


ORDER SHEET



(RULE 129 OF THE RECORDS MANUAL,1971)



Order Sheet ,Dated from 11/01/2016


District : Nadia.

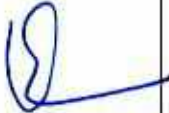
Arbitration Case No. VII/Arbi/2016, & XXXVIII/ Arbi/2015,
arising out of L.A. Case No. 35, & 41 /LA/NHAI/ Kris/10-11.Nature of the Case : Arbitration of **Isla Mouja, J.L. No. 85, & Durgapur
Mouja J.L. No 117 of P.S. Krishnagar.**


Serial number and Date of Order	Order and Signature of Officer	Note of action taken on Order.
<p style="text-align: center;">1</p> <hr/> <p>11.01.2016</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 230 [Two hundred and Thirty] awardees of Isla Mouza, J. L. No.35 and 84 [Eighty four] awardees of Durgapur Mouja , J.L.No.117 both under P.S.- Krishnagar, Dist. Nadia, 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 & Bagan class of land u/s 3G of the said Act.</p> <p>And whereas, both the moujas are adjacently situated by the side of N.H.34 and their Socio-economic conditions are more or less equal, and their geographical importance is also same, I consider that the arbitration petitions of both the moujas should be analogously heard and disposed.</p>	


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<p style="text-align: center;">1</p> <p>11.01.2016</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>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 of both the moujas for appearing on 18.01.2016 at 1:00 P.M. at the Rabindra Bhavan, 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>	

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<p data-bbox="284 286 308 320">2</p> <p data-bbox="188 320 339 353">18.01.2016</p> <p data-bbox="188 611 371 723">Dictated, Corrected and signed by me</p>  <p data-bbox="180 981 371 1238">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="435 376 1201 499">Notices are duly served. Service returns are separately filed with the case records of both the moujas..</p>  <p data-bbox="722 981 1185 1193">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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3	<p>Both the cases are taken up together for hearing. Verified the petitions, Rate Reports, Plot Index, Comparative Chart of the mouja rates, and found that the rates of both the moujas were analogously derived and the rate of Aush/Aman, Bari/Viti, Dokan, Bagan, Doba & It Bhata Class of land of both the Moujas .</p>	
18.01.2016	<p>The rates of Aush/Aman, Bari/Viti and Dokan of Mouja Durgapur have been assessed by the Competent Authority as Rs. 9,535/- per dec., Rs. 37,866/-per dec and Rs. 30,293/- per dec., On the other hand, for Mouja Itla , it was Rs. 12,485./- per dec. Rs. 14,255/- per dec and Rs. 59,481/- per dec. respectively.</p> <p>Verified the mouja map, the vediography of both the moujas, consulted with the field staff of NH and LA officials and I am convinced to decide that the moujas Itla and Durgapur are of same nature and gravity and therefore, it will be justified ,if both the moujas are analogously heard and same rate is allowed .No awardee of both the moujas raised any objection regarding this issue.</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</p>	
<p>Dictated, Corrected and signed by me</p>		
		
<p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>		
	Page 04 of 10	

Serial number and date of order.	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="185 472 411 555">3 18.01.2016</p> <p data-bbox="204 1211 384 1323">Dictated, Corrected and signed by me</p> <p data-bbox="185 1447 424 1839"> District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	<p data-bbox="659 255 1054 293">Order and signature of Officer.</p> <hr/> <p data-bbox="440 338 1281 741">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 data-bbox="440 792 1281 1055">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 data-bbox="440 1106 1281 1464">Ld Advocate Tathagata Biswas for the awardees displayed a vedigraphy to show that Mouja Durgapur and Paschim Bhatjangla are situated face to face on both the sides of N.H.34. He showed that about 75% of Mouja Durgapur is adjacent to and face to face with Paschim Bhatjangla. Hence, he prayed for granting the arbitral rate as granted for Paschim Bhatjangla .</p> <p data-bbox="440 1516 1281 1695">Utsaraj Mukherjee, Ld. Advocate argues that Mouja Itla and Durgapur are nearer to Paschim Bhatjangla. Therefore, he also argues to follow the rate of Paschim Bhatjangla for both the moujas.</p> <p data-bbox="1118 1832 1281 1861">Page 05 of 10</p>	<p data-bbox="1302 282 1506 353">Note of action taken on Order.</p> <hr/>

