
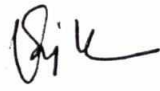





ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 17.07.2015 to _District:- Nadia.Arbitration Case No. II/Arbi/2015arising out of L. A. Case No. 7/LA/NHAI/Kali/10-11Nature of the case :- Arbitration case.

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p><u>1</u> 17.07.2015</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Whereas, it appears that 4 [Four] awardees of <u>Dhwajapuskarini Mouza, J. L. No. 35 under P.S.- Kaliganj, Dist.- Nadia</u> have submitted petitions under the provisions of the National Highways Act, 1956 [48 of 1956] and The Arbitration and Conciliation Act, 1996 [26 of 1996] with a prayer for reconsideration of market value of land as acquired u/s 3D of the National Highways Act, 1956 and for re-determination of amount payable as compensation in connection with Aush/Aman, Bari/Viti & Dokan class of land u/s 3G of the said Act.</p> <p>Now, I, Sri. Vijay Bharti, IAS, the District Magistrate, Nadia, being appointed as Arbitrator by the National Highways Authority of India u/s 3(G)5 of the N.H Act.- 1956 do, hereby, request the A.D.M [L.A], Nadia & Competent Authority under the said Act to arrange for issuance of notices to the petitioners for appearing on 30.07.2015 at 11:45 AM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p>  <p>[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="92 271 236 342"><u>2</u> 30.07.2015</p> <p data-bbox="65 495 256 551">Dictated, Corrected and signed by me</p>  <p data-bbox="92 651 240 875">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="276 271 1145 342">Notices are duly served. Service returns are filed with the case records.</p>  <p data-bbox="627 678 1090 819">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p>3 30.07.2015</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Four [04] awardees in respect of Mouza Dhvajapuskarini, J. L. No. 35, P.S.- Kaliganj are found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that four [04] awardees have submitted arbitration petitions praying for enhancement of rate of Aman class of land.</p> <p>Najmal Sk [Awardee No. 3] and Nabakumar Bairagya [Awardee No. 1] submit that the rate of different classes of land of Mouza- Dhvajapuskarini have been fixed very low in comparison to the market price. Therefore they argue for its enhancement. They further want to know the process which is being followed to prepare the rate report.</p> <p>I direct the Competent Authority & Additional District Magistrate (L.A), Nadia to explain the process which is being followed to decide the base rate of land and how the calculation is assessed. He states that the class wise sale data are collected from the concerned A.D.S.R. Office for a period of one year prior to the date of 3A Notification. If sufficient sale data are not found available, sale data of two or three years back are collected. From the sales, ten sales of higher side are generally taken. When sufficient sales are not available in the concerned Mouza, sales from adjacent Mouzas are taken for consideration. Thereafter, average of the 10 sales are assessed, and 10% is added to the average value of each class for direct road connectivity. For preparing the land value of Aman/Aush class of land 25% is further added to the same for double-crop nature of the agri land. Sum total of the three are taken as base price.</p> <p>For calculation of total compensation, payable to each awardee, 30% as Solatium is added to the base price and 12% Additional Compensation per year is further allowed for the period from date of Notification to the date of Declaration of Award; i.e. date of payment.</p> <p>Abhik Chakroborty, Ld. Advocate for N.H.A.I submits that the rate report as prepared by Competent Authority, N.H.A.I is justified and fair, as the existing Govt. circulars and provisions of NH Act., 1956 has duly been followed. However, he admits that if Regd. deed of the reference period is submitted by the awardees, these may be considered by Hon'ble Arbitrator.</p> <p>I request the awardees to submit any registered deed of the concerned Mouza/locality executed prior to the date of 3A Notification for consideration of the arbitral value. But, no deed is found submitted by the awardees before me.</p>	

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
30.07.2015	<p>Verified the documents placed before me i.e. the applications submitted for arbitration, the rate report of the Mouza, the plot index [Form 2B], List of applicants. Compared the class wise rates of this Mouza in respect of Aman class of land with the rates of the adjacent Mouzas, i.e. Panighata, J. L. No. 36 & Debogram, J. L. No. 60. It is found that the arbitration hearing of Mouza Debogram, J. L. No. 60 has been completed and an arbitral rate of all classes of land have been declared previously.</p> <p>The rate of Aman of Panighata and the concerned Mouza is found nearly same. But the rate of Debogram is considerably higher, as because, Debogram is a block head-quarter and more important in socio-economic status in comparison to Dhvajpuskarini.</p> <p>In my opinion, the rate of Aush class of land in this Mouza should be revised for the sake of natural justice. I do think it will be wise to grant Rs.2000000/- as base rate of Aush.</p> <p>The General Manager (Tech.) & Project Director, National Highways Authority of India, Krishnagar, Nadia agrees with the view in determination of arbitral rate.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Aush/Aman class of land will be taken as Rs.2000000/- per acre instead of Rs.996523/- per acre. 2] All the rest awardees who have failed to submit arbitration petitions due to ignorance or otherwise but having the same classes of land as mentioned above will also be entitled to the arbitral award as a principle of natural justice. <p>Thus, Four [04] arbitration petition are disposed of.</p> <p>Let this order be communicated by the Competent Authority, N.H.A.I. & Additional District Magistrate (L.A), Nadia to all concerned for information and compliance.</p>	

Dictated,
Corrected and
signed by me



District
Magistrate,
Nadia,
&
Arbitrator u/s
3G[5] of N.H.
Act, 1956



[Vijay Bharti, IAS]
District Magistrate, Nadia
&
Arbitrator u/s 3G[5] of N.H. Act, 1956