


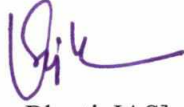



ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 25.08.2015 to _District:- Nadia.Arbitration Case No. XIII/Arbi/2015arising out of L. A. Case No. 36/LA/NHAI/Kri/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="108 481 255 548">1 25.08.2015</p> <p data-bbox="87 1025 279 1086">Dictated, Corrected and signed by me</p> <p data-bbox="135 1187 295 1288"></p> <p data-bbox="108 1317 263 1541">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | <p data-bbox="295 481 1165 806">Whereas, it appears that 09 [Nine] awardees of Jahangirpur Mouza, J. L. No. 88 under P.S.- Kotwali, 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 Petrol Pump, Dokan & Viti class of land u/s 3G of the said Act.</p> <p data-bbox="295 846 1165 1137">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 03.09.2015 at 12:30 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="646 1209 1109 1456">  [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="108 197 256 271"><u>2</u> 03.09.2015</p> <p data-bbox="86 383 277 439">Dictated, Corrected and signed by me</p> <p data-bbox="161 472 300 577"></p> <p data-bbox="108 573 268 797">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | <p data-bbox="296 192 1169 264">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="826 383 1010 488"></p> <p data-bbox="651 483 1114 622">[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 03.09.2015</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>Two [02] awardees in respect of Mouza Jahangirpur , J. L. No. 88, P.S.-Kotwali are 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., Krishnagar are also present. Ld. Advocate Sayantan Ghosh is present on behalf of awardees and Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that Nine [09] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti, Dokan & Petrol Pump class of land.</p> <p>On verification of records, it reveals that the basic rate of Bari/Viti of this instant Mouza was fixed at Rs.1660625/- per acre and for Dokan / Godown it was Rs.1328500/- per acre.</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>One Akshay Kr. Baral states they own a Saw Mill in the Mouza, but they have not allowed the commercial rate. On enquiry, it reveals that the owner has failed to convert the character of the plot to Saw Mill. I think, if the plot is not converted following the existing procedure and rule, the matter does not come under consideration.</p> <p>One Dipal Kar states that he has purchased a plot being No. 846/2986 from UBI on auction sale in the year 2014 and has got the land recorded in his favour. But the payment notice of the plot has been issued in favour of the previous raiyat/owner. I direct the concerned Asstt. L.A.O. to consider the matter as early as possible.</p> <p>Ld. Advocate Sayantan Ghosh states that his client is the owner of a Petrol Pump, the vacant area in front of which has been acquisitioned. As a result his business has been badly affected. I do not understand why the business will suffer, if a portion of the vacant area comes under acquisition, when there are many examples of Petrol Pump running their business beside NH without very wide space in front.</p> | |

| Serial number and date of Order | Order and signature of Officer. | Note of action taken on Order. |
|---------------------------------|---|--------------------------------|
| 03.09.2015 | <p>Ld. Advocate states that the rate of Krishnagar should be allowed during re-assessment of the rate of this Mouza.</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 have 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>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 and the map. Compared the class wise rates of this Mouza in respect of Bari/Viti, Dokan & Petrol Pump class of land with the rates of the adjacent Mouzas, i.e. Krishnagar, J. L. No. 92.</p> <p>The rate of Bari/Viti of Mouza- Jahangirpur is Rs.1660625/- per acre and the rate of Dokan/Godown is Rs.1328500/- wherein the rate of Bari/Viti of Mouza Krishnagar has been fixed as Rs.23074427/- per acre.</p> <p>Verified the map and found that this instant Mouza Jahangirpur and Krishnagar are face to face to each other and stand on both the sides of NH-34. But the rates of Krishnagar and Jahangirpur have been considered differently. I think it is just to allow the same rate for both the mouzas.</p> <p>I therefore order to follow the rate of Krishnagar during payment of compensation for Mouza Jahangirpur.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Bari/Viti class of land will be taken as Rs.23074427/- per acre instead of Rs.1660625/- 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, Nine [09] arbitration petitions 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