Serial number and date of order.	Order and signature of Officer.	Note of action taken on Order
<p data-bbox="183 324 343 403">3 18.01.2016</p> <p data-bbox="183 952 367 1064">Dictated, Corrected and signed by me</p> <p data-bbox="223 1366 295 1512"></p> <p data-bbox="135 1534 391 1803">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="654 212 1053 257">Order and signature of Officer.</p> <p data-bbox="430 257 1276 526">Ld. Advocate for N.H.A.I. states that grant of same rate for each adjacent mouja is not at all a strong argument, because, if this is followed there will actually remain no difference of rates of the moujas under the Dist. Of Nadia. Hence, the rates will be ridicules.</p> <p data-bbox="422 526 1276 840">The rate, as approved by Competent Authority is verified and found the rates of Bari/Viti of both moujas are inconsistent with each other. The rate of Bari/Viti of Mouja Durgapur was granted is Rs. 37,866/- per dec, and for mouja Itla it is Rs. 14,255/- per dec. only. The rates are low and therefore these need be revised.</p> <p data-bbox="414 840 1268 1064">Utsaraj Mukherjee, Ld. Advocate further states that very low rates have been allowed for the moujas by the Competent Authority. Hence, he expects that Ld. Advocate will consider the issue while passing the arbitral judgement.</p> <p data-bbox="414 1064 1260 1209">Tathagata Biswas, Ld. Advocate states that Itla and Durgapur are developed locality and has gained importance for their business activity.</p> <p data-bbox="406 1209 1260 1355">One Sadhan Sarkar of Itla states that they have been allowed very low land value . It is not at all consistent with the Govt. approved valuation.</p> <p data-bbox="406 1377 1252 1601">He further states that some of his clients have prayed to change the classification so as to get the higher value. Both LA and NH Officials are requested to take suitable action, if such applications are submitted.</p> <p data-bbox="399 1646 1252 1803">During hearing, four (4) Registered Deeds are submitted by the Ld. Advocate. Out of the four, two deeds are found to have been registered</p>	

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<p style="text-align: center;">3</p> <p>18.01.2016</p> <p style="text-align: center;">Dictated, Corrected and signed by me</p> <p style="text-align: center;"> District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>in the year 2014 and 2015 (Regd. deed No. I-4207 dt. 6.3.14 and I-7181 dt. 16.10.15) . Hence, these are not considerable. Out of the rest two Regd. deeds, it is found that the 3rd page of the Regd deed No. I-656 dt. 19.01.09 is not available in the copy, supplied by Ld. Advocate. It also cannot be accepted. In the Regd deed No. I-5445 dt. 24.05.10 (Mouja Durgapur) it is found that 5 dec. of Aush plot has been sold out at Rs. 5,92,306/- i.e. Rate per dec. of Aush Plot comes to Rs. 1,18,461.00 But the date of transaction falls after the date of publication. Hence, this Regd. Deed can not be taken into account.</p> <p>Verified the Sale Data sent by ADSR and the following three Registered deeds are taken up from both the moujas for assessment of rate of Aush/Aman Class of land.</p> <table border="1" data-bbox="438 985 1284 1579"> <thead> <tr> <th>Regd Deed No & Date</th> <th>Class</th> <th>Area (in dec)</th> <th>Mouja</th> <th>Total Amt.</th> <th>Rate /Acre</th> </tr> </thead> <tbody> <tr> <td>I-11022 dt. 27.10.09</td> <td>Aush</td> <td>12.2</td> <td>Itla</td> <td>200000</td> <td>1639344/-</td> </tr> <tr> <td>I-00920 dt. 25.01.09</td> <td><u>Aush</u> Puratan patil</td> <td>4</td> <td>Durgapur</td> <td>330000</td> <td>8250000/-</td> </tr> <tr> <td>I-06437 Dt .11.08.09</td> <td><u>Aush</u> Puratan patil</td> <td>2.23</td> <td>Durgapur</td> <td>47000</td> <td>2107623/-</td> </tr> <tr> <td colspan="5" style="text-align: center;">Total</td> <td>11996967/-</td> </tr> </tbody> </table> <p>Now average of the above three comes to Rs. 11996967 / 3 =Rs.39,98,989/- or say Rs. 40, 00, 000 /- Hence, the rate of Aush/Aman may be fixed as Rs.40,00,000/- (Rs forty lakh)per acre.</p>	Regd Deed No & Date	Class	Area (in dec)	Mouja	Total Amt.	Rate /Acre	I-11022 dt. 27.10.09	Aush	12.2	Itla	200000	1639344/-	I-00920 dt. 25.01.09	<u>Aush</u> Puratan patil	4	Durgapur	330000	8250000/-	I-06437 Dt .11.08.09	<u>Aush</u> Puratan patil	2.23	Durgapur	47000	2107623/-	Total					11996967/-	
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Serial number and date of order

3

18.01.2016

Order and signature of Officer.

Note of action taken on Order

Verified the sale data sent by ADSR and the following two Registered deeds are taken up for arriving at a rate of Bari/Viti per acre.

Regd Deed No & Date	Class	Area (in dec)	Mouja	Total Amt.	Rate /Acre
I-09984 dt. 22.9.09	Bari	.647	Durga pur	64700	1,00,00,000/-
I-5458 dt. 02.06.09	Bari	.117	-do-	11500	999461/-
Total					1,9999461/-

Now average of the two comes to Rs.19999461 / 2 = Rs.99,14,530.00 or say **Rs1,00,00,000.00.**

Hence the rate of Bari/Viti may be fixed as **Rs.1,00,00,000** (One Crore only).per acre

It is also found that rate of Pukur was fixed same as Bari/Viti , though Pukur is low and not fit for residential use. Its rate should have been lower than the rate of Bari/Viti. Hence, I find it judicious to keep the rate unchanged.

