company in December 2010. In 2012, I have seen the petition schedule property for the first time. The possession of the petition schedule property was taken by the BMRCL in the 2008 and they are employees who have seen taking possession of the property. I do not know whether the Land Acquisition Officer who passed the award, was present at the time of taking possession. It is not true to suggest that several activities have taken place in the locality between 2008 and 2012. I know that the Land Acquisition Officer has made certain observations in his award for having inspected the petition schedule property before passing the award. I was not present at that time. I dispute observation made by the Land Acquisition Officer at page No.17 of the award. I am objecting the observation to the effect that the property is suitable for ITBT activities, software park, mall, hotel industry and luxury apartment and retail outlets and suitable for integrated township etc.

2. We obtained the copy of the award after passing of the same. In 2012 itself we have taken the copy of the award. We have not objected the observations of the Land Acquisition Officer before any authority except filing

objections in the above petition. It is true to suggest that in terms of the award, we have deposited the compensation amount as a beneficiary. We are bound to accept the award passed by the Land Acquisition Officer and accordingly we accepted. We never objected the award by the Land Acquisition Officer. We have taken possession of the acquired property and utilized it for the project. I was not present when the Land Acquisition Officer visited the property for inspection. It is not true to suggest that only for the purpose of this case, I am disputing the award passed by the Land Acquisition Officer. We have benefited from the property acquired by the Land Acquisition Officer. It is not true to suggest that we have no right to object the award. 50 acres of the property acquired for BMRCL is at different places. 50 acres includes Byappanahalli Metro Station and Depo also. The entire petition schedule property is being utilized for parking of commuters vehicles. The distance between the petition schedule property and Byappanahalli Station is around half a kilometer. There is access to the parking area from old madras road. The said road was existing prior to our project and we widened it. That road is on the southern side of petition schedule property. It is not true to suggest that we suppressed the existence of road on the southern side.

The witness volunteers that the said road does not abut the petition schedule property.

3. It is true to suggest that the preliminary notification was notified in the name of NGEF. I do not know if it is suggest that the said property was with NGEF for more than 20 years. NGEF is a company. With permission of the government, a company can acquire a agricultural property but cannot hold the agricultural property. It is not true to suggest that we have acquired the property as non-agricultural land. It is true to suggest that the property was acquired for metro project only. It is true to suggest that the claimant had approached the Hon'ble High Court of Karnataka challenging the acquisition proceedings since the property was notified in the name of NGEF in W.P.37547/2009. It is true to suggest that the proceedings was quashed by the Hon'ble High Court of Karnataka and allowed to continue the acquisition proceedings in the name of claimant.

4. I am not aware of production of Cc of sale deed dt. 9-8-2001 before the Hon'ble High Court of Karnataka in the above referred writ petition. I do not know, if it is suggested that the said sale deed is not reflected in the award. It is true to suggest that in the award the Land Acquisition Officer has referred the previous proceedings

of official liquidator of the NGEF. The official liquidator has invited tender for alienation of the property of NGEF as per Ex.P1. The petition schedule property was separately shown at Sl.No.4 at Ex.P1. In the year 2005 the reserve price of the property in question was 29 crores. I do not know if it is suggested that ten companies have participated in the auction. It is true to suggest that One M/s Prestige Garden Estate Pvt. Ltd has offered 64.69 Crores for the petition schedule property in the year 2005. I do not know Ex.P2. I do not if it is suggest that Hon'ble Apex Court has set aside on the bid on the ground of escalation of price between 2005 and 2008. I do not know if it is suggested that the Hon'ble Apex court had appointed two valuers to value the property and submit their reports in sealed covers. I have not gone through the documents produced by the claimant before this court. I have gone through the valuation made by Cushman and Wakefield India Pvt. Ltd. I do not know whether the supreme court has appointed the said Cushman and Wakefield India Pvt. Ltd. as valuer. I do not know that the claimant has taken the valuation made by M/s. Cushman and Wakefield India Pvt. Ltd. It is not true to suggest that LAO has not considered the observation of the Hon'ble Apex court, the report of official liquidator and the

valuation made by the valuer appointed by the Hon'ble Apex Court.

