

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 58 LA/NHAI/Rang/10-11**Nature of the case : **Arbitration Case No. VI-Arbi/2014**

Serial number and Order	Order and signature of officer	Note of action taken on date
3 of 16.12.2014	<p>The Arbitration Case No. VI-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 12-40 P.M. It relates to 64 arbitration petitions of Mouza – Doharpar, P.S. – Ranaghat, to increase the value of land acquired for widening of NH-34. It appears that the notification u/s 3A of NH Act, 1956 was published on 15.12.2009 and 08.02.2010 and the declaration of award was done on 10.09.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, Competent Authority, Land Acquisition (CALA), Nadia and/or his representative, Special LAO, Nadia (attendance sheet kept with the case records). Considered the oral submission of all concerned and also perused the relevant papers / documents including a few sale deeds submitted by the petitioners and also placed by the CALA.</p> <p>It is contended by the petitioners in general that the land price/value has considerably soared up in recent times, especially after acquisition of land for widening of 34 National Highway and consequently it has become very difficult for them to purchase alternative piece of land with the compensation money they have received from the Government. In support of their claim, a few of them have also produced sale deeds executed well after the publication of 3A notification.</p> <p>Perused the rate report prepared by the CALA and its methodology of preparation. The instant arbitration petitions involve land of the following classifications only: Aman/Aush, Bari/Viti & Bans Bagan.</p>	


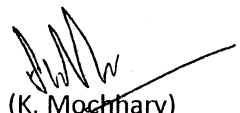
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3 of 16.12.2014	<p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-3399 dated 29.06.2009, 1-3400 dated 29.06.2009, 1-4886 dated 23.09.2009 & 1-5415 dated 29.10.2009 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="331 902 1236 1379"> <thead> <tr> <th>Mouza & JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. & Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td>Daharpar, 6</td> <td>1</td> <td>01</td> <td>1-2546 / 20.05.2009</td> <td>Aush</td> <td>0.050</td> <td>34000</td> <td>680000</td> </tr> <tr> <td rowspan="5">Habibpur, 116</td> <td>2</td> <td>112</td> <td>1-3412 / 13.07.2009</td> <td>Aush</td> <td>0.033</td> <td>60000</td> <td>1818182</td> </tr> <tr> <td>3</td> <td>122</td> <td>1-3850 / 22.07.2009</td> <td>Aush</td> <td>0.06</td> <td>110000</td> <td>1833333</td> </tr> <tr> <td>4</td> <td>126</td> <td>1-3941 / 24.07.2009</td> <td>Aush</td> <td>0.0445</td> <td>80000</td> <td>1797753</td> </tr> <tr> <td>5</td> <td>186</td> <td>1-5622 / 19.11.2009</td> <td>Aush</td> <td>0.02475</td> <td>42000</td> <td>1696970</td> </tr> <tr> <td>6</td> <td>198</td> <td>1-5913 / 04.12.2009</td> <td>Aush</td> <td>0.1650</td> <td>297000</td> <td>1800000</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>9626238</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 16,04,373/- + 10% for having direct road connectivity = Rs. 1,60,437/- + 25% for being multi-crop land = Rs. 4,01,093/-</p> <p>So. per acre basic rate arrives at = Rs. 21,65,903/- in place of the rate of Rs. 17,83,634/- fixed by the CALA.</p>							Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Daharpar, 6	1	01	1-2546 / 20.05.2009	Aush	0.050	34000	680000	Habibpur, 116	2	112	1-3412 / 13.07.2009	Aush	0.033	60000	1818182	3	122	1-3850 / 22.07.2009	Aush	0.06	110000	1833333	4	126	1-3941 / 24.07.2009	Aush	0.0445	80000	1797753	5	186	1-5622 / 19.11.2009	Aush	0.02475	42000	1696970	6	198	1-5913 / 04.12.2009	Aush	0.1650	297000	1800000								9626238	
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3 of 16.12.2014	<p>Sale figures of Bari / Viti land pertaining to sale deeds no. 1-01312 dated 12.03.2010, 1-01732 dated 26.03.2010 & 1-00786 dated 15.02.2010 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="331 795 1236 1332"> <thead> <tr> <th>Mouza & JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. & Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td rowspan="6">Habibpur, 116</td> <td>1</td> <td>63</td> <td>1-00654 / 08.02.2010</td> <td>Bari</td> <td>0.07186</td> <td>650000</td> <td>9045366</td> </tr> <tr> <td>2</td> <td>187</td> <td>1-05630 / 19.11.2009</td> <td>Viti</td> <td>0.01145</td> <td>60000</td> <td>5240175</td> </tr> <tr> <td>3</td> <td>189</td> <td>1-05747 / 14.10.2009</td> <td>Viti</td> <td>0.04</td> <td>30000</td> <td>8000000</td> </tr> <tr> <td>4</td> <td>209</td> <td>1-06162 / 15.12.2009</td> <td>Viti</td> <td>0.01734</td> <td>100000</td> <td>5767013</td> </tr> <tr> <td>5</td> <td>65</td> <td>1-721 / 10.02.2010</td> <td>Bari</td> <td>0.0425</td> <td>190000</td> <td>4470588</td> </tr> <tr> <td>6</td> <td>199</td> <td>1-5917 / 04.12.2009</td> <td>Viti</td> <td>0.02345</td> <td>122000</td> <td>5202559</td> </tr> <tr> <td>Daharpar, 06</td> <td>7</td> <td>04</td> <td>1-04766 / 11.09.2009</td> <td>Bari</td> <td>0.16</td> <td>180000</td> <td>1125000</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>38850701</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 55,50,100/-</p> <p>+ 10% for having direct road connectivity = Rs 5,55,010/-</p> <p>So, per acre basic rate arrives at = Rs. 61,05,110/-, in place of the rate of Rs. 55,48,186/- fixed by the CALA.</p>							Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Habibpur, 116	1	63	1-00654 / 08.02.2010	Bari	0.07186	650000	9045366	2	187	1-05630 / 19.11.2009	Viti	0.01145	60000	5240175	3	189	1-05747 / 14.10.2009	Viti	0.04	30000	8000000	4	209	1-06162 / 15.12.2009	Viti	0.01734	100000	5767013	5	65	1-721 / 10.02.2010	Bari	0.0425	190000	4470588	6	199	1-5917 / 04.12.2009	Viti	0.02345	122000	5202559	Daharpar, 06	7	04	1-04766 / 11.09.2009	Bari	0.16	180000	1125000								38850701	
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<p>3 of 06.12.2014</p> <p>Dictated & corrected by me</p> <p> Arbitrator</p>	<p>As regards the value of Bans Bagan class of land, 80% of the value assessed for aush/aman is taken as the value for the bans bagan class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for bans bagan class of land arrives at = Rs. 17,32,722/-, in place of the rate of Rs. 11,62,665/- fixed by the CALA.</p> <p>So, it is hereby ordered that –</p> <ol style="list-style-type: none"> i) The petitioners having Aman / Aush class of land will get basic price of Rs. 21,65,903/- per acre. ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 61,05,110/- per acre. iii) The petitioners having bans bagan class of land will get basic price of Rs. 17,32,722/- per acre. iv) As per section 3H(5) of the NH Act, all the petitioners will also get interest @ 9% p.a. on the excess amount determined by the Arbitrator from the date of taking possession of land till the date of actual deposit of fund by the NHAI. v) 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, 64 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <p style="text-align: right;"> (K. Mochhary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department</p>	