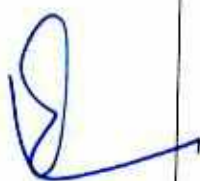
Due to non-availability of the sale rate of Dokan Class of land, I do hereby allow 80% rate of Bari/Viti as the rate of Dokan in pursuance of Memo .No. 16 /SS (S)-LA/3 M-3/2000/(pt-III) of Kolkata of the L&LR Deptt. W.B.



Hence the rate of Dokan is fixed at **Rs. 80,00,000 /-per acre** (Eighty lakh only).

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Dictated,
Corrected and
signed by me

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

Serial number and date of order	Order and signature of Officer.	Note of action taken on Order
<p data-bbox="175 302 367 392">3 18.01.2016</p> <p data-bbox="175 974 367 1086">Dictated, Corrected and signed by me</p> <p data-bbox="223 1220 422 1400"></p> <p data-bbox="135 1411 391 1680">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	<p data-bbox="654 201 1053 257">Order and signature of Officer.</p> <p data-bbox="430 291 1276 470">The General Manager (Tech) & Project Director, National Highways Authority of India or the Ld. Advocate, present of his behalf did not raise any question in determination of arbitral rate.</p> <p data-bbox="430 537 829 593">Hence it is ordered that :-</p> <ol data-bbox="462 627 1276 1489" style="list-style-type: none"> 1. The rate of Aush/Aman Class of land of Moujas both Ithla & Durgapur will be taken as Rs. 40,00,000/- per acre instead of previous rate. 2. The rate of Bari/Viti Class of land of Moujas both Ithla & Durgapur will be taken as Rs. 1,00,00,000/- per acre instead of previous rate. 3. The Dokan Class of land of the moujas will be taken as 80% of Bari/Viti class land i.e. Rs. 80,00,000/- per acre instead of previous rate. 4. The rates of remaining classes in respect of the above moujas will remain the same. 5. 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 data-bbox="399 1523 1252 1680">Thus, Three hundred & Fourteen [314] arbitration petitions of both the moujas [i.e. Ithla - 230 and Durgapur - 84 petitions] are disposed of.</p>	


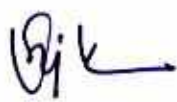
Serial number and date of order 3	Order and signature of Officer.	Note of action taken on Order
<p data-bbox="191 324 335 358">18.01.2016</p> <p data-bbox="191 571 375 683">Dictated, Corrected and signed by me</p>  <p data-bbox="159 907 406 1164">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	<p data-bbox="654 246 1061 291">Order and signature of Officer.</p> <p data-bbox="430 492 1276 660">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>  <p data-bbox="734 884 1244 1097">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, Dated from 11/01/2016, District : Nadia.

Arbitration Case No. VII/Arbi/2016, & XXXVIII/Arbi/2015, arising out of L.A. Case No. 35, & 41 /LA/NHAI/ Kris/10-11. Nature of the Case : Arbitration of **Itla Mouja, J.L. No. 85, & Durgapur Mouja J.L. No 117 of P.S. Krishnagar.**

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<p style="text-align: center;">1</p> <p>30.06.2016</p> <p>Dictated, Corrected and signed by me</p> <p></p> <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	<p>It is brought to my notice by Additional Land Acquisition Officer / Special Land Acquisition Officer that during calculation of market price of "Bari" class of land in the arbitration order dated. 18.01.2016 of Mouja Itla, J.L.No.35 and Durgapur, J.L.No.117, P.S. Krishnagar, Dist. Nadia, the assessment of rate/ per acre in respect of Regd. Deed No. I-5458. Dt. 02.06.09 has been mistakenly noted. After necessary correction, the modified picture is given below :</p> <p>Verified the sale data sent by ADSR and the following two Registered deeds are taken up for arriving at a rate of Bari/Viti per acre.</p> <table border="1" data-bbox="391 1041 1212 1444"> <thead> <tr> <th>Regd Deed No & Date</th> <th>Class</th> <th>Area (in dec)</th> <th>Mouja</th> <th>Total Amt.</th> <th>Rate /Acre</th> </tr> </thead> <tbody> <tr> <td>I-09984 dt. 22.9.09</td> <td>Bari</td> <td>.647</td> <td>Durgapur</td> <td>64700</td> <td>1,00,00,000/-</td> </tr> <tr> <td>I-5458 dt. 02.06.09</td> <td>Bari</td> <td>.117</td> <td>-do-</td> <td>11500</td> <td>9829060/-</td> </tr> <tr> <td colspan="5" style="text-align: center;">Total</td> <td>1,9829060/-</td> </tr> </tbody> </table> <p>Now average of the two comes to Rs.19829060 / 2 = Rs.99,14,530.00 or say Rs1,00,00,000.00.</p> <p style="text-align: center;"></p> <p style="text-align: center;">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	Regd Deed No & Date	Class	Area (in dec)	Mouja	Total Amt.	Rate /Acre	I-09984 dt. 22.9.09	Bari	.647	Durgapur	64700	1,00,00,000/-	I-5458 dt. 02.06.09	Bari	.117	-do-	11500	9829060/-	Total					1,9829060/-	
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