



**ORDER SHEET**

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 21.07.2015 to \_District:- Nadia.Arbitration Case No. VII/Arbi/2015arising out of L. A. Case No. 5/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 data-bbox="103 533 247 600">1 21.07.2015</p> <p data-bbox="76 1048 268 1102">Dictated, Corrected and signed by me</p> <p data-bbox="124 1169 290 1281"></p> <p data-bbox="108 1303 258 1527">District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="287 533 1157 824">Whereas, it appears that <b>6 [Six]</b> awardees of <b>Jamalpur Mouza, J. L. No. 31 under P.S.- Kaliganj, Dist.- Nadia</b> 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 Bari/Viti class of land u/s 3G of the said Act.</p> <p data-bbox="287 869 1157 1160">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 &amp; Competent Authority under the said Act to arrange for issuance of notices to the petitioners for appearing on 06.08.2015 at 11:20 AM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="810 1227 976 1317"></p> <p data-bbox="641 1339 1104 1473">[Vijay Bharti, IAS] District Magistrate, Nadia &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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2  
06.08.2015

Notices are duly served. Service returns are filed with the case records.

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

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<p>06.08.2015</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Six [6] awardees in respect of Mouza Jamalpur, J. L. No. 31, P.S.-Kaliganj are found present in hearing. General Manager (Tech.) &amp; Project Director, N.H.A.I, Kgr., Nadia &amp; Competent Authority &amp; Additional District Magistrate (L.A), Nadia and A.D.S.R. Bethuadahari are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that Six [6] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti class of land.</p> <p>Sujan Halder [Awardee No. 17] &amp; Jay Gopal Bairagya [Awardee No. 21] &amp; Pradyut Kr. Sarkar [Awardee No. 9] also pray for enhancement of the rate of different classes of land.</p> <p>I direct the Competent Authority &amp; 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.</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 compared the class wise rates of this Mouza in respect of Bari/Viti class of land with the rates of the adjacent Mouzas, i.e. Gobondapur, J. L. No. 28 &amp; Panighata, J. L. No. 36.</p>	

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06.08.2015	<p>Two deeds have been submitted in respect of Mouza Jamalpur.</p> <p>I] Regd. Deed No. 8349 dt.14.11.1999 in connection with Mouza- Jamalpur shows that 04 decimal of Aush land has been transferred by Rs.30000/- i.e. rate per decimal stands Rs.7500/- for Aush.</p> <p>II] Regd. Deed No. 4252 dt.28.05.2003 in respect of Mouza – Jamalpur shows that 07 decimal Aush land has been transferred by Rs.70000/- i.e. rate per decimal stands Rs.10000/- for Aush.</p> <p>On comparison to the rate of the adjacent mouzas i.e. Gobindapur and Panighata, it is found that the rate of Bari/Viti of the instant Mouza is mostly the same with Panighata and a bit higher (15% higher) than Mouza-Gobindapur.</p> <p>It is also learnt from the awardees and admitted by the L.A. Officials that the Mouza is socio-economically important than the adjacent mouzas for the existence of a hospital at 200 meter away, the Railway station at a distance of 300 meter, a H.S. School, Library, etc. Actually between Palassey and Debogram, Jamalpur is the only locality, which can claim a speciality for its advancement. Therefore, I desire to enhance the base rate by at least 10% for proper payment of compensation to the land losers.</p> <p>The General Manager (Tech.) &amp; Project Director, National Highways Authority of India, Krishnagar, Nadia agrees with the view in determination of arbitral rate.</p> <p><b>Hence, it is ordered that :-</b></p> <ol style="list-style-type: none"> <li>1] The rate of Bari/Viti will be taken as <b>Rs.3877522/-</b> per acre instead of Rs.3525022/- per acre.</li> <li>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.</li> </ol> <p>Thus, Six [6] arbitration petition are disposed of.</p> <p>Let this order be communicated by the Competent Authority, N.H.A.I. &amp; Additional District Magistrate (L.A), Nadia to all concerned for information and compliance.</p>	

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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