5. Once the property is acquired, it is not necessary get it converted for non-agricultural purpose. The position and the user of the land has not been changed from the date when the Prestige India Pvt. Ltd. has offered to purchase the property for more than 64 Crores. The petition schedule property comes within the BBMP limits since 2007. I do not know prior to that it was under CMC. Even today the petition schedule property is under industrial zone as per BDA Master Development Plan. The property is agricultural land lying in industrial zone. We have seen revenue records to show that the property is agricultural land. It is not true to suggest that we suppressed the nature of the land to minimize the value of the property.

6. I have seen lands pertaining to R1 to R4 sale deeds. With the help of our Surveyor we identified the properties at R1 to R4. The Surveyor name is Venkataramana. We do not have any documents for having gone to the property for identification. It is not true to suggest that we have not seen the properties referred to in R1 to R4. The distance between the acquired property and the properties in R1 to R4 is around 1 KM. The acquired

property is on the left side of old madras road and the properties at R1 to R4 at the right side. It is not true to suggest that the properties referred to at R1 to R4 are small pieces of land abutting to railway track. I do not know the boundaries of the properties at R1 to R4. Towards one direction there is 20 feet road. I do not know that those properties are agricultural lands or otherwise. In the said properties there were residential houses. It is not true to suggest that I am referring irrelevant documents. The value of the property varies depending upon the potentiality of the said property.

7. The road referred to in my affidavit in para No.9 is on the western side of the acquired property. It is not true to suggest that the BBMP has widened the said road to 60 ft prior to acquisition. It is not true to suggest that there is a proposal for further widening the said road to 100 ft. The road referred to me above could be seen in photograph now shown to me. It is not true to suggest that the BBMP has taken the property for widening the said road to 100 ft. I do not know who has erected the fencing shown in the photograph. The compound which is seen in the photograph is the compound of NGEF. The acquired property comes behind Byappanahalli Metro Station. The photograph now shown to me is the Byappanahalli Metro Station. Both photographs are

marked as **EX.P-24 & 25**. It is not true to suggest that the property seen in the photograph now shown to me is the property of the claimant. Photograph is marked as **Ex.P-26**. I cannot identify the property in the photograph now shown to me. It is not true to suggest that I am intentionally disbelieving the said photograph. The photograph now shown to me is the latest photograph of judicial quarters which have come up recently. This property comes towards the north of the acquired property. The photograph is marked as **Ex.P-27**. A portion Sy.No.15/1 is also used for construction of quarters. It is not true to suggest that major developments are taking place around the vicinity of the acquired property. It is not true to suggest that the acquired property is a commercial hub. It is not true to suggest that the distance between Byappanahalli Metro Station and M.G.Road Metro Station is 4 Kms. The witness states that it is 7 Kms. Indiranagar is located 2 Kms away from the acquired property towards south. The distance between Banasawadi and the acquired property is about 1 Km on the northern side. Old Madras Road is located at the distance of 700 mtrs from the acquired property. It is not true to suggest that Bhagmane Tech Park is close to the acquired property. RMZ Tech Park is located 1 Km away from the acquired property and it is located on old madras road. RMZ Tech Park is 1.5 million sq. ft. and it is fully occupied. I do not

know if it is suggested the Bhagmane Tech Park is around 50 acres and it is fully occupied. It is not true to suggest that the acquired property is connected by road on all four sides. The photograph now shown to me is the entry structure constructed by BMRCL. The distance between that structure and property is about 100 Mtrs. Photograph is marked as **Ex.P-28**. Now the Metro Service is being proposed to extent up to Whitefield which is 15.5 Kms distance. From Byappanahalli to Whitefield entire comes under BBMP limits. It is not true to suggest that after Byappanahalli Metro Station the said area is developing. It is not true to suggest that from the year 2000 onwards there is 100% escalation of the property value.

8. It is true suggest that BMRCL would constitute a land committee which assess the market value of the property to be acquired. It is not true to suggest that the land committee recommends the value of the property on square feet basis. I do not know whether the property in question was valued by our land committee.

(Fur. cross examination deferred at the request of the counsel for claimant)

(Typed to my dictation in the open court)

R .O.I & A. C

(P.G.Chaluva Murthy)
Prl. Senior Civil Judge,
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