





ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 27.11.2015 to _District:- Nadia.Arbitration Case No. XXXI/Arbi/2015arising out of L. A. Case No. 51/LA/NHAI/Santi/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 data-bbox="178 555 319 616">1 27.11.2015</p> <p data-bbox="156 1070 335 1124">Dictated, Corrected and signed by me</p> <p data-bbox="220 1214 347 1310"></p> <p data-bbox="178 1344 327 1556">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="354 555 1177 862">Whereas, it appears that 16 [Sixteen] awardees of Ghoralia Mouza, J. L. No. 47 under P.S.- Santipur 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 Bagan class of land u/s 3G of the said Act.</p> <p data-bbox="354 907 1177 1214">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 04.12.2015 at 12.00 noon at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="829 1272 997 1366"></p> <p data-bbox="689 1393 1125 1523">[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="167 190 311 257"><u>2</u> 04.12.2015</p> <p data-bbox="151 358 327 414">Dictated, Corrected and signed by me</p> <p data-bbox="223 436 359 526"></p> <p data-bbox="175 537 319 750">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="343 168 1173 246">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="869 324 1109 436"></p> <p data-bbox="678 448 1125 582">[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="161 230 300 293">3 04.12.2015</p> <p data-bbox="172 1384 304 1462">Dictated, Corrected and signed by me</p> <p data-bbox="177 1749 320 1957">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="331 259 1305 398">Eleven [11] awardees in respect of Mouza Ghoralia, J. L. No. 47 of P.S.-Santipur is found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia and A.D.S.R. Santipur are present.</p> <p data-bbox="331 398 1305 465">It is found that Sixteen [16] awardees have submitted arbitration petitions praying for enhancement of rate of Bagan class of land of the mouza.</p> <p data-bbox="331 465 1305 533">On verification of records, it reveals that the basic rate of Bagan of the Mouza was fixed at Rs.2126947/- per dec.</p> <p data-bbox="331 533 1305 600">The awardees present want to know the process which has been followed to prepare the rate report.</p> <p data-bbox="331 600 1305 1014">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 data-bbox="331 1014 1305 1153">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="331 1189 1305 1256">One Ashoke Ghosh states that the present market price of Bagan Class of land is much higher than the rate approved.</p> <p data-bbox="331 1292 1305 1359">So, he appeals for consideration of their petitions and to allow rate, so that they may buy new land in the locality.</p> <p data-bbox="331 1395 1305 1496">Compared, the rate of Ghoralia Mouza with that of Bathna & Beharia and found at Mouza Bathna Rs. 10,317/- (per decimal) was allowed for Bagan class of land & Rs. 25,142/- (per decimal) was allowed for Beharia Mouza.</p> <p data-bbox="331 1532 1305 1704">The previous rate report is verified and found that due to non-availability of sale data of Bagan class of land, rate of Bagan has been prepared on the basis of sale data of Bari/Viti . As per circular No.16/SS(S)-LA/3M-43/2000 dt. 21.7.2015 of L & LR Department rate of Bagan has been calculated as 80% of the rate of Bari/Viti class of land.</p> <p data-bbox="331 1740 1305 1980">I therefore consider the sale data as received from the ADSR. Santipur, and found that no sale Data of Bagan has been available prior to the date of notification which was 08/02/2010. Hence the Circular 16/SS(S)-LA/3M-43/2000 of dt. 21.07.2005 of the Spl. Secretary, Govt. of West Bengal, L&LR Deptt. may be followed, wherein it was ordered that 80% rate of Bari/ Viti may be allowed for Bagan Class of land when sufficient sale data is not found available.</p>	

4
4.12.2015

Now after verification of sale data of Ghoralia mouza in respect of Bari /Viti Class of land, the following sale datas may be considered.

2.	1.0096	08/01/2010	Viti	Rs. 36,00,000/-
3	1.0046	06/01/2010	Viti	Rs. 92,68,421/-
5.	1.00046/10	06/01/2010	Viti	Rs. 31,77,900/-
6.	1.00046	06/01/2010	Viti	Rs. 15,00,000/-
5	1.05464	15/12/2009	Viti	Rs. 11,09,520/-
Total				Rs 18655841/-

Hence average of five(5) comes to Rs. 3731168=00 (Rs. 18655841/5) As 80% of Bari/Viti comes to Rs. 2984934=00 and therefore rate of Bagan may be fixed as Rs. 2984934=00 per acre or Rs. 30,00000/- per acre.

In presence of the General Manager (Tech.) & Project Director, N.H.A.I, Nadia and Ld. Advocate Suranjan Sarkar & Sanjit Kr. Chowdhri in favour of N.H.A.I the rate is declared and the applicants found agreed with the rate also.

It is therefore ordered that :-

1] The rate of Bagan class of land will be taken as **Rs.3000000/-** per acre instead of Rs.2126847/- per acre.

2] All the rest awardees who have failed to submit arbitration petitions due to ignorance or otherwise but having the same class of land as mentioned above will also be entitled to the arbitral award as a principle of natural justice.

Thus, Sixteen [16] petitions are disposed of.

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.

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